

GUIDANCE NOTE

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Brexit and the EU Biocidal Products Regulation (BPR)

Industrial Wood Preservatives and the BPR

The BPR applies to a very wide range of chemical products used by industry, professionals and the general public throughout the EU. The common factor is that all incorporate biocides in their finished form. Wood preservatives are just one group of products within scope.

Since the end of the Brexit transition period (31 December 2020) wood preservatives authorised under the BPR and supplied for use in the UK continue to be recognised in Great Britain (GB) – England, Wales and Scotland, until at least 31 December 2021. EU BPR authorisations continue to be valid in Northern Ireland for the time being. By 31 December 2021 authorisations for wood preservatives for use in GB must be held in the name of a company established in the UK.

From 1 January 2021 approval of any new wood preservative active substances and authorisation of new biocidal products for the GB market are managed by HSE under the UK BPR procedures that are, for the time being, very similar to those under the EU BPR.

Transition to the BPR regime

Formulations approved under earlier UK legislation – the Control of Pesticides Regulations (COPR) – that were already on the UK market when the EU BPR became law, **continue to be legally acceptable for use in the UK until all active substances are approved under the UK BPR**. The situation in Northern Ireland remains as it was prior to 31 December 2020.

From 1 January 2021, once all active substances in a COPR preservative are approved under the UK BPR and appear on the GB list of approved active substances, then **manufacturers are obliged to seek authorisation of the formulated product from HSE under UK BPR**. All active substances on the EU approved list on 31 December 2020 were adopted by HSE and appear in the GB list of approved active substances.

Labelling treated articles

Wood and wood products treated in the UK with an authorised preservative or imported into the UK are called treated articles in the EU and UK regulations. **They must carry a label either on the treated wood itself or as a pack label or on accompanying paperwork (the default is a label**

on the wood itself and if that is not done, the person placing the product on the UK market must take responsibility for choosing pack or paperwork labelling).

The labelling rules for treated articles have been in place for several years and pack labelling is now common. Treated wood should be labelled as follows:

- A statement that the treated article incorporates biocidal products.
- The biocidal property¹.
- The name of all active substances contained in the wood.
- Instructions for use, including any precautions to be taken because of the preservative used.
- Labelling shall be clearly visible, easily legible and appropriately durable.

Where necessary because of the size or the function of the treated article, the labelling shall be printed on the packaging, on the instructions for use or on the warranty.

NOTE 1: EU Commission suggests: 'Contains a preservative to control wood-destroying or wood-disfiguring organisms, including insects and/or fungi' and this is accepted for the GB market.

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Responsibility for labelling lies with the person placing the treated articles on the market in GB, N. Ireland or the EU.

Once packs are broken the labelling may be lost but instructions for safe and effective use of the treated material should still be passed on down the supply chain via **User Guidance notes**, available from preservative suppliers and/or treatment companies.

The labelling requirement for articles treated with biocidal products when placed on the market in England, Wales and Scotland under GB regulations may change with time. Treated articles in N. Ireland will continue to come under the EU BPR for the time being.

The labelling requirement is linked to the active substance(s) in the article even though the properties of the treated article are derived from the biocidal product with which it is treated.

For imported treated wood and wood products it is not necessary for the biocidal product (BP) used to treat the article to be authorised for use in GB (*unless the BP itself is to be used in GB*) provided the active substance(s) is/are in the GB List of approved Active Substances.

This can be checked at <https://www.hse.gov.uk/biocides/uk-list-of-active-substances.xlsx>

Impact of Brexit on the preservative treatment of wood

Treaters and users of treated wood (*whether treated in the UK or imported treated*) **should, for the time being, see no impact on their practices and availability of treated wood from a regulatory viewpoint, now that the UK has left the EU. This Guidance will be updated if things change.**

Existing arrangements will continue pending final detailed UK-EU agreements on trading and other relationships.

Wood preservative manufacturers will have work to do in transitioning to new UK arrangements but that is not expected to affect treatment and supply or use of treated wood in the short term. Some active substances have been re-classified and that may affect their use in preservative formulations in the future, but manufacturers are expected to make alternatives available if and when that happens.

In the event of withdrawal of authorisation of a particular preservative, the regulation makes provision for an extended period for use and disposal of preservative solution and for production and supply of treated wood so that an orderly transition is assured.

It is extremely unlikely that any existing stocks of treated wood will be banned from sale during such a transition.

Further information on any of the above and how it might impact your business, please contact the WPA. Many other resources concerning wood protection are available on the WPA website (*see below*).