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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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★ **Commission Implementing Decision (EU) 2023/1432 of 7 July 2023 concerning the extension of the action taken by the German Federal Office for Chemicals permitting the making available on the market and use of the biocidal product Biobor JF in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council** (*notified under document C(2023)4493*) ... 24

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1426

of 3 July 2023

entering a name in the register of protected designations of origin and protected geographical indications ('Sebadas / Seadas / Sabadas / Seattas / Savadas / Sevadas di Sardegna' (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Sebadas / Seadas / Sabadas / Seattas / Savadas / Sevadas di Sardegna' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no reasoned statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Sebadas / Seadas / Sabadas / Seattas / Savadas / Sevadas di Sardegna' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Sebadas / Seadas / Sabadas / Seattas / Savadas / Sevadas di Sardegna' (PGI) is hereby entered in the register of protected designations of origin and protected geographical indications.

The name specified in the first paragraph denotes a product in Class 2.3. – Bread, pastry, cakes, confectionery, biscuits and other baker's wares and Class 2.5. – Pasta, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 103, 20.3.2023, p. 17.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2023.

*For the Commission,
On behalf of the President,
Janusz WOJCIECHOWSKI
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1427
of 4 July 2023
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 July 2023.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Flat rolled sheets of non-alloy steel, of a width between 1 060 and 1 250 mm, presented wound on spools. The sheets have several coatings on each side. The coating in contact with the steel is aluminium-zinc (sheets are hot-dip galvanized and thickness of an Al-Zn layer on both sides is approximately 4 µm). This coating gives the steel greater resistance to atmospheric corrosion. Afterwards, the sheets are prepainted. They are coated on one side with a primer polymeric painting (of a thickness of approximately 5 µm) and with a top polymeric painting (of a thickness of approximately 16 µm). On the other side, there is an exterior epoxy polymeric painting (of a thickness of approximately 5 µm). The sheets are used in the construction industry.	7210 70 80	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XV, Note 1 (k) to Chapter 72 and by the wording of CN codes 7210, 7210 70 and 7210 70 80. Given its objective characteristics and properties, the goods meet the terms of heading 7210, which covers flat-rolled products that are clad, plated or coated. For the purpose of the subheadings of heading 7210, products subjected to more than one type of coating, plating or cladding are to be classified according to the last process (see the Harmonized System Explanatory Notes to heading 7210, Subheading Explanatory Notes). The sheets are therefore to be classified under CN code 7210 70 80 as flat-rolled products of non-alloy steel, of a width of 600 mm or more, painted, varnished or coated with plastics.

COMMISSION REGULATION (EU) 2023/1428
of 7 July 2023
amending the Annex to Regulation (EU) No 231/2012 as regards mono- and diglycerides of fatty acids (E 471)
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) Commission Regulation (EU) No 231/2012 ⁽²⁾ lays down specifications for food additives that are listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (2) The specifications for food additives may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽³⁾, either on the initiative of the Commission or following an application from a Member State or an interested party.
- (3) Mono- and diglycerides of fatty acids (E 471) is a substance authorised in a variety of foods in accordance with Annexes II and III to Regulation (EC) No 1333/2008.
- (4) On 26 September 2017, the Authority issued a scientific opinion on the re-evaluation of mono- and diglycerides of fatty acids (E 471) as food additives ⁽⁴⁾, which concluded that there was no need for a numerical acceptable daily intake and that the food additive was of no safety concern when used in food for the general population. The Authority considered that the uses in food for infants under the age of 16 weeks would require a specific risk assessment. The Authority recommended some modifications to the specifications for food additive E 471 set out in Regulation (EU) No 231/2012.
- (5) Following the publication of that scientific opinion, as part of the re-evaluation of the safety of food additives permitted in food category 13.1 (food for infants and young children) of Annex II to Regulation (EC) No 1333/2008, the Commission requested the Authority to address the data gaps specified in the recommendations of that scientific opinion.
- (6) On 29 November 2018, the Authority launched a public call for technical and toxicological data on food additive E 471. This allowed the interested parties to provide the requested information for completing its risk assessment of E 471 as a food additive in food for all population groups and to assess the safety of its use in food for infants below 16 weeks of age.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

⁽³⁾ Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

⁽⁴⁾ EFSA Journal 2017;15(11):5045.

