



Brussels, **XXX**
SANTE/10634/2020
(POOL/E4/2020/10634/10634-EN.docx)
[...] (2020) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

approving reaction mass of peracetic acid (PAA) and peroxyoctanoic acid (POOA) as an existing active substance for use in biocidal products of product-types 2, 3 and 4

(Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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approving reaction mass of peracetic acid (PAA) and peroxyoctanoic acid (POOA) as an existing active substance for use in biocidal products of product-types 2, 3 and 4

(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 list includes peroxyoctanoic acid, to be renamed reaction mass of peracetic acid and peroxyoctanoic acid, as the result of its evaluation.
- (2) Reaction mass of peracetic acid and peroxyoctanoic acid has been evaluated for use in biocidal products of product-type 2, disinfectants and algacides not intended for direct application to humans or animals, product-type 3, veterinary hygiene, and product-type 4, food and feed area, as described in Annex V to Regulation (EU) No 528/2012.
- (3) France was designated as the rapporteur Member State and its evaluating competent authority submitted the assessment report together with its conclusions to the European Chemicals Agency ('the Agency') on 2 January 2019.
- (4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the Biocidal Products Committee adopted the opinions of the Agency³ on 4 March 2020, having regard to the conclusions of the evaluating competent authority.
- (5) According to those opinions, biocidal products of product-types 2, 3 and 4 containing reaction mass of peracetic acid and peroxyoctanoic acid may be expected to meet the criteria laid down in point (b) of Article 19(1) of Regulation (EU) No 528/2012, provided that certain specifications and conditions concerning their use are complied with.

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 Biocidal Products Committee Opinion on the application for approval of the active substance reaction mass of peracetic acid (PAA) and peroxyoctanoic acid (POOA); Product type: 2, 3 and 4; ECHA /BPC/242,243 and 244, adopted on 4 March 2020.

- (6) Taking into account the opinions of the Agency, it is appropriate to approve reaction mass of peracetic acid and peroxyoctanoic acid for use in biocidal products of product-types 2, 3 and 4, subject to compliance with certain specifications and conditions.
- (7) 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.
- (8) 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

Reaction mass of peracetic acid and peroxyoctanoic acid is approved as an active substance for use in biocidal products of product-types 2, 3 and 4 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