

# BPR Article 65(3) reporting

## 1. General information

### 1.1. Member State

For which Member State\* are you reporting?

(\*In this survey "Member State" refers to EU Member States, Iceland, Liechtenstein, Norway and Switzerland)

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- United Kingdom

### 1.2. Contact details of the person responsible for reporting

Name	Organisation	Email address	Telephone number(s)
[REDACTED]	Federal public service (FPS) - Health, Food Chain Safety and Environment	[REDACTED]	[REDACTED]

### 1.3. Information on the Competent Authority (CA)

#### 1.3.1. Competent Authorities involved in the implementation of the BPR

How many CAs are responsible for the implementation of the BPR in your Member State? Please do not include enforcement authorities here, as they are specifically covered in section 4.

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#### 1.3.2. Details of the Competent Authorities involved in the BPR implementation

	BPR competent authority involved	Website
Advice to applicants/helpdesks on active substances	Biocide service of the Federal public service - Health, Food Chain safety and Environment	<a href="https://biociden.freshdesk.com/fr/support/login">https://biociden.freshdesk.com/fr/support/login</a>
Advice to applicants/helpdesks on biocidal products	Biocide service of the Federal public service - Health, Food Chain safety and Environment	<a href="https://biociden.freshdesk.com/fr/support/login">https://biociden.freshdesk.com/fr/support/login</a>

Advice to applicants/helpdesks on treated articles	Biocide service or REACH service of the FPS - Health, Food Chain safety and Environment	<a href="https://biociden.freshdesk.com/fr/support/login">https://biociden.freshdesk.com/fr/support/login</a>
Assessment of active substances	Biocide service of the Federal public service - Health, Food Chain safety and Environment	<a href="https://biociden.freshdesk.com/fr/support/login">https://biociden.freshdesk.com/fr/support/login</a>
Assessment and authorisation of biocidal products	Biocide service of the Federal public service - Health, Food Chain safety and Environment	<a href="https://biociden.freshdesk.com/fr/support/login">https://biociden.freshdesk.com/fr/support/login</a>
Other (e.g. authority in charge of setting up the whole organisational framework for the BPR implementation, of adopting national legislation)	Biocide service of the Federal public service - Health, Food Chain safety and Environment	<a href="https://biociden.freshdesk.com/fr/support/login">https://biociden.freshdesk.com/fr/support/login</a>

### 1.3.3. Other bodies involved in the implementation of the BPR

	Authority/organisation involved	Website
Poison centre	Centre Antipoisons/Antigiftcentrum	<a href="https://www.centreatipoisons.be/">https://www.centreatipoisons.be/</a>
Animal poison centre	Centre Antipoisons/Antigiftcentrum	<a href="https://www.centreatipoisons.be/">https://www.centreatipoisons.be/</a>
Other	Federal Agency for the Safety of the Food Chain Mixed Commission Flanders : Vlaamse Milieumaatschappij Wallonia : SPW Agriculture, Ressources naturelles et Environnement Brussels-Capital : Bruxelles Environnement/Leefmilieu brussel	<a href="https://www.fasfc.be/">https://www.fasfc.be/</a> <a href="https://www.famhp.be/en/human_use/particular_products/gray_zone">https://www.famhp.be/en/human_use/particular_products/gray_zone</a> <a href="https://www.zonderisgezonder.be/openbare-diensten/openbare-diensten">https://www.zonderisgezonder.be/openbare-diensten/openbare-diensten</a> <a href="http://environnement.wallonie.be/">http://environnement.wallonie.be/</a> <a href="https://environnement.brussels/thematiques/espaces-verts-et-biodiversite/les-pesticides/les-biocides">https://environnement.brussels/thematiques/espaces-verts-et-biodiversite/les-pesticides/les-biocides</a>

## 2. Relevant national measures and Member State specific measures

### 2.1. Transitional period (Art. 89 BPR)

Do you have specific national measures or legislation for making available on the market of biocidal products during the transitional period?

- Yes  
 No

Please specify below the national regulation(s) and/or requirement(s) during the transitional period or refer to the corresponding link of the relevant website with the requested information. If available in English please include the link to the English version.

Please also indicate whether such regulation(s) and/or requirement(s) changed during the reporting period.

The transitional measures concerning the making available on the Belgian market and use of biocidal products have been laid down in the following regulations :

- Royal Decree of 5 June 1975 on the conservation, trade and use of pesticides for non-agricultural use, applied until 2013 ;
- Royal Decree of 22 May 2003 on the placing on the market and use of biocidal products, applied until 2014 ;
- Royal Decree of 8 May 2014 on the placing on the market and use of biocidal products, applied until 2019 ;
- Royal Decree of 4 April 2019 on the placing on the market and use of biocidal products, currently in force.

Since 1975, any biocidal product made available on the Belgian market had to be authorized following a scientific risk assessment of the physicochemical, toxicological and ecotoxicological and efficacy properties of the products. The authorization procedure concerned the product types covered by the Royal Decree of 5 June, namely product types 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20 and 21. A notification procedure was then put in place to regularize biocidal products of product type 1, 3, 7, 10, 15, 16, 17, 19, 22 and 23. For the notification procedure, only efficacy and toxicological properties were assessed.

