Making available on the market and use of biocidal products

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The presidency presented to the Council a **progress report** on the proposed regulation on biocides.

In addition to the improvements made to the drafting of the Regulation, discussions also indicate broad agreement on the following principles:

- that the new instrument should be a **Regulation** and, therefore, be directly applicable in all Member States;
- on the need to extend the **exclusion criteria** for biocidal substances to some key environmental criteria;
- on the desirability of establishing a **centralised Union authorisation procedure** for some biocidal products;
- on the need for clear and efficient procedures for the **mutual recognition of national authorisations**, avoiding undue differences between national authorisations;
- that articles or materials with a primary biocidal function should be authorised as biocidal products, while **articles or materials treated with or incorporating biocidal products** but without a primary biocidal function should be regulated in a lighter manner;
- on the need to avoid unnecessary animal testing through data waiving and data sharing; and
- that, while Member States should be free to set the amount of fees, there is a need for a harmonised structure of fees.

While there is support for the **system of Union authorisations**, there are differences in views on the scope of the system and the relevant decision-making procedures. With respect to scope, there seems to be a preference to include specific product types (e.g., in-can preservatives, metal-working fluids).

Several areas of disagreement remain at this stage, in particular regarding the role of the European Chemicals Agency (ECHA), specific procedures to encourage the placing on the market of low-risk products and on what measures, if any, should be taken to deal with "free-riders" (companies that place substances and products on the market without having contributed to the costs of their evaluation).