

Brussels, 18 May 2026
(OR. en)

9303/26

ENV 509
MI 478
AGRI 375
CHIMIE 56
DELECT 89

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 18 May 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: C(2026) 1241 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 18.5.2026 amending Regulation (EU) No 528/2012 of the European Parliament and of the Council as regards the restriction of the use for the active substance carbon dioxide in Annex I, Category 6, thereto

Delegations will find attached document C(2026) 1241 final.

Encl.: C(2026) 1241 final



Brussels, 18.5.2026
C(2026) 1241 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 18.5.2026

**amending Regulation (EU) No 528/2012 of the European Parliament and of the Council
as regards the restriction of the use for the active substance carbon dioxide in Annex I,
Category 6, thereto**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Article 28(1) of Regulation (EU) No 528/2012 (the ‘BPR’) in conjunction with Article 1(b) of Implementing Regulation (EU) No 88/2014 empowers the Commission to adopt delegated acts in order to include active substances in Annex I to the BPR, after receiving an opinion of the European Chemicals Agency (ECHA). A simplified authorisation procedure is provided in Chapter V of the BPR for biocidal products containing active substances listed in Annex I to the BPR and fulfilling other conditions set out in Article 25 of that Regulation.

Carbon dioxide is currently listed in Annex I, Category 6, to the BPR with the following restriction: *‘Only for use in ready-for-use gas canisters functioning together with a trapping device’*. On 27 November 2023, ECHA received an application for amending that restriction in accordance with Article 3(1) of Regulation (EU) No 88/2014. This application was evaluated by the competent authority of the Netherlands. The evaluating competent authority of the Netherlands submitted the assessment report together with its conclusions to ECHA on 23 December 2024.

The opinion of ECHA of 10 September 2025, considered as an opinion of the Agency pursuant to Article 75(1), second subparagraph, point (c), of the BPR concluded that the relevant restriction of the use for carbon dioxide should be amended and replaced by a new restriction.

This Delegated Regulation therefore amends the relevant restriction of the use for the active substance carbon dioxide listed in Annex I, Category 6.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission has consulted an expert group (the ‘Biocides CA meeting’) consisting of representatives of Member States’ competent authorities for biocidal products, of the European Chemicals Agency, of the biocides industry and of the civil society during the 110th CA meeting in December 2025.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated Regulation amends Annex I to Regulation (EU) No 528/2012. The legal basis is Article 28(1) of that Regulation in conjunction with Article 1(b) of Implementing Regulation (EU) No 88/2014.

COMMISSION DELEGATED REGULATION (EU) .../...

of 18.5.2026

amending Regulation (EU) No 528/2012 of the European Parliament and of the Council as regards the restriction of the use for the active substance carbon dioxide in Annex I, Category 6, thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products¹, and in particular Article 28(1) thereof,

Whereas:

- (1) On 27 November 2023, the European Chemicals Agency ('the Agency') received an application to amend the restriction concerning the use for the active substance carbon dioxide, listed in Annex I, Category 6, to Regulation (EU) No 528/2012, submitted in accordance with Article 3(1) of Commission Implementing Regulation (EU) No 88/2014². The application was evaluated by the competent authority of the Netherlands ('the evaluating competent authority').
- (2) The evaluating competent authority submitted its assessment report together with its conclusions to the Agency on 23 December 2024.
- (3) In accordance with Article 75(1), second subparagraph, point (c), of Regulation (EU) No 528/2012, the Biocidal Products Committee prepares the opinion of the Agency regarding the applications for review of active substances included in Annex I to that Regulation. In accordance with Article 4(4) of Regulation (EU) No 88/2014 read in conjunction with Article 75(1) and (4) of Regulation (EU) No 528/2012, the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority, adopted the opinion of the Agency on 10 September 2025³.
- (4) In its opinion, the Agency considered that the proposed new restriction would ensure that the limit values for safe use are adequately taken into account at the stage of product authorisation of biocidal products containing carbon dioxide for any product type. The Agency concluded that the current restriction concerning the use for carbon

¹ OJ L 167, 27.6.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/528/oj>.

² Commission Implementing Regulation (EU) No 88/2014 of 31 January 2014 specifying a procedure for the amendment of Annex I to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (OJ L 32, 1.2.2014, p. 3, ELI: http://data.europa.eu/eli/reg_impl/2014/88/oj).

³ Biocidal Products Committee Opinion on the amendment of inclusion in Annex I, Category 6 of the active substance: Carbon dioxide; ECHA/BPC/491/2025; adopted on 10 September 2025; <https://echa.europa.eu/documents/10162/deabf578-ae70-5a57-6f78-9cbd9310a2a3>

dioxide, listed in Annex I, Category 6, to Regulation (EU) No 528/2012 [‘Only for use in ready-for-use gas canisters functioning together with a trapping device’] should be removed and replaced by the restriction that the exposure of professional users to carbon dioxide remains below the relevant acceptable exposure concentration, and that the exposure of general public users or by-standers to carbon dioxide remains below 0.1% volume/volume carbon dioxide, with necessary protection measures taken where appropriate.

- (5) Taking into account the opinion of the Agency, the Commission considers that it is appropriate to amend the relevant restriction of the use for the active substance carbon dioxide, listed in Annex I, Category 6, to Regulation (EU) No 528/2012. The newly formulated restriction would allow broader authorisation of biocidal products containing carbon dioxide while limit values for safe use are adequately taken into account at the stage of product authorisation, ensuring thus safe use.
- (6) Regulation (EU) No 528/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 528/2012 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18.5.2026

For the Commission
The President
Ursula VON DER LEYEN