

Warsaw, March 24, 2021

The Polish Association of the Cosmetic and Detergent Industry statement regarding the notification number 2021/42/D as part of the information system on technical regulations (TRIS)

The Polish Association of the Cosmetic and Detergent Industry (PACDI) notices trade barrier on the internal market, related to the new German national implementing regulation to the Biocidal Products Regulation (EU) No 528/2012¹ (BPR) which concerns the ban on the sale of self-services certain types of biocidal products (PT 14 - rodenticides, PT 18 insecticides and PT 21 - antifouling products). These products will have to be locked up in store, and it will be necessary to provide mandatory counselling/advice from trained staff on the use of products as well as preventive measures and alternative control methods before purchase.

This new German regulation:

- Will place a huge bureaucratic and economic burden on industry.
- Will cause competitive distortion and jeopardise the level playing field in the EU, as well as hamper the good functioning of its internal market.
- Will increase the complexity of information gathering along the value chain for those companies placing products on the German market.

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, in terms of research, development and sustainability).
- The suggested measures pose an enormous obstacle 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.

¹ 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