Consumer Law Bulletin

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Filing instructions: This Bulletin contains material available on 1 January 2013. It should be filed behind the Bulletins Guide Card and in front of Bulletin No 315. **Remove Bulletin 303**. If desired Bulletin 303 may be retained outside the Binder for future reference. The Binder should now contain Bulletins Nos 304 to 316.

IMPORTANT SUBSCRIBER INFORMATION

From Issue 317, February 2013, the Consumer Law Bulletin will be under the care of a new Editor. The Publishers would like to record their appreciation to the outgoing Editor who has prepared 169 Issues over 17 years.

FOOD

NEW LEGISLATION

Materials and Articles in Contact with Food* (*Scotland*) *Regulations 2012, SI 2012/318 – in force 22 December 2012

These Regulations were made under the Food Safety Act 1990 and the European Communities Act 1972. The 1990 Act and SIs 1990/2463; 1996/1499 are amended in relation to Scotland and SSIs 2006/230; 2008/261; 2009/30; 2010/327; 2011/100 revoked. They provide for the implementation of the following Directives and enforcement of the following Regulations: Directives 78/142, 84/500, 2007/43 and Regulations 1935/2004, 1895/2005, 2023/2006, 450/2009, 10/2011.

NEW EU LEGISLATION

***"Newmarket Sausage" PGI – Regulation 1069/2012* (*OJ No L 318; 15.11.2012*)**

This Regulation enters the name "Newmarket Sausage (PGI)" in Class 1.2 – Meat-based Products – listed in Annex I to the Treaty. The listing entered into force on 5 December 2012.

***"Scottish Wild Salmon" PGI – Regulation 1177/2012* (*OJ No L 337; 11.12.2012*)**

This Regulation enters the name "Scottish Wild Salmon (PGI)" in Class 1.7 – Fresh fish, molluscs and crustaceans and products derived therefrom – listed in Annex I to the Treaty. The listing entered into force on 31 December 2012.

***Food Enzymes – Regulation 1056/2012* (*OJ No L 313; 13.11.2012*)**

This Regulation amends art 17(2) to Regulation 1332/2008 from 13 November 2012 as regards the deadline for submissions of applications.

***Anti-foaming Agent in Food Supplements – Regulation 1057/2012* (*OJ No L 313; 13.11.2012*)**

This Regulation amends Annex II to Regulation 1333/2008 from 3 October 2012 as regards the use of dimethyl polysiloxane (E 900) as an anti-foaming agent in food supplements.

***MRLs for Aflatoxins in Figs – Regulation 1058/2012* (*OJ No L 313; 13.11.2012*)**

This Regulation amends the Annex to Regulation 1881/2006 as regards dried figs and dried fruit other than figs from 3 December 2012.

***Food Additives – Regulation 1147/2012* (*OJ No L 333; 5.12.2012*)**

This Regulation amends Annex II to Regulation 1333/2008 from 25 December 2012 as regards the use of beeswax (E 901), carnauba wax (E 903), shellac (E 904) and microcrystalline wax (E 905) on certain fruits.

***Use of Sulphur Dioxide – Regulation 1148/2012* (*OJ No L 333; 5.12.2012*)**

This Regulation amends Annex II to Regulation 1333/2008 from 25 December 2012 as regards the use of sulphur dioxide — sulphites (E 220–228) and propane-1, 2-diol alginate (E 405) in fermented grape must-based drinks.

***Use of Rosemary Extracts – Regulation 1149/2012* (*OJ No L 333; 5.12.2012*)**

This Regulation amends Annex II to Regulation 1333/2008 from 25 December 2012 as regards the use of extracts of rosemary (E 392) in fillings of stuffed dry pasta.

***Residue Levels of Fenbendazole – Regulation 1161/2012* (*OJ No L 336; 8.12.2012*)**

This Regulation amends the Annex to Regulation 37/2010 from 11 December 2012 as regards maximum residue limits in foodstuffs of animal origin regarding the use of fenbendazole.

