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### **'I' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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No. Cion doc.: 17054/25

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 528/2012 as regards the extension of certain data protection periods  
- Mandate for negotiations with the European Parliament

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### **Introduction**

1. In October 2024, the European Council called on all EU institutions, Member States and stakeholders, as a matter of priority, to take work forward, notably in response to the challenges identified in the reports by Enrico Letta ('Much more than a market') and Mario Draghi ('The future of European competitiveness'). The Budapest declaration of 8 November 2024 subsequently called for "*launching a simplification revolution*", by ensuring a clear, simple and smart regulatory framework for businesses and drastically reducing administrative, regulatory and reporting burdens, in particular for SMEs.
2. Since February 2025, as a follow-up to the call by EU Leaders at that and subsequent meetings, the Commission has put forward ten 'Omnibus' packages aiming to simplify existing legislation on sustainability, investment, agriculture, small and mid-caps, digitalisation and common specifications, defence readiness, chemical products, digital issues including on AI, environment, the automotive sector and a tenth Omnibus on food and feed safety.

3. As part of the tenth Omnibus package, the Commission put forward a proposal to amend Regulation (EU) No 528/2012 on biocidal products as regards the extension of certain data protection periods. The main goal of this proposal is to modify the Regulation that, in its current form, protected data generated in the framework of approvals of active substances with a cut-off date of 31 December 2025. In the light of the delays in the completion of the review programme for existing active substances it is considered appropriate to expand the protection period for all data for active substance/product-type combinations for which a decision on the approval had not been adopted under the Regulation by 7 June 2018. The extended period should be limited to 31 December 2030, aligning it with the projected end of the review programme.
4. With a view to keeping the period during which data remain unprotected as short as possible the Presidency has treated the proposal with utmost priority. The proposal was presented at the meeting of the Antici Group (Simplification) on 12 January 2026 and discussed at the meetings on 2 and 20 February. Delegations broadly shared the sense of urgency and, in that perspective, supported the Commission's proposal. While almost all delegations agreed with the proposal as presented by the Commission without amendments, one delegation advocated for a longer extension of the data protection period. The Commission underlined that the objective of the proposal is to strive for a balance between the interests of data owners who are participants in the review programme of existing active substances and other actors, taking also into account the original intentions of the expiry date for data protection set in the Regulation. A few delegations have parliamentary reservations.
5. Furthermore, it is understood that the European Parliament, as co-legislator, is favourable to reaching agreement with the Council on the proposal as fast as possible, having chosen a simplified procedure.

### **Conclusions**

6. The Permanent Representatives Committee is therefore invited to agree on a Council mandate for negotiations with the European Parliament in line with the Commission's proposal, with a view to reaching an agreement at first reading with the European Parliament on that basis.
  7. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020, and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.
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