

Regulations relating to restrictions on the use, etc. of certain dangerous chemicals

Laid down by the Ministry of the Environment on 20 December 2002 pursuant to section 4 of the Act of 11 June 1976 No. 79 relating to the control of products and consumer services (the Product Control Act), cf. Royal Decree of 7 September 1990 No. 730, cf. the EEA Agreement, Annex II, Chapter XV, paragraph 4 (Council Directive 76/769/EEC as amended by directives 79/663/EEC, 82/806/EEC, 82/828/EEC, 83/264/EEC, 85/467/EEC, 89/677/EEC, 91/173/EEC, 91/338/EEC, 91/339/EEC, 94/27/EC, 94/48/EC, 94/60/EC, 96/55/EC, 97/16/EC, 97/64/EC, 98/101/EC, 1999/51/EC, 2001/90/EC, 2001/91/EC, 2002/45/EC, 2002/61/EC and 2002/62/EC) 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; cf. the EEA Agreement, Annex II, Chapter XV, paragraph 2 (Council Directive 73/404/EEC as amended by directives 82/242/EEC and 86/94/EEC, and Council Directive 73/405/EEC on the approximation of the laws of the Member States relating to methods of testing the biodegradability of anionic surfactants, as amended by Council Directive 82/243/EEC) on detergents; cf. the EEA Agreement, Annex II, Chapter XVII, paragraph 7 (European Parliament and Council Directive 94/62/EC) on packaging and packaging waste; cf. the EEA Agreement, Annex XX, Chapter IV, paragraph 22 (Council Directive 96/59/EC) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).

Chapter 1. Introductory provisions

§ 1-1 Purpose

The purpose of these regulations is to prevent certain dangerous substances and preparations from causing injury to health or environmental damage.

§ 1-2 Scope

These regulations do not apply to the use of products for analytical and research purposes, unless otherwise specified by the various provisions.

Chapter 2. Restricted substances and preparations

§ 2-1 Vinyl chloride

It is prohibited to use vinyl chloride (chloroethene/chloroethylene) (CAS-nr. 75-01-4) as an aerosol propellant in aerosol generators/spray cans.

§ 2-2 PCBs and replacements for PCBs

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing:

Name	CAS no.
a) polychlorinated biphenyls (PCBs)	1336-36-3
b) polychlorinated terphenyls (PCTs) if the preparations contain more than 0.005 % PCT by mass	12642-23-8
c) dichloro[(dichlorophenyl)methyl]methyl- benzene, mixture of isomers	76253-60-6
d) bromobenzylbromotoluene, mixture of isomers	99688-47-8

e) monomethyl-dibromo-diphenyl methane	unknown
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§ 2-3 *Benzene*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing 0.1 per cent or more by mass of benzene (CAS no. 71-43-2). This prohibition does not apply to:

- a) fuels covered by provisions relating to substances that are hazardous to health and the environment in motor fuels,
- b) substances and preparations intended for use in industrial processes during which emissions of benzene are regulated by discharge permits issued pursuant to section 11 of the Pollution Control Act.

It is prohibited to manufacture, import, export or place on the market toys where the concentration of benzene in the free state is in excess of 5 mg/kg of the weight of the toy or part of toy.

§ 2-4 *Benzidine, 4-aminobiphenyl, 2-naphthylamine, 4-nitrobiphenyl*

It is prohibited to manufacture, import, export or place on the market substances and preparations containing the following substances or their salts:

<i>Name</i>	<i>CAS no.</i>
a) benzidine	92-87-5
b) 4-aminobiphenyl	92-67-1
c) 2-naphthylamine	91-59-8
d) 4-nitrobiphenyl	92-93-3

This prohibition does not apply to the manufacture, import, export or marketing of preparations for professional use containing less than 0.1 per cent by mass of the substances listed in the first paragraph or their salts. In addition to any mandatory labelling to indicate health, environmental, fire and explosion hazards, the packaging shall be legibly and indelibly marked as follows: "Bare til yrkesmessig bruk" (Restricted to professional users).

