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Shaping a proper use of biocides

Learning from national examples to enhance environmental protection during the use-phase of biocides

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Umweltbundesamt
Wörlitzer Platz 1
06844 Dessau-Roßlau
Tel: +49 340-2103-0
Fax: +49 340-2103-2285
buergerservice@uba.de
Internet: www.umweltbundesamt.de

[/umweltbundesamt.de](http://www.umweltbundesamt.de)
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Shaping a proper use of biocides

Learning from national examples to enhance
environmental protection during the use-phase of
biocides

by

Stefanie Wieck

Maren Ahting

Christoph Stang

On behalf of the German Environment Agency

Any views expressed are the views of the German Environment Agency and may not in any circumstances be regarded as stating an official position of the Federal Republic of Germany.

Call for Action

Current monitoring campaigns prove that the environment is under high pressure from certain authorised biocidal uses, the most prominent example being anticoagulant rodenticides found along the entire food chain. More than two decades dealing with potential environmental risks from biocidal products have shown that further action is required beyond active substance approval and product authorisation to protect the environment. This requires the yet missing European regulation of the use-phase of certain biocidal product types to shape “proper use” already requested in Article 17(5) of the EU Biocidal Products Regulation 528/2012 (BPR).¹

Explicitly regulating the use-phase of biocidal products to shape their proper use would follow the same logic as legislation on plant protection products. This is targeting both the active substance approval and product authorisation (EU Regulation 1107/2009 Concerning the Placing of Plant Protection Products on the Market) as well as the sustainable use of plant protection products (Directive 2009/128/EC on the Sustainable use of Pesticides, SUD) in order to ensure a high level of protection of both, human and animal health, and the environment. While it is not possible to simply copy the measures foreseen in the SUD, its justification for the need of such European legislation in its recital 22 is also valid for some biocidal product types:

“Since the objective of this Directive, namely to protect human health and the environment from possible risks associated with the use of pesticides, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty.”

However, as such piece of legislation is currently not available for biocidal products, Member States are implementing measures regulating the use-phase on national level. These measures seem also important to ensure that biocidal products are used in compliance with the terms and conditions of the authorisation. Within this document, we compiled examples of these existing national legislation. The objective of this collection was (i) to provide examples for other Member States that would like to develop their national legislation further in the near-term, and (ii) to provide exemplary legislation to the European Commission to help drafting a harmonised European framework in the medium-term. Examples compiled in this document cover

- ▶ Training and further education of trained professionals
- ▶ Sustainable management of harmful organisms
- ▶ Restriction of product availability to authorised user groups
- ▶ Obligatory information to general public at point of sale and self-service bans
- ▶ Advertisement
- ▶ Drift-reducing machinery
- ▶ Reduction of biocides’ use in sensitive ecosystems
- ▶ Data collection.

To reach the goal of the Biocidal Products Regulation of ensuring a high level of protection of both human and animal health and the environment, we call for the European Commission to develop regulatory proposals on these aspects with the aim of shaping a proper use of biocides. The compilation of national examples is meant to be a starting point and support.

¹ Proper use shall involve the rational application of a combination of physical, biological, chemical or other measures as appropriate, whereby the use of biocidal products is limited to the minimum necessary and appropriate precautionary steps are taken.

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1 Introduction

Background

Biocides are toxic by design, induced by their purpose to control organisms posing a potential threat to humans, animals or materials. Unlike “normal” chemicals, biocidal active substances are substances designed to affect living organisms. In many cases, “affecting” means killing; a feature they share with plant protection products, both referred to as pesticides. Undesirable effects on the environment are thus likely to occur. This is true even for authorised products, because the aim of the authorisation procedure is for every single product to keep these effects below an unacceptable level, not to eliminate the effects as a whole. Furthermore, the environment is never exposed to only a single product but polluted by a mixture of countless substances from different uses. Therefore, it is necessary to reduce the emissions to the environment to the unpreventable minimum.

Monitoring of environmental samples and biota shows how biocides contribute to environmental pollution, even if active substances are used in authorised products subject to risk mitigation measures. For example, widespread exposure of wildlife to anticoagulant rodenticides has been detected in recent monitoring studies from Germany². Therefore, stronger efforts are necessary to achieve EU’s Zero Pollution Ambition while at the same time taking most effective advantage of biocides’ benefits and keeping the regulatory process as streamlined as possible.

Current regulation of proper use

Although it is of high importance that biocidal products are used sustainably in order to effectively control harmful organisms and keep side effects at a minimum, the use-phase of biocides is to a large extent still unregulated at EU level. While Article 17 (5) of the EU Biocidal Products Regulation 528/2012 (BPR) addresses the proper use of biocides, it stays on a very superordinate level, stating that

“Proper use shall involve the rational application of a combination of physical, biological, chemical or other measures as appropriate, whereby the use of biocidal products is limited to the minimum necessary and appropriate precautionary steps are taken.”

More than 10 years after BPR has entered into force, common European principles that would shape this proper use are still missing. This would also be important to ensure that biocidal products are used in compliance with the terms and conditions of the authorisation, for example by establishing obligatory training for professionals. At the same time for plant protection products, Directive 2009/128/EC on the Sustainable Use of Pesticides has been established to further elaborate the proper use of these products that is requested according to Article 55 of Regulation 1107/2009 concerning the placing of plant protection products on the market. In 2025, the planned evaluation of the BPR is scheduled to assess the usefulness of extending this

² **Non-target rodents:** Geduhn et al, 2014. Spatial and temporal exposure patterns in non-target small mammals during brodifacoum rat control. *Sci. Total Environ.* 496, 328–338.

Birds of prey: Badry et al, 2021. Linking landscape composition and biological factors with exposure levels of rodenticides and agrochemicals in avian apex predators from Germany. *Environ. Res.* 193, 11060.

Songbirds: Walther et al, 2021. Exposure of passerine birds to brodifacoum during management of Norway rats on farms. *Sci. Total Environ.* 762, 144–160.

Freshwater fish: Regnery et al, 2020. Heavy rainfall provokes anticoagulant rodenticides’ release from baited sewer systems and outdoor surfaces into receiving streams. *Sci. Total Environ.* 740, 13.

Otters: Regnery et al, 2024. First evidence of widespread anticoagulant rodenticide exposure of the Eurasian otter (*Lutra lutra*) in Germany. *Sci. Total Environ.* 907. 167938.

Directive on the Sustainable Use of Pesticides to biocides³. This assessment should be the starting point to further develop how to achieve a sustainable use of biocides by shaping the already required proper use in more detail.

National approaches regarding aspects of proper use

To fill this legislative gap in the meantime, many Member States are implementing national legislation on aspects of proper use. These resources could be used much more efficiently if it would be possible to benefit more from each other's experiences through coordination at EU-level. This would also avoid national development of legal definitions currently missing on EU level, for example diverging national definitions of trained professionals, leading to time-consuming discussions during the harmonised product authorisation process.

The following chapter contains analyses of such national legislation. For each aspect, examples for national legislation are given that already exist in the Member States, Switzerland or Norway. These examples, presented in more detail in Annex A, are mainly based on a survey conducted by UBA via the CA-Meeting in 2021, which was updated during drafting this document. UBA would like to thank all participating colleagues for their support in collecting and editing these examples.

Following the national examples in each chapter, our arguments how this topic contributes to proper use, our perception of the goal for regulating this topic, and its relevance for specific biocidal uses are presented. These are solely UBAs assessments, not those of the Member States whose exemplary legislations are mentioned. The following topics are analysed:

- ▶ Training and further education of trained professionals
- ▶ Sustainable management of harmful organisms
- ▶ Restriction of product availability to non-authorized user groups
- ▶ Obligatory information to general public at point of sale on biocidal products and non-chemical alternatives and self-service bans
- ▶ Advertisement
- ▶ Drift-reducing machinery
- ▶ Reduction of biocides' use in sensitive ecosystems
- ▶ Data collection.

Outlook

With this publication, following a decade of practical experience with the implementation of the BPR, UBA calls on the EU Commission to better shape a proper use of biocides.

