



STATUTORY INSTRUMENTS.

S.I. No. 164 of 2007

EUROPEAN COMMUNITIES (AUTHORIZATION, PLACING ON THE
MARKET, USE AND CONTROL OF BIOCIDAL PRODUCTS)
(AMENDMENT) REGULATIONS 2007

(Prn. A7/0808)

EUROPEAN COMMUNITIES (AUTHORIZATION, PLACING ON THE
MARKET, USE AND CONTROL OF BIOCIDAL PRODUCTS)
(AMENDMENT) REGULATIONS 2007

I, MARY COUGHLAN, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive No. 98/8/EC of the European Parliament and of the Council of 16 February 1998¹, hereby make the following Regulations—

1. These Regulations may be cited as the European Communities (Authorization, Placing on the Market, Use and Control of Biocidal Products) (Amendment) Regulations 2007.

2. The European Communities (Authorization, Placing on the Market, Use and Control of Biocidal Products) Regulations 2001 (S. I. No. 625 of 2001) are amended—

(a) in Regulation 2(1) by deleting the definitions of “Annex I”, “Annex IA”, “Annex IB”, “Annex IIA”, “Annex IIB”, “Annex IIIA”, “Annex IIIB”, “Annex IVA”, “Annex IVB”, “Annex V”, “Annex VI” and “State Chemist”,

(b) by inserting after Regulation 2(5) the following paragraph—

“(6) A reference to an Annex, unless the context requires otherwise, is a reference to an Annex to the Directive of 1998.”,

(c) by inserting after Regulation 36 the following Regulation—

“Appointment of Authorised Officers and Designated Analysts

36A. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.

(2) The Minister may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

(a) if it is terminated pursuant to paragraph 2,

¹O.J. No. L. 123, 24.04.1998, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th April, 2007.*

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom that paragraph relates.

(5) An officer of the Minister shall furnish an authorised officer with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

(6) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be designated analysts for the purposes of these Regulations.

(7) The Minister may terminate the appointment of a designated analyst appointed by him or her, whether or not the appointment was for a fixed period.

(8) An appointment as a designated analyst ceases—

(a) if it is terminated pursuant to paragraph 7,

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(9) Nothing in paragraph (8) is to be construed so as to prevent the Minister from reappointing as a designated analyst a person to whom that paragraph relates.

(10) An officer of the Minister shall furnish a designated analyst with a warrant of his or her appointment as a designated analyst.”,

(d) by deleting Regulation 37(7) and (8), and

(e) by deleting the first, fourth and sixth Schedules.



GIVEN under my Official Seal,
18 April 2007

MARY COUGHLAN
Minister for Agriculture and Food

EXPLANATORY NOTE

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

These Regulations amend the European Communities (Authorization, Placing on the Market, Use and Control of Biocidal Products) Regulations 2001 (S. I. No. 625 of 2001) providing for the Appointment of Authorised Officers and Designated Analysts and deleting references to the State Chemist.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHAN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH,
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
51 ST. STEPHEN'S GREEN, DUBLIN 2
(Tel: 01-6476834/35/36/37; Fax: 01-6476843)
or through any bookseller.

€2.54

ISBN 1-4064-1530-8



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