§ 2-5 *Lead and lead compounds*

It is prohibited to manufacture, import, export, place on the market or use paints containing:

<i>Name</i>	<i>CAS no.</i>
lead carbonates	598-63-0 and 1319-46-6
lead sulphates	7446-14-2 and 15739-80-7

It is prohibited to use lead shot on target ranges. From 1 January 2005, it is prohibited to manufacture, import, export, place on the market or use lead shot.

§ 2-6 *Mercury and mercury compounds*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing mercury or mercury compounds:

- a) to prevent the fouling by micro-organisms, plants or animals of the hulls of boats and any totally or partly submerged appliances or equipment,
- b) in the treatment of industrial waters, irrespective of their use,

- c) in the preservation of wood,
- d) in the impregnation of heavy-duty industrial textiles and yarn intended for their manufacture.

It is prohibited to manufacture, import, export or place on the market mercury thermometers. The prohibition against mercury thermometers also applies to thermometers for analytical and research purposes.

§ 2-7 *Arsenic and arsenic compounds*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing arsenic or arsenic compounds

- a) to prevent the fouling by micro-organisms, plants or animals of the hulls of boats and any totally or partly submerged appliances or equipment,
- b) in the preservation of wood,
- c) in the treatment of industrial waters, irrespective of their use.

The prohibition of the first paragraph, litra a) and b), does not apply to solutions of inorganic salts of the CCA (copper, chromium and arsenic) type employed in industrial installations using vacuum or pressure to impregnate wood.

§ 2-8 *Organostannic compounds*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing tributyltin and triphenyltin compounds.

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing other organostannic compounds:

- a) to prevent the fouling by micro-organisms, plants or animals of the hulls of boats and any totally or partly submerged appliances or equipment,
- b) in the treatment of industrial waters, irrespective of their use.

The prohibition of the first and second paragraphs does not apply to:

- a) the presence of organostannic compounds to prevent fouling on vessels of an overall length of more than 25 metres, if the coatings were applied before 1 January 2003. This exception applies until 1 January 2008.
- b) the presence of organostannic compounds to prevent fouling on vessels of an overall length of more than 25 metres, if the coatings were applied before 1 January 2003 and have been sealed and painted over so that there is no further release of such compounds.
- c) the presence of organostannic compounds to prevent fouling on any fixed or floating installations on the Norwegian continental shelf, if the coatings were applied before 1 January 2003 and the installation has not been in dry dock since 1 January 2003.

§ 2-9 *Dibutyltin hydrogen borate (di-(μ)-oxo-di-n-butylstanniohydroxyborane) (DBB)*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing dibutyltin hydrogen borate (di-(μ)-oxo-di-n-butylstanniohydroxyborane) (DBB), CAS no. 75113-37-0, in a concentration equal to or greater than 0.1 per cent by mass.

This prohibition does not apply if the substances or preparations are intended solely for conversion into finished products in which the concentration of DBB is equal to or less than 0.01 per cent by mass.

§ 2-10 *Pentachlorophenol*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing pentachlorophenol, CAS no. 87-86-5, or its salts or esters, in concentrations equal to or greater than 0.1 per cent by mass.

§ 2-11 *Cadmium and cadmium compounds in colouring agents*

It is prohibited to manufacture, import, export, place on the market or use paints and varnishes containing cadmium (CAS no. 7440-43-9) or cadmium compounds. Paints and varnishes with a high zinc content may nevertheless have a residual concentration of cadmium of up to 0.1 per cent by mass.

It is prohibited to use cadmium (CAS no. 7440-43-9) or cadmium compounds to give colour to finished products manufactured from the substances and preparations listed below:

- a) polyvinyl chloride (PVC)
- b) polyurethane (PUR)
- c) low-density polyethylene (ld PE), with the exception of ld PE used for the production of coloured masterbatch
- d) cellulose acetate (CA)
- e) cellulose acetate butyrate (CAB)
- f) epoxy resins
- g) melamine - formaldehyde resins (MF)
- h) urea - formaldehyde (UF) resins
- i) unsaturated polyesters (UP)
- j) polyethylene terephthalate (PET)
- k) polybutene terephthalate (PBT)
- l) transparent/general-purpose polystyrene
- m) acrylonitrile methylmethacrylate (AMMA)
- n) cross-linked polyethylene (VPE)
- o) high-impact polystyrene
- p) polypropene (PP).

