

Athens, April 12, 2021

HAA comments on the TRIS Notification 2021/42/ D (Germany)

The Hellenic Aerosol Association (HAA) statement regarding the notification under 2021/42/D.

Hellenic Aerosol Association is a nonprofit Association representing companies involved in the manufacture and sales of aerosol and Biocide PT18 – insecticides products.

HAA notices trade barriers on the internal market, related to the new German national regulation on certain types of Biocidal products which intends self- service sales ban on certain biocidal products (PT 14 – rodenticides, PT 18- insecticides and PT 21- antifouling products). These products will need to be locked up in store, and before purchase it would be mandatory advice from trained staff on the use of products as well as preventive measured and alternative control methods before purchase.

Take under consideration that Biocidal Products are regulated in EU under Biocidal Products Regulation (BPR) on which this regulation provides high level of protection for human health, animal health and environment.

This new German regulation will:

- Place a huge bureaucratic and economic burden on the industry
- cause competitive distortion and jeopardize the level playing field in the EU, as well as hamper the good functioning of its internal market.
- Increase the mistrust of customers and the safety of chemical products and trade companies and it will cause a great inconvenience.
- increase the complexity of information gathering along the value chain for those companies placing products on the German market and other Countries how might follow this tactic.

Regarding this intended German regulation on biocidal products, the requirements go far beyond BPR and are inappropriate because:

- Biocidal products are regulated in the EU under the BPR, that already provides a high level of protection for human health, animal health and the environment.
- Product labels already provide detailed use instructions for effective and safe use, allowing consumers to use these products appropriately.
- Products that are registered under BPR for the non-professional users will be subject to the self-service ban despite their previous authorization under the BPR (following huge economic investment by the company).

These measures will possibly lead to unfair competition, with retail and drug stores unable to implement these measures of the self-service ban due to limited resources, while bigger stores will be able to support those measures due to larger staff and experience.

- The suggested measures pose an enormous barrier for online businesses, as the requirement for counselling/advice sessions ahead of the product purchase, will be nearly impossible to execute, as it is not within their business model or capabilities. EU-based companies outside Germany would experience an additional trade barrier having to provide the counselling/advice sessions in the German language.
- Consumers will be greatly inconvenienced due to restricted product availability, which may in turn lead them to turn to unregulated “home remedies” or even illegal products.

In conclusion the proposed regulation will place an extremely high administrative burden on the value chain in Germany and will lead to competitive distortion in the EU market.