

EUROPEAN ECONOMIC AREA
THE EEA JOINT COMMITTEE

JOINT STATEMENTS ADOPTED AT THE 62nd MEETING OF THE EEA JOINT COMMITTEE ON 26 MARCH
1999

(1999/C 185/06)

**Joint statement concerning the EEA Agreement — Annex II, Chapter XIV— regarding the review
clauses in the field of fertilisers**

Point 1: Council Directive 76/116/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to fertilisers (OJ L 24, 30.1.1976, p. 21)

The adaptation text to this Directive permits the EFTA States to limit access to their markets according to the requirements of their legislation existing at the date of entry into force of the EEA Agreement concerning cadmium in fertilisers. The Contracting Parties jointly reviewed the situation in 1998.

On the basis of the review the Contracting Parties have agreed on a prolongation of the aforementioned situation. A new joint review shall take place in 2001.

**Joint statement concerning the EEA Agreement — Annex II, Chapter XV — regarding the review
clauses in the field of dangerous substances**

Point 1: Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1); and

Point 10: Council Directive 88/379/EEC of 7 June 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 187, 16.7.1988, p. 4)

The adaptations to these two acts in the EEA Agreement permit an EFTA State to conclude, as part of the review which took place in 1998, that it will need derogation from the Community acts relating to classification and labelling. If this is the case then the acts will not apply to it.

On the basis of the review, which has taken place, Norway has concluded that it accepts the existing Community *acquis*, with effect from 1 January 1999, but with derogations in specific areas. These derogations are listed in the Annex.

The Contracting Parties take note of these conclusions and agree on the objective that the abovementioned Community acts should apply fully by 1 January 2001. A new review of the situation will take place during 2000. If an EFTA State concludes that it will still need any derogation from the specific areas as set out in its Appendix, the provisions shall not apply to it unless the EEA Joint Committee agrees on another solution.

If the Community *acquis* in this matter should be further amended or otherwise developed before 1 January 2001, the Contracting parties shall make every effort to find appropriate solutions in order to integrate such *acquis* into the EEA Agreement. The procedures laid down in Articles 97 to 104 of the Agreement shall apply.

ANNEX

Norway

The following provisions shall not apply to Norway:

1. As regards Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances:

(a) Article 30, in conjunction with Articles 4 and 5, with respect to:

(i) the requirements for the classification, labelling and/or specific concentration limits for the substances or groups of substances listed in Annex I to the Directive and shown in the following list. Norway may require the use of different classification, labelling and/or specific concentration limits for these substances;

Name	CAS No	Index No	Einecs
Barium salts, soluble (barium chloride)		056-002-00-7	
Ethyl acrylate	149-88-5	607-032-00-X	205-438-8
n-hexane	110-54-3	601-037-00-0	203-777-6
Trichlorometan	67-66-3	602-006-00-4	200-663-8

(ii) the criteria for classification and labelling of carcinogenic substances as given in Section 4.2.1 of Annex VI to the Directive. Norway may apply different criteria for classification, and provisions regarding impurities, additives or individual constituents in Section 1.7.2.1 of Annex VI to the Directive with regard to substances classified as carcinogens, and different requirements for the application of certain R-phrases;

(b) Article 30 in conjunction with Articles 4 and 6, with respect to the requirements for the classification, labelling and/or specific concentration limits for the substances or groups of substances not listed in Annex I to the Directive and shown in the following list. Norway may require the use of classification, labelling and/or specific concentration limits for these substances;

Name	CAS No	Index No	Einecs
5-chloro-2-methyl-4-isothiazolin-3-one (MCI), 2-methyl-4-iso-thiazolin-3-one (MI); 3:1 mixture	55965-84-9		
Chrysene	218-01-9		2059234
Ethyl cyanoacrylate	7085-85-0		2303915
Methyl cyanoacrylate	137-05-3		2052752
Nickel chloride	7718-54-9		2317430

(c) Article 30, in conjunction with Article 23(2)(d). Norway may require the use of an additional R-phrase ('215') not listed in Annex III to the Directive;

(d) Article 30, in conjunction with Articles 4 and 6, with respect to substances labelled in accordance with the existing Norwegian Regulations concerning OAR-labelling;

(e) for substances covered by points (a) and (c) the provisions of Article 23(2) of the Directive, requiring the use of the words 'EC-label';

(f) Article 30 in conjunction with Article 27, with respect to safety data sheets for substances covered by point 1(d) and for substances in the existing Norwegian list of threshold limit values.

2. As regards Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations:

- (a) Article 3(3)(b), as regards testing of preparations for sensitising effects;
- (b) Article 10, with respect to safety data sheets for preparations containing organic solvents covered by point 1(d);
- (c) Article 13, in conjunction with Articles 3 and 7, with respect to preparations containing substances as defined in points 1(a) to (d).

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Point 4: Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (OJ L 262, 27.9.1976, p. 201)

The adaptation text to this Directive permits the EFTA States to limit access to their markets according to the requirements of their legislation existing at the date of the entry into force of the EEA Agreement concerning:

- asbestos fibres,
- mercury compounds,
- arsenic compounds,
- organostannic compounds,
- pentachlorophenol,
- cadmium,
- batteries.

The Contracting Parties jointly reviewed the situation in 1998. On the basis of the review the Contracting Parties have agreed on a prolongation of the situation for all EFTA States with regard to asbestos fibres. A new joint review shall take place in 2000.

As to mercury compounds, arsenic compounds, organostannic compounds, pentachlorophenol and cadmium the Contracting Parties have agreed on a prolongation of the situation for Liechtenstein. A new joint review shall take place in 2000.

Point 11: Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances (OJ L 78, 26.3.1991, p. 38)

The adaptation text to this Directive permits the EFTA States to limit access to their markets according to the requirements of their legislation existing at the date of entry into force of the EEA Agreement concerning batteries. The Contracting Parties jointly reviewed the situation in 1998.

On the basis of the review the Contracting Parties have agreed that Norway is permitted to maintain more stringent limit values for the ban on marketing of batteries, including button cell batteries, containing more than 0,0005 % mercury or cadmium. A new joint review shall take place in 2000.
