

# Restriction of the use for the active substance carbon dioxide

2026/2741(DEA) - 11/06/2010

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).