No. 1232

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes[1]

1. Introduction

Title of Regulations	Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations, 2026 (hereinafter referred to as the "amending regulations")
Activity to be regulated	The restriction of the use of certain hazardous substances in certain electrical and electronic equipment.
Responsible entity	The Technical Regulations Division (TRD) within the Malta Competition and Consumer Affairs Authority (MCCAA)

2. Summary and background

The amending regulations amend the Restriction of Use of Hazardous Substances in Electrical and Electronic Equipment Regulations (S.L. 427.57, hereinafter referred to as the "the principal regulations") and the aim of the amending regulations is to transpose further amendments carried out to Directive 2011/65/EU by Commission Delegated Directives (EU) 2025/1802, 2025/2363 and 2025/2364, and to apply Corrigendum to Directive 2011/65/EU, as indicated in regulation 1(2) of the amending regulations.

Regulation 1 of the amended regulations provides for the citation and scope of the amending regulations. The amended regulations shall come into force on the date of publication.

Regulation 2 of the amended regulations amends regulation 7 of the principal regulations to allow for a correction to a reference in that regulation. This is a national measure and does not emanate from the Directives being transposed or the Corrigendum being applied.

The use of lead is one of the prohibited and restricted hazardous substances found under Schedule I to the principal regulations when it is used in electrical and electronic equipment (EEE). However, Schedule III to the principal regulations allow for exemptions for the use of certain substances. Among these exemptions is lead, given that substitutes or elimination thereof are not sufficiently reliable and are currently not technically or economically feasible.

Thus, in view of the above, regulation 3 of the amended regulations amends Schedule III of the principal regulations to allow for exemptions for the use of lead in:

high melting temperature solders;
in glass or ceramic components
as an alloying element in steel, aluminium and copper.

Hence an extension of the exemption should be granted. In addition, and in view of the technical evaluation carried out, it is appropriate to set one expiry date for all categories listed in Annex I to Directive 2011/65/EU.

Regulation 4 of the amended regulations amends Schedule VIII of the principal regulations. The Directives which are being transposed or applied by the amended regulations are being added to the list in Schedule VIII to the principal regulations.

[1]These Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

3. Overview of the structure of the instrument

The amending regulations consist of four (4) regulations as follows:

Regulation 1 – Citation and scope
Regulation 2 – Amends regulation 7 of the principal regulations
Regulation 3 – Amends Schedule III to the principal regulations
Regulation 4 – Amends Schedule VIII to the principal regulations

Regulation no. of the amending regulations	Meaning & obligations placed on user
1	Contains the title and scope of the amending regulations.
2	Amends regulation 7 of the principal regulations to allow for a correction to a reference in that regulation.
3	Amends Schedule III to the principal regulations to allow for exemptions for the use of lead in: - high melting temperature solders; - in glass or ceramic components - as an alloying element in steel, aluminium and copper
4	Amends Schedule VIII to the principal regulations. The Directives which are being transposed or applied by the amending regulations are being added to the list in Schedule VIII to the principal regulations.

5. Concluding Sections

These regulations shall come into force upon their date of publication in the Government Gazette.

Should more information be required kindly contact the Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority on 23952000.

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

14th August, 2026

Annex

Transposition Notes

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

Directive and Article number	Implementing regulation	Applicability date
Corrigendum to Directive 2011/65/EU	Regulation 2	Date of publication
Annex of Directive (EU) 2025/2364	Regulation 3(a)	Date of publication
Annex of Directive (EU) 2025/1802	Regulation 3(b)	Date of publication
Annex of Directive (EU) 2025/2363	Regulation 3(c)	Date of publication
Annex of Directive (EU) 2025/2363	Regulation 3(d)	Date of publication

No. 1233

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes[1]

1. Introduction

Title of Regulations	Safety of Toys (Amendment) Regulations, 2026 (hereinafter referred to as the "proposed regulations")
Activity to be regulated	To permit cobalt in toys, only in specific scenarios, to ensure safety and compliance with EU regulations.
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 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys, applies to products designed or intended, whether or not exclusively, for use in play by children under 14 years of age (hereinafter referred to as "toys"). It establishes the safety requirements that toys made available in the European Union (EU) must meet. These requirements are designed to provide a high level of health and safety, to protect the public and to guarantee free movement of toys in the EU.

Specifically, this Directive establishes general requirements for substances classified as hazardous which are not to be used in toys, in components of toys or in micro-structurally distinct parts of toys, except for those substances contained in individual concentrations equal to or smaller than those established in the CLP Regulation, if such substances are inaccessible to children or their use has been permitted. The Commission may permit the use of certain substances in toys if the use of the substance has been evaluated and found to be safe, in particular, in view of exposure, if the substance is not prohibited for use in consumer articles under REACH Regulation and if there are no suitable alternative substances or mixtures. Appendix A of Annex II to Directive 2009/48/EC contains the list of chemical substances and their permitted uses.

Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys can be accessed through the following link:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02009L0048-20221205

Directive 2009/48/EC and subsequent amendments thereto have been transposed into local legislation by means of the Safety of Toys Regulations (Subsidiary Legislation 427.40), which may be accessed through the following link:

https://legislation.mt/eli/sl/427.40/20221205/eng

2.2 Overview of the amending Directives and Regulations

Commission Directive (EU) 2026/192 of 28 January 2026 amending Appendix A of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards cobalt amends the Safety of Toys Directive (Directive 2009/48/EC) by permitting cobalt in toys, only in specific scenarios that is for stainless steel components, electrical conductors, and secure neodymium magnets.

[1]These Explanatory Notes are for the purpose of and in accordance with article 3(2)(c) and Schedule III of the Small Business Act (Chapter 512 of the Laws of Malta).

This Directive amends Directive 2009/48/EC by changing the list of banned and labelled allergenic fragrances and imposing specific limit values for cobalt used in toys to ensure adequate protection. Hence, cobalt is now included in Appendix A of Annex II to the Toy Safety Directive. This means that cobalt is permitted under the following applications:

- In toys and toy components made of stainless steel, as an impurity in the nickel contained in the stainless steel.
- In toy components which are intended to conduct electric current.
- In neodymium-based magnets used in toys if those magnets cannot be swallowed or inhaled.

The use of Cobalt in these applications is subject to strict conditions to ensure safety and compliance with EU regulations.

The amending Commission Directive may be accessed through the following link:

https://eur-lex.europa.eu/eli/dir/2026/192/oj/eng

Consequently, the Safety of Toys Regulations (S.L. 427.40) need to be amended accordingly at national level.

The aforementioned legislation may be accessed through the following link:

https://legislation.mt/eli/sl/427.40/20221205/eng

3. Overview of the structure of the instrument

These regulations consist of the following 3 regulations:

Regulation 1 – Title, scope and commencement
Regulation 2 - Amends regulation 1 of the principal regulations.
Regulation 3 - Amends Schedule II to the principal regulations.

4. Commentary on parts and articles of the legislation

The proposed legal notice consists of three regulations:

Regulation No. of the proposed regulations	Meaning & obligations placed on user
1	The citation, the scope, and the dates of entry into force of the proposed regulations.
2	Amends regulation 1(2) of the principal regulations to update the list of transposed Directives.
3	Amends Schedule II of the principal regulations to allow for the use of cobalt in specific applications.

5. Concluding Section

These regulations shall come into force on 29th August 2026.

Should more information be required kindly contact the Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority on +356 23952000.

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

14th August, 2026