



Ms. Christa Klass
Member of the European Parliament
European Parliament
Rue Wiertz 60
1040 Brussels

Brussels, 22 January 2010

Subject: Placing on the market and use of biocidal products (repeal. Directive 98/8 EC)

Ms. Klass,

The Foreign Trade Association FTA is the representative of retailers and importers across Europe on foreign trade issues. We advise our members on all matters pertaining to the global marketplace, including regulations that may impact international trade such as the proposal for an EU regulation concerning the placing on the market and use of biocidal products that is currently under scrutiny at the European Parliament.

We support the objective of the proposal to increase the protection of human health and the environment. We also support the proposal to turn the current Directive into a Regulation in order to ensure harmonization of the applicable rules in all European countries.

However, the FTA would like to draw your attention to the following concerns:

Extension of the scope of the regulation

Art. 1 of the current proposal extends the scope of the regulation in order to cover all articles and materials treated with biocidal products.

The current wording does not include a specific concentration limit for finished articles. Therefore, this could include not only articles treated with biocides products, but also any article incorporating only trace amounts of biocides.

A clear definition of the minimum concentration of biocides in articles that would trigger the application of the regulation should be introduced. This would be proportional to the scope of the proposal and would prevent the risk that consumer goods incorporating only trace amounts of biocides (e.g. owing to contamination during transportation) affected by the regulation.

Labelling requirements

Art. 47 of the proposal states that any product treated with biocides shall be labelled with the name of the active substances concerned, the authorization number, and a hazard or precautionary statement.

Biocides play a very important role in the protection of human health if used properly: e.g. in textiles, for preventing allergies; in paints, to prevent fungi and algae. They also act as a preservative for materials sold in tins.

Compulsory labelling could prove dangerous as it would push some producers to dramatically reduce the use of biocides in order to avoid additional warning labels, by doing so raising potentially serious health and safety concerns.

Therefore, the FTA calls upon the European Parliament to amend art. 47 and reconsider the issue of mandatory labelling.

Coherence with REACH and CLP

The FTA is also concerned about the interaction of the authorisation system as defined by the proposal concerning the placing on the market and use of biocidal products with other regulations such as REACH and the Regulation on Classification, Labelling and Packaging of substances (CLP).

The FTA calls upon the European Parliament to ensure the coherence of the legislation concerned with REACH and CLP, as potential conflicts could hinder the enforcement of the concerned regulations.

I would like to thank you in advance for taking our views into consideration and look forward to discussing the points raised with you further.

Yours sincerely,

Flavia Bernardini

Trade Advisor

Foreign Trade Association.....

Jan A. Eggert

Secretary General

Foreign Trade Association