

Commission Directive 2006/140/EC of 20 December 2006 amending Directive 98/8/EC of the European Parliament and of the Council to include sulfuryl fluoride as an active substance in Annex I thereto (Text with EEA relevance) (repealed)

COMMISSION DIRECTIVE 2006/140/EC

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amending Directive 98/8/EC of the European Parliament and of the Council to include sulfuryl fluoride as an active substance in Annex I thereto

(Text with EEA relevance) (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular Article 16(2) second subparagraph thereof,

Whereas:

- (1) Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market and amending Regulation (EC) No 1896/2000⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes sulfuryl fluoride.
- (2) Pursuant to Regulation (EC) No 2032/2003, sulfuryl fluoride has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.
- (3) In accordance with Article 5(2) of Regulation (EC) No 2032/2003, Sweden was designated as Rapporteur Member State. Sweden submitted the competent authority report, together with a recommendation, to the Commission on 19 April 2005 in accordance with Article 10(5) and (7) of that Regulation.
- (4) The competent authority report has been reviewed by the Member States and the Commission. In accordance with Article 11(4) of Regulation (EC) No 2032/2003, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 8 September 2006, in an assessment report.
- (5) The review of sulfuryl fluoride did not reveal any open questions or concerns to be addressed by the Scientific Committee on Health and Environmental Risks (SCHER).
- (6) It appears from the various examinations made that biocidal products used as wood preservatives and containing sulfuryl fluoride may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC, in particular with regard to

the uses which were examined and detailed in the assessment report. It is therefore appropriate to include sulfuryl fluoride in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as wood preservatives and containing sulfuryl fluoride can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

- (7) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance sulfuryl fluoride and also to facilitate the proper operation of the biocidal products market in general.
- (8) In the light of the findings of the assessment report, it is appropriate to require that such products be authorised only for use by trained professionals, in accordance with Article 10(2)(i)(e) of Directive 98/8/EC, and that risk mitigation measures are designed to ensure the safety of operators and bystanders, in accordance with Article 10(2)(i)(f) of Directive 98/8/EC.
- (9) In addition, it is appropriate to require continuous monitoring, as well as the provision of further information on certain specific points detailed in the assessment report, in accordance with Article 10(2)(i)(f) of Directive 98/8/EC.
- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 8 containing sulfuryl fluoride to ensure that they comply with Directive 98/8/EC.
- (12) Directive 98/8/EC should therefore be amended accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

- (1) [OJ L 123, 24.4.1998, p. 1](#). Directive as last amended by Commission Directive 2006/50/EC of 29 May 2006 ([OJ L 142, 30.5.2006, p. 6](#)).
- (2) [OJ L 307, 24.11.2003, p. 1](#). Regulation as last amended by Regulation (EC) No 1048/2005 ([OJ L 178, 9.7.2005, p. 1](#)).