It is also prohibited to import, export or place on the market such products if their cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass of the plastic material.

The prohibitions do not apply to products that must be coloured for safety reasons.

§ 2-12 *Cadmium and cadmium compounds as stabilizers in products*

It is prohibited to use cadmium or cadmium compounds to stabilize the following products manufactured from polymers or copolymers of vinyl chloride:

- a) packaging materials (bags, containers, bottles, lids)
- b) office or school supplies
- c) fittings for furniture, coachwork or the like
- d) articles of apparel and clothing accessories (including gloves)
- e) floor and wall coverings
- f) impregnated, coated, covered or laminated textile fabrics
- g) imitation leather

- h) gramophone records
- i) tubes and pipes and their fittings
- j) swing doors
- k) vehicles for road transport (interior, exterior, underbody)
- l) coating of steel sheet used in construction or in industry
- m) insulation for electrical wiring.

It is also prohibited to import, export or place on the market such products or components of products if they are stabilized by substances containing cadmium, and the cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass of the polymer.

The prohibitions do not apply to products using cadmium-based stabilizers for safety reasons.

§ 2-13 Cadmium and cadmium compounds for cadmium plating of metal

For the purpose of these regulations, cadmium plating means any deposit or coating of metallic cadmium on a metallic surface.

It is prohibited to use cadmium or cadmium compounds for cadmium plating metallic products or components of the products used in the sectors or applications listed below:

- a) Equipment and machinery for:
 - food production
 - agriculture
 - cooling and freezing
 - printing and book-binding
- b) Equipment and machinery for the production of:
 - household goods
 - furniture
 - sanitary ware
 - central heating and air conditioning plant
 - paper and board
 - textiles and clothing
 - industrial handling equipment and machinery
 - road and agricultural vehicles
 - rolling stock
 - vessels.

It is prohibited to import, export or place on the market such products and components if they are plated with cadmium or cadmium compounds.

The prohibitions set out in the second and third paragraphs do not apply to products or components of products used in:

- a) the aeronautical, aerospace, mining, offshore, and nuclear sectors whose applications require high safety standards
- b) safety devices in road and agricultural vehicles, rolling stock and vessels
- c) electrical contacts in any area of use, to ensure the reliability required of the apparatus in which they are installed.

§ 2-14 Creosote

It is prohibited to manufacture, import, export, place on the market or use for wood treatment substances and preparations containing one or more of the following substances:

<i>Name</i>	<i>EC no.</i>	<i>CAS no.</i>
a) creosote	232-287-5	8001-58-9
b) creosote oil	263-047-8	61789-28-4
c) distillates (coal tar), naphthalene oils	283-484-8	84650-04-4
d) creosote oil, acenaphthene fraction	292-605-3	90640-84-9
e) distillates (coal tar), upper	266-026-1	65996-91-0
f) anthracene oil	292-602-7	90640-80-5
g) tar acids, coal, crude	266-019-3	65996-85-2
h) creosote, wood	232-419-1	8021-39-4
i) low temperature tar oil, alkaline	310-191-5	122384-78-5

This prohibition does not apply to the manufacture, import, export, marketing or use of substances and preparations that are to be used for wood treatment in industrial installations or for *in situ* retreatment by professionals covered by the provisions of the EEA Agreement on the protection of workers if the substances or preparations contain:

- a) benzo-a-pyrene at a concentration of less than 0.005 per cent by mass
- b) water extractable phenols at a concentration of less than 3 per cent by mass.

Substances and preparations such as are mentioned in subsection 2 may only be manufactured, exported or placed on the market in packaging of a capacity of at least 20 litres. In addition to any mandatory labelling to indicate health, environmental, fire and explosion hazards, the packaging shall be legibly and indelibly marked as follows: "Bare til bruk i industrianlegg og til profesjonell behandling" (For use in industrial installations or professional treatment only).

Substances and preparations such as are mentioned in the second paragraph may nevertheless be manufactured, imported, placed on the market or taken into use until 1 July 2003 in accordance with provisions that are repealed by these regulations.

