Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,677, 3 ta' Awwissu, 2021
Taqsima B

L.N. 319 of 2021

PRODUCT SAFETY ACT
(CAP. 427)

Marketing and Use of Explosive Precursors (Implementing) Regulations, 2021

IN EXERCISE of the powers conferred by articles 38 and 39 of the Product Safety, the Minister for Tourism and Consumer Protection, on the advice of the Director General (Technical Regulations) has made the following regulations: -

Citation, scope and commencement.

1. (1) The title of these regulations is the Marketing and Use of Explosive Precursors (Implementing) Regulations, 2021.

(2) These regulations implement the requirements of Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013.

(3) These regulations shall be deemed to have come into force on 1st February 2021.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"inspection authorities" means the authorities designated by regulation 3 for the purposes of Article 11 of the Regulation, for inspection and controls of the correct application of Articles 5 to 9 of the Regulation;

"Regulation" means Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013.

Designation of competent authorities. Cap. 510.

3. (1) The Technical Regulations Division established by article 19 of the Malta Competition and Consumer Affairs Authority Act shall be:

(a) the competent authority responsible for the establishment of licensing regimes in accordance with the Regulation;

(b) the national inspection authority with respect to the making available of explosive precursors on the market.

Cap. 164.

(2) The Malta Police Force established by article 3 of the Police Act shall be:

(a) the national inspection authority with respect to the illicit possession, illicit use, disappearances and theft of explosive precursors and shall for the purposes of the Regulation have all investigative and inspection powers bestowed on it by the Criminal Code;

Cap. 9.

(b) the National Contact Point within the meaning of Article 9 of the Regulation.

Licences.

4. (1) The Technical Regulations Division may establish a licensing regime allowing certain restricted explosive precursors to be made available to, or to be introduced, possessed or used by members of the general public at concentrations not higher than the corresponding upper limit values set out in Column 3 of Annex I of the Regulation.

(2) The Technical Regulations Division may issue specific conditions and procedures for the issuing of such licences.

Proceedings and Penalties.

Cap. 427.

5. The proceedings and penalties in relation to any offence under these regulations shall be those provided for in Part IV of the Product Safety Act:

Provided that proceedings in relation to any offence under these regulations related to the illicit possession, illicit use, disappearances and theft of explosive precursors shall be instituted by the Commissioner of Police *ex officio*.

Revocation. S.L. 427.88.

6. The Marketing and Use Of Explosives Precursors (Implementation) Regulations are hereby revoked.

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