



Cathelco®

**Cathelco Ltd - Head Office**

Marine House, Dunston Road, Chesterfield S41 8NY United Kingdom

Tel: +44 (0)1246 457900 Fax: + 44 (0) 1246 457901

E-Mail: [technical@cathelco.com](mailto:technical@cathelco.com) Web page: [www.cathelco.com](http://www.cathelco.com)

## The EU BPR

### FAQ

### Answer

**What is the EU Biocidal Products Regulation (528/2012) (EU BPR) and does it apply to my vessel?**

The **EU Biocides Regulation (528/2012) (EU BPR)** covers the sale and use of all biocidal products (chemicals used to control organisms) in the EU and its water.

Within Europe all biocidal products (chemicals) are reviewed on a regular basis, every 5-10 years or so; we are currently in a period of review.

It is important to note that all biocides are being assessed under the EU BPR. A vessel owner, operator or fitting yard must check that chemicals used in marine growth prevention (MGPS) and water makers are supported in the EU BPR. Some chemicals have been excluded from the list of approved substances and others are not recognised as existing products, so there is the requirement to go through the same authorisation process before they can be sold or used in the EU.

**What is Article 95?**

**Article 95** is the official list of Authorised Active Substance Suppliers. Companies named on the list have worked to approve the active substances and uses (Product Types) listed, by submitting the required data dossiers, so have been rewarded for their efforts by Article 95 listing.

**As of 1 September 2015 a company must be listed on Article 95** – the list of approved suppliers of active substances, to be allowed to sell any biocidal product in the EU. Only products from listed authorised suppliers can be sold or used in the EU; customers must be careful.

The following statement is taken from ECHA (the organisation in charge of biocidal products across the EU):

*"As from 1 September 2015, a biocidal product cannot be made available on the EU market unless either the substance supplier or the product supplier is included in the Article 95 list for the PT to which the product belongs."*

See page 59 of '2015\_active\_substance\_suppliers\_en\_Oct.pdf', only a handful of companies are on this list.

More information can be found at <http://echa.europa.eu/regulations/biocidal-products-regulation/approved-suppliers>

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**What product type** does my marine growth prevention system (MGPS) fit into?

The EU BPR categorises biocides into 22 Product Types. The list of biocidal Product Types is defined in Annex V of the Regulation. This list is available at <http://echa.europa.eu/regulations/biocidal-products-regulation/product-types>

Cathelco discussed the question of which Product Type copper MGPS fall into at great length, directly with the HSE (Health and Safety Executive – the Competent Authority for biocides in the UK) and ECHA (the European Chemical Agency – the body tasked with implementation of the regulation in the EU). The authorities confirmed that copper ion generation MGPS falls under the scope of PT 11 – Preservatives for liquid-cooling and processing systems. This is because the anodes are located within the vessel and their primary function is to keep the liquid cooling and processing system of the vessel free of fouling organisms. They also more clearly defined PT 21 – Antifouling products, as those which control fouling on the external surfaces of vessels and structures e.g. anti-fouling coatings.

This discussion took place back in 2013 and with the decision made by the authorities Cathelco proceeded to meet our requirements under copper for PT 11. Cathelco are therefore listed under PT 11 in Article 95. Listing under PT 21 is not required.

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**What product type(s)** do biocides used in my water maker fit into?

Where the biocide/chemical is used for the disinfection of drinking water this is classified under Product Type 5 – Drinking water.

Where the biocide/chemical is used for the preservation of fibrous or polymerised materials, such as water maker filters, by control of microbiological deterioration this is classified under Product Type 9 – Fibre, leather, rubber and polymerised materials preservatives.

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**What is the International Convention on the Control of Harmful Anti-fouling Systems on Ships** and does this apply to my vessel?

This is an IMO convention which entered into force in 2008, prohibiting the use of harmful organotin compounds in AF paints. Essentially the ban on TBT in AF paints.

This is not related to, nor does it prohibit or control copper marine growth prevention systems (MGPS).

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### Systems the EU BPR applies to

Does my **marine growth prevention system (MGPS) need to comply** with the EU BPR?

Yes, a vessel Owner, Operator and Yard must check that the marine growth prevention chemicals used are under review or approved by the EU BPR.

Some chemicals have been excluded from the list of approved substances and others are not recognised as existing products so equally cannot be used until they are reviewed.

You can search for a chemical using the following link: <http://echa.europa.eu/information-on-chemicals/biocidal-active-substances>

MGPS are classified as Product Type 11 'Preservatives for liquid-cooling and processing systems'.

Does the EU BPR **apply to other marine growth prevention system**, e.g. chemical or electrochlorination?

Yes the EU BPR covers all chemical biocidal products including chemical and electrochlorination systems. All chemicals are under review.

