



Syngenta Crop Protection AG

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Kirsten Haupt  
Head of Editorial & Media Relations Unit,  
European Food Safety Authority  
Via Carlo Magno 1/a  
43126 Parma  
Italy

Cc: Anne-Laure Gassin, Director, Communications Directorate, EFSA  
Syngenta

January 15, 2013

**EFSA press release regarding review on neonicotinoid risks to bee health**

Dear Ms. Haupt,

We are writing in relation to the draft press release efsa has issued today relating to its report on the review of neonicotinoids to express our severe concerns about its content. The press release is incorrect in a major and highly relevant aspect but efsa also moves out of its area of responsibility and mandate.

First, the statement on exposure from pollen and nectar according to which only uses on crops not attractive to bees are acceptable is contrary to efsa's assessment of thiametoxam. For the active substance thiametoxam, no such risk was identified in the final report.

This inaccurate reporting in the press release is derived from efsa's attempt to draw common conclusions for all three compounds in its press release. In actual fact, this is impossible to do because the compounds were assessed individually and have risk profiles which are different.

We were also surprised to see that efsa uses its press release to define which risks are acceptable. This is not reflected in the individual reports and goes beyond efsa's remit. The risk assessor in the Commission and the Member States has the responsibility for defining whether or not he considers a risk acceptable. efsa's role is limited to the scientific review.

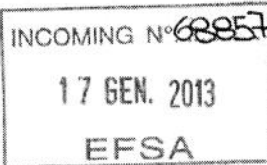
We urgently request you to reconsider the wording of the draft press release to correctly reflect the individual reports. The current draft has the potential to seriously damage the integrity of our product and reputation, based on a statement on exposure from pollen and nectar which deviates from the scientific opinion expressed in the report. It also risks to unnecessarily inflame an already delicate political situation. efsa should seriously consider its responsibility and liability for an inaccurate statement which would have a significant business impact.

We ask you to formally confirm that you will rectify the press release by 11 o'clock. Otherwise you will appreciate that we will consider our legal options as we are as committed to our product as we are to an appropriate science-guided process.

Yours sincerely



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TVA BE 0807 704 956

## Facsimile transmission

For the attention of	Catherine Gestain-Lanéelle	From	
Company	EFSA	Our ref	
Town and country		Your ref	
Fax number	+39 0521 036110	Direct fax number/e-mail	
Telephone number		Direct telephone number	
Date	16 January 2013	Total number of pages	4+1

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Please see attached

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BY FAX & BY REGISTERED MAIL

PRIVATE & CONFIDENTIAL

Catherine Geslain-Lanéelle  
Executive Director  
European Food Safety Authority (EFSA)  
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Italy

Fax: +39 0521 036110



Dear Madam

**Regulation 1049/2001 - Request for access to documents held by EFSA**

Dear Madam,

Reference is made to the press release published today on EFSA's website entitled "*EFSA identifies risks to bees from neonicotinoids*" (hereafter "**Press Release**") which reports on the EFSA Conclusion on the peer review of the pesticide risk assessment for bees for the active substance Thiamethoxam (hereafter "**EFSA Conclusion**").

Syngenta Crop Protection AG (hereafter "**Syngenta**") received a draft press release in the evening of 15 January 2013 indicating that the "**embargo**" was set to expire on 16 January 2013 at 11.00 CET.

By letter of 15 January 2013 (see attached copy), Syngenta expressed serious concerns about the accuracy of the draft press release. In particular, Syngenta pointed EFSA's attention to the fact that the statement in the draft press release on exposure from pollen and nectar according to which only uses on crops not attractive to bees would be acceptable, is inaccurate and contrary to the EFSA Conclusion itself which identifies no such risk for Thiamethoxam.

Accordingly, Syngenta expressly and urgently requested EFSA to amend the draft press release before publication, in order to correctly reflect the EFSA Conclusion, especially given the significant adverse impact of the incorrect statement on the reputation and integrity of Syngenta as a company and on that of its Thiamethoxam-containing products in particular.

