

## PRESS RELEASE

### **PESTICIDE TOXICITY: POLLINIS OBTAINS A HISTORIC DECISION FROM THE EUROPEAN COURT OF JUSTICE IN FAVOR OF TRANSPARENCY AND AGAINST LOBBIES**

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**The Court of the European Union ruled in favor of POLLINIS, which since 2018 has been requesting the disclosure of documents that could explain the reasons for blocking the "bee tests". With this ruling, institutions will be made accountable to the citizens they represent, a key principle for democracy now recognized and reaffirmed as an integral part of the European Union's decision-making process.**

In this ruling, the European judges annulled decisions of the European Commission which had refused access to documents related to "bee tests", scientific protocols to better assess the toxicity on pollinators of pesticides before they are put on the market. The court asserts the right to information over the secrecy of the European decision-making process, a situation that allows agrochemical lobbies to impose their views in this crucial debate over pollinator protection.

The Commission, which has systematically denied POLLINIS access to these documents since 2018, must now transmit the entire, previously secret, archive to the association. These documents include the arguments used, as well as positions taken by the representatives of the Member States in the SCoPAFF, the technical committee in charge of pesticides and chaired by the Commission, where these protocols established in 2013 by the European health authority (EFSA) were never adopted.

"For seven years, the adoption of these essential protocols to prevent the sale of substances toxic to pollinators has been postponed more than thirty times, resulting in European citizens having no access to the slightest information about the reasons for this blockage, which only serves the interests of the agrochemical industry. This fundamental ruling by the European Court of First Instance has put an end to the unacceptable opacity that taints part of the European decision-making process," said Nicolas Laarman, Managing Director of POLLINIS.

In the name of the citizens' right of access to information, POLLINIS requested the disclosure of these archives on multiple occasions between 2018 and 2020, requests that the European Commission systematically rejected, citing the need to "protect the decision-making process".

On June 15, 2020, POLLINIS filed two lawsuits against the Commission before the General Court of the European Union, to find out the reasons for this blockage.

In the decision made public on September 14, the European judges firmly rejected all the grounds for refusal put forward by the European Commission. The Court recalled that the right of public access to institutional documents guarantees the "democratic character" of the EU. This right must be understood as "the widest possible" and any exceptions must be "interpreted and applied strictly".

In addition, the judges found that documents setting out the individual positions of member states in technical committees such as the SCoPAFF do not enjoy any confidentiality in principle. "The right to information is reaffirmed in this decision with a strict interpretation of the exceptions that can be made. This should also finally make it possible to know the reasons why such a fundamental document for the

protection of pollinators has still not been adopted to date," say the lawyers of POLLINIS, Corinne Lepage and Théophile Bégel.

The Court of First Instance has thus established that access to information by citizens does not harm the decision-making process, but on the contrary, contributes to its proper functioning. "This is a landmark decision for transparency and for European democracy. Technical committees such as the ScoPAFF, the lobbies' favorite turf until now because of their opacity, will no longer be the shadowy areas of the European decision-making process", said Barbara Berardi, Director of Research at POLLINIS.

While the necessary reform of comitology is at a standstill at the European level, the judgment in favor of POLLINIS partially opens the black box of technical committees, a place where lobbies will no longer be able to secretly influence decisions as fundamental to the safeguarding of biodiversity such as the adoption of "bee tests".

### **PRESS KIT (in French)**

- > [La chronologie](#) du combat de POLLINIS sur la transparence (2018-2022).
- > [La note de synthèse](#) sur l'intense lobbying de l'agrochimie contre les « tests abeilles ».
- > [Le rapport](#) sur les enjeux et les dangers de la révision des « tests abeilles ».
- > [Article](#) sur le long combat de POLLINIS pour la transparence des « tests abeilles ».
- > [Interview de Cécile Robert](#) : « La comitologie pose un sérieux problème de démocratie ».
- > [Photos de POLLINIS](#)

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