



In a summary order dated June 12, 2023, the Court of the Northern Netherlands prohibited a company growing lily flowers from spraying pesticides on defined plots, due to the risk of serious harmful effects on the health of people living nearby. The interim relief judge first assessed whether, at the time of his ruling, the plaintiffs had an urgent interest in the injunction (I), before weighing up the interests involved (II).

(I) In assessing the urgency of the case, the judge noted that while summary proceedings do not require the submission of evidence, and therefore do not provide much proof of the specific risks associated with the use of plant protection products, he noted that, given the seriousness of the alleged damage, in particular the health risks, and the weekly spraying, already underway, of pesticides on crops near the plaintiffs, the latter must have an effective legal remedy to prevent these risks in the short term.

(II) In his assessment, the judge then recalls the regulations in force concerning pesticides. Pesticides can be used in the Netherlands after having been approved by the Plant Protection Products and Biocides Authorization Board on the basis of the Plant Protection Products Act (hereinafter "Wgb"). The Wgb transposes the rules included in European regulations EC 1107/2009 (approval and application of plant protection products) and EC 528/2012 (for biocidal products). Article 4, paragraph 3, of EC regulation 1107/2009 requires, in summary, that a plant protection product has no immediate or delayed harmful effect on human or animal health. There must be no unacceptable risk to humans and/or animals.

However, the judge revealed that due to gaps in scientific research, particularly concerning the risk of developing neurodegenerative diseases incurred by continuous exposure to a cocktail of pesticides, no scientific study is yet able to exclude that there are no unacceptable negative effects on humans resulting from certain plant protection products, such as those used by the lily grower. Moreover, there is currently substantial international research, both in terms of the number of studies and the number of countries involved, showing that the use of plant protection products increases the risk of neurological disorders such as Parkinson's disease, Alzheimer's disease and amyotrophic lateral sclerosis. According to the "SPRINT" study, for example, launched in a European context to obtain further information on pesticides and their effects on public health and the environment, plant protection products can spread over long distances via so-called soil-borne particles (and dust).

Thus, the Court ruled that, despite the many measures taken by the lily grower to reduce the risks associated with pesticide exposure, and the marketing authorization granted to the pesticides used, the grower's conduct violated the requirement that plant protection products must not be harmful to humans. In other words, on the basis of the current authorization requirements and the pesticide methods used, and given the current state of science, it is not possible to guarantee that the risks of harm have been reduced to an acceptable minimum for local residents.



The Court concludes the balancing of interests by stating that the risk of serious adverse effects for people living near fields where spraying takes place on a weekly basis must therefore outweigh the economic loss to the lily grower, which is a purely ornamental crop, not a food crop.