EU-legislation aiming to ensure proper use of biocides would be a step forward in order to really achieve one of the purposes of the BPR: a high level of protection. Clear EU-wide provisions would also simplify the approval and authorisation processes and save capacities in the Member States currently working on stand-alone national solutions.

³ Commission Staff Working Document accompanying the report from the Commission to the European Parliament and the Council according to Article 65(4) of the BPR (SWD(2021) 128 final)

2 Gaps at EU-level and existing national solutions

2.1 Training and further education

National examples

- ▶ **CH:** Special license for professional practice of disinfection of water in public baths, pest control and for the professional use of wood preservatives and fumigants
- ▶ **CY:** Training programs for pest controllers
- ▶ **DE:** Professional training is required for several biocidal products based on product type, classification or authorized user categories.
- ▶ **DK:** Authorisations for professional rat control and fumigations
- ▶ **EE:** Occupational qualification standards for pest control operators
- ▶ **FI:** Qualifications for users of restricted rodenticides and insecticides
- ▶ **FR:** Training for professional users, buyers and distributors of certain biocidal products
- ▶ **HR:** Obligatory training for workers carrying out disinfection, disinsection and rodent control for the prevention of infectious diseases (pest controllers)
- ▶ **LV:** Training programs for disinfection, disinsectation and deratisation
- ▶ **NO:** Authorisations for pest control operators and fumigations
- ▶ **SE:** Permits for certain wood preservatives, pest control products and fumigation products

See annex A.1 for more details.

Our arguments for regulatory consideration

The decisions users of biocidal products take on the ground are of paramount importance to manage harmful organisms sustainably. This is especially true for professional users of biocidal products, who are confronted frequently with such decisions and who are allowed to use products that have been restricted for the general public for different reasons. Without adequate training, the implementation of risk mitigation measures and thus the fulfilment of the conditions for authorisation of biocidal products cannot be expected. Hence, training and further education of professional users of biocidal products is a key element to achieve sustainable use of biocides as a prerequisite for a high level of environmental protection.

At the moment, there are no requirements regarding the necessary qualification of professionals in the BPR. The report of the Commission according to Article 65(4) of the BPR states that by 2019, “certification or training schemes for professional users are present in 20 Member States and under development in two others”.⁴ Those schemes are varying in focus and concept.

⁴ Commission Staff Working Document accompanying the report from the Commission to the European Parliament and the Council according to Article 65(4) of the BPR (SWD(2021) 128 final)

Goal of future legislation

Trained professionals in charge of managing harmful organisms across the entire EU should receive training and further education to be fully aware of the potential risks of biocidal products to the environment and of the appropriate measures to reduce those risks as much as possible.

Uses in focus

Training and further education measures can be relevant for all uses of biocidal products that are authorised not only for the general public. A tiered approach of qualifications might be appropriate depending on the biocidal product type or specific application requirements.

2.2 Sustainable management of harmful organisms

Example

To our knowledge, there are plenty Best Practice Codes on national level but no general principles of a sustainable management of harmful organisms universally defining a proper use of biocides. However, a proposal for such principles has currently been published by the OECD Working Party on Biocides. It is presented in annex A.2. This proposal translates the basic idea of Integrated Pest Management (IPM) for plant protection products to biocidal uses.

Our arguments for regulatory consideration

Controlling harmful organisms with a sustainable mix of preventive measures, non-biocidal alternatives and biocidal products is the key to achieve a high level of protection and the definition of proper use of biocidal products. While BPR currently requests in its Article 17(5) ‘the rational application of a combination of physical, biological, chemical or other measures as appropriate, whereby the use of biocidal products is limited to the minimum necessary and appropriate precautionary steps are taken’ as proper use, users are left alone with how the practical elaboration of this could look like.

That is because at the moment, there is no further information of what proper use means in practice in the BPR. Risk mitigation measures during product authorisation can only partly bridge this gap as they need to be product- and risk-related and cannot take the holistic perspective needed for the sustainable management of harmful organisms. While there are many Best Practice Codes available in the Member States, there are no overarching principles to guide these Codes and harmonise their approaches. Integrated Pest Management (IPM) is often referred to, but the measures of IPM are centred only around plant pests. To support users in putting proper use into practice, overarching principles need to be defined for the management of organisms harmful to health or materials as well. These principles can form the basis for holistic Best Practice Codes for specific harmful organisms.

Goal of future legislation

Professionals should be able to make informed decisions in practice on the most sustainable management of harmful organisms based on Best Practice Codes. These Best Practice Codes should be based on agreed general principles of a sustainable management of harmful organisms as prerequisite for proper use of biocidal products by professionals and should be included in trainings (see chapter 2.1). They should also include preventive and alternative measures. For the acceptance of alternatives, a system of quality assurance (for example certification) would be desirable.

Uses in focus

The general principles for a sustainable management of harmful organisms should potentially cover all uses of biocidal products. Knowledge of and adherence to the Best Practice Codes based on these general principles can only be expected from professionals. The Codes should therefore be developed for professional uses of biocidal products.

2.3 Restriction of product availability to authorised user groups

National examples

- ▶ **BE:** Closed-circuit market for certain biocidal products based on substance properties
- ▶ **CH:** Sales restrictions based on classifications
- ▶ **DE:** Sale of biocidal products is only allowed to persons of the authorised user group
- ▶ **DK:** Rodenticides authorised for professional use may only be supplied to and possessed by authorised persons, further restrictions based on classifications
- ▶ **EE:** Sales restriction for biocidal products authorised for professionals
- ▶ **FI:** Rodenticides intended for trained professionals are to be sold only for pest control operators with appropriate qualifications

See annex A.3 for more details.

Our arguments for regulatory consideration

The use of biocidal products can be restricted during their authorisation to specific user groups, for example to ensure compliance with complex risk mitigation measures preventing environmental damage. Concurrently restricting the availability of these products is a prerequisite to ensure that the products are only commercially available to the persons allowed to use them and thus essential to ensure fulfilment of risk mitigation measures as conditions for authorisations.

At the moment, there is no such regulation of sales for biocidal products in the BPR.

Goal of future legislation

Only authorised user groups are allowed to buy the respective products. These user categories have not been defined on EU level until now and need further clarification in the future.

Uses in focus

Instruments to ensure that only authorised users can buy respective products are relevant for all uses of biocidal products restricted to a certain user category.

2.4 Obligatory information to general public at point of sale and self-service bans

National examples

- ▶ **CH:** Self-service ban based on classification and dispense only with specific advice
- ▶ **DE:** Obligatory advice (incl. self-service ban) for non-professionals when buying product types 7, 8, 10, 14, 18 and 21
- ▶ **EE:** Staff needs to be prepared to provide advice to users
- ▶ **FR:** Ban on self-service is currently under way
- ▶ **SE:** Requirement for retailers to inform the non-professional customer about safe use of biocidal products

See annex A.4 for more details.

Our arguments for regulatory consideration

The point of sale is an important opportunity to be used to communicate to non-professionals how to deal best with a harmful organism, including information on preventive measures or alternatives and raising awareness for possible risks of the biocidal products and their safe use. The aim is to avoid unnecessary use of biocides, to make sure non-professional users use biocides properly and according to the terms and conditions of the authorisation and thereby to contribute to the high level of protection claimed by the BPR. This requires the sales staff to be well informed about the relevant harmful organisms, sustainable management options and the safe use of biocidal products. To ensure adequate counselling, prohibition of self-service is required for the relevant products.

At the moment, there is no mechanism in the BPR ensuring that users are informed at the point of sale.

Goal of future legislation

Non-professional user groups are informed at the point of sale on a sustainable management of the harmful organisms they want to control.

Uses in focus

This is relevant for whole product types where guidance of non-professional users seems appropriate due to the overall risk potential seen for the product type. Selection of product types could be in line with the prioritization of the review programme under *Regulation (EC) No 1849/2006 concerning the second phase of the 10-year work programme*. Products eligible to simplified procedure could be exempted from this regulation.

2.5 Advertisement

National example

- ▶ **FR:** Ban of commercial advertising to the general public (non-professional users) for rodenticides and insecticides as well as for specific disinfectants, ban of some trade practices (discounts and reductions) for rodenticides and insecticides

See annex A.5 for more details.

