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

**of **XXX****

**approving active chlorine released from hypochlorous acid as an active substance for  
use in biocidal products of product-type 1**

(Text with EEA relevance)

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

of **XXX**

## **approving active chlorine released from hypochlorous acid as an active substance for use in biocidal products of product-type 1**

(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<sup>1</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) On 31 July 2007, the competent authority of Slovakia ('the evaluating competent authority') received an application, in accordance with Article 11(1) of Directive 98/8/EC of the European Parliament and of the Council<sup>2</sup>, for the inclusion of the active substance active chlorine released from hypochlorous acid in Annex I to that Directive for use in biocidal products of product-type 1, human hygiene, as defined in Annex V to that Directive, which corresponds to product-type 1 as defined in Annex V to Regulation (EU) No 528/2012.
- (2) On 19 November 2010, the evaluating competent authority submitted the assessment report together with its conclusions to the Commission in accordance with Article 11(2) of Directive 98/8/EC.
- (3) On 16 June 2020, the Biocidal Products Committee adopted the opinion of the European Chemicals Agency<sup>3</sup> ('the Agency'), having regard to the conclusions of the evaluating competent authority.
- (4) According to that opinion, biocidal products of product-type 1 using active chlorine released from hypochlorous acid may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC, provided that certain specifications and conditions concerning their use are complied with.
- (5) Taking into account the opinion of the Agency, it is appropriate to approve active chlorine released from hypochlorous acid as an active substance for use in biocidal products of product-type 1 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,

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<sup>1</sup> OJ L 167, 27.6.2012, p. 1.

<sup>2</sup> 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).

<sup>3</sup> Biocidal Products Committee Opinion on the application for approval of the active substance active chlorine generated from sodium chloride by electrolysis, Product type:1, ECHA /BPC/255 adopted on 16 June 2020.

HAS ADOPTED THIS REGULATION:

*Article 1*

Active chlorine released from hypochlorous acid is approved as an active substance for use in biocidal products of product-type 1 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*  
*Ursula VON DER LEYEN*