# Commission Delegated Regulation (EU) 2017/698 of 3 February 2017 amending 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 concerning the making available on the market and use of biocidal products (Text with EEA relevance)

## COMMISSION DELEGATED REGULATION (EU) 2017/698

of 3 February 2017

amending 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 concerning the making available on the market and use of biocidal products

(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 Article 89(1) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) No 1062/2014[(2)] sets out, in its Annex II, an exhaustive list of existing active substances/product-type combinations included in the programme of review of existing biocidal active substances on 4 August 2014.

(2) According to Article 14(3) of Delegated Regulation (EU) No 1062/2014, any person could have notified a substance/product-type combination included in part 2 of Annex II thereto within 12 months from the entry into force of that Regulation. Since that deadline has passed, part 2 of Annex II and Article 14(3) of that Regulation have become obsolete and Commission Implementing Decision (EU) 2016/1950[(3)] has been taken not approving these substance/product type combinations.

(3) Substance/product-type combinations notified pursuant to Article 14(3) and found compliant with Article 17(2) of Delegated Regulation (EU) No 1062/2014 should be included in part 1 of Annex II to that Regulation and removed from part 2 of that Annex.

(4) According to Article 16(4) of Delegated Regulation (EU) No 1062/2014, an invitation was published where any person with an interest could notify the relevant active substance/product-type combination(s). One notification pursuant to Article 16(5) of Delegated Regulation (EU) No 1062/2014 and concerning dialuminium chloride pentahydroxide for use in product-type 2, was made before the deadline and was found compliant with Article 17(2) of Delegated Regulation (EU) No 1062/2014.

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/698. (See end of Document for details)*

Therefore this substance/product-type combination has to be included in part 1 of Annex II to that Regulation.

(5) The Evaluating Competent Authority should be appointed pursuant to Article 81 of Regulation (EU) No 528/2012 for the active substance/product-type combinations mentioned in recital 3 and 4.

(6) Active substance/product-type combinations for which a decision of approval or non-approval has been adopted since 4 August 2014 are no longer in the review programme, and therefore shall no longer be referred to in part 1 of Annex II to Delegated Regulation (EU) No 1062/2014.

(7) The substance/product-type combinations listed in part 2 of Annex II to Delegated Regulation (EU) No 1062/2014 that were not notified pursuant to Article 14(3) of the Review Regulation should be removed from part 2 of that Annex. Part 2 of that Annex therefore becomes obsolete and should be removed.

(8) Consequently, part 1 of Annex II to Delegated Regulation (EU) No 1062/2014 should become Annex II as it is the only remaining part in Annex II and references to Article 14(3) and part 1 of Annex II need to be removed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Delegated Regulation (EU) No 1062/2014 is amended as follows:

(1) In Article 14, paragraph 3 is deleted.

(2) Article 17 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. Notifications pursuant to Article 14(2) or Article 16(5) shall be made to the Agency through the Register.

(b) in paragraph 7, point (a) is replaced by the following:

(a) where the notification has been submitted pursuant to Article 14(2), update the information in the Register with respect to the identity of the participant and, where relevant, of the substance;.

(3) In Article 20 points (b) and (c) are replaced by the following:

(b) where no person has submitted a notification within the time limits provided for by Article 14(2) of this Regulation, or where such a notification has been submitted and rejected pursuant to Article 17(4) or Article 17(5) thereof;

(c) where a notification has been submitted within the time limits provided for by Article 14(2) of this Regulation and has been found compliant pursuant to Article 17(5) thereof, but the substance identity in the notification only covers part of the existing identity in Annex II to this Regulation..

