



CHELGATE INTRODUCTORY GUIDE

SPECIAL COMMITTEE ON PESTICIDE AUTHORISATION (PEST)

During the EP plenary session (5-8 February 2018) in Strasbourg, MEPs vote the mandate of a special committee to look into the EU's authorisation procedure for pesticides. This special committee could have potentially wide-ranging legislative effects on the authorisation procedure of both pesticides and chemicals. The special committee is composed of 30 members. Its term will be of nine months from its first meeting, due to take place in early March, at which time the committee's Chair will be elected. The special committee has been given a broad mandate and will seek to investigate, amongst others:



- the authorisation procedure
- potential failures in the scientific evaluation and approval of substances
- the Commission's role in renewing the glyphosate licence
- conflicts of interest in the approval procedure; and the role of EU agencies.

What is an EP special committee?

Special committees are set up on an ad hoc basis when the European parliament believe there is an urgent issue falling within their purview which needs to be addressed. Special committees are mandated to investigate such issues for a limited time (normally 12 months) and report back to the parliament with a report and recommendations after this period.

Why has this special committee been formed?

Because of glyphosate. The creation of PEST within the European Parliament is a response to concerns raised about the risk posed by the herbicide substance glyphosate. The herbicide had its marketing licence renewed by EU member states for five years in November last year and this special committee is in response to the release of the so-called "Monsanto Papers".

Will PEST look beyond glyphosate and PPP?

Yes. Whilst the initial reasoning for the establishment is to investigate the procedure for the pesticide glyphosate, the mandate has purposefully designed to be as broad as possible to allow the special committee to make wide-ranging investigations over topics such as the role of European agencies and the principles which dictate authorisation procedure in general, not merely those governing PPP.

Will the PEST special committee result in legislative changes?

Yes. The PEST special committee will report back in March 2019 with their final report and recommendations to be voted by the European Parliament in plenary. These recommendations will then be discussed by the Commission and Council.

Does this mean PEST could alter REACH?

Yes. If the special committee make broad recommendations concerning the role of EU agencies and the authorisation procedure then this could naturally affect the REACH authorisation procedure, in addition to the PPP procedure. The PEST Committee may even make legislative proposals on the very nature of pesticide/chemical regulation in light of the circular economy package.



Membership of PEST						
						
Andrikene (LT)	Garcia (ES)	Mcintyre (UK)	Gerbrandy (NL)	Rivasi (FR)	Hazekamp (NL)	Loiseau (FR)
Ayuso (ES)	Andrieu (FR)	Piecha (PL)	Muller (DE)	Staes (BE)	Konecna (CZ)	
Delahaye (FR)	Noichl (DE)	Gericke (DE)	Ries (BE)			
Dorfmann (IT)	Tarabella (BE)					
Grzyb (PL)	Poc (CZ)					
Lins (DE)	Kadenbach (AT)					
Melo (PT)	Sarbu (RO)					
Mikolasik (SK)	Bonafe (IT)					
Peterle (SI)						

Will the precautionary principle be discussed?

Yes. The precautionary principle will be one of the main themes running through the PEST hearings over the coming months. Certain factions within the European Parliament want a much greater role for the precautionary principle in both the authorisation procedure for pesticides and chemicals. Recent movements by certain member states within the EU Council have sought to mandate a greater role of the precautionary but these have been scuppered by internal market rules. Many view this special committee as a way to ensure an enhanced role for the precautionary principle.

How will PEST seek to investigate?

Loudly. EP special committees in recent years have garnered a great deal of media attention and far more than the normal European Parliamentary committee could ever hope. This is because they are only formed when there are grave breeches or manipulation of EU law, these issues naturally attract greater media attention and have normally already dominated news cycles. Recent examples include the EMIS special committee, which was set up in response to the VW emissions rigging scandal; the PANA special committee, which was formed in response to the Panama Papers leak; and the newly-formed TAXE3 special committee, which was formed in response to the Paradise Papers leak.

Chelgate analysis

With MEPs in election mode and the European Commission seeking to ensure a smooth and successful final 18-months of the Juncker mandate, this special committee could have potentially profound consequences upon both pesticides and chemicals regulation, as well as the role of the European agencies such as the ECHA.

The European Parliament, emboldened by recent successes emanating from the EMIS and PANA special committees, are more likely to make bold, dramatic legislative proposals within the PEST final report in 2019. The European Commission, to avoid any unnecessary political disputes which hinder other, more important legislative negotiations, may also be more liable to strike deals with the European Parliament and initiate several of the forthcoming PEST proposals. Given the broad nature of PEST's mandate, this special committee could have far-reaching consequences.