

Wolman Wood and Fire Protection GmbH  
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Wolman Registrierung WR, 76547,  
Sinzheim, Baden-Württemberg,  
Germany

Oslo, 31.01.2024

Your ref.:

Our ref.:  
2015/10529

Contact person:  
Marianne Stave Sekkenes

## Authorisation for Wolman Wood and Fire Protection GmbH – Wolmanit CX-10\_family – NO-2024-0257

We refer to your application for the biocidal product family Wolmanit CX-10\_family, R4BP 3 case number BC-HY019247-12. The application is a mutual recognition in parallel of the authorisation granted by the reference Member State Austria, R4BP3 case number BC-KT019236-22.

### Decision

The Norwegian Environment Agency grants Wolman Wood and Fire Protection GmbH an authorisation for the biocidal product family Wolmanit CX-10\_family on the Norwegian market. The authorisation is granted from 01.02.2024 to 06.10.2028 with the authorisation number NO-2024-0257.

The product is mutual recognised in Norway under the terms and conditions as described in the final Norwegian Summary Product Characteristic (SPC) attached to the R4BP3 asset case NO-0032168-0000. The final SPC can also be found on the website of the European Chemicals Agency here: [Information on biocides - ECHA \(europa.eu\)](https://echa.europa.eu)

The decision is based on the evaluation of the reference Member State, with a derogation according to the national restrictions concerning termites as the target organism.

The authorisation is given in accordance with Article 34(6) and Article 37 of the BPR.

### Terms and conditions for the authorisation

The information on the label, and, if relevant, in the Material Safety Data Sheet and Technical Data Sheet, shall be in Norwegian and in accordance with the terms and conditions provided in the final Norwegian SPC. This is the responsibility of the authorisation holder. Further requirements are described in Article 69, Article 70 and 72 of Regulation (EU) No. 528/2012 (the Biocidal Products Regulation, BPR). An electronic copy of the label(s) for each authorised product shall be submitted to the Norwegian Environment Agency by email ([biocides@miljodir.no](mailto:biocides@miljodir.no)) within three months from the authorisation date. Please mark the email with the authorisation number.

All biocidal products on the Norwegian market must be registered in the Norwegian Product Register in accordance with the Norwegian Biocide Regulation of 18 April 2017 No. 480 § 2-2, by using the biocide notification form. In addition, biocidal products which are classified as hazardous must be fully declared, using the declaration form, if they are sold in amounts of 100 kg or more per year. The forms and further information can be found on our website <https://www.environmentagency.no/areas-of-activity/product-register/>

## Background

Regulation (EU) No. 528/2012 (the Biocidal Products Regulation, BPR), is implemented in Norwegian law through the Norwegian Biocide Regulation of 18 April 2017 No. 480.

The procedures for applications for mutual recognition in parallel of a national authorisation are set out in Article 34 of the BPR. These applications shall be authorised under the same terms and conditions as the national authorisation granted by the reference Member State, in line with Article 32 of the same regulation. The conditions for granting an authorisation of a biocidal product are laid down in Article 19 of the BPR. Additionally, the transitional measures given in Article 91 apply.

In general, a biocidal product is authorised for a period not exceeding 10 years in line with Article 17(4) of the BPR. However, for authorisations that are mutual recognised, it is an agreement among the Member States that these authorisations shall have the same expiry date as the national authorisation granted by the reference Member State (c.f. CA-Sept14-Doc.5.7 –Final).

### The application concerns

Wolman Wood and Fire Protection GmbH has applied for an authorisation for the biocidal product family Wolmanit CX-10\_family on the Norwegian market as a mutual recognition. The biocidal product family contains the active substances Basic Copper carbonate, Boric acid and Cu-HDO and is for use in product type 8 – wood preservatives. The Authorisation holder in Norway is Wolman Wood and Fire Protection GmbH. The terms and conditions of the application are described in the submitted Norwegian SPC.