***Dimethyl Dicarbonate in Alcoholic Drinks – Regulation 1166/2012* (*OJ No L 336; 8.12.2012*)**

This Regulation amends Annex II to Regulation 1333/2008 from 28 December 2013 as regards the use of dimethyl dicarbonate (E 242) in: "other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15% of alcohol" at a level of 250.

***Plastic Materials & Articles in Contact with Food – Regulation 1183/2012* (*OJ No L 338; 12.12.2012*)**

This Regulation amends and corrects Annex I to Regulation 10/2011 on plastic materials and articles intended to come into contact with food, from 1 January 2013.

***Designations & Terms for Wine Sector Products – Regulation 1185/2012* (*OJ No L 338; 12.12.2012*)**

This Regulation amends Regulation 607/2009 on detailed rules for the implementation of Regulation 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of wine sector products. It enters into force from 1 January 2013.

***Phoxim in Food – Regulation 1186/2012* (*OJ No L 338; 12.12.2012*)**

This Regulation amends the Annex to Regulation 37/2010 as regards MRLs for Phoxim. The entry for Phoxim in Table 1 of the Annex to Regulation 37/2010 is amaneded to include all food producing species except fin fish. It entered into force on 15 December 2012.

***MRLs for Sodium Salicylate – Regulation 1191/2012* (*OJ No L 340; 13.12.2012*)**

This Regulation amends the Annex to Regulation 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance sodium salicylate.

***Official Controls – Regulation 1235/2012* (*OJ No L 350; 20.12.2012*)**

This Regulation replaces Annex I to Regulation 669/2009 implementing Regulation 882/2004 regarding increased levels of official controls on imports of certain feed and food of non-animal origin. It entered into force on 23 December 2012 and applies from 1 January 2013.

***Corrigendum to Regulation 1183/2012 – (OJ No L 349; 19.12.2012*)**

This Corrigendum to Regulation 1183/2012 amends and corrects the Annex, in the Table of point 5, where the entry 858 is now replaced by the new entry set out in the Corrigendum.

***"Fenland Celery" – Application for Registration as PGI* (*OJ No C 353; 17.11.2012*)**

This application addresses the name "Fenland Celery" as a PGI under art 5(7) of Regulation 510/2006.

***"Fal Oyster" – Application for Registration as PDO* (*OJ No C 384; 13.12.2012*)**

This application addresses the name "Fal Oyster" as a PDO under art 6(2) of Regulation 510/2006.

***Lactoferrin as Novel Food Ingredient – Decision 2012/725* (*OJ No L 327; 27.11.2012*)**

This Decision authorises the placing on the market of bovine lactoferrin as a novel food ingredient under Regulation 258/97. Bovine lactoferrin, as specified in Annex I, may be placed on the market as a novel food ingredient for the uses defined, and at the maximum levels established in Annex II, without prejudice to the provisions of Regulation 1925/2006 and Directive 2009/39. The designation of bovine lactoferrin authorised by this Decision on the labelling of the foodstuffs containing it shall be *"Lactoferrin from cow's milk"*.

***Dihydrocapsiate as Novel Food Ingredient – Decision 2012/726* (*OJ No L 327; 27.11.2012*)**

This Decision authorises the placing on the market of dihydrocapsiate as a novel food ingredient under Regulation 258/97. Dihydrocapsiate, as specified in the Annex I, may be placed on the market as a novel food ingredient for the uses defined, and at the maximum levels established in Annex II, without prejudice to the provisions of Regulation 1925/2006, Directive 2009/39 and Directive 2009. The designation of dihydrocapsiate authorised by this Decision on the labelling of the foodstuffs containing it shall be "Dihydrocapsiate".

REPORTS

Advisory Committee on the Microbiological Safety of Food* (*ACMSF*) *Annual Report 2011

This Report is available on the Food Standards Agency website.

BOOK

Food Standards Agency – "CookSafe"

Food safety assurance system, second edition from the Scottish HACCP Working Group; Version 1.2. Guidance developed by the Scottish HACCP Working Group of the Scottish Food Enforcement Liaison Committee for the Food Standards Agency Scotland. A related manual "RetailSafe: Food

Safety Assurance System" (2006, ISBN 9780117021457), with guidance for retailers handling unwrapped high risk food, is available separately. Price £32.00 – ref: 9780117081499.

