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**REGULATORY ADMINISTRATIVE ACTS**

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Number 290

The Biocides (professional use of biocides) 2011 Regulations, which have been issued by the Council of Ministers based on the article 44(2)(h) on Biocides Law, have been published in the Official Journal of the Republic of Cyprus, in accordance with the article 3 paragraph (3) of the Law on Regulations Issued upon Authorisation to be Laid Down Before the House of Representatives, Law (1989 L.99 as amended by the 1990 Law 227 until the 2010 3(I) Law, after being laid down before the House of Representatives and being approved by the House.

**THE LAW ON BIOCIDES**

Regulations by virtue of the article 44(2) (h)

2004 72(I) The Council of Ministers acting in the context of the competences  
2009 62(I) conferred to it in accordance with the article 44(2)(h) of the  
2009 116(I) Biocides Law issues the following Regulations:  
2010 29(I)

Brief title 1. These Regulations shall be referred as the Biocides (professional use of biocides) 2011 Regulations

Interpretation 2.-(I) As per these Regulations, unless otherwise arising from the text

“Chief Inspector” shall signify the person appointed by the Minister as Chief Inspector in accordance with the article 39 of the Law

• “Authorised User” shall signify the person authorised by the Competent Authority to put to use biocide products for professional use

“Inspector” shall signify the person appointed by the Minister as Inspector, in accordance with article 39 of the Law

“Employer” shall signify the natural or legal person applying for an operation license or for having renewed the operation license of a workshop making use of biocides for professional use or making use of biocides on a professional basis.

2004 72(I) “Law” shall signify the Biocides Law as it is amended or replaced from time to time

2009 62(I)  
2009 116(I)

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2010 89(I)

“Workshop” shall signify the workshop that assumes carry out professional activities related to putting to use biocides and comprises workshops of one (1) person and

“Workshop Responsible Person” shall signify the scientifically qualified person who is in charge of the workshop, with a view to carry out a professional activity dealing with putting to use biocides.

(2) Any other terms and conditions included in these Regulations not be interpreted otherwise, having a sense as attributed to such terms and conditions by the Law.

Scope

3.-(1) These Regulations shall be valid for the Public Service and the Municipalities as though referring to a Workshop comprising Public Service Departments or Municipalities and as though referring to a person employed by the Workshop including a person working in such a Department or Municipality

-(a) Respecting the provisions of the subparagraph (b), the Sanitary Services of the Ministry of Health, as well as their staff shall be exempted from these Regulations as acting within the framework of their duties in relation to:

- Chap. 256
- (i) performing anti-malaria working activity as it is defined by the Public Health (Malaria Prevention) Law,
  - (ii) providing free services related to decontaminations, disinsectisations and rodent killings necessary actions, as they might be required to offer to government or other buildings / foundations
  - (iii) performing any further relevant services to the benefit of public health for which license will be granted by the Competent Authority:

It is understood that the training of the Sanitary Services staff shall be constantly pursued, it shall be regulated internally and the Competent Authority shall be annually notified accordingly.

-(b) The Regulations 12, 13 and 17 shall be enforced by the Sanitary Services and the Ministry of Health.

(3) The professional use of biocides in fodder units shall not be permitted unless the person in charge of the unit and the persons who make such use, obtain a certificate of competence in using biocides safely, which will be delivered after a free training offered to them by the Competent Authority.

Prohibitions

4.-(1) The professional and or industrial use of biocide products shall be permitted but by Workshops, which are registered and have the relevant license to make use of biocides, which is granted in accordance with these Regulations.

-(2) Selling biocides for professional and or industrial use to non authorised workshops by the Competent Authority shall be prohibited.

- (3) Making use of biocides for professional purposes by an authorised user shall be prohibited unless he participates in a licensed workshop.

Applying and fees

5.-(1) Workshops wishing to make use of biocides for professional or industrial purposes shall apply to the Competent Authority by completing a form as agreed by this Competent Authority and they shall pay the following fees depending on the case:

- (a) For license granting to Workshops in order to put to use biocides for professional purposes, five hundred euros (€500),
- (b) For license granting to Authorised Users of biocides in order to use them for professional use, three hundred euros (€300),

It is understood that in case of a new recruitment this fee should be paid within six (6) months in order that the training and test period may be completed.

- (c) For renewing a Workshop's operation license three hundred euros (€300),
- (d) For renewing an Authorised User's license hundred euros (€100).

-(2) For license granting to use biocides for industrial purposes within a factory and for obtaining a certificate of competence in using biocides safely in fodder units, no fees shall be paid.

-(3) In case of failure to renew a license within thirty (30) days from expiry of its validity, a further fee amounting to hundred euros (€100) shall be paid.

-(4) The Public Service Departments, the Municipalities and their staff shall be exempted from paying any such fee as stipulated by this Regulation.

