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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prohibit, subject to exceptions, the supply of certain dangerous substances and preparations. They revoke the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 (S.I.1994/2844) and the six amending Regulations listed in Schedule 1. They consolidate those Regulations with the amendments necessary to implement three further Directives. These Regulations implement Council Directive 76/769/EEC of 27 July 1976 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 (O.J. L.262, 27.9.1976, p.201) as last amended by Directive 2005/90/EC of the European Parliament and of the Council of 18 January 2006 (OJ L.33, 4.2.2006, p.28) so far as the amended directive concerns substances and preparations prohibited for supply to consumers.

The three Directives newly implemented are:

Directive 2005/59/EC of the European Parliament and of the Council of 26 October 2005 (so far as it relates to toluene) (O.J. L309, 25.11.2005, p.13);

Directive 2005/84/EC of the European Parliament and of the Council of 14 December 2005 (phthalates in toys and childcare articles) (O.J. L344, 27.12.2005, p.40); and

Directive 2005/90/EC of the European Parliament and of the Council of 18 January 2006 (amendments to the list of substances classified as carcinogenic, mutagenic or toxic to reproduction) (O.J. L33, 4.2.2006, p.28).

Regulation 2 contains definitions and regulation 3 provides that the Regulations do not apply to supply for research and development or analysis.

Regulation 4 prohibits, with exceptions, the supply of substances or preparations containing benzene in concentrations equal or greater than 0.1% by mass.

Regulation 5 prohibits, with exceptions, the supply to a member of the general public or for the purposes of sale to such a person of substances which are carcinogenic, mutagenic or toxic for reproduction. The substances concerned are listed in Schedule 2.

Regulation 6 prohibits the supply of textile articles intended to come into contact with the skin and children's dressing gowns treated with certain substances.

Regulation 7 prohibits, with exceptions, the supply to a member of the general public or for supply for the purposes of sale to such a person of substances or preparations containing specified chlorinated solvents.

Regulation 8 prohibits, with exceptions, the perfuming or colouring of certain liquid substances supplied as fuel for decorative lamps.

Regulation 9 prohibits the supply of ornamental objects, tricks, jokes and games containing specified substances which are "dangerous for supply".

Regulation 10 prohibits the supply of dangerous substances and preparations intended to cause amusement, for example stink bombs and sneezing powder.

Regulation 11 prohibits the supply of childcare articles containing greater than a specified percentage of phthalates.

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

Regulation 12 prohibits the supply to a member of the general public or supply for the purposes of sale to such a person of toluene or adhesives or spray paints containing toluene in a concentration equal to or greater than 0.1% by mass.

A full regulatory impact assessment of the effect that this instrument will have on costs to business is available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.