No. 271

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes

1. Introduction

Title of Regulations	Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations, 2022
Activity to be regulated	The restriction of the use of certain hazardous substances in electrical and electronic equipment
Responsible entity	The Technical Regulations Division (TRD) within the Malta Competition and Consumer Affairs Authority (MCCAA)

2. Summary and background

2.1 Aims & Objectives of the legislation

Directive 2011/65/EU lays down rules on the restriction of the use of hazardous substances (RoHS) in electrical and electronic equipment (EEE) with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of EEE waste.

Directive 2011/65/EU applies to different categories of EEE, categories 1 to 11, which are listed in Annex I to that Directive.

Member States shall ensure that EEE placed on the market shall not exceed the maximum concentration values on the restricted substances as listed in Annex II of that Directive. However, certain equipment is excluded from the scope of the Directive, as indicated in Article 2 thereof; while a number of exemptions are granted, as listed in Annex III and Annex IV of the same Directive.

Information on **Directive 2011/65/EU of the European Parliament and of the Council** on the restriction of the use of hazardous substances in electrical and electronic equipment can be accessed through the following link:
http://ec.europa.eu/environment/waste/rohs_eee/index_en.htm

Directive 2011/65/EU and subsequent amendments thereto, have been transposed into local legislation by **Subsidiary Legislation 427.57** (S.L. 427.57), Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations, which can be accessed through the following link:
https://legislation.mt/eli/sl/427.57/eng/pdf

The aim of the proposed regulations is to transpose into Maltese law further amendments carried out to Directive 2011/65/EU. The amendments are contained in three Commission Delegated Directives, as indicated in regulation 1(2) of the proposed regulations.

2.2 Overview of the Directives being transposed

Commission Delegated Directive (EU) 2021/1978:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L1978&qid=1641298951077
provides an exemption for the use of bis(2-ethylhexyl) phthalate (DEHP), butyl benzyl phthalate (BBP), dibutyl phthalate (DBP) and diisobutyl phthalate (DIBP) in spare parts recovered from and used for the repair or refurbishment of medical devices.

Commission Delegated Directive (EU) 2021/1979:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L1979&qid=1641298990047
provides an exemption for the use of bis(2-ethylhexyl) phthalate (DEHP) in plastic components in magnetic resonance imaging (MRI) detector coils.

Commission Delegated Directive (EU) 2021/1980:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L1980&qid=1641299026384
provides an exemption for the use of bis(2-ethylhexyl) phthalate (DEHP) in ion-selective electrodes for analysing human body fluids and/or dialysate fluids.

3. Overview of the structure of the instrument

The proposed regulations consist of three regulations.

4. Commentary on parts and articles of the legislation

Regulation No. of draft L.N.	Meaning & obligations placed on user
1	The title, the three Directives that are being transposed, and the retroactive date for coming into force of the new regulations of the draft Legal Notice.
2	Directive (EU) 2021/1978 provides an exemption for the use of bis(2-ethylhexyl) phthalate (DEHP), butyl benzyl phthalate (BBP), dibutyl phthalate (DBP) and diisobutyl phthalate (DIBP) in spare parts recovered from and used for the repair or refurbishment of medical devices. Directive (EU) 2021/1979 provides an exemption for the use of bis(2-ethylhexyl) phthalate (DEHP) in plastic components in magnetic resonance imaging (MRI) detector coils. Directive (EU) 2021/1980 provides an exemption for the use of bis(2-ethylhexyl) phthalate (DEHP) in ion-selective electrodes for analysing human body fluids and/or dialysate fluids. Items 45, 46 and 47 are being added to the exemptions listed in Schedule IV to S.L. 427.57, for the purpose of adaptation to scientific and technical progress. These three provisions shall apply retroactively from 21st July 2021.
3	The three Directives that are being transposed by the new regulations are listed in Schedule VIII to S.L. 427.57.

5. Concluding Section

Regulations 2 and 3 of the draft legal notice shall be deemed to have come into force on 21st July 2021.

Should more information be required kindly contact the Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority.

N.B. This Explanatory Note is not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. This Note does not purport to be an authoritative ruling on the interpretation of the legislation.

Annex

(for the purpose of paragraph (vi) of Schedule III of Chapter 512 of the Laws of Malta)

Transposition Notes for the implementation of the main elements of the Directives mentioned in section 2.2 of this Explanatory Note.

Directive and Article number	Implementing regulation	Applicability date
Article 1 of Directive (EU) 2021/1978	Regulation 2	21st July 2021
Article 1 of Directive (EU) 2021/1979	Regulation 2	21st July 2021
Article 1 of Directive (EU) 2021/1980	Regulation 2	21st July 2021

25th February, 2022

Nru. 272

ATT DWAR IT-TAXXA FUQ DOKUMENTI U TRASFERIMENTI (KAP. 364)

Avviż skont l-Artikolu 61(1)

SKONT id-dispozzizzjonijiet tal-proviso tal-artikolu 61 (1) tal-Att dwar it-taxxa fuq Dokumenti u Trasferimenti, il-Kummissarju tat-Taxxi b'dan jgħarraf lill-persuni msemmija aktar 'l isfel biex imorru fid-Dipartiment tal- Capital Transfer Duty, 46, Triq Il-Merkanti, Il-Belt Valletta, biex jiġbru l-avviżi magħmula fuqhom

No. 272

DUTY ON DOCUMENTS AND TRANSFERS ACT (CAP. 364)

Notice in terms of Article 61(1)

IN Terms of the proviso to article 61 (1) of the Duty on Documents and Transfers Act, the Commissioner for Revenue hereby notifies the persons listed hereunder to call at the Capital Transfer Duty Department, 46, Triq il-Merkanti, Valletta, to collect the notices made on such persons

Isem *Name*	Karta tal-Identità *ID Number*	Numru tat-Talba *Claim Number*
Scicluna Mario	193485M	IV 142789
Scicluna Mario	193485M	IV 146117
Scicluna Mario	193485M	IV 145587
Scicluna Mario	193485M	IV 142188
Scicluna Mario	193485M	IV 143624
Scicluna Mario	193485M	IV 145959
Zammit Maria Lourdes	135559M	IV 150748
Depasquale Calleja Maria	384579M	IV 150682
Farrugia Kay Marion	889496737	IV 150274
Vella Christine	25564M	IV 150746
Saffrett Peter	433567M	IV 146755
Portelli Doris	511356M	IV 149962
Cassar Carmela	832538M	IV 150976
Polidano Jean-Paul	96694M	IV 150887