



Pesticide newsletter

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Jurisdictional news



France: Authorization of Roundup Pro 360 cancelled by appeal court

In a ruling dated June 29, 2021, the Lyon Administrative Court of Appeal [rejected](#) the petitions of Bayer and the French National Food Safety Agency (ANSES) against the decision to cancel the marketing authorization for Roundup Pro 360 and confirmed the manifest error of assessment in the evaluation of the risks of glyphosate, on the basis of the precautionary principle. The cancellation of the marketing authorization for Roundup Pro 360, a request made by the Committee for Independent Research and Information on Genetic Engineering (CRIIGEN), is confirmed on appeal. The case highlights the need to apply the precautionary principle in the regulatory framework for the marketing authorization of pesticides.

Following CRIIGEN's petition, the Lyon Administrative Court had already cancelled in first instance the decision of ANSES Director General of March 6, 2017

authorizing the marketing of Roundup Pro 360. The Administrative Court of Appeal confirms the judgment of January 15, 2019, challenged on appeal by ANSES and Bayer. It emphasizes that "it is the responsibility of the administrative authority, seized of an application for marketing authorization for a pharmaceutical product, to ensure compliance with the precautionary principle guaranteed by Article 5 of the Charter of the Environment" and considers that this principle has been doubly disregarded by ANSES.

Indeed, the Court considers that "the state of scientific knowledge on the day of the authorization in dispute" leads to the hypothesis of risks for the environment related to the use of glyphosate and increased risks for human health resulting from the association of glyphosate with the co-formulants of marketed herbicides, thus justifying the application of the precautionary principle. It points out that ANSES authorized the product even before the reviews and opinions that were considered necessary for glyphosate were issued. However, the precautionary principle has precisely the merit of questioning the dangerousness of glyphosate despite the "remaining uncertainties as to its reality and its scope in the state of scientific knowledge"! The Court also noted that the marketing of Roundup Pro 360, as a resale product of another herbicide of the same composition, Typhon, led ANSES to authorize the product without re-evaluating the preparation in light of new scientific knowledge.

This ruling should put an end to the practice allowed by the pesticide marketing procedure of authorizing resale products, which is granting marketing authorizations without carrying out specific evaluations in the light of the new scientific elements available on these products. But above all, it is likely [to call into question](#) the authorizations of all glyphosate-based herbicides, which bear the same uncertainties as Roundup Pro 360.

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