

WRITTEN QUESTION P-4746/06
by Michael Nattrass (IND/DEM)
to the Commission

Subject: Biocidal Product Directive 98/8/EC

May I draw the Commission's attention to a British patent (GB Patent Number 2415380), which was granted in May 2006, entitled 'Method and trap for controlling insect pests', utilising milled white pepper in the control of flies and mosquitoes (*Anopheles stephensi*)?

May I further point out that the patented device's use of milled pepper is designed to prevent insects from clinging to a smooth surface, so that they fall into a catchment area, in a process which is non-toxic to humans and to all forms of wildlife and which does not contaminate the environment?

Is the Commission aware that, because of the wording of Biocidal Product Directive 98/8/EC¹ (henceforth, the BPD) and the prescriptive nature of its annexes, this development, which is of importance to the fight against malaria in India, Pakistan and other developing countries, is now at risk?

Why can such non-toxic, environmentally friendly substances not be exempted from the BPD, when jobs and lives (such as the lives of malnourished children in Africa), depend upon it?

Does the Commission see the irony in the fact that many lethal chemicals are, quite legally, still being sold in this field of enterprise, because they are made by large pharmaceutical companies, which can afford to pay for the testing and paperwork required to get their biocidal products onto the BPD's list of notified active substances, whilst many small manufacturers, producing genuinely useful and non-toxic repellents, are unable to pay, for example, the £89,000 fee which the United Kingdom Health and Safety Executive (the competent authority in the United Kingdom, under European Commission rules) requires to support an application to have such substances put on the BPD's notified list? Could the Commission explain how this complies with the principle of fair competition, upon which it is claimed the Commission operates?

Could I point out to the Commission that, in the United States, white pepper is exempted from similar prohibition under Section 25(b) of FIFRA Appendix A PR Notice 200-6, and is therefore regarded as environmentally friendly in that country? When will simple, common, white pepper be permitted for use in insect traps within the EU, thus giving EU-based entrepreneurs the chance to use their innovation to compete with their US counterparts, in the generation of products which are of such benefit to the world as a whole?

¹ OJ L 123, 24.4.1998, p. 1.