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ANNEX

The following categories of products referred to in Article 2 (2) are the subject of special arrangements in the Member States (as of 4 June 1974):

— *Belgium:*

Toxic substances and preparations

1. listed in the *arrêté du Régent* of 6 February 1946 (with amendments) regulating the preservation and supply of poisonous and toxic substances (in implementation of the law of 24 February 1921);
2. classified in categories 1 and 2 of the *arrêté royal* of 31 May 1958 regulating the preservation, trade in and use of pesticides and phytopharmaceutical products.

— *Denmark:*

1. (a) Venomous or toxic substances and harmful products referred to in the Annex to the Law No 119 of 3 May 1961 and referred to in the Decree (*bekendtgørelse*) No 305 of 9 October 1961 (made in execution of the latter) which establish the rules for the manufacture, receipt, storage and dispensing of these poisons and products;
- (b) Venomous or toxic substances and harmful products set out in Decree (*bekendtgørelse*) No 304 of 9 October 1961 establishing rules on the use of these poisons and products.
2. Products (phytopharmaceuticals, weed-killers, pesticides, plantgrowth regulators) set out in Law No 118 of 3 May 1961 and referred to in the Decrees (*bekendtgørelser*) made in application of that Law which provide that these products may not be marketed or used by the trade unless it is approved and classified by the Poisons Board (*giftnevnet*) and which also lay down detailed rules on the receipt, storage, packaging, labelling etc, of these products.
3. Products (phytopharmaceuticals, weedkillers, pesticides, plantgrowth regulators) referred to in the Decree (*bekendtgørelse*) of 25 September 1961 which provides that the authorization to use the products marked with an X usually conditional upon the user having taken a course in toxicology organized by the Poisons Board (*giftuævnet*).

— *Germany:*

Toxic substances and preparations classified in categories 1, 2 and 3 of the laws and regulations of Länder concerning the trade in and distribution of phythosanitary toxic products and products having toxic effects on plant health, and in paragraph 34 subparagraph 5 of the Commercial Code (*Gewerbeordnung*), version of 15 February 1963.

— *France:*

1. Poisonous substances listed in Tables A (toxic products) and C (dangerous products) of Section I of Décret 56—1197 of 26 November 1956 (*Code de la Santé publique*, Book V, Part 2, Title III, Chapter 1, Sections I and II, Articles R 5149 to 5168).

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2. Noxious products for use in industry specified in the *Code du travail*, Book II, Title II, Articles 67, 2, 78, 79 and 80 and in the regulations and decrees issued pursuant to the implementation of these provisions.
3. Harmful products specified in the list of dangerous, unhealthy and unsuitable premises established in pursuance of Articles 5 and 7 of the Law of 19 December 1917.
4. Antiparasitic products for use in agriculture (Law of 2 November 1943 as amended by the Law of 30 July 1963; arrêté of 6 September 1954 on the approval of branded antiparasitic products for use in agriculture, supplemented by the arrêté of 6 February 1962).

— *Ireland:*

Poisons which are for the time being listed in Regulations under the Poisons Act, 1961, and the sale of which is prohibited except by certain authorized persons.

— *Italy:*

1. Toxic gases (Article 58 — single text of the Laws on Public Safety approved by the royal decree No 773 of 18 June 1931; royal decree No 147 of 9 January 1927; tables of toxic gases annexed to the Ministerial decree of 6 February 1935 and subsequent amendments thereof).
2. Poisonous substances for use in industry (Article 147 — single text of the Health Laws approved by the royal decree No 1265 of 27 July 1934).
3. Medico-surgical products (bactericides, germicides, and disinfectants) (royal decree No 3112 of 6 December 1928 and implementing regulation of the Law No 1070 of 23 June 1927, approved by the royal decree No 3112 of 6 December 1928) and medical products (phytopharmaceuticals and products intended for use as food preservatives) (Article 6 of the Law No 283 of 30 April 1962, amended by Article 4 of the Law No 441 of 26 February 1963, and regulations governing the production, trade in and sale of phytopharmaceuticals and products intended for use as food preservatives, approved by the decree of the President of the Republic No 1095 of 3 August 1968).
4. Ceruse (Law No 706 of 19 July 1961).
5. Benzol (Law No 245 of 5 March 1963).
6. Cosmetic products and dyes containing poisonous substances (Article 7 of the royal decree No 1938 of 30 October 1924).

— *Luxembourg:*

1. Trade in and distribution of certain products (Law of 25 September 1953 — Memorial No 62 of 10 October 1953).
2. Trade in and use of phytopharmaceutical products (pesticides for use in agriculture, plant growth regulators, preservatives, herbicides, micro-organisms and viruses as antiparasitic agents ...) (Law of 20 February 1968, Memorial No 9 of 12 March 1968 — Grand-Ducal regulation of 29 May 1970, Memorial No 33 of 15 June 1970).

