L.N. 23 of 1999

QUALITY CONTROL (EXPORTS, IMPORTS AND LOCAL GOODS) ACT) (CAP. 225)

Low Voltage Electrical Equipment Order, 1999 (Order No. M37 of 1999)

IN exercise of the powers conferred by section 3 of the Quality Control (Exports, Imports and Local Goods) Act, the Malta Standardisation Authority has made the following order :-

Citation and commencement.

1.1. This Order may be cited as the Low Voltage Electrical Equipment Order, 1999, and may be referred to as Order No. M37 of 1999.

1.2. This Order shall become operative on the 1st March, 1999, which date shall be notified by the Authority in the Gazette.

1.2.1. Provided that the requirement of paragraph 6. of this Order and the CE marking shall not be obligatory prior to the 1st September, 1999 in respect of:

1.2.1.1. stocks of low voltage electrical equipment already placed on the market prior to the 1st March, 1999;

1.2.1.2. low voltage electrical equipment ordered before the 1st March, 1999, and imported into Malta up to the 31st August, 1999.

1.2.2. Provided that the requirement of paragraph 6 of this Order and the CE marking shall not be obligatory prior to the 1st March, 2000 in respect of low voltage electrical equipment manufactured in Malta up to 29th February, 2000.

1.3. The following Mandatory Orders are hereby repealed:

- M17 of 1986 - Radio and/or T.V. Signal Amplifiers Order, 1986 – L.N. 26 of 1986
- M28 of 1990 – Electrical Equipment Order, 1990 – L.N. 88 of 1990
- M31 of 1993 – Electric Cable Order, 1993 – L.N. 55 of 1993.

1.3.1. References to low voltage electrical equipment in those Orders being repealed in paragraph 1.3. above shall henceforth be construed as references to this Order.

2.1. This Order shall apply to electrical equipment, designed for use with a voltage rating of between 50 and 1000 V for alternating current and between 75 and 1500 V for direct current. Scope.

2.2. This Order shall not apply to the following electrical equipment and phenomena:

2.2.1. Electrical equipment for use in an explosive atmosphere[1];

2.2.2. Electrical equipment for radiology and medical purposes;

2.2.3. Electrical parts for goods and passenger lifts;

2.2.4. Electricity meters;

2.2.5. Plugs and socket outlets for domestic use[2];

2.2.6. Electric fence controllers;

2.2.7. Radio-electrical interference;

2.2.8. Specialised electrical equipment, for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies.

3.1. In this Order — Definitions.

3.1.1. "The Directive" means Council Directive 73/23/EEC[3] as amended by Council Directive 93/68/EEC[4] on the approximation of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits.

3.1.2. "Approved body" means a body approved to carry out CE type examination as laid down in the Directive. The names of such approved bodies are published in the Official Journal of the European Communities.

[1]Falling within the scope of Order M39 of 1999
[2]Falling within the scope of Order M30 of 1991
[3]OJ No. L77, 26-03-73, P.29
[4]OJ No. L220, 30-08-93, P.1

3.1.3. "Harmonised Standard" means a technical specification adopted by the European Committee for Standardisation (CEN) or the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI), upon a remit from the European Commission in accordance with Directive 98/34/EC[5] of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations as amended by Directive 98/48/EC[6] of the European Parliament and of the Council.

3.1.4. "National Standard transposing the Harmonised Standard" means a Standard issued by one of the members of CEN/CENELEC/ETSI which is declared and noted to be technically equivalent to the Harmonised Standard originally issued by CEN/CENELEC/ETSI.

3.1.5. "Community" means the European Community.

3.1.6. "OJ" means the Official Journal of the European Communities.

3.1.7. "CE marking" means marking as set out in Schedule 2 to this Order.

3.1.8. "Manufacturer" means the person who is primarily responsible for designing and manufacturing the low voltage electrical equipment so that this complies with the requirements of this Order.

3.1.9. "Local authorised representative" means any person (or organisation) established in Malta who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by this Order.

3.1.10. "Importer" means any person who places the low voltage electrical equipment from a foreign country on to the Maltese market so that he supplies such equipment on the first occasion that it is supplied in Malta.

3.1.11. "Person who supplies low voltage electrical equipment" means wholesalers, distributors, retailers, etc.

3.1.12. "Responsible person" in relation to low voltage electrical equipment means:

[5]OJ No. L204, 21-07-98, P.37
[6]OJ No. L217, 05-08-98, P.18

(a) the manufacturer thereof;

(b) the manufacturer's local authorised representative; or

(c) where the manufacturer is not established in Malta and he has not appointed a local authorised representative, the person who places the low voltage electrical equipment on the local market.