Pesticide Residues in Food 2011 (*CD-ROM*)

The joint FAO/WHO meeting on pesticide residues report of the joint meeting of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues Geneva, Switzerland, 20–29 September 2011 – ISSN 0259–2517 is available on CD-ROM from The Stationary Office. £15.95 + VAT – ref: 9789251071717

FEEDINGSTUFFS

Lactobacillus plantarum as Feed Additives for all Animal Species – Regulation 1065/2012 (*OJ No L 314; 14.11.2012*)

This Regulation concerns the authorisation of preparations belonging to the additive category "technological additives" and to the functional group "silage additives" and are authorised as additives in animal nutrition, subject to the conditions laid down in that Annex. It concerning the authorisation of preparations of *Lactobacillus plantarum* (DSM 23375, CNCM I-3235, DSM 19457, DSM 16565, DSM 16568, LMG 21295, CNCM MA 18/5U, NCIMB 30094, VTT E-78076, ATCC PTSA-6139, DSM 18112, DSM 18113, DSM 18114, ATCC 55943 and ATCC 55944) as feed additives for all animal species. It entered into force on 4 December 2012.

Pediococcus acidilactici et al as Feed Additives for all Animal Species – Regulation 1119/2012 (*OJ No L 330; 30.11.2012*)

This Regulation concerns the authorisation of preparations of *Pediococcus acidilactici* CNCM MA 18/5M DSM 1163, *Pediococcus pentosaceus* DSM 23376, NCIMB 12455 and NCIMB 30168, *Lactobacillus plantarum* DSM 3676 and DSM 3677 and *Lactobacillus buchneri* DSM 13573 as feed additives for all animal species. It entered into force on 20 December 2012.

Feed Additives for Turkeys – Regulation 1195/2012 (*OJ No L 342; 14.12.2012*)

This Regulation concerns the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Trichoderma koningii* (MUCL 39203) for turkeys for fattening and turkeys reared for breeding (holder of authorisation Lyven). The preparation specified in the Annex, belonging to the additive category "zootechnical additives" and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex. It entered into force on 3 December 2012.

***Feed Additives for Laying Hens – Regulation 1196l2012* (*OJ No L 342; 14.12.2012*)**

This Regulation concerns the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Trichoderma koningii* (MUCL 39203) for turkeys for fattening and turkeys reared for breeding (holder of authorisation Lyven). The preparation specified in the Annex, belonging to the additive category "zootechnical additives" and to the functional group "digestibility enhancers", is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex. It entered into force on 3 December 2012. The Annex to Regulation 9/2010 is amended in accordance with the Annex to this Regulation.

MEDICINES

NEW LEGISLATION

Correction Slip

The following correction slip has appeared in the Daily List: "1916 COR. The Human Use Medicines Regulations 2012 (correction slip) – 1 sheet. Correction slip (to ISBN 9780111527603) dated November 2012".

ENFORCEMENT

Suspended Prison Sentence for Laundering £422K

Following an investigation by the Medicines and Healthcare products Regulatory Agency an Essex man was sentenced on 16 November 2012 at Basildon Crown Court to 12 months' imprisonment from illegal sales of medicines. The sentence was suspended for two years after Gary Bracci of Canvey Island pleaded guilty to laundering over £400,000 from the illegal online sale of anabolic steroids and prescription only medicines. He was also sentenced to 300 hours unpaid work and ordered to pay £10,000 costs over a period of 12 months. Bracci, 31, set up payment facilities and converted the money he received from the illegal sale of these Internet medicines through his own bank account. During the course of the MHRA investigation into websites used more than 26,000 tablets of prescription only medicine, anabolic steroids and human growth hormone were seized. Officers also found and seized laboratory equipment and paraphernalia connected with the home manufacture of anabolic steroids. The homemade steroid products were labelled "Medipharma". When tested by MHRA, they were found to contain small or unpredictable quantities of their claimed ingredient. Three Essex men had previously been sentenced for their involvement in this operation. Nicholas Boys, of Southend, was sentenced to a total of 18 months imprisonment with Eric Rudanec, of Southend and Mark Rosson, of Westcliffe-on-Sea, who were both given a six-month suspended sentence for 12 months and 150 hours of unpaid work.

