The EU Biocidal Products Regulation (No. 528/2012)

Guidance document for ASD industries

January 2016
Disclaimer

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This guidance document is the product of the ASD REACH Implementation Working Group (RIWG); Sub-Working Group for the Biocidal Product Regulation (BPR).

This document contains information and recommendations which have been provided in good faith by the ASD RIWG BPR Sub-Working Group, reflecting the best knowledge available from experts in their field, and in accordance with the current consolidated amended versions of the regulatory texts at time of writing: November 2015.

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Always refer to the original legal text.

Acknowledgement

The ASD REACH Implementation Working Group (RIWG); Sub-Working Group for the Biocidal Product Regulation very much appreciates the exchange of comments, suggestions and questions with the Automotive Industry Task Force-Biocides during the development of this guidance.
Abbreviations

A&D  Aerospace and Defence
AS  Active Substance; biocidal Active Substance
ASD  AeroSpace and Defence Industries Association of Europe
AS+PT  Active Substance + Product Type
BP  Biocidal Product
BPD  Biocidal Products Directive (98/8/EC)
BPR  Biocidal Products Regulation (EU No. 528/2012)
CLP  Classification, Labelling and Packaging (EC No. 1272/2008)
EC  European Commission
ECHA  European Chemicals Agency
EEA  European Economic Area
EU  European Union
MoD  Ministry of Defence
PT  Product Type
REACH  Registration, Evaluation, Authorisation and Restriction of Chemicals (EC No. 1907/2006)
SDS  Safety Data Sheet
TA  Treated Article
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Foreword

This guidance document aims to give an overview of the 2012 EU Biocidal Products Regulation (BPR), highlighting the main changes between the new regulation and its predecessor; the 1998 EU Biocidal Products Directive (BPD).

This overview provided gives a practical interpretation from an Aerospace and Defence perspective; aiming to help readers identify if they may be affected by the regulation, where compliance issues and obsolescence risks may arise and what the main compliance obligations look like.

For the previously uninitiated, the BPR is a complex regulation requiring much interpretation to understand which substances, mixtures (formulations) and articles are regulated. Practical guidance and ‘how to’ information is presented in order to aid this understanding and to help highlight potential areas of non-compliance and obsolescence risk in the Aerospace and Defence sector.

The guidance focuses on ensuring compliance of current products and inventories (in use pre-BPR) rather than how development of new biocidal active substances and related products would be managed.

This guidance is not a comprehensive overview of the regulation and intentionally focuses on the aspects considered to be of most interest and impact to Aerospace and Defence companies. As such, the detail of many topics is excluded from scope, including but not limited to; biocidal product authorisation processes, product families, biocidal product advertising, nanomaterial and in-situ active substances, candidates for substitution. This guidance also focuses only on the BPR and does not discuss other regulatory obligations that may apply in parallel e.g. REACH, CLP.

This guidance is designed to help identify potential compliance issues before referring to the legal texts and seeking regulatory support in cases where action may be warranted.
Executive summary

The European Biocidal Products Regulation EU 528/2012 also known as the BPR, came into force on 1 September 2013 with the purpose of regulating all biocidal products (those products designed to kill, repel or inhibit undesirable organisms by any means other than merely physical or mechanical action) and the active ingredients used to give such products their biocidal efficacy.

The regulation of biocidal products in the EU ensures that all biocides are risk assessed for toxicity to humans and the environment before they are permitted to be placed on the market, and that they are sufficiently active against the harmful organisms they are designed to target. This is done via processes of approval for biocidal active substances (the active ingredients) and via authorisation of biocidal products (substances, formulations or articles that contain the active substances and are intended to be used as biocides).

Superseding an existing EU Biocidal Products Directive (98/8/EC), the BPR aims to improve free movement of biocidal products in Europe, protect health and the environment, harmonise implementation between Member States, regulate imported products that contain biocidal active substances (treated articles) and ensure fair sharing of the costs associated with approval dossiers required for biocidal active substances.

This widened scope and tightened provisions of the BPR, compared to the rescinded directive, have highlighted potential compliance obligations and associated supply risk concerns to the attention of Aerospace and Defence companies.
1.0 What is the EU Biocidal Products Regulation (BPR)?

The BPR\(^1\) is an EU regulation concerning the regulation of biocidal products; those products designed to kill, repel or inhibit undesirable organisms by any means other than merely physical or mechanical action.

The regulation aims to improve free movement of biocidal products in Europe, protect health and the environment and to harmonise implementation between Member States.

The regulation of biocidal products in the EU ensures that all biocides are risk assessed for toxicity to humans and the environment before they are permitted to be placed on the market and that they are sufficiently active against the harmful organisms they are designed to target. This is done via processes of approval for biocidal active substances (the active ingredients) and via authorisation of biocidal products (substances, formulations or articles that contain the active substances and are intended to be used as biocides).

Until September 2013, Biocidal products were regulated under the EU Biocidal Products Directive of 1998. This was superseded on September 1\(^{st}\) 2013 by the 2012 Biocidal Products Regulation. Its widened scope and tightened provisions highlighted compliance concerns to the attention of Aerospace and Defence companies.

1.1 Which countries are included?

The BPR applies within the EEA and as such Iceland, Liechtenstein and Norway are included in addition to the EU Member States.

Countries wishing to apply for accession to the EU will also be aligning their national regulations to that of the EU. For example, Turkey, whose national regulation for biocidal products is still aligned to the EU BPD, are anticipated to adopt a future regulation that mimics the BPR.

1.2 Key Definitions

Table 1 references the key definitions that are important for understanding and interpretation of the BPR. Where appropriate, examples are given and the related compliance obligations detailed. Definitions are not precisely reproduced according to the original regulatory text as per article 3 and this may be consulted in conjunction.

