

PAN Europe appeals the General Court judgment on the EU re-approval of endocrine-disruptor cypermethrin

PAN Europe has lodged an appeal at the European Court of Justice to overturn the first instance ruling on the re-approval of cypermethrin, a highly toxic insecticide. This is the very first time a civil society organisation challenges a pesticide approval at this level. Last February, the General Court of the EU dismissed our request for annulment.¹ PAN Europe considers that the judgment is not in line with relevant EU legislation and case law. The European Commission reapproved cypermethrin without a proper risk assessment of its endocrine disrupting properties, by accepting countless data gaps in the reapproval dossier, and by imposing risk mitigation measures impossible to meet by farmers.

Martin Dermine, PAN Europe executive director said: "The facts presented by PAN and the discussions in the General Court have clearly shown the European Commission's lack of commitment to implement rules regarding the approval of pesticides. The judgment from the General Court is not aligned with the high level of protection of citizens' health and the environment enshrined in EU law."

First time an EU pesticide approval is challenged by an NGO

Following a revision of the Aarhus Regulation in 2021, NGOs were granted access to the EU Court regarding EU pesticide approvals. In early 2022, PAN Europe launched its first legal challenge against the reapproval of cypermethrin, an insecticide that is highly toxic to the environment, and for which evidence of endocrine disruption abounds. Furthermore, as the industry's dossier was incomplete, EFSA could not finalise its assessment, among others, on the genotoxicity of impurities linked to the synthesis of cypermethrin. PAN Europe further lodged a series of other legal actions before the General Court of the EU in order to ensure a better implementation of EU rules on pesticides at the EU level.

In its judgment, the General Court did not address a series of elements presented by PAN Europe, showing that the evaluation of cypermethrin by the European Food Safety Authority was not in line with the law. Indeed, endocrine disruption of cypermethrin, as well as the genotoxicity of its impurities, were not evaluated correctly by EFSA even though this is mandatory in EU law. The General Court further refused to challenge the risk mitigation measures of over 99% reduction of spray drift imposed by the Commission, although these unrealistic measures have never been proven to be effective, as EFSA itself admitted.

Salomé Roynel, a policy officer at PAN Europe said: "This judgment does not encourage EFSA to comply with legal and scientific standards when publishing its conclusions on pesticides. It could also incentivise the pesticide industry to provide incomplete dossiers with regards to major toxicity endpoints such as genotoxicity or toxicity to the environment."

Martin Dermine concluded: "Two recent judgments² delivered in favour of PAN Europe before the Court of Justice confirmed that regulators cannot approve pesticides without a thorough assessment of their toxicity, and in particular their endocrine disrupting properties. The Court reaffirmed that citizens' health and the protection of the environment must be given priority, while most recent scientific information must be taken into account. We trust that the Court will follow this line of reasoning and that endocrine disruptor cypermethrin will finally be banned".

See also our communication "[EU Court: member states do not properly carry out pesticide assessments](#)" on the two recent rulings by The EU Court of Justice.

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¹ <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:62022TJ0536>

² <https://www.pan-europe.info/press-releases/2024/04/eu-court-member-states-do-not-properly-carry-out-pesticide-assessments>

Pesticide Action Network (PAN Europe) is a network of NGOs working to reduce the use of hazardous pesticides and have them replaced with ecologically sound alternatives. We work to eliminate dependency on chemical pesticides and to support safe sustainable pest control methods. Our network brings together over 45 consumer, public health and environmental organisations and women's groups from across Europe.

