

CERTIFICATES OF FREE SALE FOR PRODUCTS CONTAINING BIOCIDES

Certificates of Free Sale (CFS) can only be issued for products containing biocides where the active ingredient has been approved for sale on the EU market. HSE are the Department responsible for issuing these. However, the approval process is ongoing and where no decision has yet been made on whether the active ingredient can be sold on the EU market, BIS (ILB) can issue a CFS. Please therefore first check with the **HSE** as to whether the issuing of the certificate falls to their remit or not.

BIS will check any request with HSE where the product makes any biocidal claim falling to one or more of the 22 biocide product types. As the scope of the biocides legislation is very broad – see the list of the 22 product types below – biocidal claims can also be very broad covering killing/controlling/repelling/destroying a wide variety of harmful organisms, examples of which could be: kills insects; repels mosquitoes; antibacterial; antifungal; fly spray; rat/mouse killer; wood/plastic/fibre/leather preservative; removes algae; disinfects/sterilizes.

In legal terms a biocide is defined as:

“any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action: or

any substance or mixture, generated from substances or mixtures which do not themselves fall under the first indent, to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action.

A treated article that has a primary biocidal function shall be considered a biocidal product.”

The 22 product types that are covered by the Biocidal Products Regulation are:

Number	Product type	Description
Main Group 1: Disinfectants		
1	Human hygiene	Biocidal products used for human hygiene purposes, applied on or in contact with human skin or scalps for the primary purpose

		of disinfecting the skin or scalp.
2	Disinfectants and algaecides not intended for direct application to humans or animals.	<p>Products used for the disinfection of surfaces, materials, equipment and furniture which are not used for direct contact with food or feeding stuffs. Usage areas include, inter alia, swimming pools aquariums, bathing and other waters, air conditioning systems; w'alls and floors in private, public and industrial areas and in other areas for professional activities.</p> <p>Products used for disinfection of air, water not used for human or animal consumption, chemical toilets, waste water, hospital waste and soil. Products used as algaecides for treatment of swimming pools, aquariums and other waters and for remedial treatment of construction materials. Products used to be incorporated in textiles, tissues, masks, paints and other articles or materials with the purpose of producing treated articles with disinfecting properties.</p>
3	Veterinary hygiene	Products used for veterinary hygiene purposes such as disinfectants, disinfecting soaps, oral or corporal hygiene products or with anti-microbial function. Products used to disinfect the materials and surfaces associated with the housing or transportation of animals.
4	Food and feed area	Products used for the disinfection of equipment, containers, consumption utensils, surfaces or pipework associated with the production, transport, storage, or consumption of food or feed (including drinking water) for humans and animals. Products used to impregnate materials that may enter into contact with food.
5	Drinking water	Products used for the disinfection of drinking water for both humans and animals.

Main Group 2: Preservatives

6	Preservatives for products during storage	Products used for the preservation of manufactured products, other than foodstuffs, feeding stuffs cosmetics or medicinal products or medical devices by control of microbial deterioration to ensure their shelf life. Products used as preservatives for the storage or use of rodenticide, insecticide or other baits.
7	Film preservatives	Products used for the preservation of films or coatings by the control of microbial deterioration or algal growth in order to protect the initial properties of the surface of materials or objects such as paints, plastics, sealants, wall adhesives, binders, papers, art works.
8	Wood preservatives	Products used for the preservation of wood, from and including saw-mill stage, and wood products by the control of wood-destroying or wood-disfiguring organisms, including insects. This product type includes both preventative and curative products.
9	Fibre, leather, rubber and polymerised materials preservatives	Products used for the preservation of fibrous or polymerised materials, such as leather, rubber or paper or textile products by the control of microbiological deterioration. This product type includes biocidal products which antagonise the settlement of micro-organisms on the surface of materials and therefore hamper or prevent the development of odour and/or offer other kinds of benefits.
10	Construction material preservatives	Products used for the preservation of masonry, composite materials or other construction materials other than wood by the control of microbiological and algal attack.
11	Preservatives for liquid-cooling and processing	Products used for the preservation of water and other liquids used in cooling and processing systems by the control of

	systems	harmful organisms such as microbes, algae and mussels. Products used for the disinfection of drinking water or of water for swimming pools are not included in this product type.
12	Slimicides	Products used for the prevention or control of slime growth on materials, equipment and structures, used in industrial processes, e.g. on wood and paper pulp, and porous sand strata in oil extraction.
13	Working or cutting fluid preservatives	Products to control microbial deterioration in fluids used for working or cutting metal, glass or other materials.
Main Group 3: Pest control		
14	Rodenticides	Products used for the control of mice, rats or other rodents by means other than repulsion or attraction.
15	Avicides	Products used for the control of birds, by means other than repulsion or attraction.
16	Molluscicides, vermicides and products to control other vertebrates	Products used for the control of molluscs, worms and invertebrates not covered by other product-types, by means other than repulsion or attraction.
17	Piscicides	Products used for the control of fish, by means other than repulsion or attraction.
18	Insecticides, acaricides and products to control other arthropods	Products used for the control of arthropods (e.g. insects, arachnids and crustaceans) by means other than repulsion or attraction.
19	Repellents or	Products used to control harmful organisms (invertebrates such as fleas, vertebrates such as birds, fish, rodents), by repelling or

	attractants	attracting, including those that are used for human or veterinary hygiene either directly on the skin or indirectly in the environment of humans or animals.
20	Control of other vertebrates	Products used for the control of vertebrates other than those already covered by the other product-types of this main group, by means other than repulsion or attraction.
Main Group 4: Other biocidal products		
21	Antifouling products	Products used to control growth and settlement of fouling organisms (microbes and higher forms of plant and animal species) on vessels, aquaculture equipment or other structures used in water.
22	Embalming or taxidermist fluids	Products used for the disinfection and preservation of human or animal corpses, or parts of thereof.
Footer links		

There are exclusions for products containing known biocidal active substances if the product is for a non-biocidal use – some chemicals might be legitimately used as a biocide in one product, and only as a solvent in another, alcohol for example might be a biocidal active substance in a disinfecting hand gel, but has many more uses as a solvent in a wide variety of non-biocidal products. CFS requests for exempted goods fall to BIS to issue. However, where a product has dual use, for example as a biocidal product to kill insects in the home and as a plant protection product to kill insects on garden plants, then the requirements of both sets of legislation will apply and an HSE check is required.

Exempted products include:

- the use of an essential oil as a fragrance rather than as an insect repellent

- Products that destroy, deter, render harmless, etc only by physical or mechanical means (i.e. their mode of action does not involve chemical or biological activity) such as fly swats, UV fly killers or sticky boards for rodents,
- Products where all the uses of the product are regulated under certain other European legislation, such as :
 - plant protection products (e.g. algaecides applied on soil or water to protect plants; products to protect trees or plants from damage by wildlife)
 - human medicines (e.g. anti-lice shampoo)
 - veterinary medicines
 - medical devices
 - cosmetics (e.g. anti-dandruff shampoo)

but if a product has dual use, such as a medicinal use and a separate biocidal use, it might fall under both sets of legislation, medicines for the medicinal use and biocides for the biocidal use.

Approvals can take up to 10 working days.

It is not unusual for a product falling to the BPR to also fall under the remit of other legislation. Examples of other legislation that impacts upon biocidal products are as follows:

REACH

CLP

Detergents regulation.

Applicants picking any of these regulations need to confirm that the goods listed in their CFS request do not make any biocidal claims. If unsure, you will need to also pick the biocide regulation and fill in the additional questions so that an HSE check can be made.