Since the entry into force of the Royal Decree of 4 April 2019, the authorization and notification procedures have been repealed with view :

- To limit the Belgian procedures to one procedure (called registration) ;
- To concentrate the service's resources on authorization procedures at European level.

During the transitional period, biocidal products made available in Belgium must therefore be registered under the new registration procedure. This procedure provides for a restricted evaluation of applications for biocidal products, i.e. an assessment of the classification according to the Regulation (EU) No 1272/2008 and the efficacy if the biocidal product claims an EN efficacy norm or an action against a target organism. In accordance with Article 10 of the Royal Decree, a full evaluation can be started if there are reasons to believe that the biocidal product might, for example, not meet the efficacy criteria or cause unacceptable effects on human health or environment. In a full evaluation, scientific studies on product composition, physicochemistry, efficacy, toxicity and ecotoxicity are evaluated. The conclusions of the expert assessment shall then be forwarded to the Biocidal Product Advisory Committee. The Committee will issue a positive or negative recommendation on the product. Subsequently, the registration is approved or disapproved by the Minister taking this recommendation into account.

More information on registration can be found on :

- The portal of Belgian legislation (NL, FR) : <http://www.ejustice.just.fgov.be/eli/arrete/2019/04/04/2019011845/justel>
- Our website biocide.be (EN) : <https://www.health.belgium.be/en/national-procedure>

## 2.2. Applicable fees

Do you have specific national measures or legislation regarding fees for BPR procedures?

- Yes  
 No

Please specify below the national regulation(s) and indicate the corresponding link to the relevant website with the requested information. If available in English please include the link to the English version

The Royal Decree of 23 November 2011 establishes the fees and annual contributions due for biocidal products and other products covered by the Law of 21 December 1998 on product standards for the promotion of sustainable production and consumption patterns and environmental protection.

The Royal Decree is available on the Belgian legislation portal (FR, NL) :  
- <http://www.ejustice.just.fgov.be/eli/arrete/2011/11/13/2011024326/justel>

Articles 5 and 6 concern the fees due for all procedures, including BPR procedures.  
A summary table of the fees payable for BPR procedures can be found in Annexes 1 and 2 of the Royal Decree.

### 2.2.1. Fee amounts

Please provide information on the applicable fees for the procedures listed in the table below

	Fee amount
Evaluation of an active substance for approval	150 000 euros
Evaluation of an active substance for Annex I inclusion	30.000 euros
Authorisation of a biocidal product (BP)	25.000 euros
Authorisation of a BP family	40.000 euros + 500 euros per product
Mutual recognition of an authorisation of a BP	3000 euros
Mutual recognition of an authorisation of a BP family	3000 euros + 500 euros per product
Union authorisation of a BP	30.000 euros
Union authorisation of a BP family	50.000 euros + 500 euros per product
Annual fee	Annual fee is due for all authorized biocidal products in Belgium. The annual fee of each product depends on declared sold quantities and danger points (with a minimum of 400 euros and a maximum of 3.5% of the annual average selling price per kg or l calculated for the previous year).
Other (please specify)	NA

## 2.3. Measures in favour of small and medium enterprises (SMEs)

Do you have specific national measures or legislation favouring SMEs?

- Yes  
 No

Please specify below the national regulation(s) and refer to the corresponding link of the relevant website with the requested information. If available in English please include the link to the English version

In accordance with the Royal Decree of 11 November 2013, SMEs must pay reduced fees for applications for approval of active substances or applications for authorization with Belgium as reference Member State.

Full details can be found on the Belgian legislation portal (Annex 1 and 2; FR, NL) :  
- <http://www.ejustice.just.fgov.be/eli/arrete/2011/11/13/2011024326/justel>

## 2.4. Non-compliance and penalties

Do you have specific national measures or legislation concerning non-compliance and penalties applicable for infringements on the implementation of the BPR?

- Yes  
 No

Please specify below the national regulation(s) and refer to the corresponding link to the relevant website with the requested information. If available in English please include the link to the English version

Non-compliance and penalties are established in accordance with the Chapter VI of the Law of 21 December 1998 on Product Standards for the Promotion of Sustainable Production and Consumption Patterns and the Protection of Environment, Health and Workers.

Full details can be found on the Belgian legislation portal :  
 - <http://www.ejustice.just.fgov.be/eli/loi/1998/12/21/1998022861/justel>

## 2.5. Imported treated articles

Do you have specific national measures or legislation that regulates whether imported treated articles contain only approved active substances?

