Active substances no longer approved under BPR.

TÜV Rheinland LGA Products - Information August 2021

On August 03, 2021, the European Commission adapted Annex II of the Biocidal Products Regulation (BPR) by implementing Decision (EU) 2021/1283 and designated fourteen active substances that will not be authorized for certain uses.

The decision will enter into force on August 23, 2021.

From this date onwards, the use of these biocides is no longer permitted for the corresponding product classes (transition periods, page 2).

The active substances listed in the Annex to the Implementing Regulation are not approved for the product types specified therein.

COMBINATIONS OF ACTIVE SUBSTANCE AND PRODUCT TYPE AFFECTED

Substance	Product type
Bronopol	PT9
Thiram	PT9
Metam sodium	PT9 and PT11
Nano-silver	PT2, PT4 and PT9
2,2-Dibromo-2-cyanoacetamide (DBNPA)	PT13
Eucalyptus citriodora oil and citronellal, hydrated, cyclized	PT19
2-Hydroxy-α,α,4-trimethylcyclohexanemethanol	PT19
Peroxyoctanoic acid	PT2, PT3 and PT4
Chlorine dioxide generated from sodium chlorite and sodium persulfate	PT2, PT3, PT 4, PT5 and PT11
Malt, extractives and their physically modified derivatives	PT19
Amines, C10-16-alkyldimethyl, N-oxides	PT4
Capsicum oleoresin	PT19
Capsicum annuum, extract	PT19
Reaction mass of (6E)-N-(4-hydroxy- 3-methoxy-2-methylphenyl)-8-methylnon- 6-enamide and -methylnonanamide	PT19

For further details, please also refer to the drafts of the Implementing Decision.

TRANSITION PERIODS

Whether and which transitional periods can be applied for the individual substances must be examined in detail. According to Article 89 of Regulation (EU) No 528/2012, as a rule, a biocidal product containing such a substance that has not been further authorised can still be marketed twelve months after the publication of the non-authorisation decision.

Helpdesk response number 0436 provides further guidance on this:
"Article 89 of Regulation (EU) No 528/2012 defines sell-by dates for different situations:

1. During the evaluation of an existing active substance, it is found that its use poses an unacceptable risk and that it is not included in the positive list of approved active substances. In this case, a biocidal product containing this active substance may still be marketed twelve months after the publication of the non-approval decision. This does not apply to active substances for which the decision already specifies a concrete date from which the corresponding products may no longer be marketed.
2. When a decision has been taken to approve an active substance, applications for authorisation of biocidal products containing these active substances must be submitted by the date specified as the approval date (approximately 1.5 years after the decision). Products without applications for authorisation may not continue to benefit from the transitional arrangements and lose their marketability. The sell-off period for these products is that they may still be marketed 180 days after the date of approval of the active substance and stocks may still be used 365 days after the date of approval of the active substance.
3. If a competent authority, after evaluating an application for authorisation, decides not to grant an authorisation for the relevant product, the biocidal product may only be marketed for 180 days from the date of rejection of the application and stocks may be used for 365 days from the date of rejection of the application.

https://www.reach-clp-biozid-helpdesk.de/DE/Biozide/FAQ/Verkehrsfaehigkeit/Verkehrsfaehigkeit.html?view=pdf
(German language only)

You can also find additional information on legal changes or legislative updates on our homepage at www.tuv.com or https://www.tuv.com/regulations-and-standards/en/

Further technical information can be obtained from:

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