

Announcement of appeal¹

Published on	4 September 2019
Case	A-011-2019
Appellant	Sikma D Vertriebs GmbH und Co KG, Germany
Appeal received on	15 August 2019
Subject matter	An opinion adopted by the Biocidal Products Committee of the European Chemicals Agency pursuant to Article 89(1) of Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1; the 'Biocidal Products Regulation'), and Article 7(2) of Commission Delegated Regulation (EU) No 1062/2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in the Biocidal Products Regulation (OJ L 294, 10.10.2014, p. 1)
Keywords	<i>Opinion of the Biocidal Products Committee – Admissibility – Competence of the Board of Appeal</i>
Contested Act	Opinion No ECHA/BPC/121/2016 of 11 October 2016 on an application for approval of the active substance silicon dioxide Kieselguhr for use in biocidal products of product-type 18
Language of the case	German

Background to the case

The Appellant requested the Board of Appeal to review the Contested Act. According to the Appellant, products containing the active substance silicon dioxide Kieselguhr cannot be biocidal products within the meaning of Article 3(1)(a), first indent, of the Biocidal Products Regulation because that active substance has a purely physical or mechanical action.

¹ Announcement published in accordance with Article 6(6) of Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency.

Outcome of the case

The Chairman of the Board of Appeal considered the appeal to be inadmissible because the Board of Appeal is not competent to hear appeals against opinions of the Biocidal Products Committee.

The Chairman therefore dismissed the case as inadmissible by decision of 2 September 2019.

Further information

The rules related to appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<http://echa.europa.eu/web/guest/regulations/appeals>