- (7) In 2020, there was a RASFF notification concerning findings of high levels of genotoxic and carcinogenic glycidyl fatty acids esters (expressed as glycidol) in the food additive E 471 used in the production of a bread spread. On the basis of that notification and pending the recommendations of the Authority for the setting of maximum limits for glycidyl fatty acids esters in the food additive, follow-up actions were undertaken on the basis of Article 14 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁵⁾. A broad concentration range and high levels of glycidyl esters (expressed as glycidol) were detected in commercial samples of the food additive analysed by the industry in response to the call for data during the same period.
- (8) Considering that the food additive E 471 is authorised at *quantum satis* in food categories for which the setting of maximum levels for the presence of glycidyl fatty acids esters is envisaged or is already in place, maximum levels for glycidyl fatty acids esters (expressed as glycidol) in food additive E 471 should be established to avoid the placing on the market of unsafe food.
- (9) In its scientific opinion adopted on 30 September 2021 ⁽⁶⁾, the Authority concluded that there is no reason for a safety concern when the food additive E 471 is used in food categories 13.1.1 (infant formulae) and 13.1.5.1 (dietary foods for infants for special medical purposes and special formulae for infants) of Annex II to Regulation (EC) No 1333/2008 and in accordance with Annex III to that Regulation. The Authority recommended adapting the current specifications for mono- and diglycerides of fatty acids (E 471), in particular by reducing the maximum limits for toxic elements and including maximum limits for impurities and constituents of safety concern.
- (10) In light of the Authority's recommendation and the maximum levels for certain contaminants in foods as laid down in Commission Regulation (EU) 2023/915 ⁽⁷⁾, it is therefore appropriate to amend the specifications for mono- and diglycerides of fatty acids (E 471). The definition of the food additive should be amended in order to restrict the use of glycerol for the production of the food additive to glycerol compliant with the specifications of the food additive E 422. A maximum content of erucic acid should be established in the current entry 'assay' for mono- and diglycerides of fatty acids (E 471). The current maximum limits for arsenic, lead, mercury and cadmium should be reduced and maximum limits for the sum of 3-monochloropropane diol (3-MCPD) and 3-MCPD fatty acid esters (expressed as 3-MCPD), and glycidyl fatty acids esters (expressed as glycidol) should be established in accordance with the opinion of the Authority. In order to exclude high exposure to those impurities and components of concern resulting from the consumption of food containing the food additive E 471 by vulnerable consumers, it is necessary to establish stricter maximum limits for erucic acid and the sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters (expressed as 3-MCPD) applicable for foods for infants and young children ⁽⁸⁾. Those maximum limits take into account the level which is currently reasonably achievable by the application of good manufacturing practices.
- (11) As new manufacturing techniques resulting in the production of mono- and diglycerides of fatty acids (E 471) with lower levels of glycidyl fatty acid esters (expressed as glycidol) are being implemented, it is appropriate to provide the manufacturers of this food additive with a transitional period to reach a maximum level of 5 mg/kg for glycidyl fatty acid esters (expressed as glycidol) in the food additive E 471. However, given that glycidyl fatty acid esters have a genotoxic and carcinogenic potential, an intermediate maximum level of 10 mg/kg for glycidyl fatty acid esters (expressed as glycidol) should apply from the date of the entry into force of this Regulation except for uses in food for infants and young children.

⁽⁵⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽⁶⁾ EFSA Journal 2021;19(11):6885.

⁽⁷⁾ Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103).

⁽⁸⁾ As defined in Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).

- (12) Considering that the Authority did not identify an immediate health concern linked to the presence of toxic elements, erucic acid, the sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters and glycidyl fatty acid esters, it is appropriate to allow during a transitional period the use of the food additive mono- and diglycerides of fatty acids E 471, lawfully placed on the market before the date of entry into force of this Regulation and to allow foods containing such food additive to continue to be placed on the market during the transitional period and to remain on the market until their date of minimum durability or 'use by date'. However, in light of the vulnerability of infants and young children, the food additive mono- and diglycerides of fatty acids (E 471) not complying with the maximum level for glycidyl fatty acid esters set out in this Regulation for use in foods for infants and young children should not be allowed to be added to such foods after the date of entry into force of this Regulation and the marketing of those foods should be allowed only if they were lawfully placed on the market already before that date.
- (13) For the same reasons and considering its reduced contents of glycidyl fatty acid esters, the food additive mono- and diglycerides of fatty acids (E 471) complying with the reduced intermediate maximum level for glycidyl fatty acid esters (expressed as glycidol) should be allowed to be used until the exhaustion of stocks and foods containing such food additive should be allowed to be placed on the market and to remain on the market until their date of minimum durability or 'use-by-date'.
- (14) Regulation (EU) No 231/2012 should therefore be amended accordingly.
- (15) The measures provided for in this regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 231/2012 is amended in accordance with the Annex to this Regulation.

Article 2

The food additive mono- and diglycerides of fatty acids (E 471) that has been lawfully placed on the market before 30 July 2023 and that does not comply with the maximum limits for arsenic, lead, mercury, cadmium, 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters (expressed as 3-MCPD), or erucic acid applicable from 30 July 2023 may be added to food in accordance with Annexes II and III to Regulation (EC) No 1333/2008 and Regulation (EU) 2023/915 until 30 January 2024.

The food additive mono- and diglycerides of fatty acids (E 471) that has been lawfully placed on the market before 30 July 2023 and that does not comply with the maximum limits for glycidyl fatty acids esters (expressed as glycidol) applicable from 30 July 2023 may be added to food, except for foods for infants and young children, in accordance with Annexes II and III to Regulation (EC) No 1333/2008 and Regulation (EU) 2023/915 until 30 January 2024.

