



STATUTORY INSTRUMENTS.

S.I. No. 151 of 2010.



EUROPEAN COMMUNITIES (SAFETY OF TOYS) (AMENDMENT)
REGULATIONS 2010

(Prn. A10/0517)

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I, BATT O'KEEFFE, 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 effect to Article 2 of Council Directive 2008/112/EC of 16 December 2008¹ amending Council Directive 1988/378/EEC of 3 May 1988² hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Safety of Toys)(Amendment) Regulations 2010.

(2) The European Communities (Safety of Toys) Regulations 1990 and 1994 and these Regulations shall be construed together as one and may be cited together as the European Communities (Safety of Toys) Regulations 1990 to 2010.

2. In these Regulations the Principal Regulations means the European Communities (Safety of Toys) Regulations 1990 (S.I. No. 32 of 1990) amended by the European Communities (Safety of Toys) (Amendment) Regulations 1994 (S.I. No. 458 of 1994).

3. The first Schedule to the Principal Regulations is amended by substituting “mixtures” for “preparations” wherever it occurs.

4. Regulation 3 shall come into operation on 1 June 2010.

5. The first schedule to the Principal Regulations is amended—

(a) in Part II of Annex II:

(i) at section 2 entitled “Flammability” by substituting the following for (b):

“(b) Toys must not contain, as such, substances or mixtures which may become flammable due to the loss of non-flammable volatile components if, for reasons essential to their functioning, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar activities, such toys contain mixtures which are dangerous as defined in Directive 67/548/EEC or substances fulfilling the criteria for

¹OJ L 345, 23.12.2008, p. 68.

²OJ L 187, 16.7.1988, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th April, 2010.*

any of the following hazard classes or categories set out in Annex I to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
 - (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
 - (iii) hazard class 4.1;
 - (iv) hazard class 5.1.”,
- (ii) at point 3 of section 3 entitled “Chemical Properties” by substituting the following for “Toys must not contain dangerous substances or preparations within the meaning of Directives 67/548/EEC and 88/379/EEC in amounts which may harm the health of children using them. At all events it is strictly forbidden to include, in a toy, dangerous substances or preparations if they are intended to be used as such while the toy is being used.”:

“Toys must not contain mixtures which are dangerous within the meaning of Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No. 1272/2008:

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;
- (d) hazard class 5.1,

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such

substances or mixtures if they are intended to be used as such while the toy is being used.”, and

- (b) in section 4 of Annex IV, entitled “Toys containing inherently dangerous substances or mixtures. Chemical toys” by substituting the following for (a):

“(a) Without prejudice to the application of the provisions laid down in Regulation (EC) No. 1272/2008, the instructions for use of toys containing mixtures which are inherently dangerous or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No. 1272/2008:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1;
- (iv) hazard class 5.1;

shall bear a warning of the hazardous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children.”.

6. Regulation 5 shall come into operation on 1 December 2010.

7. The First Schedule to the Principal Regulations is amended—

(a) in Part II of Annex II—

- (i) at section 2 entitled “Flammability” by substituting the following for (b):

“(b) Toys must not contain, as such, substances or mixtures which may become flammable due to the loss of non-flammable volatile components if, for reasons essential to their functioning, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar activities, such toys contain substances or mixtures fulfilling the criteria for any of

the following hazard classes or categories set out in Annex I of Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
 - (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
 - (iii) hazard class 4.1;
 - (iv) hazard class 5.1.”
- (ii) at point 3 of section 3 entitled “Chemical Properites” by substituting the following for “Toys must not contain mixtures which are dangerous within the meaning of Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No. 1272/2008:
- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
 - (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
 - (c) hazard class 4.1;
 - (d) hazard class 5.1,

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such substances or mixtures if they are intended to be used as such while the toy is being used.”:

“3. Toys must not contain substances or mixtures fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No. 1272/2008:

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;
- (d) hazard class 5.1;

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such substances or mixtures if they are intended to be used as such while the toy is being used.”, and

- (b) in section 4 of Annex IV entitled “Toys containing inherently dangerous substances or mixtures. Chemical toys” by substituting the following for (a):

“(a) Without prejudice to the application of the provisions laid down in Regulation (EC) No. 1272/2008, the instructions for use of toys containing substances or mixtures fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to that Regulation:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1;
- (iv) hazard class 5.1;

shall bear a warning of the hazardous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children.”.

8. Regulation 7 shall come into operation on 1 June 2015.



GIVEN under my Official Seal,
13 April 2010.

BATT O'KEEFFE,
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.)

Council Directive 2008/112/EC amends Directive 88/378/EEC in order to adapt the Toy Safety Directive to Regulation (EC) No. 1272 of 2008 on classification, labelling and packaging of substances and mixtures.

BAILE ÁTHA CLIATH
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