

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Member to Agreement notifying: <u>THE NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible: Ministry of Housing, Spatial Planning and the Environment Agency or authority designated to handle comments regarding the notification shall be indicated if different from above: National Enquiry Point
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Timber treated (preserved) with creosote
5. Title, number of pages and language(s) of the notified document: Regulation Laying down Rules on Creosoted Timber (Regulation on Creosoted Timber under the Act on Substances Harmful to the Environment) (Dutch Designation: Wms)
6. Description of content: The Regulation aims to ban the import of, trade in and use of creosoted timber for applications in which such timber may come into contact with surface water, ground water or the ground. The import of, trade in and use of creosoted timber will only remain permitted for the following applications: (a) Use outdoors not in direct contact with the ground or water; (b) use in the agricultural sector, provided it is not included for being processed in spaces for keeping cattle and poultry and in establishments for storing foods and feeds and with the exception of timber in direct contact with the ground or water; (c) use as railway sleepers. The Regulation supplements the decision taken by the Pesticides Permission Board (Dutch designation: CTB) on the basis of the Pesticides Act 1962. However, the scope of the Pesticides Act 1962 is limited to the placing of pesticides on the market and use in the Netherlands. The Pesticides does not provide for the import of products which have been treated with pesticides (in this case the import of creosoted timber). Additional legislation is required for this.
7. Objective and rationale, including the nature of urgent problems where applicable: The requirements are given to ban the import of creosoted timber in the Netherlands, in case the timber is intended for use in hydraulic engineering and in direct contact with groundwater or soil and used with this purpose. Indeed, on the basis of risk assessments, the CTB has concluded that as a result of using creosoted timber in these applications, the

effects on the environment are unacceptable. The CTB decision is based on Directive no. 98/8/EG. The Regulations stops the pollution of surface and ground water and (water) soil in the Netherlands from creosoted timber.	
8. Relevant documents:	
(a)	Act dangerous substances to the environment (Article 24)
(b)	Act dangerous substances to the environment (Article 31)
(c)	See the notification by the CTB of its decision on 9 June 1999 in accordance with Article 18 of the Biocides Directive (Directive No. 98/8/EC).
9. Proposed date of adoption:	} 1 January 2000
Proposed date of entry into force:	
10. Final date for comments:	28 December 1999
11. Texts available from:	National enquiry point [X] or address, e-mail and telefax number of the other body: