Romania's High Court Orders a Retrial in the Case Seeking the Annulment of Neonicotinoid Derogations

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Eco Ruralis Association and the Federation of Beekeeping Associations of Romania – ROMAPIS acknowledge the ruling delivered on 29 October 2026 by Romania's High Court of Cassation and Justice (HCCJ) in case no. 182/33/2025. The case concerns the annulment of three emergency authorisations (derogations) for the use of neonicotinoid pesticides, issued by the Ministry of Agriculture and Rural Development (MADR) in December 2024.

The High Court upheld the appeals against Civil Judgment No. 111/2026 of the Cluj Court of Appeal, quashed the judgment and referred the case back to the same court for retrial.

We await the High Court's reasoned judgment

In its published ruling, the High Court upheld the appeals against the judgment annulling the authorisations but dismissed as unfounded the appeals against procedural orders issued by the Cluj Court of Appeal during the proceedings.

The reasons why the High Court decided to quash the judgment are not yet known. They can only be examined once the reasoned judgment has been communicated. We await the Court's reasoning to understand the grounds for quashing the judgment and which matters will need to be reconsidered by the Cluj Court of Appeal.

The court case continues. The High Court has not declared the contested authorisations lawful

In February 2026, the Cluj Court of Appeal annulled the three authorisations through which MADR had permitted the treatment of maize and sunflower seeds with neonicotinoid pesticides containing imidacloprid and thiamethoxam, substances whose use is prohibited in the European Union.

Through its latest ruling, the High Court has overturned that judgment and ordered a retrial, rather than definitively dismissing the action seeking annulment.

EU bans remain in force

Regardless of developments in the legal proceedings, the European legal framework remains unchanged.

As early as 2013, the European Union introduced bans on the use of pesticides containing imidacloprid and thiamethoxam. In 2018, these bans were extended to all uses in open-field agriculture through Commission Implementing Regulations (EU) 2018/783 and 2018/785. These measures were adopted to protect bees and other pollinators, based on scientific risk assessments, associated with these insecticides.

These substances are systemic insecticides: they can be absorbed by plants and reach different plant tissues, including pollen and nectar. They can persist in soil and enter water, affecting non-target organisms.

Furthermore, in its judgment of 19 January 2023 in Case C-162/21, the Court of Justice of the European Union established that the emergency authorisation mechanism provided for under Article 53 of Regulation (EC) No 1107/2009 cannot be used to permit uses expressly prohibited by the applicable EU legislation.

An emergency derogation cannot be turned into a permanent mechanism for circumventing EU bans. Eco Ruralis and ROMAPIS have challenged the Ministry of Agriculture's practice of repeatedly issuing such authorisations, considered as an abuse of the emergency derogation mechanism.

Romania is also subject to infringement proceedings over neonicotinoids

On 8 October 2025, the European Commission initiated infringement proceedings against Romania for failing to comply with EU rules on plant protection products, in connection with emergency authorisations for neonicotinoids.

These infringement proceedings are separate from the legal actions brought by Eco Ruralis and ROMAPIS against MADR.

The Ministry of Agriculture has a responsibility to enforce EU legislation and support the development of lawful solutions for crop protection. We want Romania to be a country governed by the rule of law, where public authorities comply with the law and take responsibility for their decisions. We do not want to feel ashamed of Romania, nor do we want our country to be seen as a cheater within the EU, a country that agrees to common rules but constantly seeks ways to break them.

Eco Ruralis and ROMAPIS will continue the legal action

The High Court's decision represents a procedural setback, as the favourable judgment obtained in February 2026 has been quashed. However, it does not bring the proceedings to an end, nor does it alter Romania's obligations under European Union law.

The objective of Eco Ruralis and ROMAPIS remains unchanged: sustainable agriculture that meets consumers' expectations for healthy food while protecting the environment in

which we live. We want a clean and safe environment for bees, people and all forms of life, and the protection of the natural resources for the future of agriculture.

Acknowledgements

Challenging the decisions of a public authority in court means engaging in proceedings that are lengthy, costly and often unequal. Yet the ability of citizens and civil society organisations to demand that public authorities comply with the law is one of the fundamental safeguards of democracy.

We thank our lawyer, Dumitru Dobrev, for the professionalism, perseverance and dedication with which he represents Eco Ruralis and ROMAPIS in this litigation.

We also thank PAN Europe and Civique Forum for their support throughout these proceedings, as well as the civil society organisations in Romania that have joined us and stood by our side. Their solidarity gives us the strength to continue, even when the path through the courts is long and the outcomes of individual stages remain uncertain.

Eco Ruralis Association – Supporting Organic and Traditional Farmers
Website: www.ecoruralis.ro

Federation of Beekeeping Associations of Romania – ROMAPIS
Website: www.romapis.org

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References

1. Case No. 182/33/2025 – High Court of Cassation and Justice of Romania. Ruling delivered on 29 October 2026 and published on 30 October 2026, quashing Civil Judgment No. 111/2026 and referring the case for retrial. https://www.scj.ro/1094/Detalii-dosar?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=3300000000079245

2. Judgment of the Court of Justice of the European Union of 19 January 2023, Case C-162/21. https://curia.europa.eu/juris/liste.jsf?num=C-162/21

3. Commission Implementing Regulations (EU) 2018/783 and 2018/785, concerning restrictions on imidacloprid and thiamethoxam.

4. European Commission – Infringement Package of 8 October 2025, concerning Romania's compliance with EU rules on plant protection products. https://ec.europa.eu/commission/presscorner/detail/en/inf_25_2077

5. Eco Ruralis and ROMAPIS – Press release of 25 February 2026, concerning the annulment of the three authorisations by the Cluj Court of Appeal. https://www.ecoruralis.ro/2026/02/25/curtea-de-apel-cluj-anuleaza-derogarile-pentru-neonicotinoide-dupa-12-ani-de-abuzuri/