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<table>
<thead>
<tr>
<th>Term</th>
<th>BPR Definition</th>
<th>Example/Explanation</th>
<th>Obligations</th>
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</thead>
<tbody>
<tr>
<td>Harmful Organism</td>
<td>An organism, including pathogenic agents, which has an unwanted presence or detrimental effect on humans, their activities or the products they use or produce, on animals or the environment</td>
<td>Includes insects, microbes, bacteria, rodents, algae etc.</td>
<td>Any product containing a biocidal active substance (that has been incorporated with the intention of exploiting its biocidal property) that is being placed on the EU market may only contain existing biocidal active substances that have an approval (or contain existing biocidal active substances that are pending review via the work programme) for use in the relevant product type. Products wishing to use new biocidal active substances may not be marketed until an approval, or an interim authorisation, has been obtained. Product obligations will vary dependent on if the product is considered to be a biocidal product or a treated article.</td>
</tr>
<tr>
<td>(Biocidal) Active Substance</td>
<td>A substance or a micro-organism that has an action on or against harmful organisms.</td>
<td>These are substance level ingredients – the actual chemical or micro-organism that is responsible for acting against harmful organisms e.g. IPBC (Iodopropynyl butycarbamate) used as a preservative for formulations such as paints or cutting fluids.</td>
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</tr>
<tr>
<td>(Biocidal) Active Substance</td>
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<tr>
<td>Existing (Biocidal) Active</td>
<td>An active substance which was already available on the market in biocidal products on 14 May 2000 and which is under evaluation in the work programme for existing active substances used in biocidal products. An active substance is regarded as 'existing' only for the product-type(s) for which it is being evaluated in the work programme.</td>
<td></td>
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<tr>
<td>Substance</td>
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</tr>
<tr>
<td>New (Biocidal) Active</td>
<td>An active substance which is not 'existing' according to the above definition, i.e. an active substance which was made available on the market in biocidal products only after 14 May 2000 or which was not included in the work programme for evaluation. An active substance is 'existing' only for the product-types for which it is being evaluated in the review programme, but will be regarded as 'new' for the product-types which are not included in the work programme.</td>
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<tr>
<td>Substance</td>
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<tr>
<td>Product Type (PT)</td>
<td>There are 22 product types (PT) that are established under the BPR and listed in annex V (see appendix 1). Each biocidal active substance requiring approval for use in the EU has to be approved against a specific product type. This enables approval of some uses but not others, depending on the risks associated with use of the active substance.</td>
<td>Product types cover a wide variety of uses. Of particular relevance may be: PT6 – preservatives for products during storage, PT13 – working or cutting fluid preservatives, PT21 – antifouling products.</td>
<td>Biocidal active substances must only be used in product types for which an approval has been granted (or is identified under the work program but is still pending review).</td>
</tr>
<tr>
<td>Annex I List</td>
<td>List of active substances permitted for simplified biocidal product authorisation.</td>
<td>These active substances are considered to be low risk and as such are permitted for use in biocidal products of any product type provided that they are used in accordance with any conditions stipulated in the annex.</td>
<td>There are much simplified information requirements for the biocidal product authorisation when only using Annex I active substances. These active substances are also considered approved.</td>
</tr>
<tr>
<td>Term</td>
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<tr>
<td>Work Programme (EU) No 1062/2014 &amp; Union List of approved active substances</td>
<td>A rolling work programme that has been running since 2000. Concerned with evaluating and approving ALL existing biocidal active substances; those which have been identified against a PT use as of interest for continued use (approvals). This is an exhaustive list. An article 95 list is established that lists all suppliers/importers who have sought approval for a biocidal active substance-product type. A Union List is established, which contains all approved biocidal active substances against their PT approvals.</td>
<td>Manufacturers and importers of biocidal active substances must submit an approval dossier in order to market (or continue marketing for existing active substances) biocidal products in the EU. They are required to seek approval for each biocidal active substance-product type combination that they wish to market. The work plan will assess each approval application and determine if the ‘active substance + product type’ is approved for use or not.</td>
<td>It may take several years before an approval and products using existing actives can continue to be marketed until a decision is made provided that an approval dossier has been submitted. For approval decisions; the AS+PT will be added to the Union List. Biocidal products using the AS must apply for product authorisation before the approval decision of the last AS in the product is published. For non-approval decisions; reliant biocidal products must be withdrawn from the market within 180 days of the decision. Up to 365 days are permitted for use or disposal of existing stocks of affected biocidal products.</td>
</tr>
<tr>
<td>Article 95 List</td>
<td>A list of approved suppliers for biocidal active substances within the EU. In order to place biocidal active substances on the EU market (for their use in biocidal products); all suppliers of such active substances within the EU must be named on the article 95 list. In the case of imported biocidal products; the active substance supplier will be the biocidal product importer and must appear on the article 95 list for the relevant AS+PT. Suppliers can only be entered onto the list when they have submitted a dossier for approval of a biocidal active substance (this happens via the Work Programme) or paid for a letter of access to an existing dossier. Active substance suppliers are listed against each AS+PT for which they are an approved supplier.</td>
<td>As of September 2015, biocidal products may not be placed on the EU market unless the manufacturer or importer of the active substance (or the importer of the biocidal product in cases where they are manufactured outside of the EU) appears on the article 95 list. In some cases biocidal product suppliers may choose to be listed on article 95 in order to guarantee their sources of active substances (in case all their active substance suppliers are not listed).The obligation for article 95 listing of active substance suppliers does not apply directly to treated articles, which do not have to be sourced via an EU approved biocidal active supply chain, although they must still only contain active substances that are on the Union List, Annex I or have been notified and are pending review on the work plan.</td>
<td></td>
</tr>
<tr>
<td>Making available on the market</td>
<td>Any supply of a biocidal product or treated article for distribution or use in the course of a commercial activity, whether in return for payment or free of charge. Making available on the market of a biocidal product or treated article in the EU includes ANY SUPPLY. This applies regardless of whether the products have been purchased or supplied free of charge. It includes distribution and use of biocidal products and treated articles in addition to making them available for purchase.</td>
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<tr>
<td>Placing on the market</td>
<td>The first making available on the market of a biocidal product or treated article. Refers to the first time that a particular biocidal product or treated article is made available on the EU market.</td>
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</tbody>
</table>

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<table>
<thead>
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<th>Term</th>
<th>BPR Definition</th>
<th>Example/Explanation</th>
<th>Obligations</th>
</tr>
</thead>
</table>
| Biocidal Product (BP) | ([a] Any **substance** or **mixture**, in the form in which it is **supplied to the user**, consisting of, containing or generating one or more active substances, with the **intention** of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action,  
(b) Any **substance** or **mixture**, generated from substances or mixtures which do not themselves fall under (a), to be used with the **intention** of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action  
(c) A **treated article** that has a **primary Biocidal function** shall be considered a Biocidal product (A 'treated article with a primary biocidal function' is thus a treated article that has one or more functions, of which one is a biocidal function that is of first rank, importance, or value compared to the other functions of the treated article).) | In the case of formulations these would be products that have a primary function as a biocide; are required to kill/repel/inhibit unwanted organisms e.g., disinfectants, fumigants, insecticides, anti-fouling paints.  
Articles can also fall under the definition of biocidal products. Where they contain or are treated with an active substance whose presence contributes to one of the main intended purposes of the article e.g., insecticide impregnated mosquito nets, antibacterial wipes, antimicrobial trunking. These are all articles designed with a primary functional requirement for properties derived from use of a biocidal active substance. | Biocidal products must only contain biocidal active substances that have an approval for that product type (or have been identified and are still pending review under the work program). They may only contain biocidal active substances purchased via a manufacturer or importer who is registered on the article 95 list.  
When an article has a primary biocidal function then it will also be classed as a biocidal product.  
An authorisation for a biocidal product is needed before being placed on the market in an EU Member State. Authorisations can be applied for at national level or at Union level if the product is to be distributed throughout the EU.  
Maximum authorisation period is 10 years and there could be conditions attached to the authorisation e.g., for labelling, restriction to industrial use.  
Authorisation numbers are issued.  
For treated articles manufactured in the EU – the biocidal product that they are treated with or incorporate MUST have an authorisation.  
Imports into the EU of formulations or articles that are classed as treated articles MUST contain only active substances that are approved for the relevant product type in the EU (AS+PT approval). |
| Treated Article (TA) | **Any substance, mixture or article** which has been **treated with**, or **intentionally incorporates**, one or more biocidal products.                                                                                                                                                                                                 | **In the case of formulations;** treated articles are those that have been treated with or incorporate a biocidal product but where this does not confer a primary biocidal function e.g., metal-working fluids and paints that contain biocidal preservatives to protect the product from microbial degradation.  
**In the case of objects such as Articles as defined by REACH;** treated articles are those that have been treated with or incorporate a biocidal product but where this does not confer a primary biocidal function e.g., anti-microbial preservatives in PVC components, wooden objects treated with biocidal preservatives to prevent decay. |                                                                                                                                                                                                                                                                                                                                                                           |

Table 1: Explanation of Key terms and definitions
1.3 What are the exclusions from scope?

Article 2 sets out the scope of the regulation. It applies to all substances, formulations and articles (definition according to REACH) that meet the definitions of biocidal products and treated articles AND fall into scope of one of the product types listed in annex V of the BPR.

Exclusions from scope of the BPR are listed in article 2(2) and include items that are regulated elsewhere, such as medical devices, cosmetic products, food and feeding stuffs, veterinary medicinal products, human medicinal products, food additives, plant protection products and toys.

1.4 Are there any defence exemptions?

Article 2(8) does allow for Member States to permit exemptions from the regulation in the interests of defence:

“Member States may allow for exemptions from this Regulation in specific cases for certain biocidal products, on their own or in a treated article, where necessary in the interests of defence.”

There is no universal exclusion of the BPR duties for defence products; rather industry needs to apply for an exemption on a case by case basis. Applications for exemption are, in most cases, considered by the respective Ministry of Defence (MoD).

It is recommended to seek guidance from the relevant Member State for cases where it is believed a defence exemption would be warranted or to check that a defence exemption issued by one Member State will be recognised by another.

1.5 Compliance enforcement

Article 65 places the responsibility for surveying the market for product compliance and any subsequent enforcement with each Member State Competent Authority. As such monitoring and enforcement activities, penalties and sanctions may differ between countries. It is recommended to seek advice from the appropriate competent authority where there may be concerns regarding compliance.
2.0 Which types of products that I use or manufacture might be affected?

Examples of biocidal product and treated article products that may be used, imported or manufactured by A&D companies or their suppliers are given in table 2. Examples given represent a selection of product types (PT) considered to be of most relevance to A&D companies.

<table>
<thead>
<tr>
<th>PT 6 – Preservatives for products during storage</th>
<th>BP example</th>
<th>TA example</th>
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<tbody>
<tr>
<td>Used for preservation of manufactured products by control of microbial degradation to ensure shelf life.</td>
<td>Preservatives/biocides for fuels, lubricants, aqueous formulations</td>
<td>Fuels, lubricants, aqueous-based paints, varnishes, adhesives</td>
</tr>
</tbody>
</table>

| PT 7 – Film preservatives | | |
| Used for preservation of films or coatings from microbial degradation or algal growth in order to protect surface of material or object. | Points, sealants, adhesives designed to prevent algal or microbial surface growth (mildew, mould, algae, bacteria) | Items coated with points, sealants, adhesives, coatings designed to prevent algal or microbial growth |

| PT 9 – Fibre, leather, rubber & polymerised materials preservatives | | |
| Used to prevent microbial degradation of the above, includes products that antagonise settlement of microorganisms onto the same. | Preservatives/biocides for textiles, leather, rubber & polymers (plastics) | Upholstery, carpet, plastics, interiors |

| PT 11 – Preservatives for liquid cooling & processing systems | | |
| Biocides and fungicides for liquid processing/sealant system including cleaning | Biocide-treated liquids in coolant/liquid systems |

| PT 13 – Working or Cutting Fluid Preservatives | | |
| Biocides and fungicides for cutting fluids, metal-working fluids | Metal working fluids, cutting fluids, cutting oils |

| PT 14 – Antifouling fluid preservatives | | |
| Used to control the growth and settlement of fouling organisms on items used in water. | Marine antifouling coatings & paints | Vessels & equipment coated with or containing antifouling product |

Table 2: Examples of items that fall into scope of BPR product types relevant to A&D companies

2.1 When is a substance regulated by the BPR?

It is important to understand that substances are only regulated by the BPR when they are present in a product with the intention of performing a biocidal function that is integral to that product. When a substance is present in a product with the intention of performing a biocidal function, it will fall under the BPR definition of an active substance.

There is not a direct list of prohibited substances, rather lists of substances (active substances) that are either ‘not approved’ or ‘approved’ for use as a biocide in a particular product type. There is also a list of substances awaiting evaluation (for an approval decision) via the work programme; active substances not yet approved but nevertheless permitted to remain in commerce until a decision is taken. The work programme is discussed in further detail in section 9.1.