INFORMATION

Medicines Reclassification Guidance

Following the announcement in the Chancellor's Autumn Statement, the Medicines and Healthcare products Regulatory Agency (MHRA) has launched a new, streamlined procedure to speed the process of moving medicines from prescription-only to over-the-counter medicines. The new procedure is underpinned by a new guideline on: "How to change the legal classification of a medicine in the UK" published on the MHRA website. The new process outlined in the guideline could cut the time from application to decision by three months or more. The guideline will come into effect immediately and has been developed by MHRA in collaboration with the pharmaceutical industry as part of the Better Regulation of Medicines Initiative (BROMI) and its response to the government's "Red Tape Challenge". To streamline and shorten the reclassification process, the new guidance will:

- minimise the need for formal engagement during the assessment process by increasing engagement with applicants before submission and encourage pre-application collaborative work with key stakeholders;
- reduce the types of applications which would require engagement with stakeholders during the application process;
- minimise the occasions on which expert advice would be sought; and
- make stakeholder engagement more focussed and time limited.

Other improvements include a new presentational structure aimed at guiding applicants through the reclassification process from product development (within companies) to submission, assessment, approval and risk management activities. The guidance includes a new section on benefit risk assessment to help applicants evaluate a candidate product prior to submission, to provide a rationale for their justification that the balance of benefits and risks are in favour of the product as a non-prescription medicine. Appendices give guidance on structuring applications to European guidelines, information on how to avoid common pitfalls and answers frequently asked questions. The new process and guidance will speed and streamline the way medicines are made available safely, with benefits for the medicines users, the regulator and the industry.

MHRA Guidance on Self-test Kits

The MHRA has issued a new fact sheet on the use of self-test kits. Such kits are available for a variety of conditions including fertility, sexually transmitted infections and cancer and can have an important role to play in healthcare. They should not, however, be relied upon on their own and the new guidance provides advice what to look out for before buying a kit, before using one and what to do with the results. When thinking about self-testing remember you can get free access to high quality tests on the NHS. But if you do choose to use a self-test kit it is important to follow up the results and check any concerns you may have with a healthcare professional. When

buying a self-test kit whether from the high street or online, only buy from a source that you trust. You can also seek advice from a healthcare professional such as a pharmacist or practice nurse on the right kit to select. Do not buy the kit if it looks damaged or the seals are broken. You should also make sure the kit has a CE mark which means it meets the relevant regulatory requirements and, when used as intended, works properly and is acceptably safe. The new guidance provides advice on what to consider before using a self-test kit with a reminder to read the instructions carefully, know how the kit can be stored and know how to read the results. Consumers are also reminded that no test kit is 100% reliable and should never replace a doctor's diagnosis or a result from a national screening programme.

MHRA Request: Users asked to return Viridian Nutrition Black Cohosh Root Capsules

Users of herbal products are being asked to check if they have any "Black Cohosh Root" capsules made by Viridian Nutrition. If they do, they are asked to return them to their retailer as the product has been found to contain an unintended and undeclared plant material. The Medicines and Healthcare products Regulatory Agency has taken action to request that the manufacturer Viridian Nutrition also recalls their "Black Cohosh Root" capsules from sale in health shops. The manufacturer stopped marketing this product in July but some stock of the product may still be on retail sale. Testing found that the product, which should only contain Black Cohosh (*Cimicifuga racemosa*), also contained another species, most probably *Cimicifuga foetida*. The undeclared plant material, *Cimicifuga foetida*, is not generally used in Western herbal medicine and its properties or safety has not been evaluated. This means that the product is not what it is says it is or of the quality required and must be removed from the market. MHRA always recommends that registered herbal products are used and these can be identified by the Traditional Herbal Registration (THR) registration number or logo on the packaging. These products have been assessed and quality checked to ensure that they are acceptably safe to use and are accompanied by a leaflet with information on how to use the product with possible side effects listed.

