Nru. 1227

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 No. 2) 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 and 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 the said 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 the said 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 said Directive.

Information on **Directive 2011/65/EU of the European Parliament and of the Council** of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast) may 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 virtue of **Subsidiary Legislation 427.57** (S.L. 427.57), Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations, which may 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 twelve 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) 2022/274:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022L0274

provides an exemption for the use of mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps for special purposes.

Commission Delegated Directive (EU) 2022/275:
https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32022L0275
provides an exemption for the use of mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes.

Commission Delegated Directive (EU) 2022/276:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0276
provides an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes.

Commission Delegated Directive (EU) 2022/277:
https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32022L0277
provides an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes < 30W with a lifetime equal to or above 20,000h.

Commission Delegated Directive (EU) 2022/278:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0278
provides an exemption for the use of mercury in metal halide lamps.

Commission Delegated Directive (EU) 2022/279:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0279
provides an exemption for the use of mercury in other discharge lamps for special purposes.

Commission Delegated Directive (EU) 2022/280:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0280
provides an exemption for the use of mercury in other low pressure discharge lamps.

Commission Delegated Directive (EU) 2022/281:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0281
provides an exemption for the use of mercury in single capped (compact) fluorescent lamps for special purposes.

Commission Delegated Directive (EU) 2022/282:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0282
provides an exemption for the use of mercury in non-linear tri-band phosphor lamps.

Commission Delegated Directive (EU) 2022/283:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0283
provides an exemption for the use of mercury in High Pressure Sodium (vapour) lamps with improved colour rendering index for general lighting purposes.

Commission Delegated Directive (EU) 2022/284:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0284
provides an exemption for the use of mercury in double-capped linear fluorescent lamps for general lighting purposes.

Commission Delegated Directive (EU) 2022/287:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022L0287
provides an exemption for mercury in fluorescent lamps for other general lighting and special purposes.

3. Overview of the structure of the instrument

The proposed amending regulations consist of three regulations.

Regulation 1 establishes the citation, scope and commencement of the amending regulations.

Regulation 2 amends Schedule III to the principal regulations.

Regulation 3 amends Schedule VIII to the principal regulations.

4. Commentary on parts and articles of the legislation

Regulation No. of amending L.N.	Meaning and obligations placed on user
1	Title scope and commencement of regulations.
2(a)	Directive (EU) 2022/276 provides an exemption for the use of mercury in single capped (compact) fluorescent lamps for general lighting purposes. Items 1, 1(a), 1(b), 1(c), 1(d), 1(e), 1(f)-I, 1(f)-II and 1(g) of the exemptions listed in Schedule III to S.L. 427.57 are being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(b)	Directive (EU) 2022/284 provides an exemption for the use of mercury in double-capped linear fluorescent lamps for general lighting purposes. Items 2(a), 2(a)(1), 2(a)(2), 2(a)(3), 2(a)(4) and 2(a)(5) of the exemptions listed in Schedule III to S.L. 427.57 are being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(c)(i)	Directive (EU) 2022/282 provides an exemption for the use of mercury in non-linear tri-band phosphor lamps. Item 2(b)(3) of the exemptions listed in Schedule III to S.L. 427.57 is being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(c)(ii)	Directive (EU) 2022/287 provides an exemption for mercury in fluorescent lamps for other general lighting and special purposes. Item 2(b)(4) of the exemptions listed in Schedule III to S.L. 427.57 is being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(d)	Directive (EU) 2022/274 provides an exemption for the use of mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps for special purposes. Items 3, 3(a), 3(b) and 3(c) of the exemptions listed in Schedule III to S.L. 427.57 are being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.

2(e)(i)	Directive (EU) 2022/280 provides an exemption for the use of mercury in other low pressure discharge lamps. Item 4(a) of the exemptions listed in Schedule III to S.L. 427.57 is being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(e)(ii)	Directive (EU) 2022/283 provides an exemption for the use of mercury in High Pressure Sodium (vapour) lamps with improved colour rendering index for general lighting purposes. Items 4(b), 4(b)-I, 4(b)-II and 4(b)-III of the exemptions listed in Schedule III to S.L. 427.57 are being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(e)(iii)	Directive (EU) 2022/275 provides an exemption for the use of mercury in other High Pressure Sodium (vapour) lamps for general lighting purposes. Items 4(c), 4(c)-I, 4(c)-II and 4(c)-III of the exemptions listed in Schedule III to S.L. 427.57 are being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(e)(iv)	Directive (EU) 2022/278 provides an exemption for the use of mercury in metal halide lamps. Item 4(e) of the exemptions listed in Schedule III to S.L. 427.57 is being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
2(e)(v)	Directive (EU) 2022/279 provides an exemption for the use of mercury in other discharge lamps for special purposes. Items 4(f)-I, 4(f)-II, 4(f)-III and 4(f)-IV of the exemptions listed in Schedule III to S.L. 427.57 are being updated for the purpose of adaptation to scientific and technical progress. This provision shall apply from the 1st of October 2022.
3	The twelve Directives which are being transposed by these amending regulations are listed in Schedule VIII to S.L. 427.57. This provision shall apply from the 1st of October 2022.

5. Concluding Section

Regulations 2 and 3 of the amending regulations shall come into force on the 1st of October 2022.

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) 2022/274	Regulation 2(d)	1st of October 2022
Article 1 of Directive (EU) 2022/275	Regulation 2(e)(iii)	1st of October 2022
Article 1 of Directive (EU) 2022/276	Regulation 2(a)	1st of October 2022
Article 1 of Directive (EU) 2022/277	Regulation 2(a)	1st of October 2022
Article 1 of Directive (EU) 2022/278	Regulation 2(e)(iv)	1st of October 2022
Article 1 of Directive (EU) 2022/279	Regulation 2(e)(v)	1st of October 2022
Article 1 of Directive (EU) 2022/280	Regulation 2(e)(i)	1st of October 2022
Article 1 of Directive (EU) 2022/281	Regulation 2(a)	1st of October 2022
Article 1 of Directive (EU) 2022/282	Regulation 2(c)(i)	1st of October 2022
Article 1 of Directive (EU) 2022/283	Regulation 2(e)(ii)	1st of October 2022
Article 1 of Directive (EU) 2022/284	Regulation 2(b)	1st of October 2022
Article 1 of Directive (EU) 2022/287	Regulation 2(c)(ii)	1st of October 2022

20th September, 2022

Nru. 1228

ATT DWAR IL-CONDOMINIA
(Kap. 398)

B'DIN qed ngħarraf li jiena rċivejt applikazzjoni għar-reġistrazzjoni u/jew emendi tar-regolamenti li jirregolaw l-imsemmija condominia:

Nru. tal-Condominium *Condominium Number*	Indirizz tal-Condominium *Address of Condominium*	Rimarki *Remarks*	Data tar-Reġistrazzjoni *Date of Registration*
419	Valley View Triq Gajdoru Ix-Xagħra, Għawdex	Reġistrazzjoni tar-regolamenti *Registration of Rules*	26/8/2022

Dott. Miriam Rapa, LLD
Għar-Reġistratur tal-Artijiet

L-20 ta' Settembru, 2022

No. 1228

CONDOMINIUM ACT
(Cap. 398)

NOTICE is hereby given that I have received an application for the registration of and/or amendment to rules regulating the following condominia:

Dr Miriam Rapa, LLD
f/Land Registrar

20th September, 2022