Our arguments for regulatory consideration

Advertisements and discounts can encourage people to buy biocidal products without having a specific problem with harmful organisms. This might lead to unnecessary uses of biocidal products. However, the use of biocidal products is only sustainable if it is indeed needed and if benefits arise from the use that exceed the risks. This is comparable to prescription medication, for which advertisements for patients are forbidden almost all over the world to prevent unnecessary use.

Regarding advertisements, Article 72 of the BPR currently only requires a general sentence pointing to the label and product information and a prohibition of statements that might be misleading in respect of the risks from the product. At the moment, Article 72 paragraph 3 does not take into account the characteristics of products eligible to the simplified authorisation procedure according to Article 25 of the BPR. This makes it unnecessarily difficult for consumers to identify products with a simplified authorisation, allegedly having a better risk profile.

Goal of future legislation

A thoughtful purchase of biocidal products encourages a use that is reduced to the minimum necessary. Producers of products eligible for the simplified authorisation procedure have the possibility to advertise the reasons for the product being authorized by the simplified procedure.

Uses in focus

Regulation of advertisement is relevant for whole product types where it seems appropriate due to the overall risk potential seen for the product type. Selection of product types could be in line with the prioritization of the review programme under *Regulation (EC) No 1849/2006 concerning the second phase of the 10-year work programme*. For advertisement for products eligible to simplified procedure specific rules could be laid down.

2.6 Drift-reducing machinery

National examples

- **CH:** Case-by-case application of measures (not risk based), for example specific nozzles
See annex A.6 for more details.

Our arguments for regulatory consideration

The machinery used to apply biocidal products can have an effect on the risks and benefits associated with the respective product. Its design, construction and maintenance play a significant role in reducing the adverse effects of biocides on the environment. Minimum requirements should be established that need to be fulfilled by all equipment for the uses in focus to reduce these effects.

Machinery is of special relevance for environmental protection for applications via spraying.⁵ If equipment with a high drift potential is used, amounts of biocidal products unnecessarily enter non-target areas with detrimental effects for the environment. At the same time, the drifted amount of the product cannot unfold its effect in the infested target area where it is needed. Harmonized standards defining progressive equipment (e.g. in terms of drift reduction) could be used by authorities to refer to them as risk mitigation measures in authorisations or to support sustainable use in sensitive areas (see chapter 2.7).

At the moment, requirements for machinery used for the application of biocides with regard to environmental protection are not defined at EU level.

Goal of future legislation

Benefits of biocidal products should be enhanced and unnecessary risks should be reduced by ensuring appropriate equipment.

Uses in focus

Outdoor spraying applications are the uses in focus due to the high influence of machinery on their risks and benefits. This is especially relevant for insecticides (PT 18) and algaecides (PT 2) but might be of importance for other product types as well.

⁵ For more information on drift potential during the application of biocidal products: Langkamp-Wedde, T. et al, 2020. Reduction of drift in spray application/ nebulization of biocides - Derivation of risk reduction measures and device requirements. Available online: <https://www.umweltbundesamt.de/publikationen/reduction-of-drift-in-spray-application>

and

Langkamp-Wedde, T. et al, 2023. Possibilities to reduce drift by 75 percent in biocidal applications of insecticides with cannon sprayers. Environ Sci Eur 35, 23. <https://doi.org/10.1186/s12302-023-00729-0>

2.7 Reduction of biocides' use in sensitive ecosystems

National examples

- ▶ **BE:** Measures to address the risks related to the use of biocidal products in specific areas such as schools, kindergartens, or public spaces
- ▶ **CY:** Use of biocides in water environments protected as Natura 2000 sites (e.g. wetlands) for mosquito control needs specific assessment
- ▶ **DE:** Large-scale use of insecticides and spraying of wood preservatives is prohibited in protected sites
- ▶ **DK:** Ban for biocides based on classifications in private gardens, on open-air areas accessible to the public, or for the treatment of plantations adjacent to public roads or private gardens, restrictions for anti-fouling products, prohibition of aerial spraying.
- ▶ **EE:** Depending on the level of protection, the use of biocides can be completely prohibited, or the use has to be notified.
- ▶ **FI:** Use of antifouling products in freshwater (lakes and rivers) is forbidden
- ▶ **LU:** Tiered prohibition of use of biocides and treated articles around barrage lake "Haute-Sûre"
- ▶ **LV:** National regulations for water protection where biocidal products are listed as group of dangerous substances

See annex A.7 for more details.

Our arguments for regulatory consideration

Areas that are for instance vital for the protection of biodiversity or for the supply of drinking water are specifically sensitive to biocidal input. Pollution by biocidal products is in conflict with legislative protection goals for such areas. For this reason, specific measures to protect certain areas should be established. Also, public areas could be regarded as areas needing specific protection. However, this document focusses on environmental protection and does not propose measures for further sensitive areas.

At the moment, there are no specific measures in the BPR to protect sensitive areas from biocidal products. The report of the Commission according to Article 65(4) of the BPR states that by 2019, "sixteen Member States reported to have taken measures to address the risk related to the use of biocides in specific areas such as schools, kindergartens, workplaces and public spaces. Many of these were information campaigns [...]".⁶

⁶ Commission Staff Working Document accompanying the report from the Commission to the European Parliament and the Council according to Article 65(4) of the BPR (SWD(2021) 128 final)

Goal of future legislation

Sensitive areas should be defined, where legislative measures are justified in order to restrict the use of biocidal products and thereby to ensure a high level of environmental protection.

Uses in focus

For sensitive ecosystems, large-scale outdoor applications or uses are of special concern in the context of protection of sensitive areas. This is especially relevant for algaecides (PT 2), rodenticides (PT 14), insecticides (PT 18), anti-fouling products (PT 21) and products for the protection of materials that are applied via spraying (PT 7, 8, 9, 10) or treated articles containing material preservatives that might enter protected water bodies.

2.8 Data collection

National examples

- ▶ **BE:** Declaration of volume of biocidal products placed on the market
- ▶ **CH:** Collection of data for biocidal products placed on the market as well as for specific uses
- ▶ **DE:** Reporting of quantity of biocidal products placed on the market or exported
- ▶ **DK:** Reporting of data for biocidal products sold or produced/imported, use data for rat control
- ▶ **FI:** Reporting of amounts of biocidal products placed on the market or in use
- ▶ **FR:** Declaration of tonnage of biocidal products placed on the market
- ▶ **HR:** Reporting of annual quantities of biocidal products imported or produced
- ▶ **LV:** Reporting of data for biocidal products produced or imported based on tonnage and properties
- ▶ **SE:** Declaration of tonnage of biocidal products placed on the market

See annex A.8 for more details.

Our arguments for regulatory consideration

At the moment, there is neither an overview of the amounts of biocides placed on the European market nor sold or used. This hampers targeted monitoring campaigns or risk management focusing on the most relevant application types.

There is no provision on data collection in the BPR. Member States are starting to collect their own national data based on different methodologies leading to no comparability of the data between the countries. The same problem was already identified for data on poisonings in the report of the Commission according to Article 65(4) of the BPR.⁷

Goal of future legislation

Allow for comparable data collection regarding biocides in all Member States to get a comprehensive picture of the European market, a better basis for estimating emissions to the environment and to be able to monitor the success of biocidal risk management.

Uses in focus

Data collection on the quantity of biocidal active substances placed on the national markets per product type per year is helpful for all product types. Moreover, use data should be collected in a targeted approach for professional uses of biocidal products associated with problematic active substances (e.g. substitution candidates) or uses (e.g. large-scale outdoor applications).

⁷ Commission Staff Working Document accompanying the report from the Commission to the European Parliament and the Council according to Article 65(4) of the BPR (SWD(2021) 128 final)

A Appendix - Detailed information on national legislation

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Interested in reading the original national legislation?

Several of the national legislation mentioned in this document are only available in the respective national languages. Many internet browsers, however, include very helpful translation features that translate websites with only one mouse click. Quick translation features are also available online for pdf documents.

