



## Request for an ECHA opinion - Mandate

### "Eligibility of Powdered corn cob for inclusion into Annex I to the BPR"

#### 1. Background

- (1) Article 28(1) of Regulation (EU) No 528/2012 (the BPR) empowers the Commission to adopt delegated acts in order to include active substances into Annex I to the BPR after receiving the opinion of ECHA, provided that there is evidence that they do not give rise to concern according to the conditions set out in Article 28(2).
- (2) Powdered corn cob has been assessed and included by Directive 2013/44/EU<sup>1</sup> into Annex I and IA to the Directive 98/8/EC (BPD) for use in PT14 biocidal products. In particular, this substance was considered as eligible for use in low risk products under the BPD, and was therefore also included into Annex IA to the BPD. This substance is now considered approved pursuant to Article 86 of the BPR.
- (3) The decision-making process on this substance took place late 2012/beginning of 2013, after the adoption of the new Regulation (EU) No 528/2012 (BPR) on May 2012 and was finalized before its entry into application on 1<sup>st</sup> September 2013. ECHA's BPC, in charge of delivering opinions on the inclusion of active substances into Annex I to the BPR, was not operating before 1<sup>st</sup> September 2013.
- (4) Due to this calendar, it was not discussed whether powdered corn cob could be listed or not into Annex I to the BPR.
- (5) As a consequence, it is currently not possible for companies to obtain an authorisation via the simplified authorisation procedure for products containing powdered corn cob, as such procedure is only possible when the active substance is listed in Annex I to the BPR.
- (6) As provided under article 28(1) of the BPR, new inclusion of an active substance into Annex I to the BPR has to be made by means of delegated acts on the basis of an ECHA opinion.
- (7) At the 70<sup>th</sup> meeting of representatives of Member States Competent Authorities for the implementation of Regulation (EU) No 528/2012 of

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1487172555296&uri=CELEX:32013L0044>

March 2017, a discussion took place to define the best approach to take on this case<sup>2</sup>.

- (8) During that meeting, it was agreed that the Commission will request a formal opinion to ECHA, in order to be able to proceed with the inclusion of powdered corn cob into Annex I to the BPR in case it is eligible.
- (9) Pursuant to Article 75(1)(g) of Regulation (EU) No 528/2012, ECHA is requested to formulate an opinion addressing the following questions.

## **2. The question referred to ECHA**

- (10) Taking into consideration this background information, pursuant to Article 75(1)(g) of the BPR, ECHA is requested to formulate an opinion on the following question:

Does powdered corn cob give rise to concern in accordance with Article 28(2) of the BPR, and is it eligible for inclusion into Annex I to the BPR?

## **3. Elements to be considered by ECHA when addressing this question**

- (11) To define if powdered corn cob gives rise to concern, ECHA shall use any information available in the application submitted under the BPD and the assessment report finalised in 2012 on this active substance<sup>3</sup>, as well as any other new information easily accessible to ECHA.

## **4. Deadline for the ECHA opinion**

31 December 2017

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<sup>2</sup> [CA-March17-Doc.5.6 - Inclusion Corn Cob Annex I.docx](#)

<sup>3</sup> <http://dissemination.echa.europa.eu/Biocides/factsheet?id=1278-14>