



Brussels, **XXX**
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[...] (2016) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

approving *Bacillus thuringiensis* subsp. *kurstaki*, serotype 3a3b, strain ABTS-351, as an active substance for use in biocidal products of product-type 18

(Text with EEA relevance)

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(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 products¹, and in particular Article 90(2) thereof,

Whereas:

- (1) France received on 30 January 2013 an application, in accordance with Article 11(1) of Directive 98/8/EC of the European Parliament and of the Council², for the inclusion of the active substance *Bacillus thuringiensis* subsp. *kurstaki*, serotype 3a3b, strain ABTS-351, in Annex I of that Directive for use in products of product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to that Directive, which corresponds to product-type 18 as defined in Annex V to Regulation (EU) No 528/2012.
- (2) France submitted the assessment report together with its recommendations on 29 May 2015 in accordance with Article 90(2) of Regulation (EU) No 528/2012.
- (3) The opinion of the European Chemicals Agency was formulated on 16 February 2016 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.
- (4) According to that opinion, biocidal products of product-type 18 and containing *Bacillus thuringiensis* subsp. *kurstaki*, serotype 3a3b, strain ABTS-351, may be expected to satisfy the criteria of Article 19(1)(b) of Regulation (EU) No 528/2012, provided that certain specifications and conditions concerning their use are complied with.
- (5) It is therefore appropriate to approve *Bacillus thuringiensis* subsp. *kurstaki*, serotype 3a3b, strain ABTS-351, for use in biocidal products of product-type 18, subject to compliance with certain specifications and conditions.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

¹ OJ L 167, 27.6.2012, p. 1.

² 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).

HAS ADOPTED THIS REGULATION:

Article 1

Bacillus thuringiensis subsp. *kurstaki*, serotype 3a3b, strain ABTS-351, is approved as an active substance for use in biocidal products of product-type 18, 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
Jean-Claude JUNCKER