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News | 16.12.2015

Court decision on endocrine disrupters

uncovering the Commission’s failure to act

The EU Court of Justice just gave its ruling in Sweden’s case against the Commission with regard to the Commission's failure to act to adopt criteria for endocrine disrupters (EDCs). In January 2015, The Council and the European Parliament (EP) – both the EU's legislative arms - took Sweden's side in the case and stood together against the European Commission for its failure to act.

The Court's conclusions concern a major public health issue on which the Greens have been the driving force in the EP for many years: endocrine disrupters. These active substances are present in a large range of commonly used products. In pesticides, the glyphosate used in Monsanto’s Round Up is an EDC. These substances can also be found in plastic components (Bisphenol A, phthalates) or beauty products (parabens). These ‘disrupters’ affect the human hormonal system and can cause neurological problems, sterility, or diabetes.

In 2009, the revised pesticides legislation - on which the Greens had the lead in the European Parliament- was adopted in second reading. The legislation considers that substances with certain properties (e.g. carcinogenic) should no longer be approved (subject to certain narrow exemptions). Endocrine disrupters were also covered by this rule, but there was no proper definition for them. So, interim criteria were established and the European Commission got a legally binding mandate to come up with proper criteria by December 2013.

Commission services (DG ENVI) worked for almost two years to come up with proper criteria. When they had a near final draft, all hell broke loose: scientists close to industry sent a letter of protest to the Commission, asking for an impact assessment of the different possible criteria.

In July 2013, Catherine Day, Secretary General of the Commission at the time, pulled the plug and instructed the services to do this impact assessment prior to adopting any criteria. The impact assessment is still ongoing. According to current plans, the Commission will come up with first conclusions at the end of 2016 – three years after the legal deadline. In the meantime, we are not properly protected against endocrine disrupters.

The EU Court of Justice's ruling tallies well with the documented work of journalist Stéphane Horel on the issue. This decision sheds the full light of day on the close links between EU officials and the industry which led to the delays on a legislative decision on the definition of EDCs. The Commission failed to act, and thereby failed to protect citizens from dangerous pesticides.

There's no more time to lose. It is time for Juncker's team to stop these little backroom deals amongst industry friends and come up quickly with a serious legal framework on EDCs if it has any respect for democratic policymaking and EU citizens' health.

Watch the documentary Endocrination by Stéphane Horel

- Press release of the EU Court of Justice

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