EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide the charging regime in relation to 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 ("the Biocides Regulation"; OJ No L167, 27.06.12, p.1).

The Biocides Regulation replaces Directive 98/8/EC (OJ No. L123, 24.4.98, p.1) of the European Parliament and the Council of 16th February 1998, which laid down harmonised rules for the placing on the market of biocidal products. The Biocides Regulation lays down revised harmonised rules for the approval of active substances and the making available on the market of biocidal products.

Regulation 3 makes provision for the functions of the Member State referred to in Article 80(2) to be performed by the Executive.

Regulation 4 and the Schedule enable the Executive to charge fees, at a daily rate per person, for work carried out within the scope of the Biocides Regulation and the Biocidal Products (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013. These fees were previously prescribed in the Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2013. Regulation 4 does not reproduce the annual charge made under those Regulations.

Regulation 5 (1) revokes the Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2013 subject to Regulation 5 (2).

Regulation 5 (2) sets out those provisions of the Biocidal Products Regulations (Northern Ireland) 2001 which continue to apply for the purposes of calculating the fee payable in respect of the evaluation of applications for biocidal product authorisations submitted before 1 September 2013.

In Great Britain the corresponding legislation is contained within the Health and Safety and Nuclear (Fees) Regulations 2015 (S.I. 2015/363). The Great Britain Health and Safety Executive has prepared an impact assessment of the effect that the Regulations will have on the costs of business and the voluntary sector. Analysis of the removal of the requirement to pay the biocidal products annual charge can be found at paragraphs 22 to 33. A copy of the impact assessment is available from the Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast, BT6 9FR. A copy of the assessment has been annexed to the Explanatory Memorandum, placed in the library of the Northern Ireland Assembly and is also available alongside these Regulations at www.legislation.gov.uk.

Changes to legislation:
There are currently no known outstanding effects for the The Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2015.