



Brussels, **XXX**  
SANTE/11462/2020  
(POOL/E4/2020/11462/11462-EN.docx)  
[...] (2020) **XXX** draft

## COMMISSION IMPLEMENTING DECISION

of **XXX**

**not approving esbiothrin as an existing active substance for use in biocidal products of product-type 18**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING DECISION

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## **not approving esbiothrin as an existing active substance for use in biocidal products of product-type 18**

(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> establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That lists includes esbiothrin (EC No: Not available; CAS No: 260359-57-7).
- (2) Esbiothrin has been evaluated for use in biocidal products of product-type 18, insecticides, acaricides and products to control other arthropods, as described in Annex V to Regulation (EU) No 528/2012.
- (3) Germany 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 11 January 2017.
- (4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the Biocidal Products Committee adopted the opinion of the Agency on 16 June 2020<sup>3</sup>, having regard to the conclusions of the evaluating competent authority.
- (5) According to that opinion, biocidal products of product-type 18 containing esbiothrin may not be expected to meet the criteria laid down in Article 19(1)(b) of Regulation (EU) No 528/2012 as the human health risk assessment identified unacceptable risks.
- (6) Taking into account the opinion of the Agency, the Commission considers it not appropriate to approve esbiothrin for use in biocidal products of product-type 18.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal products,

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

<sup>2</sup> 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).

<sup>3</sup> Biocidal Products Committee Opinion on the application for approval of the active substance: Esbiothrin, Product type: 18, ECHA/BPC/260/2020, adopted on 16 June 2020.

HAS ADOPTED THIS DECISION:

*Article 1*

Esbiothrin (EC No: Not available; CAS No: 260359-57-7) is not approved as an active substance for use in biocidal products of product-type 18.

*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*  
*Ursula VON DER LEYEN*