



TO: President Juncker

CC: First Vice President Timmermans, Commissioners Andriukaitis and Vella

**RE: Open letter on ECJ Ruling on EDC Criteria**

8 January 2016, Brussels

Dear President Juncker,

On December 16, 2015 the General Court ruled in case T-521/14 Sweden vs. Commission that the European Commission has violated EU law by failing to adopt measures concerning the specification of scientific criteria for the determination of endocrine-disrupting properties according to Regulation No 528/2012 concerning the placing on the market and use of biocidal products.

We have for several years now argued that the Commission's decision to carry out an impact assessment in relation to the adoption of the scientific criteria is inappropriate and have urged the Commission to promptly publish the criteria. This view is also shared by EDC-Free Europe coalition which brings together over 60 health, environmental and consumer groups, campaigning to reduce exposure from endocrine-disrupting chemicals.

Thus, we were astonished to hear the first reaction of the Commission's spokesperson to the Court's ruling which implies that the Commission has no intention of complying with the law. This apparent disregard for a court decision is even more disappointing given the Commission's role as guardian of the Treaties. The political consequences for the EU of a European Commission that would effectively be placing itself above the rule of law, in particular at a time of growing Euroscepticism, is worrying.

If the Commission were to continue with this approach, it would link its 'Better Regulation' agenda to not only a willful delay of urgently needed regulatory action to protect Europe's citizens' health from hormone disrupting chemicals but now also to a blatant violation of the law.

Justifying such a course of action on the basis of Europe's need for jobs and growth is also inappropriate, as the health costs of diseases related to EDC exposure in Europe are estimated to be over 150bn Euro annually – an estimate which is likely to be an underestimate and represent only a subset of the true costs – and most of these costs are derived from health impacts from pesticides. We therefore urge you to urgently proceed with the following two courses of action:



**CHEMTrust**  
Protecting humans and wildlife  
from harmful chemicals



**HEAL**  
Promoting environmental policy  
that contributes to good health



**Pesticide  
Action  
Network**  
Europe

- The immediate adoption of the scientific criteria in accordance with the Commission draft recommendation of June 2013.
- A review of the Commission's use of impact assessments and the extent to which this is causing unnecessary delays in regulatory action and feed this into a wider overhaul of the Commission's 'Better Regulation' agenda.

Given the public interest in the matter we will make this letter publicly available.

Yours sincerely,

Jeremy Wates  
Secretary General EEB

Genon Jensen  
Executive Director HEAL

Michael Warhurst  
Executive Director CHEM Trust

François Veillerette  
President of the Board of Pesticide Action Network