— *Netherlands:*

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Toxic substances and preparations, Law (*Bestrijdingsmiddelenwet* of 1962).

— *United Kingdom:*

1. Poisons which for the time being are listed in the Poisons List Order and are subject to the Pharmacy and Poisons Act 1933 and to the Poisons Rules, or poisons in the Poisons Schedule which are subject to the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967 and to the Poisons Regulations (Northern Ireland).
2. Substances covered by the Farm and Garden Chemicals Act 1967 and Regulations.
3. Substances covered by the Agriculture (Poisonous Substances) Act 1952 and Regulations.

— ^{F1}^{F2}*Austria:*

Substances and preparations which are classified as ‘strongly toxic’ or ‘toxic’ under the Law on Chemical Substances (*Chemikaliengesetz* BGBl. Nr. 326/1987), and regulations based thereon (§ 217 (1), *Gewerbeordnung* BGBl. Nr. 194/1994).

— *Finland:*

1. Chemicals covered by the Chemicals Act (744/89) and regulations;
2. Biological pesticides covered by the Pesticides Act (327/69) and regulations.

— *Sweden:*

1. Extremely dangerous and very dangerous chemical products referred to in the Regulation on Chemical Products (1985:835).
2. Certain drug precursors referred to in the Instructions on Permits to Produce, Trade and Distribute Venomous and Very Hazardous Chemical Products (KIFS 1986:5, KIFS 1990:9).
3. Pesticides, class 1, referred to in Regulation 1985:836.
4. Waste which is hazardous to the environment referred to in Regulation 1985:841.
5. PCBs and chemical products containing PCBs referred to in Regulation 1985:837.
6. Substances listed under group B in the Public Notice on Instructions Concerning Sanitary Limit Values (AFS 1990:13).
7. Asbestos and materials containing asbestos referred to in Public Notice AFS 1986:2.]]

— ^{F3}*Czech Republic:*

1. Toxic substances and preparations covered by Act No 157/1998 Sb. on Chemical substances and Chemical preparations, as amended, and Government Regulation No 25/1999 Sb. setting up a procedure for assessing the danger of chemical substances and chemical preparations, the method for their classification and labelling and the issue of the List of hitherto classified dangerous chemical substances, as amended.

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2. Biological pesticides for use in agriculture covered by Act No 147/1996 Sb. on Phytosanitary care, as amended and implemented by Decree of the Ministry of Agriculture No 91/2002 Sb.

— *Estonia:*

1. Products subject to special arrangements covered by the Chemicals Act of 6 May 1998 and the secondary legislation based on the Act. The list of dangerous products compiled in accordance with section 11 of the Chemicals Act is established by the Minister of Social Affairs in Regulation No 59 of 30 November 1998.
2. Registered Plant Protection products covered by the Plant Protection Act of 15 March 2000 and the secondary legislation based on it. The list of prohibited active substances in plant protection products is established by Government Regulation No 285 of 30 August 2000.

— *Cyprus:*

1. Toxic products covered by the Dangerous Substances Law of 1991 (199/1991), the Dangerous Substances (Amendment) Law N.27(I)/1997, the Dangerous Substances (Amendment) Law N.81(I)/2002 and the Dangerous Substances (Classification, Labelling and Packaging of Dangerous Substances and Preparations) Regulations of 2002 (P.I. 292/2002).
2. Pesticides covered by the Pest Control Products Law of 1993 ((I)/1993) and the Pest Control Products Regulations of 1993 and 2000.

— *Latvia:*

1. Chemicals covered by the Law on Chemical Substances and Chemical Products of 1 April 1998 and regulations based thereon.
2. Plant protection products (including biological pesticides for use in agriculture) covered by the Plant Protection Law of 17 December 1998.

— *Lithuania:*

Poisonous substances listed in the Order of the Minister of Health No 195 of 26 April 2002 on Adoption of the List of Poisonous Substances according to their Toxicity including chemical substances to be labelled with the hazard symbols T (toxic) or T+ (very toxic) according to the requirements of Council Directive 67/548/EEC.

— *Hungary:*

1. The following substances:
 - phosphine and products that can liberate phosphine,
 - ethylene-oxide,
 - carbon-disulphide,
 - hydrogen cyanide and soluble salts of hydrogen-cyanide,
 - hydrogen fluoride and soluble salts of hydrogen fluoride,
 - acrylonitrile,
 - liquid ammonia,
 - chloropicrin,
 - carbon-tetrachloride,
 - trichloroacetonitrile.