- Yes  
 No

## 3. Placing and making available on the market of biocidal products

### 3.1. Authorisation procedures

#### 3.1.1. Authorisations

Please indicate in the tables below the figures related to the various procedures since the entry into application of the BPR (1st September 2013)

##### 3.1.1.a. National authorisations

	2013	2014	2015	2016	2017	2018	2019	Total number
Authorisations granted on the basis of Article 19(5)	0	0	0	0	2	0	7	9
Provisional authorisations granted for products containing new active substances (Article 55(2))	0	0	0	0	0	0	0	0

##### 3.1.1.b. Mutual recognitions - concerned Member State

	2013	2014	2015	2016	2017	2018	2019	Total number
Derogations (Article 37)	5	7	0	6	16	14	22	70

##### 3.1.1.c. Authorisations of products containing active substances meeting exclusion criteria (Article 5.2)

	2013	2014	2015	2016	2017	2018	2019	Total number
Total number of applications assessed	1	0	4	12	17	15	32	81
Number of products authorised (conditions met for all or some of the uses)	1	0	4	12	17	15	32	81
Number of products not authorised (conditions not met for any of the uses)	0	0	0	0	0	0	0	0

##### 3.1.1.d. Comparative assessments (Article 23)

	2013	2014	2015	2016	2017	2018	2019	Total number
Total number of applications evaluated	1	0	4	13	18	15	30	81
Number of applications evaluated resulting in a granted authorisation without restrictions	1	0	4	13	18	15	30	81
Number of applications evaluated resulting in restrictions (Article 23(3))	0	0	0	0	4	0	0	4
Number of applications evaluated resulting in restrictions (Article 23(3))	0	0	0	0	0	0	0	0

### 3.1.2. Renewal of authorisations

Please indicate in the tables below the figures related to the renewals of authorisations for making available on the market of biocidal products

#### 3.1.2.a. National authorisations

	2013	2014	2015	2016	2017	2018	2019	Total number
Authorisations granted on the basis of Article 19(5)	0	0	0	0	0	0	0	0
Provisional authorisations granted for products containing new active substances (Article 55(2))	0	0	0	0	0	0	0	0

#### 3.1.2.b. Mutual recognitions - concerned MS

	2013	2014	2015	2016	2017	2018	2019	Total number
Derogations (Article 37)	0	0	0	0	0	54	18	72

3.1.2.c. Authorisations of products containing active substances meeting exclusion criteria (Article 5.2)

	2013	2014	2015	2016	2017	2018	2019	Total number
Total number of applications assessed	0	0	0	0	0	67	9	76
Number of products authorised (conditions met for all or some of the uses)	0	0	0	0	0	67	9	76
Number of products not authorised (conditions not met for any of the uses)	0	0	0	0	0	0	0	0

3.1.2.d. Comparative assessments (Article 23)

	2013	2014	2015	2016	2017	2018	2019	Total number
Total number of applications evaluated	0	0	0	0	0	67	11	78
Number of applications evaluated resulting in a granted authorisation without restrictions	0	0	0	0	0	67	11	78
Number of applications evaluated resulting in restrictions (Article 23(3))	0	0	0	0	0	0	0	0
Number of applications evaluated resulting in restrictions (Article 23(3))	0	0	0	0	0	0	0	0

3.2. Other BPR procedures for biocidal products

The BPR contains specific procedures that allow the making available of the market of products without an authorisation. Please indicate the related information in the tables below.

3.2.a. Derogations pursuant to Article 55(1)

	2013	2014	2015	2016	2017	2018	2019	Total number
Number of requests received	0	3	3	3	3	3	3	18
Permits granted	0	3	3	3	3	3	3	18
Permits not granted	0	0	0	0	0	0	0	0

3.2.b. Research and development (Article 56)

	2013	2014	2015	2016	2017	2018	2019	Total number
Number of notifications received	0	0	0	2	1	3	2	8
Number of prohibitions	0	0	0	0	1	1	0	2

3.3. Number of biocidal products made available on the Member State market authorised under the transitional measures (Article 89)

Please provide the information available, per main group of product-types, on biocidal products made available on the market authorised under transitional measures

	2013	2014	2015	2016	2017	2018	2018	Total number
Main group 1 Disinfectants (PT1 - PT5)	90	103	172	139	168	132	137	941
Main group 2 Preservatives (PT6 - PT13)	15	50	71	50	43	19	55	303
Main group 3 Pest control (PT14 - PT20)	44	30	66	35	39	32	51	297
Main group 4 Other biocidal products (PT21 - PT22)	5	6	1	4	4	1	0	21

4. Information on enforcement activities

4.1. BPR enforcement strategy

Has an overall strategy been implemented in the Member State for the enforcement of the BPR?

- Yes  
 No

Please describe it and, if it is publicly available, provide the corresponding link. If available in English please include the link to the English version

The inspection service of the Federal Public Service - Public Health works on basis of an yearly inspection plan. This is not publicly published.

4.2. Control system in the Member States and results of official controls

Please give a brief overview of the way official controls are carried out in your Member State, with special emphasis on the following processes:

- making available on the market of biocidal products;
- use of biocidal products;
- placing on the market of treated articles

In Belgium, controls of made available on the market and used biocidal products are carried out by the Inspection service of the FPS Public Health and the Inspection services of the Federal Agency for the Safety of the Food Chain (FASFC). According to the protocol established between the two institutions, the FPS Public Health inspects all biocidal products, with the exception of those used in the food chain (primary production, food-processing and distribution) which are controlled by the FASFC.

The Inspection Service of the FPS Public Health carries out controls on the basis of an annual inspection plan. The annual inspection plan includes routine controls of users or suppliers and specific inspection campaigns. The inspection campaigns are defined on the basis of observations of the Belgian market transmitted by the biocide service, the ministerial cabinet or the inspection service itself. The inspection plan is defined during the autumn and the campaigns can then be prepared. Adjustments are sometimes made to take account of exceptional circumstances (e.g. crises, complaints, requests from the Cabinet of Minister).

