STATUTORY RULES OF NORTHERN IRELAND

2004 No. 302

EUROPEAN COMMUNITIES
PUBLIC HEALTH

The Marketing and Use of Dangerous Substances (No. 3) Regulations (Northern Ireland) 2004

Made - - - -	*15th July 2004*
Coming into operation	*17th January 2005*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations, in exercise of the powers conferred upon it by that section and of every other power enabling it in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marketing and Use of Dangerous Substances (No. 3) Regulations (Northern Ireland) 2004 and shall come into operation on 17th January 2005.

Interpretation

2.—(1) In these Regulations –

"nonylphenol" means nonylphenol $C_6H_4(OH)C_9H_{19}$; and

"nonylphenol ethoxylate" means nonylphenol ethoxylate $(C_2H_4O)_nC_{15}H_{24}O$.

(2) Expressions used in these Regulations which are also used in Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations(**3**), as last amended by Directive 2003/53/EC of the European Parliament and of the Council amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement)(**4**), shall have the meaning they bear in that Directive.

(**1**) S.I.1992/1711
(**2**) 1972 c. 68
(**3**) O.J. No. L262, 27.9.1976, p. 201
(**4**) O.J. No. L178, 17.7.2003, p. 24

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Scope

3.—(1) These Regulations do not apply to –

(a) the placing on the market or use of dangerous substances or preparations for research and development or analysis purposes;

(b) the carriage of dangerous substances or preparations by rail, road, inland waterway, sea or air;

(c) dangerous substances or preparations exported to a country which is not a Member State of the European Community nor Norway, Iceland or Liechtenstein; and

(d) substances or preparations in transit and subject to customs inspection, provided that they undergo no processing.

(2) These regulations shall not prohibit the placing on the market or use of any pesticides or biocidal products containing nonylphenol ethoxylate as a co-formulant if, and to the extent to which, such placing on the market or use is authorised by a relevant approval.

(3) In paragraph (2), a "relevant approval" means a valid approval granted before 17th July 2003 under –

(a) the Control of Pesticides Regulations (Northern Ireland) 1987(**6**);

(b) the Plant Protection Products Regulations (Northern Ireland) 2004(**7**).

Prohibition on the placing on the market and use of nonylphenol and nonylphenol ethoxylate

4. No person shall place on the market or use nonylphenol or nonylphenol ethoxylate as a substance or constituent of preparations in concentrations equal to or higher than 0.1% by mass for the following purposes –

(a) industrial and institutional cleaning, except –

(i) controlled closed dry cleaning systems where the washing liquid is recycled or incinerated;

(ii) cleaning systems with special treatment where the washing liquid is recycled or incinerated;

(b) domestic cleaning;

(c) textiles and leather processing, except –

(i) processing with no release into waste water;

(ii) systems with special treatment where the process water is pre-treated to remove the organic fraction completely prior to biological waste water treatment (such as degreasing of sheepskin);

(d) emulsifier in agricultural teat dips;

(e) metal working, except uses in controlled closed systems where the washing liquid is recycled or incinerated;

(f) manufacturing of pulp and paper;

(**5**) 1954 c. 33 (N.I.)

(**6**) S.R.1987 No.414 as amended by regulation 21(3) of the Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991 (S.R. 1991 No. 203), the Control of Pesticides (Amendment) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 469), the Biocidal Products Regulations (Northern Ireland) 2001 (S.R. 2001 No. 422)

(**7**) S.R. 2004 No. 126