COMMISSION IMPLEMENTING DECISION (EU) 2023/1424

of 5 July 2023

not renewing the approval of acrolein for use in biocidal products of product-type 12 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council

(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 Article 14(4), first subparagraph, point (b), thereof,

Whereas:

(1) Acrolein was included in Annex I to Directive 98/8/EC of the European Parliament and of the Council ([2]) as an active substance for use in biocidal products of product-type 12. Pursuant to Article 86 of Regulation (EU) No 528/2012, it was therefore considered approved until 31 August 2020 under that Regulation subject to the requirements set out in Annex I to Directive 98/8/EC.

(2) On 28 February 2019, an application was submitted in accordance with Article 13(1) of Regulation (EU) No 528/2012 for the renewal of the approval of acrolein for use in biocidal products of product-type 12 ('the application') as the approval of acrolein for use in biocidal products of product-type 12 was supposed to expire on 31 August 2020.

(3) Commission Implementing Decision (EU) 2020/1037 ([3]) postponed the expiry date of the approval of acrolein for use in biocidal products of product-type 12 to 28 February 2023 in order to allow sufficient time for the examination of the application. That expiry was again postponed by Commission Implementing Decision (EU) 2022/1486 ([4]) to 28 February 2025.

(4) However, on 6 October 2022, the evaluating competent authority informed the Agency and the Commission that the applicant had withdrawn its application for the renewal of approval of acrolein for use in biocidal products of product-type 12. Consequently, as it has not been established that acrolein still meets the conditions laid down in Article 4(1) of Regulation (EU) No 528/2012, it is appropriate to not renew the approval of acrolein for use in biocidal products of product-type 12.

(5) 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 approval of acrolein as an active substance for use in biocidal products of product-type 12 is not renewed.

([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).

([3]) Commission Implementing Decision (EU) 2020/1037 of 15 July 2020 postponing the expiry date of approval of acrolein for use in biocidal products of product-type 12 (OJ L 227, 16.7.2020, p. 72).

([4]) Commission Implementing Decision (EU) 2022/1486 of 7 September 2022 postponing the expiry date of the approval of acrolein for use in biocidal products of product-type 12 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 233, 8.9.2022, p. 83).

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, 5 July 2023.

For the Commission
The President
Ursula VON DER LEYEN