



STATUTORY INSTRUMENTS.

S.I. No. 143 of 2010



WASTE MANAGEMENT (WASTE ELECTRICAL AND ELECTRONIC
EQUIPMENT) (AMENDMENT) REGULATIONS 2010

(Prn. A10/0488)

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S.I. No. 143 of 2010

WASTE MANAGEMENT (WASTE ELECTRICAL AND ELECTRONIC
EQUIPMENT) (AMENDMENT) REGULATIONS 2010

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 7, 14, 15, 18, 19, 27, 28, 29, 34, 35 and 39 of the Waste Management Act 1996 (No. 10 of 1996), and section 53 of the Environmental Protection Agency Act 1992 (No. 7 of 1992) and section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Article 5 of European Parliament and Council Directive 2008/112/EC of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures, and following consultation with the Minister for Enterprise, Trade and Innovation, hereby make the following regulations:—

Citation

1. These Regulations may be cited as the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2010.

Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to Article 5 of Directive 2008/112/EC¹ of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC², 88/378/EEC³, 1999/13/EC⁴ and Directives 2000/53/EC⁵, 2002/96/EC⁶ and 2004/42/EC⁷ of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008⁸ on classification, labelling and packaging of substances and mixtures.

Commencement

3. (1) Article 5(5) of these Regulations shall come into operation on the day after the date on which notice of their making is published in the *Iris Oifigiúil*.

(2) Article 5(1) of these Regulations shall come into operation on 1 June 2010.

¹O.J. No. L 345, 23.12.2008, page 68

²O.J. No. L 262, 27.9.1976, page 169

³O.J. No. L 187, 16.7.1988, page 1

⁴O.J. No. L 85, 29.3.1999, page 1

⁵O.J. No. L 269, 21.10.2000, page 34

⁶O.J. No. L 37, 13.2.2003, page 24

⁷O.J. No. L 143, 30.4.2004, page 87

⁸O.J. No. L 353, 31.12.2008, page 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th April, 2010.*

(3) Articles 5(2) and 5(4) of these Regulations shall come into operation on 1 December 2010.

(4) Article 5(3) of these Regulations shall come into operation on 1 June 2015.

Interpretation Generally

4. (1) In these Regulations, any reference to a Schedule, Part or Article that is not otherwise identified is a reference to a Schedule, Part or Article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph that is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations—

“Principal Regulations” means the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) as amended by the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 (S.I. No. 375 of 2008).

Amendments to the Principal Regulations

5. (1) The Principal Regulations are amended by substituting for article 2 the following:—

“Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of European Parliament and Council Directive 2002/96/EC of 27 January 2003 on waste electrical and electronic equipment as amended by European Parliament and Council Directive 2003/108/EC of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment and by Article 5 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures.”.

(2) Article 3(3) of the Principal Regulations is amended by substituting for the definition of “dangerous substance or preparation” the following:—

“‘dangerous substance or mixture’ means any mixture which has to be considered dangerous under 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 any substance which fulfils 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, or
- (iv) hazard class 5.1;”.

(3) Article 3(3) of the Principal Regulations is amended by substituting for the definition of “dangerous substance or mixture” the following:—

“‘dangerous substance or mixture’ means any substance or mixture which fulfils the criteria for 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, or
- (iv) hazard class 5.1;”.

(4) Article 25 of the Principal Regulations is amended by substituting for paragraph (c) the following:—

“(c) the location of dangerous substances and mixtures,”.

(5) Article 39(2) of the Principal Regulations is amended by substituting for paragraph (c) the following:—

“(c) unless the waste electrical and electronic equipment will be reused or eventually treated at an appropriate facility in accordance with the technical requirements as set out in Annex II of the Directive, subject to any amendment that may be made to that Annex from time to time.”.



Given under my Official Seal,
1 April 2010.

JOHN GORMLEY,
Minister for the Environment, Heritage and
Local Government.

EXPLANATORY NOTE

These Regulations amend the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) as amended by the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 (S.I. No. 375 of 2008). They transpose European Parliament and Council Directive 2008/112/EC of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures.

For the avoidance of doubt any reference to preparations in Annex II to the European Parliament and Council Directive 2002/96/EC on waste electrical and electronic equipment concerning their application in articles 15(4)(e), 21(1), 38(2)(c) and 39(2)(c) shall on and from 1 June 2010 be construed as a reference to mixtures.

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