Foods containing the food additive mono- and diglycerides of fatty acids (E 471) that has been lawfully placed on the market before 30 July 2023 and that does not comply with the maximum limits for arsenic, lead, mercury, cadmium, 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters (expressed as 3-MCPD) or erucic acid applicable from 30 July 2023 may continue to be placed on the market until 30 January 2024 and may continue to be marketed until their date of minimum durability or 'use-by date'.

Foods, except foods for infants and young children, containing the food additive mono- and diglycerides of fatty acids (E 471) that has been lawfully placed on the market before 30 July 2023 and that does not comply with the maximum limits for glycidyl fatty acids esters (expressed as glycidol) applicable from 30 July 2023 may continue to be placed on the market until 30 January 2024 and may continue to be marketed until their date of minimum durability or 'use-by date'.

Foods for infants and young children lawfully placed on the market before 30 July 2023 and containing the food additive mono- and diglycerides of fatty acids (E 471) that does not comply with the maximum limits glycidyl fatty acids esters (expressed as glycidol) applicable from 30 July 2023 may continue to be marketed until their date of minimum durability or 'use-by date'.

The food additive mono- and diglycerides of fatty acids (E 471) that has been lawfully placed on the market after 30 July 2023 and up to 30 January 2024 and that does not comply with the maximum limits for glycidyl fatty acids esters (expressed as glycidol) applicable from 30 January 2024 may be added to food, except foods for infants and young children, in accordance with Annexes II and III to Regulation (EC) No 1333/2008 until the exhaustion of stocks.

Foods, except food for infants and young children, containing the food additive mono- and diglycerides of fatty acids (E 471) that has been lawfully placed on the market after 30 July 2023 and up to 30 January 2024 and that does not comply with the maximum limits for glycidyl fatty acids esters (expressed as glycidol) applicable from 30 January 2024 may continue to be placed on the market and may continue to be marketed until their date of minimum durability or 'use by date'.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the Annex to Regulation (EU) No 231/2012, the entry for food additive E 471 MONO- AND DIGLYCERIDES OF FATTY ACIDS is replaced by the following:

E 471 MONO- AND DIGLYCERIDES OF FATTY ACIDS

Synonyms	
Definition	Mono- and diglycerides of fatty acids consist of mixtures of glycerol mono-, di- and tri-esters of fatty acids occurring in food oils and fats. They may contain small amounts of free fatty acids and glycerol. Glycerol used for the manufacture of mono- and diglycerides of fatty acids should comply with the specifications for E 422. E 471 shall be produced from fats and oils complying with Union food safety requirements for edible fats and oils.
Einecs	
Chemical name	
Chemical formula	
Molecular weight	
Assay	Content of mono- and di-esters: not less than 70 % Content of erucic acid, including erucic acid bound in the mono/diglyceride: Not more than 0,2 % (only if added to food for infants and young children) Not more than 0,5 % (for all uses except for foods intended for infants and young children)
Description	The product varies from a pale yellow to pale brown oily liquid to a white or slightly off-white hard waxy solid. The solids may be in the form of flakes, powders or small beads.
Identification	
Infrared absorption spectrum	Characteristic of a partial fatty acid ester of a polyol
Test for glycerol	Passes test
Test for fatty acids	Passes test
Solubility	Insoluble in water; soluble in ethanol and toluene at 50 °C
Purity	
Water content	Not more than 2 % (Karl Fischer method)
Acid value	Not more than 6
Free glycerol	Not more than 7 %
Polyglycerols	Not more than 4 % diglycerol and not more than 1 % higher polyglycerols both based on total glycerol content
Arsenic	Not more than 0,1 mg/kg
Lead	Not more than 0,1 mg/kg
Mercury	Not more than 0,1 mg/kg

Cadmium	Not more than 0,1 mg/kg
Sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters, expressed as 3-MCPD	Not more than 0,75 mg/kg (only if added to food for infants and young children) Not more than 2,5 mg/kg (for all uses except for foods intended for infants and young children)
Glycidyl esters of fatty acids, expressed as glycidol	From 30 July 2023 until 30 January 2024, not more than 5 mg/kg if added to food for infants and young children) and not more than 10 mg/kg for all other uses. From 30 January 2024, not more than 5 mg/kg for all uses.
Total glycerol	Not less than 16 % and not more than 33 %
Sulphated ash	Not more than 0,5 % determined at 800 ± 25 °C
Soap	—

Purity criteria apply to the additive free of sodium, potassium and calcium salts of fatty acids, however these substances may be present up to a maximum level of 6 % (expressed as sodium oleate)'.

