No. 1056

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, 2023
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 eleven different categories of EEE, 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, while certain equipment is excluded from the scope of the Directive, as indicated in Article 2 thereof, 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 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 means of Subsidiary Legislation 427.57 (S.L. 427.57), entitled 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 included in Commission Delegated Directive (EU) 2023/171, as indicated in regulation 1(2) of the proposed regulations.

2.2 Overview of the Directives being transposed

Commission Delegated Directive (EU) 2023/171:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023L0171

provides an exemption for hexavalent chromium as an anticorrosion agent in gas absorption heat pumps.

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 scope, and the date of entry into force of the proposed regulations of the draft Legal Notice.
2	Directive (EU) 2023/171 provides an exemption for hexavalent chromium as an anticorrosion agent in gas absorption heat pumps. Item 9(a)-III is being added to the list of the exemptions listed in Schedule III to S.L. 427.57 for the purpose of adaptation to scientific and technical progress. This provision shall apply from 1st September 2023.
3	The Directive which is being transposed by means of the proposed regulations is listed in Schedule VIII to S.L. 427.57.

5. Concluding Section

Regulations 2 and 3 of the draft legal notice shall come into force on 1st September 2023.

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) 2023/171	Regulation 2	1st September 2023

28th July, 2023