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Public health / endocrine disrupters

When the guardian of the treaties acts as guardian of special favours to big business

The [WHO/UNEP](#) consider endocrine disrupting chemicals (EDCs) a global threat that needs to be resolved. EDCs are present in a large range of commonly-used products such as pesticides and biocides, food contact materials, PVC flooring and cosmetics. EDCs have been linked to various severe human health problems, including cancer, fertility problems, genital malformations, obesity and neurobehavioural disorders. EDCs can act at very low doses and are especially dangerous during pregnancy and in infancy, interfering with developmental processes.

EDCs are currently regulated in EU laws on chemicals, pesticides, biocides, as well as in water and in cosmetics legislation. However, in practice, there are major short-comings because these laws lack a concrete definition of EDCs. This is why, back in 2009 in a [major revision](#) of pesticides legislation - on which the Greens had the lead responsibility in the European Parliament - the Parliament insisted that the Commission adopt scientific criteria for the determination of endocrine-disrupting properties by end of 2013. After more than three years of work and several studies, in early summer 2013, the Commission was well on track.

However, when they had a near final draft, all hell broke loose: Scientists close to industry sent a letter of protest to the Commission, and all key players in the chemical industry asked for an impact assessment of different possible criteria. In other words, they asked for a socio-economic impact assessment - on a scientific matter. And the Commission yielded soon after: Instead of taking action on these "gender-bending" chemicals by meeting its legal obligation to adopt scientific criteria to identify them by the end of 2013, the European Commission bent over backwards to please the chemical industry. In July 2013, Secretary-General Catherine Day [instructed](#) the services to do such an impact assessment. For a detailed documentation of the lobby attack with corresponding references, see [here](#).

This course of action breaches the law as [declared](#) by the EU's General Court in December 2015 when it declared in a case brought by Sweden against the Commission that the Commission had failed to act to adopt criteria for EDCs. The Council of the European Union, the European Parliament as well as several Member States (DK, F, FI, NL) supported Sweden in its case. As if that was not enough, the Commission now even violates the [Treaties](#) by not wanting to remedy the failure to act, because it is required to take the necessary measures to remedy its failure to act. The root cause for the Commission's failure to act was the launching of an impact assessment - an assessment that is still ongoing. However, despite the judgement, the Commission wants to continue with its impact assessment, and merely accelerate it. To add insult to

injury, the Commission even wants to continue to assess the socio-economic consequences of different EDC definitions as well as regulatory changes of basic laws - issues which the court explicitly declared irrelevant or beyond the Commission's powers in the context of its obligation.

And to top it all off: there are already actual criteria ready for adoption since June 2013 - see the [draft recommendation](#). The Commission tries to justify its intention to continue breaking the law by referring to the complexity of the matter - yet it had it all figured out over two years ago!

We are living in very difficult times. One of the EU's core principles and values is the rule of law. Or as Vice-President [Timmermans](#) very rightly said in 2015: "The rule of law is part of Europe's DNA, it's part of where we come from and where we need to go. It makes us what we are". One might also want to call it the EU's last straw. If the European Commission, as the guardian of the treaties, no longer respects the treaties, it breaks even that last straw - it breaks our identity.

We Greens call on the European Commission as the guardian of the treaties to fully respect the treaties and to immediately remedy its failure to act by adopting the necessary measures for the determination of scientific criteria of endocrine-disrupting properties according to the draft recommendation it has held since 2013.

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Attached documents

[COM EDC criteria recommendation draft June 2013 1](#)

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