VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,320, 3 ta' Ottubru, 2014
Taqsima B

L.N. 359 of 2014

PRODUCT SAFETY ACT (CAP. 427)

Marketing and use of Explosives Precursors (Implementation) Regulations, 2014

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

Citation.

1. The title of these regulations is the Marketing and use of Explosives Precursors (Implementation) Regulations, 2014.

Commencement and scope.

2. (1) These regulations shall apply as from 2nd September 2014.

(2) These regulations implement the provisions of Articles 4, 7, 8, 9 and 11 of Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors.

Establishment of the competent authority and the national contact point. Cap. 510

3. (1) The Technical Regulations Division as established by the Malta Competition and Consumer Affairs Authority Act, within the Malta Competition and Consumer Affairs Authority, shall be:

(a) the competent authority responsible for the issuing of licences, in accordance with regulation 4, when restricted explosives precursors are going to be acquired, possessed or used;

(b) the competent authority responsible for the register of transactions, as specified within regulation 5; and

(c) the national contact point for the reporting of suspicious transactions, within the meaning of Article 9(2) of Regulation (EU) No 98/2013.

Licences.

4. (1) A member of the general public, within the meaning of Article 3(7) of Regulation (EU) No 98/2013, may be granted a license for the legitimate need to acquire, introduce, possess or use restricted explosives precursors in concentrations above those of the First Schedule.

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(2) The licence shall permit single use of a specific restricted explosives precursor and shall last for three years.

(3) The license shall be issued against a fee established by the Malta Competition and Consumer Affairs Authority.

Registration of transactions.

5. (1) Without prejudice to regulation 4, the following restricted explosives precursors can be made available to, or possessed or used by, members of the general public if the economic operator, within the meaning of Article 3(9) of Regulation (EU) No 98/2013, who makes them available, registers each transaction with the Malta Competition and Consumer Affairs Authority:

(a) hydrogen peroxide (CAS RN 7722-84-1) in concentrations higher than the limit value set out in the First Schedule, but no higher than 35 % w/w;

(b) nitromethane (CAS RN 75-52-5) in concentrations higher than the limit value set out in the First Schedule, but no higher than 40 % w/w; and

(c) nitric acid (CAS RN 7697-37-2) in concentrations higher than the limit value set out in the First Schedule, but no higher than 10 % w/w.

(2) The registers of economic operators having ceased their activity shall be transferred to the operators that take over their activity or, alternatively, to the Malta Competition and Consumer Affairs Authority.

Reporting of suspicious transactions, disappearances and thefts.

6. A suspicious transaction, as defined in Article 3(8) of Regulation (EU) No 98/2013, involving the substances listed in the First Schedule to these regulations and in Annex 2 of Regulation (EU) No 98/2013, shall be reported to the Malta Competition and Consumer Affairs Authority in accordance with Article 9 of Regulation (EU) No 98/2013.

Penalties.

Cap. 427.

7. With reference to Article 11 the penalties applicable for infringement of the provisions of Regulation (EC) No 98/2013 or the provisions of these regulations, shall be those provided for in Part IV of the Product Safety Act.

First Schedule

Substances which shall not be made available to members of the general public on their own, or in mixtures or substances including them, except if the concentration is equal to or lower than the limit values set out below

Name of the substance and Chemical Abstracts Service Registry number (CAS RN)	Limit value	Combined Nomenclature (CN) code for a separate chemically defined compound meeting the requirements of Note 1 to Chapter 28 or 29 of the CN, respectively ([1])	Combined Nomenclature (CN) code for a mixture without constituents (e.g. mercury, precious or rare-earth metals or radioactive substances) which would determine classification under another CN code ([1])
Hydrogen peroxide (CAS RN 7722-84-1)	12 % w/w	2847 00 00	3824 90 97
Nitromethane (CAS RN 75-52-5)	30 % w/w	2904 20 00	3824 90 97
Nitric acid (CAS RN 7697-37-2)	3 % w/w	2808 00 00	97
([1]) Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009, p.1).			

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