



Brussels, **XXX**
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[...](2017) **XXX** draft

COMMISSION IMPLEMENTING DECISION (EU) .../...

of **XXX**

not approving chlorophene as an existing active substance for use in biocidal products of product-type 3

(Text with EEA relevance)

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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 products¹, and in particular Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014² establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That list includes chlorophene (EC No: 204-385-8, CAS No: 120-32-1).
- (2) Chlorophene has been evaluated for use in products of product-type 3, veterinary hygiene, as described in Annex V to Regulation (EU) No 528/2012.
- (3) Norway was designated as evaluating competent authority and submitted the assessment report together with its recommendations on 22 December 2016.
- (4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency was formulated on 3 October 2017 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.
- (5) According to that opinion, biocidal products used for product-type 3 containing chlorophene may not be expected to satisfy the requirements laid down in Article 19(1)(b) of Regulation (EU) No 528/2012. For that product-type, the scenarios evaluated in the human health risk assessment identified unacceptable risks.
- (6) It is therefore not appropriate to approve chlorophene for use in biocidal products of product-type 3.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

¹ OJ L 167, 27.6.2012, p. 1.

² Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Chlorophene (EC No: 204-385-8, CAS No: 120-32-1) is not approved as an active substance for use in biocidal products of product-type 3.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER