Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,586, 30 ta' April, 2010
Taqsima B

A.L. 251 tal-2010

ATT DWAR IL-ĦARSIEN TAL-AMBJENT (KAP. 435)

ATT DWAR IS-SIGUREZZA TAL-PRODOTTI (KAP. 427)

Regolamenti tal-2010 li jemendaw ir-Regolamenti dwar il-Limitazzjoni ta' Emissjonijiet ta' Komposti Organiċi Volatili (Żebgħa, Verniċi u Prodotti ta' Rifinitura tal-Vetturi)

BIS-SAĦĦA tas-setgħat mogħtija bl-artikoli 9 u 10(2) tal-Att dwar il-Ħarsien tal-Ambjent, u bl-artikolu 38 tal-Att dwar is-Sigurezza tal-Prodotti, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

1. It-titlu ta' dawn ir-regolamenti hu Regolamenti tal-2010 li jemendaw ir-Regolamenti dwar il-Limitazzjoni ta' Emissjonijiet ta' Komposti Organiċi Volatili (Żebgħa, Verniċi u Prodotti ta' Rifinitura tal-Vetturi) u għandhom jinqraw u jiftiehmu ħaġa waħda mar-Regolamenti tal-2006 dwar il-Limitazzjoni ta' Emissjonijiet ta' Komposti Organiċi Volatili (Żebgħa, Verniċi u Prodotti ta' Rifinitura tal-Vetturi), hawnhekk iżjed 'il quddiem imsejħa "ir-regolamenti prinċipali".

Titolu.

A.L. 78 tal-2006.

2. Ir-regolament 2 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 2 tar-regolamenti prinċipali.

(a) minnufih wara t-tifsira "l-awtorità kompetenti" għandha tidħol din it-tifsira ġdida li ġejja:

" "*fitting*" tfisser kull ħaġa li tista' titwaħħal jew titpoġġa ma' xi ħajt, saqaf, art jew bejt ta' xi binja u strutturi assoċjati imma li tista' titneħħa jekk kemm-il darba jitlaq is-sid;";

(b) minnufih wara t-tifsira "*fitting*" għandha tidħol din it-tifsira ġdida li ġejja:

" "*fixture*" tfisser kull ħaġa li hija mwaħħla jew mqiegħda ma' xi ħajt, saqaf, art jew bejt ta' xi binja u li hija meqjusa li legalment parti mill-binja u li normalment tibqa' f'postha jekk kemm-il darba jitlaq is-sid;";

(ċ) minnufih wara t-tifsira "*water borne coatings*" għandha tidħol din it-tifsira li ġejja:

" "żebgħat u verniċi" tfisser prodotti li jintużaw bħala kisja fuq il-ħitan, soqfa, art u bjut tal-binjiet, u strutturi assoċjati kif ukoll fuq it-*trims*, fuq il-*fittings*, u fuq il-*fixtures* u li għandhom skopijiet dekorattivi, funzjonali u protettivi, u jeskludu l-*aerosols*;";

(d) minnufih wara t-tifsira "sustanzi" għandha tidħol din it-tifsira ġdida li ġejja:

" "*trim*" tfisser dekorazzjoni addizzjonali normalment mat-truf tal-ħitan, soqfa, art jew bejt ta' xi binja u strutturi assoċjati u li tkun magħmula minn materjal li jkanġi, jew li jkollha kulur li jikkuntrasta;" u

(e) minnufih wara t-tifsira "preparati" għandha tidħol din it-tifsira ġdida li ġejja:

A.L. 95 tal-2002.

" "prodotti għar-rifinitura tal-vetturi" tfisser prodotti li jkunu jintużaw sabiex tingħata kisja lill-vetturi tat-triq kif imfisser fil-*Motor Vehicles (EC Type Approval) Regulations*, jew parti minnhom waqt it-tiswija, konservazzjoni jew dekorazzjoni ta' vettura li ssir barra minn stabbilimenti tal-manifattura;".

Jemenda r-regolament 3 tar-regolamenti prinċipali.

3. Minflok is-subregolament (1) ta' regolament 3 tar-regolamenti prinċipali għandu jidħol dan li ġej:

" (1) Wara d-dati mniżżla fi Skeda II li tinsab ma' dawn ir-regolamenti, it-tqegħid fis-suq (inkluż b'xi att sabiex il-prodott jiġi offrut, espost, irriklamat jew miżmum għall-bejgħ, u biex iforni b'mod ta' kumpens jew xorta oħra) u, jew juża ż-żebgħat, il-verniċi u l-prodotti għar-rifinitura tal-vetturi li jaqgħu taħt l-iskop ta' dawn ir-regolamenti, kif imfisser fi Skeda I li tinsab ma' dawn ir-regolamenti, huwa projbit sakemm il-kontenut ta' KOV tagħhom ma jkunx indaqs jew inqas (≤) mill-valuri ta' limitu mniżżla fi Skeda II li tinsab ma'

dawn ir-regolamenti u sakemm dawn il-prodotti ma jkunux komformi mar-rekwiżit tat-tabelli li hemm fir-regolament 4 ta' dawn ir-regolamenti.".

4. Minflok it-tieni proviso li jinsab mar-regolament 9 tar-regolamenti prinċipali għandu jidħol dan li ġej:

Jemenda r-regolament 9 tar-regolamenti prinċipali.

"Iżda wkoll li l-Qorti għandha tordna lil kull persuna li tinsab ħatja ta' reat kontra dawn ir-regolamenti biex tħallas l-ispejjeż kollha mġarrba minn xi entitajiet pubbliċi u, jew minn persuni oħra li jaġixxu għan-nom tagħhom li jkunu involuti fl-implimentazzjoni ta'dawn ir-regolamenti inkluż ir-rimi b'mod san għall-ambjent u, jew il-qirda b'mod li jagħmel l-inqas ħsara possibbli lill-ambjent, tal-prodotti li ma jkunux konformi, it-tħassir tal-permess maħruġ mill-pulizija u l-konfiska tal-*corpus delicti*.".

