Consultation Brief on the Transposition of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

1. BACKGROUND

Directive 2008/112/EC focuses on classification, labelling and packaging of substances and mixtures and it amends the following Directives:

- Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products (Cosmetics Directive)
- Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys
- Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations;
- Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles;
- Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE);
- Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC.

The national regulations which transposed the above mentioned directives need to be amended to be in line with Directive 2008/112/EC. The amendment regulations transposing the obligations related to the first two directives on cosmetics and toys have been issued under the Product Safety Act, whilst the amendment regulations transposing the obligations related to the remaining four directives have been published as legal notices under the Environment Protection Act. The relevant legal notices are as follows:

- L.N. 341 of 2010 :Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations, 2010
- L.N. 340 of 2010 :Waste Management (End of Life Vehicles) (Amendment) Regulations, 2010
- L.N. 348 of 2010: The Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) Amendment Regulations, 2010
- L.N. 349 of 2010: The Limitation of Emissions of Volatile Organic Compounds Regulations, 2010

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2. OBJECTIVE AND OVERVIEW OF LEGAL NOTICES

The objective of the four legal notices is to include amendments to adapt the current corresponding regulations in line with the Regulation (EC) No. 1272/2008 on classification, labelling, and packaging of substances and mixtures.

The main provisions of each legal notice are as follows:

Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations

- The replacement of the word 'preparation' or 'preparations' within the meaning of Article 3(2) of Regulation (EC) No 1907/2006, in its version of 30 December 2006, by 'mixture' or 'mixtures' respectively throughout the text;

- The replacement of the definition for "dangerous substance or preparation" in Regulation 3 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2007, with effect from 1 December 2010, as well as another replacement with effect from 1 June 2015, as follows:

  The current definition in the principal regulations, Legal Notice 63 of 2007, which reads:

  > *"dangerous substance or preparation" means any substance or preparation which has to be considered dangerous under Council Directive 67/548/EEC* or Directive 1999/45/EC** of the European Parliament and of the Council;*

  has been replaced with effect from 1 December 2010 to read:

  > *"dangerous substance or mixture" means any mixture which has to be considered dangerous under Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (*) or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I 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 (**):*
>
> *(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;*
>
> *(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*
>
> *(iii) hazard class 4.1;*
>
> *(iv) hazard class 5.1.*

  which has been again replaced with effect from 1 June 2015 to read:

  > *"dangerous substance or mixture" means any substance or mixture which fulfills the criteria for any of the following hazard classes or categories set out in Annex 1 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 (**):*
>
> *(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;*
>
> *(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*

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* OJ L 200, 30.7.1999, p. 1.
** OJ L 353, 31.12.2008, p. 1.'
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(iii) hazard class 4.1;

(iv) hazard class 5.1;

- The replacement of the thirteenth indent of Section 1 of Schedule 2 of the Waste Management (Waste Electrical and Electronic Equipment) Regulations, 2007, thus making reference to the new Regulation (EC) No. 1272/2008 on classification, labelling, and packaging of substances and mixtures.

  The current wording in the principal regulations, Legal Notice 63 of 2007, which reads:

  > *components containing refractory ceramic fibres as described in Commission Directive 97/69/EC* of 5 December 1997 adapting to technical progress Council Directive 67/548/EEC relating to the classification, packaging and labelling of dangerous substances;*

  has been replaced by the following:

  > *components containing refractory ceramic fibres as described in part 3 of Annex VI to Regulation (EC) No 1272/2008.*

Waste Management (End of Life Vehicles) (Amendment) Regulations, 2010

The main provisions are that with effect from 1 December 2010, the definition for "hazardous substance" in Regulation 2 of the Waste Management (End of Life Vehicles) Regulations shall be amended throughout the text of the principal regulations, which is referred to in Regulation 4 (1) (a) – Prevention, and Regulation 8 (2) – Coding standards dismantling information.

The current definition of the principal regulations, Legal Notice 99 of 2004, which reads:

> *"hazardous substance" means any substance which the Competent Authority considers to be dangerous in terms of Schedule 1 to these regulations ;*

has been amended with effect from 1 December 2010 to read:

> *"hazardous substance" means any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex 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 (*):*
>
> *(v) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;*
>
> *(vi) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*
>
> *(vii) hazard class 4.1;*
>
> *(viii) hazard class 5.1.*

No further reference has been made to Schedule 1 of the principal regulations.

The Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) Amendment Regulations, 2010

* OJ L 353, 31.12.2008, p. 1.'

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This Legal Notice is being published to replace the term 'preparations' in articles 2(3) and 2(7) with the term 'mixture', in L.N. 251 of 2010 : The Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) Amendment Regulations, 2010 , which was published on the 30th April 2010.

The Limitation of Emissions of Volatile Organic Compounds Regulations, 2010

The Limitation of Emissions of Volatile Organic Compounds Regulations, 2010 transpose Article 3 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008, in relation to Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations. In addition, in line with the EU's Better Regulation agenda, these regulations include the amalgamation of LN 225 of 2001: Limitation of Emissions Volatile Organic Compounds Regulations, 2001 and LN 151 of 2007: The Limitation of Emissions of Volatile Organic Compounds (Amendment) Regulations, 2007.

The objective of the Limitation of Emissions of Volatile Organic Compounds Regulations, 2010 is to limit the effects of VOC emissions on the surrounding environment. They also serve as a guidance in order to try and substitute substances or mixtures, which because of their content of Volatile Organic Compounds, are classified as carcinogens, mutagens or toxic to reproduction, by less harmful substances or mixtures within the shortest possible time.

The main changes to the existing Limitation of Emissions of Volatile Organic Compounds Regulations include the amalgamation of the two previous legal notices; LN 225 of 2001 and LN 151 of 2007. In addition, the regulations incorporate the integration of amendments as transposed through directive 2008/112/EC (amending VOC directive 199/13/EC), whereby a simplified summary of the Reduction Scheme calculations have been included in Schedule 3 of the draft regulations.

3. COMMENTS

The Legal Notices may be viewed as follows:

LN: 341/2010: Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations:

LN 340/ 2010: Waste Management (End of Life Vehicles) (Amendment) Regulations, 2010

LN 349/2010: The Limitation of Emissions of Volatile Organic Compounds Regulations, 2010

LN 348/2010: The Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) Amendment Regulations, 2010

Further information may be obtained by calling the EU & Multilateral Affairs Unit on 2290 1574, or by email to eu.affairs@mepa.org.mt.

Comments can be sent by email on eu.affairs@mepa.org.mt, or by fax on 2290 1533 by not later than 18th August 2010.)

Comments received will be taken into consideration, for any required amendments to the published Legal Notices.

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