

L.N. 395 of 2013**PRODUCT SAFETY ACT
(CAP. 427)****Aerosols Dispensers (Amendment) 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:-

1. (1) The title of these regulations is the Aerosols Dispensers (Amendment) Regulations, 2013, and these regulations shall be read and construed as one with the Aerosol Dispensers Regulations, hereinafter referred to as "the principal regulations".

Citation, scope
and
commencement.
S.L. 427.26

(2) These regulations implement the provisions of Commission Directive 2013/10/EU of 19 March 2013 amending Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers in order to adapt its labelling provisions to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures.

(3) These regulations shall apply from 19th June 2013 as regards aerosol dispensers containing a substance.

(4) These regulations shall apply from 1st June 2015 as regards aerosol dispensers containing mixtures.

(5) Aerosol dispensers containing mixtures may be labelled in accordance with these regulations before 1st June 2015.

(6) Aerosol dispensers containing mixtures and placed on the market before 1st June 2015 are not required to be relabelled in accordance with these regulations until 1st June 2017.

2. Regulation 5.2 of the principal regulations shall be amended as follows:

Amends
regulation 5 of
the principal
regulations.

(a) for the words from "Without prejudice to other Community Directives" to the words "legible and indelible characters:", there shall be substituted the following:

"Without prejudice to Regulation (EC) No 1272/2008 of the European Parliament and of the Council, each aerosol dispenser or, where particulars cannot be put on the aerosol dispenser due to its small dimensions (maximum

capacity of 150 ml or less) a label attached thereto must bear the following particulars in visible, legible and indelible characters:"; and

(b) paragraph 5.2.4 thereof shall be substituted by the following:

"5.2.4 the details referred to in point 2.2 of the Schedule,".

Amends the
Schedule to the
principal
regulations.

3. The Schedule to the principal regulations shall be amended as follows:

(a) immediately after point 1.7 in point 1 thereof, there shall be added the following new points:

"1.7a. Substance

"Substance" means substance as defined in Article 2(7) of Regulation (EC) No 1272/2008.

1.7b. Mixture

"Mixture" means mixture as defined in Article 2(8) of Regulation (EC) No 1272/2008."; and

(b) points 2.2 to 2.4 in point 2 thereof shall be substituted by the following:

"2.2. Labelling

Without prejudice to Regulation (EC) No 1272/2008, each aerosol dispenser must visibly bear the following legible and indelible marking:

(a) whatever its contents:

(i) the hazard statement H229: "Pressurised container: May burst if heated";

(ii) the precautionary statements P210 and P251 provided for in Part 1, Table 6.2 of Annex IV to Regulation (EC) No 1272/2008;

(iii) the precautionary statement P410 + P412 provided for

in Part 1, Table 6.4 of Annex IV to Regulation (EC) No 1272/2008;

(iv) the precautionary statement P102 provided for in Part 1, Table 6.1 of Annex IV to Regulation (EC) No 1272/2008, where the aerosol dispenser is a consumer product;

(v) any additional operating precautions which alert consumers to the specific dangers of the product; if the aerosol dispenser is accompanied by separate instructions for use, the latter must also reflect such operating precautions;

(b) where the aerosol is classified as "non-flammable" according to the criteria of point 1.9, the signal word "Warning";

(c) where the aerosol is classified as "flammable" according to the criteria of point 1.9, the signal word "Warning" and the other label elements for "Flammable Aerosols Category 2" provided for in Table 2.3.2 of Annex I to Regulation (EC) No 1272/2008;

(d) where the aerosol is classified as "extremely flammable" according to the criteria of point 1.9, the signal word "Danger" and the other label elements for "Flammable Aerosols Category 1" provided for in Table 2.3.2 of Annex I to Regulation (EC) No 1272/2008.

2.3. Volume of the liquid phase

The volume of the liquid phase at 50 °C must not exceed 90 % of the net capacity."