National legislation requires a Belgian authorisation for all biocidal products placed on the market or used in Belgium, which means that the inspection department has a particular attention to this point, which therefore takes up a large part of the working time (unauthorised biocides are regularly found on the Belgian market). Other common aspects of control are: labelling, traceability, professional "closed circuit" and therefore authorisation of persons and companies for the sale and use of dangerous biocides (professional "closed circuit"), advertising. Sometimes a series of controls is planned at users (crèches, rest houses, hospitals...) where the authorisation of the company (product of the closed circuit), the authorisation for the Belgian product market, the correct use of the product (which product-type in which condition...), the traceability of the suppliers (commercial documents) are controlled.

The control of the treated articles started in 2018 and continued with a campaign in 2019 on clothing.

The control very often takes place at the place of sale (supermarkets, specialized shops, ...) or at users. Suppliers are controlled if an infringement is found. Control is also sometimes carried out at the manufacturer's, suppliers' or authorization holders' premises, depending on the campaigns decided upon, on a random basis or on request (Product Policy Department, complaints, other).

The FASFC controls the application of the regulations on the safety of the food chain by operators of the food chain. In accordance with the protocol established with the FPS Public Health, it also controls the biocidal products used by these operators.

On the basis of a risk assessment, the FASFC establishes and coordinates a multi-annual control programme that meets the requirements for the MANCP, as laid down in Regulation (EU) No 2017/625. It implements and directs controls at local level.

Controls at food chain operators are carried out using checklists containing all obligations to be complied with. Following these checklists, inspectors check the biocidal products used by the operators. They check the authorizations of the biocidal products used, as well as the conditions of use.

#### 4.3. Enforcement authorities involved in official controls

Please provide the denomination of the enforcement authorities involved in official controls. If applicable, please also provide the links to the relevant websites

	BPR enforcement authority(ies) involved	Website
<b>Controls on placing and making biocidal products available on the market</b>	Federal Environment Inspection of the Federal Public Service - Public Health, Food Chain Safety and Environment	<a href="https://www.health.belgium.be/en/federal-environmental-inspection">https://www.health.belgium.be/en/federal-environmental-inspection</a>
<b>Controls on placing on the market of treated articles</b>	Federal Environment Inspection of the Federal Public Service - Public Health, Food Chain Safety and Environment	<a href="https://www.health.belgium.be/en/federal-environmental-inspection">https://www.health.belgium.be/en/federal-environmental-inspection</a>

#### 4.3.1. Complaints

Have there been complaints (information about suspected infringements of the BPR rules) received by enforcement authorities in relation to the implementation of the BPR?

	2013	2014	2015	2016	2017	2018	2019	Total number
<b>Number of complaints</b>	-	-	2	3	7	21	25	58

#### 4.4. Controls addressing different parts of the supply chain

The reporting Member State is requested to provide information on the official controls on the implementation of the BPR that have been performed since the entry into force of the Regulation.

Please provide below the information available on the official controls performed with a focus on the following information, where available: number of controls performed, resources used, outcome of controls (in terms of number and type of non-compliances)

##### 4.4.1. Official controls on compliance with BPR rules for making available on the market of biocidal products

- (Total number of) controls on biocidal products made available on the market / (Number of) illegal products made available and points of non-compliance







<b>MG 1 Disinfectants</b>	NA														
<b>MG 2 Preservatives</b>															
<b>MG 3 Pest control</b>															
<b>MG 4 Other biocidal products</b>															

**4.4.2. Official controls on biocidal products made available on the market during the transitional period**

**• Controls to ensure that the biocidal products on the market contain active substances included in the review programme (Article 89(2) of the BPR)**

The inspection service of the FPS Public Health did not register data by specific biocidal product or main group controls. Data are registered by establishment unit number.

Since 2013, the inspection service of the FPS Public Health controlled 646 establishment units for the purpose of controlling registered biocidal products. 31 were non-compliant. Data are broken down by year as follows :

- 41 controls in 2013 (0 non-compliance)
- 107 controls in 2014 (0 non-compliance)
- 96 controls in 2015 (2 non-compliance)
- 101 controls in 2016 (6 non-compliance)
- 120 controls in 2017 (9 non-compliance)
- 129 controls in 2018 (10 non-compliance)
- 52 controls in 2019 (4 non-compliance)

Results vary from year to year because of specific inspection campaigns.

If detailed figures are available please provide them in the table below

Controls to ensure that the biocidal products on the market contain active substances included in the review programme - Total number of controls per year and non-compliances (NC) identified

	<b>Total 2013</b>	<b>NC 2013</b>	<b>Total 2014</b>	<b>NC 2014</b>	<b>Total 2015</b>	<b>NC 2015</b>	<b>Total 2016</b>	<b>NC 2016</b>	<b>Total 2017</b>	<b>NC 2017</b>	<b>Total 2018</b>	<b>NC 2018</b>	<b>Total 2019</b>	<b>NC 2019</b>
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

**• Controls on the inclusion of active substances suppliers in the official list (article 95(2) of the BPR)**

The inspection service of the FPS Public Health did not register data by specific biocidal product or main group controls. Data are registered by establishment unit number.

