


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed 2006/0288(COD)
Placing of biocidal products on the market: implementing powers conferred on the Commission Amending Directive 98/8/EC 1993/0465(COD)	
Subject 3.10.09.02 Plant health legislation 3.70.06 Soil pollution, deterioration	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety	PSE WESTLUND Åsa	03/04/2007
Council of the European Union	Council configuration	Meeting	Date
	Environment	2856	03/03/2008
European Commission	Commission DG Environment	Commissioner DIMAS Stavros	

Key events			
22/12/2006	Legislative proposal published	COM(2006)0923	Summary
17/01/2007	Committee referral announced in Parliament, 1st reading		
12/09/2007	Vote in committee, 1st reading		Summary
25/09/2007	Committee report tabled for plenary, 1st reading	A6-0344/2007	
14/11/2007	Results of vote in Parliament		
14/11/2007	Decision by Parliament, 1st reading	T6-0521/2007	Summary
03/03/2008	Act adopted by Council after Parliament's 1st reading		
11/03/2008	Final act signed		
11/03/2008	End of procedure in Parliament		
20/03/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2006/0288(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 98/8/EC 1993/0465(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/44442

Documentation gateway					
Legislative proposal		COM(2006)0923	22/12/2006	EC	Summary
Committee draft report		PE388.626	19/07/2007	EP	
Amendments tabled in committee		PE393.864	29/08/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0344/2007	25/09/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0521/2007	14/11/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)6527	18/12/2007	EC	
Draft final act		03682/2007/LEX	11/03/2008	CSL	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Directive 2008/31 OJ L 081 20.03.2008, p. 0057 Summary

Placing of biocidal products on the market: implementing powers conferred on the Commission

PURPOSE: to amend Directive 98/8/EC concerning the placing of biocidal products on the market by introducing a reference to the new regulatory procedure with scrutiny (comitology).

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

Placing of biocidal products on the market: implementing powers conferred on the Commission

The Committee on the Environment, Public Health and Food Safety adopted a report drawn up by Åsa WESTLUND (PES, SE), and made some amendments to the proposal for a directive of the European Parliament and of the Council amending Directive 98/8/EC concerning the placing of biocidal products on the market, as regards the implementing powers conferred to the Commission.

The Committee felt that the current comitology procedure regarding decisions on, particularly, release of active substances or biocidal products in the area of research and development should be changed into a regulatory procedure with scrutiny. Accordingly, it stated that common conditions for the application of Article 17, in particular the maximum quantities of active substances or biocidal products that may be released during experiments, and the minimum data to be submitted, shall be adopted in accordance with the regulatory procedure with scrutiny.

It also considered that the application of the comitology procedure leads to changes of the Annexes of the Directive. The regulatory procedure with scrutiny should therefore be introduced. Accordingly, with regard to adaptation to technical progress, a clause was inserted stating that the amendments necessary for adapting Annexes IIA, IIB, IIIA, IIIB, IVA and IVB as well as the descriptions of the product-types in Annex V to technical progress, and for specifying data requirements for each of these product types, shall be adopted in accordance with the regulatory procedure with scrutiny.

Lastly, Members felt that the references to the regulatory procedure with scrutiny should be clear and not entail any curtailing of time limits compared to the standard time limits of the regulatory procedure with scrutiny.

Placing of biocidal products on the market: implementing powers conferred on the Commission

The European Parliament adopted a resolution drafted by the report drafted by Åsa WESTLUND (PES, SE), and made some amendments to the proposal for a directive amending Directive 98/8/EC concerning the placing of biocidal products on the market, as regards the implementing powers conferred to the Commission.

Parliament stated that the regulatory procedure with scrutiny will apply to common conditions for the application of Article 17(5), in particular the maximum quantities of active substances or biocidal products that may be released during experiments and the minimum data to be submitted in order to permit an assessment.

The regulatory procedure with scrutiny will also apply to amendments necessary to adapt Annex IIA, IIB, IIIA, IIIB, IVA or IVB or the descriptions of product types in Annex V to technical progress or to specify data requirements for each of these product types.

The comitology committee is named the Standing Committee on Biocidal Products.

Placing of biocidal products on the market: implementing powers conferred on the Commission

PURPOSE: to amend Directive 98/8/EC concerning the placing of biocidal products on the market by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Directive 2008/31/EC of the European Parliament and of the Council amending Directive 98/8/EC concerning the placing of biocidal products on the market, as regards the implementing powers conferred on the Commission.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology) has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision. This may include deleting some of those elements or supplementing the instrument, by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument in cases where:

- the draft may exceed the implementing powers provided for in the basic instrument;
- the draft is incompatible with the aim or the content of that instrument; or
- the draft fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The purpose of this Directive, therefore, is to amend Directive 98/8/EC concerning the placing of biocidal products on the market by introducing a reference to the new regulatory procedure with scrutiny.

ENTRY INTO FORCE: 21 March 2008.