Substances present in products, that are not on a list of approved active substances, are not substances notified to the work programme (awaiting evaluation for approval decisions) or are non-approved active substances for that product type, could still fall into scope of the regulation. If such substances are present as biocidal active substances (included in the product for their biocidal function) then they will be classed as new active substances under the BPR. They must gain approval for use in the affected product type before being placed on the market.
Substances can have a ‘non approval’ decision against them for use in one product type and yet also have an ‘approval’ decision that permits their use in another product type. For example, boric acid is approved for use as a biocidal active substance in PTB\(^3\); wood preservatives, and yet is not approved for use in PT13\(^4\); working and cutting fluids.

A non-approval decision for the use of a substance in a particular product type does not exclude the use of that substance from such products. It merely excludes the use of that substance in such products when present as a biocidal active substance.

To use the previous example; although not approved as a biocidal active substance for use in PT13 working and cutting fluids; boric acid may still be found in metal working fluids when it is included for properties other than its biocidal function. Boric acid is typically used in such formulations for its anti-corrosive properties; it may not be present at a sufficient level in order to be efficacious as a biocidal active substance in any case, and other substances in the formulation may be present as the biocidal active substances.

This question of when a substance is present as a biocidal active substance makes it difficult for operators other than the biocidal product manufacturer to know which substances are included with the intent of exploiting their biocidal function. This makes identification of supply chain non-compliance and BPR driven obsolescence risks very challenging for A&D manufacturers who have a reliance on biocidal products and treated articles.

\[^{3}\text{Approval decision: } \url{http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0094:EN:NOT}\]
\[^{4}\text{Non approval decision: } \url{http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32008D0809}\]
3.0 How does the BPR 2012 differ from the Biocidal Products Directive 1998 (BPD)?

Under 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 (BPD), biocidal products used by A&D companies and their upstream suppliers (e.g. formulators using biocidal products as preservatives in water-based paints or cutting fluids) were already being regulated within the EU. The work programme for active substance approvals was also well established.

The post BPD years will have already affected rationalisation of the active substances permitted for use in biocidal products in the EU. The authorisation requirements for such biocidal products will have affected the selection of biocidal products available on the market within the EU. It follows that much regulatory driven obsolescence of the active substances available for use in biocidal products, and of the related biocidal products, on the EU market is expected to have already happened as a result of the BPD. There is a residual obsolescence risk that biocidal products using active substances that are still to be evaluated (which for some may not happen until 2024) could be withdrawn from sale once a decision is made as to their approval status.

New obsolescence risks may arise resulting from the additions and tightening of the regulatory scope that is introduced with the 2012 BPR.

Increased focus on ensuring cost-sharing of active substance approval dossiers and increased vigilance around imported products (treated articles) containing biocidal active substances has resulted in new measures, to address these issues, being adopted into the legal text of the BPR.

Under the BPR, it is now possible to gain authorisation of biocidal products at Union level, so that one authorisation will allow the product to be placed on the market EU wide. National level authorisations for individual Member States are also still available.

Additionally, the scope of the BPR (compared to the proceeding BPD) is expanded such that biocides for use in cutting fluids, as vermicides (against worms) and in-situ generated biocides are now specifically regulated.

3.1 Treated article compliance obligations

Under the BPD, products within the EU were regulated at 2 levels – the biocidal active substance (ingredient) level and the biocidal product level. The scope is widened in the BPR to include compliance obligations for products falling under the definition of ‘treated articles’. These are products (substances, mixtures and articles) that contain a biocidal product (such as biocidal preservatives in water-based paints) but which do not have a primary biocidal function themselves (the primary function of the paint is to protect a surface rather than to kill or repel undesired organisms).

Owing to the fact that EU manufactured treated articles will be produced using EU authorised precursor biocidal products, the likelihood of compliance issues is expected to be low. It follows that imported treated articles are most at risk of non-compliance and related obsolescence.

For treated article formulations in particular, there is a higher likelihood that upstream distributor import and direct import by member companies could evidence cases where compliance obligations
may be overlooked if it is not recognised that such products fall into scope of treated articles according to the BPR.

**Figure 1: Schematic of main compliance obligations for treated articles under the EU BPR**

Figure 1 shows a schematic of the compliance obligations for treated articles. The yellow boxes highlight the obligations that are newly introduced under the BPR.

The article 95 approved supplier list obligation does not directly apply to active substances in treated articles. By definition, an unformulated active substance used to directly produce a treated article will also be classed as a biocidal product and thus (if used in the EU for treated article manufacture) will require a biocidal product authorisation in addition to its AS+PT approval for the same use. It follows that for imported treated articles there will be no article 95 listing required in regard of the source for the active substances contained therein but for imported biocidal products this obligation is valid.

### 3.2 Article 95 List for active substance suppliers and biocidal product importers

The BPR has increased obligations for active substances in order to prevent ‘free-riding’ and promote cost-sharing of the financial outlay associated with getting an active substance approved for use in biocidal products. The article 95 list of approved active substance suppliers was introduced such that only suppliers of active substances who have contributed to the approval dossier costs are permitted to supply those active substances for use in biocidal products in the EU.

In practice there will be no effect on EU active substance suppliers who already either hold an approval or have submitted an active substance approval dossier (they will gain automatic inclusion to the article
95 list). Other suppliers (‘alternative suppliers’) will be required to put together and submit the required active substance approval dossier or to negotiate with current dossier holders in order to gain letters of access for the contents and thus satisfy the criteria for their inclusion on the article 95 list.

Importers of biocidal products will be classed as the active substance suppliers for those ingredients in their imported biocidal products and will therefore also have to be registered on the article 95 list. Imported biocidal products are therefore most at risk of non-compliance and related obsolescence. Figure 2 shows how the new requirements of the BPR (yellow box) affect biocidal products.

**Figure 2: Schematic of main compliance obligations for biocidal products under EU BPR**

Although it is typically expected that it will be the manufacturers and suppliers of active substances that will be registered on the article 95 list, it is possible for any actor to take over this responsibility for the active substances in the biocidal products they are placing on the market in the EU (so in effect they become the registered active substance supplier). Users of active substances, such as formulators of biocidal products, may wish to become registered on the article 95 list in order to guarantee their upstream active substance supply or to keep flexibility in choice of active substance supplier.

For imported biocidal products, the importer must be registered on the article 95 list against the active substances therein i.e. the biocidal product importer is the EU active substance supplier in this scenario.
All suppliers of those active substances that are either approved or notified to the work programme by 01 September 2015 must also be registered on the article 95 list by this deadline. After this date all active substances sourced in the EU for biocidal product manufacture must be purchased from a supplier on this list.

