

# Malta

## 1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Malta in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (\*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	MALTA *
Article	
5	
6(1)	
6(2)	
6(3)	
7(1)	
7(2)	
7(3)	
7(5)	
8(1 and 2)	
9(2)	
9(6)	
10	
11(1 and 3)	
12(1)	
12(2)	
13(1-5)	
14(1)	
14(6)	
14(7)	
17(1 and 2)	
18(1 to 3)	
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	
22(2)	
24(2)	
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1)	
31(2-9)	
32(1)	

Country	MALTA *
Article	
32(2-3)	
33(1 and 2)	
34	
35	
36(1)	
36(2)	
37(2)	
37(3)	
37(4)	
37(5)	
37(6)	
37(7)	
38(1)	
38(2)	
38(3)	
38(4)	
40(4)	
41(4)	
46(2)	
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	
56(2)	
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	
66(1)	
67(1)	

## 2. Types of offences related to REACH in Malta

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Malta . We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	N/A	-Any infringement of the provisions of REACH is considered as a criminal offence.
Offences related to authorisation and restrictions requirements	N/A	-Any infringement of the provisions of REACH is considered as a criminal offence.
Offences related to the supply chain requirements	N/A	-Any infringement of the provisions of REACH is considered as a criminal offence.
Offences related to the downstream user requirements	N/A	-Any infringement of the provisions of REACH is considered as a criminal offence.

### 3. Sanctions applicable to legal persons in Malta

This table mentions whether or not Malta applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Malta	Y	Identical to natural persons	N

### 4. REACH related administrative and criminal penalties in Malta

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Malta. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	N/A	<ul style="list-style-type: none"> <li>- On conviction for wilfully obstructing, resisting, threatening or otherwise giving misleading or false information to the competent authority, a fine (<i>multa</i>) from 465.87 EUR to 2 329.37 EUR, or up to six months prison, or to both.</li> <li>- On conviction for any other offence, a fine (<i>multa</i>) from 1 164.69 EUR to 11 646.87 EUR or up to 3 years prison, or to both.</li> </ul>

		<ul style="list-style-type: none"> <li>- In case of conviction for a second or subsequent offence, a fine (<i>multa</i>) from 1 747.03 EUR up to 23 293.73 EUR or to imprisonment not exceeding four years or to both such fine and imprisonment.</li> <li>- The court may (with the exception of offences related to obstructing or giving false information) additionally order the suspension or cancellation of any licence/s issued in favour of the person charged or in respect of the premises involved in the proceedings. (Product Safety Act, Article 32(1) to (4))</li> </ul>
<b>Penalties related to infringement of authorisation requirements</b>	N/A	<ul style="list-style-type: none"> <li>- On conviction for wilfully obstructing, resisting, threatening or otherwise giving misleading or false information to the competent authority, a fine (<i>multa</i>) from 465.87 EUR to 2 329.37 EUR, or up to six months prison, or to both.</li> <li>- On conviction for any other offence, a fine (<i>multa</i>) from 1 164.69 EUR to 11 646.87 EUR or up to 3 years prison, or to both.</li> <li>- In case of conviction for a second or subsequent offence, a fine (<i>multa</i>) from 1 747.03 EUR up to 23 293.73 EUR or to imprisonment not exceeding four years or to both such fine and imprisonment.</li> <li>- The court may (with the exception of offences related to obstructing or giving false information) additionally order the suspension or cancellation of any licence/s issued in favour of the person charged or in respect of the premises involved in the proceedings. (Product Safety Act, Article 32(1) to (4))</li> </ul>
<b>Penalties related to infringement of the supply chain requirements</b>	N/A	<ul style="list-style-type: none"> <li>- On conviction for wilfully obstructing, resisting, threatening or otherwise giving misleading or false information to the competent authority, a fine (<i>multa</i>) from 465.87 EUR to 2 329.37 EUR, or up to six months prison, or to both.</li> <li>- On conviction for any other offence, a fine (<i>multa</i>) from 1 164.69 EUR to 11 646.87 EUR or up to 3 years prison, or to both.</li> <li>- In case of conviction for a second or subsequent offence, a fine (<i>multa</i>) from 1 747.03 EUR up to 23 293.73 EUR or to imprisonment not exceeding four years or to both such fine and imprisonment.</li> <li>- The court may (with the exception of offences related to obstructing or giving false information) additionally order the suspension or cancellation of any licence/s issued in favour of the person charged or in respect of the premises involved in the proceedings. (Product Safety Act, Article 32(1) to (4))</li> </ul>
<b>Penalties related to infringement of the downstream users requirements</b>	N/A	<ul style="list-style-type: none"> <li>- On conviction for wilfully obstructing, resisting, threatening or otherwise giving misleading or false information to the competent authority, a fine (<i>multa</i>) from 465.87 EUR to 2 329.37 EUR, or up to six months prison, or to both.</li> <li>- On conviction for any other offence, a fine (<i>multa</i>) from 1 164.69 EUR to 11 646.87 EUR or up to 3 years prison, or to both.</li> <li>- In case of conviction for a second or subsequent offence, a fine (<i>multa</i>) from 1 747.03 EUR up to 23 293.73 EUR or to imprisonment not exceeding four years or to both such fine and imprisonment.</li> <li>- The court may (with the exception of offences related to obstructing or giving false information) additionally order the suspension or cancellation of any licence/s issued in favour of the person charged or in respect of the premises involved in the proceedings.</li> </ul>

		(Product Safety Act, Article 32(1) to (4))
--	--	--

## 5. Short description of REACH sanctions and related issues in Malta

The Maltese Criminal Code (Chapter 9 of the Laws of Malta) distinguishes between crimes and contraventions, the former being of a more serious nature and attracting higher penalties. The penalties for infringements of REACH are either a fine (*multa*) ranging from a minimum of circa 466 euros to a maximum of circa 23,294 euros and/or imprisonment, the maximum term of which is four years. These are the typical penalties found in the Maltese legal system with respect to crimes.

The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Implementation) Regulations, 2008 (Legal Notice 61 of 2008) were enacted by the Minister for Competitiveness and Communications under the Product Safety Act (Chapter 427 of the Laws of Malta). These regulations implement the provisions of Articles 121, 125 and 126 of REACH. Regulation 3 establishes the Malta Standards Authority (MSA) as the competent authority within the meaning of Article 121 of REACH and the authority responsible for enforcement. Regulation 5 provides that the penalties applicable for infringement of the provisions of REACH shall be those provided for in Part IV (Articles 30 to 34) of the Product Safety Act. Infringements of REACH are criminal offences prosecuted before a court of criminal jurisdiction. The Director of the Market Surveillance Directorate of the MSA is the person responsible for instituting proceedings and conducting the prosecution.

The Registration, Evaluation, Authorisation and Restriction of Chemicals Enforcement (E-REACH) Committee Regulations, 2008 (Legal Notice 27 of 2008) were enacted to set up a committee to assist the MSA, with the aim of achieving a holistic multi-partite approach for the implementation and management of the enforcement of REACH. The E-REACH Committee consists of the Director responsible for chemicals within the MSA, the Director for environment protection, the Director of the Market Surveillance Directorate within the MSA and the Comptroller of Customs (or their delegates). The Occupational Health and Safety Authority and the Public Health Department are consulted by the Committee in matters affecting their respective area of competence.

The responsibilities of the E-REACH Committee include the monitoring and coordination of enforcement of REACH and other relevant legislation, standards and practices and advising upon the proper legal and administrative framework to implement REACH.