



GOVERNMENT OF MALTA

**Government response to the Consultation on
Marketing and Use of Explosive Precursors
(Implementing) Regulations, 2021.**

5th April 2021

*Ministry for Tourism and Consumer Protection
233, Republic Street, Valletta*

*Malta Competition and Consumer Affairs Authority
Mizzi House, National Road, Blata l-Bajda*

This publication (excluding Logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. This material must be acknowledged as Government of Malta and the title of the publication specified.

Any queries regarding this publication should be sent at: onlineconsultations@gov.mt.

Published by the Ministry of Tourism and Consumer Protection

Contents

CONTENTS

Contents	3
Executive Summary	4
Introduction and overview	4
Responses to the consultation and process used to seek stakeholder views	5
Summary of responses and decisions	5
Implementation	6
Contact Details	6

Executive Summary

Introduction and overview

1. A brief introduction about the subject.

Regulation (EU) 2019/1148 establishes harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives, with a view to limiting the availability of those substances or mixtures to members of the general public, and with a view to ensuring the appropriate reporting of suspicious transactions throughout the supply chain.

This Regulation is without prejudice to other more stringent provisions of Union law concerning the substances listed in Annexes I and II.

Member States shall ensure that restricted explosives precursors as listed in Annex I shall not be made available to, or introduced, possessed, or used by members of the general public. However, a Member State may maintain or establish a licensing regime allowing certain restricted explosives precursors to be made available to, or to be introduced, possessed, or used by members of the general public at concentrations not higher than the corresponding upper limit values set out in column 3 of the table in Annex I of that same regulation.

Information on **Regulation (EU) 2019/1148 of the European Parliament and of the Council** on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 can be accessed through the following link:

https://ec.europa.eu/home-affairs/what-we-do/policies/counter-terrorism/protection/implementation-explosives-precursors-legislation_en

To this end, the Technical Regulations Division (TRD) within the Malta Competition and Consumer Affairs Authority (MCCAA) drafted a set of regulations to implement the various provisions of Regulation 2019/1148/EU into Maltese law.

The Regulation that is to be implemented may be accessed through the following link:

Commission Regulation (EU) No 2019/1148:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1148>

2. The public consultation date.

Include the objective and purpose of the public consultation.

On 22nd February 2021, the Government published a consultation paper setting our proposals to implement the various provisions of Regulation 2019/1148/EU into Maltese Law. The objective was to allow public reaction and comments before implementation via Legal Notice.

3. This consultation sought views on:

- The proposed regulations implementing the various provisions of Regulation 2019/1148/EU

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 22 March 2021. The consultation document and the reply form were available online and responses were accepted electronically and on paper. Aside from clarification requests, no feedback was received.

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

No meetings were organized with stakeholders

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

- Total feedback received: 0
- Total feedback received by individuals: 0
- Total feedback received by organisations: 0
- Total feedback received through email: 0
- Total feedback received through online form: 0
- Total feedback received by post: 0

7. Summary of feedback received.

Although no feedback was received, calls were accepted requesting clarification on the nature of the regulations. Additionally, some emails were received from industry either claiming to not fall scope to the regulations and/or do not deal with products above the limit set out in Annex I. No objections or amendments were proposed from businesses or public.

8. Your assessment and the Government's decision (list the Government's decisions).

Our assessment remains that Malta should implement the provisions of Regulation 2019/1148/ EU in accordance with the proposed regulations in their entirety, without further modification or amendments. In view of this, the Government has decided to implement Regulation 1148/2019/EU through the proposed Draft Legal Notice implementing its various provisions.

Implementation

9. When you intend to implement the decisions

Subject to Parliamentary approval, in light of the fact that Regulation 1148/2019/EU has entered into force on the 1st of February 2021, we intend to publish the Legal Notice as soon as possible.

Contact Details

If you have any questions regarding this response, please contact:

consultations.mccaa@mccaa.org.mt