



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 July 2012

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COVER NOTE

from:	European Commission
date of receipt:	26 July 2012
to:	General Secretariat of the Council of the European Union
No Cion doc.:	D020517/01
Subject:	Commission Directive ../.../EU of XXX correcting Annex I to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

Delegations will find attached Commission document D020517/01.

Encl.: D020517/01



EUROPEAN COMMISSION

Brussels, **XXX**
D020517/01 - CA-May12-Doc.3.6
[...] (2012) **XXX** draft

COMMISSION DIRECTIVE ../.../EU

of **XXX**

**correcting Annex I to Directive 98/8/EC of the European Parliament and of the Council
concerning the placing of biocidal products on the market**

(Text with EEA relevance)

COMMISSION DIRECTIVE ../.../EU

of XXX

correcting Annex I to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market¹, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Directive 2009/91/EC of 31 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include disodium tetraborate as an active substance in Annex I thereto² defines disodium tetraborate by three CAS numbers for three different forms of the substance. The CAS numbers are based on a report submitted to the Commission by the Netherlands on 7 July 2006 and endorsed by the Standing Committee on Biocidal Products on 20 February 2009.
- (2) The Netherlands have informed the Commission that the CAS number for the pentahydrate form in the original report was incorrect, and submitted a revised report to the Commission according to which the correct CAS number for this form is 12179-04-3. The revised report was endorsed by the Standing Committee on Biocidal Products on [date of Standing Committee meeting to be inserted].
- (3) Annex I to Directive 98/8/EC should therefore be corrected accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

¹ OJ L 123, 24.4.1998, p. 1.

² OJ L 201, 1.8.2009, p. 39.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2013 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO

ANNEX

In Annex I to Directive 98/8/EC, the third column of entry No 24 is replaced by the following:

IUPAC Name
Identification Numbers
disodium tetraborate
EC No: 215-540-4
CAS No (anhydrous): 1330-43-4
CAS No (pentahydrate): 12179-04-3
CAS No (decahydrate): 1303-96-4