Commission Delegated Regulation (EU) 2019/157 of 6 November 2018 amending Annex II to Delegated Regulation (EU) No 1062/2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/157

of 6 November 2018

amending Annex II to Delegated Regulation (EU) No 1062/2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council

(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 products[(1)] and in particular the first subparagraph of Article 89(1) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) No 1062/2014[(2)], as amended by Commission Delegated Regulation (EU) 2017/698[(3)], sets out in its Annex II a list of active substance/product-type combinations included in the programme of review of existing active substances contained in biocidal products on 3 February 2017.

(2) The identities of certain active substances listed in Annex II which can be generated in situ have been redefined pursuant to Article 13 of Delegated Regulation (EU) No 1062/2014 in order to indicate in a more precise manner the active substances and their precursors presently covered in the work programme for systematic examination.

(3) Any person with an interest could notify a combination of an active substance and its precursors not yet covered by the new identity. Substance/product-type combinations notified pursuant to Article 14(1)(b) and found compliant by the European Chemicals Agency (the Agency) with Article 17(2) of the Delegated Regulation (EU) No 1062/2014 should be included in Annex II to that Regulation pursuant to its Article 18.

(4) Following the declarations received pursuant to Article 16(4) of Delegated Regulation (EU) No 1062/2014, an invitation was published by the Agency where any person with an interest could notify active substances in product-type 19 that benefitted from the derogation for food and feed provided for by Article 6 of Commission Regulation (EC) No 1451/2007[(4)]. The substance/product-type combinations notified pursuant to Article 16(5) and found compliant by the Agency with Article 17(2) of the Delegated

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/157. (See end of Document for details)*

Regulation (EU) No 1062/2014 should be included in Annex II to that Regulation pursuant to its Article 18.

(5) It is appropriate to indicate the Member States the competent authorities of which shall be the evaluating competent authorities for the active substance/product-type combinations to be added to Annex II to Delegated Regulation (EU) No 1062/2014.

(6) Active substance/product-type combinations for which a decision of approval or non-approval has been taken after 3 February 2017 should no longer be included in Annex II to Delegated Regulation (EU) No 1062/2014.

(7) In order to reflect the actual situation and for reasons of legal certainty it is appropriate to provide a list of active substance/product-type combinations included in the programme of review of existing active substances contained in biocidal products on the day of adoption of this Regulation.

(8) Delegated Regulation (EU) No 1062/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Delegated Regulation (EU) No 1062/2014 is replaced by the Annex to this Regulation.

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, 6 November 2018.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

ANNEX II

SUBSTANCE/PRODUCT-TYPE COMBINATIONS INCLUDED IN THE REVIEW PROGRAMME ON 6 NOVEMBER 2018

Active substance/product-type combinations supported on 6 November 2018, excluding any other nanomaterial than those explicitly mentioned in entries 1017 and 1023, and excluding any generation in situ of the active substance except when explicitly mentioned with the reference to the supported precursor(s).

Entry number	Substance name	Rapporteur Member State	EC number	CAS number	2	3	4	5	6	7	8	9	10	11	12	13	17	18	19	21	22
1	Formaldehyde	DE	200-001-8	50-00-0	x	x															x
9	Bronopol	ES	200-143-0	52-51-7	x				x			x		x	x						x
36	Ethanol	FI	200-578-6	64-17-5	x		x														
37	Formic acid	BE	200-579-1	64-18-6	x	x	x	x	x					x	x						
1025	Peracetic acid generated from formic acid and hydrogen peroxide	BE			x	x	x	x	x					x	x						
43	Salicylic acid	NL	200-712-3	69-72-7	x	x	x														
52	Ethylene oxide	NO	200-849-9	75-21-8	x																
69	Glycolic acid	NL	201-180-5	79-14-1	x	x	x														
1026	Peracetic acid generated from tetraacetylethylenediamine (TAED) and hydrogen peroxide	AT			x																
1027	Peracetic acid generated	AT			x		x														

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	from 1,3-diacetyloxypropan-2-yl acetate and hydrogen peroxide																					
1028	Peracetic acid generated from tetraacetylethylenediamine (TAED) and sodium perborate monohydrate	AT					x															
1029	Peracetic acid generated by perhydrolysis of N-acetylcaprolactam by hydrogen peroxide in alkaline conditions	AT				x																
71	L-(+)-lactic acid	DE	201-79-6-2-4							x												
79	(2R,6aS,12aS)-1,2,6,6a,12,12a-Hexahydro-2-isopropenyl-8,9-dimethoxychromeno[3,4-b]furo[2,3-h]chromen-6-one (Rotenone)	UK	201-83-7-9-6															x				
85	Symclosene-87-9-8-1	UK	201-87-9-0	x	x	x	x								x	x						
92	Biphenyl-ol	ES	201-90-4-5-7						x		x	x										
113	3-Phenyl-	UK	203-21-5-5-2	x																		

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	propen-2-al (Cinnamaldehyde)																					
117	Geraniol	ER	203-377-1	106-24-1														x	x			
122	Glyoxal	ER	203-474-9	107-22-2	x	x																
133	Hexa-2,4-dienoic acid (Sorbic acid)	ER	203-768-7	110-44-1				x														
154	Chloroprene	NO	204-818-2	126-99-8																		
171	2-Phenoxyethanol	UK	204-589-7	122-99-6		x		x								x						
1072	Carbon dioxide	ER	204-696-9	124-38-9															x			
179	Carbon dioxide generated from propane, butane or a mixture of both by combustion	ER																	x			
180	Sodium dimethylarsinate (Sodium Cacodylate)	PT	204-708-2	124-65-2														x				
185	Tosylchloramide sodium (Chloramin T)	ES	204-854-7	127-65-1	x	x	x															
187	Potassium dimethyldithiocarbamate	UK	205-548-0	128-03-0							x		x	x								
188	Sodium dimethyldithiocarbamate	UK	205-548-0	128-04-1							x		x	x								
195	Sodium 2-biphenylate	ES	205-055-6	132-27-4		x		x	x		x	x			x							
206	Thiram	BE	205-286-2	137-26-8							x											