Since 2013, the inspection service of the FPS Public Health controlled 412 establishment units for the purpose of controlling inclusion of active substances suppliers in the official list art 95 of the BPR. 7 were non-compliant. Data are broken down by year as follows :

- 33 controls in 2013 (0 non-compliance)
- 138 controls in 2014 (0 non-compliance)
- 108 controls in 2015 (2 non-compliance)
- 107 controls in 2016 (6 non-compliance)
- 3 controls in 2017 (3 non-compliance)
- 12 controls in 2018 (4 non-compliance)
- 11 controls in 2019 (0 non-compliance)

Results vary from year to year because of specific inspection campaigns.

If detailed figures are available please provide them in the table below

Controls on the inclusion of active substance suppliers in the Article 95 list - Total number of controls per year and non-compliances (NC) identified

	<b>Total 2013</b>	<b>NC 2013</b>	<b>Total 2014</b>	<b>NC 2014</b>	<b>Total 2015</b>	<b>NC 2015</b>	<b>Total 2016</b>	<b>NC 2016</b>	<b>Total 2017</b>	<b>NC 2017</b>	<b>Total 2018</b>	<b>NC 2018</b>	<b>Total 2019</b>	<b>NC 2019</b>
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

**• Controls on compliance of the biocidal products made available on the market with national legislation (where relevant)**

The inspection service of the FPS Public Health did not register data by specific biocidal product or main group controls. Data are registered by establishment unit number.

Since 2013, the inspection service of the FPS Public Health controlled 5759 establishment units for the purpose of controlling compliance of biocidal products with national legislation. 1021 were non-compliant. Data are broken down by year as follows :

- 636 controls in 2013 (75 non-compliance)
- 771 controls in 2014 (107 non-compliance)
- 800 controls in 2015 (100 non-compliance)
- 754 controls in 2016 (105 non-compliance)
- 966 controls in 2017 (250 non-compliance)
- 818 controls in 2018 (195 non-compliance)
- 1014 controls in 2019 (189 non-compliance)

Results vary from year to year because of specific inspection campaigns.

If detailed figures are available please provide them in the table below

Controls on compliance of the biocidal products made available with national legislation - Total number of controls per year and non-compliances (NC) identified

	Total 2013	NC 2013	Total 2014	NC 2014	Total 2015	NC 2015	Total 2016	NC 2016	Total 2017	NC 2017	Total 2018	NC 2018	Total 2019	NC 2019
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

#### 4.4.3. Official controls on manufacturers

- **Controls regarding the availability of the appropriate documentation in relation to the manufacturing process**, as indicated in article 65 (2) of the BPR

The inspection service of the FPS Public Health did not register data by specific biocidal product or main group controls. Data are registered by establishment unit number.

Since 2018, the inspection service of the FPS Public Health controlled 2 establishment units for the purpose of controlling registered biocidal products. 0 were non-compliant. Data are broken down by year as follows :

- 2 controls in 2018 (0 non-compliance)

Controls were carried out following a complaint.

If detailed figures are available please provide them in the table below

Controls regarding the availability of the appropriate documentation related to the manufacturing process - Total number of controls per year and non-compliances (NC) identified

	Total 2013	NC 2013	Total 2014	NC 2014	Total 2015	NC 2015	Total 2016	NC 2016	Total 2017	NC 2017	Total 2018	NC 2018	Total 2019	NC 2019
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

#### 4.4.4. Official controls on end-users and residues

- **Controls regarding the use of the biocidal products according to the terms and conditions of the authorisation**, as stipulated in article 17(5) of the BPR

The inspection service of the FPS Public Health mainly carried out controls on end users following the inspection campaign on :

- Hospitals
- Users of biocidal products classified in the closed circuit
- Users of biocidal fumigation products
- ...

The total number of controls concerns 280 establishment units, mainly using biocidal products of the main group 1. The total number of non-compliances is 104 (37.1%). The purpose of these controls was to verify :

- The validity of authorizations for biocidal products
- Registration of users/sellers in the closed circuit
- Labelling and packaging in accordance with Regulation (EU) No 1272/2008
- Product traceability and suppliers

In accordance with the protocol established between the FPS Public Health and the FASFC, the FASFC is responsible for the controls of biocidal products used in the food chain (primary production, food-processing, distribution).

The FASFC communicated the following information:

- Data only concern the years 2017 to 2019. Previous data are not reliable.
- The majority of non-compliances concerns establishment units using biocidal products of the main group 1. The other biocidal products controlled for non-compliance are insecticides or repellents, or rodenticides.
- In primary production (farm, livestock),

1283 controls were carried out in 2017 (11 non-compliant for biocidal products)

8394 controls were carried out in 2018 (42 non-compliant for biocidal products)

9276 controls were carried out in 2019 (27 non-compliant for biocidal products)

- In the food-processing sector :

1747 controls were carried out in 2017 (51 non-compliant for biocidal products)

5047 controls were carried out in 2018 (114 non-compliant for biocidal products)

5994 controls were carried out in 2019 (92 non-compliant for biocidal products)

- In distribution,

21.493 controls were carried out in 2017 (660 non-compliant for biocidal products)

18.125 controls were carried out in 2018 (570 non-compliant for biocidal products)

18.345 controls were carried out in 2019 (380 non-compliant for biocidal products).

