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Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19, 140, 20 ta' Settembru, 2013
Taqsima B

L.N. 281 of 2013

PRODUCT SAFETY ACT
(CAP. 427)

Notification of Products Regulations, 2013

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Minister for Social Dialogue, Consumer Affairs and Civil Liberties, on the advice of the Malta Competition and Consumer Affairs Authority, has made the following regulations:

Title and scope.

1. (1) The title of these regulations is the Notification of Products Regulations, 2013.

(2) These regulations implement the provisions of:

(a) Article 45 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006;

(b) Article 9 of Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents; and

(c) Article 68 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC.

Establishment of the body responsible.

2. The Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority is the body responsible within the meaning of Article 45(1) of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.

Definitions.

3. For the purposes of these regulations:

"the body responsible" means the Malta Competition and Consumer Affairs Authority;

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"the notifier" means any natural or legal person established in the European Community that makes available the products, as defined in the Schedule, for the first time, in Malta;

"product" shall mean one of the products listed in the Schedule.

Notification of products.

4. (1) The notifier shall notify to the body responsible the information referred to in sub-regulation (2). The information gathered shall constitute the database of the products.

(2) Any notifier of chemical products shall submit, by electronic means, using the format provided by the body responsible, the following information for each product to the body responsible:

(a) the name or names or trademarks of the product;

(b) the name and address, telephone and fax numbers and, if available, the e-mail address, of the responsible person that makes the product available on the Maltese market;

(c) the country of origin in the case of import from outside the European Community;

(d) the qualitative and quantitative composition of the product;

(e) the physical-chemical properties of the product;

(f) any field of application and use;

(g) the labelling of the product, as applicable, according to one of the following:

(i) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, including the hazard pictograms, the signal words, the hazard statements, and the precautionary statements;

S.L. 427.14.

(ii) The Dangerous Substances Regulations; or

S.L. 427. 28.

(iii) The Dangerous Substances and Preparations Regulations;

(h) a copy of the original label of the final product; and

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(i) the safety data sheet according to the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Implementation) (Amendment) Regulations, 2009 and according to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. S.L. 427. 66.

(3) For the purpose of sub-regulation (2)(d) the submission of concentration ranges shall suffice.

(4) Each notifier shall be assigned a "company code" and each product shall be assigned a "product code". At the marketing stages other than the retail stage, the product code shall be displayed on the accompanying documents which may include the invoice.

(5) Information and data, contained in the database referred to in sub-regulation (2), shall only be used for health purposes in view of formulating preventive or curative measures, in particular in the event of emergency health response.

5. (1) The notifier must supply information and data referred to in regulation 4(2), within 30 days from the date they are first made available on the Maltese market. For the products that were made available before the date of publication of these regulations, the following shall apply: Transitional provisions.

(a) plant protection products and active substances manufactured or imported for use in biocidal products shall be notified within 90 days from the date of publication of these regulations;

(b) inks and polymers shall be notified within 120 days from the date of publication of these regulations;

(c detergents and fertilisers shall be notified within six months from the date of publication of these regulations;

(d) chemicals used, for paints and varnishes, for cleaning and maintenance, for adhesives and sealants, shall be notified within eight months from the date of publication of these regulations;

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(e) other chemical products not mentioned in paragraphs (a) to (d) shall be notified within 1 year from the date of publication of these regulations.

Penalties.

6. The penalties applicable for infringement of the provisions within these regulations shall be those provided for in Part IV of the Product Safety Act.

Cap. 427.

SCHEDULE

List of products that need to be notified

"**Substance**" as defined in paragraph 1 of Article 3 in Regulation (EC) No 1907/2006 of the European Parliament and of the European Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;

"**Mixture**" as defined in paragraph 2 of Article 3 in Regulation (EC) No 1907/2006 of the European Parliament and of the European Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;

"**Polymer**" as defined in paragraph 5 of Article 3 in Regulation (EC) No 1907/2006 of the European Parliament and of the European Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;

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"**Detergent**" as defined in paragraph 1 of Article 2 in Regulation (EC) No 648/2004 of the European Parliament and of the European Council of 31 March 2004 on detergents;

"**Biocidal product**" as defined in Article 3 1(a) of Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products;

"**Plant protection products**" as defined in paragraph 1 of Article 2 in Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC and "active substances and co-formulants" manufactured or imported for use in plant protection products only and included either in Commission Regulation (EEC) No 3600/92, Commission Regulation (EC) No 703/2001, Commission Regulation (EC) No 1490/2002, or Commission Decision 2003/565/EC and for any substance for which a Commission Decision on the completeness of the dossier has been taken pursuant to Article 6 of Directive 91/414/EEC.

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