

European Commission
DG Health and Food Safety

Commission Directive 2011/71/EU

The authorisation of creosote containing biocidal products in Finland

On February 2nd, 2017 the Finnish Competent Authority Finnish Safety and Chemicals Agency (Tukes) has authorised two creosote containing biocidal product families (Creosote BPF Koppers and Creosote EN 13991 BPF) which active substance meets the criteria for substitution under Article 10.1 (a) of the Biocidal Products Regulation (528/2012).

There is a specific provision stated in the Commission Directive 2011/71/EU amending Directive 98/8/EC to include creosote as an active substance in Annex I of the Directive 98/8/EC (BPD) : “Biocidal products containing creosote may only be authorised for uses where the authorising Member State, based on an analysis regarding the technical and economic feasibility of substitution which it shall request from the applicant, as well as on any other information available to it, concludes that no appropriate alternatives are available. Those Member States authorising such products in their territory shall no later than 31 July 2016 submit a report to the Commission justifying their conclusion that there are no appropriate alternatives and indicating how the development of alternatives is promoted.” As the process for mutual recognition in sequence was still on going in July 2016, the Commission requested these reports to be submitted soon after the authorisation for mutual recognition was granted.

In line with Article 23 (1) of the Regulation, the Finnish Competent Authority has conducted a comparative assessment for the products and has produced a comparative assessment report. The report serves the mutual recognition of the creosote products in Finland and only covers those uses the applicants have nominated for creosote treated wood in Finland (annex 1).

The uses authorized in Finland for creosote containing products are:

- railway sleepers
- electric and telecommunication poles and gluelams used in pole structures
- wooden bridges and gluelams used in wooden bridges

Based on the comparative assessment there is not a sufficient number of different and independent “active substance/mode of action” combinations available through authorized biocidal products in the specified uses of creosote in Finland. The Finnish Competent Authority concludes that there is no adequate chemical diversity in line with Article 23(3)(b) and the technical guidance note on comparative assessment. In addition, total substitution of creosote treated wood with other available materials (e.g. concrete, steel, composite) would have remarkable

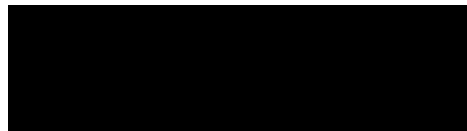
operational and economic costs in society and there are considerable socio-economic benefits of using creosote in specified uses (i.e. railway sleepers, poles for overhead electricity and telecommunication lines and bridge structures).

Considering the efficacy of creosote and hence the long life span of wood treated with creosote, the alternatives for creosote wood are mostly other materials than wood. There are new composite materials, which have not yet been tested in Finland, but tests have been performed in other countries in similar conditions. Several years of feasibility studies will be required before these sleepers or poles can be taken into use in Finland. Also, their price is remarkably high. New railroad tracks are mainly built with concrete sleepers and steel is often used for electric and telecommunication poles, but the replacement of used sleepers and poles is mainly made with creosote treated wood, unless the whole line or track is replaced and rebuilt. Wood as a material in constructing bridges, especially in railroad and light traffic bridges, is supported by the Ministry of Economic Affairs and Employment as a sustainable building material.

Finnish Transport Agency (governmental), Finnish Energy (the branch organization of the energy sector in Finland) and Fingrid Oyj (enterprise for the nation-wide high-voltage grid) all work for finding alternatives to creosote in their operation and have reported their achievements and challenges in this field to Tukes. There is purposeful research going on for alternatives in Finland. The work is funded by private and public sector. For example Finnish Energy has promoted the development of alternatives in a research project (refer to annex 1 for further details). To give another example, the Innovative Cities (INKA) research programme of the Finnish Funding Agency for Innovation, Tekes, has granted 450,000 euros of funding to the *Nanotech-driven bio-preservation of wood (SafeWood)* project carried out in cooperation between the University of Eastern Finland, the University of Oulu and the Natural Resources Institute.

Creosote was also authorized by the Finnish Competent Authority for treatment of wood used in agricultural, equestrian, industrial and highways fencing when the wood is not placed in the market in Finland. This use has been authorized to support the competitiveness of Finnish wood industry. Taking into account the Commission Legal Services document in the 66th CA meeting that wood treated with creosote can be freely moved from one country to another country within the EU, the Finnish Competent Authority is in the opinion that by limiting the use of creosote in Finland by an authorization decision to narrower uses than those allowed uses described in the REACH regulation, it is not possible to efficiently decrease the health and environmental hazards of wood treated with creosote.

Head of unit



Encl. Comparative assessment report for Creosote BPF Koppers and Creosote EN 13991 BPF

**Finnish Safety and
Chemicals Agency**

Helsinki
P.O. Box 66 (Opastinsilta 12 B)
FI-00521 Helsinki
Finland

Tampere
Kalevantie 2
FI-33100 Tampere
Finland

Rovaniemi
Valtakatu 2
96100 Rovaniemi
Finland

Tel. +358 29 5052 000
www.tukes.fi
e-mail kirjaamo@tukes.fi
Business ID 1021277-9