

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 XVII

FINAL PROVISIONS

[^{F1}Article 93

Transitional measures concerning biocidal products not covered by the scope of Directive 98/8/EC

By way of derogation from Article 17(1), a Member State may continue to apply its current system or practice of making available on the market and using a biocidal product not covered by the scope of Directive 98/8/EC, but falling within the scope of this Regulation, and consisting of, containing or generating only active substances that were available on the market, or used in biocidal products, on 1 September 2013. The derogation shall apply until one of the following dates:

- (a) where applications for approval of all those active substances, which the biocidal product consists of, contains or generates, are submitted for the relevant product-type by 1 September 2016, the deadlines provided for in the second subparagraph of Article 89(2), in Article 89(3) and in Article 89(4); or
- (b) where an application is not submitted in accordance with point (a) for one of the active substances, until 1 September 2017.]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) No 334/2014 of the European Parliament and of the Council of 11 March 2014 amending Regulation \(EU\) No 528/2012 concerning the making available on the market and use of biocidal products, with regard to certain conditions for access to the market \(Text with EEA relevance\)](#).

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. 93 word substituted by S.I. 2019/720 Sch. 2 para. 134(2)(a)
- Art. 93 words inserted by S.I. 2019/720 Sch. 2 para. 134(2)(b)
- Art. 93 words omitted by S.I. 2019/720 Sch. 2 para. 134(2)(c)

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\(8\)](#)