



Endocrine disruptors: back to square one !

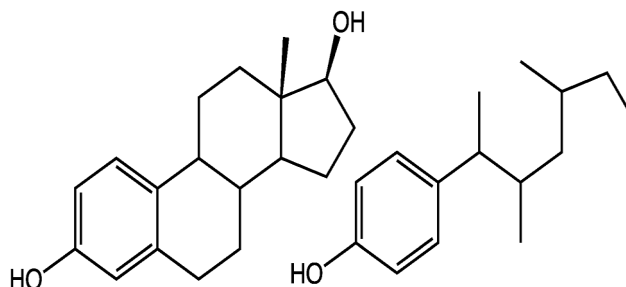


On October 4th 2017, the European Parliament vetoed a [European Commission's draft implementing measure](#) that defines the **criteria to identify endocrine disruptors**, pursuant to a [2009 regulation](#) concerning **the placing of plant protection products (PPP)** on the market. MEPs said that the Commission exceeded its **implementing powers**, in particular by proposing to exempt substances designed to attack the endocrine system of some specific species (e.g. pests). Despite the EPP group's opposition, the [resolution](#) reached the required absolute majority by 389 votes to 235, with 70 abstentions. Swedish Socialist MEP Jytte Guteland, who together with Dutch Green MEP Bas Eickhout proposed the resolution, stressed that "The criteria proposed by the Commission cannot be called science-based" while Commissioner for Health and Food Safety, Vytenis Andriukaitis, lamented the Parliament's vote considering that "in this case no deal is a bad deal for EU citizens".

This rare procedure is a new episode in a long story which, for the Commission, has not been a pleasure cruise. The 2009 PPP regulation obliged the Commission to propose criteria according to the **pre-Lisbon comitology system (regulatory procedure with scrutiny)**. In 2012, another regulation on biocidal products (BP) additionally required the Commission to define the same criteria before the end of 2013 with **the post-Lisbon system (delegated regulation)**. Both procedures grant the Parliament a right of veto.

The Commission did not manage to submit its proposals before the BP regulation's deadline, leading Sweden to bring the case before the European Court of Justice which ruled on December 2015 that the Commission had indeed "breached the law" by not adopting the criteria as required. In the end, the Commission submitted two draft proposals in June 2015, to be adopted through their own

procedures, and which were based on a scientific opinion delivered by the European Food Safety Authority (EFSA). They were discussed in parallel in a **comitology committee** (gathering Member States' representatives and chaired by the Commission): the Standing Committee on Plants, Animals, Food and Feed. For one year these drafts failed to reach the required qualified majority. Indeed, some Member States (including France) considered that the criteria proposed by the Commission were too weak and refused to introduce the exemptions asked for by others (namely Germany). Yet, in June 2017 the newly elected French government revised its position, allowing the committee to adopt the proposal on PPP on July 4th. According to French Minister Nicolas Hulot, the Commission's proposal was not "perfect" but it was a first step in the right direction. Commissioner Andriukaitis welcomed this vote as "a great success" while French Green MEP Yannick Jadot qualified it as a "crappy compromise". The Council did not oppose the draft but the Parliament's veto means that it cannot be adopted by the Commission which



will therefore have to prepare a new proposal taking into account the Parliament's view.

As for the second proposal required by the BP regulation, the Commission adopted it on September 4th. Now, the Council and the Parliament can object until November 4th 2017, with a possible two-month extension.

The Commission is now thinking about the next steps. This comes at a difficult time since political pressure rises on another touchy environmental issue, the glyphosate authorisation, in which however the Parliament only has a right of scrutiny and no veto. Although these files are separate, they share a common political visibility which has led many to question the legitimacy of their adoption by the rather opaque **comitology procedures**.

BREXIT: EU-UK's tiebreak

As expected, after the last European Council of October 19th-20th Member States stuck to their Brexit [political guidelines](#) and declared that, during the last round of negotiations of October, 9th-12th “no sufficient progress has been made” on the divorce issues to start discussing the future EU-UK relationship.

Since the beginning of the discussions, the EU27 have remained adamant on not to engage in such a negotiation until three major issues are solved: the EU citizens' rights, the border with Ireland and the bill the UK will have to settle with the EU.

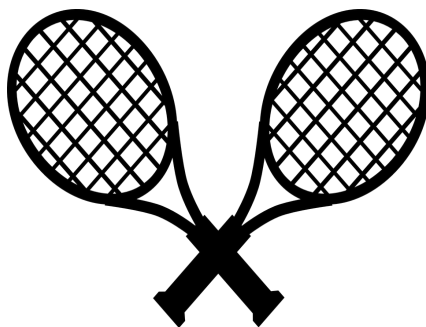
Some progress has been achieved on the two first issues. British Prime Minister Theresa May declared that the UK wants “the EU citizens and their family to stay” and offered them legal protection. On the border issue, both sides agreed that there cannot be any physical infrastructure on the border with Ireland.

However, the bill remains the stumbling block of the negotiations. As European Parliament President Antonio Tajani stated with humour “we want our money back”, referring to the time when former British Prime Minister Margaret Thatcher demanded a British rebate to the EU. The amount of the bill has been estimated by EU leaders between 60bn and 100bn euros. So far, Theresa May [declared](#) in Florence

on September 22th that the UK will honour its commitments to the EU budget in the context of the ongoing Multi-annual Financial Framework which ends in 2020. This could amount to about 20bn euros but no precise figure has been put forward on the UK side which considers that this should be linked with the discussion on the future EU-UK relationship.

Theresa May is facing internal problems with the Brexit hardliners of her own party and she plays a balancing act between giving pledge to them and showing signs of openness to Brussels. Even the idea of a “no deal is better than a bad deal” is leading its way through the British government, as it is internally preparing for the worst scenario. In a desperate last gambit on the first day of the European Council, May pleaded the EU27 to help her to strike a deal she can “defend” at home, hoping the EU Member States would adopt a more flexible line.

In their [conclusions](#), the EU27 leaders only agreed to start “internal preparatory discussions”. Far from being a greenlight to open the next stage of negotiations, this is a first step forward. The question remains as to whether both parties will move quickly enough to reach this stage before the next European Council in December.



EU public consultations*

Digital economy and society	Public consultation on the review of the directive on the re-use of Public Sector Information (PSI Directive)	12.12.2017
Taxation	Fair taxation of the digital economy	03.01.2018
Taxation	Public consultation on specifications for Cooperative Intelligent Transport Systems	05.01.2018

Bruxelles (EU)

Square de Meeûs, 35

Paris (FR)

229, Bd Saint-Germain

More information

www.lysios.eu

info@lysios.eu

Tel : +32 2 893 97 27

* For an exhaustive list : <http://ec.europa.eu/yourvoice/>