
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to Great Britain, make provisions which are necessary for the operation in Great Britain of Regulation (EC) No. 304/2003 of the European Parliament and of the Council concerning the export and import of dangerous chemicals (O.J. No. L63, 6.3.2003, p.1) as amended by Commission Regulation (EC) No. 1213/2003 of 7th July 2003 (O.J. No. L 169, 8.7.2003, p.27) and Commission Regulation (EC) No. 775/2004 of 26th April 2004 (O.J. No. L 123, 27.4.2004, p.27) (“the Regulation”). They revoke and replace the Export of Dangerous Chemicals Regulations 1992 (S.I.1992/2415).

2. The main purposes of the Regulation are to implement within the European Community the Rotterdam Convention on the prior informed consent (PIC) procedure for certain hazardous chemicals and pesticides in international trade signed by the Community on 11th September 1998, to establish a similar procedure for chemicals which qualify for PIC status, and to maintain in force a common export notification procedure for chemicals either banned for use or whose use is severely restricted within the Community. The chemicals concerned are listed in Annex I Parts 1, 2 and 3 to the Regulation, whose Article 22 provides for the review of Annex I by the European Commission at least every year. Article 22 further provides for the making of amendments to Annex I, and also to Annexes II, III, IV and VI which give particulars for administrative requirements under the regulation, to be delegated to the European Commission. The European Commission acts as the central administrative authority for all member states for contact with other parties to the Convention and with non-parties. Designated national authorities are to be appointed to administer the Regulation within each member state.

3. Other provisions of the Regulation concern export close to expiry date, packaging, labelling, safety information, storage information, information on quantities traded, information and assistance to developing countries and transit information. The export of chemicals whose use is prohibited within the Community for the protection of human health or the environment, listed in Annex V, is prohibited.

4. Article 16(1) of the Regulation provides that chemicals for export shall be subject to the measures on packaging and labelling established in, or pursuant to, inter alia Directives 67/548/EEC, 1999/45/EC, 91/414/EEC and 98/8/EC. The provisions of the named Directives have been incorporated into the law of Great Britain by the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689, as amended by S.I. 2004/568), the Plant Protection Products Regulations 2003 (S.I. 2003/3241, as amended by S.I. 2004/1810), the Plant Protection Products (Scotland) Regulations (S.S.I. 2003/579, as amended by S.S.I.

2004/368), and the Biocidal Products Regulations 2001 (S.I. 2001/880, as amended by S.I. 2003/429).

5. Regulation 2 appoints the Health and Safety Commission to be the designated national authority to act for the performance of the administrative functions required by the Regulation, in accordance with its Article 4, and to be the designated national authority that shall have the responsibility of controlling the import and export of chemicals listed in Annex I to the Regulation, in accordance with its Article 17.

6. Regulations 3 and 4 provide for the enforcement of the Regulation and these Regulations. Regulation 4(1) places on the Health and Safety Executive the duty to arrange for their enforcement, and 4(2), (3) and (4) provide that the enforcement and offences provisions of the Health and Safety

Status: This is the original version (as it was originally made).

at Work Act 1974 (1974 c. 37) shall apply to them as if they were health and safety regulations made under section 15 of that Act, subject to paragraph 4(5) which provides that breach of the export restriction in Article 14(2) shall be subject to enforcement under the Customs and Excise Management Act 1979 (1979 c. 2), and not as a contravention of a health and safety regulation.

7. No Regulatory Impact Assessment has been prepared in relation to these Regulations.