

POSITION PAPER

EUROPEAN BIOCIDAL PRODUCTS REGULATION

Call for evidence for an evaluation
(05.03.2026_Final)

Challenges under the Biocidal Products Regulation (BPR) and their impact on the maritime industry

The Shipyards & Maritime Equipment Association of Europe (SEA Europe) represents the European maritime manufacturing industry in 17 countries, encompassing **the production, maintenance, repair, retrofit and conversion of all types of ships and floating structures – commercial as well as military – including the full supply chain with the various producers of maritime systems, equipment material, and services.**

This document represents SEA Europe's response to the [Call for Evidence](#) for the evaluation of the Biocidal Products Regulation (EU) 528/2012 (BPR). The full and faithful implementation of the BPR is essential for the proper functioning of the single market in the maritime manufacturing industry, which is critical for the sector's competitiveness.

The purpose of this position paper is to outline the status of the European product registration process for Biocidal Products and its implications for the global maritime industry, as well as the challenges the industry faces in navigating this regulatory landscape.

SEA Europe urges the European Commission to take action to ensure effective harmonization of the rules governing the production and use of biocidal products and to address the challenges outlined in this position paper.

A. Strategic importance of biocide-based hull coatings

Biocide-based hull coatings play a critical role in the maritime industry by preventing biofouling, the accumulation of marine organisms on vessel hulls, which significantly increases drag, fuel consumption, and greenhouse gas emissions. Application of biocidal antifouling coatings is critical for ships to maintain a clean hull and thereby ensure operational efficiency, lowers fuel costs, and safeguard marine ecosystems.

Biofouling remains one of the greatest challenges to sustainable shipping, and antifouling coatings containing biocides are currently the most widely adopted solution. Without effective biocide-based coating technologies, the industry would face higher greenhouse gas emissions and operational inefficiencies.

At the same time, the sector is continuously innovating to improve antifouling efficacy while reducing environmental impact, including emissions to water and waste generation associated with maintenance activities. A range of lower-biocide and biocide-free technologies is emerging and can be appropriate for certain operating profiles (for example, some recreational craft and specific vessel use patterns), but performance and applicability can vary considerably across ship types, trading routes, and operational conditions. For large ocean-going ships robust biofouling control may still require solutions that ensure sustained efficacy in demanding conditions with the use of biocidal antifouling coatings.

In practice, biofouling management is ship-dependent and typically involves a combination of measures (coating choice, monitoring, inspections, maintenance planning, and where feasible, in-water cleaning). Reduced biocide in the antifouling coating will, in most cases, increase reliance on in-water cleaning to maintain acceptable hull condition for ocean going ships. However, in-water cleaning services are not currently available in most ports, or may require appropriate operational controls to avoid unintended local environmental impacts, including additional waste management needs and emissions to water.

Beyond their technical function for ship operations, these coatings influence strategic decisions for shipowners, including where to dock for maintenance. If Europe restricts access to biocide-based antifouling coatings, shipowners may shift to regions, where these technologies remain available. Such a shift would have ripple effects across multiple sectors, impacting coating manufacturers, technical advisors, shipyards, and local economies.

B. Purpose of the BPR

Article 1 of the BPR states the following: “The purpose of this Regulation is to improve the functioning of the internal market through the harmonization of the rules on the making available on the market and the use of biocidal products, whilst ensuring a high level of protection of both human and animal health and the environment.”

C. Challenges for global coatings suppliers

Harmonisation vs reality

The Regulation was intended to streamline and harmonise authorisations, creating new market opportunities in Europe. However, nearly eight years later, this goal remains unmet, as the process continues to be fragmented and complex. When a company seeks authorisation in multiple countries, one Member State acts as the Reference Member State (RMS) and others as Concerned Member States (CMS) under Mutual Recognition. In principle, all should apply the same criteria, but interpretations differ among RMS. The outcome of the authorization process depends on the RMS chosen, as risk assessments vary between authorities. This means that products with identical biocides can be approved from one RMS but rejected from another RMS. CMS can also raise objections, request extra data, or impose national conditions, adding delays and uncertainty that undermine harmonisation.