License validity

6.-(1) Operation license granted to Workshops putting to use biocides for professional or industrial purposes or license granted to Authorised Users shall be valid for a period of three (3) years and they may be renewed.

-(2) In case a Workshop's worker leaves such Workshop, he shall return the Authorised User's license to the Workshop and the said license shall still be valid and may be used by the Employer when a new recruitment is made until the license expires.

Registry of accredited Workshops

7.-(1) Applications for registration shall be considered individually by the Competent Authority, which evaluates them accordingly. The Competent Authority shall carry out inspections of the applicants' facilities and records and it shall also check whether the staff be adequately trained, in accordance with the provisions of these Regulations. Then the relevant license shall be issued and the Workshop be registered in the Registry of Accredited Workshops, after such applications being notified.

-(2) In case of an industrial use of biocides, which are used in the production process of the industrial unit, a different registry shall be established.

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Revoking a Workshop's license	8. The Competent Authority may revoke any license issued on the basis of these Regulations, if it deems the licensed user has ceased to act in compliance with their provisions.
Evaluation of Workshops for license granting	9.-(1) Evaluation of a Workshop in order that a license is granted to it shall be made after such Workshop applies for registration in the Registry by completing the relevant form issued by the Competent Authority.
Purposes	<p>-(2) The Inspector shall evaluate the Workshop and shall draft an evaluation report on this Workshop and its employed members who are to be licensed. If there are omissions, the Inspector shall fix a period of thirty (30) working days to comply with his remarks. The evaluation report shall be issued in three (3) copies, out of which the original shall be given to the Workshop Responsible Person, the first copy shall be despatched to the Competent Authority and the second copy shall remain in Inspector's possession.</p> <p>-(3) In case there is no compliance with the Inspector's advice, within the period of time as defined above, the Workshop's application shall be rejected.</p>
Right to recourse to the Minister	<p>10.-(1) In case the Competent Authority rejects an application laid down by virtue of these Regulations or revokes a license issued by virtue of these Regulations, the affected person shall be entitled to appeal against such decision and recourse to the Minister in writing while justifying such recourse, within twenty one (21) days from the date he has been notified the decision on the laid down application being rejected or on an issued license being revoked.</p> <p>-(2) The Minister shall consider the recourse, in his capacity to listen to the petitioner at his discretion or to give to him the opportunity to further sustain the reasons for such recourse in writing, justifying his recourse and the Minister shall take his decision in writing and shall transmit it to the petitioner.</p> <p>-(3) Respecting the provisions of the paragraph (2), the Minister shall be competent to take one of the following decisions:</p> <ul style="list-style-type: none"> <li>(a) To ratify the decision under appeal</li> <li>(b) To nullify the decision under appeal</li> <li>(c) To amend the decision under appeal</li> <li>(d) To take a new decision replacing the decision under appeal</li> </ul>
Inspection of licensed Workshops	<p>11.-(1) After a workshop and its members are licensed, the Competent Authority shall carry out inspections from time to time.</p> <p>-(2) The inspections shall be carried out by the Inspectors and inspecting the Workshop's records is included amongst other activities. During such inspections, the Inspector shall complete the relevant inspection form as per the Competent Authority's decision, which is signed by the Workshop Responsible Person upon completion of the inspection,</p> <p>-(3) The Inspector shall draft an inspection report upon completion of the inspection and in case omissions are detected, he shall fix a period of thirty (30) working days for the Workshop to comply with his remarks. The inspection report shall be issued in three (3) copies, the</p>

original out of which shall be handled to the Workshop Responsible Person the first copy shall be despatched to the Competent Authority and the second copy shall remain to the Inspector's possession.

Protection  
against  
biocides

12.-(1) Inscription plates detecting the use of biocides and their method of use shall be placed where biocides are used, without violating the provisions of the Safety and Health at Work Law.

1996 89(I)  
2001 158(I)  
2002 25(I)  
2003 41(I)  
2003 99(I)  
2011 33(I)

-(2) In case of a biocide leakage, the Workshop Responsible Person shall inform the Chief Inspector immediately

Report  
on work  
carried  
out

13 After completing the use of biocide, the Workshop Responsible person shall draft a report on the work carried out, in which the biocides used, the dosage, the organisms eliminated and caution instructions shall be stated. Each report of this kind shall be kept for three (3) years in the Workshop's facilities.

Training

14.-(1) Respecting the provisions of the paragraph (4), the Workshop's Employer shall recruit in the position of the Workshop Responsible Person, an individual properly trained in how to deal with enemies and diseases, the use of fumigant pesticides, carrying out decontaminations and the use of biocides, meeting the requirements as agreed by a three-member committee composed by the Chief Inspector, a representative of the Sanitary Services and one (1) member of the Competent Authority.

