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**AN BILLE UM RABHADH RADAÍOCHTA LE HAGHAIDH  
GUTHÁN PÓCA, 2011  
MOBILE PHONE RADIATION WARNING BILL 2011**

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*Mar a tionscnaíodh  
As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title and commencement.
2. Interpretation.
3. Requirement for warning.
4. Placing of warning.
5. Text of warning.
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11. Summary offences.
12. Penalty.
13. Offence by body corporate.
14. Compliance period.
15. Exemption for mobile phones for sale outside the jurisdiction.
16. Ministerial regulations.

**SCHEDULE**

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# **BILL**

5 *entitled*

AN ACT TO PROVIDE THAT A WARNING LABEL SHALL  
BE AFFIXED TO THE EXTERIOR CASING OF MOBILE  
PHONES AND ON RELATED PACKAGING, WHICH  
SHALL STATE CLEARLY THAT MOBILE PHONES EMIT  
10 ELECTROMAGNETIC RADIATION.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—This Act may be cited as the Mobile Phone Radiation Warning Act 2011. This Act shall come into operation 90 days after the enactment of this Bill. Short title and commencement.

15 2.—In this Act— Interpretation.

“Minister” means the Minister for Environment, Heritage and Local Government;

“Mobile phone” means a device which may be used to access a wireless telephone Network;

20 “Non-Ionising Radiation Level” means all radiations and fields of the electromagnetic spectrum that do not normally have sufficient energy to produce ionisation in matter, characterised by energy per photon less than approximately 12 electron volts, wavelengths greater than 100 nm, and frequencies lower than  $3 \times 10^{15}$  Hz;

25 “Specific Absorption Rate” (SAR) is a measure of the rate at which energy is absorbed by the body when exposed to a radio frequency electromagnetic field. It is the power absorbed per mass of tissue and has units of watts per kilogram.

30 3.—Every mobile phone and its packaging must have a clearly legible warning affixed to it. Such warning must: Requirement for warning.

(a) specify the mobile phone’s non-ionising radiation level, and

(b) the specific absorption rate (SAR), and

(c) contain a warning as set out in the Schedule of this Act.

Placing of warning.	<b>4.</b> —The warning referred to at <i>section 3</i> shall be affixed to the visible surface of the mobile phone and on any outside packaging, with the exception of additional transparent wrappers, used in the retail sale of the product.	
Text of warning.	<b>5.</b> —The text of the warning shall be—	5
	(a) printed in black bold type on a white background at such a font size as to occupy the greatest possible proportion of the area set aside for the text required;	
	(b) in lower-case type, except for the first letter of the message and where required by grammar usage;	10
	(c) centred in the area in which the text is required to be printed, parallel to the top edge of the mobile phone or packaging;	
	(d) in the Irish and English languages;	
	and such text shall be preceded by the words “Irish Government Warning”.	15
Visibility of warning.	<b>6.</b> —The text of the warning on the packaging shall not be hidden, obscured or interrupted by other written or pictorial matter or by the opening of the packaging.	
Warning by use of label.	<b>7.</b> —The warning on the mobile phone may be affixed by means of a label.	20
Prohibition.	<b>8.</b> —A person shall not manufacture, assemble, supply or sell a mobile phone, or related packaging, whether by retail or wholesale, which does not comply with this Act and/or regulations made pursuant to this Act.	25
Offence.	<b>9.</b> —A person who fails to comply with this Act or regulations made pursuant to this Act shall be guilty of an offence.	
Multiple offences.	<b>10.</b> —For the purposes of this Act, every contravention of this Act or regulations made pursuant to this Act shall be deemed a separate contravention and every contravention of a paragraph or a subparagraph shall also be deemed to be a separate contravention and shall carry the same penalty as for a single contravention of this Act or regulations made pursuant to this Act.	30
Summary offences.	<b>11.</b> —An offence under this Act or regulations made pursuant to this Act shall be tried summarily.	35
Penalty.	<b>12.</b> —A person who is guilty of an offence under this Act or regulations made pursuant to this Act shall be liable on summary conviction to a fine not exceeding €3,000.	
Offence by body corporate.	<b>13.</b> —Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate	40

and is proved to have been so committed with the consent, connivance or approval of, or to be attributed to any neglect or default on the part of, any director, manager, secretary or any other officer of such body, or a person who was purporting to act in any such capacity, such person shall also be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

5 **14.**—Notwithstanding the provisions of this Act, mobile phones or related packaging which do not comply with the requirements of this Act, may continue to be placed on the market until 31 December 2013. Compliance period.

**15.**—This Act shall not apply to mobile phones and/or related packaging manufactured or assembled in the State for the purpose of being placed on the market outside the State. Exemption for mobile phones for sale outside the jurisdiction.

15 **16.**—The Minister shall adopt regulations in relation to the implementation and enforcement of this Act, including regulations establishing requirements for uniform warning labels for mobile phones and mobile phone packaging. Ministerial regulations.

#### SCHEDULE

20 “WARNING: THIS DEVICE EMITS ELECTROMAGNETIC RADIATION. USERS, ESPECIALLY CHILDREN, SHOULD KEEP THIS DEVICE AWAY FROM THE HEAD AND BODY.”