



MEMORANDUM

Via E-Mail

DATE: September 4, 2009

TO: Clients and Friends

FROM: The Acta Group, L.L.C.

RE: HSE Proposes Changes to Biocidal Product Regulations

On September 1, 2009, the United Kingdom Health and Safety Executive (HSE) announced proposed revisions to the Biocidal Product Regulations 2001, which implement the European Union's Biocidal Products Directive 98/8/EC concerning the harmonization of the European market for biocidal products. The revisions would keep biocides on the market after **May 14, 2010**; update references in the 2001 regulations; and adjust the 2001 regulations. According to HSE, the proposed revisions do not change any legal duties or procedures established by the 2001 regulations, and the revisions would affect only those already subject to the existing biocides regime. HSE is requesting comments via an online questionnaire. Comments are due **November 23, 2009**. More information is available at <http://www.hse.gov.uk/press/2009/e09072.htm>, and the online questionnaire is available at <http://www.hse.gov.uk/consult/condocs/biocidesletter.htm>.

HSE states that the European Commission has confirmed that it will not complete its review of existing active substances within the ten-year deadline, which ends **May 14, 2010**. The proposed revision would extend the transitional period by four years, during which existing active substances will be reviewed and considered for inclusion in Annex I of the Biocides Directive, and to extend data protection periods by the same period for information submitted under the Biocides Directive. The proposed revisions would also update references within the regulations to various pieces of legislation that are relevant to the scope or operation of the biocides regime. Finally, the proposed revisions would redefine the reference to "placing on the market" to clarify that it includes the following: (1) any act of supply; (2) any act of storage



Memorandum to Clients and Friends

September 4, 2009

Page 2

other than storage followed by consignment out of the customs territory of the European Community or by disposal; and (3) importation into Great Britain.

* * * * *

We hope this information is helpful. As always, please call if you have any questions.