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1429

of 7 July 2023

approving *Chrysanthemum cinerariaefolium* extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide as an active substance for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 89(1), third subparagraph, thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾ establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That list includes *Chrysanthemum cinerariaefolium* extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide.
- (2) *Chrysanthemum cinerariaefolium* extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide has been evaluated for use in biocidal products of product-type 18, insecticides, acaricides and products to control other arthropods, as described in Annex V to Directive 98/8/EC of the European Parliament and of the Council ⁽³⁾, which corresponds to product-type 18 as described in Annex V to Regulation (EU) No 528/2012.
- (3) Spain was designated as the rapporteur Member State and its evaluating competent authority submitted the assessment report together with its conclusions to the Commission on 1 September 2010. After the submission of the assessment report, discussions took place in technical meetings organised by the Commission and, after 1 September 2013, by the European Chemicals Agency ('the Agency').
- (4) It follows from Article 90(2) of Regulation (EU) No 528/2012 that substances for which the Member States' evaluation has been completed by 1 September 2013 should be assessed in accordance with the provisions of Directive 98/8/EC.
- (5) In accordance with Article 75(1), second subparagraph, point (a), of Regulation (EU) No 528/2012, the Biocidal Products Committee prepares the opinion of the Agency regarding the applications for approval of active substances. In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the Biocidal Products Committee adopted the opinion of the Agency ⁽⁴⁾ on 22 November 2022, having regard to the conclusions of the evaluating competent authority.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

⁽³⁾ 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 (OJ L 123, 24.4.1998, p. 1).

⁽⁴⁾ Biocidal Products Committee Opinion on the application for approval of the active substance *Chrysanthemum cinerariaefolium*, extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide; Product-type 18; ECHA/BPC/366/2022, adopted on 22 November 2022.

- (6) In the opinion, the Agency concludes that biocidal products of product-type 18 containing *Chrysanthemum cinerariaefolium* extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide may be expected to satisfy the requirements laid down in Article 5(1), points (b), (c) and (d), of Directive 98/8/EC, provided that certain conditions concerning their use are complied with.
- (7) Taking into account the opinion of the Agency, it is appropriate to approve *Chrysanthemum cinerariaefolium* extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide as an active substance for use in biocidal products of product-type 18 subject to compliance with certain conditions.
- (8) A reasonable period should be allowed to elapse before an active substance is approved in order to permit interested parties to take the preparatory measures necessary to meet the new requirements.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Chrysanthemum cinerariaefolium extract from open and mature flowers of *Tanacetum cinerariifolium* obtained with supercritical carbon dioxide is approved as an active substance for use in biocidal products of product-type 18 subject to the conditions set out in the Annex.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Common Name	IUPAC Name Identification Numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions
<i>Chrysanthemum cinerariaefolium</i> extract from supercritical carbon dioxide	<i>Chrysanthemum cinerariaefolium</i> extract from open and mature flowers of <i>Tanacetum cinerariifolium</i> obtained with supercritical carbon dioxide EC No: 289-699-3 CAS No: 89997-63-7	100 % w/w	1 February 2025	31 January 2035	18	The authorisation of biocidal products is subject to the following conditions: (1) the product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union-level risk assessment of the active substance; (2) the product assessment shall pay particular attention to: (i) professional users and general public; (ii) surface water and sediment for products applied via large-scale spraying outdoors; (3) for products that may lead to residues in food or feed, it shall be assessed whether new maximum residue levels (MRLs) need to be set or the existing MRLs need to be amended in accordance with Regulation (EC) No 470/2009 of the European Parliament and of the Council ⁽²⁾ or Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽³⁾ , and any appropriate risk mitigation measures shall be taken to ensure that such MRLs are not exceeded.

⁽¹⁾ The purity indicated in this column was the minimum degree of purity of the active substance evaluated. The active substance in the product placed on the market can be of equal or different purity if it has been proven to be technically equivalent to the evaluated active substance.

⁽²⁾ Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 11).

⁽³⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

DECISIONS

DECISION (EU) 2023/1430 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 March 2023

on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers following an application from Belgium – EGF/2022/002 BE/TNT

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021 on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 ⁽¹⁾, and in particular Article 15(1), first subparagraph, thereof,

Having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources ⁽²⁾, and in particular point 9 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund for Displaced Workers (EGF) aims to demonstrate solidarity and promote decent and sustainable employment in the Union by providing support for workers made redundant and self-employed persons whose activity has ceased in the case of major restructuring events and assisting them in returning to decent and sustainable employment as soon as possible.
- (2) The EGF is not to exceed a maximum annual amount of EUR 186 million (in 2018 prices), as laid down in Article 8 of Council Regulation (EU, Euratom) 2020/2093 ⁽³⁾.
- (3) On 18 October 2022, Belgium submitted an application to mobilise the EGF in accordance with Article 8(1) of Regulation (EU) 2021/691, in respect of workers' displacements in TNT Express Worldwide (Euro Hub) SRL (TNT) in Belgium. It was supplemented by additional information provided in accordance with Article 8(5) of Regulation (EU) 2021/691. That application complies with the conditions for a financial contribution from the EGF as laid down in Article 13 of Regulation (EU) 2021/691.
- (4) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 1 956 397 in respect of the application submitted by Belgium.
- (5) In order to minimise the time taken to mobilise the EGF, this Decision should apply from the date of its adoption,

⁽¹⁾ OJ L 153, 3.5.2021, p. 48.

