

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 products (Text with EEA relevance)

CHAPTER VII

MUTUAL RECOGNITION PROCEDURES

Article 36

Referral of unresolved objections to the Commission

1 If the Member States referred to in Article 35(2) fail to reach agreement within the 60-day period laid down in Article 35(3), the reference Member State shall immediately inform the Commission, and provide it with a detailed statement of the matters on which Member States have been unable to reach agreement and the reasons for their disagreement. A copy of that statement shall be forwarded to the Member States concerned, the applicant and, where applicable, the authorisation holder.

2 The Commission may ask the Agency for an opinion on scientific or technical questions raised by Member States. Where the Commission does not ask the Agency for an opinion it shall provide the applicant and, where applicable, the authorisation holder with the opportunity to provide written comments within 30 days.

3 The Commission shall adopt, by means of implementing acts, a decision on the matter referred to it. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 82(3).

4 The decision referred to in paragraph 3 shall be addressed to all Member States and reported for information to the applicant and, where applicable, the authorisation holder. The Member States concerned and the reference Member State shall, within 30 days of notification of the decision, either grant, refuse to grant or cancel the authorisation, or vary its terms and conditions as necessary to comply with the decision.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 528/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Regulation applied (with modifications) by S.I. 2023/959 reg. 4(a)Sch. 1
- Art. 32-46 omitted by S.I. 2019/720 Sch. 2 para. 93

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 3 para. 4 substituted by S.I. 2019/720 Sch. 2 para. 141(3)
- Annex 3 para. 2 words omitted by S.I. 2019/720 Sch. 2 para. 141(2)(c)
- Annex 3 para. 2 words omitted by S.I. 2019/720 Sch. 2 para. 141(2)(d)
- Annex 3 para. 8 words omitted by S.I. 2019/720 Sch. 2 para. 141(5)
- Annex 3 para. 2 words substituted by S.I. 2019/720 Sch. 2 para. 141(2)(a)
- Annex 3 para. 2 words substituted by S.I. 2019/720 Sch. 2 para. 141(2)(b)
- Annex 3 para. 6 words substituted by S.I. 2019/720 Sch. 2 para. 141(4)
- Annex 2 para. 4 substituted by S.I. 2019/720 Sch. 2 para. 140(3)
- Annex 2 para. 2 words omitted by S.I. 2019/720 Sch. 2 para. 140(2)(b)
- Annex 2 para. 8 words omitted by S.I. 2019/720 Sch. 2 para. 140(5)
- Annex 2 para. 2 words substituted by S.I. 2019/720 Sch. 2 para. 140(2)(a)
- Annex 2 para. 6 words substituted by S.I. 2019/720 Sch. 2 para. 140(4)
- Annex 4 para. 1.3 words omitted by S.I. 2019/720 Sch. 2 para. 142(b)
- Annex 4 para. 1.5 words omitted by S.I. 2019/720 Sch. 2 para. 142(c)
- Annex 4 para. 3.1 words omitted by S.I. 2019/720 Sch. 2 para. 142(d)
- Annex 4 para. 1.2 words substituted by S.I. 2019/720 Sch. 2 para. 142(a)
- Annex 6 para. 10 word substituted by S.I. 2019/720 Sch. 2 para. 143(6)
- Annex 6 para. 13 words omitted by S.I. 2019/720 Sch. 2 para. 143(9)(a)
- Annex 6 para. 15 words omitted by S.I. 2019/720 Sch. 2 para. 143(10)
- Annex 6 para. 1 words substituted by S.I. 2019/720 Sch. 2 para. 143(2)(a)
- Annex 6 para. 1 words substituted by S.I. 2019/720 Sch. 2 para. 143(2)(b)
- Annex 6 para. 6 words substituted by S.I. 2019/720 Sch. 2 para. 143(3)
- Annex 6 para. 8 words substituted by S.I. 2019/720 Sch. 2 para. 143(4)
- Annex 6 para. 9 words substituted by S.I. 2019/720 Sch. 2 para. 143(5)(a)
- Annex 6 para. 9 words substituted by S.I. 2019/720 Sch. 2 para. 143(5)(b)
- Annex 6 para. 11 words substituted by S.I. 2019/720 Sch. 2 para. 143(7)
- Annex 6 para. 12 words substituted by S.I. 2019/720 Sch. 2 para. 143(8)
- Annex 6 para. 13 words substituted by S.I. 2019/720 Sch. 2 para. 143(9)(b)
- Annex 6 para. 20 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 26 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 36 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 48 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 50 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 51 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 52 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 53 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 55 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 56 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 57 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 58 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 59 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 60 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)
- Annex 6 para. 62 words substituted by S.I. 2019/720 Sch. 2 para. 143(11)

- Annex 6 para. 64 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 66 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 67 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 68 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 69 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 71 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 72 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 73 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 74 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 75 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 77 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 78 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(11\)](#)
- Annex 6 para. 52 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(12\)](#)
- Annex 6 para. 75 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(13\)](#)
- Annex 6 para. 77 words substituted by [S.I. 2019/720 Sch. 2 para. 143\(14\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 143(14) substituted immediately before IP completion day by [S.I. 2020/1567, reg. 1\(2\), Sch. 2 para. 39\(b\)](#))
- Annex 6 para. 77 words substituted by [S.I. 2019/720, Sch. 2 para. 143\(14\)](#) (as substituted) by [S.I. 2020/1567 Sch. 2 para. 39\(b\)](#)
- Annex 6 para. 52 words substituted in earlier amending [S.I. 2019/720, Sch. 2 para. 143\(12\)](#) by [S.I. 2020/1567 Sch. 2 para. 39\(a\)](#)
- Art. 1(2)(c) omitted by [S.I. 2019/720 Sch. 2 para. 62\(3\)\(b\)](#)
- Art. 2(b) words substituted by [S.I. 2019/720, Sch. 2 para. 63\(2\)\(b\)](#) (as substituted) by [S.I. 2020/1567 Sch. 2 para. 22](#)
- Art. 2(c) words substituted by [S.I. 2019/720, Sch. 2 para. 63\(2\)\(c\)](#) (as substituted) by [S.I. 2020/1567 Sch. 2 para. 22](#)
- Art. 2(k) substituted by [S.I. 2019/720, Sch. 2 para. 63\(2\)\(d\)](#) (as substituted) by [S.I. 2020/1567 Sch. 2 para. 22](#)
- Art. 3(1)(d) words inserted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(a\)](#)
- Art. 3(1)(e) words inserted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(b\)](#)
- Art. 3(1)(f) words omitted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(c\)](#)
- Art. 3(1)(k) words substituted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 64(2)(d) substituted immediately before IP completion day by [S.I. 2020/1567, reg. 1\(2\), Sch. 2 para. 23\(a\)](#))
- Art. 3(1)(k) words substituted by [S.I. 2019/720, Sch. 2 para. 64\(2\)\(d\)](#) (as substituted) by [S.I. 2020/1567 Sch. 2 para. 23\(a\)](#)
- Art. 3(1)(m) words omitted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(e\)\(i\)](#)
- Art. 3(1)(m) words omitted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(e\)\(ii\)](#)
- Art. 3(1)(n) substituted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(f\)](#)
- Art. 3(1)(n) words substituted in earlier amending provision [S.I. 2019/720, Sch. 2 para. 64\(2\)\(f\)](#) by [S.I. 2020/1567 Sch. 2 para. 23\(b\)](#)
- Art. 3(1)(o) words omitted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(g\)](#)
- Art. 3(1)(p) words substituted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(h\)\(i\)](#)
- Art. 3(1)(p) words substituted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(h\)\(ii\)](#)
- Art. 3(1)(p) words substituted in earlier amending provision [S.I. 2019/720, Sch. 2 para. 64\(2\)\(h\)\(ii\)](#) by [S.I. 2020/1567 Sch. 2 para. 23\(c\)](#)
- Art. 3(1)(t) words inserted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(i\)](#)
- Art. 3(1)(x) omitted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(j\)](#)
- Art. 3(1)(af)-(ah) inserted by [S.I. 2019/720 Sch. 2 para. 64\(2\)\(k\)](#)
- Art. 3(1)(ai) substituted in earlier amending provision [S.I. 2019/720, Sch. 2 para. 64\(2\)\(k\)](#) by [S.I. 2020/1567 Sch. 2 para. 23\(d\)\(i\)](#)
- Art. 3(1)(aj) substituted for point (ah) the second time it occurs in earlier amending provision [S.I. 2019/720, Sch. 2 para. 64\(2\)\(k\)](#) by [S.I. 2020/1567 Sch. 2 para. 23\(d\)\(ii\)](#)
- Art. 3(3)-(7) substituted for Art. 3(3)(4) by [S.I. 2019/720 Sch. 2 para. 64\(3\)](#)
- Art. 5(1)(d) words substituted by [S.I. 2019/720 Sch. 2 para. 65\(a\)](#)

