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[...](2020) **XXX** draft

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

of **XXX**

**approving active chlorine released from hypochlorous acid as an active substance for
use in biocidal products of product-types 2, 3, 4 and 5**

(Text with EEA relevance)

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

of **XXX**

approving active chlorine released from hypochlorous acid as an active substance for use in biocidal products of product-types 2, 3, 4 and 5

(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 active chlorine released from hypochlorous acid.
- (2) Active chlorine released from hypochlorous acid has been evaluated for use in biocidal products of product-type 2, private area and public health area disinfectants and other biocidal products, product-type 3, veterinary hygiene biocidal products, product-type 4, food and feed area disinfectants, and product-type 5, drinking water disinfectants as defined in Annex V to Directive 98/8/EC of the European Parliament and of the Council³, which correspond respectively to product-types 2, 3, 4 and 5 as defined in Annex V to Regulation (EU) No 528/2012.
- (3) Slovakia was designated as the rapporteur Member State and its evaluating competent authority submitted the assessment reports together with its conclusions to the Commission on 19 November 2010.
- (4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the Biocidal Products Committee adopted the opinions of the European Chemicals Agency⁴ ('the Agency') on 16 June 2020, having regard to the conclusions of the evaluating competent authority.
- (5) According to those opinions, biocidal products of product-types 2, 3, 4 and 5 using active chlorine released from hypochlorous acid by electrolysis may be expected to

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 Opinion on the application for approval of the active substance active chlorine generated from sodium chloride by electrolysis, Product type: 1, 2, 3, 4 and 5, ECHA/BPC/255, 256, 257, 258, 259 adopted on 16 June 2020

satisfy the requirements laid down in Article 5 of Directive 98/8/EC, provided that certain specifications and conditions concerning their use are complied with.

- (6) Taking into account the opinions of the Agency, it is appropriate to approve active chlorine released from hypochlorous acid for use in biocidal products of product-types 2, 3, 4 and 5 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

Active chlorine released from hypochlorous acid is approved as an active substance for use in biocidal products of product-types 2, 3, 4 and 5 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