⁽²⁾ OJ L 433 I, 22.12.2020, p. 28.

⁽³⁾ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2023, the European Globalisation Adjustment Fund for Displaced Workers shall be mobilised to provide the amount of EUR 1 956 397 in commitment and payment appropriations.

Article 2

This Decision shall enter into force on the day of its publication in the Official Journal of the European Union. It shall apply from 15 March 2023.

Done at Strasbourg, 15 March 2023.

For the European Parliament
The President
R. METSOLA

For the Council
The President
J. ROSWALL

COMMISSION IMPLEMENTING DECISION (EU) 2023/1431**of 30 June 2023****concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Regulation (EC) No 88/97**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 13(4) thereof,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered under Regulation (EC) No 703/96 ⁽²⁾ and in particular Article 3 thereof,

Having regard to Commission Implementing Regulation (EU) 2020/45 of 20 January 2020 amending Implementing Regulation (EU) 2019/1379 as regards the extension of the anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China to imports of certain bicycle parts originating in the People's Republic of China by Council Regulation (EC) No 71/97 ⁽³⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 ⁽⁴⁾, and in particular Articles 4 to 7 thereof,

After informing the Member States,

Whereas:

- (1) An anti-dumping duty applies on imports of essential bicycle parts originating in the People's Republic of China ('China') ('the extended duty') as a result of the extension of the anti-dumping duty imposed on imports of bicycles originating in China by Regulation (EC) No 71/97.
- (2) Under Article 3 of Regulation (EC) No 71/97 the Commission is empowered to adopt the necessary measures to authorise the exemption of imports of essential bicycle parts which do not circumvent the anti-dumping duty.
- (3) Those implementing measures are set forth in Regulation (EC) No 88/97 ('the exemption Regulation') establishing the specific exemption system.
- (4) On that basis the Commission has exempted a number of bicycle assemblers from the extended duty ('the exempted parties').

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 16, 18.1.1997, p. 55.

⁽³⁾ OJ L 16, 21.1.2020, p. 7.

⁽⁴⁾ OJ L 17, 21.1.1997, p. 17.

- (5) By Implementing Regulation (EU) 2023/611 ⁽⁵⁾ of 17 March 2023, the Commission published in the *Official Journal of the European Union* the updated list of the parties under examination and the list of the exempted parties .
- (6) For the purposes of this Decision, the definitions set out in Article 1 of the exemption Regulation apply.

1. REQUESTS FOR EXEMPTION

- (7) Between 15 July 2020 and 1 February 2023, the Commission received from the parties listed in Tables 1 and 2 requests for exemption with the information required to determine whether these requests were admissible in accordance with Article 4 of the exemption Regulation.
- (8) The parties requesting exemption were given an opportunity to comment on the Commission's conclusions concerning the admissibility of their requests.
- (9) The comments received by Decathlon Sp. z o.o. Poland relating to the date of effect of the suspension of payments of the duties for parties under examination were addressed and dismissed in recitals (22) to (27) of Commission Implementing Decision (EU) 2022/1461 of 26 August 2022 ⁽⁶⁾.
- (10) In accordance with Article 5(1) of the exemption Regulation, pending a decision on the merits of requests from the parties requesting exemption, the payment of the extended duty in respect of any imports of essential bicycle parts declared for free circulation by these parties listed in Tables 1 and 2 below was suspended as from the day on which the Commission received their respective duly substantiated requests pursuant to Article 4(1) and (2) of the exemption Regulation.

2. AUTHORISATION OF EXEMPTION

- (11) The examination of the merits of the request from the party listed in Table 1 has been concluded.

Table 1

TARIC additional code	Name	Address
C720	Propain Bicycles GmbH	Schachenstraße 39, 88267 Vogt, Germany

- (12) The Commission established during its examination that the value of the parts originating in China constituted less than 60 % of the total value of the parts of all the bicycles assembled by the party listed in Table 1.
- (13) Consequently, the Commission concluded that the assembly operations of the party listed in Table 1 fall outside the scope of Article 13(2) of Regulation (EU) 2016/1036.
- (14) For that reason, and in accordance with Article 7(1) of the exemption Regulation, the party listed in Table 1 fulfilled the conditions for exemption from the extended duty.

⁽⁵⁾ Commission Implementing Regulation (EU) 2023/611 of 17 March 2023 amending Regulation (EC) No 88/97 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 (OJ L 80, 20.3.2023, p. 67), Annex II.

⁽⁶⁾ Commission Implementing Decision (EU) 2022/1461 of 26 August 2022 concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Regulation (EC) No 88/97 (OJ L 229, 5.9.2022, p. 69).

