L.N. 396 of 2004

PRODUCT SAFETY ACT (ACT NO. V OF 2001)

Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations, 2004

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, 2001, the Minister for Competitiveness and Communications, acting on the advice of the Malta Standards Authority, has made the following regulations:–

Citation and commencement.

1. (1) The title of these regulations is the Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations, 2004.

(2) These regulations shall come into force on the 1st July, 2006.

(3) Provided that the maximum concentration values of the substances referred to in regulation 4 hereto are published, prior to this date, by the Commission in the Official Journal of the European Union as required by Article 5(1)(a) of the Directive.

General scope.

2. (1) These regulations transpose Directive 2002/95/EC[1] of the European Parliament and of the council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment, which hereinafter shall be referred to as "the Directive".

(2) These regulations shall apply to electrical and electronic equipment falling within the scope of Directive No. 2002/96/EC[2] of the European Parliament and of the Council of the 27th January, 2003 on waste electrical and electronic equipment (referred to from here on as the "WEEE directive" in these regulations), and are set out under the categories 1, 2, 3, 4, 5, 6, 7, and 10 of Annex 1A of the WEEE directive, (and which have been reproduced as categories 1 to 8 of Schedule II to these regulations), and to electric light bulbs, and to luminaries in households.

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[1] O.J. L 37/19, 13.2.2003
[2] O.J. L 37/24, 13.2.2003

(3) These regulations shall apply without prejudice to legislation on safety and health requirements and specific waste management legislation of the European Community.

(4) These regulations do not apply to spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before the date of entry into force of these regulations.

Definitions.

3. For the purposes of these regulations, all the definitions of the Act shall apply, and in addition:

"electrical and electronic equipment" or "EEE" means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex 1A to the WEEE Directive, reproduced as Schedule II to these regulations, and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current.

Prevention.

4. (1) New electrical and electronic equipment put on the market shall not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) in excess of the levels which are deemed hazardous for the purpose of these regulations. These levels shall be referred to as "the maximum concentration values."

(2) Sub-regulation (1) hereof shall not apply to the applications listed in Schedule I to these regulations.

Committee.

5. (1) There shall be a committee to be set up for the purposes of these regulations, which is to be composed of representatives from the Consumer and Industrial Goods Directorate of the Malta Standards Authority and from the competent body responsible for the environment, nominated by virtue of article 6 of the Environment Protection Act, and which shall be established to follow the proceedings referred to in articles 5,6 and 7 of the Directive.

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Schedule I

(Regulation 4(2))

Applications of lead, mercury, cadmium and hexavalent chromium, which are exempt from the requirements of regulation 4(2)

Item No.	Application
1	Mercury in compact fluorescent lamps not exceeding 5 mg per lamp.
2	Mercury in straight fluorescent lamps for general purposes not exceeding: – halophosphate 10 mg – triphosphate with normal lifetime 5mg – triphosphate with long lifetime 8mg.
3	Mercury in straight fluorescent lamps for special purposes.
4	Mercury in other lamps not specifically mentioned in this Schedule.
5	Lead in glass of cathode ray tubes, electronic components and fluorescent tubes.
6	Lead as an alloying element in steel containing up to 0,35 % lead by weight, aluminium containing up to 0,4 % lead by weight and as a copper alloy containing up to 4 % lead by weight.
7	(a) Lead in high melting temperature type solders (i.e. tin-lead solder alloys containing more than 85 % lead), (b) Lead in solders for servers, storage and storage array systems (exemption granted until 2010), (c) Lead in solders for network infrastructure equipment for switching, signaling, transmission as well as network management for telecommunication, (d) Lead in electronic ceramic parts (e.g. piezoelectronic devices).
8	Cadmium plating except for applications banned under Directive 91/338/EEC[3] amending Directive 76/769/EEC[4] relating to restrictions on the marketing and use of certain dangerous substances and preparations.
9	Hexavalent chromium as an anti-corrosion of the carbon steel cooling system in absorption refrigerators.
10	Deca BDE,
11	Lightbulbs

[3] OJ L 186, 12.7.1991, p. 59.
[4] OJ L 262, 27.9.1976, p. 201.

Exemptions 3, 7(b), 7(c), 10 and 11 are subject to the evaluation of the Commission through the application of the procedure referred to in article 7(2) of the Directive.

Schedule II

(Regulation 2(2))

Categories of electrical equipment reproduced from Annex 1A of the WEEE Directive

Item No.	Application
1	Large household appliances
2	Small household appliances
3	IT and telecommunications equipment
4	Consumer equipment
5	Lighting equipment
6	Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7	Toys, leisure and sports equipment
8	Automatic dispensers