



St. Gallen, 28 August 2020

Press Release

regarding interim ruling B-3340/2020 of 24 August 2020

Chlorothalonil: Precautionary measures approved

In an interim order, the Swiss Federal Administrative Court instructs the Federal Food Safety and Veterinary Office to temporarily remove certain information from its website regarding chlorothalonil.

On its website, the Federal Food Safety and Veterinary Office (FSVO) provides information about the active substance chlorothalonil and its degradation products (metabolites), some of which can be found in drinking water. Chlorothalonil is a component of plant protection products. After reevaluation, the FSVO considers the parent substance chlorothalonil as a probable carcinogen based on the risk assessment of the European Food Safety Authority (EFSA) on chlorothalonil of 30 January 2018 and the European Commission's guidance on assessing the relevance of groundwater metabolites (2003).

Syngenta Agro AG deems this assessment to be incorrect and inadmissible. Referring to studies on metabolites that dispute a carcinogenic effect, the company requested the FSVO to revoke its reassessment of chlorothalonil. In a contestable ruling, the Federal Office dismissed the complainant's motions.

Precautionary measures

Syngenta Agro AG appealed the FSVO's decision to the Swiss Federal Administrative Court (FAC). The company asserted that the longer the FSVO disseminated incorrect information, the greater the damage to their business interests.

Evaluating summarily all stated reasons, the FAC temporarily approves the complainant's request for precautionary measures. The court thus instructs the FSVO to temporarily remove the relevant content from its website. The FAC also notes that no clear forecast of the outcome of this court case can be made, which is why the accuracy of the contested information will be examined in the decision on the main issue.

Related proceedings

The Federal Office for Agriculture withdrew on 10 December 2019 Syngenta Agro AG's license to sell a plant protection product containing chlorothalonil. Syngenta Agro AG has also lodged an appeal with the Swiss Federal Administrative Court against the revocation of this license.

This interim ruling may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007.

With its staff of 355 employees (300.8 FTE) and its 74 judges (66.25 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities.

Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.