The reference Member State has identified the active substance boric acid to be a candidate for exclusion according to the conditions in Article 5(1) of the BPR. They have performed a comparative assessment in line with Article 23(1) and concluded that the criteria of Article 23(3) of the same regulations are not met. The product can therefore be authorised for a period not exceeding five years.

## Evaluation by the Norwegian Environment Agency

The Norwegian Environment Agency agrees with the reference Member State that the conditions to grant an authorisation laid down in Article 19 of the BPR are fulfilled for the biocidal product family.

For the external use with no ground contact (use class 3) and external use with ground contact (use class 4)<sup>1</sup>, there is an unacceptable risk for the environment and, hence, Article 19(1)(iii) of the BPR is not fulfilled. However, the Norwegian Environment Agency considers that not authorising these uses would result in disproportionate negative impact for society when compared to the risk to the environment. Therefore, use class 3 and use class 4 are authorised for the Norwegian market in line with Article 19(5) of the BPR. The authorisation period will not exceed 5 years due to boric acid being a candidate of exclusion, and the authorisation holder is expected to use this time to further develop alternative methods and products to substitute boric acid for wood impregnation.

### **Candidate of exclusion**

Due to the identified candidate of exclusion, the Norwegian Environment Agency has performed a comparative assessment for the Norwegian market and considered the criteria for substitution in Article 23(3) of the BPR. The Norwegian Environment Agency considers that if the biocidal product family was substituted, the chemical diversity would be inadequate to minimise the occurrence of resistance in the target organisms. We also consider that there are no sufficient alternative methods available to substitute the biocidal product. The product can therefore be authorised according to Article 23(6) of the same regulation.

### **Derogation from mutual recognition**

A derogation from the mutual recognition is made for the Norwegian authorisation in accordance with Article 37(1) (e) of the BPR where the use against termites as a target organism is restricted to treatment of wood intended for export only. This is because termites are not present in harmful quantities in Norway. The derogation has been communicated to the applicant and agreed upon earlier in the evaluation process.

## **Relevant information**

### **Phase out period for existing biocidal products on the Norwegian market**

In cases where the authorised biocidal product has been made available on the Norwegian market under the national transitional measurements (c.f. Article 89 of the BPR), the existing stocks must be phased out in line with Article 89(4) of the BPR. The product shall not be made available on the market with effect from 180 days after the date of this letter. Furthermore, the use of existing stocks of the biocidal product may continue for up to 365 days after the date of this letter. During this period, all advertising material related to products that do not comply with the new conditions, should also be removed from the market.

### **Unexpected or adverse effects**

If the authorisation holder becomes aware of any unexpected or adverse effects concerning the authorised biocidal products or the active substance it contains, the authorisation holder is obligated to notify without delay to the Norwegian Environment Agency (c.f., Article 47 of the BPR).

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<sup>1</sup> Use classes for timber according to the European standard EN 335

### **Changes to the authorisation**

If it is desirable to make any changes to the product authorisation, the authorisation holder must submit an application/notification for change to the Norwegian Environment Agency, in accordance with Article 50 of the BPR. This procedure is described in detail in Regulation (EU) No. 354/2013 on changes of biocidal products. The fees to be charged for applications for change are given in appendix 1A of the Norwegian Biocide Regulation.

### **Annual fee**

For authorised biocidal products on the Norwegian market, an annual fee will be charged. Please see appendix 1B of the Norwegian Biocide Regulation for details. We kindly ask you to inform us by email [biocides@miljodir.no](mailto:biocides@miljodir.no) if you do not intend to place the product on the Norwegian market, and therefore should not be charged with the annual fee.

### **Renewal of application**

An application for a renewal of the national authorisation must be submitted 550 days before the authorisation period expires, at the latest, according to Article 31(1) of the BPR.

### **Right to appeal**

You can appeal this decision to the Ministry of Climate and Environment.

The complaint must be submitted to the Norwegian Environment Agency within three weeks after receipt of this letter.

Best regards  
Norwegian Environment Agency

*This document has been signed electronically*

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Senior Adviser