
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive [2001/90/EC](#) (OJNo. L283, 27.10.01, p. 41).

The Regulations revoke the Environmental Protection (Controls on Injurious Substances) Regulations 1999 ([S.I. 1999/3244](#)) other than regulation 6, which had previously provided for restrictions on the use and marketing of wood treated with the dangerous substances or preparations referred to below (regulation 2).

The Regulations prohibit the use of creosote and creosote-related substances as set out in the Schedule (“the dangerous substances or preparations”) in the treatment of wood except for industrial or professional use (regulation 4). Wood so treated may not be supplied, however dangerous substances or preparations may be supplied if the requirements of regulation 5 are complied with.

Wood treated with the dangerous substances or preparations in accordance with these Regulations may not be used in the situations specified in regulation 6, including inside any buildings, in toys and in playgrounds. Wood so treated before the Regulations come into force may be supplied for second-hand use (regulation 7), and their use is similarly restricted.

A person who contravenes regulation 4 or regulation 6 is guilty of an offence punishable on summary conviction with a maximum of three months' imprisonment or a fine not exceeding level 5 on the standard scale (regulation 8(2)). The penalty on summary conviction for a contravention of regulation 5, being an offence under section 12 of the Consumer Protection Act [1987 \(c. 43\)](#), is a maximum of six months' imprisonment or a fine not exceeding level 5 on the standard scale, or both, by virtue of section 12(5) of that Act.

The EINECS and CAS numbers identifying the dangerous substances or preparations in the Schedule are given respectively in the European Inventory of Existing Commercial Chemical Substances (OJ No. C146A, 15.6.90, p. 1) and the CAS Registry Handbook, ISSN 0093-058X. The latter may be inspected at the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN.

A full regulatory impact assessment report of the effect that these Regulations would have on the costs to business and a transposition note are freely available to the public from the Consumer and Competition Policy Directorate, Department of Trade and Industry, 4th Floor, 1 Victoria Street, London SW1H 0ET. Copies of the report have also been placed in the libraries of both Houses of Parliament.