5. Skeda I li tinsab mar-regolamenti prinċipali għandha tiġi emendata kif ġej:

Jemenda Skeda I li tinsab mar-regolamenti prinċipali.

(a) minflok il-paragrafu 1 li jinsab mal-iskeda għandu jidħol dan li ġej:

"1. Prodott jiqies bħala żebgħa jew verniċ li jaqa' taħt l-iskop ta' dawn ir-regolamenti jekk kemm-il darba, irrispettivament mit-tikketta mwaħħla fuq il-kontenitur tal-prodott, almenu wieħed mill-użi intenzjonati tiegħu huwa deskritt mis-sottokategoriji a) sa l) f'paragrafu 1.1 ta' dan ir-regolament. Dawn iż-żebgħat u verniċi biss li huma koperti b'xi waħda mid-derogi f'regolament 3 ta' dawn ir-regolamenti huma esklużi milli jkunu konformi ma' dawn ir-regolamenti."; u

(b) minflok il-paragrafu 2 li jinsab mal-iskeda għandu jidħol dan li ġej:

"2. Prodott jitqies bħala prodott għar-rifinitura tal-vetturi li jaqa' taħt l-iskop ta' dawn ir-regolamenti jekk kemm-il darba, irrispettivament mit-tikketta mwaħħla fuq il-kontenitur tal-prodott, almenu wieħed mill-użi intenzjonati tiegħu huwa deskritt mis-sottokategoriji a) sa e) f'paragrafu 2.1 ta' dan ir-regolament. Dawk il-

prodotti biss li huma għar-rifinitura tal-vetturi koperti b'xi waħda mid-derogi f'regolament 3 ta' dawn ir-regolamenti huma esklużi milli jkunu konformi ma' dawn ir-regolamenti.".

L.N. 251 of 2010

ENVIRONMENT PROTECTION ACT (CAP. 435)

PRODUCT SAFETY ACT (CAP. 427)

Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) (Amendment) Regulations, 2010

BY VIRTUE of the powers conferred by articles 9 and 10(2) of the Environment Protection Act, and by article 38 of the Product Safety Act, the Prime Minister has made the following regulations:-

Citation.

1. The title of these regulations is the Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) (Amendment) Regulations, 2010, and they shall be read and construed as one with the Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) Regulations, 2006 hereinafter referred to as "the principal regulations". L.N. 78 of 2006.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately after the definition "film" there shall be added the following new definition:

" "fitting" means any article which is fixed or attached to any wall, ceiling, floor or roof of a building and any associated structures but which can be removed once the owner leaves;";

(b) immediately after the new definition "fitting" there shall be added the following new definition:

" "fixture" means any article which is fixed or

attached to any wall, ceiling, floor or roof of a building and any associated structures and which is considered legally to be part of the building and normally remains in place once the owner moves;";

(c) immediately after the definition "organic solvent" there shall be added the following new definition:

" "paint and varnishes" means coatings applied to walls, ceilings, floors and roofs of buildings and associated structures as well as trims, fittings and fixtures, for decorative, functional and protective purposes and excluding aerosols;";

(d) immediately after the definition "substances" there shall be added the following new definition:

" "trim" means any additional decoration, typically along edges of any wall, ceiling, floor or roof of a building and any associated structures and which is made from a contrasting material or which has a contrasting colour;"; and

(e) immediately after the new definition "trim" there shall be added the following new definition:

L.N. 95 of 2002.

" "vehicle refinish products" means products used for the coating of road vehicles as defined in the Motor Vehicles (EC Type Approval) Regulations, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations;".

Amends regulation 3 of the principal regulations.

3. For subregulation (1) of regulation 3 of the principal regulations there shall be substituted with the following:

"(1) After the dates laid down in Schedule II of these regulations, the placing on the market (including by any act to offer, expose, advertise or keep for sale and supply by way of compensation or otherwise) and, or use of the paints, varnishes and vehicle refinishing products within the scope of these regulations, as per Annex I of these regulations is

prohibited unless their VOC content is less or equal to (≤) the limit values set out in Schedule II of these regulations and unless the product is compliant with the labeling requirement in regulation 4 of these regulations.".

4. For the second proviso to regulation 9 of the principal regulations, this shall be substituted with the following:

Amends regulation 9 of the principal regulations.

"Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and, or other persons acting on their behalf involved in the implementation of these regulations including the environmentally sound disposal and, or destruction of the non-compliant products, and as a result of the said offence, the revocation of the permit issued by the Police and the confiscation of the *corpus delicti*.".

5. Schedule I to the principal regulations shall be amended as follows:

Amends Schedule I to the principal regulations.

(a) for paragraph 1 thereof, there shall be substituted the following:

" 1. Irrespective of the label which might be attached to the container of the product, products will be considered as being paints and varnishes within the scope of these regulations if at least one of their intended uses is described by product subcategories a) to l) in paragraph 1.1 thereof. Only those paints and varnishes covered by the derogations in regulation 3 of these regulations are excluded from compliance with these regulations."; and

(b) for paragraph 2 thereof, there shall be substituted the following:

"2. Irrespective of the label which might be attached to the container of the product, products will be considered as being vehicle refinish products within the scope of these regulations if at least one of their

intended uses is described by product subcategories a) to e) in paragraph 2.1 thereof. Only those vehicle refinishing products covered by the derogations in regulation 3 of these are excluded from compliance with these regulations.".

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