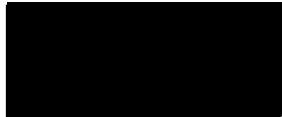




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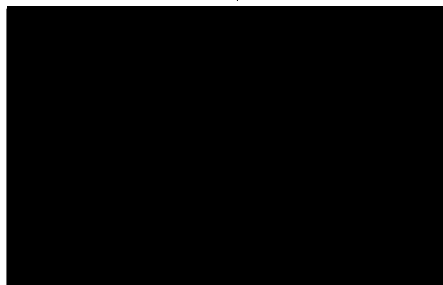


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Our ref: PO 313324/CC

August 2013

**The Rt Hon Owen Paterson MP**  
From the Secretary of State



Thank you for your letter of 6 June regarding recent restrictions in the area of bees and neonicotinoids. I am sorry for the delay in replying.

I share your concerns about the measures the EU has taken on these substances and have made clear that I do not consider them justified. That is why the UK voted against what has been published as Regulation (EU) No 485/2013. Nevertheless, we are now obliged to give effect to the Regulation. In doing so, I would not support any restrictions on UK growers which go beyond its requirements and agree that we should be flexible where scope for such flexibility exists.

This is the approach being taken by the Chemicals Regulation Directorate (CRD). Rather than simply amending relevant authorisations in line with their own interpretation of the legislation, CRD has initially asked authorisation holders to propose how they consider the new restrictions should apply to their products. CRD will have to consider which proposals can reasonably be accommodated under Regulation 485/2013. Where they can, authorisations will be amended accordingly.

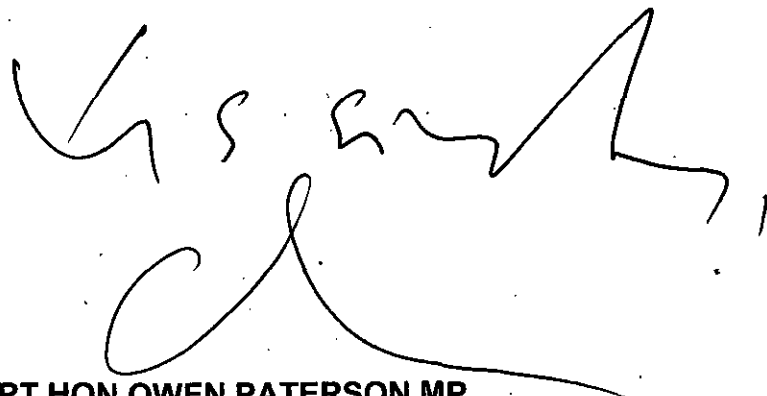


CRD must, however, respect the legal obligations which the Regulation imposes, which are generally clear. If any provision in the Regulation is ambiguous, CRD will apply the 'purposive' approach which you mention, in interpreting the legislation. This is a well established principle of legislative interpretation, supported by extensive case law in the European Court of Justice. This means that we must adopt the interpretation of the Regulation which gives practical effect to its purpose. To do otherwise would lay the Government open to judicial review and to infraction proceedings for failure to give effect to the Regulation.

The Regulation is quite clear that the three neonicotinoids should not be applied to ornamentals which flower in the year of treatment. There are two exemptions, these being for treatments in greenhouses and for foliar treatments after flowering. I understand that the former has raised questions as regards how long treated plants should remain in a greenhouse after treatment. Allowing growers to move treated plants outdoors whilst they are attractive to bees would be very much liable to challenge. Restricting growers to moving the treated plants outdoors once they are no longer attractive to bees would not.

CRD is therefore assessing carefully the proposals put forward by authorisation holders, to ensure that only changes which are necessary to comply with the Regulation are implemented. The response from holders of authorisations for ornamentals has been mixed. Some have decided not to continue supporting these uses. That is unfortunate, but we must accept their commercial decisions. Initial indications are, however, that it should be possible to retain a number of products containing imidacloprid and thiamethoxam for use on ornamentals. Some changes to growers' usual production methods to accommodate these restrictions are likely to be unavoidable. I regret that, but my firm intention is that the restrictions should be applied only insofar as they are necessary to meet our legal obligations.

The full solution to the difficulty lies in getting these restrictions lifted as soon as possible. I will therefore continue to argue for a more balanced, evidence-based approach to regulating these substances and will press the Commission to review their restrictions at the earliest opportunity.



**THE RT HON OWEN PATERSON MP**