- (15) In accordance with Article 7(2) of the exemption Regulation, the exemption should take effect as from the date of receipt of the duly substantiated request pursuant to Article 4(1) and (2) of the exemption Regulation. The customs debts in respect of the extended duty from the party requesting exemption should therefore be considered void from the same date.
- (16) The interested party was informed of the Commission's conclusions on the merits of its requests and was given an opportunity to comment thereon.
- (17) Since the exemption applies only to the party specifically referred to in Table 1, the exempted party should notify the Commission ⁽⁷⁾ without delay of any changes to this exemption (for instance, following a change in the name, legal form or address or following the setting up of new assembly entities).
- (18) In case of change in reference, the exempted party should provide relevant information, including on any modification in its activity linked to assembly operations. Where appropriate, the Commission will update the references accordingly.

3. SUSPENSION OF PAYMENTS OF THE DUTIES FOR PARTIES UNDER EXAMINATION

- (19) The examination of the merits of the requests from the parties listed in Table 2 is ongoing. Pending a decision on the merits of their requests, the payment of the extended duty by these parties is suspended.
- (20) Since the suspensions apply only to the parties specifically referred to in Table 2, these parties should notify the Commission ⁽⁸⁾ without delay of any changes to these (for instance following a change in the name, legal form or address or following the setting up of new assembly entities).
- (21) In case of change in reference, the party concerned should provide all relevant information, including on any modification in its activities linked to assembly operations. Where appropriate, the Commission will update the references to such party.

Table 2

TARIC additional code	Name	Address
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobleto, Spain
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czech Republic
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa, Poland
C896	Cyclision s.r.o.	Štefánikova 68, 921 01 Piešťany, Slovakia
C991	Bicicletas Mendiz S.A.	C/Zuazobidea 22, 01015 Vitoria-Gasteiz (Álava-Araba), Spain
899I	Adrisport sas	Z.A. de Bellevue 7, 56390 Colpo – France

⁽⁷⁾ The party is advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu.

⁽⁸⁾ The parties are advised to use the following email address: TRADE-BICYCLE-PARTS@ec.europa.eu.

4. UPDATE OF REFERENCES TO EXEMPTED PARTIES

- (22) Between 28 June 2022 and 10 March 2023, the exempted parties listed in Table 3 notified the Commission of changes in their names and addresses. The Commission, after having examined the information submitted, concluded that those changes do not affect the assembly operations with regard to the conditions of exemption or suspension set forth in the exemption Regulation.
- (23) While the exemption of these parties from the extended duty authorised in accordance with Article 7(1) of the exemption Regulation remains unaffected, the references to these parties should be updated.

Table 3

TARIC additional code	Former reference	Change
C009	Derby Cycle Werke GmbH Siemensstraße 1-3 9661 Cloppenburg, Germany	The name and address of this party have been changed to: Kalkhoff Werke GmbH Europa-Allee 26, 49685 Emstek, Germany
A576	Race Production NV Beverlosesteenweg 85, 3583 Beringen, Belgium	The name of this party has been changed to: Belgian Cycling Factory NV
A726	Unibike OEM Factory S.A. Zona Industrial de Oiã, Lote C-21, 3770 059 Oiã, Portugal	The address of this party has been changed to: Parque Empresarial de Soza B, Lt 3,4,10,11, 3840 342 Soza-Vagos, Portugal

5. REQUEST FOR EXEMPTION HELD INADMISSIBLE

- (24) On 8 July 2022 the party listed in Table 4 submitted a request for exemption which were found to be inadmissible within the meaning of Article 4(4) of the exemption Regulation, because it did not fulfil the conditions set out in Articles 4(1) and 4(2).

Table 4

Name	Address
Cycle Center 53-11 BV	Van Heemstraweg-Oost 4, 5301 KE Zaltbommel – The Netherlands

- (25) The party listed in Table 4 was informed on the Commission's conclusions and was given an opportunity to comment thereon. No further comments were received on the Commission's conclusions.

6. PARTY FOR WHICH THE EXEMPTION AUTHORISATION IS REVOKED

- (26) On 8 September 2022 the Commission was notified that the exempted party listed in Table 5 wound up and ceased its activities. In particular, on 18 July 2022 the Italian Court established the bankruptcy of Cicli Elios srl.
- (27) As a consequence, the Commission concluded that the exemption authorisation granted to Cicli Elios srl should be revoked as of 18 July 2022, pursuant to Article 10 of the exemption Regulation.
- (28) The party listed in Table 5 was informed of the Commission's conclusions and was given an opportunity to comment thereon.

- (29) Cicli Elios srl commented by requesting the Commission to reconsider the revocation of its exemption authorisation.
- (30) The Commission, after having duly assessed the request, concluded that no new arguments were brought forward to support a reassessment of the conclusions previously disclosed. Therefore, the revocation of the exemption authorisation was confirmed and the party informed accordingly,

Table 5

TARIC additional code	Name	Address
8605	Cicli Elios srl	Via G. Ferraris 996/1030, 45021 Badia Polesine (RO) – Italy

HAS ADOPTED THIS DECISION:

Article 1

The party listed in the Table in this Article is hereby exempted from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty on bicycles originating in the People's Republic of China imposed by Regulation (EEC) No 2474/93 to imports of certain bicycle parts from the People's Republic of China.

