EUROPEAN
COMMISSION

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COMMISSION IMPLEMENTING REGULATION (EU) …/...

of XXX

approving icaridin as an existing active substance for use in biocidal products of product-type 19

(Text with EEA relevance)

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

Whereas:

(1) Commission Delegated Regulation (EU) No 1062/2014[2] establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That list includes icaridin.

(2) Icaridin has been evaluated for use in biocidal products of product-type 19, repellents and attractants as described in Annex V to Directive 98/8/EC of the European Parliament and of the Council[3], which corresponds to product-type 19 as described in Annex V to Regulation (EU) No 528/2012.

(3) Denmark was designated as a rapporteur Member State and its evaluating competent authority submitted the assessment report together with its recommendations to the Commission on 14 January 2011.

(4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency[4] was adopted on 10 December 2019 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.

(5) It can be derived from Article 90(2) of Regulation (EU) No 528/2012 that substances for which the Member States' evaluation has been completed by 1 September 2013 should be evaluated in accordance with the provisions of Directive 98/8/EC. Following the opinion of the Agency, biocidal products of product-type 19 containing icaridin may be expected to satisfy the requirements of Article 5 of Directive 98/8/EC, provided that certain specifications and conditions concerning their use are complied with.

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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 582/2012 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 Opinion on the application for approval of the active substance Icaridin, Product type: 19, ECHA/BPC/229/2019, adopted on 10 December 2019.

(6) It is therefore appropriate to approve icaridin for use in biocidal products of product-type 19, subject to compliance with certain specifications and conditions.

(7) Since it can be derived from Article 90(2) of Regulation (EU) No 528/2012 that substances for which the Member States' evaluation has been completed by 1 September 2013 should be approved under the terms of Directive 98/8/EC, the period of approval should be 10 years, in accordance with the practice established under that Directive.

(8) A reasonable period should be allowed to elapse before an active substance is approved in order to permit interested parties to take the preparatory measures necessary to meet the new requirements.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Icaridin is approved as an active substance for use in biocidal products of product-type 19, subject to the specifications and conditions set out in the Annex.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN