



STATUTORY INSTRUMENTS.

S.I. No. 70 of 2016

SAFETY, HEALTH AND WELFARE AT WORK (GENERAL
APPLICATION) (AMENDMENT) (NO. 2) REGULATIONS 2016

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011)), and to give effect to Articles 1, 2 and 3 of Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014¹, and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2016.

(2) The Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2016 and these Regulations may be cited together as the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2016.

2. (1) In these Regulations “Principal Regulations” means the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007).

(2) A word or expression that is used in these Regulations and is also used in Articles 1, 2 and 3 of Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014¹ has, unless the contrary intention appears, the same meaning in these Regulations and the Principal Regulations as it has in those Articles.

3. Regulation 2 of the Principal Regulations is amended in paragraph (1) by the insertion of the following definitions:

“ ‘group 2 biological agent’ has the meaning assigned to it by Regulation 2 of the Regulations of 2013;

‘group 3 biological agent’ has the meaning assigned to it by Regulation 2 of the Regulations of 2013;

‘group 4 biological agent’ has the meaning assigned to it by Regulation 2 of the Regulations of 2013;

‘Regulations of 2013’ means the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013 (S.I. No. 572 of 2013);”.

¹O.J. No. L65, 5.3.2014, p.1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd February, 2016.

4. Regulation 159 of the Principal Regulations is amended by the substitution of the following paragraphs for paragraph (2):

“(2) This Chapter shall not apply to signs used for the placing on the market of hazardous substances and mixtures, products and equipment (or either of them) except to the extent that any other enactment concerning a European act makes specific reference to such signs.

(2A) In paragraph (2), ‘European act’ has the same meaning as it has in the European Communities Act 2007 (No. 18 of 2007).”.

5. Schedule 7 to the Principal Regulations is amended—

(a) in Part A, by the substitution of the following paragraph for paragraph 2:

“2. Biological agents

Biological agents of—

(a) group 3 biological agent, and

(b) group 4 biological agent.”,

(b) in Part A, in paragraph 3, by the substitution of the following subparagraph for subparagraph (a):

“(a) Substances and mixtures which meet the criteria for classification under Regulation (EC) No. 1272/2008 of the European Parliament and of the Council in one or more of the following hazard classes and hazard categories with one or more of the following hazard statements:

(I) acute toxicity, category 1, 2 or 3 (H300, H310, H330, H301, H311, H331);

(II) skin corrosion, category 1A, 1B or 1C (H314);

(III) flammable gas, category 1 or 2 (H220, H221);

(IV) flammable aerosols, category 1 (H222);

(V) flammable liquid, category 1 or 2 (H224, H225);

(VI) explosives, categories “Unstable explosive”, or explosives of Divisions 1.1, 1.2, 1.3, 1.4, 1.5 (H200, H201, H202, H203, H204, H205);

(VII) self-reactive substances and mixtures, type A, B, C or D (H240, H241, H242);

(VIII) organic peroxides, type A or B (H240, H241);

- (IX) specific target organ toxicity after single exposure, category 1 or 2 (H370, H371);
- (X) specific target organ toxicity after repeated exposure, category 1 or 2 (H372, H373);
- (XI) respiratory sensitisation, category 1, subcategory 1A or 1B (H334);
- (XII) skin sensitisation, category 1, subcategory 1A or 1B (H317);
- (XIII) carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351);
- (XIV) germ cell mutagenicity, category 1A, 1B or 2 (H340, H341);
- (XV) reproductive toxicity, category 1A or 1B (H360, H360F, H360FD, H360Fd, H360D, H360Df);”;

(c) in Part A, in paragraph 3 by—

- (i) the deletion of subparagraph (b),
- (ii) the deletion of subparagraph (c), and
- (iii) the deletion of subparagraph (d),

(d) in Part A, in paragraph 3, in subparagraph (e), by—

- (i) the substitution of “mixtures” for “preparations”, and
- (ii) the insertion of “(amended by the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015))” after “2001”, and

(e) in Part B, in paragraph 1, by the insertion of “(amended by the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015))” after “2001”.

6. (1) Schedule 8 to the Principal Regulations is amended in Part A in paragraph 1—

(a) in subparagraph (b)—

- (i) by the substitution of “group 2 biological agent, group 3 biological agent and group 4 biological agent (within the meaning of Regulation 2 of the Regulations of 2013),” for “risk groups 2, 3 and 4 within the meaning of relevant statutory provisions relating to biological agents,” and

- (ii) by the substitution of “and in so far as they do not yet appear in Part B, or Part C, of this Schedule” for “but excluding those referred to in Part B of this Schedule”,
- (b) in subparagraph (c), by the insertion of “, or Part C,” after “Part B”,
- (c) in subparagraph (c), by the substitution of the following clause for clause (i):
- “(i) substances and mixtures which meet the criteria for classification under Regulation (EC) No. 1272/2008 of the European Parliament and of the Council² in one or more of the following hazard classes and hazard categories with one or more of the following hazard statements, in so far as they do not yet appear in Part B, or Part C, of this Schedule:
- (I) germ cell mutagenicity, category 1A, 1B or 2 (H340, H341),
- (II) carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351),
- (III) reproductive toxicity, category 1A, 1B or 2 or the additional category for effects on or via lactation (H360, H360D, H360FD, H360Fd, H360Df, H361, H361d, H361fd, H362), and
- (IV) specific target organ toxicity after single exposure, category 1 or 2 (H370, H371),”, and
- (d) in subparagraph (c)—
- (i) in clause (ii) by—
- (I) the substitution of “mixtures” for “preparations”, and
- (II) the insertion of “(amended by the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015))” after “2001)”, and
- (ii) in clause (iii) by—
- (I) the substitution of “mixtures” for “preparations”, and
- (II) the insertion of “(amended by the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015))” after “2001)”.

²O.J. No. L353, 31.12.2008, p.1

(2) Schedule 8 to the Principal Regulations is amended in Part A, in paragraph 2, by the insertion of “(amended by the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015))” after “2001”.

7. Schedule 9 to the Principal Regulations is amended—

(a) in Part A, in paragraph 11 by—

- (i) the substitution of “hazardous” for “dangerous”,
- (ii) the substitution of “mixtures” for “preparations”, and
- (iii) the insertion of the following paragraph after paragraph 11:

“11A. For the purposes of paragraph 11, if there is no equivalent warning sign in paragraph 3.2 of Part B to warn about hazardous chemical substances or mixtures, the relevant hazard pictogram, as set out in Annex V to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council, must be used.”,

(b) in Part B, in paragraph 3.2 by—

- (i) the deletion of the warning sign “Harmful or irritant material”,
- (ii) the deletion of the Note for the warning sign “Harmful or irritant material”, and
- (iii) the insertion of the following Note for the warning sign “General danger” after the Note for the warning sign “Flammable material or high temperature”:

“Note: The warning sign “General danger” shall not be used to warn about hazardous chemical substances or mixtures, except for cases when the warning sign is used in accordance with the second subparagraph of paragraph 5 of Part C to this Schedule to indicate the stores of hazardous substances or mixtures.”,

(c) in Part C, by the substitution of the following paragraph for paragraph 1:

“1. Containers used at work for chemical substances or mixtures classified as hazardous according to the criteria for any physical or health hazard class in accordance with Regulation (EC) No. 1272/2008, and containers used for the storage of such hazardous substances or mixtures, together with the visible pipes containing or transporting such hazardous substances and mixtures, shall be labelled with the relevant hazard pictograms in accordance with that Regulation.

This paragraph does not apply to containers used at work for brief periods nor to containers whose contents change frequently, provided that alternative adequate measures are taken, in particular for information or training (or both of them) which guarantee the same level of protection.

The labels referred to in this paragraph may be—

- (a) replaced by warning signs as provided for in Part B of Schedule 9, using the same pictograms or symbols, and where there is no equivalent warning sign in paragraph 3.2 of Part B of this Schedule, the relevant hazard pictogram set out in Annex V of Regulation (EC) No. 1272/2008 shall be used,
 - (b) supplemented by additional information, including the name or formula (or both of them) of the hazardous substance or mixture and the details of the hazard, and
 - (c) used for the transporting of containers at the place of work, supplemented or replaced by signs that are applicable throughout the European Union for the transport of hazardous substances or mixtures.”, and
- (d) in Part C, in paragraph 5, by—
- (i) the substitution of “hazardous” for “dangerous” in each place where it occurs, and
 - (ii) the substitution of “mixtures” for “preparations” in each place where it occurs.



GIVEN under my Official Seal,
18 February 2016.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

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

Directive 2014/27/EU seeks to amend five EU Directives on health and safety at work as a result of the adoption of the EU “CLP” Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures in 2008.

The Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2016 amend S.I. No. 299 of 2007 in order to transpose Articles 1, 2 and 3 of Directive 2014/27/EU.

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