Placing of biocidal products on the market: extension of certain time periods

2008/0188(COD) - 16/09/2009 - Final act

PURPOSE: to extend the 10-year work programme evaluating active substances used in biocidal products with the aim to include them in the Community positive list.

LEGISLATIVE ACT: Directive 2009/107/EC of the European Parliament and of the Council amending Directive 98/8/EC concerning the placing of biocidal products on the market as regards the extension of certain time periods.

CONTENT: Directive 98/8/EC provides for a transitional period of 10 years, commencing on 14 May 2000, the date of entry into force of that Directive, during which Member States may apply their national rules or practices for placing biocidal products on the market and, in particular, authorise the marketing of biocidal products containing active substances that are not yet included in the positive list set out in that Directive.

In accordance with Directive 98/8/EC, the Commission has submitted a report on the progress achieved with the 10-year work programme, two years before its completion. It is expected, based on the findings of that report, that the review of a significant number of active substances will not be finalised by 14 May 2010. Furthermore, even for the active substances for which a decision on their inclusion in the positive list set out in Directive 98/8/EC has been adopted by 14 May 2010, a sufficient time period is necessary for Member States to transpose the relevant acts and to grant, cancel or modify authorisations for the relevant products, in order to comply with the harmonised provisions of Directive 98/8/EC. There is a serious risk that, at the end of the transitional period on 14 May 2010, national rules will no longer apply, while the relevant harmonised rules will not yet have been adopted.

An extension of the 10-year work programme is therefore considered necessary, to permit the finalisation of the review of all active substances notified for evaluation.

The Council adopted a directive extending, by four years **until 14 May 2014**, the deadline for completion of an evaluation of active substances used in biocidal products, following an agreement reached with the European Parliament in the first reading.

The directive also provides for a four-year extension of a transitional period during which the marketing of biocides will continue to be regulated by national rules.

In particular, the Commission should be empowered to extend the review period and the corresponding transitional period for any remaining active substances for **up to two years**. These measures must be adopted in accordance with the regulatory procedure with scrutiny.

In accordance with point 34 of the Interinstitutional Agreement on better law-making, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.

ENTRY INTO FORCE: 26/10/2009.

TRANSPOSITION: 14/05/2010.