

Director General

Ursula von der Leyen
President
European Commission

200, rue de la Loi
B-1049 Brussels

18 March 2020

Dear President von der Leyen,

We thank you for your leadership in these turbulent times.

I am writing to ask for an immediate solution for the supply of disinfectants, which has become critical in several EU Member States. Disinfectants are regulated under the Biocidal Products Regulation - BPR (Regulation (EU) No 528/2012) and need an authorisation before being placed on the market. This is normally a lengthy and complex process and requires time we do not have today. For the duration of the pandemic, regulatory flexibility has to be ensured across EU.

We believe there is a possible EU wide solution, which is now only used in a few member states and not by others as there is confusion between the Commission and member states about what is possible and what not. We believe the European Commission and ECHA can help.

On behalf of the European Biocidal Products Forum, a Sector group of Cefic, we strongly recommend that the Commission urges all MS to apply the derogation allowed by Article 55 of the BPR¹ for those substances where shortages are reported.

We ask for these Article 55 derogations to be as wide-open / broad as possible (not restricted to specific formulations) and aligned in all Member States.

We call upon the Commission to act fast and take the lead and coordinate the process with all Member States. Only a harmonised approach in all EU countries will help avoiding any critical shortage of disinfectants across the European Union.

¹ Article 55 BPR

By way of derogation from Articles 17 and 19, a competent authority may permit, for a period not exceeding 180 days, the making available on the market or use of a biocidal product which does not fulfil the conditions for authorisation laid down in this Regulation, for a limited and controlled use under the supervision of the competent authority, if such a measure is necessary because of a danger to public health, animal health or the environment which cannot be contained by other means.

Additionally, and in parallel, we are working with DG Sante and ECHA to find interim solutions. An accelerated approval process done by ECHA for the technical equivalence will help producers of disinfectants getting additional supply of the equivalent active substances, certainly until the derogation (article 55) is in place in all Member States.

Furthermore, we recommend that the Commission calls upon Member States to refrain from setting export limitations as these can also contribute to shortage in some countries. Production plants located in one Member State may be able to supply in neighbouring countries as well.

The European Biocidal Products Forum provides weekly updates to DG Sante regarding the market and availability of disinfectants in EU countries (including active substances but also co-formulants used in various formulated biocidal products) and is willing to help, in any way possible, to solve this public health crisis.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Marco Mensink', written over a horizontal line.

Marco Mensink

Copy:

Thierry Breton, Commissioner for the Internal Market

Stella Kyriakides, Commissioner for Health and Food Safety