

Feedback | German Ordinance on the notification and supply of biocidal products and on the implementation of Regulation (EU) No 528/2012

The requirements proposed will ensure a high level of protection for human health, animal health, and the environment from the negative effects of biocidal products. This Ordinance comes at a crucial moment as the EU transitions towards a non-toxic environment, requiring better-controlled and more sustainable use of chemicals.

The Biocidal Products Regulation (BPR) (EU) No 528/2012 only provides a high level of protection if placing on the market and use of biocidal products is well controlled. This should happen in parallel with robust data-gathering at the EU level on biocide exposures. Data are missing on the volumes of production, sale, and use of biocidal products - this data gap is often used as an argument against taking action for a [sustainable use of biocides](#).

The unrestricted supply of certain biocidal products to the general public is a matter of concern due to the risk posed to human health and the environment. Some product type 18 [biocides undermine environmental and human health](#) with acute and chronic effects, including carcinogenicity, immunotoxicity, endocrine disruption, and reproductive health effects. When the PT18 type biocides are used indoors, focus must be put on human health protection; human poisoning from biocides has long been seen as a public health problem.

The primary purpose of national provisions laid down by the Ordinance on the supply of biocidal products is to ensure compliance with the substantive requirements of the authorisations for biocidal products. The provisions also support Article 17 (5) of the BPR: "*Reduction of use of biocidal products to the minimum necessary*"; if consumers are advised at the point of sale on suitable non-chemical alternatives and how to appropriately use biocidal products. The implementation of the Ordinance will also provide an overview of products on the market and will facilitate monitoring, including ineffective products.

Echoing the Danish Environmental Protection Agency report [Survey and strategy for sustainable use of biocides](#) we would like to emphasise that the BPR does not

regulate the biocides use phase systematically; it places the major obligation on the person placing the biocidal product on the market, not on the product user. The level of protection under the BPR assumes that restrictions, such as restriction of indoor-use, will actually be followed by the user.

Existing rules related to product labelling, are not sufficient to protect non-professional users, particularly vulnerable groups and the environment. The expertise of the person supplying/retailing the product serves as a prerequisite for purchasers being properly informed about the properties of the biocidal product, therefore industry's claim that training is not feasible for staff selling PT18 products, is not warranted.

The self-service bans and compulsory sales talk will:

- Provide users with improved product information on a case-by-case basis
- Help to avoid unnecessary applications
- Support the consumer to understand instructions for product storage, use, and disposal

This will help minimise misuse and better ensure compliance with the risk mitigation measures that are associated with products' authorisation.

To conclude, the proposed legislation is expected to reduce environmental pollution caused by biocides and reduce the risk to human health and non-target organisms. HCWH Europe strongly supports the implementation of the Ordinance provisions as stipulated in TRIS notification 2021/42/D.