

GENERAL COURT

Judgment of the General Court of 16 November 2022 — *Sciessent v Commission*

(Cases T-122/20 and T-123/20) ⁽¹⁾

(Biocidal products — Active substances — Silver zeolite and silver copper zeolite — Refusal of approval for product-types 2 and 7 — Article 4 and Article 19(1)(b) of Regulation (EU) No 528/2012 — Efficacy — Active substances for use in treated articles — Assessment of the efficacy of the treated articles themselves — Competence of the Commission — Principle of non-discrimination — Legal certainty — Legitimate expectations)

(2023/C 24/46)

Language of the case: English

Parties

Applicant: Sciessent LLC (Beverly, Massachusetts, United States) (represented by: K. Van Maldegem and P. Sellar, lawyers, and V. McElwee, Solicitor)

Defendant: European Commission (represented by: A. Dawes and R. Lindenthal, acting as Agents)

Interveners in support of the defendant: Kingdom of Sweden (represented by: R. Shahsavan Eriksson, C. Meyer-Seitz, A. Runeskjöld, M. Salborn Hodgson, H. Shev, H. Eklinder and O. Simonsson, acting as Agents), European Chemicals Agency (represented by: M. Heikkilä, C. Buchanan and T. Zbihlej, acting as Agents)

Re:

By its actions pursuant to Article 263 TFEU, the applicant seeks the annulment of Commission Implementing Decision (EU) 2019/1960 of 26 November 2019 not approving silver zeolite as an existing active substance for use in biocidal products of product-types 2 and 7 (OJ 2019 L 306, p. 42) and Commission Implementing Decision (EU) 2019/1973 of 27 November 2019 not approving silver copper zeolite as an existing active substance for use in biocidal products of product-types 2 and 7 (OJ 2019 L 307, p. 58).

Operative part of the judgment

The Court:

1. Joins Cases T-122/20 and T-123/20 for the purposes of the present judgment;
2. Dismisses the actions;
3. Orders Sciessent LLC to bear its own costs and to pay those incurred by the European Commission;
4. Orders the Kingdom of Sweden and the European Chemicals Agency (ECHA) to each bear their own costs.

⁽¹⁾ OJ C 129, 20.4.2020.