October 2014

Manifesto

CALL UPON MEMBER STATES AND THE EUROPEAN COMMISSION TO CLARIFY THE TREATMENT OF IN-SITU GENERATION UNDER THE BIOCIDE PRODUCTS REGULATION

With view to the implementation and applicability of the Biocide Products Regulation (BPR), Member States and the European Commission need to:

- Urgently tackle uncertainties related to the treatment of in-situ generation and precursors under the BPR as the transitional period is nearing its end,
- Ensure the cost-effectiveness of the implementing measure with view to the objectives of the BPR,
- Maintain the diversity of EU industry and avoid the exclusion of SMEs from the market.

Brussels, 10th October 2014

EuSalt
European Salt Producers' Association

MANIFESTO

Call Upon Member States & the EC to Clarify the Treatment of In-Situ Generation Under the BPR

Companies and associations involved in water treatment activities are calling upon Member States and the European Commission to urgently clarify the implementation of the BPR regarding in-situ generation practices so as to foster regulatory consistency and applicability and avoid market disruptions.

1. Urgently addressing the legislative gap

High uncertainty persists regarding the procedure that shall apply to in-situ generated active substances and associated precursors. In such context, businesses are worried that prolonged indecision will result in insufficient time for companies to meet the deadline for submitting applications for authorisation according to article 93[1] of the BPR. This risks causing market disruptions for currently commonly used precursors (such as sodium chloride), which might be forbidden from entering the market. That situation would not only affect the producers of the substance, but direct customers and other downstream users, as well.

Businesses, therefore, are calling upon Member States and the European Commission to specify rules applying to in-situ generation with a double objective:

- To take technical reality into account to ensure the applicability of the measure,
- To maintain a well-functioning EU market.

2. Ensuring the cost-effectiveness of the BPR

We need to ensure the cost-effectiveness of implementing measures presiding over in-situ generation with view to the BPR objectives, i.e. to ensure a 'high level of protection of both human and animal health and the environment' while improving the functioning of the internal market.

The new administrative procedure and associated costs precursors will be subject to should not be disproportionate to the risks associated with those substances[2]. In many cases, precursors do not cause safety concerns; hence, applying the same full procedure as for active substances, seems disproportionate. A simplified procedure should be foreseen for substances not presenting a risk to health and the environment.

In a like manner, if access to other active substances' dossiers would be required, related costs need be regulated by the European Commission and controlled by ECHA so as to prevent potential abusive practices.

3. Maintaining a good functioning of the EU market

In relation to cost-effectiveness, measures regulating in-situ generation should not restrict SMEs access to the market due to administrative and financial burdens. Especially in the case of non-harmful precursors, high procedural costs related to the application procedure and the letter of access would seem disproportionate and threaten the activities of many enterprises.

We need to maintain market accessibility for SMEs involved in water treatment and commercialising precursors for in-situ generation processes for they are a significant component of the EU industrial base.

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[1] According to art. 93 of Regulation (EU) No 528/2012, substances not covered by Directive 98/8/EC and now falling under the scope of the BPR shall submit applications for authorisation by 1 September 2017. In addition, a list of official suppliers would be established for precursors and in-situ generated substances by 1st September 2015.

[2] A number of substances were excluded from the scope of the REACH Regulation because they didn't give rise to safety concerns.