

L.N. 215 of 2009**PRODUCT SAFETY ACT
(CAP. 427)****Dangerous Substances (Amendment) (No. 2) Regulations, 2009**

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, the Minister of Finance, the Economy and Investment, on the advice of the Malta Standards Authority, has made the following regulations:-

1. The title of these regulations is the Dangerous Substances (Amendment) (No.2) Regulations, 2009, and they shall be read and construed as one with the Dangerous Substances Regulations, hereinafter referred to as "the principal regulations". Citation.
S.L. 427.14
2. These regulations implement the provisions of Article 55 of Regulation (EC) No.1272/2008 of the European Parliament and of the Council of 16 December 2008 on the 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. Scope.
3. In regulation 3(1) of the principal regulations, in the definition "the Directive", immediately after item (xxxviii) thereof, there shall be added the following new item: Amends
regulation 3 of
the principal
regulations.

"(xxxix) Article 55(11) of Regulation (EC) 1272/2008 (OJ L 353, 31.12.2008, p. 1–1355)."
4. Regulation 5 of the principal regulations shall be amended as follows: Amends
regulation 5 of
the principal
regulations.
 - (a) for sub-regulation (3) thereof, there shall be substituted the following:

"(3) Where an entry containing the harmonized classification and labelling for a particular substance has been included in Part 3 of Annex VI to 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, the substance shall be classified in accordance with that entry and paragraphs 1 and 2 shall not apply to the danger categories covered by that entry."; and

(b) sub-regulation (4) shall be deleted.

5. For regulation 7 of the principal regulations there shall be substituted the following:

7. Manufacturers, distributors and importers of substances which appear in the EINECS but for which no entry has been included in Part 3 of Annex VI to Regulation (EC) No 1272/2008 shall carry out an investigation to make themselves aware of the relevant and accessible data which exist concerning the properties of such substances. On the basis of this information, they shall package and provisionally label dangerous substances according to the rules laid down in Articles 22 to 25 of the Directive and the criteria in Annex VI to the Directive."

6. Sub-regulation (2) of regulation 8 of the principal regulations shall be deleted, and sub-regulation (1) thereof shall be renumbered as the whole regulation.

7. In points (a), (c), (d), (e) and (f) of regulation 9(2) of the principal regulations, for the words "Annex I of the Directive" there shall be substituted the words "Part 3 of Annex VI to Regulation (EC) No 1272/2008".

8. For sub-regulation (4) of regulation 10 of the principal regulations there shall be substituted the following:

"(4) The information required on the label under regulation 11 shall stand out clearly from its background and shall be of such size and spacing as to be easily read."

9. Immediately after regulation 14 of the principal regulations there shall be added the following new regulation:

15. Regulations 8 to 11 shall not apply to substances from the 1st of December, 2010."