

SENATE OF THE REPUBLIC

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RESOLUTION OF THE 12TH STANDING COMMITTEE

(Hygiene and Health)

(*Rapporteur* LANIECE)

approved at the session of 26 June 2013

ON THE

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EU) NO 528/2012 CONCERNING THE MAKING AVAILABLE ON THE MARKET AND USE OF BIOCIDAL PRODUCTS WITH REGARD TO CERTAIN CONDITIONS FOR ACCESS TO THE MARKET (COM (2013) 288 FINAL)

pursuant to Article 144(1) and (6) of the Rules of Procedure

Sent to the President's Office on 1 July 2013

The Committee,

having examined the proposal of 16 May 2013 for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products with regard to certain conditions for access to the market (COM (2013) 288);

given that the objective of the proposal is to amend Regulation (EU) No 528/2012, which has already entered into force and is applicable from 1 September 2013, in order to avoid certain unintended consequences on the market which came to light after the approval procedure had been completed;

given in particular that, some months before the date set for Regulation (EU) No 528/2012 to become applicable, it emerged that, if the corrective measures put forward in the proposal under examination were not introduced, negative consequences would arise affecting both suppliers of new articles treated with biocidal products and suppliers of biocidal products. These consequences could lead to 'an unintended market freeze of up to eleven years for articles treated with biocidal substances which are legal on the EU market, but which have not yet been evaluated at EU level' (explanatory memorandum);

having assessed the viewpoints expressed during the informal hearings held today with representatives of the Ministry of Health, the National Institute of Health and Federchimica (National Federation of the Chemical Industry);

1) expresses a favourable opinion pursuant to Protocol 2 to the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality, as it holds that the proposal is in line with the principle of subsidiarity understood in substantive terms;

- in terms of the need for action on the part of the Union's institutions: the Regulation in force on the use of biocidal products may be amended only by means of a new Union act at the same hierarchical level issued subsequently;
- in terms of the proposal's value added for the Union: it aims to improve the functioning of the market through its objective of avoiding the 'freezing' of the market in articles treated with biocidal products which, although legal, have not yet been evaluated by the Union.

With regard to formal requirements, however, it should be highlighted that the proposal lacks a specific assessment of this issue by the European Commission, despite this being a requirement under Article 5 of Protocol 2 to the Treaty of Lisbon. As a result, it is more difficult to assess both its subsidiarity and proportionality owing to the lack of a proper explanation of the grounds and a detailed report by the European Commission. These would have been welcome in order to ease understanding of the regulatory options identified in this extremely technical and complex area;

2) also expresses a favourable opinion in respect of the content of the proposal, pointing out that neither a careful analysis of the issue nor the hearings revealed any particular threats to the environment or to health resulting from the amendments to Regulation (EU) No 528/2012;

3) recommends constant monitoring of the effects of biocidal products on public health, including with regard to the use of chlorine and its salts, and promotion of public information provision by the authorities.