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Judgment in Case E-6/01

CIBA Speciality Chemicals Water Treatment Ltd and Others

v

The Norwegian State

Rules of procedure – Admissibility – Jurisdiction of the Court – Competence of the EEA Joint Committee

In a judgment (advisory opinion) delivered today, the EFTA Court found that the EEA Joint Committee was competent to adopt the Joint Statement of 26 March 1999, authorising certain derogations for Norway in respect of the relevant Community rules concerning classification and labelling of dangerous substances.

The judgment (advisory opinion) was given in response to a request made by Oslo byrett in a case pending before it between CIBA Speciality Chemicals Water Treatment and Others, and the Norwegian State. The dispute before that court concerns the interpretation of Council Directives on classification, packaging and labelling of dangerous substances and preparations, as amended by the Joint Statements adopted on 22 June 1995 and 26 March 1999, providing for certain derogations for Norway.

The EFTA Court has in a judgment (advisory opinion) from 14 July 2000 (Case E-2/00, *Allied Colloids*) concluded that on the basis of the Joint Statement of 1995, Norway had not been given the power to require polyacrylamide to be labelled as carcinogenic when it contains the residual acrylamide in a concentration of less than 0.1% by total volume. However, the Court concluded that the 1999 Joint Statement did give Norway this power.

The question referred to the EFTA Court in the present case concerns the issue as to whether the EEA Joint Committee was, after the adoption of the Joint Statement of 22 June 1995, competent to decide that Norway may adopt derogations from existing Community acquis, such as the derogations contained in the 1999 Joint Statement of the EEA Committee as interpreted by the EFTA Court in *Allied Colloids*.

With a reference to the review clause in Annex II, Chapter XV and to the provisions in the EEA Agreement concerning the competence of the EEA Joint Committee, the Court concluded that the Committee was competent to adopt the 1999 Joint Statement.

The full text of the judgment (advisory opinion) may be found on the Internet at www.efta.int.

The EFTA Court is composed of the Judges Thór Vilhjálmsson (President), Carl Baudenbacher and Per Tresselt.

This press release is not an official document. Please note that the Court may not comment on the case.