

**COMMISSION DECISION****of 9 February 2012****concerning the non-inclusion of certain substances in Annex 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 C(2012) 645)***(Text with EEA relevance)**

(2012/78/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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,

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.
- (2) For a number of substance/product type combinations included in that list, either all participants have discontinued their participation in 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 accordingly. That information was also made public by electronic means.
- (4) Within the period of three months from those publications, a number of companies indicated an interest in taking over the role of participant for certain of the substances and product types concerned. However, those companies subsequently failed to submit a complete dossier.

- (5) Pursuant to Articles 12(4) and 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) In the interest of legal certainty, it is appropriate to specify the date after which biocidal products of the product types listed in the Annex to this Decision containing the active substances listed in that Annex should no longer be placed on the market.
- (7) 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 indicated in the Annex to this Decision shall not be included for the product types concerned 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, biocidal products of the product types listed in the Annex to this Decision which contain the active substances listed in that Annex shall no longer be placed on the market with effect from 1 February 2013.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 9 February 2012.

*For the Commission*  
Janez POTOČNIK  
*Member of the Commission*

<sup>(1)</sup> OJ L 123, 24.4.1998, p. 1.

<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	Rapporteur Member State
Cyclohexylhydroxydiazene 1-oxide, potassium salt		66603-10-9	6	AT
Cyclohexylhydroxydiazene 1-oxide, potassium salt		66603-10-9	7	AT
Cyclohexylhydroxydiazene 1-oxide, potassium salt		66603-10-9	9	AT
Cyclohexylhydroxydiazene 1-oxide, potassium salt		66603-10-9	10	AT
Cyclohexylhydroxydiazene 1-oxide, potassium salt		66603-10-9	12	AT
Cyclohexylhydroxydiazene 1-oxide, potassium salt		66603-10-9	13	AT
Diphenoxarsin-10-yl oxide	200-377-3	58-36-6	9	FR
Glyoxal	203-474-9	107-22-2	12	FR
1,3-dichloro-5,5-dimethylhydantoin	204-258-7	118-52-5	12	NL
Tosylchloramide sodium	204-854-7	127-65-1	11	ES
Disodium tetraborate, anhydrous	215-540-4	1330-43-4	11	NL
Copper	231-159-6	7440-50-8	2	FR
Copper	231-159-6	7440-50-8	4	FR
Copper	231-159-6	7440-50-8	5	FR
Copper	231-159-6	7440-50-8	11	FR
Copper sulphate	231-847-6	7758-98-7	1	FR
Copper sulphate	231-847-6	7758-98-7	4	FR
Calcium hypochlorite	231-908-7	7778-54-3	1	IT
Boric acid	233-139-2	10043-35-3	22	NL
Trimagnesium diphosphide	235-023-7	12057-74-8	20	DE
Chloralose	240-016-7	15879-93-3	15	PT
Chloralose	240-016-7	15879-93-3	23	PT
Aluminium phosphide	244-088-0	20859-73-8	20	DE
1,3-dichloro-5-ethyl-5-methylimidazolidine-2,4-dione	401-570-7	89415-87-2	12	NL
Methyl neodecanamide	414-460-9	105726-67-8	19	ES

Name	EC number	CAS number	Product type	Rapporteur Member State
Tetrachlorodecaoxide complex	420-970-2	92047-76-2	5	DE
3-benzo(b)thien-2-yl-5,6-dihydro-1,4,2-oxathiazine, 4-oxide	431-030-6	163269-30-5	9	PT
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	2	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	2	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	3	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	3	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	4	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	4	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	7	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	7	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	9	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	9	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	10	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	10	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	11	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	11	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	12	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	12	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	20	FR
Poly(hexamethyldiamine guanidinium chloride)	Polymer	57028-96-3	20	FR