L.N. 244 of 2010

PRODUCT SAFETY ACT
(CAP. 427)

Safety of Toys (Amendment) Regulations, 2010

IN exercise of the powers conferred by article 38 of the Product Safety Act, the Prime Minister, on the advice of the Malta Standards Authority, has made the following regulations:-

Citation, scope and commencement.

1. (1) The title of these regulations is the Safety of Toys (Amendment) Regulations, 2010, and they shall be read and construed as one with the Safety of Toys Regulations, 2002, hereinafter referred to as "the principal regulations".

L.N. 373 of 2002.

(2) These regulations transpose Directive 2008/112/EC[1] .

(3) These regulations shall enter into force as follows:

a) regulation 2 shall come into force on the 1st June, 2010; and,

b) regulations 3 and 4 shall come into force on the 1st December, 2010.

General amendment to the principal regulations.

2. In the principal regulations, for the word "preparation" or "preparations" wherever they occur there shall be substituted the words "mixture" or "mixtures" respectively.

Amends Schedule II to the principal regulations.

3. In Part II of Schedule II to the principal regulations:

(a) for section 2, paragraph (b) thereof, there shall be substituted the following:

[1] OJ L.345, 23-12-2008, p.68. Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

"(b) Toys must not contain, as such, substances or mixtures which may become flammable due to the loss of non-flammable volatile components if, for reasons essential to their functioning, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar activities, such toys contain mixtures which are dangerous as defined in the Dangerous Substances Regulations, 2008, or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008[2]:

L.N. 306 of 2008.

(i) Hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) Hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(ii) Hazard class 4.1;

(iii) Hazard class 5.1:

Provided that as from the 1st June, 2015, the words "which are dangerous as defined in the Dangerous Substances Regulations, 2008," shall be deleted."; and,

(b) For the first paragraph of point 3 in section 3 thereof, there shall be substituted the following:

"3. Toys must not contain mixtures which are dangerous within the meaning of the Dangerous Substances and Preparations Regulations, 2007, or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

L.N. 10 of 2007.

(i) Hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

[2] OJ L.353, 31-12-2008, p.1. Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labeling and packaging of substances and mixtures.

(ii) Hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) Hazard class 4.1;

(iv) Hazard class 5.1,

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such substances or mixtures if they are intended to be used as such while the toy is being used:

Provided that as from the 1st June, 2015, the words "which are dangerous within the meaning of the Dangerous Substances and Preparations Regulations, 2007," shall be deleted."

Amends Schedule IV to the principal regulations.

4. For the title and paragraph (a) of section 4 in Schedule IV to the principal regulations, there shall be substituted the following:

"4. Toys containing inherently dangerous substances or mixtures. Chemical toys

(a) Without prejudice to the application of the provisions laid down in Regulation (EC) No 1272/2008, the instructions for use of toys containing mixtures which are inherently dangerous or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

(i) Hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) Hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) Hazard class 4.1;

(iv) Hazard class 5.1,

shall bear a warning of the hazardous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of the toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children:

Provided that as from the 1st June, 2015, the words "which are inherently dangerous" shall be deleted.".

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