In accordance with Article 7(2) of Regulation (EC) No 88/97 the exemption shall take effect as from the date of receipt of the party' request. This date is provided for in the Table column headed 'Date of effect'.

The exemption shall apply only to the party specifically referred to in the Table in this Article.

The exempted party shall notify the Commission without delay of any change to its name and address, providing all relevant information, in particular on any modification in the party' activities linked to assembly operations with regard to the conditions of exemption.

Exempted party

TARIC additional code	Name	Address	Date of effect
C720	Propain Bicycles GmbH	Schachenstraße 39, 88267 Vogt – Germany	1.7.2021

Article 2

The parties listed in the Table in this Article are under examination in accordance with Article 6 of Regulation (EC) No 88/97.

The suspensions of payment of the extended anti-dumping duty in accordance with Article 5 of Regulation (EC) No 88/97 shall be effective as from the dates of receipt of the parties' respective suspension requests. Those dates are provided for in the Table column headed 'Date of effect'.

Those suspensions of payments shall apply only to the parties under examination specifically referred to in the Table in this Article.

The parties under examination shall notify the Commission without delay of any changes in their assembly operations linked to the conditions of suspension and provide the Commission with all relevant information as evidence. These changes include but are not limited to, any changes of the parties' names, activities, legal forms, addresses.

Parties under examination

TARIC additional code	Name	Address	Date of effect
C557	Berria Bike S.L.	Calle Blasco de Garay 19, 02600 Villarrobledo – Spain	30.3.2022
C860	Profil Bicycles CZ s.r.o.	Hněvotín 31, 783 47 Hněvotín, Czech Republic	20.2.2022
C863	Decathlon Sp. z o.o.	ul. Geodezyjna 76, 03-290 Warszawa, Poland	21.3.2022
C896	Cyclision s.r.o.	Štefánikova 68, 921 01 Piešťany, Slovakia	8.8.2022
C991	Bicicletas Mendiz S.A.	C/Zuazobidea 22, 01015 Vitoria-Gasteiz (Álava-Araba), Spain	26.10.2022
899I	Adrisport sas	Z.A. de Bellevue 7, 56390 Colpo, France	21.4.2023

Article 3

Updated references to the exempted parties listed in the Table in this Article are provided for in the column headed 'New reference'. Those updates shall take effect as from the dates provided for in the Table column headed 'Date of effect'.

The corresponding TARIC additional codes previously attributed to those exempted parties as provided for in the Table column headed 'TARIC additional code' remain unchanged.

Exempted/suspended parties for which the reference shall be updated

TARIC additional code	Former reference	New reference	Date of effect
C009	Derby Cycle Werke GmbH Siemensstraße 1-3 49661 Cloppenburg, Germany	Kalkhoff Werke GmbH Europa-Allee 26, 49685 Emstek, Germany	1.7.2022
A576	Race Production NV Beverlosesteenweg 85, 3583 Beringen, Belgium	Belgian Cycling Factory NV Beverlosesteenweg 85, 3583 Beringen, Belgium	9.2.2023
A726	Unibike OEM Factory S.A. Zona Industrial de Oiã, Lote C-21, 3770 059 Oiã, Portugal	Unibike OEM Factory S.A. Parque Empresarial de Soza B, Lt 3,4,10,11, 3840 342 Soza-Vagos, Portugal	19.4.2023

Article 4

The request for exemption submitted by the party listed in the Table of this Article is inadmissible and therefore rejected in accordance with Article 4(4) of Regulation (EC) No 88/97.

The rejection shall take effect as from the date provided for in the Table column headed 'Date of effect'.

Party for which the request of exemption is rejected

Name	Address	Date of effect
Cycle Center 53-11 BV	Van Heemstraweg-Oost 4, 5301 KE Zaltbommel, The Netherlands	28.7.2022

Article 5

The exemption authorisation of payment of the extended anti-dumping duty is hereby revoked for the party listed in the Table in this Article.

The revocation shall take effect as from the date provided for in the Table column headed 'Date of effect'.

Party for which the exemption authorisation is revoked

TARIC additional code	Name	Address	Date of effect
8605	Cicli Elios srl	Via G. Ferraris 996/1030, 45021 Badia Polesine (RO), Italy	18.7.2022

Article 6

This Decision is addressed to the Member States and to the parties listed in Articles 1 to 5 and published in the *Official Journal of the European Union*.

Done at Brussels, 30 June 2023.