For the purposes of enforcement and compliance demonstration with article 95(2), EU producers or importers of biocidal products may need to be able to evidence that the source of the biocidal active substances contained, are article 95 compliant\(^5\). For biocidal product importers or some EU biocidal product formulators who appear on the article 95 list for the relevant AS+PT, then this is easily demonstrated. If the producer or importer itself is not listed on article 95 for the biocidal active substances, then this could be a letter from the active substance supplier or invoices for the active substance coming from an article 95 listed source, for example.

For active substances that were not required to be notified to the work programme by 01 September 2015 (such as AS+PT combinations that are new to the scope of the BPR, and had until 30 October 2015 for work programme notification) then their suppliers will be automatically added to the article 95 list when such notification is made.

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\(^{5}\) CA-May15-Doc.4.13-Final – Note for discussion with Competent Authorities. Subject: Compliance with and enforcement of Article 95: [https://circabc.europa.eu/sd/a/f3f9d952-94a1-4c31-b34a-cb7a6016b134/CA-May15-Doc.4.13%20-%20Final%20-%20Article%2095%20Implementation%20and%20Enforcement.doc](https://circabc.europa.eu/sd/a/f3f9d952-94a1-4c31-b34a-cb7a6016b134/CA-May15-Doc.4.13%20-%20Final%20-%20Article%2095%20Implementation%20and%20Enforcement.doc)
4.0 When might I have obligations under the BPR?
There are compliance obligations for substances, mixtures (formulations) and articles (per REACH definition) that are classed as biocidal products and treated articles according to the BPR.

**It is important to recognise that substances, formulations or articles (per REACH definition) can be classed as biocidal products and that both formulations and articles (per REACH definition) can be classed as treated articles.**

If you are an importer (into EU and between EEA states) or manufacturer of products that class as biocidal products or treated articles, then you will be directly affected by obligations to comply with the BPR in order to keep those products on the market.

If you are a user of products that are classed as biocidal products or treated articles, then you may be indirectly affected by the BPR due to risk of upstream reformulation or obsolescence.

4.1 If you import or manufacture BIOCIDAL PRODUCTS in the EU

**If the Biocidal Product is a Formulation...**

1) Importers will need to obtain the relevant ‘Active Substance + Product Type’ approval for the active substances in any formulations that they import into the EU that are classed as biocidal products. Manufacturers will need to ensure that their active substance suppliers are listed on the article 95 list for the product type and be able to evidence this.

2) You will also have to obtain authorisations for the biocidal product. This may be at national level if only importing or manufacturing in one Member State, or Union level to cover the whole EU.

3) You will have to comply with any labelling requirements for the biocidal products.

**NOTE: For EU sourced formulations, in the case that you import biocidal products from one Member State to another, you would need to ensure that the biocidal product has the relevant authorisations for use in each country**

**If the Biocidal Product is an Article (according to REACH)...**

1) Importers will need to obtain the relevant ‘Active Substance + Product Type’ approval for the active substances in any articles that they import or manufacture in the EU that are classed as biocidal products. Manufacturers will need to ensure that their active substance suppliers are listed on the article 95 list for the product type and be able to evidence this.

2) You will have to obtain authorisations for the biocidal product. This may be at national level if only importing or manufacturing in one Member State, or Union level to cover the whole EU.

3) You will have to comply with any labelling requirements for the biocidal products (refer to article 69).

4.2 If you import or manufacture TREATED ARTICLES in the EU

**If the Treated Article is a Formulation...**
1) You have to ensure that the biocidal active substance that is present in the formulation is approved for the relevant use in the EU i.e. has the relevant ‘Active Substance + Product Type approval’ (it is sufficient that the active substance has been approved for use in the product type; you are not required to be the approval holder).

If the Treated Article is an Article (according to REACH)...

1) You have to ensure that the biocidal active substance that is present in or on the article is approved for the relevant use in the EU i.e. has the relevant ‘Active Substance + Product Type approval’ (it is sufficient that the active substance has been approved for use in the product type; you are not required to be the approval holder). Complex articles are also in scope if the treated article component still confers a biocidal benefit to the finished article.

**NOTE:** It is important to determine which constituents of any biocidal product or treated article are the ones responsible for conferring the biocidal properties (the Active Substances). This is because some constituents that can perform as biocidal active substances may be present but may not be incorporated for that purpose.
5.0 How can I check if I have a product that is within scope of the regulation?

To fall within scope of the BPR, your product will need to fall under the definition of a treated article or a biocidal product. If it is neither, then it will not fall within scope of the BPR and is not required to meet compliance obligations.

Flowchart 1.1 gives guidance on how to determine if your product (item) falls within the scope of the BPR as either a biocidal product or treated article.

Flowchart 1.1: Identification of obligations under the BPR
6.0 I’ve identified that I manufacture, import or use products that fall within scope of the regulation. How can I check if those products are compliant with the BPR?

As it is not always obvious which substances present in a formulation or article are the biocidal active substances, in many cases a dialogue with suppliers will be required to provide assurance of compliance.

6.1 If you have a Biocidal Product

Flowchart 2.1 can be used to help identify whether your biocidal product is currently compliant with obligations of the BPR. Where there may be a compliance issue, suggested remedial actions are given. In some cases, non-compliance will mean that the product can no longer be marketed in its current form.

Flowchart 2.1: Check for biocidal product compliance

In conjunction with flowchart 2.1, table 3 provides practical guidance regarding the specifics of how to check whether the biocidal product meets the requirements necessary to assure compliance.
Parameter | How to check
--- | ---

Check ECHA website for authorisations under BPR = those issued AFTER 01/09/2013 (details which countries products have been authorised for): [http://echa.europa.eu/web/guest/information-on-chemicals/biocidal-products?approval_id=0013-14](http://echa.europa.eu/web/guest/information-on-chemicals/biocidal-products?approval_id=0013-14)

NOTE: These are not updated in ‘real time’. If product is not listed it may still be awaiting addition to the list at the next update or may not be on the public lists. In which case a check should be made with the product supplier first and relevant Member State Competent Authority second.