Ultra Slim Herbal Slimming Product

MHRA has advised consumers not to use the product "Ultra Slim" due to concerns about possible side-effects following advice received from the Danish Medicines Agency that this unlicensed product had been tested and found to contain the Prescription Only Medicine "Sibutramine". This had been withdrawn from the market in January 2010 on safety grounds due to increased risk of heart attacks and strokes. It is unclear whether these products are available in retail outlets in the UK but could be available on the internet. Sibutramine has been withdrawn from the EU market, due to increased risk of heart attacks and strokes.

Shark Essence – MHRA Warning

MHRA has advised consumers not to use Shark Essence, which is marketed as a herbal medicine for treating sexual dysfunction, due to concerns about

possible side-effects. The MHRA has received advice from the Ministry of Health, Jerusalem warning that this unlicensed product has been tested and found to contain Tadalafil and Sildenafil which are Prescription Only Medicines used in the treatment of male erectile dysfunction. These active ingredients are not listed on the product label. Tadalafil is the active ingredient in a Prescription Only Medicine called Cialis and should only be used when prescribed by a doctor. Uncontrolled consumption of Tadalafil is dangerous and could potentially cause serious adverse reactions such as heart attack, stroke and severe hypotension. Sildenafil is the active ingredient in a Prescription Only Medicine called Viagra and should only be used when prescribed by a doctor. Uncontrolled consumption can cause potentially life-threatening high blood pressure. Individuals with heart problems are at increased risk of cardiovascular side-effects such as heart attack, stroke, chest pain and abnormal heart beat. Other side effects include headache, indigestion, dizziness and abnormal vision. It is unclear whether these products are available in retail outlets within the UK but could be available on the internet.

Risks of Buying Medicines Online – MHRA Supports Warning Campaign

Statistics from a new UK survey suggests that increasing numbers of people are putting themselves in danger by purchasing prescription medicines online without a prescription. A video has been created to highlight the potential consequences of buying Prescription Only Medicine from illicit websites. This important source of information can be viewed on the MHRA website.

PRICE & CREDIT

NEW LEGISLATION

Consumer Credit (*Green Deal*) *Regulations 2012, SI 2012/2798 – in force 28 January 2013*

These Regulations were made under the Consumer Credit Act 1974 and apply to Great Britain. They amend SIs 1983/1553, 1564; 2004/1483; 2007/1167; 2010/1013 and 1014.

Consumer Rights (*Payment Surcharges*) *Regulations 2012, SI 2012/3110 – in force 6 April 2013*

These Regulations were made under the European Communities Act 1972 and apply to the UK. They prohibit surcharges imposed by traders on consumers in respect of the use of a given means of payment, where the surcharges exceed the cost to the trader of using that means of payment. A number of contracts are excluded, including contracts for social services, health services and services of a banking or insurance nature. Existing micro-businesses are exempt from the prohibition until 12 June 2014 as are and new businesses. Local Weights and Measures Authorities and the Department of Enterprise, Trade and Investment in Northern Ireland may consider complaints about surcharges and may apply to a court for an

injunction (in Scotland an interdict or order of specific implement) against a trader acting in breach of the regulations. Regulation 10 provides that a surcharge in breach of reg 4 is unenforceable against a consumer and, if already paid, must be repaid to the consumer. The Regulations apply to the Crown, and extend to England and Wales, Scotland and Northern Ireland.

SAFETY

NEW LEGISLATION

Product Safety Amendment and Revocation Regulations 2012, SI 2012/2963 – in force 6 April 2013

These Regulations were made under the Consumer Protection Act 1987 and apply to the UK. They amend and revoke two statutory instruments relating to product safety: Regulation 2 amends the Pyrotechnic Articles (Safety Regulations) 2010, SI 2010/1554 to substitute a lower age restriction for the supply of a Christmas cracker which is a category 1 firework. This is in line with the minimum limit set by Directive 2007/23 on the placing on the market of pyrotechnic articles. Regulation 3 revokes the Pencils and Graphic Instruments (Safety) Regulations 1998, SI 1998/2406.

