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COMMISSION IMPLEMENTING REGULATION (EU) No …/..

of XXX

approving 2-methylisothiazol-3(2H)-one as an existing active substance for use in biocidal products for product-type 13

(Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No …/..

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approving 2-methylisothiazol-3(2H)-one as an existing active substance for use in biocidal products for product-type 13

(Text with EEA relevance)

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 products[1], and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) No 1062/2014[2] establishes a list of existing active substances to be evaluated with a view for their possible approval for use in biocidal products or inclusion into Annex I to Regulation (EU) No 528/2012.

(2) That list includes 2-methylisothiazol-3(2H)-one.

(3) 2-methylisothiazol-3(2H)-one has been evaluated in accordance Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council[3] for use in biocidal products for product-type 13, metalworking-fluid preservatives, as defined in Annex V to that Directive, which correspond to product-type 13 as defined in Annex V to Regulation (EU) No 528/2012.

(4) Slovenia was designated as evaluating competent authority and submitted the assessment reports, together with its recommendations, to the Commission on 11 April 2012 in accordance with paragraphs 4 and 6 of Article 14 of Commission Regulation (EC) No 1451/2007[4].

(5) In accordance with Article 7(1)(b) of Commission Delegated Regulation (EU) No 1062/2014,[5] the opinion of the European Chemicals Agency was formulated on 2

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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).

3 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 (OJ L 123, 24.4.1998, p. 1).

4 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 (OJ L 325, 11.12.2007, p. 3).

5 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 Text with EEA relevance (OJ L 294, 10.10.2014, p. 1).

October 2014 by the Biocidal Product Committee, having regard to the conclusions of the evaluating competent authority.

(6) According to that opinion, biocidal products used for product-type 13 and containing 2-methylisothiazol-3(2H)-one may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC of the European Parliament and of the Council[6] provided that certain specifications and conditions relating to its use are complied with.

(7) It is therefore appropriate to approve 2-methylisothiazol-3(2H)-one for use in biocidal products for product-type 13 subject to compliance with the specific conditions in the Annex.

(8) A reasonable period should be allowed to elapse before an active substance is approved, in order to permit interested parties to take the preparatory measures necessary to meet the new requirements.

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

HAS ADOPTED THIS REGULATION:

Article 1

2-methylisothiazol-3(2H)-one is approved as an active substance for use in biocidal products for product-type 13, subject to the specifications and conditions set out in the Annex.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

[6] 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 (OJ L 123, 24.4.1998, p. 1).