



Brussels, **XXX**
SANTE/10123/2017
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[...](2017) **XXX** draft

COMMISSION IMPLEMENTING DECISION (EU) .../...

of XXX

**not approving 2-methyl-1,2-benzisothiazol-3(2H)-one as an active substance for use in
biocidal products of product-type 13**

(Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) .../...

of XXX

not approving 2-methyl-1,2-benzisothiazol-3(2H)-one as an active substance for use in biocidal products of 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 products¹, and in particular Article 90(2) thereof,

Whereas:

- (1) Poland received on 26 November 2009 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 2-methyl-1,2-benzisothiazol-3(2H)-one (EC No: n.a., CAS No 2527-66-4) in Annex I to that Directive for use in products of product-type 13, metalworking-fluid preservatives, as described in Annex V to that Directive, which corresponds to product-type 13 as described in Annex V to Regulation (EU) No 528/2012.
- (2) Poland submitted the assessment report together with its recommendations on 24 March 2016 in accordance with Article 90(2) of Regulation (EU) No 528/2012.
- (3) The opinion of the European Chemicals Agency was formulated on 16 December 2016 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.
- (4) According to that opinion, biocidal products used for product-type 13 and containing 2-methyl-1,2-benzisothiazol-3(2H)-one may not be expected to satisfy the requirements laid down in Article 19(1)(b) of Regulation (EU) No 528/2012. For that product-type, the scenarios evaluated in the environmental risk assessment identified unacceptable risks.
- (5) It is therefore not appropriate to approve 2-methyl-1,2-benzisothiazol-3(2H)-one for use in biocidal products of product-type 13.
- (6) The measures provided for in this Decision 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 DECISION:

Article 1

2-methyl-1,2-benzisothiazol-3(2H)-one (EC No: n.a. , CAS No 2527-66-4) is not approved as an active substance for use in biocidal products of product-type 13.

Article 2

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

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER