Commission Implementing Regulation (EU) No 90/2014 of 31 January 2014 approving decanoic acid as an existing active substance for use in biocidal products for product-types 4, 18 and 19 (Text with EEA relevance)

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(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 Regulation (EC) No 1451/2007[(2)] establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council[(3)]. That list includes decanoic acid.

(2) Decanoic acid has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 4, food and feed area disinfectants, product-type 18, insecticides, acaricides and products to control other arthropods, and product-type 19, repellents and attractants, as defined in Annex V to that Directive, which correspond respectively to product-types 4, 18 and 19 as defined in Annex V to Regulation (EU) No 528/2012.

(3) Austria was designated as rapporteur Member State and submitted the competent authority reports, together with recommendations, to the Commission on 7 December 2010 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority reports were reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 13 December 2013, in two assessment reports.

(5) It appears from those reports that biocidal products used for product-types 4, 18 and 19 and containing decanoic acid may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC.

(6) It is therefore appropriate to approve decanoic acid for use in biocidal products for product-types 4, 18 and 19.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 90/2014. (See end of Document for details)*

(7) Since the evaluations did not address nanomaterials, the approvals should not cover such materials pursuant to Article 4(4) of Regulation (EU) No 528/2012.

(8) For the use in product-type 4, the evaluation did not address the incorporation of biocidal products containing decanoic acid in materials and articles intended to come into contact directly or indirectly with food within the meaning of Article 1(1) of Regulation (EC) No 1935/2004 of the European Parliament and of the Council[(4)]. Such materials may require the establishment of specific limits on the migration into food, as referred to in Article 5(1)(e) of Regulation (EC) No 1935/2004. The approval should therefore not cover such use unless the Commission has established such limits or it has been established pursuant to that Regulation that such limits are not necessary.

(9) A reasonable period should be allowed to elapse before an active substance is approved, in order to permit Member States, interested parties, and the Commission where appropriate, to prepare themselves to meet the new requirements entailed.

(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

Decanoic acid shall be approved as an active substance for use in biocidal products for product-types 4, 18 and 19, 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, 31 January 2014.

For the Commission

The President

José Manuel BARROSO

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]
Decanoic acid	IUPAC Name: n-Decanoic acid EC No: 206-376-4 CAS No: 334-48-5	985 g/kg	1 September 2015	31 August 2025	4	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. Authorisations are subject to the following conditions: For industrial or professional users, safe operational procedures and appropriate organisational measures shall

						be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment. 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) No

						470/2009 of the European Parliament and of the Council[c] or Regulation (EC) No 396/2005 of the European Parliament and of the Council[d] shall be verified, and any appropriate risk mitigation measures shall be taken to ensure that the applicable MRLs are not exceeded. Biocidal products containing decanoic acid shall not be incorporated in