Does Biocidal Product have Authorisation exemptions in relevant Member States? **Article 2 (8) states that Member States may allow for exemptions from this Regulation in specific cases for certain biocidal products, on their own or in a treated article, where necessary in the interests of defence.** | Check with relevant suppliers and competent authorities for defence exemption

<table>
<thead>
<tr>
<th>Country</th>
<th>Exemptions detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 No. 1506 Chapter 4 (30) – persons are exempt from BPR and CLP IF (a) holding a defence exemption certificate made by the Secretary of State in respect of that provision; or (b) can demonstrate that the appropriate authorities of another Member State have exempted that person from compliance in the interests of defence.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Country</th>
<th>Legislation</th>
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</thead>
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<table>
<thead>
<tr>
<th>Country</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>BAUA database <a href="https://www.biozid-meldeverordnung.de/offen/">https://www.biozid-meldeverordnung.de/offen/</a></td>
</tr>
</tbody>
</table>

Are active substance supplier(s) listed on article 95 list for product type? | The article 95 list of active substance suppliers can be downloaded from the ECHA website: [http://echa.europa.eu/information-on-chemicals/active-substance-suppliers](http://echa.europa.eu/information-on-chemicals/active-substance-suppliers)

Is biocidal product importer on article 95 list for active substance(s) in biocidal product? | 

**Table 3: ‘How to’ information checks for biocidal product compliance**
6.2 If you have a Treated Article

Flowchart 3.1 can be used to help identify whether your treated article is currently compliant with obligations of the BPR. Where there may be a compliance issue, suggested remedial actions are given. In some cases, non-compliance will mean that the product can no longer be made available in its current form.

Flowchart 3.1: Check for treated article compliance

In conjunction with flowchart 3.1, table 4 provides practical guidance regarding the specifics of how to check whether the biocidal product meets the requirements necessary to assure compliance.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>How to check</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are Active Substance(s) present listed on Annex I for relevant PT?</td>
<td>Check most current text, including amendments, for annex I list in the regulation. Link available on ECHA website: <a href="http://echa.europa.eu/regulations/biocidal-products-regulation/legislation">http://echa.europa.eu/regulations/biocidal-products-regulation/legislation</a></td>
</tr>
</tbody>
</table>
substances

| Do Active Substances have a non-approval decision for the Product Type? | Check commission website for non-approvals (consolidated list also available): https://circabc.europa.eu/d/a/workspace/SpacesStore/491962c1-8f3e-4adb-9e0c-cf1a782895d9/Consolidated%20list%20of%20non-inclusion%20decisions.pdf |

Table 4: ‘How to’ check information for treated article compliance

6.2.1 Communication of information on treated articles (labelling)

If you are placing a treated article onto the market, then you will need to check whether you have to comply with requirements to communicate certain information. The required information will typically be provided on the product labelling but article 58(6) of the regulation permits for information to be provided in other locations where this is more appropriate.

Flowchart 3.2 can be used to determine information communication requirements for treated articles.

Flowchart 3.2: Guidance for treated article information communication requirements

Article 58(5) also mandates that a treated article supplier must, within 45 days of receipt of a consumer request, provide that consumer, free of charge, with information on the biocidal treatment of the treated article. Typically, A&D companies would not be expected to supply to consumers but the provision may be noted.
7.0 What about complex (treated) articles?

BPR provisions will apply to goods where one or several individual components incorporate a biocidal product, which confers a biocidal property to the finished article, such as increasing its durability. The provisions will not apply where goods are treated with or incorporate biocides in the course of manufacturing to perform a specific biocidal function at that stage of the process, but then do not give rise to an intended biocidal property in the finished goods.

Interpretation on a case by case basis may be required in order to ascertain when complex articles are defined as treated articles according to the regulation. It is important to remember that it is the finished good (at the component level and final assembly level) that is to be assessed as to whether it is classed as a treated article when placed on the market. An assembly containing treated articles will not always be classed as a treated article in its own right.

If a biocidal claim is attributed to biocide-containing goods when marketed e.g. durability, anti-odour, then this would evidence that the incorporation of a biocide in the goods was intentional and thus cause them to be classed as treated articles.

The European Commission issued a note for guidance in November 2014\(^6\) that addresses frequently asked questions on treated articles. Within the document there are notes concerned with clarifying the situation for treated articles and two examples are given:

1) **Composite wood made using glue (treated article) that contains a preservative (biocidal product)**

   Because the preservative in the glue does not confer any biocidal benefits to the overall composite wood, this would not cause the wood to be classed as a treated article.

2) **Television that contains a component (treated article) that has been treated with a fungicide (biocidal product) to prevent fungal growth**

   Because the entire television requires the component to be treated with a fungicide in order to increase the durability of the whole unit, this would cause the television to be classed as a treated article.

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\(^6\) [https://circabc.europa.eu/d/a/workspace/SpacesStore/15baa078-162c-4186-aaa2-6293a80e1561/CA-Nov14-Doc.6.1%20-Treated%20articles%20guidance%20note.doc](https://circabc.europa.eu/d/a/workspace/SpacesStore/15baa078-162c-4186-aaa2-6293a80e1561/CA-Nov14-Doc.6.1%20-Treated%20articles%20guidance%20note.doc)
8.0 Implications of Work Programme decisions for active substances

As the work programme is a substantial exercise stretching several years in duration (the first 10 years were managed in alignment to the BPD), biocidal products and treated articles whose active substances have been notified to the programme and are still awaiting evaluation are permitted to remain on the market (albeit in compliance to any Member State transitional measures) until a decision is taken.

Only once all of the active substances in a biocidal product have been approved (some products will rely on multiple active substances), can the biocidal product gain authorisation under the BPR. Biocidal product authorisation applications are to be made no later than the date of the approval decision of the last active substance. Such biocidal products may then remain on the market whilst awaiting authorisation decisions. Competent authorities must reach a decision regarding a biocidal product authorisation within 3 years of the date of approval of the last active substance (article 89(3)). In the meantime, for some product types (insecticides, rodenticides, disinfectants in particular); there will be authorisations required under respective Member State legislation that preceded the BPD & BPR and is still in place during transition.

Table 5 provides a summary of active substance notification status in the work programme and the implications for active substances, biocidal products and treated articles.

