Commission Implementing Regulation (EU) 2015/417 of 12 March 2015 approving Bacillus sphaericus 2362 serotype H5a5b, strain ABTS1743 as an active substance for use in biocidal products for product-type 18 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/417

of 12 March 2015

approving *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 as an active substance for use in biocidal products for product-type 18

(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 third subparagraph of Article 89(1) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) No 1062/2014[(2)] establishes a list of active substances to be evaluated with a view to their possible approval for use in biocidal products or inclusion into Annex I to Regulation (EU) No 528/2012. That list includes *Bacillus sphaericus*.

(2) *Bacillus sphaericus* has been evaluated in accordance with Article 90(2) of Regulation (EU) No 528/2012 for use in biocidal products for product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to Regulation (EU) No 528/2012.

(3) The data submitted for the purpose of the evaluation allowed conclusions to be drawn only regarding a certain form of *Bacillus sphaericus*, i.e. *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743. The evaluation did not allow conclusions to be drawn regarding any other substance complying with the definition of *Bacillus sphaericus* in the abovementioned list of active substances in Delegated Regulation (EU) No 1062/2014. Therefore, only *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 should be covered by this approval.

(4) Italy was designated as evaluating competent authority and submitted an assessment report, together with its recommendations, to the Commission on 9 January 2009 in accordance with paragraphs 4 and 6 of Article 14 of Commission Regulation (EC) No 1451/2007[(3)].

(5) The opinion of the European Chemicals Agency was formulated on 19 June 2014 by the Biocidal Product Committee, having regard to the conclusions of the evaluating competent authority.

(6) According to that opinion, biocidal products used for product-type 18 and containing *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC of the European Parliament and of the Council[4] provided that certain specifications and conditions relating to its use are satisfied.

(7) It is therefore appropriate to approve *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 for use in biocidal products for product-type 18 subject to compliance with certain specifications and conditions.

(8) Since the evaluations did not address nanomaterials, the approval should not cover such materials in accordance with Article 4(4) of Regulation (EU) No 528/2012.

(9) A reasonable period should be allowed to elapse before an active substance is approved, in order to permit interested parties to take the preparatory measures necessary to meet the new requirements.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Bacillus sphaericus 2362 serotype H5a5b, strain ABTS1743 shall be approved as an active substance for use in biocidal products for product-type 18, subject to the specifications and conditions set out in the Annex.

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, 12 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/417. (See end of Document for details)*

ANNEX

Common Name	**IUPAC NameIdentification Numbers**	**Minimum degree of purity of the active substance**[a]	**Date of approval**	**Expiry date of approval**	**Product type**	**Specific conditions**[b]
Bacillus sphaericus 2362 serotype H5a5b, strain ABTS1743	Not applicable	No relevant impurities	1 July 2016	30 June 2026	18	The product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union level risk assessment of the active substance. For biocidal products, authorisations are subject to the following conditions: (1) For professional users, safe operational procedures and appropriate organisational measures

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/417. (See end of Document for details)*

							shall be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment.
						(2)	For products that may lead to residues in food or feed, the need to set new or to amend existing maximum residue levels (MRLs) in accordance with Regulation (EC)