

A.I.S.E. COMMENTS TO TRIS/(2023) 1786

Draft Royal Decree amending the Royal Decree on the making available on the market and the use of biocidal products (Notification Number: 2023/0367/BE)

A.I.S.E. wishes to inform the European Commission about the major impact on the EU Single Market imposed by the draft Royal Decree amending the Royal Decree of 4 April 2019 on the making available on the market and the use of biocidal products.

The below proposals from the draft Royal Decree go beyond the requirements from the Biocidal Product Regulation (BPR) and the Regulation on Classification, Labelling and Packaging of substances and mixtures (CLP), introducing clear barriers to trade, and as such will have a significant impact on companies placing biocidal products on the Belgian market:

1. Amendment to Article 28 of the 2019 Royal Decree:

1.1. It is proposed that the *“commercial designation, identity of every active substance and its concentration, registration or authorisation number, name and address of the holder of the authorisation and the phone number of the Belgian Poison Control Centre”* shall be given in a clearly visible position on the front label. It is also proposed that the label shall mention *“the identity of each substance of concern and its concentration in metric units”*.

We would like to stress that the BPR does not impose the location of the information to be put on the label. The only requirement is that the *“label must show clearly and indelibly”* the information listed in Article 69(2). Similarly, the BPR does not require to include on the label identity and concentration of each substance of concern; disclosure on the label of information related to the composition of the biocidal product is limited to the identity and concentration of every active substance (and nanomaterials if contained in the product). As such these proposals go far beyond the BPR requirements.

1.2. The new proposal requires that *“the font size of the mandatory information on the label [...] shall be at least 1.2 mm, the height of the vowels being used as a size in lowercase letter.”*

The legibility of the label is currently being examined as part of the CLP Regulation revision. As such we believe it is premature to impose any font size, and in any case font size requirements for biocidal products should match requirements under the CLP Regulation, the latter being the overarching EU regulation for labelling of chemicals.

Amendments described under points 1.1. and 1.2 above will lead to disruption of the manufacturing processes since it will require adaptation of the production flow specifically for one market, in terms of specific packaging and labelling, resulting in an increase in the administrative burden for companies that want to place biocidal products on the Belgian market, which goes against the EU single market objectives.



2. Amendment to Article 29 of the 2019 Royal Decree:

The draft Decree states that *“advertising, in whatever form, shall be prohibited for applications authorised only by the general public if the number of points awarded to the biocide [...] is different from 0”* and that *“Discounts, free quantities, free products or any similar form of direct or indirect promotion when purchasing the biocides referred to in paragraph 2(1) shall be prohibited.”*

We would like to highlight that such ban does not exist under the BPR, and as such this proposal again goes far beyond the BPR principles. Advertisement is already addressed in a protective way under BPR Article 72, which imposes a mandatory statement *“Use biocides safely. Always read the label and product information before use.”* and prohibits the use of terms such as ‘non-toxic’, ‘harmless’, ‘natural’, ‘environmentally friendly’ in any advertisement.

In addition, this proposal conflicts with Article 48(2) of the CLP Regulation (even as it is currently being revised¹): it is not coherent to ban advertising of classified biocidal products when it is explicitly allowed for any chemicals under CLP under certain conditions.

About A.I.S.E.

A.I.S.E. represents the detergents & maintenance products industry in Europe. Based in Brussels, A.I.S.E. has been the voice of the industry to EU regulators for more 70 years. Membership consists of 29 national associations across Europe, 18 corporate members and 18 value chain partners. Through this extensive network, A.I.S.E. represents over 900 companies supplying household and professional cleaning products and services across Europe.

¹ Text proposed by the Commission: Any advertisement for a mixture classified as hazardous or covered by Article 25(6) shall **indicate the hazard pictogram, the signal word, the hazard class and the hazard statements**.

