

Advocate General in EU Court: Pesticide authorisation by Dutch CTGB is wrong

All recent science needs to be taken into account

The policy of Dutch pesticide authority Ctgb to use decades-old guidelines and ignore scientific studies that demonstrate endocrine disrupting effects of pesticides contradicts EU law. That is the opinion of Advocate General Medina of the EU Court of Justice. The Advocate General (AG) insists that the most recent guidelines need to be consulted (also if they are not approved by EU member states). All available recent scientific or technical knowledge, regardless of the source of such information has to be taken into account¹. The AG concludes that the authorisation body is not following the precautionary principle and not aiming at establishing a high level of protection for humans and the environment.

In a case (C-308/22, att.) on the pesticide sulfoxaflor, Dutch Ctgb authorised a pesticide based on a guideline from 2002, while a newer guideline (2013) was available. The AG concluded that the most recent guidelines need to be consulted, together with all recent scientific and technical knowledge. In two cases on the pesticides difenoconazole and fludioxonil (C-309/22 and C-310/22, att.) Dutch authorities refused to consider a range of independent studies that pointed at endocrine disrupting properties of the pesticides.

Dutch Ctgb and the EU Commission, who intervened in the case, defended their position by saying that a more thorough assessment at national level would jeopardise 'harmonisation' of pesticides. The AG points out that the articles in the Regulation oblige national bodies to fully assess all potential negative effects of pesticides, including recent science (but not repeat elements that have been assessed by Commission or a Rapporteur Member State).

The advice by the AG comes at the moment that the Dutch CTGB is [seriously criticised](#) for withholding information about toxic effects of pesticides for local residents to the responsible minister.

Lawyer Maarten Baneke who assisted PAN Europe in the court cases is very pleased with today's outcome. "The opinion, if maintained in the coming court verdict, will mean that a major overhaul at Dutch Ctgb is needed." Currently independent science is disregarded by Ctgb and EFSA, and the guidelines applied (not only for bees, also for insects) are obsolete. When there is evidence of increased exposure from monitoring data or development of diseases, such as Parkinson's, the Dutch authority is simply turning a blind eye.

Martin Dermine, executive director at PAN Europe, hails the conclusion and points at the impact it shall have on national decisions. "The Advocate General clarifies that in the absence of harmonised guidelines, the 'latest' scientific knowledge must be taken into account. In the evaluation of glyphosate, EFSA consistently neglected this principle, dismissing scientific evidence regarding biodiversity, gut microbiota, neurotoxicity, and a plethora of scientific publications on glyphosate's harm to citizens and the environment. EFSA's reliance on decade-old industry studies, instead of prioritising current science, demonstrates its non-compliance with EU law and its failure to adequately protect citizens and the environment."

¹ In examining an application for authorisation of a plant protection product, under that provision, a Member State should take in to account any pertinent and reliable current (that is to say the most recent) scientific and technical knowledge regardless of the source or document from which it comes.


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.



Press Release

The advice is very relevant in the discussion on the authorisation of pesticides with proven negative effects on health, biodiversity and water quality. This applies especially to all 50 of the so-called Candidates for Substitution and the widely used herbicide glyphosate. It shows that there is a gap between EU law and the way pesticide authorities at national and EU level assess the negative effects of pesticides.

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