EXPLANATORY MEMORANDUM TO

The Explosives (Hazard Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 2014

S.R. 2014 No. 26

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by section 2(2) of the European Communities Act 1972 and Articles 17(1), (2), (3), (4) and (6), 54 and 55(2) of the Health and Safety at Work (Northern Ireland) 1978 and is subject to the negative resolution procedure.

2. Purpose

2.1. Regulation (EU) No 649/2012 (commonly known as the Prior Informed Consent Regulation - "the PIC Regulation") is a recast of Regulation (EC) No 689/2008 which is referred to by the Department of Justice in the Explosives (Hazard Information and Packaging for supply) Regulations 2009 (EHIP). The Statutory Rule makes consequential amendments to the EHIP Regulations by removing the current reference to the 2008 PIC Regulation and replacing it with the recast 2012 PIC Regulation.

3. Background

3.1. This Statutory Rule provides for references to the PIC Regulation on the export and import of hazardous chemicals (Regulation (EU) No 649/2012) to replace the references to the 2008 PIC Regulation (Regulation (EC) No 689/2008).

4. Consultation

4.1. A consultation exercise was carried out by the Health and Safety Executive in Great Britain (HSE) on a number of EU Regulations, including Regulation (EU) No 649/2012. As the export and import of hazardous chemicals is a reserved matter, this part of the consultation was conducted by HSE on a UK wide basis. The consultation ran from 20 December 2012 to 31 January 2013.

4.2 When the consultation closed, 20 responses were received, including responses from consultees with an interest in the other EU Regulations that HSE were seeking views on and which did not extend to Northern Ireland. Not all of the correspondents answered all of the questions. There were three respondents from Great Britain based industry involved on the export of chemicals and no significant issues were raised regarding the PIC proposals. Three companies in Northern Ireland had been contacted directly, as they were considered to have an interest in the consultation; however no responses were received from Northern Ireland based industry involved in the export of chemicals.

5. Equality Impact

5.1. As the amendments enable the Department to meet its EU obligations and they do not introduce any new duties on dutyholders, no groups are likely to be impacted by these changes.

6. Regulatory Impact

6.1. These proposals have no negative effect on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

7.1. These proposals should have no financial implications on dutyholders.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no s. 24 implications.

9. EU Implications

9.1. If the amendments to the EHIP Regulations are not made by 1 March 2014, the European commission will begin legal proceedings to rectify the situation (infraction proceedings).

10. Parity or Replicatory Measure

10.1. In HSENI the corresponding Statutory Rule is the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 238) as amended by Part 1 of Schedule 3 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2012 No. 206). There is no corresponding Statutory Instrument in Great Britain.

11. Additional Information

11.1. Not applicable.

12. Contact Details

12.1 Any queries should be directed to Firearms and Explosives Branch, Block B, Castle Buildings, Stormont Estate, Belfast, BT4 3SG.

Department of Justice
February 2014