



### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> European Commission <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> European Commission, EU-TBT Enquiry Point, Fax: +(32) 2 299 80 43, E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a> Website: <a href="http://ec.europa.eu/growth/tools-databases/tbt/en/">http://ec.europa.eu/growth/tools-databases/tbt/en/</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Biocidal products and treated articles treated with or incorporating biocidal products
<b>5. Title, number of pages and language(s) of the notified document:</b> Draft Commission Implementing Decision not approving 1,2-benzisothiazol-3(2H)-one (BIT) as an active substance for use in biocidal products of product-type 10 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council; (3 page(s), in English)
<b>6. Description of content:</b> This draft Commission Implementing Decision does not approve 1,2-benzisothiazol-3(2H)-one (BIT) as an active substance for use in biocidal products of product-type 10.  This active substance is no longer supported by the applicant, who submitted its application for approval under the previous Directive 98/8/EC outside the review programme of existing active substances, and thus the conditions for approval under the Biocidal Products Regulation (EU) No 528/2012 cannot be met.  Biocidal products containing this active substance already cannot be placed on the market, but treated articles with those biocidal products are benefitting from the transitional provisions set out in Article 94 of the Biocidal Products Regulation (EU) No 528/2012, because an application for approval was submitted before 1st September 2016. In order to ensure that those treated articles are no longer placed on the EU market, it is necessary to adopt a non-approval decision.

<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Harmonisation of the EU market on biocidal products; Protection of human health or safety; Protection of the environment; Harmonization
<b>8. Relevant documents:</b> 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 (OJ L 167, 27.6.2012, p. 1.). Available in all EU languages. <a href="#">EUR-Lex - 32012R0528 - EN - EUR-Lex (europa.eu)</a>
<b>9. Proposed date of adoption:</b> October 2022 <b>Proposed date of entry into force:</b> 20 days from publication in the Official Journal of the EU
<b>10. Final date for comments:</b> 60 days from notification
<b>11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b> European Commission, EU-TBT Enquiry Point, Fax: + (32) 2 299 80 43, E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a> The text is available on the EU-TBT Website : <a href="http://ec.europa.eu/growth/tools-databases/tbt/en/">http://ec.europa.eu/growth/tools-databases/tbt/en/</a> <a href="https://members.wto.org/crnattachments/2022/TBT/EEC/22_4647_00_e.pdf">https://members.wto.org/crnattachments/2022/TBT/EEC/22_4647_00_e.pdf</a>