The FASFC has inspection services with several hundred inspectors, which explains the large number of controls. The increase in the number of controls in the primary production and food-processing sector is linked to the observation of illegalities in these sectors.

If detailed figures are available please provide them in the table below

Controls regarding the use of the biocidal products according to the terms and conditions of the authorisation - Total number of controls per year and non-compliances (NC) identified

	Total 2013	NC 2013	Total 2014	NC 2014	Total 2015	NC 2015	Total 2016	NC 2016	Total 2017	NC 2017	Total 2018	NC 2018	Total 2019	NC 2019
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

• **Controls on residue levels of active substances in food and feed (PT3, 4, 5, 18, 19 and 21)**

The Inspection service of the Federal Public service and the FASFC did not carry out any controls on residue levels of active substances in food and feed.

If detailed figures are available please provide them in the table below

Controls on residue levels of active substances in food and feed - Total number of controls per year and non-compliances (NC) identified

	Total 2013	NC 2013	Total 2014	NC 2014	Total 2015	NC 2015	Total 2016	NC 2016	Total 2017	NC 2017	Total 2018	NC 2018	Total 2019	NC 2019
<b>PT 3</b>	NA													
<b>PT 4</b>														
<b>PT 18</b>														
<b>PT 19</b>														
<b>PT 21</b>														

**4.4.5. Official controls on treated articles**

- **Controls concerning the active substance(s) present in the treated articles** (articles 58(2) and 94 of the BPR)

The Inspection service of the FPS Public Health carried out 5 controls on treated articles in 2018. These controls concerned biocidal products and active substances used as product type 9 or product type 18. Only 1 non-compliance had been detected.

In 2019, the inspection service Public Health planned an inspection campaign on stores of impregnated textiles. 54 controls were carried out and 1 non-compliance had been detected.

If detailed figures are available please provide them in the table below

Controls concerning the active substance(s) present in the treated articles - Total number of controls per year and non-compliances (NC) identified

	Total 2013	NC 2013	Total 2014	NC 2014	Total 2015	NC 2015	Total 2016	NC 2016	Total 2017	NC 2017	Total 2018	NC 2018	Total 2019	NC 2019
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

• **Controls on the correct labelling of the treated articles (article 58 of the BPR)**

The Inspection service of the FPS Public Health controlled 59 establishment units for the purpose of controlling labelling of treated articles. 46 controls were non compliant.

In 2018, 5 controls were carried out on treated articles impregnated with PT 9 and PT18 biocidal products (5 non-compliance). In 2019, 54 controls were carried out on treated articles impregnated with PT 9 biocidal products (41 non-compliance).

If detailed figures are available please provide them in the table below

Controls on the correct labelling of the treated articles - Total number of controls per year and non-compliances (NC) identified

	Total 2013	NC 2013	Total 2014	NC 2014	Total 2015	NC 2015	Total 2016	NC 2016	Total 2017	NC 2017	Total 2018	NC 2018	Total 2019	NC 2019
<b>MG 1 Disinfectants</b>	NA													
<b>MG 2 Preservatives</b>														
<b>MG 3 Pest control</b>														
<b>MG 4 Other biocidal products</b>														

**5. Poisoning incidents**

**5.1. Poisonings involving biocidal products, severity of the impact**

Please provide below an overview of the information reported since the entry into operation of BPR on poisoning incidents involving biocidal products, indicating the active substances and product-types most frequently involved and those involved in incidents resulting in severe health impairments or death (fatal or near fatal incidents)

The Belgian Antipoison Center has a call center that is available 24 hours a day, 7 days a week. A team of 12 doctors and two pharmacists answers questions from the general public and health professionals (human and animal).

Where do the calls come from?

- 75 to 80% of the calls concerning biocidal products come from the general public, and about 20 to 28% come from health professionals (human and animal).

Accidental and occupational exposures :

- The vast majority of exposures are accidental (80 to 95%). A minority are intentional or occupational.

Distribution of the victims :

- The distribution of the victims of exposure is more or less constant from one year to the next: children <14 years of age (about 35%), adults (30%-34%) and animals (31%-34%).
- Children aged 1 to 5 years are the group with the highest number of exposures (35 to 42% of exposures between 2015 and 2019), in comparison with other children group (0-1 years, 6 to 10 years and 10 to 14 years). Adults and children older than 14 years of age account for 45 to 50% of the calls for this period.

Routes of exposure :

- Between 2015 and 2019, oral exposure remains the main route of exposure in children (70 to 78%) and animals (>90%). For adults (and children over 14 years of age), inhalation (31 to 35%) and oral exposure (29.5 to 35.5%) occur more often than the other routes of exposure (dermal 15 to 17% and ocular 12.5 to 14%).

