

18 January 2008

Norwegian Government moves forward with unilateral ban on Deca-BDE despite the EU and WTO opposition

On 17 January, the Norwegian Government has announced a unilateral ban of the brominated flame retardant Deca-BDE, to take effect on 1 April 2008. The ban would cover use of Deca-BDE in all applications, with some exceptions in the transport sector which in itself call into question the environmental and health justification for such ban.

This unilateral action was taken despite EU chemicals legislation which, through the European Economic Area Agreement, is fully applicable in Norway, namely:

- an EU risk assessment, completed in 2004, which concluded no need for restrictions on the use of Deca-BDE, and which does not identify a significant risk to health and environment
- an exemption for Deca-BDE from the EU RoHS Directive regulating substances used in electrical and electronic equipment
- the principles of the REACH legislation, which bases decisions on sound scientific data.

This ban follows the 2005 notification by the Norwegian Government of its intention to restrict Deca-BDE. This has been opposed by the European Commission, the WTO and Norwegian and European industry, who all requested Norway to follow EU procedures and decisions rather than taking a unilateral national measure.

In December 2007, during a meeting of EU Competent Authorities, an updated risk assessment taking into account recent science on Deca-BDE, confirmed the conclusions of the 2004 Risk Assessment. The Norwegian Government participated in this meeting, but has apparently decided to ignore its scientific outcome.

“Industry objects to this dismissal of EU science and calls on the European Commission, EFTA and the WTO to take urgent action to ensure that Norwegian law respects EU and international legal obligations” said Veronique Steukers, chair of the European Brominated Flame Retardant Industry Panel (EBFRIP). “Deca-BDE is one of the most tested chemicals on the market and it has been found safe for continued use by an EU risk assessment.”

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