

IRELAND

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Ireland in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation, where an obligation is placed on a duty holder, can be sanctioned under national law.

Country	IRELAND*
Article	
5	X
6(1)	X
6(2)	X
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	X
9(2)	X
9(6)	X
10	X
11(1 and 3)	X
12(1)	X
12(2)	X
13(1-5)	X
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	X
20(2)	X
21(1)	X
21(2)	X
21(3)	X
22(1)	X
22(2)	X
24(2)	X
25(1)	X
26(1)	X
27(1 to 3)	X
27(4)	X
27(6)	X
28(1)	X
28(6)	X
29(3)	X
30(2)	X
30(6)	X
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	X

Country	IRELAND*
Article	
37(3)	X
37(4)	X
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	X
41(4)	X
46(2)	X
49(a)	X
50(2-3)	X
50(4)	X
53(1) to (3)	X
53(4)	X
55	X
56(1)	X
56(2)	X
60(8)	X
60(10)	X
61(1)	X
61(3)	X
62 (4 and 5)	X
63(3)	X
65	X
66(1)	X
67(1)	X

2. Types of offences related to REACH in Ireland

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Ireland. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	N/A	Infringements of all REACH obligations
Offences related to authorisation and restrictions requirements	N/A	Infringements of all REACH obligations
Offences related to the supply chain requirements	N/A	Infringements of all REACH obligations
Offences related to the	N/A	Infringements of all REACH obligations

downstream user requirements		
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3. Sanctions applicable to legal persons in Ireland

This table mentions whether or not Ireland applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Ireland	Y	Identical to natural persons	N

4. REACH related administrative and criminal penalties in Ireland

This section gathers information regarding administrative and criminal penalties applicable for the infringement of REACH in Ireland. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	Range of Enforcement Notices, viz., Prohibition Notice, contravention Notice etc. - Summary prosecution: a fixed payment notice issued by an inspector of up to 2 000 EUR	- Summary conviction : a fine up to 5 000 EUR or up to 6 months prison or both or, - On conviction on indictment, to a fine up to 3 000 000 EUR or up to 2 years prison or both.
Penalties related to infringement of authorisation requirements	Range of Enforcement Notices, viz., Prohibition Notice, contravention Notice etc. - Summary prosecution: a fixed payment notice issued by an inspector of up to 2 000 EUR	- Summary conviction : a fine up to 5 000 EUR or up to 6 months prison or both or, - On conviction on indictment, to a fine up to 3 000 000 EUR or up to 2 years prison or both.
Penalties related to infringement of the supply chain requirements	Range of Enforcement Notices, viz., Prohibition Notice, contravention Notice etc. - Summary prosecution: a fixed payment notice issued by an inspector of up to 2 000 EUR	- Summary conviction : a fine up to 5 000 EUR or up to 6 months prison or both or, - On conviction on indictment, to a fine up to 3 000 000 EUR or up to 2 years prison or both.
Penalties related to infringement of the downstream users requirements	Range of Enforcement Notices, viz., Prohibition Notice, contravention Notice etc. - Summary prosecution: a fixed payment notice issued by an inspector of up to 2 000 EUR	- Summary conviction : a fine up to 5 000 EUR or up to 6 months prison or both or, - On conviction on indictment, to a fine up to 3 000 000 EUR or up to 2 years prison or both.

5. Short description of REACH sanctions and related issues in Ireland

The Chemicals Act No. 13 of 2008 encompasses the enforcement measures of REACH and also of two other EU regulations relating to chemicals (EC Regulation on export and import of dangerous chemicals, EC Regulation on detergents). Administrative sanctions as defined in the continental law system do not exist in Ireland; however alternatives to penal sanctions exist in the form of Enforcement Notices, such as a Prohibition Notice. Persons that infringe REACH obligations can be convicted on summary conviction (petty offences) or on conviction of indictment (serious offences) depending on the level of the infringement. It is worth mentioning that under the Chemicals Act, the REACH provisions that shall not be infringed are not expressly designated; however, an offence may be identified where duty holder who has an obligation under the REACH Regulation, fails to comply with that obligation. It is in general, up to the inspectors, and ultimately the courts, to identify when there is an infringement to the REACH Regulation, as is the case for the workplace Health & Safety and other legislation which implemented by the Authority. H.S.A. inspectors are trained to enforce legislation in this manner for a wide range of legislative measures and therefore are experienced in this approach. Guidance material exists in the form of Inspectors enforcement Manual, and the HSA enforcement policy.

This catch-all approach was adopted because the Chemicals Act deals not only with REACH infringement but also infringements of the Rotterdam Convention and of the Regulation on Detergent, and also because it is coherent with our general enforcement approach and legislative framework, thereby ensuring that inspectors can use the same system of enforcement for a range of legislative instruments.

The Chemicals Act No. 13 of 2008 designates the Health and Safety Authority (HSA) as the main authority responsible for the enforcement of REACH. The Environmental Protection Agency is responsible for the prevention of environmental pollution related to REACH, and the Department of Agriculture, Fisheries & Food, (DAFF) has responsibility for pesticides in relation to REACH. HSA and the Environmental Protection Agency have already established a Memorandum of Understanding on how they will coordinate for the enforcement of REACH, and one is in progress with DAFF.

REACH inspections will be carried out mainly by the Chemical Enforcement Division of the HSA inspectorate. In 2009, this Division has mainly focused on the following areas:

- Registration and pre-registration of substances under REACH (with a check of 10% of the actors having a role under REACH);
- Hazard communications;

In the Chemicals Act No. 13 of 2008, the custom authorities do not have specific competences related to the enforcement of REACH. However, Section 22 of the Chemical Act No. 13 of 2008 allows any national authority established under the Act to request customs officials to detain any chemical being exported or imported for up to 72 hours, in order to allow an inspector to examine it.