- Art. 6(5)(6) inserted by [S.I. 2019/720 Sch. 2 para. 66\(4\)](#)
- Art. 8(2A) inserted by [S.I. 2019/720 Sch. 2 para. 68\(5\)](#)
- Art. 8A inserted by [S.I. 2019/720 Sch. 2 para. 69](#)
- Art. 8A word substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 69 by [S.I. 2020/1567 Sch. 2 para. 24](#)
- Art. 9(1)(a) words substituted by [S.I. 2019/720 Sch. 2 para. 70\(2\)\(c\)](#)
- Art. 9(1)(b) words substituted by [S.I. 2019/720 Sch. 2 para. 70\(2\)\(d\)](#)
- Art. 9(1A) inserted by [S.I. 2019/720 Sch. 2 para. 70\(3\)](#)
- Art. 12(4) inserted by [S.I. 2019/720 Sch. 2 para. 73\(d\)](#)
- Art. 14(4)(a) words substituted by [S.I. 2019/720 Sch. 2 para. 75\(5\)\(d\)](#)
- Art. 14(4)(b) word substituted by [S.I. 2019/720 Sch. 2 para. 75\(5\)\(e\)](#)
- Art. 14(4A) inserted by [S.I. 2019/720 Sch. 2 para. 75\(6\)](#)
- Art. 14(4A) word substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 75(6) by [S.I. 2020/1567 Sch. 2 para. 26](#)
- Art. 14(5A) inserted by [S.I. 2019/720 Sch. 2 para. 75\(8\)](#)
- Art. 17A inserted by S.I. 2019/720, Sch. 2 para. 78A (as inserted) by [S.I. 2020/1567 Sch. 2 para. 27](#)
- Art. 19(1)(a) words substituted by [S.I. 2019/720 Sch. 2 para. 80\(a\)](#)
- Art. 19(4)(a) omitted by [S.I. 2019/720 Sch. 2 para. 80\(b\)](#)
- Art. 24A inserted by [S.I. 2019/720 Sch. 2 para. 85](#)
- Art. 25(1)(a) words substituted by [S.I. 2019/720 Sch. 2 para. 86\(a\)](#)
- Art. 25(1)(a) words substituted by [S.I. 2019/720 Sch. 2 para. 86\(b\)](#)
- Art. 26(2A)-(2C) inserted by [S.I. 2022/1291 reg. 2\(2\)\(a\)](#)
- Art. 26(3A)(3B) inserted by [S.I. 2022/1291 reg. 2\(2\)\(c\)](#)
- Art. 28(3)-(7) substituted for Art. 28(3)-(5) by [S.I. 2019/720 Sch. 2 para. 89\(c\)](#)
- Art. 29(1A)(1B) inserted by [S.I. 2022/1291 reg. 2\(3\)](#)
- Art. 29(2)(a) omitted by [S.I. 2019/720 Sch. 2 para. 90\(4\)\(b\)](#)
- Art. 29(2)(b) omitted by [S.I. 2019/720 Sch. 2 para. 90\(4\)\(b\)](#)
- Art. 30(1A)-(1C) inserted by [S.I. 2022/1291 reg. 2\(4\)\(b\)](#)
- Art. 30(2A) inserted by [S.I. 2022/1291 reg. 2\(4\)\(d\)](#)
- Art. 30(4) inserted by [S.I. 2022/1291 reg. 2\(4\)\(f\)](#)
- Art. 55(4)(d) and semicolon omitted in earlier amending provision S.I. 2019/720, Sch. 2 para. 102 by [S.I. 2020/1567 Sch. 2 para. 28\(a\)](#)
- Art. 55(7) Art. 55(9) renumbered as Art. 55(7) in earlier amending provision S.I. 2019/720, Sch. 2 para. 102 by [S.I. 2020/1567 Sch. 2 para. 28\(c\)](#)
- Art. 55(7)(8) omitted in earlier amending provision S.I. 2019/720, Sch. 2 para. 102 by [S.I. 2020/1567 Sch. 2 para. 28\(b\)](#)
- Art. 55(7) words substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 102 by [S.I. 2020/1567 Sch. 2 para. 28\(d\)](#)
- Art. 58(9) inserted by [S.I. 2019/720 Sch. 2 para. 105\(6\)](#)
- Art. 60(4)(5) inserted by [S.I. 2019/720 Sch. 2 para. 107\(3\)](#)
- Art. 60(4)(5) words substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 107(3) by [S.I. 2020/1567 Sch. 2 para. 29](#)
- Art. 69(2)(c) words omitted by [S.I. 2019/720 Sch. 2 para. 115\(3\)\(a\)](#)
- Art. 69(2)(o) words substituted by [S.I. 2019/720 Sch. 2 para. 115\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 115(3)(b) substituted immediately before IP completion day by S.I. 2020/1567, reg. 1(2), Sch. 2 para. 32)
- Art. 69(2)(o) words substituted by S.I. 2019/720, Sch. 2 para. 115(3)(b) (as substituted) by [S.I. 2020/1567 Sch. 2 para. 32](#)
- Art. 83A83B inserted by [S.I. 2019/720 Sch. 2 para. 125](#)
- Art. 83B(1) words substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 125 by [S.I. 2020/1567 Sch. 2 para. 35\(a\)](#)
- Art. 83B(4)-(7) omitted in earlier amending provision S.I. 2019/720, Sch. 2 para. 129 by [S.I. 2020/1567 Sch. 2 para. 35\(b\)](#)
- Art. 88(2) words substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 129 by [S.I. 2020/1567 Sch. 2 para. 36\(a\)](#)
- Art. 88(3)(d) omitted in earlier amending provision S.I. 2019/720, Sch. 2 para. 129 by [S.I. 2020/1567 Sch. 2 para. 36\(b\)](#)

