

# **Control of treated articles in the Biocidal Products Regulation**

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Johanna Bernsel  
European Commission  
DG Environment, Unit A.3

# Treated articles

## Why regulate?

- Consistency between articles treated within and outside EU in terms of
  - protection of health and environment , and
  - competition
- Better control of the use of treated articles
- Better information to users



# Treated articles

## What are they?

### Definition of "treated articles" :

- Substance, mixture or article, *i.e.*, not only articles within the meaning of the REACH Regulation
- Treated with or intentionally incorporating biocidal products

### Excluded from the substantive rules:

- Container fumigation where no residues remain

# Treated articles

## What can we sell?

### Conditions for placing on the market

- All the active substances have to be approved for the relevant product type and use
- Article has to comply with any relevant conditions of approval of the active substance

# Treated articles

# Transitional rules

## **Substance/product-type combinations that have not yet been approved are allowed if**

- The substance/product-type combination is still in the review programme, or
- An application for approval is submitted before 1 September 2016

# Treated articles

## Un-intended market freeze during transition?

- **The problem**
  - Transitional rules apply to 'treated articles that were available on the market on 1 September 2013'
  - So, what if I want to introduce a new car model...?
- **The solution**
  - Commission proposal to amend BPR,  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0288:FIN:EN:PDF>
  - Inclusion of new treated articles in transitional rules, pending decision on approval of the active substance

# Treated articles

## What is a "use" permitted by the substance approval?

- **Proposed to mean any use covered by the product-type in question, except where explicitly restricted**
- **Specific uses of treated articles may be restricted in substance approvals where problem identified in substance evaluation**
  - *C.f.* use classes in approvals of wood preservatives
- **Special conditions for specific hazards or critical effects**
  - *E.g.* substances fulfilling exclusion criteria, food contact materials

# Treated articles

## What must we tell?

- **Obligation for suppliers to give some information at the request of a consumer within 45 days**
- **Labelling is required if**
  - Claim is made regarding biocidal properties of the article, or
  - Conditions of substance approval so require
- **Information to be provided in the national language**
  - Statement that article incorporates biocides
  - Biocidal property of the article
  - Name of all active substances and all nanomaterials
  - Instructions for use to protect man and environment, where appropriate
- **Instructions for use**, on any article where necessary to protect man or environment



# Treated articles considered biocidal products

## Treated articles having 'primary biocidal function' (Article 3(1)(a))

- Biocidal function = the function of controlling harmful organisms by other than mere physical or mechanical action
- Biocidal treatment for preservation of the article itself  $\neq$  biocidal function
- Primary = of first rank or importance compared with another function
- Concept to be clarified on case-by-case basis (Article 3(3))
- Criteria under discussion (intended use, claim regarding the function, concentration of active substance)

# Treated articles

## More issues open to interpretation

- 'Biocidal property' triggering labelling requirement?
- Complex articles of which only parts have been treated?
- Communication obligations further down the supply chain?
- Level of scrutiny of different uses of treated articles for the purpose of active substance approval?
- Draft Commission guidance on treated articles:  
<https://circabc.europa.eu/w/browse/a9c802ed-f80d-40c7-b113-3a6d03b2f87c>

# Thank you for your attention!

**For further information :**

***Commission website on biocides:***

**<http://ec.europa.eu/environment/biocides/>**

***CIRCABC public space for 'biocides CA meeting':***

**<https://circabc.europa.eu/w/browse/661e8fca-9353-47da-a031-c1341d6aa335>**

***ECHA website & Helpdesk on Biocides :***

**<http://echa.europa.eu/regulations/biocidal-products-regulation>**