Materials and Articles in Contact with Food (Wales) Regulations 2012, SI 2012/2705 – in force 20 November 2012

These Regulations were made under the Food Safety Act 1990 and the European Communities Act 1972 and apply to Wales. They amend SIs 1990/2463; 1996/1499 in relation to Wales and SIs 2006/1704 (W.166); 2009/481 (W.49); 2010/2288 (W.200); 2011/233 (W.45) are revoked. They provide for the implementation of the following Directives and the enforcement of the following EU Regulations: Directives 78/142, 84/500, 2007/42; Regulations (EC) 1935/2004, 1895/2005, 2023/2006, 450/2009 and 10/2011.

NEW EU LEGISLATION

Toy Safety – Commission Communication (OJ No C 349; 15.11.2012)

This Communication publishes the titles and references to harmonised standards under the "Toys Directive" 2009/48. It is a major piece of EU legislation identifying CEN and Cenelec standards relating to toys.

Personal Protective Equipment – Commission Communication (OJ No C 395; 20.12.2012)

This Communication publishes the titles and references to harmonised standards under the "PPE Directive" 89/686.

Bifenthrin Restriction – Decision 2012/728 (OJ No L 327; 27.11.2012)

This Decision concerns the non-inclusion of Bifenthrin for product type 18 in Annex IA or IB to Directive 98/8 on the placing of biocidal products on the market.

TRADE DESCRIPTIONS

CONSULTATION

Street Trading and Pedlar Laws: compliance with the European Services Directive URN: 12l605

This is a joint consultation on draft regulations that would repeal the Pedlars Acts UK-wide and change street trading legislation in England and Wales and Northern Ireland. It also addresses proposals to repeal the Pedlars Acts 1871 and 1881 for the whole of the UK. The changes aim to ensure that legislation complies fully with the requirements of the European Services Directive 2006/123.

Copyright Changes Proposed

Changes to create greater freedom to use copyright works such as computer games, paintings, photographs, films, books, and music, while protecting the interests of authors and right owners have been announced by the Business Secretary, Vince Cable. New measures include provisions to allow copying of works for individuals' own personal use, parody and for the purposes of quotation. They allow people to use copyright works for a variety of valuable purposes without permission from the copyright owners. They bring up to date existing exceptions for education, research and the preservation of materials. This follows on from the Hargreaves Review. Here Professor Hargreaves made the case for the UK making greater use of exceptions which are allowed under EU law. In response to the earlier consultation the government will make changes to:

- Private copying – to permit people to copy digital content they have bought onto any medium or device that they own, but strictly for their own personal use such as transferring their music collection or eBooks to their tablet, phone or to a private cloud.
- Education – to simplify copyright licensing for the education sector and make it easier for teachers to use copyright materials on interactive whiteboards and similar technology in classrooms and provide access to copyright works over secure networks to support the growing demand for distance learning handouts for students.
- Quotation and news reporting – to create a more general permission for quotation of copyright works for any purpose, as long as the use of a particular quotation is "fair dealing" and its source is acknowledged.
- Parody, caricature and pastiche – to allow limited copying on a fair dealing basis which would allow genuine parody, but prohibit copying disguised as parody.
- Research and private study – to allow sound recordings, films and broadcasts to be copied for non-commercial research and private study purposes without permission from the copyright holder. This includes both user copying and library copying.

- Data analytics for non-commercial research – to allow non-commercial researchers to use computers to study published research results and other data without copyright law interfering.

- Access for people with disabilities – to allow people with disabilities the right to obtain copyright works in accessible formats where a suitable one is not already on the market.

- Archiving and preservation – to allow museums, galleries, libraries and archives to preserve any type of copyright work that is in their permanent collection which cannot readily be replaced.

- Public administration – to widen existing exceptions to enable more public bodies to share proactively third party information online, which would reflect the existing position in relation to the use of paper copies.

