



GUERNSEY STATUTORY INSTRUMENT

2019 No. 101

**The Import (Control) (Guernsey) (Amendment) Order,
2019**

Made

30th September, 2019

Coming into operation

See Article 3

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by article 1 of the Import and Export (Control) (Guernsey) Law, 1946^a, and of all other powers enabling it in that behalf, hereby makes the following order:-

Amendment to Order of 2010.

1. (1) Schedule 7 (goods that cannot be imported without a licence) to the Import (Control) (Guernsey) Order, 2010^b is amended as follows.

(2) After paragraph 11 insert –

"12. Any of the following, except where imported under the authority, and

^a Ordres en Conseil Vol. XII, p. 332; amended by Vol. XXIII, p. 573; Vol. XXXIII, p. 246; Order in Council No. XIV of 2007; Ordinance No. XXXIII of 2003 and No. IX of 2016; the Law is applied to the island of Herm by Recueil d'Ordonnances Tome IX, p. 247.

^b G.S.I. No. 39 of 2010; amended by Ordinance No. I of 2016 and No. IX of 2016; G.S.I. No. 68 of 2010; Nos. 8 and 23 of 2012; No. 47 of 2013; Nos. 45 and 70 of 2014; Nos. 17, 52 and 102 of 2015.

in accordance with the conditions, of an import permit issued by the States of Guernsey Committee for Employment & Social Security –

- (a) a substance or a mixture listed in Column 1 of the table in Annex XVII to the REACH Regulation which must not be placed on the market in the European Union under the corresponding entry in Column 2 of that table,
- (b) an article which must not to be placed on the market in the European Union under Column 2 of the table in Annex XVII to the REACH Regulation by reason of it containing a substance or mixture listed in the corresponding entry in Column 1 of that table,
- (c) a chemical listed in either –
 - (i) the first column of Part I of Annex A (elimination), or
 - (ii) the first column of Part I of Annex B (restriction),

to the Stockholm convention on Persistent Organic Pollutants adopted on 22nd May, 2001, and

- (d) a chemical listed in Annex III (chemicals subject to the prior informed consent procedure) of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade adopted on 10th September, 1998."

(3) In the interpretation paragraph –

(a) after "In this Schedule, " insert "unless the context requires otherwise – ",

(b) immediately before the definition of "**Community Regulation**" insert -

""**article**", "**mixture**" and "**substance**" have the respective meanings given in the REACH Regulation, ",

(c) immediately after the definition of "**Community Regulation**" omit "and", and

(d) immediately after the definition of "**product of animal origin**" insert -

", and

""**REACH Regulation**" means Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.".

Interpretation.

2. In this Order, "exit day" has the meaning given by section 12(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^c.

Citation and commencement.

3. This Order may be cited as the Import (Control) (Guernsey) (Amendment) Order, 2019 and shall come into force on exit day.

Dated this 30 day of September, 2019

A handwritten signature in cursive script that reads "Mary Lowe". The signature is written in dark ink and has a horizontal line underneath it.

M. M. LOWE

President of the States Committee for Home Affairs

For and on behalf of the Committee

^c Order in Council No. I of 2019.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Import (Control) (Guernsey) Order, 2010 ("**the Principal Order**") by adding a new paragraph 12 to Schedule 7 (goods that cannot be imported without a licence).

Under Article 1 to the Principal Order, goods listed in Schedule 7 are prohibited from being imported without a licence or a written permission issued under the Schedule.

The new paragraph 12 to Schedule 7 adds certain chemicals, mixtures of chemicals and articles containing chemicals so that their import is prohibited other than under and in accordance with an import permit issued by the Committee for Employment and Social Security.

The goods mainly comprise those which must not be put on the market under the European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), chemicals which are required to be eliminated or restricted under the Stockholm Convention on Persistent Organic Pollutants and chemicals subject to the prior informed consent procedure set out in the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. Copies of REACH and the two Conventions are available online.

The Guernsey Health and Safety Executive, which forms part of the Committee for Employment and Social Security, will carry out the work in relation to issuing of the permits. Information on the chemicals affected is also available from the Guernsey Health and Safety Executive at gov.gg/hse.

This Order comes into force on exit day, being 11pm on the 31st October, 2019, or such other day and time as the Policy & Resources Committee may appoint by Regulations.