Type of products :

- For children, the majority of the calls concern the following 5 types of products (>95%): insecticides in first place (PT 18), followed by rodenticides (PT14), repellents (PT19) and human hygiene disinfectants (TP1), and disinfectants or algacides (PT2) between 2015 and 2019.
- For animals, the majority of the calls concern rodenticides (TP14) (about 63% to 68%), followed by insecticides (PT18) (26 to 30%). Fatal or near-fatal cases are exclusively observed in domestic animals that have ingested rodenticides.
- For adults, more than 55% of the calls concern disinfectants (PT2) and insecticide biocidal products (PT18).

The toxicovigilance studies carried out in Belgium focus specifically on the following 3 types of biocidal products:

Products for swimming pools and bleach

61 to 80% of the calls for product type 2 products are chlorine-based. Most exposures to chlorinated products are due to adults using the product incorrectly (e.g. by mixing it with other products), or to the instability of the solid forms (e.g. gaseous chlorine escaping when opening the pot). Calls relating to pool disinfectant products are numerous and highly weather-dependent.

Insecticides (product type 18)

Insecticides are the most widely used biocidal products by the general public in Belgium. They are particularly used in summer in the form of ant bait or insecticide sprays. This means that exposure to these products is very frequent during certain periods, but it is often without consequence.

Rodenticides (product type 14)

Rodenticides are among the most dangerous biocidal products that are available to the general public. Exposures to these biocidal products mainly concern animals. Exposures in animals sometimes result in the death of the animal and can occur through secondary exposures (eating a contaminated mouse, for example).

The first cases of intoxication due to chloralose-based rodenticides occurred in 2016 (7 cases) and represented 25% and 32% of the calls concerning animals in 2018 and 2019 respectively.

The data included in the table below are not always comparable from one year to the next. The structure of the Poison Center database and the way in which calls were recorded, were different between the years 2013-2014, 2015-2016-2017 and 2018-2019. In particular, in 2013 and 2014, incidents involving chlorinated products were not registered as 'biocidal'. In spite of this, we can see a general increase in exposures to biocidal products. This can be explained by an increase in the quantities of biocidal products made available on the Belgian market, and by the increased visibility of the Poison Center among the general public.

If detailed figures are available please provide them in the table below

Number of poisoning incidents related to biocidal products per year by poisoning severity

	2013 Fatal/near fatal	2013 Other	2014 Fatal/near fatal	2014 Other	2015 Fatal/near fatal	2015 Other	2016 Fatal/near fatal	2016 Other	2017 Fatal/near fatal	2017 Other	2018 Fatal/near fatal	2018 Other	2019 Fatal/near fatal	2019 Other
MG 1 Disinfectants	0	239	0	278	0	482	0	512	0	621	0	822	0	707
MG 2 Preservatives	0	38	0	52	0	77	0	77	0	96	0	120	0	89
MG 3 Pest control	0	693	6	754	1	692	2	793	0	910	6	1012	2	823
MG 4 Other biocidal products	0	0	0	0	0	0	0	1	0	0	0	3	0	3

## 6. Helpdesk functioning

Please fill in the following table the information regarding the number of enquiries that Helpdesks receive per year.

Note: if your system does not differentiate the queries according to their topic (active substances, biocidal products, treated articles) please indicate the total number of queries per year in the last row.

	2013	2014	2015	2016	2017	2018	2019
Number of enquiries on active substances	22	22	65	57	52	43	41
Number of enquiries on biocidal products	278	298	373	397	495	515	473
Number of enquiries on treated articles	Not determined	Not determined	Not determined	2	13	10	11
Total number of enquiries per year	300	320	438	456	560	568	525

#### 6.1. Advice to small and medium-sized enterprises (SMEs)

Following Article 81(2) of the BPR, competent authorities have to provide advice to the applicants and in particular to SMEs.

Does your Member State provide specific advice to SMEs?

- Yes  
 No

#### 7. Sustainable use measures

In accordance with Article 18 of the BPR, a Commission Report on the sustainable use of biocidal products was submitted to the European Parliament and the Council in 2016, compiling the information provided by Member States. Please find below some questions that are requested in order to follow-up on this report.

##### 7.1. Availability of Best Practices Documents in the Member States

Are Best Practices Documents used or developed for reducing the use of biocidal products to a minimum or for using biocides with less impact on human health and the environment?

- Yes  
 No

Please specify which kind of documentation is available in your Member State

	Type of document	Name of document	Product-type(s) covered	Year of document
1	Folders	« Weet u wat een biocide is ? » « Savez-vous ce qu'est un biocide ? » AND « Biocides pas sans risque pour les pollinisateurs » « Biocides niet zonder risico voor bestuivers »	All	2013 Updated in 2018
2	Brochure	« Pesticides à la maison et au jardin ? » « Ongewenste gasten in je huis of tuin ? » « Pestizide in ihrem Haus oder Garten ? »	4, 14, 18, 19 and phytopharmaceutical products	2013 Yearly updated
3	Brochure	« Produits Chimiques lisez l'étiquette, elle vous protège » « Chemische producten bescherm jezelf, lees het etiket » « Chemikalien lesen Sie das Etikett es schützt Sie »	All	2013 Yearly updated

##### 7.2. Availability of certifications or training schemes for professional users

Are certification procedures or training schemes in place (organised by e.g. eCAs, public authorities, sector organisations) for professional users of biocidal products?