A.1 Training and further education

SWITZERLAND (CH)

In Switzerland, a special license is required for the professional practice of disinfection of water in public baths, pest control and for the professional use of wood preservatives and fumigants. The regulations for each of these licenses contain lists of the knowledge and skills required.

Regulation for the professional practice of disinfection of water in public baths (in German, French and Italian): <https://www.fedlex.admin.ch/eli/cc/2005/498/de>

Regulation for a certificate for general pest control professionals (in German, French and Italian): <https://www.fedlex.admin.ch/eli/cc/2005/499/de>

Regulation for a certificate for pest control professionals using fumigants (in German, French and Italian): <https://www.fedlex.admin.ch/eli/cc/2005/500/de>

Regulation for a certificate for professionals using wood preservatives (in German, French and Italian): <https://www.fedlex.admin.ch/eli/cc/2005/504/de>

CYPRUS (CY)

There are legal national requirements for training of professional users of product types 14, 18 and 19 (pest controllers). The registration of a pest control unit for the use of biocidal products, concerns the “Biocidal Products (Execution of Professional Works) Regulations of 2019”. The head of a pest control unit and authorised users should be trained in a training program described in Annex III, Part A and Part B respectively. These training programs must be approved by the Competent Authority which will also carry out the examinations where necessary.

Link to the Biocidal Products (Execution of Professional Works) Regulations of 2019 (KDP 145/2019) (in Greek): http://www.cylaw.org/KDP/data/2019_1_145.pdf?x_tr_sl=el&x_tr_tl=de&x_tr_hl=de&x_tr_pto=op,wapp&x_tr_sch=http

FINLAND (FI)

There is a requirement for qualification as a trained professional for the use of restricted rodenticides and insecticides according to Finnish Chemicals Act 599/2013 and Government Decree of Biocidal products 418/2014. A sufficient amount of instruction in the appropriate and safe use of biocidal products, how to prevent the occurrence of pests and risks associated with the use of biocidal products, and ways to manage these risks must be included in the training (Section 37 of the Chemicals Act). Finnish Safety and Chemicals Agency (Tukes) approves the recipient of the qualification and approval is valid for five years. In addition, Tukes keeps a register on the persons who have completed the qualification (Section 17 of the Chemicals Act). The qualification is valid for 5 years and thereafter it has to be renewed. Tukes keeps also a register over pest control companies.

Link to Finnish Chemicals Act 599/2013 (in English): <https://finlex.fi/en/laki/kaannokset/2013/en20130599>

Link to Government Decree of Biocidal products 418/2014 (in Finnish): <https://www.finlex.fi/fi/laki/smur/2014/20140418>

FRANCE (FR)

Based on a French decree, there are training requirements for professional users, buyers and distributors of professional-use-only biocidal products, as well as decision-makers. The program is called “certibiocide”. Three certificates are established for following PTs:

- certificate “certibiocide désinfectants” for PT 2, 3, 4 (“certibiocide désinfectants”)
- certificate “certibiocide nuisibles” for PT 14, 18 and 20 (“certibiocide nuisibles”)
- certificate “certibiocide autres produits” for PT 8, 15 and 21 (“certibiocide autres produits”)

Products used in a production or transformation process are exempted. The certificate is obtained after training with an authorised organization. The conditions to be an authorized training organization are defined in a decree, including requirements on training content. The certificate is issued by the Ministry responsible for the environment and is valid for a maximum period of 5 years. Companies exercising the activity of professional user or distributor must declare themselves annually to the Ministry in charge of the environment.

Link to “Arrêté du 9 octobre 2013 relatif aux conditions d'exercice de l'activité d'utilisateur professionnel et de distributeur de certains types de produits biocides” (in French): <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028214219/>

Link to more information on “certibiocide” (in French): <https://certibiocide.din.developpement-durable.gouv.fr/faq>

GERMANY (DE)

In Germany, professional training is regulated in the Hazardous Substances Ordinance (GefStoffV). Expert knowledge is required for the use of specific biocidal products in § 15c.

In its Annex I, the GefStoffV lays down basic practical and theoretical requirements for the training of “trained professionals” (e.g. knowledge of relevant law, knowledge and skills in use of biocides with a minimum of risk, knowledge and skills in dosing, application, disposal, etc.; see Annex I, number 4.4, paragraph 3 GefStoffV). More concrete requirements are laid down by an expert group below the level of law. For applications of a product for which authorisation has been restricted to “trained professional users”, users have to prove they have successfully passed a corresponding theoretical and practical examination. Certificates are valid for a period of six years and can be extended by another six years respectively by attending further training. Providers of training and education must be approved by a competent authority. Some professional trainings can be recognized as equivalent, for example for pest control operators.

For the use of fumigants, a special certificate of competence (“Befähigungsschein”) is needed. To receive this, the person must at least be 18 years old and possess the language skills required to carry out the fumigation safely. In addition, the person needs to provide a valid certificate of the specific expert knowledge, the required reliability, and a doctor’s certificate proving physical and mental suitability. The certificate of competence can be withdrawn if requirements are not met anymore, e.g., in case of misconduct.

Link to the Hazardous Substances Ordinance (in English): https://www.baua.de/EN/Topics/Chemicals-biological-agents/Hazardous-substances/Hazardous-substances-ordinance/Hazardous-substances-ordinance_node.html

DENMARK (DK)

Professional rat control

An authorisation is required in order to perform professional rat control in Denmark. Two types of authorisation exist, R1- or a R2-authorisation. PT14-products towards rats are usually only authorised for professionals with an R1- or R2-authorisation.

R1-authorisation: four days (minimum 35 hours) course with test. Validity of 5 years after which you need to attend a follow-up-course (minimum 3 hours). For professional pest controllers.

R2-authorisation: one-day (minimum 7 hours) course with test. Validity of 5 years after which you need to attend a follow-up-course (minimum 2 hours). For people owning a commercial property and want to control rats on their own property themselves. Mostly oriented towards agriculture.

Link to further information (in Danish): <https://mst.dk/natur-vand/vand-i-hverdagen/rottebekampelse/kommuner-og-rottebekampere/uddannelse-af-rottebekampere/>

Authorisation to perform pest control using gas

Fumigation of moles or voles with phosphine requires a G1 authorisation, defined in the administrative order “Bekendtgørelse nr. 2280 af 29.12.2020 om uddannelse og autorisation i forbindelse med køb, overdragelse og professionel anvendelse af bekæmpelsesmidler”.

G1-authorisation: one-day course with a written test. Validity of 5 years after which a digital test has to be passed in order to renew the authorisation. Only for professionals working with pest control or selling the products, and for people who owns a commercial property and want to perform the pest control on their own property themselves.

Link to further information (in Danish): <https://mst.dk/erhverv/sikker-kemi/pesticider/anvendelse-af-pesticider/uddannelse-til-anvendelse-af-bekampelsesmidler/kursus-til-anvendelse-af-gasningsmidler>

ESTONIA (EE)

A *professional user* is defined in the Estonian Biocidal Products Act as a person who has relevant qualifications and, in economic or professional activities, uses biocidal products designated for professional use based on the authorisation or registration certificate (§38¹). The professional user of a biocidal product must have knowledge of the dangerous properties, risk control and terms of use of the biocidal products used in the professional activities and the skills of the safe use of the biocidal product, which have been obtained in the course of formal or professional training certified by a relevant certificate. A training establishment organises the training of the professional user of a biocidal product. Upon drawing up a curriculum or a training programme, the training establishment must rely on the level 4 or level 5 professional standard of a pest control operator and submit the curriculum or programme before the organisation of training to the body that awards the profession of a pest control operator (§38²).

A *professional pest control service provider* means an entrepreneur whose economic or professional activity comprises the provision of the pest control service and who has at least one specialist with relevant qualifications for that purpose (§38³).

A *responsible specialist* means a person who is competent to manage and organise pest control and advise an undertaking so that the fulfilment of the requirements provided by law is ensured. He or she must hold the level 5 professional qualifications of a pest control operator (§39).

