



Notification Number: 2011/102/F

Decree laying down a derogation to Article R.1333-2 of the Code de la santé publique for ionisation chamber smoke detectors

Date received : 04/03/2011

End of Standstill : 06/06/2011

Message

Message 002

Communication from the Commission - SG(2011) D/5505

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0102/F

No abre el plazo - Ne zahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201100505.EN)

1. Structured Information Line

MSG 002 IND 2011 0102 F EN 04-03-2011 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère de l'écologie, du développement durable des transports et du logement - Direction générale de la prévention et des risques - Service des risques technologiques



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4. Notification Number

2011/0102/F - B10

5. Title

Decree laying down a derogation to Article R.1333-2 of the Code de la santé publique for ionisation chamber smoke detectors

6. Products Concerned

Ionisation chamber smoke detectors

7. Notification Under Another Act

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8. Main Content

Since the amending decree no 2002-460 of 4 April 2002 was passed, Article R.1333-2 of the Code de la santé publique has prohibited the intentional addition of radionuclides to consumer goods, foodstuffs and construction products.

By virtue of precedence, it is considered that ionisation chamber smoke detectors (ICSDs) shall benefit from a derogation to this prohibition by way of previous decisions of the Commission interministérielle des radioéléments artificiels (CIREA) (Decision of 29 November amended and supplemented on 11 May 1982, 10 December 1996, 20 June 2000, 10 May and 1 July 2001 with regard to the special conditions for the use of artificial radioactive elements in smoke detectors).

In implementation of the provisions of the Code de la santé publique, in particular Articles R1333-2 and R1333-4, a regulatory mechanism governing the gradual withdrawal of ICSDs has been prepared. This regulatory mechanism comprises this draft decree and two draft decisions of the Autorité de sûreté nucléaire supplementing these provisions.

In particular, it allows for the establishment of a timetable for withdrawal over 10 years, in accordance with the technical and financial constraints imposed by way of obligation.

9. Brief Statement of Grounds

Alternative technologies that do not use ionising radiation meet the technical and regulatory requirements in the field of fire detection.

Therefore, the use of ionisation chamber smoke detectors is now no longer justified by virtue of the principles of Article 6 of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation. However, in view of the size of the installed stock, it is envisaged that there will be a gradual withdrawal of these detectors over a period of 10 years.



10. Reference Documents - Basic Texts

References texts: Code la santé publique, Chapter III: Ionising radiation of Title III: Prevention of health risks relating to the environment and work of Book III: Protection of health and the environment of Part I: General protection of health, in particular Articles L1333-1, L1333-2, R1333-2 and R1333-4

Decree no 2002-460 of 4 April 2002 on the general protection of persons against the dangers of ionising radiation

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

NO - The draft has no significant impact on international trade.

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.

Catherine Day
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Commission européenne

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