

Inspection on biocides by the Federal Environmental Inspection Overview 2020 - 2021

DG Environment - Inspection

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Plan

I. Biocides Unit/Product Standards Law (PSL)

A. Legislation on biocides

B. Inspections and sanctions

C. Main missions

D. Inspection on biocides

II. Overview of campaigns on biocides

A. 2020 campaigns

B. 2021 campaigns

III. Conclusion



I. Biocides Unit/Product Standards Law

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A. Legislation on biocides

- **Law of 21 December 1998** concerning product standards to promote sustainable production and consumption patterns and to protect the environment, public health and workers;
- **Royal Decree of 2 July 2014** on the regulation of control measures for the enforcement of the Law of 21 December 1998;
- **Royal Decree of 4 April 2019** replacing the Royal Decree of 8 May 2014 on the making available on the market and use of biocidal products and whose content of the violated provisions is identical;
- **Regulation No 528/2012 of 22 May 2012** concerning the making available on the market and use of biocidal products (*Biocidal Products Regulation* - BPR).



I. Biocides Unit/Product Standards Law

4 B. Powers and inspections/sanctions



§1 Designations (Article 15 Law on product standards)

§2 Powers (Article 15)

- Getting access, requesting information, seizing information, taking samples, stopping vehicles...

§3 Establishing the infringements

- Report serves as evidence until proven otherwise

§4 Sanctions -Article 17 and 17bis Law on product standards

- Warning (Article 17bis)

- Sanctions: depends on the seriousness of the infringement

Article 17 -§1: Report of infringement sent to Public Prosecutor

Article 17 -§2: Report of infringement sent to Legal Department



I. Biocides Unit/Product Standards Law

5 C. Main missions

§1 Preparation with the Product Policy Division and implementation of annual inspection plan: suggested campaigns according to criteria (impact on health and the environment...)

§2 Biocides and plant protection products (outside the food chain)

- Manufacturers, authorisation holders, vendors (wholesalers, retailers...) and users

- Plant protection products and phytolice (collaboration protocol Federal Agency for the Safety of the Food Chain, FASFC)

- Routine checks and campaigns

§3 Other legislation (stoves, pellets, CO₂, air purifiers...)

§4 Drafting of reports



I. Biocides Unit/Product Standards Law

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D. Inspection on biocides

- National and European product authorisations
- Compliant use
- Labelling
- Authorisations to individuals and companies
- Traceability (commercial documents)
- Registration closed circuit
- Product quality (sampling)
- Sales report
- Handling of complaints, crises, requests from the Cabinet
- ...



II. Overview of campaigns launched with regard to biocides

2020

A. 2020 Campaigns - Trends and outcomes



2021

B. 2021 Campaigns - Trends and outcomes



2022

C. 2022 (in progress)



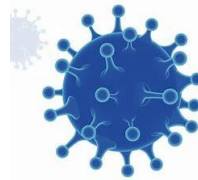
A. 2020 campaigns

Routine inspections

- ✓ Biocides + closed circuit biocides
- ✓ Plant protection products + NAPAN + phytolice
- ✓ Reinspections
- ✓ E-commerce
- ✓ Fumigations
- ✓ FASFC notifications
- ✓ Handling EU and Belgian complaints
- ✓ Requests from customs

Specific 2020 campaigns

- ✓ Campaign anti-algae and anti-green deposits on roofs
- ✓ Essential oils
- ✓ Ref-8 Reach Enforcement - 8: Online inspection on biocides + report to the European Commission

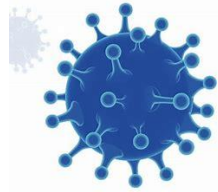


Inspections on hydroalcoholic gels...
Online inspections, complaints and alerts (FPS, customs, rapex)



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In 2020, 689 inspections specific to crisis management



| Inspection sites | Total | Compliant | Infringements | Percentage of infringements |
|--|-------|-----------|---------------|-----------------------------|
| Manufacturers, distributors/wholesalers, vendors (supermarkets, stores and pharmacies), E-commerce | 659 | 323 | 336 | 51% |
| Schools | 30 | 22 | 8 | 27% |



10 2020 inspections on "biocides"

| | |
|--|------------|
| Number of visits "biocides" | 614 |
| Number of inspections revealing Infringements | 110 |
| • Number of warnings | 77 |
| • Number of reports | 33 |

That means 18% of the cases inspected revealed infringements



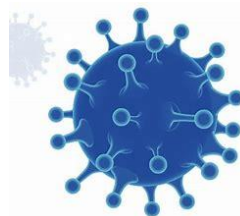
B. 2021 campaigns

Routine inspections

- ✓ Biocides + closed circuit biocides
- ✓ Plant protection products + NAPAN + phytolice
- ✓ Reinspections
- ✓ E-commerce
- ✓ Fumigations
- ✓ FASFC notifications
- ✓ Handling EU and Belgian complaints
- ✓ Requests from customs, the cabinet,...