In Estonia, trained professionals (pest control technicians) can specialize in product types 1 – 5 (disinfectors), product types 8 and 10 (building conservators) and product types 14 – 20 (pest control operators).

Link to the Estonian Biocidal Products Act (in English):

<https://www.riigiteataja.ee/en/eli/530062015008/consolide>

Link to occupational qualification standard for pest control technicians, level 4 (in Estonian):

<https://www.kutsereregister.ee/ctrl/en/Standardid/vaata/10896544>

Link to occupational qualification standard for pest control technicians, level 5 (in Estonian):

<https://www.kutsereregister.ee/ctrl/en/Standardid/vaata/10896571>

CROATIA (HR)

In Croatia, the "Law on the Protection of the Population from Communicable Diseases" (Zakon o zaštiti pučanstva od zaraznih bolesti) and the "Ordinance on the conditions regarding the professional qualification of workers, technical equipment, premises and other conditions of legal entities" (Pravilnik o uvjetima kojima moraju udovoljavati pravne i fizičke osobe koje obavljaju djelatnosti obvezatne dezinfekcije, dezinfekcije i deratizacije kao mjere za sprječavanje i suzbijanje zaraznih bo) set the requirements for pest controllers in terms of professional qualifications, technical equipment, premises and other conditions to get the licence. Article 16 of the Ordinance sets the obligation for pest controllers to attend training regularly. The program of the training is adopted by the decision of the Minister of Health on the proposal of the Croatian Public Health Institute. Persons conducting daily disinfection procedures are exempted from this obligation.

Link to the "Law on the Protection of the Population from Communicable Diseases" (in Croatian):

<https://www.zakon.hr/z/1067/Zakon-o-za%C5%A1titi-pu%C4%8Danstva-od-zaraznih-bolesti>

Link to the "Ordinance on the conditions regarding the professional qualification of workers, technical equipment, premises and other conditions of legal entities" (in Croatian):

https://narodne-novine.nn.hr/clanci/sluzbeni/2007_04_35_1116.html

Link to the program of the training (in Croatian): <http://www.huddd.hr/program+edukacije.pdf>

LATVIA (LV)

In Latvia, concerning the biocidal products used for disinfection, disinsectisation and deratisation services, there are two national regulations for commercial activity and training of professional users:

1. Disinfection, disinsectisation and deratisation services in the focus of an infectious disease shall be carried out by a specially trained employee called a disinfectant who has acquired the training programme for disinfectants. The regulation contains also a model of a training program for disinfectants.

Link to Cabinet Regulation No. 618 "Regulations Regarding Disinfection, Disinsectisation and Deratisation" (in English): <https://likumi.lv/ta/en/en/id/213318-regulations-regarding-disinfection-disinsectisation-and-deratisation>

2. Procedures by which professional users of biocidal products shall inform (i.e. notify) about the commencement of commercial activity.

Link to Cabinet Regulation No. 350 “Procedures by which the Provider of Disinfection, Disinsectisation, and Deratisation Services shall Inform about the Commencement of Commercial Activity” (in English): <https://likumi.lv/ta/en/en/id/208155-procedures-by-which-the-provider-of-disinfection-disinsectisation-and-deratisation-services-shall-inform-about-the-commencement-of-commercial-activity>

NORWAY (NO)

To become an authorised pest control operator in Norway, one must complete a two-week course and pass an exam. In addition, the person needs to have documented experience from practical pest control work by submitting control reports (at least 20 from inspection and control of rodents and at least 20 from inspection and control of insects). The practical experience shall include inspections, preventive measures, different control measures, and should vary considering scope, control methods, environment type and type of pest. The authorisation gives the pest controllers the right to use biocidal products (PT 14 and 18) restricted to trained professionals. To be allowed to use toxic gasses, one must take an additional course and document practical experience.

Link to Norwegian Regulation on Pest Control (in Norwegian): <https://lovdata.no/dokument/SF/forskrift/2000-12-21-1406?>

The system for the authorisation of trained pest control operators are further described in this circular from the Ministry of Health and Care Services (in Norwegian): <https://www.regjeringen.no/no/dokumenter/rundskriv-i-22012-om-krav-til-godkjennin/id708806/>

SWEDEN (SE)

The Swedish Work Environment Authority grants permission for the use of pesticides for the treatment of wood in authorisation class 1 AV. Companies using such products, for example certain wood preservatives require a permit. To be granted a permit, training and a test are required.

Link to Pesticides provisions (in English, updates from 2000 and 2012 only available in Swedish): <https://www.av.se/globalassets/filer/publikationer/foreskrifter/engelska/pesticides-provisions-afs1998-6.pdf>

<https://www.av.se/halsa-och-sakerhet/kemiska-risker-och-luftfororeningar/tillstand/kemitillstand/bekampningsmedel/> (in Swedish)

The Public Health Agency of Sweden is responsible for issuing permits for the use of biocidal products against vermin and pests in homes and premises for general purposes.

Link to regulation of the Public Health Agency about permission for the use of certain pesticides (in Swedish): <https://www.folkhalsomyndigheten.se/contentassets/239d43728d764c3e981221d595d74c52/foh-mfs-2014-11.pdf>

Biocidal products within the Public Health Agency's area of responsibility are designated by the Swedish Chemicals Agency as class 1 So. These funds may only be handled by people with a valid permit issued by the Public Health Agency of Sweden. The Public Health Agency conducts trials to ensure that those who wish to use biocidal products within the agency's area of responsibility

have sufficient knowledge to handle these products safely. In order to obtain a permit, a test has to be passed and an expert person needs to certify practical experience in pest control. The certificate must describe what the practical control work consisted of. The permit is valid for 5 years.

Link to information on class 1 So permits (in Swedish):

<https://www.folkhalsomyndigheten.se/livsvillkor-levnadsvanor/miljohalsa-och-halsoskydd/bekampningsmedel/tillstand-att-anvanda-bekampningsmedel-klass-1-so/>

To use gasses belonging to pesticide class 1 SoX, a second permit is required being also valid for 5 years. The Public Health Agency of Sweden conducts training for professional pest technicians that provides the knowledge required for permission to use those gases. The authority issues permits after passing the course.

Link to information on class 1 SoX permits (in Swedish):

<https://www.folkhalsomyndigheten.se/livsvillkor-levnadsvanor/miljohalsa-och-halsoskydd/bekampningsmedel/utbildning-om-gaser/>

A.2 Sustainable management of harmful organisms

In 2023, the OECD Working Party on Biocides published the following general principles for a sustainable management of harmful organisms⁸.

10 general principles for a Sustainable Management of Harmful Organisms (SuMaHO)

These general principles of sustainable management of harmful organisms are valid for those organisms posing a potential threat for humans, animals or materials. They pick up the idea of the concept of Integrated Pest Management (IPM) for plant protection products and translate it to biocides⁹. It is a holistic approach that includes a prioritization and combination of available effective measures to minimize harm for humans and the environment.

1. **Take preventive measures:** Beneficial conditions allowing intrusion, settlement, development or reproduction of harmful organisms should be adapted to prevent this, if possible.
2. **Support antagonists:** Especially for rodents and insects, natural antagonists should be supported. If control measures are deemed necessary, unintentional side effects on antagonists need to be considered during choice of measures.
3. **Analyse the situation:** Presence of harmful organisms should be monitored and their potential of doing harm should be identified as required to conduct targeted management measures. The same holds true for all circumstances influencing the infestation or the contamination with germs and its management.
4. **Know the options:** Current state of knowledge in science and technology on the biology and management of the harmful organism needs to be determined. This includes preventive, non-biocidal, and biocidal measures, respectively, for its effective management and the related hazards and risks.
5. **Define the goal:** The goal of management measures needs to be defined to select appropriate measures. It should reflect what is realistic and expedient under the circumstances on site. Legal requirements as well as potential consequences of implementing or waiving any management measures need to be incorporated in the decision.
6. **Decide on necessity:** Based on the knowledge on the targeted harmful organism and the defined goal a decision needs to be taken whether management options are necessary on site at the given time.

