OPEN LETTER OF THE CROP PROTECTION INDUSTRY **19.06.2026**

The cost of inaction: without meaningful data protection reform

Simplification, innovation and access are at risk. A proportionate and targeted reform is essential to safeguard investment incentives and ensure farmers retain access to effective and innovative crop protection solutions.

Dear policymakers,

We, the undersigned enterprises active in agricultural innovation, support the European Commission's stated objective of increasing the availability of plant protection solutions across all Member States.

Availability matters and so does innovation.

Farmers in the EU are already facing a shrinking toolbox, with 89 active substances lost in the past 6.5 years. In this context, it is essential that reform of the plant protection framework improves access without weakening the process to ensure and generate high-quality safety data that underpins both existing and new products.

Regulatory data protection plays a vital role in this system. It provides a predictable framework that helps companies recover the significant investments required to generate scientific studies, meet evolving EU safety standards, and respond to new regulatory requirements. The average cost of discovery and development of a new crop protection product increased to €276 million, an increase of nearly €19 million since 2014. These studies require specialised expertise, time and substantial financial resources.

The risk of an EU-wide data protection clock

The proposed move to an EU-wide data protection clock has been presented as a way to address perceived availability and supply gaps, particularly in smaller Member States. We understand and share the objective of improving access for farmers across the EU.

However, a single EU-wide data protection clock could only function fairly in a system where products are authorised across the EU at the same time. That is not how the current EU plant protection product authorisation system works.

Active substances are approved at EU level, but products are authorised nationally, with decisions taken by Member States at different speeds and at different points in time. Today, data protection runs at Member State level, starting when each national authorisation is granted. This reflects the reality of the system and ensures that companies have a predictable opportunity to recover their investment across different markets.

Under the proposed EU-wide clock, a uniform data protection period would start from the first authorisation granted anywhere in the EU. In practice, this means that in Member States where authorisation decisions come later, part – or even all – of the data protection period may already have expired by the time the product reaches that market.

This would create a structural imbalance. The same data could be effectively protected in one Member State but no longer protected in another, simply because of differences in regulatory timelines. Over time, this risks making companies more selective about where they seek authorisation, particularly where effective protection has already eroded.

The result could be the opposite of the Commission's objective. Over time, this could make companies required to generate costly safety data more selective about where they seek authorisations, leaving farmers, especially those in smaller markets, with fewer innovative solutions.

A proportionate solution: a sunset clause

We believe the existing data protection regime should be maintained, alongside the introduction of a targeted sunset clause.

Under this approach, where a data owner actively seeks authorisation in a Member State, full data protection would apply. In Member States where the data owner does not apply for authorisation using the same studies within 10 years of those studies first being relied upon in the EU, alternative suppliers may rely on those studies after that period to support their own authorisation.

This would create a fair balance. It would reward companies that invest in generating safety data and actively seek market access, while allowing other suppliers to bring products to farmers in markets that would otherwise be left behind.

Why this matters for us

European businesses are facing increasing global competition, rising regulatory complexity and growing costs linked to both innovation and reassessment processes. In this context, the EU should preserve the investment incentives that support the development, renewal and availability of plant protection solutions.

Regulatory data protection is a cornerstone of the EU plant protection system. Weakening effective protection risks making investment more selective, especially in smaller or slower markets.

A sunset clause offers a proportionate way forward. It would meet the Commission's stated objectives while safeguarding R&D investment and high-quality safety data that European farmers depend on.

Yours sincerely,

List of signatories supporting the open letter

Name of the organisation: **Logo:**

Adama

BASF

Bayer Crop Science

Certis Belchim

Corteva

De Sangosse

Detia Degesch Group

Envu

FMC

Gowan

ISK

Nichino

Novonesis

Nufarm

SBM Company

Sumitomo Chemical

Syngenta