



STATUTORY INSTRUMENTS.

S.I. No. 592 of 2019



SAFETY, HEALTH AND WELFARE AT WORK (CARCINOGENS)
(AMENDMENT) REGULATIONS 2019

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I, Pat Breen, Minister of State at the Department of Business, 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 Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Business, Enterprise and Innovation (Delegation of Ministerial Functions) Order 2017 (S.I. No. 569 of 2017) and for the purpose of giving effect to Directive (EU) 2017/2398 of the European Parliament and of the Council of 12 December 2017¹, Directive (EU) 2019/130 of the European Parliament and of the Council of 16 January 2019² and Directive (EU) 2019/983 of the European Parliament and of the Council of 5 June 2019³, 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 (Carcinogens) (Amendment) Regulations 2019.

(2) The Principal Regulations, the Regulations of 2015 and these Regulations may be cited together as the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 to 2019.

2. In these Regulations—

“Principal Regulations” means the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001);

“Regulations of 2015” means the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 (S.I. No. 622 of 2015).

3. Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2015) of the Principal Regulations is amended—

(a) by inserting after the definition of “carcinogen” the following definition:

¹ OJ No. L 345, 27.12.2017, p. 87.

² OJ No. L 30, 31.1.2019, p. 112.

³ OJ No. L 164, 20.6.2019, p. 23.

“‘Directive’ means Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004⁴, as amended by Article 5 of Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014⁵, Directive (EU) 2017/2398 of the European Parliament and of the Council of 12 December 2017¹, Directive (EU) 2019/130 of the European Parliament and of the Council of 16 January 2019² and Directive (EU) 2019/983 of the European Parliament and of the Council of 5 June 2019³.”

(b) in the definition of “carcinogen” by substituting for clause (b) the following:

“(b) a substance, mixture or process referred to in Annex I to the Directive as well as a substance or mixture released by a process referred to in that Annex;”, and

(c) in the definition of “limit value” by substituting “Annex III to the Directive” for “Schedule 2”.

4. Regulation 4(j) of the Principal Regulations is amended by deleting “as set out in Schedule 2”.

5. Regulation 12 (as amended by Regulation 12 of the Regulations of 2015) of the Principal Regulations is amended by inserting after paragraph (6) the following paragraph:

“(6A) Following health surveillance, the responsible medical practitioner may indicate that health surveillance must continue after the end of exposure for as long as he or she considers it necessary to safeguard the health of the employee concerned.”.

6. The Principal Regulations are amended by deleting Schedules 1 and 2.

GIVEN under my hand,
26 November 2019

PAT BREEN,
Minister of State at the Department of Business, Enterprise and
Innovation

⁴ OJ No. L 37, 25.3.2014, p. 1.

⁵ OJ No. L 65, 5.3.2014, p. 1.

EXPLANATORY NOTE

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

The purpose of these Regulations is to amend the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 to give effect to Directive (EU) 2017/2398 of the European Parliament and of the Council of 12 December 2017, Directive (EU) 2019/130 of the European Parliament and of the Council of 16 January 2019 and Directive (EU) 2019/983 of the European Parliament and of the Council of 5 June 2019.

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