

**Mr. Vytenis ANDRIUKAITIS**  
**EU Commissioner for Health and Food Safety**  
**European Commission**  
**Rue de la Loi 200**  
**1049 Brussels**

**And for information**

**Mrs. Elzbieta BIENKOWSKA**  
**EU Commissioner for Internal Market, Industry, Entrepreneurship and SMEs**  
**European Commission**  
**Rue de la Loi 200**  
**1049 Brussels**

Brussels, 21<sup>st</sup> January 2015  
 Prot. 27/GL

Dear Commissioner Andriukaitis

**Re: Deadline on 1<sup>st</sup> September 2015 foreseen by article 95 of the Regulation N° 528/2012**

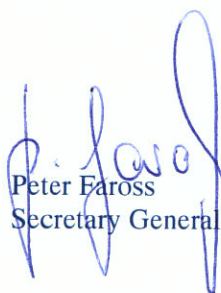
First of all, I would like to congratulate you for your appointment as new EU Commissioner for Health and Consumer Policy.

Secondly I would like to draw your attention to a less pleasant observation in the area of biocides, a topic that was only recently handed over to your Directorate-General. A particular provision of the biocides Regulation N° 528/2012 (article 95) will become relevant on 1 September 2015 and it could become a show-stopper for a large amount of SMEs. This new provision requests from all suppliers of active substances, who want to stay on the market after the mentioned date, to perform an extensive and costly dossier-submission.

We can clearly see that not many companies – in particular SMEs – are aware of the deadline in September. In general awareness about the recent changes in the area of biocides-legislation is very low, although we and our members have been informing about these new developments and in particular in relation to article 95. It is not ignorance that causes this lack of information and activity. This is actually rather caused by the complexity of the biocides-regulation and all other heavy pieces of chemical legislation (e.g. REACH and CLP), which are also relevant for a supplier of biocides.

We think that the recent initiative of providing SME with three specific guidelines was very helpful and we willingly contributed to this project within our capacities. However, we are also concerned due to very limited awareness-raising-activities across many Member States. We think that this should be intensified and in the end the Commission should also consider a fall-back-option for all those companies, which fail to comply with their obligations on 1 September this year.

Yours Faithfully,



Peter Faross  
 Secretary General