§ 2-15 *Chlorinated solvents*

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing 0.1 per cent or more by mass of the following substances:

<i>Name</i>	<i>CAS no.</i>
a) trichloromethane (chloroform)	67-66-3
b) 1,1,2-trichloroethane	79-00-5
c) 1,1,2,2-tetrachloroethane	79-34-5
d) 1,1,1,2-tetrachloroethane	630-20-6
e) pentachloroethane	76-01-7
f) 1,1-dichloroethene	75-35-4

This prohibition does not apply to

- a) medicinal products as defined in the Act of 4 December 1992 No. 132 relating to medicinal products, etc.

- b) cosmetic products as defined by the Regulations of 26 October 1995 No. 871 relating to the manufacture, import and marketing of cosmetics and skin care products, laid down pursuant to section 2 of the Act relating to food products.

Moreover, the prohibition does not apply if the substances or preparations are only used in closed industrial process that do not generate diffuse emissions. In addition to any mandatory labelling to indicate health, environmental, fire and explosion hazards, the packaging for such substances and preparations shall be legibly and indelibly marked as follows: “Bare til bruk i lukkede industriprosesser” (For use in closed industrial installations only).

§ 2-16 Hexachloroethane

It is prohibited to use hexachloroethane, (CAS no. 67-72-1, EU no. 200-666-4), in the manufacturing or processing of non-ferrous metals.

§ 2-17 Short chained chlorinated paraffins

It is prohibited to manufacture, import, export, place on the market or use short chained chlorinated paraffins. This prohibition also applies to preparations and solid processed articles containing more than 0.1 per cent by mass of short chained chlorinated paraffins. For the purpose of these regulations, the term short chained chlorinated paraffins means alkanes with 10-13 carbon atoms in the chain and containing at least 48 per cent by mass of chlorine.

For use in conveyor belts in the mining industry and as a plasticizer in sealants in dams, the prohibition applies from 1 January 2005.

§ 2-18 Nonylphenol, octylphenol and their ethoxylates

It is prohibited to manufacture, import, export, place on the market or use nonylphenol, octylphenol and their ethoxylates, and preparations containing these substances.

This prohibition does not apply to paints and varnishes, lubricating oils and solid processed articles. Moreover, the prohibition does not apply if the use of substances and preparations such as are mentioned in the first paragraph is regulated by other legislation.

§ 2-19 Acrylamide and methylol acrylamide

It is prohibited to use substances and preparations containing acrylamide (CAS no. 79-06-1) or methylol acrylamide (CAS no. 924-42-5) for sealing water leakages in connection with construction work.

This prohibition does not apply to polyacrylamide products containing less than 1 per cent by mass of acrylamide or methylol acrylamide or less than 1 per cent by mass of the two substances together.

§ 2-20 Prohibition against certain substances and preparations

It is prohibited to manufacture, import, export, place on the market or use substances and preparations containing:

<i>Name</i>	<i>CAS no.</i>
a) DDT	50-29-3
b) aldrin	309-00-2
c) chlordane	57-74-9
d) chlordecone	143-50-0

e) dieldrin	60-57-1
f) endrin	72-20-8
g) heptachlor	76-44-8
h) mirex	2385-85-5
i) toxaphene	8001-35-2
j) hexachlorobenzene	118-74-1
k) hexabromobiphenyl	36355-01-8
l) lindane (HCH) including mixtures of isomers	58-89-9 and 608-73-1

The prohibition also applies to research concerned with the use of such substances and preparations.

Chapter 3. Restricted product groups

§ 3-1 *Products containing PCBs or replacements for PCBs*

It is prohibited to import, export, place on the market, use or re-use solid processed articles containing PCBs or the replacements for PCBs that are governed by section 2-2. It is also prohibited to use the following products containing PCBs:

- a) transformers,
- b) power capacitors that may contain more than 1 kg of PCBs or material containing PCBs,
- c) ballasts in indoor fluorescent light fixtures manufactured between 1965 and 1979 inclusive and in indoor and outdoor vapour lamp fixtures manufactured between 1960 and 1979 inclusive, unless it can be documented that they are nevertheless free of PCBs. This prohibition applies from 1 January 2005.
- d) electricity lead-ins that convey electricity in and out of transformers or through walls of power stations and similar installations. This prohibition applies from 1 January 2010.

