

**L.N. 323 of 2011****PRODUCT SAFETY ACT  
(CAP. 427)****The Cosmetic Products (Implementation) Regulations, 2011**

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Prime Minister, on the advice of the Malta Competition and Consumer Affairs Authority, has made the following regulations:

1. The title of these regulations is The Cosmetic Products (Implementation) Regulations, 2011. Title.
  
2. (1) These regulations shall apply from the 11th July 2013. Commencement and scope.  
  
(2) These regulations implement the provisions of Articles 11, 19(5), 34(1), and 37 of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products.  
  
(3) By way of derogation from the Cosmetic Products Regulations, 2004, cosmetic products which comply with these regulations may be placed on the market before the 11th July 2013. L.N. 424 of 2004
  
3. The Technical Regulations Division as established by the Malta Competition and Consumer Affairs Authority Act, (Cap. 510) within the Malta Competition and Consumer Affairs Authority is: Establishment of the competent authority.
  - (a) responsible for in-market control within the meaning of Article 22 of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products; and
  
  - (b) the competent authority within the meaning of Article 34(1) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products.

Language requirements for the Product Information File.

**4.** With reference to Article 11 of Regulation (EC) No 1223/2009 the information contained in the product information file shall be made available in at least one of the following languages: Maltese, English, Italian.

Language requirements for Labelling of Cosmetics.

**5.** With reference to Article 19(5) of Regulation (EC) No 1223/2009 the language of the following information mentioned in the following points (a) to (d) shall be supplied in at least one of the following languages: Maltese, English.

(a) the nominal content at the time of packaging, given by weight or by volume, except in the case of packaging containing less than five grams or five millilitres, free samples and single-application packs; for pre-packages normally sold as a number of items, for which details of weight or volume are not significant, the content need not be given provided the number of items appears on the packaging. This information need not be given if the number of items is easy to see from the outside or if the product is normally only sold individually;

(b) the date until which the cosmetic product, stored under appropriate conditions, will continue to fulfil its initial function and, in particular, will remain in conformity with Article 3 ('date of minimum durability') of Regulation (EC) No 1223/2009. The date itself or details of where it appears on the packaging shall be preceded, by the symbol shown in point 3 of Annex VII of Regulation (EC) No 1223/2009, or the words: 'best used before the end of'. The date of minimum durability shall be clearly expressed and shall consist of the month and year or the day, month and year, in that order. If necessary, this information shall be supplemented by an indication of the conditions which must be satisfied to guarantee the stated durability. Indication of the date of minimum durability shall not be mandatory for cosmetic products with a minimum durability of more than 30 months. For such products, there shall be an indication of the period of time after opening for which the product is safe and can be used without any harm to the consumer. This information shall be indicated, except where the concept of durability after opening is not relevant, by the symbol, shown in point 2 of Annex VII of Regulation (EC) No 1223/2009, followed by the period (in months and/or years);

(c) particular precautions to be observed in use, and at least those listed in Annexes III to VI of Regulation (EC) No 1223/2009 and any special precautionary information on cosmetic products for professional use; and

(d) the function of the cosmetic product, unless it is clear from its presentation.

**6.** With reference to Article 37 the penalties applicable for infringement of the provisions of Regulation (EC) No.1223/2009 shall be those provided for in Part IV of the Product Safety Act. Penalties.

**7.** The Cosmetic Products Regulations, 2004, transposing Directive 76/768/EEC shall be revoked, with effect from the 11th July 2013. Revokes L.N. 424 of 2004.