## Basic information

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|---|---|
| **2006/0288(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive | Procedure completed |
| Placing of biocidal products on the market: implementing powers conferred on the Commission<br><br>Amending Directive 98/8/EC 1993/0465(COD)<br><br>**Subject**<br><br>3.10.09.02 Plant health legislation<br>3.70.06 Soil pollution, deterioration | |

## Key players

**European Parliament**

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| ENVI Environment, Public Health and Food Safety | WESTLUND Åsa (PSE) | 03/04/2007 |

**Council of the European Union**

| Council configuration | Meetings | Date |
|---|---|---|
| Environment | 2856 | 2008-03-03 |

**European Commission**

| Commission DG | Commissioner |
|---|---|
| Environment | DIMAS Stavros |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 22/12/2006 | Legislative proposal published | COM(2006)0923 | Summary |
| 17/01/2007 | Committee referral announced in Parliament, 1st reading | | |
| 12/09/2007 | Vote in committee, 1st reading | | Summary |
| 25/09/2007 | Committee report tabled for plenary, 1st reading | A6-0344/2007 | |
| 14/11/2007 | Decision by Parliament, 1st reading | T6-0521/2007 | Summary |
| 14/11/2007 | Results of vote in Parliament | | |
| 03/03/2008 | Act adopted by Council after Parliament's 1st reading | | |
| 11/03/2008 | Final act signed | | |
| 11/03/2008 | End of procedure in Parliament | | |
| 20/03/2008 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 2006/0288(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Directive |
| **Amendments and repeals** | Amending Directive 98/8/EC 1993/0465(COD) |
| **Legal basis** | EC Treaty (after Amsterdam) EC 095 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | ENVI/6/44442 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE388.626 | 19/07/2007 | |
| Amendments tabled in committee | | PE393.864 | 29/08/2007 | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0344/2007 | 25/09/2007 | |
| Text adopted by Parliament, 1st reading/single reading | | T6-0521/2007 | 14/11/2007 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Draft final act | 03682/2007/LEX | 11/03/2008 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2006)0923 | 22/12/2006 | Summary |
| Commission response to text adopted in plenary | SP(2007)6527 | 18/12/2007 | |

## Additional information

| Source | Document | Date |
|---|---|---|
| National parliaments | IPEX | |
| European Commission | EUR-Lex | |

Final act

Directive 2008/0031
OJ L 081 20.03.2008, p. 0057 Summary

# Placing of biocidal products on the market: implementing powers conferred on the Commission

2006/0288(COD) - 14/11/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by the report drafted by Åsa **WESTLUND** (PES, SE), and made some amendments to the proposal for a directive amending Directive 98/8/EC concerning the placing of biocidal products on the market, as regards the implementing powers conferred to the Commission.

Parliament stated that the regulatory procedure with scrutiny will apply to common conditions for the application of Article 17(5), in particular the maximum quantities of active substances or biocidal products that may be released during experiments and the minimum data to be submitted in order to permit an assessment.

The regulatory procedure with scrutiny will also apply to amendments necessary to adapt Annex IIA, IIB, IIIA, IIIB, IVA or IVB or the descriptions of product types in Annex V to technical progress or to specify data requirements for each of these product types.

The comitology committee is named the Standing Committee on Biocidal Products.

# Placing of biocidal products on the market: implementing powers conferred on the Commission

2006/0288(COD) - 22/12/2006 - Legislative proposal

PURPOSE: to amend Directive 98/8/EC concerning the placing of biocidal products on the market by introducing a reference to the new regulatory procedure with scrutiny (comitology).

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC (CNS/2002/0298).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see ACI/2006/2152). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

# Placing of biocidal products on the market: implementing powers conferred on the Commission

2006/0288(COD) - 11/03/2008 - Final act

PURPOSE: to amend Directive 98/8/EC concerning the placing of biocidal products on the market by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Directive 2008/31/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 implementing powers conferred on the Commission.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology) has been amended by Council Decision 2006/512/EC (CNS/2002/0298).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision. This may include deleting some of those elements or supplementing the instrument, by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument in cases where:

- the draft may exceed the implementing powers provided for in the basic instrument;
- the draft is incompatible with the aim or the content of that instrument; or
- the draft fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of **26 basic instruments** already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see ACI/2006/2152). Each case has been assessed on the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The purpose of this Directive, therefore, is to amend Directive 98/8/EC concerning the placing of biocidal products on the market by introducing a reference to the new regulatory procedure with scrutiny.

ENTRY INTO FORCE: 21 March 2008.