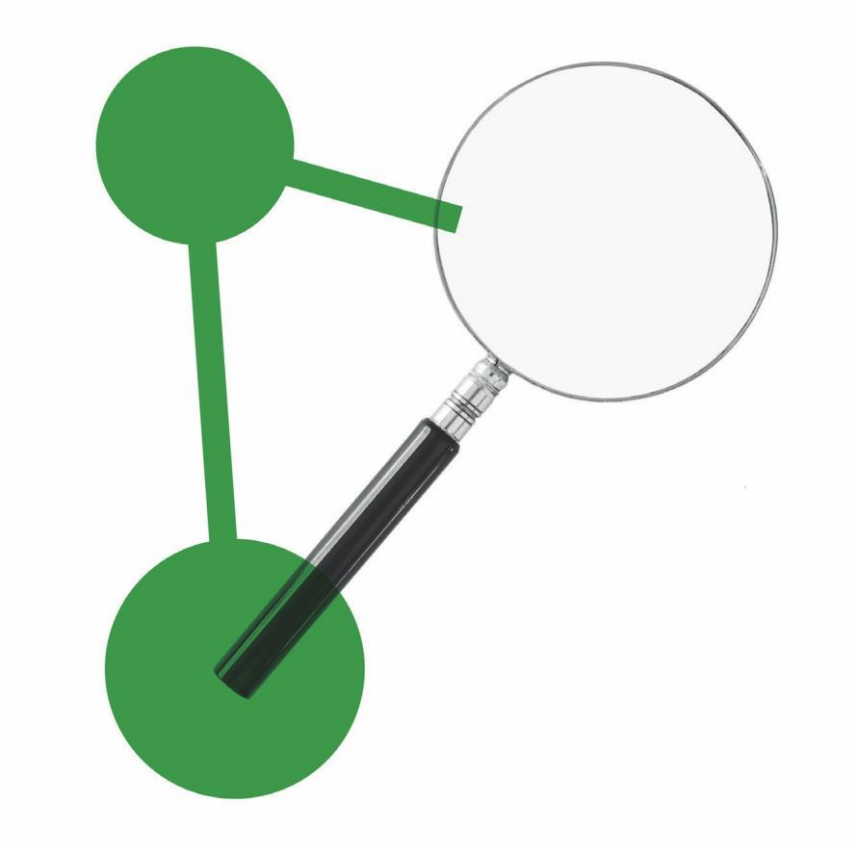
EVERSHEDS SUTHERLAND



Looking into the key issues
Focused on biocides

How can we help?

The compliance requirements under the Biocidal Products Regulation (BPR) are complex. This presents challenges for manufacturers, importers and suppliers of biocidal products in the EEA as well as those whose products are treated with biocides.

Any biocidal product must be authorised as well as the active substances in it. One complication is that many active substances remain in the EU Review Programme and biocidal products that contain them continue to be subject to national legislation. This can mean authorisation being required in each member state where the product is sold.

Specific provisions apply to articles treated with biocidal products. A treated article cannot be supplied in the EEA after 1 March 2017 unless all active substances used to treat it are approved/ subject to the EU Review Programme for the relevant product type. In addition, specific labelling requirements apply to treated articles.

Sometimes the distinction between a biocidal product and a treated article are subtle. A supplier can be subject to very different obligations depending on which category a product falls within and whether any transitional measures are relevant. Your obligations also depend on whether you are importing this item or obtaining it from within the EEA.

Compliance requires an understanding not only of the legal issues but also the business and technical background. This requires expert legal advice which Eversheds can provide.

With an in-depth understanding of this area of law, we can advise you on the full spectrum of issues under the biocides regime, from applications for authorisation of active substances to the labelling requirements of treated articles.

Why work with us?	
1	In-depth expertise – we have advised clients in various sectors on the impact of the BPR including the requirements of Article 95 and evidence to demonstrate compliance in the context of regulatory audits.
2	Global reach – we have experts across our international offices with experience of advising on the biocides regime. Our advice can be managed on a multi-jurisdictional basis, working with our international colleagues to ensure consistent and fully integrated practical advice from a single contact point.
3	Sector knowledge – we are familiar with the supply chain issues faced by manufacturers, importers and users of biocides from working with clients in the chemicals sector generally.
4	REACH experience – we advise on all aspects of the REACH regulation. Although the active substance in a biocidal product is treated as registered for REACH purposes, REACH still applies to other substances in the product. Our experience includes advising manufacturers and importers on late pre-registration, SIEF membership, exemptions to the restrictions set out in Annex XVII and applications for authorisation. We also advise downstream users on requirements to disclose information in relation to Substances of Very High Concern and labelling issues.

What happens next?

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Who do we work with?

Examples of our work include advising on:

– the impact of the BPR on biocidal products/ treated articles and distinctions between biocidal products and treated articles

– the labelling requirements for treated articles

– potential supply chain issues and evidence needed to comply with Article 95 BPR

– confidentiality issues stemming from an application for authorisation of a biocidal active substance

– the transitional provisions which relate to active substances that were on the market at 14 May 2000

– international projects requiring input from multiple jurisdictions

Jane Southworth "demonstrates an in-depth understanding of the practical and legal issues involved".

Legal 500 2018

"Jane Southworth is commended by market sources for her "in-depth knowledge of the subject". "She knows the technical aspects of REACH and provides very good advice". She is also recommended for her environmental law support on transactions.

Chambers 2018