

PAN Europe's legal action against the approval prolongation of Dimoxystrobin

Q: What is the legal action taken by PAN Europe?

PAN Europe legally challenges the 6th extension of approval granted to the fungicide 'Dimoxystrobin' before the EU Court of Justice. Repeated prolongations have extended the period of approval of the substance on the market from the originally granted 10 to now 16 years.

PAN Europe argues¹ that these continual extensions are an abuse of Article 17 of the [EU pesticide Regulation](#), which goes against the general purpose and principles of this EU pesticide Regulation in terms of human health and environmental protection.

Q: If such extensions are allowed by the regulation itself (article 17), how can they be illegal?

[Implementing Regulation \(EU\) 844/2012](#) sets strict deadlines for the re-evaluation and re-approval process for applicants, rapporteur Member States, the European Food Safety Agency (EFSA) and the European Commission. At most, the evaluation can last up to two and a half years and end 6 months before the expiry of the ongoing approval.

In this context, article 17 can only be understood as providing for a limited and exceptional extension of a few months, or a year at most, in order to avoid any interruption in the marketing and sale of phytosanitary products. It provides specifically that such an extension must be based on '*the time needed to provide the information requested*' and '*to complete the procedure*'. At any rate, it cannot be interpreted as allowing for successive extensions which, taken together, amount to a prolongation of more than six years, i.e. more than twice the time provided to conduct the renewal process.

Q: Who is responsible for the delayed assessment?

All relevant actors are dragging their feet: applicant, Member States, EFSA and Commission!

- Based on the dossier submitted by industry in 2013, the Rapporteur Member State, Hungary, and co-Rapporteur Member States Ireland submitted their Draft Renewal Assessment Report (RAR) in 2017, when it has one year to do so. In this report, rapporteurs identified lacking data, and several "critical areas of concern", which mean that a safe (representative) use of the active substance could not be demonstrated.
- Yet, EFSA continued with the assessment and organised a public consultation on this report in 2019. More than three years later, its conclusions are still awaited.
- In November 2021, a revised RAR from Hungary was submitted to EFSA and updated volumes in March and May 2022. These "interim reports" are still not publicly available.
- In the meantime, the European Commission, guardian of the treaty, kept prolonging the substance approval.

Q: What could be the consequence of a ruling favourable for PAN?

When the court agrees and finds the decision to extend approval unlawful, it will annul this decision. The European Commission will then be forced to effectively withdraw the approval of Dimoxystrobin. It will also send a clear signal to the European Commission that its current abuse of Article 17 for a large number of toxic substances is illegal.

¹ PAN Europe has submitted a "Request for Annulment" disputing the Commission's decision against PAN Europe's initial "[internal review](#)" request concerning Implementing Regulation (EU) No 540/2011, which had granted the extension of approval to dimoxystrobin.

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Q: Does this mean that Dimoxystrobin is not a unique event?

Unfortunately not, the abuse of article 17 to prolong substances under evaluation for years is a clear pattern of the European Commission, explained [here](#). We are focusing on Dimoxystrobin because it is officially identified as [one of the most hazardous](#) for human health and the environment², and because of the length of its current approval (16 years).

Q: What is Dimoxystrobin? Where is it used?

[Dimoxystrobin](#) is a fungicide used in agriculture, mainly in cereal crops including wheat and rapeseed. It is authorised in 15 Member States: AT, BE, BG, CZ, DE, EE, FR, HR, HU, LT, LU, LV, PL, RO, SK.

Q: What are the hazards and risks for human health and the environment?

Is part of the chemical group of Strobilurins, which act by inhibiting the mitochondria, the energy production centre of a cell. Since mitochondria are part of the cells of humans, human toxicity can be expected.

Dimoxystrobin is classified as suspected carcinogenic and toxic for reproduction. Namely, studies showed adenoma, adenoma-carcinoma and thyroid tumours, as well as endocrine-disrupting properties and developmental toxicity.

In addition, Dimoxystrobin poses high risks for birds, mammals, aquatic invertebrates and algae and a very high risk for fish, according to EFSA. Last but not least, its persistent metabolites are of high concern for groundwaters.

Q: Are there any alternatives to Dimoxystrobin?

The substance is mainly used against brown rust, stem rot, stem canker, dark leaf and pod spot and light leaf spot. It is possible to replace the use of Dimoxystrobin by a range of (combined) preventive measures: rotating crops, cleaning and disinfecting equipment (e.g. greenhouses, tools, etc.), steam treating the soil to a depth of 20-30cm and then re-inoculating the soil with antagonists or very good compost. If fungi still occur, the first of the corrective measures is to remove individual diseased plants and dispose of them separately in case of attack.



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² Dimoxystrobin is classified as Candidate for Substitution² because of its toxicity and persistence in the environment. In accordance with the EU pesticide Regulation, Member States are obliged to substitute the use of this chemical with safer alternatives.