(4) Annex II is replaced by the text set out in the Annex to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/698. (See end of Document for details)*

*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, 3 February 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/698. (See end of Document for details)*

ANNEX

ANNEX II

**SUBSTANCE/PRODUCT-TYPE COMBINATIONS INCLUDED IN THE REVIEW PROGRAMME ON 3 FEBRUARY 2017**

**Active substance/product-type combinations supported on 3 February 2017 excluding any other nanomaterial than those explicitly mentioned in entries 1017, 1019 and 1023**

| Entry number | Substance | 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 | 200-00-1 | 50-0-8 | x | x | | | | | | | | | | | | | | | x |
| 6 | 2-(2-butoxyethoxy)ethyl 6-propylpiperonyl ether (Piperonyl butoxide/ PBO) | EL | 200-07-6 | 51-6-7 | | | | | | | | | | | | | | x | | | |
| 9 | Bronopol | ES | 200-12-5 | 52-5-1 | x | | | | x | | | x | | x | x | | | | | | x |
| 36 | Ethanol | EL | 200-64-8 | 64-8-7 | x | | x | | | | | | | | | | | | | | |
| 37 | Formic acid | BE | 200-64-9 | 64-9-1 | x | x | x | x | x | | | | | x | x | | | | | | |
| 43 | Salicylic acid | NL | 200-69-2 | 69-2-3 | x | x | x | | | | | | | | | | | | | | |
| 45 | Propan-1-ol | DE | 200-71-6 | 71-6-3 | x | | x | | | | | | | | | | | | | | |
| 52 | Ethylene oxide | N | 200-84-2 | 84-2-9 | x | | | | | | | | | | | | | | | | |
| 60 | Citric acid | BE | 201-07-9 | 77-9-2 | | | | | | | | | | | | | | | | | |
| 69 | Glycolic acid | NL | 201-18-0 | 79-0-4 | x | x | x | | | | | | | | | | | | | | |
| 70 | Peracetic acid | EL | 201-18-6 | 79-6-1 | | | | | | | | | | x | x | | | | | | |
| 71 | L-(+)-lactic acid | DE | 201-19-6 | 79-6-3 | x | x | x | | x | | | | | | | | | | | | |
| 79 | (2R,6aS,12aS)-1,2,6,6a,12,12a-hexahydro-2- | UK | 201-83-7 | 83-7-9 | | | | | | | | | | | | | x | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | isopropenyl-8,9-dimethoxychromeno[3,4-b]furo[2,3-h]chromen-6-one (Rotenone) | | | | | | | | | | | | | | | | | | | | | | | |
| 85 | Symclosene | UK | 201-782-8 | 87-90-1 | x | x | x | x | | | | | | x | x | | | | | | | | | |
| 92 | Biphenyl-2-ol | ES | 201-993-5 | 90-43-7 | | | | | | x | | x | x | | | | | | | | | | | |
| 113 | Cinnamaldehyde; 3-phenyl-propen-2-al (Cinnamic aldehyde) | UK | 203-213-9 | 104-55-2 | x | | | | | | | | | | | | | | | | | | | |
| 117 | Geraniol | FR | 203-377-1 | 106-24-1 | | | | | | | | | | | | | | | | x | x | | | |
| 122 | Glyoxal | FR | 203-474-9 | 107-22-2 | x | x | x | | | | | | | | | | | | | | | | | |
| 133 | Hexa-2,4-dienoic acid (Sorbic acid) | DE | 203-768-7 | 110-44-1 | | | | x | | | | | | | | | | | | | | | | |
| 154 | Clorophene | NL | 204-385-8 | 120-32-1 | x | | | | | | | | | | | | | | | | | | | |
| 171 | 2-Phenoxyethanol | UK | 204-589-7 | 122-99-6 | | x | | x | | | | | | | | x | | | | | | | | |
| 172 | Cetylpyridinium chloride | UK | 204-593-9 | 123-03-5 | x | | | | | | | | | | | | | | | | | | | |
| 179 | Carbon dioxide | FR | 204-696-9 | 124-38-9 | | | | | | | | | | | | | | | | | x | | | |
| 180 | Sodium dimethylarsinate (Sodium Cacodylate) | PT | 204-708-2 | 124-65-2 | | | | | | | | | | | | | | | | x | | | | |
| 185 | Tosylchloramide sodium (Tosylchloramide sodium — Chloramin T) | ES | 204-854-7 | 127-65-1 | x | x | x | x | | | | | | | | | | | | | | | | |
| 187 | Potassium dimethyldithiocarbamate | UK | 204-875-0 | 128-03-0 | | | | | | | | x | | x | x | | | | | | | | | |
| 188 | Sodium dimethyldithiocarbamate | UK | 204-876-6 | 128-04-1 | | | | | | | | x | | x | x | | | | | | | | | |