⁸ OECD Series on Biocides No. 21: 10 general principles for a Sustainable Management of Harmful Organisms (SuMaHO); ENV/CBC/MONO(2023)23, available online: <https://www.oecd.org/chemicalsafety/pesticides-biocides/biocides-publications-chronological-order.htm>

⁹ The approach is applicable to management concepts of harmful organisms on site, it is not transferable to preventive treatment of articles with biocides. For disinfectants, IPM measures until now have only been compiled for a very limited range of applications (OECD Series on Biocides No. 12: OECD Survey on integrated pest management (IPM) in the field of private area and public health area disinfectants; ENV/JM/MONO(2016)70). For this reason, the discussion for the applicability of the principles to disinfectants should be postponed to a later point in time when more knowledge on their use is available.

7. **Choose the approach:** Priority should be given to those effective measures with the lowest negative impact on humans and the environment, especially non-biocidal options. If biocidal products need to be used, efficacious options posing the lowest risks for humans and the environment should be chosen. Their use needs to be combined with preventive and non-biocidal measures to reduce their use to the minimum necessary. Potential side effects need to be reduced further by using suitable procedures and techniques. With regard to harmful vertebrates, measures should be as humane as possible. The appropriate timing of the measures has to be defined based on the biology of the harmful organism and the relevant circumstances.
8. **Fight resistance:** If resistance to the biocidal product has already been reported, the active substance is known to act at a single biochemical target site and/or repeated use of the biocidal products is necessary, resistance management strategies need to be applied to maintain efficacy of the products and to avoid cross-resistance. This can include the use of biocidal products with different modes of action or use of non-chemical alternatives, application of the biocidal product at an effective dose, and/or avoidance of release and accumulation in the environment.
9. **Verify and document success:** To ensure a successful operation, achievement of the previously defined goal needs to be checked after measures have been implemented. If the goal has not been reached, the chosen approach and measures need to be adjusted. Achieving or failing to achieve the defined goal as well as measures taken and adjusted need to be documented.
10. **Maintain monitoring:** Continuous monitoring of harmful organism should be implemented to early detect critical reinfestation or germ contamination levels and proceed with appropriate management options. Preventive measures should be re-evaluated and adapted if necessary.

A.3 Product availability to non-authorized user groups

BELGIUM (BE)

In Belgium, certain biocides belong to a so-called “closed circuit” according to Article 35 of the Royal Decree concerning the placing on the market and use of biocidal products: products prohibited for the general public by Regulation 528/2012; products that meet the designation criteria as a PTB substance or as a vPvB; products presenting hormone-disrupting properties; products with neurotoxic or immunological consequences for the development; products that require a person to wear a protection equipment.

When a biocidal product is classified in the closed circuit, according to Article 36 it shall be made available on the market only by registered vendors and used by registered users. Both need to have necessary knowledge about the correct use of these biocidal products (Article 38).

The database of the closed circuit contains the contact details of the sellers and users of specific products. That database offers an insight into the sectors that use dangerous products, which allows to launch targeted awareness campaigns with regard to the safe use of biocidal products.

Link to Belgium Royal Decree concerning the making available on the market and use of biocidal products (in English):

https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/kb_4_april_2019_en.pdf

SWITZERLAND (CH)

Two provisions govern the availability of biocidal products: on the one hand, biocidal products are not authorised for sale to the general public if they meet the conditions of Art. 11d of the Swiss Ordinance on the Placing on the Market and Handling of Biocidal Products (OBP), and on the other hand, the general provisions of the Swiss Chemicals Ordinance relating to sales apply.

According to §64 of the Swiss Chemicals Ordinance, substances and preparations of the so-called “group 1” must not be commercially supplied to private users. This applies also for biocidal products at the national level. To fall into group 1, substances and preparations need to fulfil the following criteria:

- have a labelling according to EU-CLP-Regulation that contains at least one element according to annex 5 number 1.1 of Swiss Chemicals Ordinance; or
- are not yet labelled according to EU-CLP-Regulation and their labelling contains at least one element according to annex 5 number 2.1 of Swiss Chemicals Ordinance.

Link to Swiss Chemicals Ordinance (in English): <https://www.fedlex.admin.ch/eli/cc/2015/366/en>

GERMANY (DE)

According to §9 of the German Biocide Law Implementation Ordinance, the sale of biocidal products is only allowed to the authorised user group with the exemption of resellers. Self-service is prohibited for all products not authorised for the general public (i.e. with restrictions in user groups)(§10 (1) number 1).

Link to German Biocide Law Implementation Ordinance (in German): https://www.gesetze-im-internet.de/chembioziddv/_9.html

DENMARK (DK)

Biocides against rats authorised for professional use may only be supplied to and possessed by an authorised person. If the person concerned has only an R2 authorisation, he or she may only be given and possess the products specifically authorised for use by persons with R2 authorisation (§ 26, Danish Statutory Order on Pesticides). Fumigants are only to be sold to persons with a valid authorisation. Only companies who have an employer with an authorisation can sell fumigants.

Furthermore, independent from the authorised user group, very toxic (H300, H310, H330 or H370) and toxic (H301, H311 or H331) biocides may only be sold by the holder of the authorisation for the product in question or the person authorised to do so by the Environmental Protection Agency under certain conditions (§ 28, Danish Statutory Order on Pesticides). Today this is relevant for the fumigants towards moles and voles.

Storage of very toxic (H300, H310, H330 or H370) and toxic (H301, H311 or H331) biocides, biocides with severe long-term effects (H350, H340 or H360) and biocides with a precautionary statement P405 shall be kept under lock (§ 27(2), Danish Statutory Order on Pesticides).

Link to Danish Statutory Order on Pesticides (in Danish):

<https://www.retsinformation.dk/eli/ta/2022/1569>

ESTONIA (EE)

According to Estonian Biocidal Products Act §33, biocidal products (all product types) for professional use under the Biocidal Products Regulation must not be made available to the consumer for the purposes of the Consumer Protection Act. Biocidal products (all product types) for professional use may be made available only in wholesale trade.

Link to Estonian Biocidal Products Act (in English):

<https://www.riigiteataja.ee/en/eli/530062015008/consolide>

FINLAND (FI)

In Finland, rodenticides intended for trained professionals are to be sold only for pest control operators with appropriate qualifications or persons with appropriate qualifications in plant protection. This is stated on the product label.

More information (in Finnish):

<https://tukes.fi/documents/5470659/6372697/Jyrsij%C3%A4myrkyt+-+ohje+kaupalle/c4100eb9-77f7-852a-94af-c3674361e8ba/Jyrsij%C3%A4myrkyt+-+ohje+kaupalle.pdf?t=1613996279856>

A.4 Obligatory information to general public at point of sale and self-service bans

SWITZERLAND (CH)

According to §63 of the Swiss Chemicals Ordinance, substances and preparations of the so-called “group 2” must not be supplied to private users in self-service and may only be dispensed with specific advice. This applies also for biocidal products at the national level. To fall into group 2, substances and preparations need to fulfil the following criteria:

- have a labelling according to EU-CLP-Regulation that contains at least one element according to annex 5 number 1.2 of Swiss Chemicals Ordinance; or
- are not labelled according to EU-CLP-Regulation and their labelling contains at least one element according to annex 5 number 2.2 of Swiss Chemicals Ordinance.

Link to Swiss Chemicals Ordinance (in English): <https://www.fedlex.admin.ch/eli/cc/2015/366/en>

GERMANY (DE)

Obligatory information to the general public at point of sale is necessary for the biocidal product types of film preservatives, wood preservatives, construction material preservatives, rodenticides, insecticides and antifouling products. It is ensured by a ban on self-service for those product-types. According to §11 of the German Biocide Law Implementation Ordinance, a conversation between seller and buyer has to take place on preventive measures against the pest organisms in question and alternatives with low associated risks, proper use of the biocidal product according to the use instruction, risks and risks mitigation measures for the biocidal product, precautionary measures in case of spillage and on storage and disposal. Sales personnel needs to be trained on these topics and needs to attend further training regularly (§13). For products with high storage capacities (film preservatives, wood preservatives and construction material preservatives), there are flexible possibilities to ensure the ban on self-service (no need to lock the products away from customers). It has to be ensured, however, by other organisational measures that consultation happens before sale (§10(2)). The only exemption for the obligatory consultation of the above-mentioned product types are products falling under the simplified authorisation procedure according to Article 25 of the Biocidal Products Regulation (§10(3)).

