

SCHEDULE

Regulation 11

New Schedule 5A to the REACH Enforcement Regulations 2008

“SCHEDULE 5A

Regulation 8A(2)

Placing asbestos-containing articles on the market

1. For the purposes of this Schedule “exempting authority” means—
  - (a) the Executive;
  - (b) the Office of Rail Regulation;
  - (c) in relation to matters outside the functions of the Executive and the Office of Rail Regulation, the competent authority.
2. An exempting authority may issue a certificate in writing exempting a person or class of persons from the prohibition on the placing on the market of asbestos-containing articles provided for by Article 67 of REACH (“asbestos exemption certificate”) in relation to—
  - (a) an activity or a class of activities;
  - (b) an asbestos-containing article or a class of such articles.
3. An asbestos exemption certificate—
  - (a) must include conditions ensuring a high level of protection of human health;
  - (b) may be subject to a limit of time;
  - (c) may be varied or revoked by a notice in writing; and
  - (d) may be issued jointly by more than one exempting authority.
4. An exempting authority must not issue an asbestos exemption certificate unless it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it, having regard to the circumstances of the case, and in particular to—
  - (a) the conditions which it proposes to attach to the exemption; and
  - (b) any other requirements imposed by or under any enactments which apply to the case.”

**Changes to legislation:**

There are currently no known outstanding effects for the The REACH Enforcement (Amendment) Regulations 2013.