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STATUTORY INSTRUMENTS

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**2001 No. 880**

**The Biocidal Products Regulations 2001**

**PART VI**

**MISCELLANEOUS AND GENERAL**

**Appeals**

**36.**—(1) Subject to paragraph (3), a person may appeal to the appropriate person if that person is aggrieved by a decision of the Ministers—

- (a) not to grant his application for—
  - (i) the authorisation, or the renewal of an authorisation, of a biocidal product under regulation 9 or 13,
  - (ii) the authorisation of a biocidal product under regulation 17, or
  - (iii) the registration, or the renewal of a registration, of a biocidal product under regulation 10 or 14;
- (b) to impose a condition or restriction when granting his application for—
  - (i) an authorisation of a biocidal product under regulation 9, 13 or 17, or
  - (ii) a registration of a biocidal product under regulation 10 or 14;
- (c) made pursuant to regulation 16(6), to prohibit him from conducting an experiment or test or to impose conditions regarding the conduct by him of an experiment or test;
- (d) made pursuant to regulation 20(1), to modify a condition of use subject to which an authorisation or registration has been granted to him under regulations 9 to 15 or 17;
- (e) not to modify a condition of use, subject to which an authorisation or registration has been granted to him under regulations 9 to 15 or 17, when requested by him to do so under regulation 20(2);
- (f) made pursuant to regulation 19, other than paragraph (12) of that regulation, to revoke an authorisation or a registration granted to him under regulations 9 to 15 or 17;
- (g) not to revoke an authorisation or registration granted to him under regulations 9 to 15 or 17, when requested by him to do so under regulation 19(12);
- (h) not to issue a frame-formulation, when requested by him to do so under regulation 18(1)
  - (a);
- (i) made pursuant to regulation 25, not to give their consent to him referring to information; or
- (j) made pursuant to regulation 26(2)(b), not to keep confidential information submitted by him to the Ministers.

(2) A person may appeal to the appropriate person if that person is aggrieved by a decision of the Ministers—

- (a) not to grant him a period of time longer than 3 months in which to make an application under regulation 9, 10, 11 or 12 pursuant to paragraphs 5 or 8 of Schedule 13;

- (b) not to grant him a certificate of exemption;
- (c) to impose a condition when granting him a certificate of exemption;
- (d) to revoke a certificate of exemption granted to him;
- (e) relating to the period of time for which a certificate of exemption is granted to him,

and in this paragraph, “certificate of exemption” means a certificate of exemption referred to in Schedule 13.

(3) Paragraph (1) shall not apply where the decision of the Ministers in question is made to give effect to a Commission decision.

(4) The provisions of Schedule 10 shall apply where an aggrieved person appeals to the appropriate person.

(5) Where an appeal is brought under paragraphs (1)(d), (1)(f) or (2)(d), the decision in question shall be suspended pending the final determination of the appeal.

(6) Where an appeal is brought under paragraph (1)(j), pending final determination of the appeal, the Ministers shall not disclose the information except—

- (a) to the Commission or a competent authority; and
- (b) to the extent necessary to enable the Ministers to deal with the application in question made under these Regulations.

(7) A person who receives information by virtue of paragraph (6)(b) shall not use that information except for the purposes of the Ministers.