Rules on obligatory information at point of sale have been transferred to online sales as well. Trained personnel are supposed to conduct consultation by phone or video call before sales agreement.

Link to German Biocide Law Implementation Ordinance (in German): <https://www.gesetze-im-internet.de/chembioziddv/index.html#BJNR370610021BJNE001200000>

ESTONIA (EE)

According to Estonian Biocidal Products Act §33, the persons making a biocidal product available on the market must have knowledge of the dangerous properties, risk control and terms of use of the biocidal product and the readiness to advise users of the biocidal product, where necessary. The staff must be informed about the products they are selling. A specific training system is individual for the shops, depending on the level of customer service they aspire to provide.

Link to Estonian Biocidal Products Act (in English): <https://www.riigiteataja.ee/en/eli/530062015008/consolide>

FRANCE (FR)

In France, law foresees regulation on self-service. A ban on self-service sales for non-professional users is under way, but the products/PTs that will be targeted are still under discussion.

Link (in French): Article 76 of Loi n° 2018-938 du 30 octobre 2018 pour l'équilibre des relations commerciales dans le secteur agricole et alimentaire et une alimentation saine, durable et accessible à tous: https://www.legifrance.gouv.fr/jorf/article_jo/JORFARTI000037548035

SWEDEN (SE)

In Sweden, there is a requirement for retailers to inform the non-professional customer about safe use of biocidal products in Chapter 3, Section 10 of the Pesticides Ordinance (2014:425): Any person who makes a biocidal product available on the market to non-professional users shall, at the time of making the product available, inform them that the product must be used safely. The information shall

1. include a warning to always read the label on the product packaging and other product information before use; and
2. be presented in such a way that it can be clearly distinguished from other information.

Link to Pesticides Ordinance (in Swedish): https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-2014425-om-bekampningsmedel_sfs-2014-425

A.5 Advertisement

FRANCE (FR)

In France, Article 76 of the “Loi pour l'équilibre des relations commerciales dans le secteur agricole et alimentaire et une alimentation saine, durable et accessible à tous” forces regulation on advertisement. In the related “décrets”, there is a ban of commercial advertising to the general public (non-professional users) for rodenticides and insecticides as well as for disinfectants of the product types 2 and 4 that are classified as H400 and H410 under CLP (Décret 2019-643). Furthermore, there is a ban of some trade practices (discounts and reductions) for rodenticides and insecticides (Decree 2019-642). All products eligible to a simplified market authorisation (Article 25 of BPR) are exempted.

Links (in French):

Article 76 of Loi n° 2018-938 pour l'équilibre des relations commerciales dans le secteur agricole et alimentaire et une alimentation saine, durable et accessible à tous:

https://www.legifrance.gouv.fr/jorf/article_jo/JORFARTI000037548035

Décret n° 2019-643 relatif à la publicité commerciale pour certaines catégories de produits biocides: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000038689038/>

Décret n° 2019-642 relatif aux pratiques commerciales prohibées pour certaines catégories de produits biocides: <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000038689025/>

A.6 Drift-reducing machinery

SWITZERLAND (CH)

Some measures (not risk based) are applied case-by-case in the national authorisation of certain biocidal products to prevent overuse or improper use of certain biocidal products. For example, use of a specific spray nozzle to limit drift and use the spray more accurately for non-professional insecticide users is prescribed.

A.7 Reduction of biocides use in sensitive areas

BELGIUM (BE)

Flanders has taken measures to address the risks related to the use of biocidal products in specific areas such as schools, kindergartens, or public spaces. Public places have been regulated on pesticide use from 2001 onwards (update in 2013 and 2015). Biocides and plant protection products are both considered as pesticides and their use (in Flanders in public spaces) is regulated in the same way.

Link to the campaign: www.zonderisgezonder.be

CYPRUS (CY)

The use of biocides in water environments protected as Natura 2000 sites (e.g. wetlands) for mosquito control is done after assessment of the impacts on protected species and habitats. Approval is granted to authorities for use of biocontrol biocides (Bti) for use by land applications, and if necessary and justified, by aerial spraying.

Link to the law (in Greek):

[http://www.moa.gov.cy/moa/da/da.nsf/All/A031DA935CBEAE53C22588550024B707/\\$file/%CE%9F%20%CF%80%CE%B5%CF%81%CE%AF%20%CE%92%CE%B9%CE%BF%CE%BA%CF%84%CF%8C%CE%BD%CF%89%CE%BD%20%CE%9D%CF%8C%CE%BC%CE%BF%CF%82%20%CF%84%CE%BF%CF%85%202014.pdf?OpenElement](http://www.moa.gov.cy/moa/da/da.nsf/All/A031DA935CBEAE53C22588550024B707/$file/%CE%9F%20%CF%80%CE%B5%CF%81%CE%AF%20%CE%92%CE%B9%CE%BF%CE%BA%CF%84%CF%8C%CE%BD%CF%89%CE%BD%20%CE%9D%CF%8C%CE%BC%CE%BF%CF%82%20%CF%84%CE%BF%CF%85%202014.pdf?OpenElement)

GERMANY (DE)

According to the German Law on Nature Conservation and Landscape Management, large-scale use of insecticides and spraying of wood preservatives is prohibited in conservation areas, national parks, national nature monuments, core areas and buffer zones of biosphere reserves, natural monuments and biotopes protected by law. Exemptions may be granted by authorities responsible for nature conservation if necessary for the protection of human or animal health (Article 30a).

Link to German Law on Nature Conservation and Landscape Management (in German):

https://www.gesetze-im-internet.de/bnatschg_2009/_30a.html

DENMARK (DK)

There is a national ban for use of very toxic (H300, H310, H330 or H370) and toxic (H301, H311 or H331) pesticides (both biocides and plant protection products), as well as those with severe long-term effects in private gardens, on open-air areas accessible to the public, or for the treatment of plantations adjacent to public roads or private gardens. This ban does not cover the use of biocides against rats, moles and voles (§ 36, Danish Statutory Order on Pesticides).

Link to Danish Statutory Order on Pesticides (in Danish):

<https://www.retsinformation.dk/eli/ta/2022/1569>

Use of anti-fouling products for leisure boats that are predominantly used in fresh water is prohibited. Additionally, use of antifouling products for leisure boats smaller than 200 kg, predominantly used in sea water and which do not have their own boat berth in a marina or similar is also prohibited.

Link to Danish Statutory Order on Antifouling (In Danish).

<https://www.retsinformation.dk/eli/lta/2020/1598>

Aerial application of biocides by aircrafts is prohibited.

Link to Danish Statutory Order on Aerial spraying of Pesticides (In Danish):

<https://www.retsinformation.dk/eli/lta/2015/1755>

ESTONIA (EE)

Within the Estonian Nature Conservation Act, according to the protection rules and depending on the level of protection, the use of biocides can be completely prohibited, or the use has to be notified. In “limited management zones”, use of biocides is prohibited unless otherwise provided by the protection rules (§31). In “limited-conservation areas”, use of biocides needs to be notified to the manager of the area (§33). No preference to active substances subject to simplified authorisation or specific equipment is given.

Link to Estonian Nature Conservation Act:

https://www.riigiteataja.ee/en/compare_original/530062021001

FINLAND (FI)

The use of antifouling products in freshwater (lakes and rivers) is forbidden since 2005 in Finland. This restriction is stated in the approval decisions of antifouling products and on their product labels. Based on the Finnish Chemical Act biocidal products must be used as intended following the instructions for use.

LUXEMBOURG (LU)

In Luxemburg, there is a tiered prohibition of use of biocides and treated articles around barrage lake "Haute-Sûre". In zone 1 and IIA, use of biocides and treated articles is prohibited. In zone IIB, IIC and III, use of biocides and treated articles containing specific biocidal active substances is prohibited (Article 24).