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By means of this letter, we formally apply – on behalf of Syngenta – for access under Regulation 1049/2001<sup>1</sup> to all documents held by EFSA regarding the Press Release, which explain (i) the reasons and the information considered by EFSA for inclusion of the incorrect statement in the Press Release and whether this statement was included in all previous drafts of the Press Release; and (ii) the reasons and the information considered for the decision to disregard Syngenta's concerns and thus to knowingly maintain the inaccurate statement in the published Press Release.

For this purpose, our request for access includes in particular:-

- All draft versions of the Press Release prepared by EFSA and internal correspondence commenting on the content of each of these drafts;
- All internal correspondence and internal meeting notes discussing Syngenta's letter of 15 January 2013 and the concerns expressed therein;
- Any correspondence/minutes of meetings between Member States and EFSA in relation to the content of the Press Release;
- Any correspondence/minutes of meetings between EFSA and the European Commission or other parties in relation to the content of the Press Release.

Please note that the above list is not exhaustive and that any other relevant document explaining points (i) or (ii) above should be provided by EFSA.

In addition, we request access to all documents explaining the decision-making process within EFSA relating to the drafting and approval of the publication of the Press Release in its final form and in particular the name(s) of the civil servant(s) responsible for the decision to publish the Press Release setting aside Syngenta's comments.

We note in this respect that disclosure of the names of public office holders and civil servants in relation with their professional activities should in this case be granted, given that there is no reason to assume that the legitimate interests of these persons might be prejudiced. The exception of Article 4(1)(b) of Regulation 1049/2001 is therefore not applicable and the release of this data in the present case is also justified in accordance with Article 8(b) of Regulation 45/2001.

Syngenta is entitled to obtain these documents upon the basis of Article 15 of the Treaty on the Functioning of the European Union and Regulation 1049/2001. This right to access is not limited to published documents, but extends to documents which have not been published and which are intended for internal use.

None of the exceptions set out in Article 4 of Regulation 1049/2001<sup>2</sup> is applicable in this matter. However, if some documents contain confidential information, EFSA should provide us with a non-confidential version<sup>3</sup>.

We look forward to receiving the requested documents within one month from registration of this application<sup>4</sup> and remain at your disposal should you wish clarifications on our request.

<sup>1</sup> Article 41(1) of Regulation 178/2002.

<sup>2</sup> Article 3(1) of EFSA Decision concerning access to documents (MB 16.09.2003).

<sup>3</sup> Article 3(5) of EFSA Decision concerning access to documents (MB 16.09.2003).

<sup>4</sup> Article 5(3) of EFSA Decision concerning access to documents (MB 16.09.2003).

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16 January 2013

Page 3

Finally, should we find it appropriate and necessary to introduce further applications for access to documents, EFSA is requested to treat each of them separately.

Yours sincerely,

**ASHURST LLP**

Cc. European Commission, Unit SG/ DSG1.B.5 (Transparency), B-1049 Brussels

Attachment

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HEAD OF THE EDITORIAL & MEDIA RELATIONS UNIT

Parma, 17 JAN 2013  
Ref. DD/SG/nvm (2013) - **out-7054485**

M  
Head of Corporate Affairs, EAME  
Syngenta Crop Protection AG  
Werk Rosental Schwarzwaldallee 215  
CH-4058 Basel  
Switzerland

e-mail to: \_\_\_\_\_

Dear \_\_\_\_\_

I hereby acknowledge receipt of your letter of 15 January 2013, in which you complained about certain parts of a draft press release regarding the European Food Safety Authority's (EFSA) review of the risks posed by three neonicotinoids to bee health.

I duly considered the arguments put forward in your letter and I remain convinced that the content of the press release, published yesterday on EFSA's website, accurately reflects the conclusions of EFSA's scientific risk assessments and is in line with EFSA's mandate as foreseen in the applicable legal framework.

The conclusions on the peer review of the pesticide risk assessments for bees for the active substances thiametoxam, clothianidin and imidacloprid have been published yesterday in the EFSA Journal, the Authority's online scientific journal for all its scientific outputs.

