

L.N. 224 of 2007**PRODUCT SAFETY ACT
(CAP. 427)****Dangerous Substances and Preparations (Restrictions)
(Amendment) Regulations, 2007**

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Minister for Competitiveness and Communications has, on the advice of the Malta Standards Authority, made the following regulations:-

1. The title of these regulations is the Dangerous Substances and Preparations (Restrictions) (Amendment) Regulations, 2007, and they shall be read and construed as one with the Dangerous Substances and Preparations (Restrictions) Regulations, 2003, hereinafter referred to as “the principal regulations”. Citation.
L.N. 346 of 2003.

2. (1) These regulations shall enter into force by 30th September 2007. Commencement and Scope.

(2) These regulations implement the provisions of Directive 2006/139/EC of the European Parliament and of the Council of 20th December, 2006.

3. For the First Schedule to the principal regulations, point 20 shall be substituted as follows: Amends the First Schedule to the principal regulations.

**“20.
Arsenic
Compounds**

1. Shall not be placed on the market or used as substances and constituents of preparations intended for use to prevent the fouling by micro-organisms, plants or animals of:

- the hulls of boats,
- cages, floats, nets and any other appliances or equipment used for fish or shellfish farming,
- any totally or partly submerged appliances or equipment;

2. Shall not be placed on the market or used as substances and constituents of preparations intended for use in the treatment of industrial waters, irrespective of their use.

3. Shall not be used in the preservation of wood. Furthermore, wood so treated shall not be placed on the market;

4. However, by way of derogation:

(a) Relating to the substances and preparations for the preservation of wood: these may only be used in industrial installations using vacuum or pressure to impregnate wood if they are solutions of inorganic compounds of the copper, chromium, arsenic (CCA) type C and if they are authorised in accordance with Article 5(1) of Directive 98/8/EC. Wood so treated shall not be placed on the market before fixation of the preservative is completed.

(b) Wood treated with CCA solutions in industrial installations according to point (a) may be placed on the market for professional and industrial use provided that the structural integrity of the wood is required for human or livestock safety and skin contact by the general public during its service life is unlikely:

— as structural timber in public and agricultural buildings, office buildings, and industrial premises,

— in bridges and bridgework,

— as constructional timber in freshwater areas and brackish waters e.g. jetties and bridges,

— as noise barriers,

— in avalanche control,

— in highway safety fencing and barriers,

- as debarked round conifer livestock fence posts,

- in earth retaining structures,

- as electric power transmission and telecommunications poles,

- as underground railway sleepers.

(c) Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, all treated wood placed on the market shall be individually labelled “For professional and industrial installation and use only, contains arsenic”. In addition, all wood placed on the market in packs shall also bear a label stating “Wear gloves when handling this wood. Wear a dust mask and eye protection when cutting or otherwise crafting this wood. Waste from this wood shall be treated as hazardous by an authorised undertaking”.

(d) Treated wood referred to under point (a) shall not be used:

- in residential or domestic constructions, whatever the purpose,

- in any application where there is a risk of repeated skin contact,

- in marine waters,

- for agricultural purposes other than for livestock fence posts and structural uses in accordance with point (b),

- in any application where the treated wood may come into contact with intermediate or finished products intended for human and/or animal consumption.

5. Wood treated with arsenic compounds that was in use in the Community before 30

September 2007, or that was placed on the market in accordance with the rules of these regulations may remain in place and continue to be used until it reaches the end of its service life.

6. Wood treated with CCA type C that was in use in the Community before 30 September 2007, or that was placed on the market in accordance with the rules of these regulations:

- may be used or reused subject to the conditions pertaining to its use listed under point 4(b), (c) and (d),

- may be placed on the second hand market subject to the conditions pertaining to its use listed under point 4(b), (c) and (d).

7. Member States may allow wood treated with other types of CCA solutions that was in use in the Community before 30 September 2007:

- to be used or reused subject to the conditions pertaining to its use listed under point 4 (b), (c) and (d),

- to be placed on the second hand market subject to the conditions pertaining to its use listed under point 4(b), (c) and (d).”.