

COMMISSION IMPLEMENTING DECISION (EU) 2021/103**of 29 January 2021****not approving carbon dioxide as an existing active substance for use in biocidal products of product-type 19****(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 for their possible approval for use in biocidal products. That list includes carbon dioxide (EC No: 204-696-9; CAS No: 124-38-9). That list also includes carbon dioxide generated from propane, butane or a mixture of both by combustion. The latter is not covered by this Implementing Decision.
- (2) All the participants have withdrawn their support for carbon dioxide for use in biocidal products of product-type 19, repellents and attractants. The European Chemicals Agency published an open invitation to take over the role of participant in accordance with point (a) of Article 14(1) of Delegated Regulation (EU) No 1062/2014. No notification has been submitted pursuant to Article 17 of that Regulation. In accordance with point (b) of the first paragraph of Article 20 of Delegated Regulation (EU) No 1062/2014, a non-approval decision should be adopted for active substances no longer supported in the review programme for the product-type concerned.
- (3) Carbon dioxide (EC No: 204-696-9; CAS No: 124-38-9) should therefore not be approved as an active substance for use in biocidal products of product-type 19.
- (4) Existing biocidal products of product-type 19 and containing carbon dioxide may continue to be made available on the market and used before the dates set in the second subparagraph of Article 89(2) of Regulation (EU) No 528/2012.
- (5) In any case, carbon dioxide is listed in category 6 of Annex I to Regulation (EU) No 528/2012. Biocidal products of product-type 19 containing carbon dioxide may be therefore made available on the market and used provided that they are authorised in accordance with that Regulation and comply with the conditions and specifications set in Annex I for carbon dioxide.
- (6) 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

Carbon dioxide (EC No: 204-696-9; CAS No: 124-38-9) is not approved as an active substance for use in biocidal products of product-type 19.

⁽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).

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, 29 January 2021.

For the Commission
The President
Ursula VON DER LEYEN