Yours sincerely,

  
Kirsten Haupt





**HEAD OF THE LEGAL AND REGULATORY AFFAIRS UNIT**

Parma, 21 JAN 2013  
Ref. DD/CP/nvm (2013) out-7058951

1  
ASHURST LLP  
Avenue Louise 489  
1050 Bruxelles  
Belgium

Sent by e-mail:

**Subject: Your application for access to documents of 16 January 2013**

Dea

I refer to your request for access to documents submitted by fax on 16 January 2013 in application of Regulation (EC) No 1049/2001<sup>1</sup>, by means of which you asked access for a number of document related to the EFSA Press Release entitled "EFSA identifies risks to bees from neonicotinoids" published on 16 January 2013.

Your application will be processed as quickly as possible in accordance with the provisions of the Regulation. You will receive a reply by 6 February 2013 at the latest.

Yours sincerely,

Dirk Detken

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43-48, applicable to EFSA.



06 FEB 2013

Parma,  
Ref. DD/CP/nvm (2013) out-7087238

ASHURST LLP  
Avenue Louise 489  
B-1050 Bruxelles  
Belgium

Sent by e-mail:

**Re: Your application for access to documents related to EFSA's press release of  
16 January 2013 entitled '*EFSA identifies risks to bees from neonicotinoids*'**

Dear

With regard to your application for public access to documents pursuant to Regulation (EC) No 1049/2001<sup>1</sup>, submitted by means of a letter addressed to Mrs Catherine Geslain-Lanéelle, Executive Director of EFSA, on 16 January 2013, please find hereunder instructions to access the documents requested through the EFSA Extranet.

I take the occasion to provide you herewith additional background information on the documents disclosed to you, thereby referring to the specific points mentioned in your public access application:

- The preparation of the press release and the exchanges of draft versions was carried out by means of internal e-mail exchanges with file attachments between staff within EFSA. Copies of respective e-mails and the related file attachments are hereby provided;
- Copies of internal e-mails documenting internal discussions on Syngenta's letter of 15 January 2013 are also provided;
- It should be noted that EFSA did not have any correspondence or meetings with EU Member States in relation with this press release and that consequently EFSA does not have any documents in response to this point ;
- EFSA held limited correspondence with the European Commission related to this press release. Copies of the e-mails between EFSA and DG Sanco are provided.

As far as the documents explaining the decision-making process within EFSA are concerned, we are hereby providing you with a document detailing the Standard Operating Procedures on the publication of scientific outputs in the EFSA Journal that is in force at EFSA. On page 4

<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43-48, applicable to EFSA.

of the document you will see a description of the process leading to the production of press releases related to EFSA's scientific outputs. Please note that the approval of the press release at hand and the applied procedure are detailed in the documentation disclosed to you.

Given the large volume of material, EFSA grants you access to the documents electronically via the European Food Safety Authority Extranet (EFSA Sciencenet). A specific username and instructions will be provided by e-mail that will allow you to access the documents via the EFSA Extranet. Your access to the EFSA Extranet will be open for an initial period of three weeks. After that time the access elapses without notice, but you will be able to request an extension of the access and EFSA will provide you with a new password.

We hope you may find the disclosed documents useful. I shall remind you, that all persons reproducing, redistributing, exploiting or making commercial use of the information provided are expected to adhere to the terms and conditions asserted by the copyright holder. In case the copyright is owned by EFSA, please refer to the legal notice on our website.

Yours sincerely,



Dirk Detken

Cc.: Anne-Laure Gassin, Kirsten Haupt

13 FEB. 2013

EFSA

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**BY FAX & BY REGISTERED MAIL**

**PRIVATE & CONFIDENTIAL**

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 Executive Director  
 European Food Safety Authority (EFSA)  
 Via Carlo Magno 1A  
 43126 Parma  
 Italy

Fax: +39 0521 036110

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Dear Madam

**Regulation 1049/2001 - Request for access to documents held by EFSA**

Dear Ms Geslain-Lanéelle,

Reference is made to the EFSA press release entitled "*EFSA identifies risks to bees from neonicotinoids*" (hereafter "**Press Release**"), and to our previous request for access to documents dated 16 January 2013 ("**First Transparency Request**").

As you are aware, despite formal requests by Syngenta Crop Protection AG (hereafter "**Syngenta**") that EFSA amend its factually incorrect Press Release, the latter was published on EFSA's website on 16 January 2013.

It is clear from EFSA's response to the First Transparency Request that a new, amended draft Press Release ("**Amended Draft PR**") possibly responding to Syngenta's concerns was prepared by your aides and presented to you on the morning of 16 January 2013, but that the proposed amendments were rejected.

By means of this letter, we formally apply - on behalf of Syngenta - for access under Regulation 1049/2001<sup>1</sup> to all documents held by EFSA regarding the source of the problematic wording, the Amended Draft PR and the complaints received by EFSA in relation to the Press release.

For this purpose, our request for access includes in particular:-

<sup>1</sup> Article 41(1) of Regulation 178/2002.

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- All notes (including handwritten notes) of the meeting between ALG and KH, which resulted in the wording *"Only uses on crops not attractive to honey bees were considered acceptable."* being retained in the first bullet point of the Press Release (see Annex 1). We are in particular interested in knowing why the wording was altered during this meeting to remove the words *"Where the risk assessment could be completed"*.
- The email sent by Anne-Laure Gassin on 16 January 2013 at 9.34 to you cc Laura Smillie, Kirsten Haupt and Stephen Pagani, and the attachment(s) to that email (see reference in email chain in Annex 2);
- Any correspondence generated in response to that email, that has not already been provided in the First Transparency Request, in particular any correspondence between Kirsten Haupt and Dirk Detken (which may be in German) concerning the response being prepared to Syngenta (see reference in email chain in Annex 2);
- All internal meeting notes discussing Syngenta's letter of 15 January 2013 and the concerns expressed therein. This should include copies of any hand written notes taken during relevant meetings or phone conversations. We would in particular appreciate access to all notes taken during (i) the meeting between Simon Terry and Anne-Laure Gassin on the morning of 16 January 2013 where the wording of the Amended Draft PR was apparently discussed (see reference in email chain in Annex 2); (ii) the meeting between you and Anne-Laure Gassin on the morning of 16 January 2013 where you apparently took the decision not to adopt the Amended Draft PR (see reference in email chain in Annex 2); (iii) the 'offline discussion' proposed by Anne-Laure Gassin apparently in order to get EFSA's story straight on why the Amended Draft PR was not changed (see reference in email chain in Annex 3);
- The response by EFSA to the concerns raised by the UK HSE's see  
reference in email chain in Annex 3);
- All notes of conversations between you and any Member States in relation to the Press Release or Amended Draft PR, in particular with French officials. In the absence of such notes, we would appreciate formal confirmation that such conversations did not take place.

Please note that the above list is not exhaustive and that any other relevant document explaining why the decision to leave factually incorrect information in an EFSA Press Release was taken should be provided.

We note in this respect that disclosure of the names of public office holders and civil servants in relation with their professional activities should in this case be granted, given that there is no reason to assume that the legitimate interests of these persons might be prejudiced. The exception of Article 4(1)(b) of Regulation 1049/2001 is therefore not applicable and the release of this data in the present case is also justified in accordance with Article 6(b) of Regulation 45/2001.

Syngenta is entitled to obtain these documents upon the basis of Article 15 of the Treaty on the Functioning of the European Union and Regulation 1049/2001. This right to access is not limited to published documents, but extends to documents which have not been published and which are intended for internal use.

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None of the exceptions set out in Article 4 of Regulation 1049/2001<sup>2</sup> is applicable in this matter. However, if some documents contain confidential information, EFSA should provide us with a non-confidential version<sup>3</sup>.

We look forward to receiving the requested documents within one month from registration of this application<sup>4</sup> and remain at your disposal should you wish clarifications on our request.

Finally, should we find it appropriate and necessary to introduce further applications for access to documents, EFSA is requested to treat each of them separately.

Yours sincerely,



ASHURST LLP

Cc:

Anne-Laure Gassin, EFSA  
Dirk Detken, EFSA  
Kirsten Haupt, EFSA  
Simon Terry, EFSA  
European Commission, Unit SG/ DSG1.B.5 (Transparency), B-1049 Brussels

Attachments

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<sup>2</sup> Article 3(1) of EFSA Decision concerning access to documents (MB 16.09.2003).

