



STATUTORY INSTRUMENTS.

S.I. No. 213 of 2019



CHEMICALS ACT 2008 (ROTTERDAM REGULATION) REGULATIONS
2019

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I, PAT BREEN, Minister of State at the Department of Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 5(2)(a) (amended by section 3(b) of the Chemicals (Amendment) Act 2010 (No. 32 of 2010)) of the Chemicals Act 2008 (No. 13 of 2008) (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Business, Enterprise and Innovation (Delegation of Ministerial Functions) Order 2017 (S.I. No. 569 of 2017), and for the purpose of giving full effect to Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012¹ concerning the export and import of hazardous chemicals, and with the consent of the Minister for Agriculture, Food and the Marine, the Minister for Communications, Climate Action and Environment, and the Minister for Public Expenditure and Reform, hereby make the following regulations:

1. These Regulations may be cited as the Chemicals Act 2008 (Rotterdam Regulation) Regulations 2019.

2. In these Regulations “Act of 2008” means the Chemicals Act 2008 (No. 13 of 2008).

3. Subsection (1) of section 2 (amended by section 2 of the Chemicals (Amendment) Act 2010 (No. 32 of 2010)) of the Act of 2008 is amended-

(a) in the definition of “chemical” by the substitution of the following paragraph for paragraph (a):

“(a) a chemical, substance, mixture or article within the meaning of the Rotterdam Regulation,” and

(b) by the substitution of the following definition for the definition of “Rotterdam Regulation”:

“ ‘Rotterdam Regulation’ means Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals²;”.

4. Section 8 of the Act of 2008 is amended -

(a) in subsection (1) -

(i) by the substitution of the following paragraph for paragraph (a):

“(a) the Authority, other than -

¹ OJ No. L201, 27.7.2012, p. 60

² OJ No. L201, 27.7.2012, p.60

- (i) for the purposes of Article 18, and
 - (ii) in respect of pesticides;”,
 - (ii) in paragraph (b), by the substitution of “the said Article 18” for “Article 17”, and
 - (iii) in paragraph (c), by the substitution of “Article 18” for “Article 17”, and
- (b) in subsection (6), in the definition of “pesticides”, by the substitution of “Article 3(5)” for “Article 3(4)”.

The Minister for Agriculture, Food and the Marine consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for
Agriculture, Food and the Marine,
30 April 2019.

MICHAEL CREED
Minister for Agriculture, Food and the Marine.

The Minister for Communications, Climate Action and Environment consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for
Communications, Climate Action and Environment,
3 May 2019.

RICHARD BRUTON
Minister for Communications, Climate Action and
Environment.

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for
Public Expenditure and Reform,

10 May 2019.

PASCHAL DONOHOE

Minister for Public Expenditure and Reform.

GIVEN under my hand,
17 April 2019.

PAT BREEN,
Minister of State at the Department of Business,
Enterprise, and Innovation

EXPLANATORY NOTE

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

The Chemicals Acts 2008 and 2010 provide for the implementation and enforcement of certain EU Regulations and Directives, including the Rotterdam Regulation.

Section 2(g) of the Chemicals (Amendment) Act 2010 (No. 32 of 2010) makes reference to Regulation (EC) No. 689/2008, the EU “Rotterdam” Regulation. The 2008 Regulation has been repealed with effect from 1 March 2014, as provided for by Article 30 of Regulation (EU) No. 649/2012 of the 4 July 2012 concerning the export and import of hazardous chemicals. The 2012 “Rotterdam” Regulation is a recast Regulation, and repeals and replaces the 2008 Regulation in its entirety.

The Chemicals Act 2008 (Rotterdam Regulation) Regulations 2019 bring the 2012 EU Rotterdam Regulation under the Chemicals Act enforcement framework by amending the reference to the EU Rotterdam Regulation in the definition of “chemical” in the 2008 Act (as amended by the 2010 Act).

These Regulations may be cited as the Chemicals Act 2008 (Rotterdam Regulation) Regulations 2019.

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(Teil: 01 - 6476834 nó 1890 213434)

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434)

€ 3.00



(SHCPUDBE-5) 95. 5/19. Propylon.