EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE GENERAL

Directorate E – Food and feed safety, innovation
E4 - Pesticides and Biocides

STANDING COMMITTEE ON BIOCIDAL PRODUCTS

MINUTES

63RD MEETING ON 16 MAY 2019, FROM 09:30 TO 10:30

Bulgaria was represented by Belgium. Portugal was represented by Luxembourg. All the other Member States were present.

1. **Adoption of the Agenda (*SCBP63 - Doc.1*)**

The agenda was adopted with the addition of one item under AOB: the state of play of the transfer of files following the adoption of Commission Delegated Regulation (EU) 2019/227 and of the ongoing applications for product authorisation for which the United Kingdom is the reference Member State.

2. **Adoption of the minutes of the 62nd SCBP meeting (*SCBP63 - Doc.2*)**

The minutes of the 62nd SCBP meeting were adopted.

Section A – Draft(s) presented for an opinion

Section A.1 – Active substances

3. **Commission Implementing Decision postponing the expiry date of approval of indoxacarb for use in biocidal products of product-type 18**

   (a) Examination of the draft Commission Implementing Decision (*SCBP63-Doc.3.1)*

   (b) Opinion of the Committee on the draft Commission Implementing Decision

The Commission presented the draft Decision, prepared in line with the discussion at the previous meeting of the Standing Committee.

One Member State could not support the measure considering that the proposed extension is too long. The Commission reminded that the extension proposed responded to a request from this Member State, which had informed the Commission of the need for more time to assess the application, and had the intention to ensure that the approval remains valid during the examination period. The Commission strongly encouraged the evaluating Member State to complete its work as quick as possible, and reminded that the

extension will be repealed once a decision can be taken on the renewal of approval, as done previously for anticoagulant rodenticides.

After a final examination of the proposal, the Committee gave a favourable opinion by qualified majority.

4. **Commission Implementing Decision postponing the expiry date of approval of etofenprox for use in biocidal products of product-type 8**

   (a) Examination of the draft Commission Implementing Decision (*SCBP63-Doc.4.1)*

   (b) Opinion of the Committee on the draft Commission Implementing Decision

The Commission presented the draft Decision, and clarified that it proposed extension until 31 October 2022 as the evaluating Member State had requested additional time to carry out the assessment of endocrine disrupting properties.

After a final examination of the proposal, the Committee gave a favourable opinion by unanimity.

<u>Section B</u> – Items presented for discussion and/or information

Section B.1 – Article 36 decisions

5. **Commission Implementing Decision on the terms and conditions of the authorisation of a biocidal product 'Bird Free', containing the active substances peppermint oil and citronella, in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council (*SCBP63-Doc.5.1)***

The Commission presented the draft Decision and explained that the main questions raised by the two Member States having raised objections had been related to the efficacy of the product. These questions were addressed by the opinion delivered by ECHA upon request from the Commission.

One Member State enquired on the status of the ECHA opinion, in particular whether the Committee was bound by it. The Commission clarified that requesting the opinion of ECHA is discretionary and that the Committee is not bound by this opinion, which is mostly meant to provide input on technical issues at the core of the dispute. In this specific case the Commission agreed with and followed the ECHA opinion and had drafted the Decision accordingly. Another Member State announced that it will not support the draft Decision, since in their view the product is not sufficiently efficacious and because of the fact that the simplified authorisation procedure, in general, does not take into account animal welfare concerns.

The Commission invited the two Member States having raised objections to check the specific date when the objections were raised and announced that the draft Decision will be presented for a vote in a subsequent meeting of the Committee.

Section B.2 – Article 37 decisions

6. **Commission implementing Decision on a derogation from mutual recognition of the authorisation of a biocidal product containing hydrogen cyanide by Poland in accordance with Article 37 of Regulation (EU) No 528/2012 of the European Parliament and of the Council *(SCBP63-Doc.6.1)***

The Commission presented the draft Decision and invited reactions from Member States.

The Member State having acted as reference Member State for the authorisation was of the opinion that the argumentation in the draft Decision was not fully satisfactory and pointed out that the concerned Member State having raised an objection had authorised similar products containing a different active substance. Since Member States are responsible for the Commission decision through their vote, in this Member State's view the arguments included in the Decision should be more solid than in the current proposal and the recitals should be improved. The same Member State informed that it will provide written comments after the meeting.

The Member State having raised the objection declared itself satisfied with the draft Decision and reiterated its concerns - included in the draft Decision - regarding the protection of public health if the product were to be placed on its market. Another Member State enquired whether the product was authorised in other Member States. The Commission informed that the product was authorised in other Member States through he mutual recognition procedure and that the names of these Member States will be made available[1] in the minutes.

The Commission invited written comments from the Member States by 24 May and informed that it will consider comments in view of a possible modification of the draft Decision and that the draft Decision will then be presented for discussion at the next meeting of the Standing Committee.

7. **Any Other Business**

The Commission informed that the UK Competent Authority for the Biocidal Products Regulation had uploaded into R4BP the background files (i.e. data, and any part of the assessment done by the UK) on active substances dossiers transferred to new evaluating Member States in accordance with Regulation (EU) 2019/227. The Commission invited Member States to contact ECHA and the UK bilaterally in case of practical issues.

The Commission further invited the UK to continue the evaluations for biocidal product applications as it was still a Member State of the EU as this might avoid the need for another Member State, Norway or Switzerland to take over the role of reference Member State.

[1] The following Member States have authorised the product via mutual recognition: Austria, Belgium, Croatia, Germany, Slovakia, Spain and the United Kingdom.