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2. Rodenticide, insecticide, repellent and attractant (biocides = non-agricultural pesticides) products regulated by Decree No 3/1969 (V.16.) EüM of the Minister of Health, in circulation and in use for public health purposes.

— *Malta:*

1. Biocidal agents and plant protection products under the Att dwar il-Kontroll tal-Pesticidji (Kap. 430) (Att XI tal-2001) (Pesticides Control Act (Cap. 430) (Act XI of 2001)) and subsidiary legislation enacted under that Act.
2. Drug precursors listed in the Ordinanza dwar il-Medicini Perikolużi (Kap. 101) (Ordinanza XXXI tal-1939, kif sussegwentement emendata) (Dangerous Drugs Ordinance (Cap. 101) (Ordinance XXXI of 1939), as subsequently amended)).
3. Substances listed in the Ordni dwar Sustanzi Velenużi (Notifikazzjoni tal-Gvern 510 tal-1967) (Poisonous Substances Order - Government Notice 510 of 1967) issued under the Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha (Kap. 31) (Ordinanza XVII tal-1901, kif sussegwentement emendata) - (Medical and Kindred Professions Ordinance (Cap. 31) (Ordinance XVII of 1901), as subsequently amended).

— *Poland:*

1. Plant protection products covered by the Act of 12 July 1995 on the Protection of Cultivated Plants (Dz.U. 1999, Nr 66, poz. 751 with amendments).
2. Wastes covered by the Act of 27 April 2001 on Wastes (Dz.U. 2001, Nr 62, poz. 628 with amendments).

— *Slovenia:*

1. Substances and preparations covered by 'Seznam registriranih fitofarmaceutvskih sredstev v Republiki Sloveniji' (Uradni list RS, št. 31/01, str. 3393, št. 70/01, str. in št. 94/01, str. 9193) issued periodically by the Minister for Agriculture, Forestry and Food pursuant to Article 28 of the Plant protection products Act (Zakon o fitofarmaceutvskih sredstvih, Uradni list št. 11/01, str. 1163).
2. Substances and preparations classified as dangerous chemicals under the Chemicals Act (Zakon o kemikalijah, Uradni list RS, št. 36/1999, str. 4165).

— *Slovakia:*

1. Chemical substances and preparations of which the trade and distribution is regulated by Act No.163/2001 Z.z. on Chemical Substances and Preparations.
2. Plant protection products, including biological plant protection products, of which the placing on the market is regulated by Act No. 471/2001 Z. z. amending Act No 285/1995 Z. z. on Plant Health Care, in particular in Articles 15 and 19 thereof, as well as by Article 14 of Decree by the Ministry of Agriculture of the Slovak Republic of 21 January 2001 No.3322/3/2001-100 laying down details concerning plant protection products.]

— *[^{F4}Bulgaria:*

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1. Substances and preparations covered by the Law on Protection against Harmful Impact of Chemical Substances and Preparations (SG 10/2000), as amended, and the secondary legislation adopted under this Law, as amended, setting up procedures for assessing the danger of chemical substances and chemical preparations, the method for their classification and labelling, and the issue of the Safety Data Sheet for Chemical Substances and Preparations classified as dangerous.
2. Toxic chemical substances and their precursors as covered by the Law on Prohibition of Chemical Weapons and Control over Toxic Chemical Substances and their Precursors (SG 8/2000), as amended.
3. Plant protection products approved in accordance with the Law on Plant Protection (SG 91/1997), as amended, and the secondary legislation adopted under this Law, as amended.

— *Romania:*

1. Plant protection products, including biological pesticides, of which the trade and distribution is regulated by Government Ordinance No. 4/1995 on the manufacture, trade and use of plant protection products to control diseases, pests and weeds in agriculture and forestry, as amended.
2. Dangerous substances and preparations covered by Government Emergency Ordinance No. 200/2000 on the classification, labelling and packaging of dangerous substances and preparations, approved by Law No. 451/2001, as well as by Government Decision No. 490/2002 for the approval of Methodological Norms for the application of Government Ordinance No. 200/2000, and by Government Decision No. 92/2003 for the approval of the methodological norms on the classification, labelling and packaging of dangerous substances and preparations.]

— *[^{F5}Croatia:*

1. Chemicals/toxic products as regulated by the Chemicals Act (OG 150/05, 53/08, 49/11) and the bylaws adopted on the basis of the said Act;
2. Plant protection products as regulated by the Act on Plant Protection Products (OG 70/05) and the bylaws adopted on the basis of the said Act.]

Textual Amendments

- F1** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F2** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).
- F3** Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded](#).
- F4** Inserted by [Council Directive 2006/101/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of freedom to provide services, by reason of the accession of Bulgaria and Romania](#).

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F5 Inserted by Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia.