

S.I. No. 371/2008 — European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2008

S.I. No. 371 of 2008

EUROPEAN COMMUNITIES (DANGEROUS SUBSTANCES AND PREPARATIONS) (MARKETING AND USE) (AMENDMENT) REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 23rd September, 2008.

I, MARY COUGHLAN, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 76/769/EEC of 27 July 1976 ¹, as amended by Directive 2007/51/EC of the European Parliament and of the Council of 25 September 2007 ², hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2008.

(2) The Principal Regulations, the Regulations of 2003, the Regulations of 2004, the Regulations of 2006, the Regulations of 2007 and these Regulations may be cited together as the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 to 2008.

2. (1) In these Regulations—

“Principal Regulations” means the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003) as amended by—

(a) the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2003 (S.I. No. 503 of 2003),

(b) the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2004 (S.I. No. 852 of 2004),

(c) the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2006 (S.I. No. 364 of 2006), and

(d) the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2007 (S.I. No. 746 of 2007);

“Regulations of 2003” means the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2003 (S.I. No. 503 of 2003);

“Regulations of 2004” means the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2004 (S.I. No. 852 of 2004);

“Regulations of 2006” means the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2006 (S.I. No. 364 of 2006);

“Regulations of 2007” means the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2007 (S.I. No. 746 of 2007).

(2) A word or expression that is used in these Regulations and is also used in Council Directive 76/769/EEC of 27 July 1976 ¹ or Directive 2007/51/EC of the European Parliament and of the Council of 25 September 2007 ² has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Directive concerned.

3. (1) Schedule 1 to the Principal Regulations is further amended by inserting the provisions set out in the Schedule after reference number 19.

(2) Paragraph (1) comes into operation on 3 April 2009.

SCHEDULE

Regulation 3

“

19a Directive

Mercury CAS No. (1) May not be placed

2007/51/EC of the 7439-97-6
European
Parliament and of
the Council of 25
September 2007

on the market:(a) in
fever thermometers;
(b) in other
measuring devices
intended for sale to
the general public
(e.g. manometers,
barometers,
sphygmomanometers;
thermometers other
than fever
thermometers).(2)
The restriction in
paragraph 1(b) shall
not apply to:(a)
measuring devices
more than 50 years
old on 3 October
2007; or(b)
barometers (except
barometers within
point (a)) until 3
October 2009.

”.



GIVEN under my Official Seal,

16 September 2008

MARY COUGHLAN

Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

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

These Regulations amend Schedule 1 to the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations, 2003 (S.I. No. 220 of

2003), as last previously amended by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) (Amendment) Regulations 2007 (S.I. No. 746 of 2007).

The Regulations transpose Directive 2007/51/EC of the European Parliament and of the Council of 25 September 2007 amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury.

Under the Regulations, from 3 April 2009, mercury may not be placed on the market in fever thermometers or in other measuring devices intended for sale to the general public.

The restriction on other measuring devices intended for sale to the general public does not apply to measuring devices more than 50 years old on 3 October 2007, or to barometers until 3 October 2009. This additional phasing-out period for the placing on the market of mercury barometers is provided for in Directive 2007/51/EC so as to allow manufacturers to adapt their business in line with the restrictions and move over to the production of mercury-free barometers.

In accordance with Directive 2007/51/EC only placing on the market of new measuring devices is restricted by the Regulations. This restriction does not apply to devices that are already in use in the market or sold second hand.

1 OJ No. L 262, 27.9.1976, p. 201.

2 OJ No. L 257, 3.10.2007, p. 13.

1 OJ No. L 262, 27.9.1976, p. 201.

2 OJ No. L 257, 3.10.2007, p. 13.