

Brussels, **XXX**  
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**[...]**(2018) **XXX** draft

**COMMISSION IMPLEMENTING DECISION (EU) .../...**

**of **XXX****

**on the non-approval of certain active substances in biocidal products pursuant to  
Regulation (EU) No 528/2012 of the European Parliament and of the Council**

(Text with EEA relevance)

**COMMISSION IMPLEMENTING DECISION (EU) .../...**

**of XXX**

**on the non-approval of certain active substances in biocidal products pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products<sup>1</sup>, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014<sup>2</sup>, as amended by Commission Delegated Regulation (EU) 2017/698<sup>3</sup>, establishes in its Annex II a list of active substance/product-type combinations included in the programme of review of existing active substances in biocidal products on 3 February 2017.
- (2) For a number of active substance/product-type combinations included in that list, all the participants have withdrawn their support in a timely manner.
- (3) As regards some active substance/product-type combinations generated in situ, Annex II to Delegated Regulation (EU) No 1062/2014 has been amended in order to indicate in a more precise manner the name of those active substances and their precursors. This has led in certain cases to a redefinition of the active substance in accordance with Article 13 of Delegated Regulation (EU) No 1062/2014.
- (4) A notification was published inviting persons wishing to support those active substance/product-types combinations which have been redefined and currently not supported, so that the role of participant may be taken over.
- (5) For some active substance/product-type combinations no notification has been submitted or a notification has been submitted and rejected pursuant to paragraphs 4 or 5 of Article 17 of Delegated Regulation (EU) No 1062/2014.

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<sup>1</sup> OJ L 167, 27.6.2012, p. 1.

<sup>2</sup> Commission Delegated Regulation (EC) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

<sup>3</sup> Commission Delegated Regulation (EU) 2017/698 of 3 February 2017 amending Delegated Regulation (EU) No 1062/2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (OJ L 103, 19.4.2017, p. 1).

- (6) In accordance with Article 20 of Delegated Regulation (EU) No 1062/2014, those active substance/product-type combinations should not be approved for use in biocidal products.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

*Article 1*

The active substances listed in the Annex are not approved for the product-types indicated therein.

*Article 2*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*