<sup>3</sup> Article 3(5) of EFSA Decision concerning access to documents (MB 16.09.2003).

<sup>4</sup> Article 5(3) of EFSA Decision concerning access to documents (MB 16.09.2003).

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19 FEB. 2013

EFSA

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Date	19 February 2013	Total number of pages 1 + 18

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**BY FAX : +39 0521 036110  
REGISTERED POST**

Catherine Geslain-Lanéelle  
Executive Director  
European Food Safety Authority (EFSA)  
Via Carlo Magno 1A  
43126 Parma  
Italy

**ashurst**

Dear Ms Geslain-Lanéelle,

**EFSA Press release regarding review on neonicotinoid risks to bee health**

I write on the subject of EFSA's press release of 16 January 2013 regarding its review on neonicotinoid risks to bee health ("**Press Release**"), with reference to Syngenta's letter of 15 January 2013 on this issue (copy attached as Annex 1 for convenience). In that letter Syngenta expressed its concerns about inaccuracies in the draft Press Release on 15 January 2013. These inaccuracies were not corrected.

Following publication of the Press Release, Syngenta sought to understand how it was possible for objectively inaccurate information to remain in an official EFSA Press Release, despite specific warnings being raised. Pursuant to Regulation 1049/2001, Syngenta requested access to internal EFSA documents ("**First Transparency Request**") to help it understand the decision making chain and identify which person was responsible for insertion of the inaccuracies and their maintenance.

Having reviewed the documents provided in response to the First Transparency Request, Syngenta makes the following observations.

Inaccuracies in the wording were pointed out and changes proposed within EFSA well before publication, at least by Herman Fontier on 7 January 2013 (see Annex 2). The wording was not put in its 'final' form until 14 January 2013. This is the wording Syngenta complained of. Its origin is unclear but appears to have resulted from an oral conversation involving ALG (presumably Anne-Laure Gassin) and KH (presumably Kirsten Haupt) (see Annex 3).

Following circulation of the Press Release under embargo and Syngenta's complaint, a new version apparently seeking to respond to (some of) Syngenta's concerns was prepared. Thus, in an email to you on 16 January 2013 at 9.34, Anne-Laure Gassin attaches a revised Press Release, proposing to revert to Syngenta indicating that the document has been clarified in response to their concerns (Annex 4 [doc 51]). You overruled the suggestion, replying to this email on 16 January 2013 at 12.51, that "*As discussed with Kirsten and Dirk just after you sent this email, no change is needed in the PR.*"

As already made very clear in previous correspondence, the information in the EFSA Press Release is inaccurate and has caused Syngenta harm. The opportunity to correct the error was there, but a clear decision was taken not to, despite apparent advice to the contrary from within EFSA.

AUSTRALIA BELGIUM CHINA FRANCE GERMANY HONG KONG SAR INDONESIA (ASSOCIATED OFFICE) ITALY JAPAN PAPUA NEW GUINEA  
SAUDI ARABIA SINGAPORE SPAIN SWEDEN UNITED ARAB EMIRATES UNITED KINGDOM UNITED STATES OF AMERICA

10:01\19 February 2013\BRUSSELS\DNW\714817.01

Partners: Julian Ellison, Solicitor England and Wales; Carl Meyntjens, Advocaat Brussels; Alexandre Vandecasteele, Avocat Brussels; Denis Waelbroeck, Avocat Brussels; Mats Johnsson, Advokat Sweden; Efthymios Bourtzalas, Dikegōros Athens; Annick Vroninks, Advocaat Brussels; Donald Slater, Solicitor England and Wales; Arnaud Witterwulghie, Avocat Brussels and Solicitor England and Wales.

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Before deciding on the legal options available to it and the identity of specific defendants in any possible court action, Syngenta would appreciate further explanations from you about the basis of your own decision on 16 January 2013 not to change the Press Release. You took the personal responsibility to overrule the internal EFSA proposal to rectify the incorrect press release. This now looks all the more unfortunate against the background of the fact that the EFSA calculation on TMX proved to be wrong.

This request is in parallel to Syngenta's new transparency request dated 13 February 2013 and seeking access to the revised draft Press Release sent to you on 16 January 2013 at 9.34, as well as access to minutes of any discussions relating to the Press Release around that time, but please feel free to send us copies of these directly if you have them to hand.