A vessel owner, operator or fitting yard must check that the marine growth prevention chemicals used are supported in the EU BPR. Some chemicals have been excluded from the list of approved substances and others are not recognised as existing products, so need to go through the complete authorisation process before they can be sold or used.

You can search for a biocidal product using the following link: <http://echa.europa.eu/information-on-chemicals/biocidal-active-substances>

Does the EU BPR apply to **paint/coating systems**?

Yes, paints and coatings are classified under the EU BPR as a biocidal product and as such the EU BPR applies.

Paints and coatings are classified under Product Type 21 'Antifouling products'.

What if my marine growth prevention system (MGPS) is **located in-board of the main sea valve e.g. in the strainers**?

The system is still classified as a biocidal product used in the EU and still discharges a biocide into EU waters, therefore the EU BPR applies.

Does the EU BPR apply to **box cooler marine growth prevention system (MGPS)**?

Yes, the system is still classified as a biocidal product used in the EU and still discharges a biocide into EU waters, therefore the EU BPR applies.

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Does the EU BPR **apply to Impressed Current Cathodic Protection (ICCP) systems?**

No the EU BPR does not apply to ICCP systems.

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Does the EU BPR **apply to Ballast Water Treatment (BWT) systems?**

The EU BPR states that *'Biocidal products which obtained final approval under the International Convention for the Control and Management of Ships' Ballast Water and Sediments shall be considered as authorised'*.

Where physical (e.g. UV treatment) rather than chemical methods are used in BWT systems these are not classified as a biocidal product.

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Does the EU BPR **apply to biocidal chemical used in water makers?**

Yes, these chemicals are used with the intention of controlling harmful organisms in water makers, therefore the EU BPR applies. A vessel Owner, Operator and Yard must check that the biocidal chemicals used are under review or approved by the EU BPR.

Some chemicals have been excluded from the list of approved substances and others are not recognised as existing products so equally cannot be used until they are reviewed.

You can search for a chemical using the following link: <http://echa.europa.eu/information-on-chemicals/biocidal-active-substances>

Biocides used in water makers are classified as Product Type 5 'Drinking water' or Product Type 9 'Polymerised materials preservatives' depending on their use.

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Are there any **limitations on dosage rates?**

Yes every system is assessed based on dosage rate. For copper MGPS the maximum dosage rate used in the assessment is 25 ppb.

### Vessels the EU BPR applies to

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What **types of vessels** does the EU BPR apply to?

The EU BPR applies to ALL vessels which enter EU waters.

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Are there any special **dispensations or exemptions?**

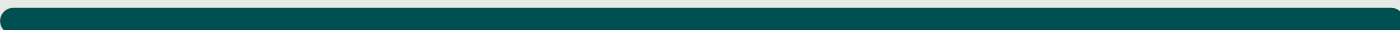
Exemptions from this EU BPR may be allowed where necessary, for example in the interests of defence.

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The vessel is a **military vessel**, does the EU BPR apply?

Exemptions may be allowed where necessary in the interests of defence.

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## Location the EU BPR applies to

<b>Where</b> does the EU BPR apply?	The EU BPR applies in all EU member states (countries) and territorial waters (up to 12 nautical miles from land).
What if I <b>trade in the EU intermittently</b> ?	Regardless of how often the vessel trades within the EU, as soon as it enters EU waters any biocidal chemical used on-board <b>must</b> comply with the EU BPR. If it does not comply the system must be switched off and may be removed.
What if I only sail a <b>local/national route within the EU</b> ?	The EU BPR applies in all EU waters; whether your vessel is stationary or sails a short distance within EU waters, you must still comply.
What if I am in <b>international waters</b> ?	The EU BPR only applies in EU territorial waters (up to 12 nautical miles from land).  As soon as the vessel enters EU waters any biocidal chemical used on-board must comply with the EU BPR. If they do not comply the system must be switched off and may be removed.
What if I <b>am bringing an offshore structure into EU waters</b> ?	As soon as the vessel enters EU waters the biocidal chemicals used on-board must comply with the EU BPR. If they do not comply the system must be switched off and may be removed.

## Do I need to comply with the EU BPR?

I'm a <b>non-EU registered vessel Owner or Operator</b> , do I need to comply?	Regardless of where the vessel, its Owner or Operator is registered, as soon as the vessel enters EU waters the any biocidal chemicals used on-board must comply with the EU BPR. If they do not comply the system must be switched off and may be removed.
The vessel is a <b>new build</b> , do I need to comply?	Yes, the EU BPR applies to <u>all</u> vessels which will sail into EU member states (countries) territorial waters (up to 12 nautical miles), regardless of whether it is a new build.
The vessel was <b>built outside of the EU</b> , do I need to comply?	Yes, the EU BPR applies to <u>all</u> vessels which enter EU territorial waters (up to 12 nautical miles), regardless of where it was built.  Regardless of where the vessel was built, as soon as it enters EU waters any biocidal chemicals used on-board must comply with the EU BPR. If they do not comply the system must be switched off and may be removed.
The biocidal chemicals used were <b>bought or fitted outside of the EU</b> , do I need to comply?	Regardless of where the system was bought or fitted, as soon as the vessel enters EU territorial waters (up to 12 nautical miles) any biocidal chemicals used on-board must comply with the EU BPR. If they do not comply the system must be switched off and may be removed.



