

Case T-339/00

Bactria Industriehygiene-Service Verwaltungs GmbH

v

Commission of the European Communities

(Regulation (EC) No 1896/2000 — Directive 98/8/EC — Biocidal products —
Action for annulment — Inadmissibility — Person individually concerned)

Order of the Court of First Instance (Second Chamber), 29 April 2002 . . . II-2289

Summary of the Order

- 1. Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Regulation on biocidal products — Action brought by a producer — Inadmissible*
(Art. 230, fourth para., EC; Commission Regulation No 1896/2000, Art. 6(2); Parliament and Council Directive 98/8, Art. 16(2))

2. *Actions for annulment — Natural or legal persons — Possible absence of remedies — No effect on the system of remedies and the conditions for admissibility of an annulment action*

1. The action brought by a producer of biocidal products against Regulation No 1896/2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8 on biocidal products is inadmissible.

exclusively for the operator serving a specific part of the market, the Regulation cannot be regarded as being of individual concern to the applicant.

(see paras 48, 50, 55)

The Regulation is addressed to all those who have an interest in the identification and notification of existing active substances and biocidal products containing those substances and not only operators who placed a biocidal product containing existing active substances on the market before 14 May 2000. In particular, Article 6(2) of the Regulation allows all producers and formulators to continue or to begin marketing existing active substances and biocidal products containing those substances for the product type(s) for which the Commission has accepted at least one notification. Since access to the identification procedures and/or notification procedures is not reserved

2. The possible absence of remedies cannot justify an amendment by way of judicial interpretation of the system of remedies and procedures laid down in the Treaty. In no case does it allow an annulment action brought by a natural or legal person to be declared admissible where it does not satisfy the conditions laid down by the fourth paragraph of Article 230 EC.

(see para. 54)