<table>
<thead>
<tr>
<th>If...</th>
<th>then...</th>
<th>by...</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS+PT NOTIFIED to work programme but not evaluated yet</td>
<td>May remain on market</td>
<td>Until AS+PT is evaluated by the work programme (EU) No. 1062/2016</td>
</tr>
<tr>
<td>AS+PT NOT NOTIFIED to work programme</td>
<td>Remove from market</td>
<td>1st Sept 2017 if new in scope of BPR** (art. 93[b]) / 1st Sept 2016 if also in scope of BPD (art. 93[a])</td>
</tr>
<tr>
<td>AS+PT is evaluated by work programme and APPROVED</td>
<td>May remain on market</td>
<td>Date of approval of the last AS in the biocidal product (art. 89(3))</td>
</tr>
<tr>
<td>AS+PT is evaluated by work programme and NOT APPROVED</td>
<td>Remove from market</td>
<td>180 days after non-approval decision (art. 94(2))</td>
</tr>
</tbody>
</table>

NOTIFIED: an applicant(s) has submitted a dossier for AS evaluation by the work programme (towards an approval) for use in a specific PT
APPROVED: a decision published that states AS is approved for use in the PT

NOT NOTIFIED: no dossiers have been submitted to support the evaluation (and approval) of the AS+PT combination
NOT APPROVED: decision published that states AS is not approved for use in the PT

*Or defence exemptions
** Newly in scope of BPR: products that were not in scope of previous BPD e.g. in-situ generated biocides, some cutting fluids, vermicides

AS+PT = Active Substance + Product Type; Active Substances have to be notified to the work programme for approval against a specific product type.
BPD = Biocidal Products Directive, 98/8/EC, which has been superseded by the BPR.

Table 5: Work programme-active substance notification stages
8.1 What are the potential implications for biocidal product availability?

There is a possibility that active substances receive a non-approval decision, in which case associated biocidal products and treated articles are required to be removed from the market within 180 days post decision. This is a very short window for performing substitution activities should aerospace or defence companies rely on products whose active substances receive a ‘not approved’ decision.

The criteria that an active substance needs to meet for an approval are clearly communicated in article 4. Owing to the costs associated with putting together active substance approval dossiers, it is not expected that those AS+PT notified to the work programme would have been supported to this end, if there was cause to expect a non-approval decision.

Approval decisions for active substances may also trigger a point of withdrawal from market for products that were in compliance whilst the active substances were under review, but for which a biocidal product authorisation cannot be commercially justified beyond this trigger for obtaining biocidal product authorisations. Any affected products are likely to be from product types not subject to Member State transitional measures and as such not previously required to have any type of biocidal product authorisation or marketing permit. For example, these could be products falling under some of the following BPR product types: PT6 preservatives for products during storage, PT9 fibre, leather, rubber and polymerised materials preservatives, PT13 working or cutting fluids.

For biocidal products whose active substances are all approved, they should be removed from the market 180 days after the approval decision for the last active substance IF authorisation is not applied for. There is a period of 365 days permitted for use of existing stocks (article 89(3)).

Also at risk are niche products that may not fit into a biocidal product authorisation portfolio when rationalised by the supplier as part of their commercial strategy. Biocidal products manufactured by SMEs are also more likely to suffer from a similar lack of business case to support the biocidal product authorisation required to keep a product on the market after the active substance approval decision triggers this obligation.

8.2 What are the potential implications for treated article availability?

Treated articles are used throughout the A&D industry. They will include formulations such as paints, lubricants, fuels, adhesives; and articles such as textile and plastic products; that contain a biocidal product (which comprises or contains the active substance). The presence of such a biocidal product (=active substance) in the treated article could be to preserve the shelf life of a formulation, protect marine equipment from fouling or to prevent mould growth on a surface.

If such treated articles were reformulated because the precursor biocidal product/active substance had to be changed, then it may affect the shelf life/longevity of such a product, where protection from harmful organisms is desirable to preserve the product. However, the preservative system used would not typically be anticipated to otherwise affect the technical specification of the treated article. If the duration of protection against product degradation/damage/interference owing to harmful organisms were reduced, then more regular replacement of affected products and more frequent maintenance or cleaning could be necessary.
In cases where either the biocidal product required to manufacture a treated article is no longer available and cannot be substituted, or where the treated article relies on an active substance that receives a non-approval decision (i.e. is thus BPR non-compliant) and similarly cannot not be substituted, then such treated articles will no longer be able to be imported or manufactured in the EU.
9.0 Durations of approvals and authorisations

Both biocidal active substance approvals and biocidal product authorisations are time limited. Regulatory compliance, regulatory fees and obsolescence risk owing to the BPR remain an ongoing concern.

9.1 Active substance approvals

Depending on certain criteria, including hazard profile and efficacy; a biocidal active substance authorisation pertaining to use in a particular product type will typically be granted for a period not exceeding 10 years (article 4).

In some cases, where the active substance meets one or more criteria laid out in article 10.1 of the regulation (related to specific intrinsic hazard properties, exposure levels and purities of the active substances), then the biocidal active substance may be given a reduced approval validity period, not exceeding 7 years and be classed as a ‘candidate for substitution’.

9.2 Biocidal product authorisations

In accordance with article 17, biocidal product authorisations can be granted for a maximum of 10 years. Authorisations can be granted for single products or for a product family (products used for similar purposes, with similar efficacies and risks and containing active substances with the same specifications). Authorisations can be granted for one Member State or at the Union level (to cover the whole EU with one authorisation). Applications to renew biocidal product authorisations must be made at least 550 days before the authorisation expires (articles 31 & 45).

9.2.1 Cancellation of biocidal product authorisations

Article 47 provides for biocidal product authorisation holders to notify, without delay, the issuing competent authority should they become aware of information concerning the biocidal active substances or the biocidal product that may affect the authorisation. This includes new data on adverse effects, development of resistance or insufficient efficacy.

The competent authority will review the granted authorisation and examine if there is a need for amendment or cancellation.

Cancellations of biocidal product authorisations will impose a need to remove products from the market. In the case of cancellations, where there is not considered an unacceptable risk to human and animal health or the environment, a period of grace not exceeding 180 days, may be granted for the making available on the market. There is the possibility of an additional grace period, not exceeding 180 days, for use of existing stocks.
10.0 What are the upcoming deadlines?
Since September 2015, all suppliers of biocidal active substances have had to be registered (i.e. bought into the cost of approval dossier) on the article 95 list in order to continue supplying active substances for use in biocidal products. This requirement has a knock-on effect for both biocidal products and treated articles produced in the EU. The main compliance deadlines to be aware of are depicted in figure 3 with information regarding the obligations for biocidal products or treated articles.