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The biocidal chemicals used were **supplied by a company outside of the EU**, do I need to comply?

Any sales made within the EU must comply with the EU BPR.

Regardless of where the supplier is located, as soon as the vessel enters EU territorial waters (up to 12 nautical miles) any biocidal chemicals used on-board must comply with the EU BPR. If they do not comply the system must be switched off and may be removed.

## Does my system comply?

Does the Cathelco MGPS comply with the EU BPR?

Yes, Cathelco have been heavily involved in the review of copper for use in MGPS, as such Cathelco are fully up-to-date and compliant with the EU BPR.

Importantly Cathelco are listed on Article 95 – the list of approved suppliers of active substances.

How can I **guarantee I have a legally approved** anti-fouling (AF) / marine growth prevention system (MGPS)?

Own a Cathelco System and install only genuine Cathelco spare parts.

You should only buy and/or use systems from suppliers who are included in the Article 95 list for the Product Type to which the product belongs (Product Type 11 for MGPS).

Does Cathelco have Article 95 listing?

Yes, Cathelco are listed in Article 95 – the list of Approved Suppliers of active substances. As such Cathelco MGPS are one of the few systems in the EU authorised for sale and use.

My marine growth prevention system (MGPS) **supplier is not on the Article 95 list of active substance suppliers**, should I be concerned?

If your supplier is not on the Article 95 list of approved suppliers you must switch to an alternative supplier who is listed in order to comply with EU BPR. If you do not you are in breach of the EU BPR.

## In Situ Generated Biocidal Active Substances

What is an **In situ Generated Biocidal Active Substance**?

A biocidal active substance is called 'in situ generated' if it is generated from another substance (called a 'precursor') at the place of use.

Which **methods** are used for the in-situ generation of biocidal active substances?

Some example methods include biocides created through chemical reaction, electrolysis and electrical generation, formation of the in-situ generated active substance in use, hydrolysis to form an acid-base pair.



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Does a **Biocide In Situ** fall under the scope of the EU BPR?

Yes, the new Biocidal Products Regulation (BPR) now covers in-situ generated biocidal products, whereas the preceding Biocidal Products Directive (BPD) did not. Under the Biocidal Products Regulation (BPR), the potential risks of both the precursor and the substance it generates are to be evaluated.

Should a **biocide in-situ active substance supplier/producer** be listed on **Article 95**?

Yes, all biocidal products must get an authorization before being placed on the market.

Is the **compliance procedure** the same as a **regular** biocidal product?

Yes, enforcement is a national responsibility; each member state (country) has an official system of controls, inspection regimes and penalties for non-compliance..

Can a biocidal product be used for **various product types** if approved **only** for one?

No, each in situ generated biocidal product must be approved for the use of an individual Product Type. For example, a company cannot claim to be approved for the use of disinfectants if they are only included on Article 95 for the use of pesticides.

## Penalties, fines and risks

What is the **penalty, fine or cost** incurred if I do not comply with EU BPRs?

Enforcement is a national responsibility; each member state (country) has an official system of controls and penalties for non-compliance.

As an example, in the UK the EU BRP is enforced by the Health and Safety Executive (HSE) and the Trading Standards Office. Penalties include imprisonment or a maximum fine of £5,000, or both.

What is the **risk of not complying** with EU BPR?

Enforcement is a national responsibility; each member state (country) has an official system of controls, inspection regimes and penalties for non-compliance.

## Spares

Can I fit **Cathelco spare anodes** to my current system and comply with the EU BPR?

Yes, if you use Cathelco spare anodes on your current system, irrespective of manufacturer, you will comply with the EU BPR.

### Other

Is **crew training required** by the EU BPR? No special additional crew training is required.

How does this affect my vessels **Green Credentials / Green Passport**?

If any biocidal product is found by the EU BPR to be hazardous to human health or the environment it will be put on the non-approval/non-inclusion list and cannot be used. These systems may also be listed on the vessel Green Passport / Inventory of Hazardous Materials (IHM).

A system which complies with and is approved by the EU BRP is not classified as a hazardous material and will not be listed on the vessels Green Passport / Inventory of Hazardous Materials (IHM).

Non-inclusion decisions, substances which may be listed on the Inventory of Hazardous Materials (IHM), can be found using the following link:  
[http://ec.europa.eu/health/biocides/active\\_substances/non\\_inclusion/index\\_en.htm](http://ec.europa.eu/health/biocides/active_substances/non_inclusion/index_en.htm)