Link to Grand-Ducal Regulation (in French):

<https://legilux.public.lu/eli/etat/leg/rgd/2021/04/16/a316/jo>

LATVIA (LV)

Specific national measure to protect the aquatic environment from the impact of biocidal products are not available, however following from the requirements of the Directives, national regulations for water protection are available in Latvia, where biocidal products are listed as group of dangerous substances:

Link to Latvian Regulations Regarding Discharge of Polluting Substances into Water:

<https://likumi.lv/ta/en/en/id/58276-regulations-regarding-discharge-of-polluting-substances-into-water>

The State Environmental Service in Latvia controls activities with chemical substances, mixtures, chemical substances in articles, treated articles and biocidal products in production and professional use. Biocides explicitly belong to the group of dangerous substances that must be taken into account when operators file submissions for permits for polluting activities (annex 4). The use of biocidal products in production processes is verified through integrated inspections of

operators, as well as through the issuance of polluting activity permits (A, B C categories) where biocidal products are used in the processes.

Link to “Procedure by Which Polluting Activities of Category A, B and C Shall Be Declared and Permits for the Performance of Category A and B Polluting Activities Shall Be Issued” (in English): <https://likumi.lv/ta/en/en/id/222147-procedure-by-which-polluting-activities-of-category-a-b-and-c-shall-be-declared-and-permits-for-the-performance-of-category-a-and-b-polluting-activities-shall-be-issued>

A.8 Data collection

BELGIUM (BE)

For every biocidal product authorised on the Belgian market, the authorisation holder must declare the volume of product placed on the market (Article 31 of Royal Decree of the 4th April 2019 concerning the placing on the market and use of biocidal products). The company must pay taxes on this volume. The amount of taxes can vary following the quantity and the dangerousness of the product (based on a number called score) depending on the article 7 of the Royal Decree of the 13th November 2011. The global data for each PT are published yearly on a website are the number of products, global quantities of products, number of actives substances and global quantities (sum for each PT).

Link to the Belgium Royal Decree concerning the placing on the market and use of biocidal products (in English):

https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/kb_4_april_2019_en.pdf

Link to the Belgium Royal Decree of the 4th April 2019 concerning the placing on the market and use of biocidal products (in Dutch or French):

<https://biociden.freshdesk.com/en/support/solutions/articles/6000147977-royal-decree-on-paying-fees-and-contributions>

Link to the Belgium annual report (in English): <https://biocide.be/en/publications>

SWITZERLAND (CH)

In Switzerland, the Ordinance on Biocidal Products foresees in its Article 30c an obligation to communicate certain data for biocidal products placed on the market, especially the quantities placed on the market.

Link to the Swiss Ordinance on the Placing on the Market and Handling of Biocidal Products (OBP) (in English): https://www.fedlex.admin.ch/eli/cc/2005/468/en#art_30_c

GERMANY (DE)

According to the German Biocide Law Implementation Ordinance, the quantity of each biocidal product placed on the German market or exported from Germany needs to be registered annually via a website (§16). Quantities of active substances contained in the products need to be reported as well.

Link to the German Biocide Law Implementation Ordinance (in German): https://www.gesetze-im-internet.de/chembioziddv/_16.html

DENMARK (DK)

Authorised products

Anyone who has an authorisation for a biocidal product is obliged to report the annual quantity sold to the Danish Environmental Protection Agency (§ 49 of Danish Statutory Order on Pesticides). The numbers are evaluated yearly in the report “pesticides statistics” (bekæmpelsesmiddelstatistikken), which covers biocides and plant protection products.

Link to the Danish Statutory Order on Pesticides (in Danish):

<https://www.retsinformation.dk/eli/lt/2022/1569>

Link to the report for 2022 (in Danish):

<https://mst.dk/nyheder/2024/marts/bekaempelsesmiddelstatistik-2022>

Non-authorised products

Biocidal products have to be registered in “Produktregisteret” (§ 56, Danish Statutory Order on Pesticides). Every two years, the importing company or the producing company (if produced in Denmark) is obliged to report the annual quantity produced/imported for the Danish marked to “Produktregisteret”.

Link to the Danish Statutory Order on Pesticides (in Danish):

<https://www.retsinformation.dk/eli/lt/2022/1569>

Link to database on the use of Substances in Products in the Nordic Countries containing total numbers for active substances (in English): www.spin2000.net

Use data on rat control

Information about where, when and how rats are controlled has to be reported in a digital portal. This includes the amount and name of the active substance used. By collecting this information, the authorities and the pest controllers can monitor how the rat-problems evolve over time.

Link to Statutory Order on prevention and control of rats (in Danish):

<https://www.retsinformation.dk/eli/lt/2021/2307>

Link to information about the digital portal (in Danish): <https://mst.dk/erhverv/rig-natur/artsforvaltning/rottebekampelse/data-om-rotter>

FINLAND (FI)

According to the Finnish Chemicals Act, an authorisation holder of a biocidal product must provide information annually to the Finnish Safety and Chemicals Agency (Tukes) on the amounts of biocidal products it has placed on the market or in use (Section 22). Quantities must be reported in kilograms regarding the previous calendar year through the online KemiDigi system.

Link to Finnish Chemicals Act 599/2013 (in English):

<https://finlex.fi/en/laki/kaannokset/2013/en20130599>

Link to Biocides register in KemiDigi (in English): <https://www.kemidigi.fi/biosidirekisteri/haku>

FRANCE (FR)

In France, companies responsible for the placing of biocidal products on the French market must declare the tonnage each year on Simmbad website.

Link to Article L522-3 in the Code de l'environnement (French):

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000027723143?etatTexte=VIGUEUR&etatTexte=VIGUEUR_DIFF

Link to Simmbad (in English): <https://simmbad.fr/public/servlet/accueilGrandPublic.html>

CROATIA (HR)

In Croatia, the “Rules on the method of keeping a record book on chemicals and on the method and deadlines for submitting data from the record book” (Pravilnik o načinu vođenja očevidnika o kemikalijama te o načinu i rokovima dostave podataka iz očevidnika) regulate the data collection on biocidal products. According to Article 2 of the ordinance, all legal and natural persons who carry out the activity of production and import, i.e. introduction of biocidal products into the territory of the Republic of Croatia, are obliged to keep registers. They are obliged to submit the summary annual data to Croatian Public Health Institute (HZJZ) with the form that is included as annex to this ordinance. The form shall be submitted no later than January 31 of the current year for the previous year.

Link to the “Rules on the method of keeping a record book on chemicals and on the method and deadlines for submitting data from the record book” (in Croatian): https://narodne-novine.nn.hr/clanci/sluzbeni/2013_07_99_2247.html amended by the “Rules amending the Rules on the method of keeping a record book on chemicals and on the method and deadlines for submitting data from the record book” (in Croatian): https://narodne-novine.nn.hr/clanci/sluzbeni/2021_12_147_2556.html.

LATVIA (LV)

In Latvia, data are being collected via National Chemicals Database which includes information from reports of producers and importers about chemical substances and mixtures (including biocidal products) produced in or imported to Latvia. Reports have to be submitted if produced or imported amount of chemical substance or mixture placed in territory of Latvia exceed 100 kg or more per year. If a substance or mixture is classified as Acute Tox. 1-3, Carc. 1A or 1B, Muta. 1A or 1B, Repr. 1A or 1B, Asp. Tox.1, STOT RE 1 or STOT SE 1, the substance has to be reported already from 10 kg or more per year. The deadline for the report is 1st of March for each calendar year.

Link to the Latvian Procedures for Registration of Chemical Substances and Mixtures and Their Database (in English): <https://likumi.lv/ta/en/en/id/279100-procedures-for-registration-of-chemical-substances-and-mixtures-and-their-database>

SWEDEN (SE)

If notifiable chemical products (such as chemical biocidal products) are manufactured in Sweden or imported or transferred into Sweden, this activity needs to be reported to the Swedish Chemicals Agency. If the annual volume per product is at least 100 kg, also the products and the amounts need to be reported. However, for chemical biocidal products there is no volume limit.

Link to the Products Register (in English): <https://www.kemi.se/en/products-register>