

COMMISSION DECISION

of 8 April 2009

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(2009) 2593)

(Text with EEA relevance)

(2009/322/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

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 ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion 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.
- (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 thereof. That information was also made public by electronic means on 18 January 2008.
- (4) Within the period of three months from that publication, no person or Member State indicated an interest in

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

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

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.

Article 2

For the purposes of Article 4(2) of Regulation (EC) No 1451/2007, this Decision shall apply from 1 March 2009.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 April 2009.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ 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	RMS
Ethanol	200-578-6	64-17-5	3	EL
N-(trichloromethylthio)phthalimide/Folpet	205-088-6	133-07-3	6	IT
Fluometuron	218-500-4	2164-17-2	6	EL
Fluometuron	218-500-4	2164-17-2	13	EL
Lignin	232-682-2	9005-53-2	1	EL
Lignin	232-682-2	9005-53-2	2	EL
Lignin	232-682-2	9005-53-2	3	EL
Lignin	232-682-2	9005-53-2	4	EL
Lignin	232-682-2	9005-53-2	6	EL
Lignin	232-682-2	9005-53-2	13	EL
Reaction product of dimethyl adipate, dimethyl glutarate, dimethyl succinate with hydrogen peroxide/Perestane	432-790-1	-	3	HU
N-Didecyl-N-dipolyethoxyammonium borate/ Didecylpolyoxethylammonium borate	Polymer	214710-34-6	2	EL
N-Didecyl-N-dipolyethoxyammonium borate/ Didecylpolyoxethylammonium borate	Polymer	214710-34-6	6	EL
N-Didecyl-N-dipolyethoxyammonium borate/ Didecylpolyoxethylammonium borate	Polymer	214710-34-6	13	EL
Polyvinylpyrrolidone iodine	Polymer	25655-41-8	2	SE
Polyvinylpyrrolidone iodine	Polymer	25655-41-8	4	SE
Polyvinylpyrrolidone iodine	Polymer	25655-41-8	5	SE
Polyvinylpyrrolidone iodine	Polymer	25655-41-8	6	SE