COUNCIL OF THE EUROPEAN UNION

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COVER NOTE

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Subject:	Commission Decision of XXX concerning the non-inclusion of certain substances in Annex I, IA or IB 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 D022402/01.

Encl.: D022402/01

EUROPEAN COMMISSION

Brussels, XXX
D022402/01 CA-Sept12-Doc.3.1
[…](2012) XXX draft

COMMISSION DECISION

of XXX

concerning the non-inclusion of certain substances in Annex I, IA or IB 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 DECISION

of XXX

concerning the non-inclusion of certain substances in Annex I, IA or IB 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 market[1], and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market[2] establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC.

(2) For a number of substance/product type combinations included in that list, either all participants have discontinued their participation in the review programme, or no complete dossier was received within the time period specified in Articles 9 and 12(3) of Regulation (EC) No 1451/2007 by the Member State designated as Rapporteur for the evaluation.

(3) Consequently, and pursuant to Articles 11(2), 12(1) and 13(5) of Regulation (EC) No 1451/2007, the Commission informed the Member States accordingly. That information was also made public by electronic means.

(4) Within the period of three months from those publications, a number of companies indicated an interest in taking over the role of participant for certain of the substances and product-types concerned. However, those companies subsequently failed to submit a complete dossier.

[1] OJ L 123, 24.4.1998, p. 1.
[2] OJ L 325, 11.12.2007, p. 3.

(5) Pursuant to Articles 12(4) and 12(5) of Regulation (EC) No 1451/2007, the substances and product types concerned should therefore not be included in Annexes I, IA or IB to Directive 98/8/EC.

(6) In the interest of legal certainty, it is appropriate to specify the date after which biocidal products of the product-types listed in the Annex to this Decision containing the active substances listed in that Annex should no longer be placed on the market.

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

HAS ADOPTED THIS DECISION:

Article 1

The substances indicated in the Annex to this Decision shall not be included for the product-types concerned in Annexes I, IA or IB to Directive 98/8/EC.

Article 2

For the purposes of Article 4(2) of Regulation (EC) No 1451/2007, biocidal products of the product-types listed in the Annex to this Decision which contain the active substances listed in that Annex shall no longer be placed on the market with effect from 1 February 2014.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Janez POTOČNIK
Member of the Commission

ANNEX

Substances and product types not to be included in Annexes I, IA or IB to Directive 98/8/EC

Name	EC number	CAS number	Product Type	Rapporteur Member State
Glutaral	203-856-5	111-30-8	5	FI
4-(2-nitrobutyl)morpholine	218-748-3	2224-44-4	6	UK
4-(2-nitrobutyl)morpholine	218-748-3	2224-44-4	13	UK
N,N'-(decane-1,10-diyldi-1(4H)-pyridyl-4-ylidene)bis(octylammonium) dichloride	274-861-8	70775-75-6	1	HU
Salicylic acid	200-712-3	69-72-7	1	NL