These changes could contribute at least £500 million to the UK economy over ten years, and perhaps much more from reduced costs, increased competition and by making copyright works more valuable. They form part of government's response to the Hargreaves Review that concluded that: "The UK's current system is falling behind what is needed, especially in the area of copyright" and recommended that the UK needed "an approach to exceptions to copyright which encourages successful new digital technology businesses both within and beyond the creative industries".

ENVIRONMENTAL

NEW LEGISLATION

Ecodesign for Energy-Related Products and Energy Information (Amendment) Regulations 2012/3005 – in force on 1 January 2013; reg 3(3) in force on 29 September 2013

These Regulations were made under the European Communities Act 1972 and apply to the UK. They amend the Ecodesign for Energy-Related Products Regulations 2010, SI 2010/2617 and the Energy Information Regulations 2011, SI 2011/1524 implementing partially four EU Regulations as follows:

- Regulation 2 inserts additional products (water pumps, air conditioners and comfort fans) into the table in Sch 1 (declaration of conformity) to the Ecodesign for Energy-Related Products Regulations 2010;

- Regulation 3(2) substitutes the reference to air conditioners in Sch 1 (EU measures) to the Energy Information Regulations 2011;

- Regulation 3(3) substitutes, from 29 September 2013, the reference to household tumble driers in Sch 1 (EU measures) to the Energy Information Regulations 2011.

Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012/3032 – in force 2 January 2013

These Regulations were made under the European Communities Act 1972 and apply to the UK. They implement Directive 2011/65 on the restriction of the use of certain hazardous substances in electrical and electronic equipment which imposes harmonised restrictions on the use of listed hazardous substances in 11 categories of electrical and electronic equipment. It also requires the use of EU declarations of conformity and CE marking, and provides for market surveillance. The Directive seeks to reduce the risks posed by hazardous substances to health and the environment, repealing and replacing Directive 2002/95 on the restriction of the use of hazardous substances in electrical and electronic equipment. The latter was implemented in the UK by the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008/37. They also revoke and replace SI 2008/37.

- Regulation 3 sets out the restrictions on the use of certain hazardous substances in electrical and electronic equipment ("EEE").
- Regulation 5 and Sch 1 set out the EEE to which these Regulations apply. Regulation 6 sets out a time-limited exclusion from the scope of these Regulations.
- Part 2 of the Regulations sets out the prohibitions and obligations that apply to economic operators. They are divided into prohibitions and obligations applying to manufacturers and their authorised representatives, importers, distributors and all economic operators.
- Part 3 deals with the enforcement of these Regulations.
- Part 4 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended.
- Schedule 1 sets out what EEE are inside and outside the scope of these Regulations.
- Schedule 2 contains the powers that the market surveillance authority can exercise, such as test purchases, powers of entry and warrants.
- Schedule 3 sets out the actions the market surveillance authority can take, and includes provision for compliance, enforcement and recall notices.

Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012, SI 2012/3082 – in force in accordance with reg 1

These Regulations were made under the European Communities Act 1972 and the Environment Act 1995, applying to Great Britain. They amend SIs 2007/871 and 2010/2849.

NEW EU LEGISLATION

Establishing the Ecological Criteria for the Ecolabel for Industrial and Institutional Automatic Dishwasher Detergents – Decision 2012/720 (OJ No L 326; 24.11.2012)

This Decision establishes the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Automatic Dishwasher Detergents. The product group "Industrial and Institutional Automatic Dishwasher Detergents" comprise single and multi-component dishwasher detergents, rinse and pre-soaks, designed for use in professional dishwashers. The following products are excluded from the scope of this product group: consumer automatic dishwasher detergents, detergents intended to be used in washers of medical devices or in special machines for cleaning industrial equipment, including in special machines for the food industry. Sprays not dosed via automatic pumps are excluded from this product group. The criteria for the product group is valid for four years from the date of adoption of this Decision. For administrative purposes the code number assigned to the product group "Industrial and Institutional Automatic Dishwasher Detergents" is "038".

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