STATUTORY RULES OF NORTHERN IRELAND

2003 No. 165

EUROPEAN COMMUNITIES
PUBLIC HEALTH

The Marketing and Use of Dangerous Substances (No. 3) Regulations (Northern Ireland) 2003

Made - - - -	*11th March 2003*
Coming into operation	*28th April 2003*

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 on 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) 2003 and shall come into operation on 28th April 2003.

Interpretation

2.—(1) In these Regulations –

"cadmium" means cadmium CAS Number 7440-43-9 and its compounds;

"cadmium plating" has the meaning assigned by point 24.3 of Annex I to the Directive(**3**);

"CAS Number" means a number described in the CAS Registry Handbook, ISSN 0093-058X, published in instalments from 1965 to 1971 with supplements for 1972 to 1976, 1977 to 1981, 1982 to 1986, 1987 to 1991, 1992 to 1996, and single year supplements from 1997 to 2002 by the Chemical Abstracts Service, American Chemical Society, Columbus, Ohio, USA;

(**1**) S.I.1992/1711
(**2**) 1972 c. 68
(**3**) O.J. No. L262, 27.9.76, p. 201; the Annex to that Directive was redesignated as Annex I by Council Directive 83/478/EEC (O.J. No. L263, 24.9.83, p. 33); point 24 was added by Council Directive 91/338/EEC (O.J. No. L186, 12.7.91, p. 59)

"CN code number" means a code number of the combined nomenclature established by Council Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff(**4**);

"the Directive" means Council Directive 76/769/EEC as amended(**5**);

(2) Expressions used in these Regulations and in the Directive have the same meaning in these Regulations as they have in the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Exceptions

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

(a) the carriage of cadmium or preparations containing cadmium, by rail, road, inland waterway, sea or air, or

(b) the export of cadmium or preparations containing cadmium, to a destination in the territory of a state which is not a Member State, or

(c) the holding of cadmium or preparations containing cadmium in transit provided that during that time they undergo no processing and are available for examination by customs officers of the United Kingdom, or

(d) the marketing or use of cadmium or preparations containing cadmium, for research and development or analysis purposes, or

(e) products containing cadmium which are already covered by Community legislation other than the Directive.

(2) Regulations 4 and 5 shall not apply to products coloured with cadmium for safety reasons.

(3) Regulation 6 shall not apply to finished products using cadmium-based stabilisers for safety reasons.

(4) Regulation 7 shall not apply to –

(a) products and components of the products used in the aeronautical, aerospace, mining, offshore and nuclear sectors whose applications require high safety standards and in safety devices in road and agricultural vehicles, rolling stock and vessels, or

(b) electrical contacts in any sector of use, on account of the reliability required of the apparatus on which they are installed.

Restrictions on use of cadmium in pigments and marketing of products coloured with cadmium

4.—(1) A person shall not use cadmium to give colour to finished products manufactured from any of the following substances and preparations –

(a) polyvinyl chloride (PVC) CN code numbers 3904 10, 3904 21 and 3904 22,

(b) polyurethane (PUR) CN code number 3909 50,

(**4**) O.J. No. L256, 7.9.87, p. 1

(**5**) O.J. No. L262, 27.9.76, p. 201. Relevant amending Directives are Council Directives 79/663/EEC (O.J. No. L197, 3.8.79, p. 37), 82/806/EEC (O.J. No. L339, 1.12.82, p. 55), 82/828/EEC (O.J. No. L350, 10.12.82, p. 34), 83/264/EEC (O.J. No. L147, 6.6.83, p. 9), 83/478/EEC (O.J. No. L263, 24.9.83, p. 33), 85/467/EEC (O.J. No. L269, 11.10.85, p. 56), 85/610/EEC (O.J. No. L375, 31.12.85, p. 1), 89/667/EEC (O.J. No. L398, 30.12.89, p. 19), 89/678/EEC (O.J. No. L398, 30.12.89, p. 24), 91/173/EEC (O.J. No. L85, 5.4.91, p. 34), 91/338/EEC (O.J. No. L186, 12.7.91, p. 59), 91/339/EEC (O.J. No. L186, 12.7.91, p. 64), and 91/659/EEC (O.J. No. L363, 13.12.91, p. 36).

(**6**) 1954 c. 33 (N.I.)

(c) low-density polyethylene (1d PE) CN code number 3901 10, with the exception of low-density polyethylene used for the production of coloured masterbatch,

(d) cellulose acetate (CA) CN code numbers 3912 11 and 3912 12,

(e) cellulose acetate butyrate (CAB) CN code numbers 3912 11 and 3912 12,

(f) epoxy resins CN code number 3907 30,

(g) melamine-formaldehyde (MF) resins CN code number 3909 20,

(h) urea-formaldehyde (UF) resins CN code number 3909 10,

(i) unsaturated polyesters (UP) CN code number 3907 91,

(j) polyethylene terephthalate (PET) CN code number 3907 60,

(k) polybutylene terephthalate (PBT),

(l) transparent/general purpose polystyrene CN code numbers 3903 11 and 3903 19,

(m) acrylonitrile methylmethacrylate (AMMA),

(n) cross-linked polyethylene (VPE),

(o) high-impact polystyrene, or

(p) polypropylene (PP) CN code number 3902 10.

(2) A person shall not use cadmium to give colour to paints CN code numbers 3208 and 3209.

(3) A person shall not place on the market finished products or components of products manufactured from any of the substances and preparations listed in paragraph (1) which have been coloured with cadmium, if their cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass of the plastic material.

Restrictions on the marketing of paints containing cadmium

5.—(1) Except where paragraph (2) applies, a person shall not place on the market paints CN code numbers 3208 and 3209 if their cadmium content (expressed as Cd metal) exceeds 0.01 per cent by mass.

(2) A person shall not place on the market paints CN code numbers 3208 and 3209 which have a high zinc content unless the residual concentration of cadmium is as low as possible and in any case does not exceed 0.1 per cent by mass.

Restrictions on use of cadmium as a stabiliser and marketing of products stabilised with cadmium

6.—(1) A person shall not use cadmium to stabilise the following finished products manufactured from polymers or copolymers of vinyl chloride –

(a) packaging materials (bags, containers, bottles, lids) CN code numbers 3923 29 10, 3920 41 and 3920 42,

(b) office or school supplies CN code number 3926 10,

(c) fittings for furniture, coachwork or the like CN code number 3926 30,

(d) articles of apparel and clothing accessories (including gloves) CN code number 3926 20,

(e) floor and wall coverings CN code number 3918 10,

(f) impregnated, coated, covered or laminated textile fabrics CN code number 5903 10,

(g) imitation leather CN code number 4202,

(h) gramophone records CN code number 8524 10,

(i) tubes and pipes and their fittings CN code number 3917 23,