Any person that is in possession of products containing PCBs shall by means of labelling, signs or other measures give clear information that the product contains PCBs. Labels and signs shall be indelible, and shall be printed in black on an orange- yellow background.

The labelling requirement does not apply to ballasts in light fixtures, other electrical and electronic consumer equipment or building materials.

Measures shall be taken to protect products containing PCBs against leakage.

§ 3-2 *Aerosol generators/Spray cans*

- a) It is prohibited to manufacture, import, export or place on the market aerosol generators for entertainment and decorative purposes if they contain substances that appear in the List of Dangerous Substances or other substances that meet the criteria for flammability set out in the Regulations relating to the classification, labelling, etc. of dangerous chemicals, see Appendix VI and I to the Regulations.

Aerosol generators to which the first paragraph applies may nevertheless be manufactured, imported, exported and marketed for professional use. In addition to any mandatory labelling to indicate health, environmental, fire and explosion hazards, the packaging for such aerosol

generators shall be legibly and indelibly marked as follows: “Bare til yrkesmessig bruk” (For professional users only).

The provisions of this section do not apply to aerosol generators to which section 11 of the Regulations of 1 March 1996 No. 229 relating to aerosol generators applies.

§ 3-3 *Ornamental objects, tricks, jokes, lamp oil, oil lamps, etc.*

It is prohibited to use liquid substances and preparations for which classification is mandatory pursuant to the Regulations relating to the classification and labelling of dangerous chemicals

- a) in ornamental objects, intended to produce light or colour effects by means of different phases, for example in ornamental lamps and ashtrays
- b) in tricks, jokes and games.

It is prohibited to manufacture, import, export or place on the market substances and preparations that can be used as fuel in oil lamps if the said substances or preparations

- a) present an aspiration hazard and shall therefore be labelled with the risk phrase R65 pursuant to the Regulations relating to the classification and labelling of dangerous chemicals, and
- b) are placed on the market in packaging of a capacity of 15 litres or less, and
- c) contain a colouring agent or perfume.

This prohibition does not apply if the colouring agent is used as labelling for fiscal reasons.

The packaging for substances or preparations that shall be labelled with the risk phrase R65, cf. the second paragraph, litra a), but that are marketed without a colouring agent or perfume or in packaging of a capacity exceeding 15 litres, shall in addition to any mandatory labelling to indicate health, environmental, fire and explosion hazards, be legibly and indelibly marked as follows: “Oljelamper som inneholder denne væsken skal oppbevares utilgjengelig for barn” (Keep lamps filled with this liquid out of the reach of children).

It is prohibited to manufacture or place on the market oil lamps with an open flame designed for petroleum distillate fuel with a loose wick holder, a wick that is not permanently attached or with a separate filling hole without a fixed lid.

§ 3-4 *Textile and leather articles*

It is prohibited to manufacture, import, export or place on the market textile articles, such as garments, undergarments and linen, intended to come into contact with the skin, that contain the following substances:

<i>Name</i>	<i>CAS no.</i>
a) tris(2,3-dibrompropyl) phosphate	126-72-7
b) tris-(1-aziridiny)-phosphin oxide	5455-55-1
c) polybromobiphenyls (PBB)	59536-65-1

It is prohibited to manufacture, import, export or place on the market textile and leather articles that may come into direct and prolonged contact with the human skin or oral cavity and which contain azo colorants that can be broken down into any of the aromatic amines (aryl amines) listed below in detectable quantities (i.e. above 30 ppm):

