



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 May 2013

9882/13

ENV	434
MI	434
AGRI	328
CHIMIE	58
DELECT	20

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 21 May 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: C(2013) 2814 final

Subject: Commission Delegated Regulation (EU) No .../. of 17.5.2013 amending
Regulation (EU) No 528/2012 of the European Parliament and of the Council
as regards the duration of the work programme for examination of existing
biocidal active substances

Delegations will find attached Commission document C(2013) 2814 final.

Encl.: C(2013) 2814 final



Brussels, 17.5.2013
C(2013) 2814 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 17.5.2013

**amending Regulation (EU) No 528/2012 of the European Parliament and of the Council
as regards the duration of the work programme for examination of existing biocidal
active substances**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The on-going work programme for the systematic examination of all existing active substances used in biocidal products was put in place in 1998, and is currently foreseen to run until 14 May 2014. According to the Communication from the Commission to the European Parliament pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products¹, the examination will only be achieved by 31 December 2024.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The approach proposed in the delegated act follows from this Communication and has been subject to further discussions and consultations with an expert group (the 'Biocides CA meeting') consisting of representatives of Member States' competent authorities for biocidal products, of the European Chemicals Agency, of the biocides industry and of the civil society in meetings of 19-21 September 2012 and of 12-14 December 2012. An updated draft of the delegated act was made public in advance of each of those meetings.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act extends the duration of the work programme until 31 December 2024.

¹ COM(2011) 498 final.

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**amending Regulation (EU) No 528/2012 of the European Parliament and of the Council
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active substances**

(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 products², and in particular the second subparagraph of Article 89(1) thereof,

Whereas:

- (1) Regulation (EU) No 528/2012 provides for the continuation of the work programme for the systematic examination of all existing active substances used in biocidal products commenced in accordance with Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market³.
- (2) The first subparagraph of Article 89(1) of Regulation (EU) No 528/2012 provides for the work programme to be achieved by 14 May 2014.
- (3) According to the Commission's latest estimations, as expressed in the Communication from the Commission to the European Parliament pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products⁴, the examination of all existing active substances used in biocidal products will only be finalised by 31 December 2024.
- (4) It is therefore appropriate to extend the work programme until that date,

² OJ L 167, 27.6.2012, p. 1.

³ OJ L 123, 24.4.1998, p. 1.

⁴ COM(2011) 498 final

HAS ADOPTED THIS REGULATION:

Article 1

The first subparagraph of Article 89(1) of Regulation (EU) No 528/2012 is replaced by the following:

“The Commission shall carry on with the work programme for the systematic examination of all existing active substances commenced in accordance with Article 16(2) of Directive 98/8/EC with the aim of achieving it by 31 December 2024. To that end, the Commission shall be empowered to adopt delegated acts in accordance with Article 83 concerning the carrying out of the work programme and specification of the related rights and obligations of the competent authorities and the participants in the programme.”

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, 17.5.2013

For the Commission
The President
José Manuel BARROSO