



European Apparel and Textile Confederation
Environment Department

24 rue Montoyer – Boite 10 - B – 1000 Brussels

☎ : + 32.2.285.48.84 – Fax : +32.2.230.60.54

✉ : adil.elmassi@euratex.eu

Web-site : www.euratex.eu

Biocide Products Directive
Euratex Position on the Council and EP First Reading

Euratex welcome the proposal for the revision of the BPD. We are particularly pleased that the revision makes a positive proposal toward accepting the principle of no discrimination between articles imported and EU produced. In view of achieving a level playing field we support in principle the proposal to label bioactive modified textiles and hope that this will ease the enforcement role of the Authorities. The latter can only be achieved if the labelling requirement goes beyond the simple information's to consumers and add the "authorisation number" into its list of criteria.

Euratex also holds the view that the authorisation process must be limited to the biocidal product and not to the article. By restricting the authorisation to the active substance, the proposal will address positively a fundamental issue that carried an unnecessary cost for the article producers and by the same token aligned the BPD with another EU Regulation, namely REACH. To this end, the clarification of the scope of the Directive must be aligned accordingly; To the question "does the combination of an article and an active biocide fall under the scope of the Directive?" the current dominant view in the Council and the EP tends to believe that if the biocidal active substance is released from the related article to control harmful organisms outside the treated article or if it is intended to control only organisms that are not harmful to the treated article, the article or the material in question has the function of a delivery system and shall be considered as a biocidal product that must be authorised i.e. mosquito nets, mattress covers, impregnated tissues with antibacterial properties, sleeping bags, socks, treated textiles to be used for pets.

This means that all articles marketed in all essentials for other purposes than biocidal will need to be authorised. The Directive imposes heavy testing of the treated articles and of the active substances used. The administrative cost for each authorisation dossier is estimated at €2.500 per article. This figure does not include the testing costs and those related to the labelling requirements. This would create an unmanageable administrative burden both for industry, in particular SME's, and the Competent Authorities handling the dossiers. This is particularly true if one considers anything from tooth brushes to garbage bags and toilet seats as candidates for authorisation although the main purpose of use of these type of articles is not as biocides, but in all essence the substances they are treated with are meant to deter harmful organisms.

Hence, enlarging the scope of the Biocide Directive to include finished articles is inappropriate and unjustified. This remains a constraint from the moment that all the toxicological tests in addition to the efficiency tests on the molecule and textile will be performed by the biocide producer. It is consequently imperative that the BPD is fully in line in its approach with that of REACH by requiring the same definition of an "article" and an authorisation for the biocide product used to treat the articles; An authorisation that encompass the uses.

Furthermore EURATEX would like to insist on the need to define “the primary function of a treated article” in the BPD i.e. has “treated socks” a primary function of killing bacteria? We believe that as an article, socks primary function is still the function of a sock, and the secondary, is to avoid growth of bacteria therefore it is not a biocidal product. As long as the primary function of an article is not defined in the legal text, there will be room for different interpretations.

Moreover, the Textile and Apparel Industry has in the past frequently pointed out that the categories in the Catalogue of Product Categories do not correctly represent all of the biocidal uses within textiles i.e. avoiding the settlement of micro organisms on the textile, without focussing on the protection of the textile fibre as such. It is the settlement of pathogens and/or odour which should be prevented in this case.

In many textile applications the biocide used hampers the growth of micro organisms on the surface of the textile, which is neither for the protection of the fibre (PT 9) nor an effect like described in PT 2. Companies are actually acting in a "grey area", because the biocides are only authorised for PT9, but not for PT2! The chemical industry does apply for an authorisation for PT9 only, and argue that the fulfilment of the requirements needed for an authorisation under PT2 would not be achievable. To this end a rewording of PT9 as suggested below is necessary to avoid the prejudice imposed on textile companies.

Product Category 9:

Product-type 9: Fibre, leather, rubber and polymerised materials preservatives

Products used for the preservation of fibrous or polymerised materials, such as leather, rubber or paper or textile products and rubber by the control of microbiological deterioration. **This does include agents which antagonize the settlement of micro organisms (e.g. pathogenic germs and those developing odour) on the surface and therefore hamper or avoid the development of odour and/or offer other kinds of benefits.**