- Art. 88(6) Art. 88(8) renumbered as Art. 88(6) in earlier amending provision S.I. 2019/720, Sch. 2 para. 129 by [S.I. 2020/1567 Sch. 2 para. 36\(d\)](#)
- Art. 88(6) words substituted in earlier amending provision S.I. 2019/720, Sch. 2 para. 129 by [S.I. 2020/1567 Sch. 2 para. 36\(e\)](#)
- Art. 88(7)(8) omitted in earlier amending provision S.I. 2019/720, Sch. 2 para. 129 by [S.I. 2020/1567 Sch. 2 para. 36\(c\)](#)
- Art. 89(7) words inserted by [S.I. 2022/1291 reg. 2\(5\)\(a\)](#)
- Art. 89(7A)-(7C) inserted by [S.I. 2022/1291 reg. 2\(5\)\(b\)](#)
- Art. 89(8) words substituted by [S.I. 2022/1291 reg. 2\(5\)\(c\)](#)
- Art. 89(9) words inserted by [S.I. 2022/1291 reg. 2\(5\)\(d\)](#)
- Art. 89(9A) inserted by [S.I. 2022/1291 reg. 2\(5\)\(e\)](#)
- Art. 89(12) inserted by [S.I. 2022/1291 reg. 2\(5\)\(f\)](#)
- Art. 92(1A)-(1C) inserted by [S.I. 2019/720 Sch. 2 para. 133](#)
- Art. 93(a) word substituted by [S.I. 2019/720 Sch. 2 para. 134\(3\)\(a\)](#)
- Art. 93(a) words substituted by [S.I. 2019/720 Sch. 2 para. 134\(3\)\(b\)](#)
- Art. 93(b) word substituted by [S.I. 2019/720 Sch. 2 para. 134\(4\)](#)
- Art. 94(1)(a) words substituted by [S.I. 2019/720 Sch. 2 para. 135\(2\)\(b\)](#)
- Art. 94(1)(a) words substituted in earlier amending S.I. 2019/720, Sch. 2 para. 135(2)(b) by [S.I. 2020/1567 Sch. 2 para. 37](#)
- Art. 95(8) inserted by [S.I. 2019/720 Sch. 2 para. 136\(6\)](#)
- Art. 95A-95L inserted by [S.I. 2019/720 Sch. 2 para. 137](#) (This amendment not applied to legislation.gov.uk. Sch. 2 para. 137 omitted immediately before IP completion day by virtue of S.I. 2020/1567, reg. 1(2), Sch. 2 para. 38)
- Art. 95A-95N inserted by S.I. 2019/720, Sch. 4 para. 2 (as inserted) by [S.I. 2020/1567 Sch. 4](#)
- Art. 95B(4A) inserted by [S.I. 2022/1291 reg. 2\(6\)](#)
- Art. 95C(4A) inserted by [S.I. 2022/1291 reg. 2\(7\)](#)
- Art. 95H(4A) inserted by [S.I. 2022/1291 reg. 2\(9\)](#)
- Art. 95FA and cross-heading inserted by [S.I. 2022/1291 reg. 2\(8\)](#)