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What you need to know about treated articles

Key information to companies about treated articles in the Biocidal Products Regulation (BPR)

When mixtures, substances or articles are treated with biocidal products, they are called ‘treated articles’. The biocidal products protect the articles from harmful organisms like pests, mould and bacteria. This *In brief* gives a short introduction to the rules and obligations for industry concerning treated articles.



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Treated articles are covered by the rules set in the BPR. According to the regulation, biocides can only be placed on the market (defined as first making available on the market) after a national or EU authorisation and an evaluation of their risks have taken place. The same is the case for active substances, which also need to be approved before they can be used in a biocide.

Articles that have been treated with a biocide do not need authorisation, but they can only be placed on the EU market when the active substance in the biocide has been approved for the specific use.

Examples of treated articles:

- a paint that contains an in-can preservative (mixture)
- a sock that contains silver fibre to prevent odour (article incorporating a biocide)
- a refrigerator that has been treated with substances to prevent mould and odour (article).

The obligations on treated articles apply also to importers of articles, which is a significant change compared to previous EU biocides laws.

NOT A TREATED ARTICLE

Treated articles that have a primary biocidal function are considered biocidal products. For example, an anti-bacterial wipe is a biocidal product – not a treated article – because its sole purpose is to control bacteria.

Articles that are treated with gas as the only biocide treatment are not considered to be treated articles if no residues of the gas treatment are expected. The same is the case for buildings and containers for storage and transport that have been disinfected and where no residues of the biocide are expected.

If you are not sure whether your product is a treated article or not, turn to your national helpdesk for advice.



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BIOCIDAL PROPERTIES

Treated articles are divided in three categories depending on their reference to active substances and their biocidal properties:

- Treated articles with no claim or reference to biocidal properties, for example, paint or ink.
- Treated articles with a claim referring to biocidal properties, for example, textiles treated with silver for antibacterial purposes.
- Treated articles with no reference to biocidal properties but with approved active substances and related labelling requirements.

In each of these three cases, the active substance must have been approved or be under review.

Labelling is always required when an article refers to biocidal properties as specified in Article 58 of the BPR.

LABELLING OF TREATED ARTICLES

Manufacturers and importers of treated articles have to make sure that products are correctly labelled. The label should be easy to read, visible and in the national language of the Member State of introduction .

When a treated article is placed on the market and it refers to the biocidal properties of the active substances within it, the label also has to contain:

- a statement that the treated article incorporates biocidal products;
- the biocidal property attributed to the treated article;
- the names of the active substances;
- if present, the names of each biocidal (nano-) substance followed by the word 'nano' in brackets; and
- any relevant instructions for use.

TRANSITIONAL MEASURES

Since 1 March 2017, companies are no longer allowed to place on the EU market any articles treated with (or intentionally incorporating) a biocidal product with an active substance which is not already approved, under review or listed in Annex I to the BPR.

Whether a treated article can be placed on the market or not depends on the status of the active substance. Four situations are possible:

1. A treated article can be placed on the market if the active substance has been assessed and approved for the biocide used to treat the article.
2. A treated article can be placed on the market if the active substance is under assessment in the Review Programme, but the decision is not yet published.
3. If the active substance is not in the Review Programme, a treated article can be placed on the market as long as an application for approval of the active substance was submitted before 1 September 2016. If an application was not submitted by this date, the treated article cannot be placed on the market after 1 March 2017.
4. A treated article can be placed on the market if the active substance is included in Annex I to the BPR – the list of substances that do not give rise to concern.

If an active substance is not approved or the application is rejected (for example, due to failure to pay the relevant fee), articles treated with or incorporating a biocidal product with that active substance should no longer be placed on the market after 180 days from the decision.

RIGHT TO ASK

Consumers have the right to ask for information on the biocidal treatment of a treated article. If a consumer requests this information, the supplier must provide it within 45 days free of charge.



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READ MORE:

A list of approved active substances, and those under review, is available on ECHA's website. You can consult this list to identify active substances for use in biocidal products and treated articles.

- » Treated articles: <https://echa.europa.eu/regulations/biocidal-products-regulation/treated-articles>
- » List of active substances (approved and under review): <https://echa.europa.eu/information-on-chemicals/biocidal-active-substances>
- » The European Commission Guidance document on treated article: <https://circabc.europa.eu/w/browse/d7363efd-d8fb-43e6-8036-5bcc5e87bf22>