-(2) The Employer shall recruit trained staff and or provide adequate training to all his workers who transport, use, are exposed or are likely to get exposed to biocides and shall undergo testing to certify their knowledge on putting to use and using biocides.

-(3) The training as planned by the paragraph (2) shall be offered to the workers free of charge, once they are recruited, unless they are already trained and shall meet the requirements as agreed by the three-member committee composed of the Chief Inspector, a representative of the Sanitary Services and one (1) member of the Competent Authority.  
The recruited staff shall pursue training constantly.

-(4) The training curriculum shall be submitted to the Competent Authority for evaluation and approval.

-(5) The test taken by the workers, which is part of the training curriculum and is the requirement for them for considering they have carried out such training successfully, shall also be laid down before the Competent Authority for evaluation and approval before its being carried out. Any divulgation of the test content, either totally or partially to anybody who is not involved directly in preparing and evaluating such test shall be prohibited.

-(6) A Workshop Responsible Person recruited and assumed duty before the publication date of these Regulations in the Official Journal of the Republic of Cyprus, should, within two (2) years from the above stated date take and get successfully through the test as required by the training curriculum in order that he may keep the position of Workshop Responsible Person upon the above stated date expiry. In this case, the Workshop Responsible Person should be holder of a degree or any further relevant diploma issued by a recognized foundation, which might be evidence of the Responsible Person knowledge on issues related to putting to use biocides or this Workshop Responsible Person should participate in a number of seminars and take a number of tests corresponding to subjects related to putting to use biocides, so that the requirements agreed by a three-member committee set up by the Chief Inspector, representative of the Sanitary Services and one (1) member of the Competent Authority may be met.

Registries of workers

15. The Employer shall have the workers invited to carry out the activities as stated in these Regulations, registered in a registry, which the following data are also recorded in:-

- (a) The nature and the duration of such activities,
- (b) The results of the measurements or even the estimated exposure level indicator to the biocide,
- (c) The data and remarks related to the technical or other measures and prevention means, including the used biocide references.

Industrial use of biocides

16. The industrial units wishing to use biocides for industrial use during their production process shall notify the Chief Inspector about the products used on a form as indicated by the Competent Authority and they shall apply for registration in the registries of biocides Workshops for industrial use.

Biocides transport

17.-(1) Without violating the provisions-

2004 29(I)  
2006 4(I)  
2007 168(I)  
2010 14(I)  
  
2010 78 (I)  
  
1996 89(I)  
2001 158 (I)  
2002 25(I)  
2003 41(I)  
2003 99(I)  
2011 33(I)

- (a) related to the Dangerous Goods Road Transport Law,
- (b) related to the Chemical Substances Law, and
- (c) related to the Safety and Health at Work Law,

in case of transporting biocides, the vehicles should be adequately labelled and have separated the passengers area from the biocides transport space.

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-(2)In case of transporting toxic, volatile and other dangerous biocides, they should be placed in steel caisson, which should be fixed on the ground of the luggage room and,

- (a) to be indicated in orange colour
- (b) to be internally coated from vibration-absorbing material
- (c) to be visibly labelled as to its dangerous goods content
- (d) to bear indications that in case of an accident, authorised persons bearing the adequate protective outfit should be the only ones to open it.

Transitional provision on existing Workshops 18.-(1)(a) Respecting the provisions of the these Regulations paragraph (2) of such Regulations related to existing Workshops, shall be enforced two (2) years after their publication date in the Official Journal of the Republic of Cyprus.

(b) In accordance with the subparagraph (a) of this paragraph, a Workshop shall be considered existing prior to the date as stated in the above subparagraph, when it provides the Competent Authority with:-

(i) a certificate should be delivered by the Cyprus Pest Controllers Association, to certify that the said Workshop has been registered in this Association prior to the above stated date and or

(ii) evidence of having carried out professional activities related to putting to use biocides prior to the above stated date.

(2) The Regulatory Provisions 12, 13 and 17 of these Regulations shall be enforced from the publication date of such Regulations in the Official Journal of the Republic of Cyprus.

**I the undersigned, Anastasia Pilottou, holder of the National Diplomas of Licence / Maîtrise L.E.A : translation/interpreting for economic-legal-political affairs [traduction – interprétation appliquées au monde des affaires] –Toulouse II-Le Mirail University – France and of the Higher National Diploma in Specialised Studies in translation/interpreting: professional translation [DESS traduction / interprétation : traduction professionnelle] – Strasbourg University – France, PanUTIM13: Regular Member of the Pan Cyprian Union of Graduate Translators and Interpreters (M018 International Federation of Translators - FIT / IFT Member) MITI4345: Qualified Member of the Institute of Translation and Interpreting U.K. (International Federation of Translators - FIT / IFT Member), working languages: A Greek, B English/French, C Italian/Spanish, certify that to the best of my knowledge the document in English is a true translation of the original text in Greek**

Date: 6 December 2011



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