



C/2024/3751

24.6.2024

**Appeal brought on 29 April 2024 by Pesticide Action Network Europe (PAN Europe) against the judgment of the General Court (Fourth Chamber) delivered on 21 February 2024 in Case T-536/22, PAN Europe v Commission**

**(Case C-316/24 P)**

(C/2024/3751)

*Language of the case: French*

**Parties**

*Appellant:* Pesticide Action Network Europe (PAN Europe) (represented by: A. Bailleux, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought**

The appellant claims that the Court should:

- declare the appeal admissible and well-founded;
- set aside in its entirety the judgment delivered on 21 February 2024 by the General Court of the European Union (Fourth Chamber) in Case T-536/22;
- in accordance with the first paragraph of Article 61 of the Statute of the Court of Justice and Article 170(1) of the Rules of Procedure of the Court of Justice, give judgment in the matter and, granting the form of order submitted by the applicant at first instance, annul the decision of the Commission, properly communicated to the appellant on 18 July 2022, refusing the request for internal review of Commission Implementing Regulation (EU) 2021/2049 of 24 November 2021 renewing the approval of the active substance ‘cypermethrin’;<sup>(1)</sup>
- order the Commission to pay the costs both at first instance and on appeal.

**Grounds of appeal and main arguments**

In support of its appeal, the appellant submits that the findings of the General Court in the judgment under appeal are affected by errors of law, contradictory, insufficient and erroneous reasoning, or a distortion of evidence.

Those defects affect the judgment under appeal in so far as it endorses the position defended by the Commission in its decision refusing the request for internal review, according to which the Commission could renew the approval of the active substance ‘cypermethrin’:

- despite critical areas of concern raised by the European Food Safety Authority;
- despite a lack of data (and thus no conclusion from the European Food Safety Authority concerning cypermethrin’s endocrine disrupting potential);
- despite a significant number of other data gaps, including data which had to be provided by the applicant in the dossier supporting the application for renewal of the approval of cypermethrin;
- while attaching to it requests for confirmatory information relating to data which should have been provided in the dossier for renewal of approval or the absence of which should have led to a refusal to renew the approval;
- despite the absence of an assessment of the long-term toxicity of the reference plant protection product.

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<sup>(1)</sup> Commission Implementing Regulation (EU) 2021/2049 of 24 November 2021, renewing the approval of the active substance ‘cypermethrin’ as a candidate for substitution in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ 2021 L 420, p. 6).