4-chloroaniline

<i>Name</i>	<i>CAS no.</i>

1)	4-aminobiphenyl	92-67-1
2)	benzidine (4,4'-diaminobiphenyl)	92-87-5
3)	4-chloro-o-toluidine	95-69-2
4)	2-naphthylamine	91-59-8
5)	4-o-tolylazo-o-toluidine, (4-amino-2',3'-dimethylazobenzene, o-aminoazotoluene)	97-56-3
6)	2-amino-4-nitrotoluene	99-55-8
7)	4-chloroaniline	106-47-8
8)	2,4-diaminoanisole (4-methoxy-m-phenylene-diamine)	615-05-4
9)	4,4'-diaminodiphenylmethane (4,4'-methylenedianiline)	101-77-9
10)	3,3'-dichlorobenzidine	91-94-1
11)	3,3'-dimethoxybenzidine, (o-dianisidine)	119-90-4
12)	4,4'-bi-o-toluidine (3,3'-dimethylbenzidine)	119-93-7
13)	4,4'-methylenedi-o-toluidine, (4,4'-methylenebis, 2-methylaniline)	838-88-0
14)	p-cresidine (6-methoxymethylaniline)	120-71-8
15)	2,2-dichloro-4,4'-methylenedianiline (4,4'-methylenebis, 2-chloroaniline)	101-14-4
16)	4,4'-oxydianiline (4,4'-diaminodiphenyl ether)	101-80-4
17)	4,4'-thiodianiline	139-65-1
18)	o-toluidine	95-53-4
19)	4-methyl-m-phenylenediamine (2,4-diaminotoluene)	95-80-7
20)	2,4,5-trimethylaniline	137-17-7
21)	2-methoxyaniline	90-04-0
22)	4-amino azobenzene	60-09-3

For analysis of arylamines, the method referred to in German regulation¹ of azo colorants in textiles or equivalent methods shall be used until a completed standard is available. Until 1 January 2005, this prohibition does not apply to textile articles that are made of recycled fibres, if the arylamines are released by residues deriving from previous dyeing of the same fibres and if they are released in concentrations below 70 ppm.

It is prohibited to manufacture, import, export or place on the market textile and leather articles containing pentachlorophenol or its salts or esters in concentrations greater than 5 ppm. For analysis of pentachlorophenol, the US EPA 8270 method or equivalent methods shall be used.

It is prohibited to manufacture, import, export or place on the market textiles with a content of free and partly hydrolysed formaldehyde (cf. analytical method NS-EN ISO 14184-1) exceeding the limit values set out below:

¹ Published in the journal *Amtliche sammlung von Analysenmethoden nach § 35 des Lebensmittel- und Bedarfsgegenstandesgesetzes*, Methode B-82.02, Blatt 2 und 4. ISBN 3-410-11220-0. The loose-leaf edition can be ordered from Beuth Verlag, Burggrafenstr. 6, D-10787 Berlin.

- a) textiles intended for children under 2 years old: 30 mg/kg textile.
- b) textiles that normally come into direct contact with skin: 100 mg/kg textile.
- c) textiles that do not normally come into direct contact with skin: 300 mg/kg textile.

For textile articles labelled with instructions to consumers recommending that they should be washed before use, the above-mentioned limit values apply after the textiles have been washed in accordance with the instructions. For analysis of formaldehyde, the ISO standardized method NS-EN ISO 14184-1 or equivalent methods shall be used.

§ 3-5 *Body jewellery, jewellery, spectacles, buttons, etc. containing nickel*

It is prohibited to manufacture, import, export, place on the market or use for occupational purposes the following products containing nickel (CAS no. 7440-02-0, EC no. 231-111-4) or nickel compounds:

- a) post assemblies which are inserted into pierced ears and other pierced parts of the human body during epithelization of the wound caused by piercing, whether subsequently removed or not. This prohibition does not apply if such post assemblies are homogeneous and the concentration of nickel - expressed as mass of nickel to total mass - is less than 0.05 per cent.
- b) products intended to come into direct and prolonged contact with the skin, if the rate of nickel release from the parts of these products coming into direct and prolonged contact with the skin is greater than $0.5 \mu\text{g}/\text{cm}^2/\text{week}$.

This applies for example to:

- earrings, and similar body jewellery,
- necklaces, bracelets and chains, anklets and finger rings,
- wrist-watch cases, watch straps and tighteners,
- rivet buttons, tighteners, rivets, zippers and metal marks, when these are used in garments,
- spectacle frames and cords or chains.

The prohibition of the first paragraph does not apply to products that have a non-nickel coating if such coating is sufficient to ensure that the rate of nickel release from those parts of the product coming into direct and prolonged contact with the skin will not exceed $0.5 \mu\text{g}/\text{cm}^2/\text{week}$ for a period of at least two years of normal use of the product.

For analysis of nickel in products such as are mentioned in the first paragraph, litra a, the method NS-EN 1810 shall be used. For analysis of products such as are mentioned in the first paragraph, litra b, the method NS-EN 1811 shall be used. For analysis of the release of nickel from products such as are mentioned in the second paragraph, the method NS-EN 12427 shall be used

§ 3-6 *Wood impregnated with arsenic or chromium*

It is prohibited to import, export, place on the market, take into use or re-use wood or wood products that have been impregnated with compounds of chromium or arsenic. This prohibition does not apply to wood that is to be used for wood treatment in industrial installations where safety reasons make good protection against rotting necessary.

The importer or manufacturer shall ensure that all wood impregnated with chromium or arsenic is dried so that its moisture content is below 30 per cent before it is delivered to distributors or users.

Wood impregnated with copper, chromium or arsenic solutions shall be labelled with information on which metals it contains.

§ 3-7 *Wood impregnated with creosote*

It is prohibited to import, export, place on the market, use or re-use wood that has been impregnated with substances and preparations such as are mentioned in section 2-14.

This prohibition does not apply to wood that has been impregnated pursuant to section 2-14, and that is to be used in industrial installations by professionals covered by the provisions of the EEA Agreement on the protection of workers, for example on railways, in electric power transmission and telecommunications, for fencing, for agricultural purposes (e.g. stakes for tree support) and in harbours and fairways. See nevertheless the fourth paragraph.

Moreover, this prohibition does not apply to marketing on the second-hand market and re-use of wood that was impregnated with creosote before 1 January 2003. See nevertheless the fourth paragraph. Wood that was impregnated with creosote after 1 January 2003 may not be placed on the market or re-used, cf. the first paragraph.

Wood impregnated with creosote may nevertheless not be used

- a) inside buildings,
- b) in toys,
- c) in playgrounds,
- d) in parks, gardens and recreational and leisure facilities where there is a risk of frequent skin contact,
- e) in the manufacture of outdoor furniture such as garden tables, chairs, benches, etc..
- f) in the manufacture, use and any re-treatment of:
 - containers intended for growing purposes,
 - packaging that may come into contact with raw materials, intermediate products or finished products intended for human or animal consumption,
 - other materials that may contaminate such products.

Wood impregnated with creosote may be imported, exported, placed on the market or used until 1 July 2003 in accordance with the provisions that are repealed by these regulations.

§ 3-8 *Detergents – biodegradability*

Detergents that are manufactured, imported or placed on the market for use in Norway shall have an average level of biodegradability greater than 90 per cent for the surfactants contained in the product. This requirement applies to each of the following categories of surfactants: cationic, anionic, non-ionic and ampholytic.

The use of surfactants with an average level of biodegradability exceeding 90 per cent must not be hazardous to human or animal health under normal conditions of use.

The biodegradability of surfactants shall be tested by one of the following analytical methods:

- a) the OECD method, published in the OECD technical report of 11 June 1976 on the “Proposed Method for the Determination of the Biodegradability of Surfactants used in Synthetic Detergents”.
- b) the method in use in Germany, established by the “Verordnung über die Abbaubarkeit anionischer und nichtionischer grenzflächenaktiver Stoffe in Wasch- und Reinigungsmitteln” of 30 January 1977 with subsequent amendments of 18 June 1980.

- c) the method in use in France, approved by Decree of 28 December 1977, and experimental standard T 73-260 of June 1981, published by the Association française de normalisation (AFNOR).
- d) the method in use in the United Kingdom called the “Porous Pot Test” and described in Technical Report No 70 (1978) of the Water Research Centre.

To determine whether or not a surfactant complies with these regulations, the reference methods (confirmatory test procedures) described in Directives 82/242/EEC and 82/243/EEC are to be used.

§ 3-9 *Detergents – content of phosphorus*

It is prohibited to manufacture, import or place on the market for use in Norway detergents containing a higher percentage of phosphorus by mass than:

- a) textile detergents 0.2 %
- b) detergents for dishwashers 3.8 %
- c) liquid cleaning agents and dish-washing liquids 0.2 %
- d) cleaning agents in powder form 2.5 %
- e) special products for dairies and the foodstuff industry 10.0 %
- f) special products for milk production and other industries 2.5 %.

