

## COMMISSION DECISION

of 28 July 2008

concerning the non-inclusion of certain substances in Annexes I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

(notified under document number C(2008) 3854)

(Text with EEA relevance)

(2008/681/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

taking over the role of participant for the substances and product types concerned.

Having regard to the Treaty establishing the European Community,

(5) Pursuant to Article 12(5) of Regulation (EC) No 1451/2007, the substances and product types concerned should therefore not be included in Annexes I, IA or IB to Directive 98/8/EC.

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(1)</sup>, and in particular the second subparagraph of Article 16(2) thereof,

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market <sup>(2)</sup> establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC.

HAS ADOPTED THIS DECISION:

*Article 1*

The substances and the product types indicated in the Annex to this Decision shall not be included in Annexes I, IA or IB to Directive 98/8/EC.

(2) For a number of substance/product type combinations included in that list, either all participants have discontinued their participation from the review programme, or no complete dossier was received within the time period specified in Articles 9 and 12(3) of Regulation (EC) No 1451/2007 by the Member State designated as Rapporteur for the evaluation.

*Article 2*

For the purposes of Article 4(2) of Regulation (EC) No 1451/2007, this Decision shall apply from the day following its publication in the *Official Journal of the European Union*.

(3) Consequently, and pursuant to Articles 11(2), 12(1) and 13(5) of Regulation (EC) No 1451/2007, the Commission informed the Member States accordingly. That information was also made public by electronic means on 22 June 2007.

*Article 3*

This Decision is addressed to the Member States.

(4) Within the period of three months from that publication, no person or Member State indicated an interest in

Done at Brussels, 28 July 2008.

For the Commission  
Stavros DIMAS  
Member of the Commission

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1. Directive as last amended by Directive 2008/31/EC (OJ L 81, 20.3.2008, p. 57).

<sup>(2)</sup> OJ L 325, 11.12.2007, p. 3.

## ANNEX

## SUBSTANCES AND PRODUCT TYPES NOT TO BE INCLUDED IN ANNEXES I, IA OR IB TO DIRECTIVE 98/8/EC

Name	EC number	CAS number	Product type
Formaldehyde	200-001-8	50-00-0	11
Formaldehyde	200-001-8	50-00-0	12
Formaldehyde	200-001-8	50-00-0	13
2-(2-butoxyethoxy)ethyl 6-propylpiperonyl ether/Piperonyl butoxide	200-076-7	51-03-6	19
1,3-dibromo-5,5-dimethylhydantoin	201-030-9	77-48-5	2
1,3-dibromo-5,5-dimethylhydantoin	201-030-9	77-48-5	11
1,3-dibromo-5,5-dimethylhydantoin	201-030-9	77-48-5	12
Naphthalene	202-049-5	91-20-3	19
m-Cresol	203-577-9	108-39-4	2
m-Cresol	203-577-9	108-39-4	3
Hexa-2,4-dienoic acid/Sorbic acid	203-768-7	110-44-1	8
Benzyl benzoate	204-402-9	120-51-4	18
Benzothiazole-2-thiol	205-736-8	149-30-4	2
Benzothiazole-2-thiol	205-736-8	149-30-4	7
Benzothiazole-2-thiol	205-736-8	149-30-4	9
Benzothiazole-2-thiol	205-736-8	149-30-4	11
Benzothiazole-2-thiol	205-736-8	149-30-4	12
Benzothiazole-2-thiol	205-736-8	149-30-4	13
2-hydroxy-4-isopropyl-2,4,6-cycloheptatrien-1-one	207-880-7	499-44-5	10
Sodium bromide	231-599-9	7647-15-6	4
Sodium bromide	231-599-9	7647-15-6	6
Sodium bromide	231-599-9	7647-15-6	13
Boric acid	233-139-2	10043-35-3	18
Ammonium bromide	235-183-8	12124-97-9	2
Ammonium bromide	235-183-8	12124-97-9	4
Ammonium bromide	235-183-8	12124-97-9	6
Cis-tricos-9-ene	248-505-7	27519-02-4	18
3-phenoxybenzyl-2-(4-ethoxyphenyl)-2-methylpropylether/Etofenprox	407-980-2	80844-07-1	2
3-phenoxybenzyl-2-(4-ethoxyphenyl)-2-methylpropylether/Etofenprox	407-980-2	80844-07-1	3
(RS)-3-Allyl-2-methyl-4-oxocyclopent-2-enyl-(1R,3R)-2,2-dimethyl-3-(2-methylprop-1-enyl)-cyclopropanecarboxylate (mixture of 2 isomers: 1R trans: 1RS only 1:1)/Bioallethrin/d-trans-Allethrin	Plant protection product	—	18
Spinosad: fermentation product of soil micro-organisms containing Spinosyn A and Spinosyn D	Plant protection product	—	3