



Revision of the Biocides Directive

Articles treated with biocidal products

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Biocides Information Event



Treated Articles (TA) : current situation under 98/8/EC

- BPD regulates actives and biocidal products, not articles or materials treated against organisms harmful to the articles (for internal effect)
- BPD regulates **treated articles** or materials when the biocide is released from them for external effect



« Treated Articles » (TA) : some examples falling **under** the scope

Mosquito nets



Sleeping bag – insect repellent



Socks ‘odourless’

Etc.....



Treated Articles (TA) : some examples falling outside the scope

Wool Carpets



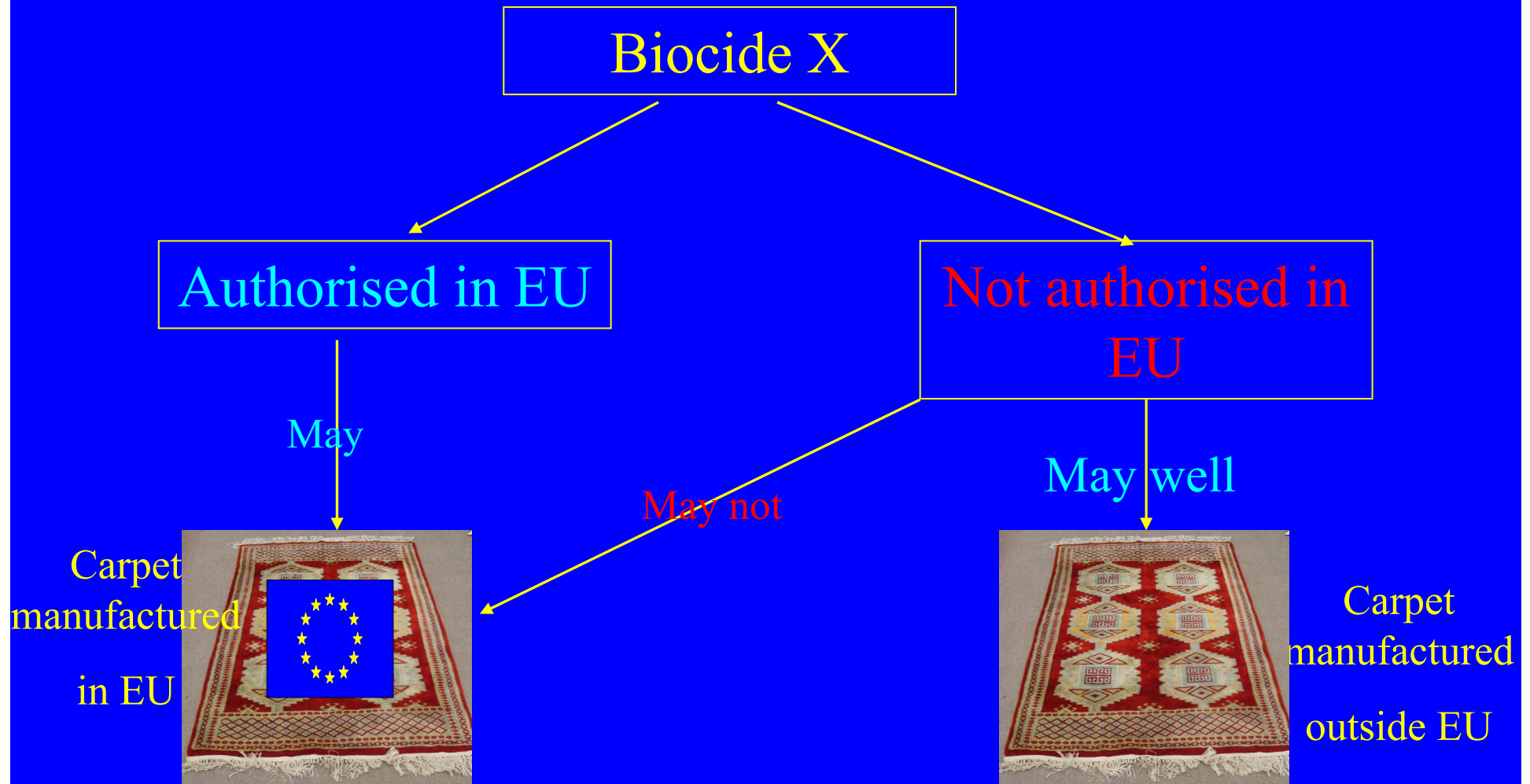
Treated wood



Etc.....



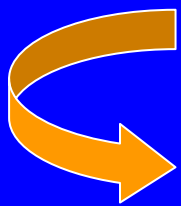
Treated Articles (TA) : what's the problem ?





A discriminatory situation for EU manufacturers and consumers

Certain products will be banned in EU for “treating” the articles but import of treated articles with those banned products may occur!




Discrimination for EU producers + unequal protection of the consumer and the environment



Treated Articles (TA) : Most significant PT concerned

- Materials and articles treated for an internal effect. Thus with preservatives:
 - PT 6: in-can preservatives
 - PT 7: film preservatives
 - PT 8: wood preservatives
 - PT 9: fibre, leather, rubber and polymerised materials preservatives
 - PT21: antifouling substances

Study Milieu – October 2006 :

	EU annual production of the TA (€)	Potential for substitution by imported articles	Quantity of actives involved (to/y)
PT6			
water-based paints	7 billion	Low	>1065
water-based adhesives	4,3 billion	Low	60-300
PT7			
Fungi-resistant paints	< 1 billion	Low	> 255
PT8 Treated wood	1200 billion	Medium	> 2000
PT9			
Wool carpets	< 700 million	Medium/high	5-6
Tanned leather	8 billion	High	50-2500



Study Milieu – October 2006 : options analysed

1. No special legal measures: reliance on Directive 76/769 and REACH
2. Labelling and product information requirements
3. Separate, simplified evaluation and approval system for active substances in treated articles
4. The US-approach: requirements for authorisation of the treated article/material, unless the “pesticide” is authorised
5. Integrated option



Study Milieu – October 2006 : options analysed

Options Objectives	Zero-option	Labelling	Simplified registration	US' approach	Integrated option
High level of protection of human health & environment	√	-	√√	√√√	√√√
Users' info	-	√√√	-	-	√√√
Equal treatment	EU Disadvantage	EU disadvantage	EU slight disadvantage	Equal treatment	Equal treatment
Free movement of goods	√	√√	√√√	√√√	√√√



Study Milieu – October 2006 : conclusions

- The study shows that **strict regulatory options** are needed in order to achieve the objectives of the BPD
- Strict regulatory options are **compatible with WTO** provided the “chosen” level of protection of human health and the environment is substantiated and the solution focuses on **substances**
- The evaluation of impacts indicates that the **integrated solution** provide the most positive results in economic social and employment terms



A Combined Option to be discussed

Bringing treated articles within the scope of the BDP : adoption of a general obligation similar to the US :

- Step 1 : substances included in Annexes I or IA
- Step 2 : authorisation or registration of the biocidal products in at least one MS
- Step 3 : labelling of treated articles and/or self – certification of manufacturers and importers



Combined option: Step 1

- Substance already assessed and listed in annex 1 or 1A:
Pre-requirement : a set of basic data already exists and data protection requirements are in order.
↪ Check proposed use(s) with available exposure scenario, dosage, efficacy, other non-actives + behaviour in articles after incorporation.
- Substance not been previously assessed: full evaluation of the substance for inclusion under Annex I for that PT



Combined option : Step 2

At least authorised in one MS after assessment of the biocidal product → use conditions

- How to apply the BP in articles ? (risk mitigation at production stage)
- How treated articles should be stored, used, disposed (risk mitigation at later stages)

+ Equivalence to an authorised BP in one MS



Combined option : Step 3

- **Labelling requirements** (for all or specific types of articles):
 - To inform consumers : “article treated with approved biocide” (+ use directions where necessary + name of active ?) + “name of product and manufacturer or seller of product” + authorisation number
 - To help inspection authority in compliance check !
- **(Self-)certification of operators**
- **Enforcement**
Contact point for stakeholders to report non-conforming articles and materials



Combined option : Impact assessment

- **Benefits to EU industry : level playing field**
- **Additional costs to EU industry for labelling**
- **Potential Additional costs for importers of treated articles**
- **Costs for administration and enforcement (testing + training of customs officials)**



Combined option : Impact assessment

Example treated timber (PT8) < ongoing RPA study (interim report)

Assumptions : 3 to 10 substances not in annex 1, import = 15 % of total market

- Annex 1 inclusion : 5 to 27 % of value of treated timber imports
- Authorisation : 0,4 to 1,5 % of value of treated timber imports

Can be avoided by switch to already authorised products!



Conclusion

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<http://ec.europa.eu/environment/biocides/index.htm>

Thank you for your attention