



## NGO vote recommendations

in view of

the vote in the IMCO-Committee on the amendments  
to the Commission's proposal for a biocide regula-  
tion (COM 267)

(28 April 2010)

Brussels, 27 April 2010



A healthy world for all. Protect humanity and the environment from pesticides. Promote alternatives.

## To Members of the EP Committee on Internal Market and Consumer Protection (IMCO)

### NGO vote recommendations in view of the vote in the IMCO-Committee on the amendments to the Commission's proposal for a biocide regulation (COM 0267), Brussels 28 April 2010

Brussels, 27 April 2010

Dear members of the EP- Committee for Internal Market and Consumer Protection,

On the 28th April 2010 you will vote on the amendments to the Commission's draft for a regulation concerning the placing on the market and use of biocidal products (COM (2009) 0267). These amendments are suggested by the IMCO rapporteur Amalia Sartori and further members of the Committee.<sup>1</sup>

PAN Germany and EEB, Federation Inter-Environnement Wallonie, Grüne Liga, Health and Environment Alliance, Levego Munkacsoport, PAN Europe and PAN UK welcome the review of the current biocide legislation (Directive 98/8/EC) as many shortcomings have occurred in the context of the registration, authorisation and marketing of biocidal products. Biocides like insecticides, rodenticides or household disinfectants can be widely sold, although they can contain highly hazardous substances with carcinogenic, immunotoxic or endocrine disruptive effects. Nano-biocides are commonly used in a wide range of consumer products, including textiles, despite scientific evidence of risks for human health<sup>2</sup> and the environment<sup>3</sup>. Nano-silver particles used in anti-odor socks tend to end up in waste water, hampering the growth of bacteria in waste water treatment plants. Biocidal silver may also disrupt the functioning of key soil microbial communities and prevents use of sewage sludge for agricultural fields. In France only, it is estimated that 17 tonnes of nano silver are released every year in water due to the machine washing of anti-odorant socks containing nano silver.<sup>4</sup>

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<sup>1</sup> Cf.

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/imco/pa/805/805529/805529en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/imco/pa/805/805529/805529en.pdf);  
[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/imco/am/809/809157/809157en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/imco/am/809/809157/809157en.pdf)

<sup>2</sup> There is evidence that nanosilver can be detrimental to human health when ingested or used in medical devices, see for instance: Carlson, C., et al., Unique Cellular Interaction of Silver Nanoparticles: Size-Dependent Generation of Reactive Oxygen Species. The Journal of Physical Chemistry B, 2008. 112(43): p. 13608-13619.

<sup>3</sup> See for instance: Luoma, S., Silver nanotechnologies and the Environment: old problems or new challenges? Project on Emerging nanotechnologies, 2008.

<sup>4</sup> See recent recommendations from the French « Agence française de sécurité sanitaire de l'environnement et du travail » (Afsset), 24 March 2010,  
<http://www.afsset.fr/index.php?pageid=452&newsid=546&MDLCODE=news#>

Currently, we have to face serious intransparencies on the market which hinder product safety and consumer protection. German authorities demonstrated for example infringements against provisions on safety instructions and accurate advertisement in up to 50% of the controls. So long, sufficient standards for the sustainable use of biocides have not been established, although they are necessary in order to ensure an efficient handling of biocides in Europe. As a consequence the authorities already recorded more than 15.000 cases of poisoning whereas the real extent of the impact of biocide use remains unclear due to data gaps in the majority of the member states. Particularly vulnerable groups like small children have been affected in up to 56% of biocides-related incidents which were documented.<sup>5</sup> These figures underline that the internal market is not functioning in accordance with EU-standards for health and environmental protection. A consistent and incentive framework for the promotion of sound products and other sustainable alternatives for pest management is still outstanding.

Furthermore, we believe that the Commission's proposal is not balanced enough in order to cope with the identified shortcomings. Several suggested modifications would weaken current standards for the protection of human health and environment from the risks of biocides while the procedure for product authorisation is problematically simplified and accelerated. This approach not only overrides the positive suggestions in the Commission's draft (e.g. labelling of treated articles and promotion of non-chemical alternatives) but it can also result in serious risks for European consumers as well as for responsible and innovative enterprises which invest in sustainable solutions. The Industry Committee already demonstrated with its vote on the biocide regulation that MEPs are concerned about insufficient standards for transparency (e.g. no labelling of nano biocides).

Your decisions can also contribute to set a clear signal for a better system for the handling of biocides.

We urge you **to support** the following amendments:

- guarantee a high level of protection of human health and the environment and embed the precautionary principle as main purposes of the regulation in order to ensure a consistent cut-off regime and the protection of vulnerable groups like children, pregnant women or elderly people (amendments 5, 16, 108)
- confirm a regular review of biocides (amendments 114, 121)
- support coordinated measures for the sustainable use of biocides (amendments 1, 28)

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<sup>5</sup> Cf. European Commission, Directorate-General Environment (no year): Composite Report in Accordance with Article 24 of Directive 98/8/EC Concerning the Placing of Biocidal Products on the Market. Covering the Period from December 2003 to November 2006. Brussels. PDF-Download: [http://ec.europa.eu/environment/biocides/pdf/composite\\_report\\_2006.pdf](http://ec.europa.eu/environment/biocides/pdf/composite_report_2006.pdf)

- encourage transparency and efforts for removing current gaps for decision making (amendments 91, 119, 143-146)
- promote and strengthen provisions for labelling treated articles (amendment 98)
- consider a clear framework for product authorisation that guarantees responsibility and healthy products (amendments 6, 113, 123)

Furthermore, we believe that it is necessary to confirm those standards of the biocide legislation or suggestions of the Commission's approach which can contribute to ensure consumer and environmental protection on the common market. For this reason ***we recommend to reject the following amendments*** as they will weaken current achievements:

- introduction and extension of vague exemptions that allow a regular and EU-wide approval of highly hazardous substances which can be applied in drinking water plants and against birds and fishes (amendment 15)
- weakening of existing criteria for the authorisation of biocidal products (amendments 12, 19-20, 27, 31, 37-38, 45-47, 50, 52, 55, 60, 68-72, 99, 116-117, 132-134)
- confirmation of loopholes that prevent a clear and timely substitution regime (amendments 24, 39-44)
- entire centralisation of the product authorisation system that may result in anti-microbiological resistancies or other serious impacts for health and environment (amendment 124, 125)
- weakening of provisions for treated articles (amendments 73-75, 110, 136-142)
- destruction of transparency standards and the permission of harmless advertisement of harmful biocides (amendments 33 79-80, 85-89, 93, 120)
- exemptions for the authorisation of altered biocidal products without applying clear criteria and standards for the protection of human health and environment (amendments 9, 10, 63, 129)

We should be most grateful if you consider our recommendations. Please do not hesitate to contact us for further information.

Yours sincerely

See contacts

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