



PRESS RELEASE

Glyphosate approval: Aurelia Foundation has filed a lawsuit against the EU Commission at the EU Court

First court case in which a NGO seeks judicial review of EU-wide approval of a pesticide active ingredient

Berlin, 12 October 2023 | The non-profit Aurelia Foundation has filed its statement of claim against the EU Commission's decision to extend the authorization of glyphosate at the EU Court in Luxembourg. The EU court must now verify whether the extension of the authorization of the active ingredient glyphosate violates EU law. If so, the Commission must revoke the decision of extension. Should the Council of Ministers vote on 13 October 2023 in favour of the 10-year re-authorisation recently planned by the Commission, Aurelia will also consider legal action against this decision. If the EU court follows Aurelia's view, hundreds of pesticide products containing glyphosate will have to be withdrawn from the market throughout the EU

Thomas Radetzki, Board of Directors of the Aurelia Foundation:

"We are fighting for biodiversity and the health of bees and pollinating insects through legal means. The destruction of biodiversity caused by pesticides that are widely used in intensive agriculture threatens us all and must be stopped. The broad use of glyphosate as a total herbicide plays a major role in destroying habitats and food sources of insects and thus, is mainly responsible for insect mortality."

According to Radetzki, the Aurelia Foundation is addressing the root of the problem by filing its statement of claim against the EU Commission's decision to extend the authorization of glyphosate. It is not only about the German government banning the use of glyphosate in Germany from 2024, as agreed in the coalition agreement, it is about an EU-wide ban.

Lawyer Dr Achim Willand (Legal Representative of the Aurelia Foundation):

"The EU Commission's argumentation in the glyphosate case is leading to the extension of existing authorizations for years, even though the risks have not yet been sufficiently assessed. The Commission practices these longstanding extensions for many active substances used in pesticides. This is in clear contradiction to EU plant protection law and the precautionary principle. Only pesticides proven to be harmless to health and the environment may be marketed and used."

The Aurelia Foundation states that glyphosate not only kills weeds in the field, but also harms a wide range of animals such as pollinating insects, mammals and amphibians. The Aurelia Foundation has been calling for a complete ban on pesticide applications in flowering plant stands for years. Moreover, the European Food Safety Authority (EFSA) publicly confirmed on 6 July 2023 that the effects of glyphosate on aquatic organisms as well as on humans due to residues in products have

not yet been fully assessed. Various studies that have been carried out independently by pesticide manufacturers demonstrate further the direct negative impacts glyphosate imposes on the health and life expectancy of pollinating insects.

Background

It is only since 2021 that the relevant EU Regulation 1367/2006 has been adapted to the Aarhus Convention, which is binding under international law. This regulation states that environmental organizations are able to take legal action against such admission decisions taken by the EU Commission.

The EU authorization of the active pesticide ingredient “glyphosate” expired at the end of 2022. The Commission has provisionally extended this authorisation until 23 December this year. As an exception the Commission may provisionally extend an authorization that has actually been expired until the current procedure has been concluded. However, the prerequisite is that the applicant – in this case the consortium of glyphosate producers – submits complete documentation to allow a risk assessment in time. In the event of delays for which the applicant is responsible, the Commission may not grant an extension.

The Commission considers the extension without taking health and environmental concerns into account as its obligation. The Commission further claims that the existing data gaps are not the responsibility of the manufacturers. In its decision addressed to the Aurelia Foundation, the Commission also indicates that it will extend the glyphosate authorization again in case the authorization procedure will be further delayed.

The Aurelia Foundation's lawsuit at the EU Court is financially supported by the social enterprise ECOSIA.

Further Information

Statement of Claim of the Aurelia Foundation (German): https://www.aurelia-stiftung.de/wp-content/uploads/2023/10/Klageschrift_Glyphosat_September-2023.pdf

Letter of the European Commission, 3 July 2023: https://www.aurelia-stiftung.de/wp-content/uploads/2023/07/Letter-COM_Glypho_July-2023.pdf

Annex of Letter of the European Commission, 3 July 2023: <https://www.aurelia-stiftung.de/wp-content/uploads/2023/10/Annex-2023.pdf>

EFSA Presse Release, 6. July 2023: <https://www.efsa.europa.eu/en/news/glyphosate-no-critical-areas-concern-data-gaps-identified>

More information about the lawsuit (German): <https://www.aurelia-stiftung.de/2023/03/01/klage-glyphosat-verlaengerung/>

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