



Brussels, **XXX**
SANTE/10568/2019
(POOL/E4/2019/10568/10568-EN.docx)
[...] (2019) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of **XXX**

**not approving carbendazim as an existing active substance for use in biocidal products
of product-type 9**

(Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION

of XXX

not approving carbendazim as an existing active substance for use in biocidal products of product-type 9

(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 products¹, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014² establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That lists includes carbendazim (EC No: 234-232-0; CAS No 10605-21-7).
- (2) Carbendazim has been evaluated for use in biocidal products of product-type 9, fibre, leather, rubber and polymerised materials preservatives, as described in Annex V to Directive 98/8/EC of the European Parliament and of the Council³, which corresponds to product-type 9 as described in Annex V to Regulation (EU) No 528/2012.
- (3) The evaluating competent authority of Germany submitted the assessment report together with its conclusions to the Commission on 2 August 2013.
- (4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency⁴ was adopted on 27 February 2019 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.
- (5) According to that opinion, biocidal products of product-type 9 containing carbendazim may not be expected to meet the criteria laid down in Article 19(1)(b) of Regulation (EU) No 528/2012 as the environmental scenarios evaluated identified unacceptable risks to the environment and no safe use could be identified.
- (6) Taking into account the opinion of the European Chemicals Agency, it is not appropriate to approve carbendazim for use in biocidal products of product-type 9, as

¹ OJ L 167, 27.6.2012, p. 1.

² Commission Delegated Regulation (EU) 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).

³ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁴ Biocidal Products Committee (BPC) opinion on the application for approval of the active substance Carbendazim, Product type: 9, ECHA/BPC/218/2019, adopted on 27 February 2019.

the conditions laid down in Article 4(1) of Regulation (EU) No 528/2012 are not satisfied.

- (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

Carbendazim (EC No: 234-232-0; CAS No: 10605-21-7) is not approved as an active substance for use in biocidal products of product-type 9.

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,

The President

For the Commission

Jean-Claude JUNCKER