Commission Implementing Decision (EU) 2019/1942 of 22 November 2019 not approving carbendazim as an existing active substance for use in biocidal products of product-type 9 (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1942

of 22 November 2019

not approving carbendazim as an existing active substance for use in biocidal products of product-type 9

(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 existing active substances to be evaluated for their possible approval for use in biocidal products. That lists includes carbendazim (EC No: 234-232-0; CAS No 10605-21-7).

(2) Carbendazim has been evaluated for use in biocidal products of product-type 9, fibre, leather, rubber and polymerised materials preservatives, as described in Annex V to Directive 98/8/EC of the European Parliament and of the Council[(3)], which corresponds to product-type 9 as described in Annex V to Regulation (EU) No 528/2012.

(3) The evaluating competent authority of Germany submitted the assessment report together with its conclusions to the Commission on 2 August 2013.

(4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency[(4)] was adopted on 27 February 2019 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.

(5) According to that opinion, biocidal products of product-type 9 containing carbendazim may not be expected to meet the criteria laid down in Article 19(1)(b) of Regulation (EU) No 528/2012 as the environmental scenarios evaluated identified unacceptable risks to the environment and no safe use could be identified.

(6) Taking into account the opinion of the European Chemicals Agency, it is not appropriate to approve carbendazim for use in biocidal products of product-type 9, as the conditions laid down in Article 4(1) of Regulation (EU) No 528/2012 are not satisfied.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal products,

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1942. (See end of Document for details)*

HAS ADOPTED THIS DECISION:

Article 1

Carbendazim (EC No: 234-232-0; CAS No: 10605-21-7) is not approved as an active substance for use in biocidal products of product-type 9.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 November 2019.

For the Commission

The President

Jean-Claude JUNCKER