

L.N. 18 of 2008**PRODUCT SAFETY ACT
(CAP. 427)****Dangerous Substances and Preparations (Restrictions)
(Amendment) Regulations, 2008**

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Minister for Competitiveness and Communications has, on the advice of the Malta Standards Authority, made the following regulations:–

1. The title of these regulations is the Dangerous Substances and Preparations (Restrictions) (Amendment) Regulations, 2008, and they shall be read and construed as one with the Dangerous Substances and Preparations (Restrictions) Regulations, 2003, hereinafter referred to as “the principal regulations”. Citation.
L.N. 346 of 2003.
2. (1) These regulations shall enter into force as from 3rd April 2009. Commencement and scope.
 - (2) These regulations implement the provisions of Directive 2007/51/EC of the European Parliament and of the Council of 25th September 2007 amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury (*OJ L 257, 3.10.2007*).
3. For the First Schedule to the principal regulations, the following shall be inserted after reference number “19 Mercury Compound”: Amends the First Schedule to the principal regulations.

<p>“19a Mercury CAS No 7439-97-6.</p>	<ol style="list-style-type: none"> 1. May not be placed on the market: <ol style="list-style-type: none"> (a) in fever thermometers; (b) in other measuring devices intended for sale to the general public (e.g. manometers, barometers, sphygmomanometers, thermometers other than fever thermometers). 2. The restriction in paragraph 1(b) shall not apply to: <ol style="list-style-type: none"> (a) measuring devices more than 50 years old on 3 October 2007; or (b) barometers (except barometers within point (a)) until 3 October 2009. 3. By 3 October 2009 the Commission shall carry out a review of the availability of reliable safer alternatives that are technically and economically feasible for mercury-containing sphygmomanometers and other measuring devices in healthcare and in other professional and industrial uses. <p>On the basis of this review or as soon as new information on reliable safer alternatives for sphygmomanometers and other measuring devices containing mercury becomes available, the Commission shall, if appropriate, present a legislative proposal to extend the restrictions in paragraph 1 to sphygmomanometers and other measuring devices in healthcare and in other professional and industrial uses, so that mercury in measuring devices is phased out whenever technically and economically feasible.”.</p>
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