We look forward to hearing from you.

Yours sincerely,

Cc: Anne-Laure Gassin, EFSA  
Dirk Dotken, EFSA  
Kirsten Haupt, EFSA  
Simon Terry, EFSA  
European Commission, Unit SG/ DSG1.B.5 (Transparency), B-1049 Brussels

ashurst



EXECUTIVE DIRECTOR

Parma, 06/03/2013  
Ref. CGL/DD/aa (2013) - **out-7172785**

Syngenta Crop Protection AG  
Schwarzwaldallee 215  
P.O. Box 4002  
CH-4058 Basel  
Switzerland

**Subject: EFSA Conclusion on the peer review of the pesticides risk  
assessment for bees for the active substance thiamethoxam**

Dear

I am writing to you with regard to a letter dated 4 March 2013 (Ref. 2464/27457) that I have received from the Ministry of Rural Development and Food, General Directorate of Plant Produce, Directorate of Plant Protection, Department of Pesticides of Greece regarding the authorisation dossier for Cruiser 600FS containing thiamethoxam.

In this letter the Greek authorities explain to EFSA that the application rate for sunflowers they provided to EFSA was taken from the GAP table in the applicant dossier for Cruiser 600 FS which was submitted by Syngenta Hellas. The Greek authorities have further highlighted in the above-mentioned letter that Syngenta Hellas has admitted recently an error in the application rate stated in the GAP table in the applicant dossier provided to the Greek authorities.

The Greek Authority has confirmed to EFSA that the information they provided to EFSA was based on the information initially provided by Syngenta Hellas which then was only later acknowledged as being incorrect by Syngenta Hellas (see email of 22<sup>nd</sup> of February 2013 from to the Greek Ministry of Agriculture).

Yours sincerely,

  
Catherine Goslain-Lanéelle



Mrs. Geslain-Lanéelle  
Executive Director  
EFSA  
Via Carlo Magno 1/a  
43126 Parma  
Italy

March 11, 2013

Dear Mrs. Geslain-Lanéelle,

Thank you for your letter dated 6 March 2013, (*EFSA Conclusion on the peer review of the pesticides risk assessment for bees for the active substance thiamethoxam*) in which you point to the fact that the incorrect sowing rate for sunflower was provided to the Greek authorities by Syngenta.

Let me immediately say that you are right. A copy/paste error on our part on the Greek GAP form resulted in a corn dose rate, approximately three times higher than the sunflower rate, being entered. I should say however that the full submission did state the correct sowing rate. This error was noted earlier this year and a corrected document was submitted to the Greek authorities.

Having acknowledged this, it is a surprise to say the least that EFSA would seemingly use this erroneous sowing and dose rate in Greece as the sole basis for the risk assessment in sunflower across Europe. Greece accounts for less than 2% of the sunflowers area grown in Europe and of this less than 2% was treated with thiamethoxam. In past assessments that EFSA scientists have done on other compounds, more realistic exposure scenarios from a use and geographic standpoint have been the foundation of the risk assessment. It is difficult to see any scientific reason for EFSA to change this approach. Moreover, I would have assumed that the scientists at EFSA would have immediately identified the big discrepancy between the Greek dose and those used in the major sunflower areas of Central and Western Europe. Surely these scientists should have seen that there was something unusual about the Greek dose. It is, after all, a threefold difference. If EFSA had raised this issue via the Greek authorities, it is likely that the error in the EFSA assessment would have been identified and corrected.

Nevertheless, the critical point is that the sowing rates (and by implication the active substance dose rate) used by EFSA, to conclude that thiamethoxam posed a high acute risk to bees, were incorrect. We first made EFSA aware of this in our letter of 12 February which also raised issues with the oilseed rape sowing rate. Using the correct sowing rate, defined in the EFSA report for thiamethoxam on sunflower as the "lowest maximum application rate", the EFSA conclusion states that there would be a low acute risk to adult bees<sup>1</sup>.

