



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 June 2011 (15.06)  
(OR. da,fr)**

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2009/0076 (COD)**

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**ADDENDUM TO "I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: COREPER/COUNCIL

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Subject: Proposal for a Regulation of the European Parliament and of the Council  
concerning the placing on the market and use of biocidal products **[first reading]**  
- Adoption  
(a) of the common position  
(b) of the statement of the Council's reasons  
- Statements

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**Statement by the Danish delegation**

Denmark regrets that the Council has been unable to reach agreement on Member States having an independent right to restrict or prohibit the placing on the market and use of biocidal products on their own territory, where national conditions indicate an unacceptable risk to the environment and health.

For that reason Denmark wishes to abstain from voting for the common position and reserves the right in further negotiations with the European Parliament to strive for the inclusion of such a right when the proposal is finally adopted.

## Statements by the Commission

### **Comitology**

In a spirit of compromise, the Commission will not stand against a qualified majority vote in favour of the Presidency text. However, the Commission would underline that it does not share the views of the Council that the measures for the approval of active substances (Article 9) and for rules on fees payable to the European Chemicals Agency (Article 79(1)) are of an implementing nature and thus fall under Article 291 TFEU. As regards both these matters, the Commission is of the view Article 290 is the appropriate procedure given that they entail measures of general application which would modify or supplement the non-essential elements of the Regulation.

### **Resource implications**

The extension of the scope of the Union authorisation together with additional tasks allocated to the European Chemicals Agency, the shorter deadlines and the increased frequency of renewals for active substances will necessarily result in a significant increase in the workload of the Agency and the Commission. At the same time, the workload for national authorities will accordingly be reduced as a result of a wider scope of Union authorisation. In light of the increased workload, the Agency and the Commission will need additional financial and human resources to ensure effective implementation of the Regulation. In view of this, the Commission calls on the Council to address these requirements under the new financial perspectives. The Commission is prepared to work with the Council on a suitable solution.

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