

**S.I. No. 454/2012 — Environmental Protection Agency Act (Registration of Coal Bagging Operators and Solid Fuel Suppliers) Regulations 2012.**

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 23rd November, 2012.*

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 6 and 53 of the Environmental Protection Agency Act 1992 (No. 7 of 1992), hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the Environmental Protection Agency Act (Registration of Coal Bagging Operators and Solid Fuel Suppliers) Regulations 2012.

*Definitions*

2. In these regulations:—

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992 ;

“bagging operator” means any person or body who or which carries out the business of bagging coal for residential supply within the State;

“bituminous coal” means coal falling within CN Code 2701 12 placed on the market for residential heating;

“solid fuel supplier” means any person or body which, within the State,-

(a) wholesales or distributes bituminous coal, or

(b) retails 50% or more of their total annual sales proceeds from bituminous coal.

*Registers*

3. (1) The Agency shall establish and maintain registers of each bagging operator and each solid fuel supplier and shall issue a unique registration number to each bagging operator or solid fuel supplier registered.

(2) The Agency may charge a registration fee which shall be no greater than the amount which the Agency estimates it will incur in, or in connection with, establishing and maintaining registers under Regulation 3(1).

(3) The Agency may refuse to register a bagging operator or solid fuel supplier where the Agency is not satisfied that the bagging operator or solid fuel supplier has demonstrated the compliance of their bituminous coal product with the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 ( S.I. No. 326 of 2012 ).

(4) An authorised person may carry out or cause to be carried out inspections of premises of bagging operators and solid fuel suppliers for the purposes of ensuring that the sulphur content of bituminous coal product is not greater than 0.7% by weight as required by the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 ( S.I. No. 326 of 2012 ).

(5) The Agency may revoke a registration where the Agency is not satisfied that a bagging operator or solid fuel supplier is in compliance with the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 ( S.I. No. 326 of 2012 ).

*Revocation*

4. The Environmental Protection Agency Act, 1992 (Registration of Coal Bagging Operators and Fuel Suppliers) Regulations 2011 ( S.I. No. 271 of 2011 ) are revoked.



Given under the Official Seal of the Minister for the Environment, Community and Local Government

15 November 2012.

PHIL HOGAN,

Minister for the Environment, Community and Local Government.

#### EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations set out the functions of the Environmental Protection Agency (EPA) in relation to maintaining registers of coal bagging operators and solid fuel suppliers for the purpose of ensuring compliance with the environmental parameters for bituminous coal set out in the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 ( S.I. No. 326 of 2012 ).

S.I. No. 326 of 2012 requires that bituminous coal placed on the market for residential heating must have a sulphur content no greater than 0.7% by weight.

Bagging operators and solid fuel suppliers must be registered with the EPA. Bagging operators must register each year and solid fuel suppliers must register every two years. In order to register, an applicant must first demonstrate that their bituminous coal product is compliant with the 0.7% maximum sulphur content limit. The EPA may refuse or revoke a registration in cases where the Agency is not satisfied that a bagging operator or solid fuel supplier has demonstrated compliance.