Basic information

2022/2603(DEA) DEA - Delegated acts procedure	Procedure completed - delegated act enters into force
Work programme for the systematic examination of all existing active substances contained in biocidal products Supplementing 2009/0076(COD) **Subject** 3.40.01 Chemical industry, fertilizers, plastics	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety		

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection (Associated committee)		

Key events

Date	Event	Reference	Summary
17/03/2022	Non-legislative basic document published	C(2022)01534	
17/03/2022	Initial period for examining delegated act 2 month(s)		
23/03/2022	Committee referral announced in Parliament		
23/03/2022	Referral to associated committees announced in Parliament		
25/05/2022	Delegated act not objected by Parliament		

Technical information

Procedure reference	2022/2603(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Amendments and repeals	Supplementing 2009/0076(COD)
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	ENVI/9/08630

Documentation gateway			
European Commission			
Document type	Reference	Date	Summary
Non-legislative basic document	C(2022)01534	17/03/2022	
Document attached to the procedure	C(2022)2751	22/04/2022	
Document attached to the procedure	C(2025)0652	24/01/2025	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Work programme for the systematic examination of all existing active substances contained in biocidal products

2022/2603(DEA) - 20/12/2010

The Council reached **political agreement** on revised EU rules concerning biocidal products.

For the first time, the law (see Council documents *17474/10 ADD 1* + *ADD 2*) identifies which active substances may not be used in biocidal products. It bans substances that can cause cancer, mutations or fertility problems as well as chemicals that act as endocrine disruptors. In addition to the Commission's proposal, the Council also excluded chemicals with harmful effects on the environment. At the same time, such substances may be essential to prevent a serious danger to public health or the environment. Under certain specific conditions, they may therefore still be authorised.

The regulation now also covers articles incorporating pest control chemicals. A wide range of everyday products, for instance sleeping bags, sofas or smell-free socks, are treated with biocidal substances. They may no more be treated with unauthorised chemicals and must be labelled. Thus the new rules make such products much safer for consumers. These obligations apply to all articles treated with biocides on the EU market, including imported ones.

Current rules (directive 98/8/EC) provide for an EU-wide list of active substances permitted in biocides. Member states may authorise products containing approved chemicals if they fulfil additional conditions. Such authorisation is in principle accepted by other EU countries, following a procedure known as mutual recognition.

The new regulation supplements that with the possibility of authorising biocidal products at EU level so as to reduce the administrative burden on producers. The European Chemicals Agency will then be responsible for issuing permits for both substances and products. This will be an optional procedure in addition to the current system of national product authorisation.

As a first step, the **Council wants to introduce Union authorisation for certain product types from 2013** (in-can preservatives; film preservatives; masonry preservatives; slimicides; metalworking-fluid preservatives; embalming fluids and fibre; leather, rubber and polymerised materials preservatives).

From 2020 onwards, most biocidal products will qualify for EU authorisation. The regulation also seeks to improve the mutual recognition system.

Work programme for the systematic examination of all existing active substances contained in biocidal products

2022/2603(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).