**Key Dates**

- **BPD repealed & BPR comes into force**
  - **01 Sept 2013**
  - **BPR transitional measures apply**
    - **01 Sept 2015**

- **Active substance suppliers (includes biocidal product importers) to be registered on article 95 list for relevant PT**
  - For products whose AS+PT supplier is not listed, they must be withdrawn from the market by this date* **(art. 85(4))**

- **Biocidal Products that were not in scope of BPD but are now in scope of BPR to have their AS notified to work programme for relevant PT** **(art. 83(6))**
  - **01 Sept 2016**

- **Active Substances (not listed on Annex I or Union List) to be notified to Work Programme for relevant PT** **(art. 84(1))**
  - **01 Mar 2017**

- **Treated articles containing AS+PT that have not been notified to Work Programme, nor listed on Annex I or Union List, to be removed from market by this date** **(art. 84(2))**
  - **01 Sept 2017**

- **Biocidal products that were not in scope of BPD but are now in scope of BPR and whose AS+PT is not notified to Work Programme to be removed from market by this date** **(art. 83(6))**
  - **By end 2024**

* Except where their AS+PT is not yet notified to the work programme because they are new to scope of BPR and the AS+PT has not yet been notified

**Figure 3: Schematic of key deadlines for compliance with the BPR**
11.0 Where can I find out more?

The original regulatory texts are recommended in conjunction with guidance material published by ECHA and the EC. National biocides helpdesks are a good source for asking specific questions regarding compliance. Table 6 lists links to some of these useful resources.

<table>
<thead>
<tr>
<th>Source</th>
<th>Description</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National biocides helpdesks</td>
<td>Member State competent authority websites and helpdesks are a good starting point for advice and clarifications on BRP obligations and transitional arrangements in each country.</td>
<td>ECHA list of National helpdesks: <a href="http://echa.europa.eu/web/guest/support/helpdesks/national-helpdesks/list-of-national-helpdesks">http://echa.europa.eu/web/guest/support/helpdesks/national-helpdesks/list-of-national-helpdesks</a></td>
</tr>
<tr>
<td>CIRCABC – biocides group</td>
<td>Commission website for information management; biocides interest group. Public space contains documents from competent authority meetings etc.</td>
<td><a href="https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp?formPrincipal=_idcl=FormPrincipal:_idjsp28&amp;FormPrincipal_SUBMIT=1&amp;id=ee947a95-0-8032-4df9-a3f0-f61eeff3d81b&amp;javax.faces.ViewState=roABXVyABNbtGphdmeubGfuZy5PYmpmY37k5MYxWzKWWcAAAb4cAAAAAN0AAExcHQAKy9q8c3AvZxhoZWSzaw9uL3dfs9aS9uYXZ2FQoW9uL2NvbwnhraWSicis5qc3A">https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp?formPrincipal=_idcl=FormPrincipal:_idjsp28&amp;FormPrincipal_SUBMIT=1&amp;id=ee947a95-0-8032-4df9-a3f0-f61eeff3d81b&amp;javax.faces.ViewState=roABXVyABNbtGphdmeubGfuZy5PYmpmY37k5MYxWzKWWcAAAb4cAAAAAN0AAExcHQAKy9q8c3AvZxhoZWSzaw9uL3dfs9aS9uYXZ2FQoW9uL2NvbwnhraWSicis5qc3A</a></td>
</tr>
</tbody>
</table>

**Table 6: Link to resources for further information**

The appendices to this guidance include a reproduction of the product type (PT) list taken from annex V of the regulation (appendix 1) and highlighted sections (articles) of the regulation to aid navigation to the relevant points (appendix 2).
### Appendices

A1: List of Product Types and their descriptions (from Annex V of the BPR)

<table>
<thead>
<tr>
<th><strong>MAIN GROUP 1: Disinfectants</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PT1</strong> Human hygiene</td>
</tr>
<tr>
<td><strong>PT2</strong> Disinfectants and algaeicides not intended for direct application to humans or animals</td>
</tr>
<tr>
<td><strong>PT3</strong> Veterinary hygiene</td>
</tr>
<tr>
<td><strong>PT4</strong> Food and feed area</td>
</tr>
<tr>
<td><strong>PT5</strong> Drinking water</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>MAIN GROUP 2: Preservatives</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PT6</strong> Preservatives for products during storage</td>
</tr>
<tr>
<td><strong>PT7</strong> Film preservatives</td>
</tr>
<tr>
<td><strong>PT8</strong> Wood preservatives</td>
</tr>
<tr>
<td><strong>PT9</strong> Fibre, leather, rubber and polymerised materials</td>
</tr>
<tr>
<td>Preservatives</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>Construction material preservatives</td>
</tr>
<tr>
<td>Preservatives for liquid-cooling and processing systems</td>
</tr>
<tr>
<td>Slimicides</td>
</tr>
<tr>
<td>Working or cutting fluid preservatives</td>
</tr>
</tbody>
</table>

**MAIN GROUP 3: Pest control**

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodenticides</td>
<td>Products used for the control of mice, rats or other rodents, by means other than repulsion or attraction.</td>
</tr>
<tr>
<td>Avicides</td>
<td>Products used for the control of birds, by means other than repulsion or attraction.</td>
</tr>
<tr>
<td>Molluscicides, vermicides and products to control other invertebrates</td>
<td>Products used for the control of molluscs, worms and invertebrates not covered by other product-types, by means other than repulsion or attraction.</td>
</tr>
<tr>
<td>Piscicides</td>
<td>Products used for the control of fish, by means other than repulsion or attraction.</td>
</tr>
<tr>
<td>Insecticides, acaricides and products to control other arthropods</td>
<td>Products used for the control of arthropods (e.g. insects, arachnids and crustaceans), by means other than repulsion or attraction.</td>
</tr>
<tr>
<td>Repellents and attractants</td>
<td>Products used to control harmful organisms (invertebrates such as fleas, vertebrates such as birds, fish, rodents), by repelling or attracting, including those that are used for human or veterinary hygiene either directly on the skin or indirectly in the environment of humans or animals.</td>
</tr>
<tr>
<td>Control of other vertebrates</td>
<td>Products used for the control of vertebrates other than those already covered by the other product-types of this main group, by means other than repulsion or attraction.</td>
</tr>
</tbody>
</table>

**MAIN GROUP 4: Other biocidal products**

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antifouling products</td>
<td>Products used to control the growth and settlement of fouling organisms (microbes and higher forms of plant or animal species) on vessels, aquaculture equipment or other structures used in water.</td>
</tr>
<tr>
<td>Embalming and taxidermist fluids</td>
<td>Products used for the disinfection and preservation of human or animal corpses, or parts thereof.</td>
</tr>
</tbody>
</table>