

Referral to the Coordination Group under Article 35 of Regulation (EU) No 528/2012

Executive summary

Type of referral: Referral to the Coordination Group of a disagreement on Mutual recognition (MR) in accordance with Article 35(2) of the Regulation (EU) No 528/2012 (BPR)

Product name in the rMS: ADDICT GEL FOURMIS

Case type: Mutual recognition in sequence (MRS).

Reference Member State (rMS): FR

Initiating concerned Member State (icMS): DK

Other concerned Member States (cMSs): CY, DE, EL, ES, HR, IT, NL, PT, RO, SE, SI

Product type: 18

Active substance: Dinotefuran

Brief summary of the points of disagreement:

1. The use of the product as gel and as gel in bait box, should be considered two different uses in line with the document "CA-May14-Doc.5.6 – Final – multiple_names_SPC-label_correspondance_clean", and be reflected in the SPC. The RMM "For outdoor use, apply this biocidal product in bait boxes or in cracks and crevices only or directly to ant nests. Protect from bees by covering, for example with a flowerpot or a tile (ensuring that the ants still get access to the bait)." is not applicable to the use of the product in bait boxes, only to the use as gel. This RMM on the bait station might confuse users on how to apply the product correctly, resulting in unacceptable effects for the environment. Thus, the uses should be split and the RMM should be changed accordingly to ensure safe use of the product.
2. In accordance with the document "CA-Dec20-4.1 Warning sentence and RMM for bees", the warning sentence "*This biocidal product contains Dinotefuran which is dangerous to bees.*" regarding toxicity against bees should be included in the PAR and the SPC.

Outcome of the discussion within the Coordination Group (CG):

The CG members agreed by consensus on 20 February 2023 that:

1. The use of the product as gel and as gel in bait box as two different uses will be reflected in the SPC. The RMM "*For outdoor use, apply this biocidal product in cracks and crevices only or directly to ant nests. Protect from bees by covering, for example with a flowerpot or a tile (ensuring that the ants still get access to the*

bait)." will only be included for the outdoor use of the product as gel in section 4 of the SPC.

2. As the product was authorised by the rMS FR on 2 February 2022 and due to the procedure type being MRS, in accordance with the document CA-Dec20-Doc.4.1final_rev1 *Harmonised sentence to reduce exposure of bees to hazardous substances contained in biocidal products*, the warning sentence "*This biocidal product contains Dinotefuran which is dangerous to bees.*" will be included in the PAR and in section 6 of the SPC.

The product meets the condition for granting an authorisation in accordance with Article 19(1)(b)(iv) of the BPR. This formal referral is therefore closed.