L.N. 203 of 2007

PRODUCT SAFETY ACT (CAP. 427)

Child-Resistant and Novelty Lighters (Amendment) Regulations, 2007

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

Scope and citation.

1. (1) The title of these regulations is the Child-Resistant and Novelty Lighters (Amendment) Regulations, 2007, and they shall be read and construed as one with the Child-Resistant and Novelty Lighters Regulations, 2006, hereinafter referred to as "the principal regulations". L.N. 286 of 2006.

(2) These regulations transpose Commission Decision 2007/231/EC1 of the 12th April, 2007 amending Commission Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters.

Amends regulation 1 of the principal regulations.

2. (1) The first two provisos of regulation 1(3) are hereby being deleted.

Amends regulation 3 of the principal regulations.

3. (1) The title of regulation 3 shall be substituted by the following:

"Placing on the market".

(2) Regulation 3 of the principal regulations shall be substituted by the following:

"3. (1) It shall be ensured that only lighters which are child-resistant are placed on the market as of the 11th March, 2007.

(2) As of the 11th March, 2007, the placing on the market of novelty lighters shall be prohibited.

(3) As from 11th March, 2007, producers shall, as a condition for placing lighters on the market:

(a) keep and provide on request without delay to the Director a report of a child-resistance test for each model of lighters with samples of the lighters of the tested model, certifying the child-resistance of the model of lighters placed on the market;

(b) attest on request to the Director that all lighters in each of the batches placed on the market conform to the model tested and provide on request to the authorities the documentation on the testing and control programme supporting such an attestation;

(c) continuously monitor conformity of the lighters produced with the technical solutions adopted to ensure child resistance, using appropriate testing methods and to maintain at the disposal of the Director the production records necessary to show that all lighters produced conform to the model tested;

(d) keep and provide on request without delay to the Director a new report of a child-resistance test if any changes are made to a model of lighter that may adversely affect the ability of the model to meet the requirements of these regulations.

(4) As from 11th March, 2007, distributors shall be required to keep and provide without delay to the Director on request the documentation necessary to identify any person from whom they have been supplied with the lighters they place on the market, in order to ensure traceability of the producer of the lighters throughout the supply chain.

(5) Lighters for which producers and distributors do not provide the documentation mentioned in subregulations (3) and (4) within the deadline fixed by the Director, shall be withdrawn from the market.".

Add regulation 5 to the principal regulations.

4. (1) Immediately after regulation 4 of the principal regulations, there shall be inserted the following regulation:

"Making available.

5. It shall be ensured that only lighters which are child-resistant are supplied to consumers as of 11th March, 2008 and the supply of novelty lighters to consumers as of this date shall be prohibited.".

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