<sup>1</sup> "tier 2 risk assessment on sunflower, at the lowest 'maximum application rate' authorized in the EU, when deflectors are used, could potentially be considered to demonstrate a low acute risk to adult



The important outcome of this helpful exchange of letters is that there is now mutual understanding of the need to correct the risk assessment on the basis of the real, representative sowing rates and consequently lower thiamethoxam dose rates. At the very least, thiamethoxam used on sunflower and oilseed rape should no longer be classified as a high acute risk for bees. However, we believe that the use of the wrong sowing rates generally underpins our request to EFSA and DG SANCO to stop the current process for the three neonicotinoids imidacloprid, clothianadin, and thiamethoxam.

The other major concerns we have raised on the whole question of the thiamethoxam risk assessment, which applies to all crops, include (but are not limited to) the following: the lack of consideration given to the years of safe use confirmed by independent monitoring studies, Syngenta's own multi-year field studies, and the characterization of potential new data requirements as "data gaps". We understand that EFSA did not want to consider monitoring and our higher tier studies because of a relative lack of statistical analysis. You may have seen that a major study carried out in Canada by the University of Guelph was reported on in the media last week (*attachment 1*). Professor Cynthia Scott-Dupree, a study leader, points out that this large field study is representative of real life but also acknowledges its scientific limitations because of the challenges of working with honeybees. Importantly, she also states that policy makers shouldn't focus solely on laboratory-type studies where the bees are exposed to doses far above realistic field exposure levels. It is notable that this study was overseen by both US and Canadian regulators. I do not know when it will be published, but it adds further weight to the need for EFSA to consider the European field monitoring and Syngenta field studies.

When it comes to decisions from a regulatory standpoint, which may be imminent, the economic losses farmers would suffer from a restriction on these pesticides, and the fact that they would turn to higher dose and less sustainable alternatives, must surely be given proper consideration.

It is deeply regrettable to everybody genuinely concerned about the decline in bee health that the neonicotinoid question is dominating public debate, whilst the real causes of bee decline are being overlooked. Evidence of the misrepresentation of the issue is provided by DG SANCO's own bee health experts who continue to set out the real causes for the decline in bee health (*attachment 2, see slides 9 and 10*), in farmer forums and more recently in the European Parliament. You will see that pesticides are assessed as making no significant contribution to bee health decline, whilst the major issues are diseases, the varroa mite.

Yours sincerely

Attachment 1: Study counters reports of seed treatment bee link  
Attachment 2: Risk management for bee health (see slides 9 and 10)

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*bees."; P.20, EFSA Conclusion on the peer review of the pesticides risk assessment for bees for the active substance thiamethoxam."*



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**HEAD OF THE LEGAL AND REGULATORY AFFAIRS UNIT**

Parma, 20 March 2013  
Ref. DD/tl (2013) - **out-7200372**

ASHURST LLP  
Avenue Louise 489  
1050 Bruxelles  
Belgium

E-mail:

**Re: EFSA Press release regarding review on neonicotinoids risks to bee health**

Dear .....

I am writing to you with reference to your letter of 19 February 2013 to Ms Catherine Geslain-Lanéelle.

As you are aware EFSA has granted you extensive access to internal documents (EFSA letters ref. 7087238 and 7165024) that were relevant in the development of the Press Release regarding risks to bees from neonicotinoids. These documents provide you with information on the justification of the wording chosen. Your ensuing request for "further explanations" is addressed by highlighting that EFSA's Executive Director decided not to modify the wording of the Press Release because its content reflects the content of the scientific output adopted by the Authority.

Regarding your reference to the calculation, please note that EFSA has already addressed this issue in its letter dated 6 March 2013 (ref. 7172785) to which I can only refer you as much as to the reply of ..... of 11 March 2013 to Ms Catherine Geslain-Lanéelle, in which the error on behalf of Syngenta has been acknowledged. As it is the case also for the other EU Member State authorities responsible for the assessment and review of Thiamethoxam, on 16 January 2013 EFSA was not yet in a position to be aware of the factual errors regarding that substance.

I trust this addresses your concerns.

Yours sincerely,

  
Dirk Detken

Cc.: Anne-Laure Gassin, Kirsten Haupt, Herman Fontier (EFSA)  
(DG SANCO)  
.....  
(Syngenta)