For the Commission
Valdis DOMBROVSKIS
Executive Vice-President

COMMISSION IMPLEMENTING DECISION (EU) 2023/1432**of 7 July 2023****concerning the extension of the action taken by the German Federal Office for Chemicals permitting the making available on the market and use of the biocidal product Biobor JF in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2023)4493)***(Only the German text is authentic)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 55(1), third subparagraph, thereof,

Whereas:

- (1) On 28 September 2022, the German Federal Office for Chemicals ('the German competent authority') adopted, in accordance with Article 55(1), first subparagraph, of Regulation (EU) No 528/2012, a decision to permit, from 7 October 2022 until 5 April 2023, the making available on the market for, and use by, professional users of the biocidal product Biobor JF for the antimicrobial treatment of aircraft fuel tanks and fuel systems ('the action'). The German competent authority informed the Commission and the competent authorities of the other Member States of the action and the justification for it, in accordance with Article 55(1), second subparagraph, of that Regulation.
- (2) According to the information provided by the German competent authority, the action was necessary in order to protect public health. Microbiological contamination of aircraft fuel tanks and fuel systems is caused by micro-organisms, such as bacteria, mould and yeast, that grow in the settled water and feed off the hydrocarbons in the fuel at the fuel-to-water interface. If left untreated, the microbiological contamination of aircraft fuel tanks and fuel systems can lead to malfunctions of the aircraft engine and endanger its airworthiness, thus endangering the safety of passengers and crew. The prevention and, when detected, treatment, of microbiological contamination are therefore crucial in order to avoid operational problems in aircraft.
- (3) Biobor JF contains 2,2'-(1-methyltrimethylenedioxy)bis-(4-methyl-1,3,2-dioxaborinane) (CAS number 2665-13-6) and 2,2'-oxybis (4,4,6-trimethyl-1,3,2-dioxaborinane) (CAS number 14697-50-8) as active substances. Biobor JF is a biocidal product of product-type 6 ('preservatives for products during storage'), as defined in Annex V to Regulation (EU) No 528/2012. 2,2'-(1-methyltrimethylenedioxy)bis-(4-methyl-1,3,2-dioxaborinane) and 2,2'-oxybis (4,4,6-trimethyl-1,3,2-dioxaborinane) have not been evaluated for use in biocidal products of product-type 6. As those substances are not listed among the substance/product-type combinations included in the review programme on 17 March 2022, as set out in Annex II to Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾, they are not included in the work programme for the systematic examination of all existing active substances contained in biocidal products, referred to in Regulation (EU) No 528/2012. Article 89 of Regulation (EU) No 528/2012 therefore does not apply to those active substances, and they have to be assessed and approved before biocidal products containing them can be authorised also at national level.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294 10.10.2014, p. 1).

- (4) On 27 March 2023, the Commission received a reasoned request from the German competent authority to allow the extension of the action in accordance with Article 55(1), third subparagraph, of Regulation (EU) No 528/2012. The reasoned request was based on concerns that air transport safety might continue to be endangered by microbiological contamination of aircraft fuel tanks and fuel systems and on the argument that Biobor JF is essential in order to control such microbiological contamination.
- (5) According to the information provided by the German competent authority, the only alternative biocidal product recommended by aircraft and aircraft engine manufacturers for the treatment of microbiological contamination (namely, Kathon™ FP 1.5) was withdrawn from the market in March 2020 due to severe behaviour anomalies that were noticed after the treatment of aircraft engines with that product. Biobor JF is therefore the only available product for that use recommended by aircraft and aircraft engine manufacturers.
- (6) As indicated by the German competent authority, manual cleaning of the fuel tanks is possible only when it is in accordance with the manufacturer's specifications. However, manual cleaning is often carried out in combination with biocidal treatment, as required by agreed aviation procedures, and requires the complete disposal of the contaminated aviation fuel as well as physically and mentally demanding work in the narrow fuel tank under numerous safety precautions. Manual cleaning of fuel tanks should therefore be avoided as far as possible.
- (7) According to the information provided to the Commission, the manufacturer of Biobor JF has taken steps towards an authorisation of the product. An application for approval of the active substances that Biobor JF contains is expected to be submitted in the first half of 2024. The approval of the active substances and possible authorisation of the biocidal product would constitute a permanent solution for the future, but a significant amount of time would be needed for the completion of those procedures.
- (8) The lack of control of microbiological contamination of aircraft fuel tanks and fuel systems might endanger air transport safety and that danger cannot be adequately contained by using another biocidal product or by other means. It is therefore appropriate to allow the German competent authority to extend the action.
- (9) Since the action expired on 5 April 2023, this Decision should apply retroactively.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

The German Federal Office for Chemicals may extend until 7 October 2024 the action to permit the making available on the market for, and use by, professional users of the biocidal product Biobor JF for the antimicrobial treatment of aircraft fuel tanks and fuel systems.

Article 2

This Decision is addressed to the German Federal Office for Chemicals.

It shall apply from 6 April 2023.

Done at Brussels, 7 July 2023.

For the Commission
Stella KYRIAKIDES
Member of the Commission

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