Specific 2021 campaigns

- ✓ CO₂ cars
- ✓ Bulk chemicals

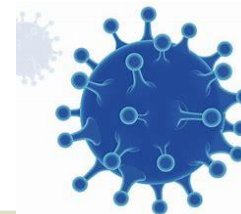


Inspections on hydroalcoholic gels, surface disinfectants and masks

Online inspections



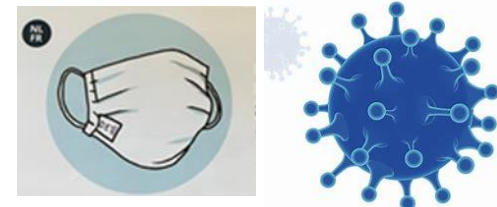
In 2021, 440 specific inspections related to the pandemic



| Inspection sites | Total | Compliant | Infringements | % of infringements |
|--|-------|-----------|---------------|--------------------|
| Manufacturers, distributors/wholesalers, vendors (supermarkets, stores and pharmacies) | 398 | 210 | 188 | 47% |
| E-commerce | 36 | 21 | 15 | 42% |
| Schools | 6 | 5 | 1 | 17% |



"Mask" campaign



I. Sampling from March to April 2021

-> 71 of which 16 E-commerces

II. Verification of mask labeling compliance

-> 3 warnings and 12 reports: 2 reports (Art. 3 of RD on Biocides: Making biocidal products available on the market) and 10 reports (Art. 58 of BPR: Treated articles)

III. Analysis phase



2021 inspections:

- 675 on-site inspections of which 455 were related to at least one "routine biocide"
- 92 administrative inspections
- 58 E-commerce inspections
- ➔ **167 warnings, 69 reports sent to Public Prosecutor (PP); 11 administrative reports, 49 other documents (mail)**

- 29 reinspections → 9 infringements

- 52 inspections only related to closed circuit
➔ 8 reports sent to PP and 18 warnings



2021 inspections:

→ 167 warnings, 69 reports sent to PP, 11 administrative reports

| RD on biocides | Reports sent to Public Prosecutor | Reports Administrative fines | Warning |
|--|-----------------------------------|------------------------------|---------|
| Art. 3 Availability on the market | 64 | 10 | 122 |
| Art. 28 Classification, packaging and labelling | 16 | 5 | 48 |
| Art. 30 Traceability | 3 | | 8 |
| Art. 36 Closed circuit | | | 13 |
| Art. 40 Registered seller | 2 | | 9 |
| Art. 41 Registered user | | | 25 |



C. 2022 campaigns

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Routine inspections

- ✓ Biocides + closed circuit biocides
- ✓ Plant protection products + NAPAN + phytolice
- ✓ Reinspections
- ✓ E-commerce
- ✓ Fumigations
- ✓ FASFC notifications
- ✓ Handling EU and Belgian complaints
- ✓ Requests from customs, the cabinet,...

Specific 2022 campaigns

- ✓ Bulk chemicals
- ✓ Treated seeds
- ✓ BEF-2
- ✓ Air purifiers
- ✓ Morgues



BEF-2: Biocidal Enforcement

- ✓ Second harmonized enforcement project on biocidal products containing approved/non approved active substances
- ✓ The ultimate goal of BEF-2 is to achieve a safer market for biocidal products and fair competition conditions for EU companies.
- ✓ The purpose of the project is to verify compliance with the obligations arising from the *Biocidal Products Regulation* (BPR) and the national legislation on the placing and making available on the EU market of biocidal products.
- ✓ Biocides groups 1 and 3
- ✓ Reporting and questionnaires



III. Conclusion

- Inspections have been maintained despite the health crisis.
- Inspections have been impacted by COVID-19: numerous inspections on hand (pt1) and surface (pt2) disinfectants were carried out.
- The Biocides Unit has shown resilience in the face of the health crisis.
- The inspectors have shown great flexibility.
- *E-commerce* inspections are being implemented and become more frequent.



Thank you for your attention