§ 3-10 *Detergents – labelling*

Detergent packaging shall in addition to any mandatory labelling to indicate health, environmental, fire and explosion hazards be legibly and indelibly marked as follows:

- a) “MED FOSFAT” (CONTAINS PHOSPHATE) if the content of phosphate or other phosphorus compound in the product corresponds to a higher percentage of phosphorus by mass than 0.2 per cent.
- b) “UTEN FOSFAT” (PHOSPHATE-FREE) if the content of phosphate or other phosphorus compound in the product corresponds to a lower percentage of phosphorus by mass than 0.2 per cent.

§ 3-11 *Heavy metals in packaging*

It is prohibited to manufacture, import, export or place on the market packaging in which the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium exceeds 100 mg/kg. This prohibition does not apply to packaging entirely made of lead crystal glass as defined in the tariff schedule no. 70.13.

For the purpose of these regulations, packaging means all products for the containment, protection and delivery of goods from the manufacturer to the user or consumer. Non-returnable items used for the same purposes are also considered to constitute packaging.

The prohibition of the first paragraph does not apply to road, rail, ship and air containers.

Chapter 4. Final provisions

§ 4-1 *Exemptions*

The Norwegian Pollution Control Authority or the instance prescribed by the Ministry of the Environment may in special cases by regulations or individual decision grant exemptions from these regulations and lay down any conditions necessary to prevent damage or nuisance. Exemptions may only be granted within the framework of Norway’s obligations under international law.

§ 4-2 Control

The Norwegian Pollution Control Authority or the instance prescribed by the Ministry of the Environment will be responsible for ensuring compliance with these regulations.

§ 4-3 Appeals

Individual decisions made by the Norwegian Pollution Control Authority pursuant to these regulations may be appealed to the Ministry of the Environment.

§ 4-4 Coercive fines

In order to ensure compliance with the provisions of these regulations or decisions made pursuant thereto, the Norwegian Pollution Control Authority or the instance prescribed by the Ministry of the Environment may impose coercive fines in accordance with the provisions of section 13 of the Product Control Act.

§ 4-5 Penal measures

Any contravention of these regulations or of decisions made pursuant thereto is subject to a penalty in accordance with section 12 of the Product Control Act.

§ 4-6 Entry into force and repeal of regulations currently in force

These regulations enter into force on 1 January 2003.

From the same date, the following regulations are repealed:

- a) Regulations of 18 April 1985 No. 864 relating to the composition of detergents and the labelling of detergent packaging
- b) Regulations of 6 April 1987 No. 358 relating to prohibition of the manufacture, placing on the market and marketing of oil lamps with loose wick holders
- c) Regulations of 21 December 1993 No. 1215 relating to restrictions on the import, export, production, sale and use of certain dangerous substances and products
- d) Regulations of 21 December 1993 No. 1216 relating to prohibition of the production, import, export, sale and use of anti-fouling preparations containing organotin compounds
- e) Regulations of 7 August 1997 No. 918 relating to heavy metals in packaging
- f) Regulations of 26 March 1998 No. 306 relating to a prohibition against thermometers containing mercury
- g) Regulations of 8 April 1999 No. 517 governing the use of certain chemicals in textiles
- h) Regulations of 9 April 1999 No. 519 relating to a prohibition against the use of hexachloroethane in the manufacture and processing of non-ferrous metals
- i) Regulations of 23 December 1999 No. 1494 relating to a prohibition against the use of acrylamide-based grouting agents for sealing water leakages in connection with construction work
- j) Regulations of 17 April 2000 No. 413 relating to polychlorinated biphenyls (PCBs)
- k) Regulations of 13 December 2000 No. 1544 relating to short chained chlorinated paraffins
- l) Regulations of 10 September 2001 No. 1102 relating to a prohibition on the use of wood impregnated with CCA preservatives
- m) Regulations of 8 October 2001 No. 1180 relating to nonylphenol and octylphenol and their ethoxylates
- n) Regulations of 20 December 2001 No. 1589 relating to lead shot.