- Yes  
 No  
 Not anymore

##### 7.3. Information to the public

Have measures been taken to provide the public with appropriate information about benefits and risks associated with biocidal products and ways of minimising their use? (Article 17(5) of the BPR)

- Yes  
 No

Please specify which kind of information is available in your Member State (e.g. information campaigns, regulatory measures) and include the corresponding links of the relevant websites with information.

	Type of measure	Year	Details
1	Information campaigns	2013 - 2019	Distribution of updated brochures and folders - to the general public during the "Week without pesticides", a yearly event to inform the large public about risks and alternatives - to the general public and professionals during "La foire Agricole de Libramont", a yearly fair for everyone interested in agriculture The brochures were largely distributed at all events concerning pollinators and bees in which the FPS participated. At region level, information campaign are also set up in order to minimise the use of biocidal products by general public. (for example, <a href="https://www.vmm.be/mijn-gifvrije-tuin/">https://www.vmm.be/mijn-gifvrije-tuin/</a> or <a href="https://www.2020pesticidevrij.nu/">https://www.2020pesticidevrij.nu/</a> ).

2	Information sessions	2015-2019	Information session about biocides, legislation, risks and benefits, and safe use. Such sessions were carried out in - the hospital sector - the hostel and catering sector - the melk sector - the textiel sector - the agriculture
3	Regulatory measures called "Closed Circuit"	2015	Sellers of the most dangerous biocidal products are responsible to communicate all the information about the biocides they sell, according to the Royal Decree of 4 April 2020.
4	Information campaigns	2019	Information campaign about safe use and registration of biocides in the closed circuit (with highest health risk) flyers, brochures, infographics for professional users and salesmen. We developed a general brochure, but also communication instruments for specific professional sectors, such as textile, meat handling, cleaning services, horeca.

#### 7.4. Measures to address the risk related to the use of biocidal products

Have measures been taken to address the risks related to the use of biocidal products in specific areas such as schools, workplaces, kindergartens or public spaces?

- Yes  
 No

Please specify which kind of information is available in your Member State (e.g. information campaigns, regulatory measures) and refer to the corresponding links of the relevant websites with information.

	Type of measure	Year	Area covered	Details
1	Information campaigns	2018-2019	Primary, secondary, high schools and universities	Game for youngsters (10-16 years) about the new hazard symbols <a href="http://www.reddeemoji.be">www.reddeemoji.be</a>
2	Information campaigns	2015-2019	Large public	Information campaign for the large public, informing about the new hazard symbols and the guidelines for safe use of chemicals. We developed a radio spot, tv-spot, website <a href="http://gevaarsymbolen.be">gevaarsymbolen.be</a> and a flyer about the new symbols. TV programs specially targeted to the youth (Ouftivi channel on RTBF) were produced in 2015 (hazard symbols) and 2016 (safe use of chemicals in the garden)
3	Regulatory measures	2015-2019	Public spaces	Biocides and phytopharmaceutical products may not be used on public spaces (schools, universities, kindergartens and other public spaces). This measure has been applied since 2001 in Flander. More information (NL) on <a href="http://www.zonderisgezonder.be">www.zonderisgezonder.be</a> This measure is applied in Wallonia and Brussel for phytopharmaceutical products, not yet for biocides.
4	Information campaigns	2015-2019	Municipalities	At federal level, information campaign about definition, risks and safe use of rodenticides letters and website publication for local authorities. This information campaign has been carried out following renewals of rodenticide authorizations. Regions also communicates yearly about biocidal product risks and alternatives to municipalities, for example, to minimise risks due to rodenticide use.

#### 8. Nanomaterials

Please provide information regarding the use of nanomaterials in biocidal products (Articles 19 and 69 of the BPR), per main group of product-types

##### MG 1 Disinfectants

	Product name	Nanomaterial	Brief explanations	Safety measures (Yes/No)	Year
1	NA				
2					
3					
4					

##### MG 2 Preservatives

	Product name	Nanomaterial	Brief explanations	Safety measures (Yes/No)	Year
1	NA				
2					
3					
4					

##### MG 3 Pest control

	Product name	Nanomaterial	Brief explanations	Safety measures (Yes/No)	Year
1	NA				
2					
3					
4					

**MG 4 Other biocidal products**

	Product name	Nanomaterial	Brief explanations	Safety measures (Yes/No)	Year
1	NA				
2					
3					
4					

**9. Any other comment**

In "3.3. Number of biocidal products made available on the Member State market authorized under the transitional measures (Article 89)", we encoded in the table the number of new applications for registration of biocidal products for each main group. The reported data therefore concern biocidal products placed for the first time on the Belgian market during the transitional period.

In Belgium, the number of products made available on the market has changed. In 2013, 1643 biocidal products were authorized in Belgium in all procedures, while in 2019 around 2500 were authorized.

In "7.2. Availability of certifications or training schemes for professional users", we encoded that there is no longer certification procedures or training schemes in place for professional users of biocidal products. Actually a training procedure is being developed. It should be implemented by 2021 or 2022.

**Contact**

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