Increased complexity

The product registration process is lengthy and highly complex, leading to significant delays. For the PT21 products, lack of guidance at the point of submission and guidance being developed and/or amended after submission have increased the review period and in many cases, applications have been on hold for 2–3 years with no feedback from the RMS. Greater transparency on timelines, clearer guidelines, and consistent communication between authorities and industry would help reduce uncertainty and ensure global alignment, making the process more predictable and effective.

Fragmented approach

Timelines and interpretations vary significantly across Member States. All suppliers are required to submit their dossiers within a defined window for product evaluation, yet the actual review timelines appear to depend on each state. A harmonized approach was agreed¹ for the active substance approval process to ensure that all active substances for PT21 were approved on the basis on the same generic conditions and a common expiry date for all active substances was established to review the approval of the different active substances at the same time. Alignment of the approval timelines for the biocidal products would allow for a fair comparison of the risks and benefits between the different products and provide a level playing field for the coating suppliers regarding product availability versus product phase out.

Different regional scenarios

Today, pleasure crafts below 24 meters that are moored in marinas are assessed along with Marine antifouling coatings for commercial vessels and superyacht (pleasure crafts above 24 meters) under the BPR process. This makes it difficult to distinguish between the intended use of the two product types when it comes to regional environmental risk assessment, and thus impossible to obtain Union Authorization² for Marine antifouling coatings (Product Type 21-Antifouling).

A more differentiated and proportionate approach that better reflects distinct use patterns and exposure scenarios could improve transparency and efficiency of assessments, while maintaining a high level of protection for the environment. In particular, for certain small vessels and recreational craft where alternative technologies may be available and practical to implement, targeted regulatory measures could help accelerate environmental benefits without creating unintended disruption for large ships with very different operational realities.

The challenges encountered by coating suppliers have the following repercussions:

Extended delays

Evaluations delayed beyond eight years, preventing timely market access for new technologies that are available in other countries outside of the EU BPR scope.

Europe Innovation's freeze

Innovation in Europe's maritime coatings sector is stalled by rigid regulations and prolonged approval timelines. Submitted product dossiers cannot be updated, while co-formulant reclassification adds complexity and delays. Uncertainty from shifting guidance and extended reviews has blocked new product launches, leaving suppliers unable to upgrade existing offerings or introduce next-generation technologies available elsewhere. This stagnation not only halts sustainable innovation but also undermines Europe's competitiveness in a market demanding continuous improvement.

Uneven playing field

Different interpretations and timelines create regulatory fragmentation and unfair competition between coating suppliers depending on the RMS.

Economic impact

Prolonged delays disrupt strategic planning, challenge customer confidence, increase compliance costs and impact competitiveness.

¹ CA-March14-Doc.4.2 Way forward for the management of active substances and the authorization of biocidal products

² Union authorization: Products are evaluated by ECHA and if approved can be marketed in all EU member states.

Loss of market share

While Europe struggles with the approvals for biocidal antifouling coatings, other parts of the world continue to provide faster access to proven antifouling coating technologies, drawing shipowners away from European shipyards and dry docks.

Socio-economic assessments

Some Member States have considered socio-economic assessments to justify approvals, while others have rejected this approach, arguing that alternative products already exist, even when those alternatives do not offer comparable performance. The different approaches to the use of article 19(5) creates regulatory unpredictability and undermines fair competition.

Regulatory uncertainty

Lack of predictability makes strategic planning and customer communication difficult, further weakening Europe's competitiveness compared to regions without such restrictions.

D. Consequences for the maritime industry if biocide-based hull coatings are not available**Loss of competitiveness**

Ships will be dry docked outside of Europe, shifting business to regions where biocidal products are available.

Job losses

Skilled jobs across manufacturing, logistics, and technical services are at risk. This jeopardizes employment and erodes critical expertise needed to sustain Europe's maritime competitiveness.

Industrial ripple effect

Shipyards, suppliers, service providers, and coating manufacturing sites would all face significant disruption, impacting regional economies, supply chains, and Europe's ability to maintain a competitive maritime sector.