3.1.13. "End user" means the consumer, which expression shall include an industrial and commercial consumer.

3.1.14. "Placing on the market" means importation, wholesale, retail, sale and distribution free of charge.

Applicability.

4.1. The provisions of this Order are applicable to all imported electrical equipment, for use within certain voltage limits, as well as to those manufactured for the local market, as referred to in paragraph 2 of this Order.

4.2. Subject to paragraph 4.3 below, the provisions of this Order shall not apply to low voltage electrical equipment intended exclusively for export.

4.3. Subject to paragraph 9 of this Order, paragraph 4.2 above shall not apply if the CE marking or any inscription liable to be confused therewith is affixed to the low voltage electrical equipment.

Conformity.

5.1. Electrical equipment, as referred to in paragraph 2 of this Order, may be placed on the market only if, having been constructed in accordance with good engineering practice in safety matters, it does not endanger the safety of persons, domestic animals or property when properly installed and maintained and used in applications for which it was made.

5.1.1. The principal elements of the safety objectives referred to in Paragraph 5.1 are listed in Schedule 1 to this Order.

5.2. All appropriate measures shall be taken to ensure that if electrical equipment is of such a nature as to comply with the provisions referred to in paragraph 5.1, subject to the conditions laid down in paragraph 6 of this Order, the free movement thereof in Malta shall not be impeded for reasons of safety.

5.3. In relation to electrical equipment, stricter safety requirements than those referred to in paragraph 5.1 shall not be imposed by electricity supply bodies for connection to the grid, or for the supply of electricity to users of electrical equipment.

5.4. Single phase, low voltage electrical equipment for use in Malta which is fitted with a flexible cord and has a rated input not exceeding 3kW and which requires earthing –

5.4.1. shall have the wires in the power supply cable or cord coloured in accordance with the following code:-

- Green and yellow: Earth
- Blue: Neutral
- Brown: Live; and

5.4.2. shall be fitted with a 13Amp (B.S. 1363) plug fused according to the manufacturer's recommendations at the point of sale to the user.

5.5. In general, other provisions of the Electrical Accessories Order, 1991 (Order No. M30 of 1991) shall apply.

CE marking and certificates of conformity.

6.1. Electrical equipment bearing the CE marking shall be presumed to comply with all the provisions of this Order, including the conformity assessment procedures referred to in Schedule 3 to this Order.

6.1.1. Conformity of electrical equipment with the national standards transposing the harmonised standards, the reference numbers of which have been published in the Official Journal of the European Communities, shall result in a presumption of conformity to the essential safety requirements referred to in paragraph 5.1.

6.2. Where harmonised standards have not yet been drawn up and published, the Malta Standardisation Authority shall take all appropriate measures to ensure that, for the purposes of placing on the market or free movement as referred to in paragraphs 5.1, 5.1.1 and 5.2, electrical equipment which complies with the safety provisions of the International Commission on the Rules for the Approval of Electrical Equipment (CEE) or of the International Electrotechnical Commission (IEC), shall also be regarded as complying with the provisions of paragraphs 5.1 and 5.1.1 of this Order.

6.3. Where harmonised standards or safety provisions are not yet in existence, the Malta Standardisation Authority shall take all appropriate measures to ensure that, for the purposes of placing on the market or free movement as referred to in paragraphs 5.1, 5.1.1 and 5.2, electrical equipment manufactured in accordance with the safety provisions of the standards in force in the country of manufacture shall be regarded as complying with the provisions of paragraphs 5.1 and

5.1.1 of this Order, if it ensures a safety level equivalent to that required in Malta.

Withdrawal and prohibition from market.

7.1. If it is discovered that electrical equipment bearing the CE marking and used in accordance with its intended purpose might compromise the safety of individuals, domestic animals or property, all necessary measures shall be taken to withdraw the equipment in question from the market or to prohibit or restrict its being placed on the market.

Certification Procedures.

8.1. Before being placed on the market, the electrical equipment, referred to in paragraph 2 of this Order, must have affixed to it the CE marking provided for in paragraph 9 below, attesting to its conformity to the provisions of this Order, including the conformity assessment procedure described in Schedule 3 to this Order.

8.2. In the event of a challenge, the responsible person may submit a written report in a month's time, drawn up by a body, which is notified in accordance with the procedure set out in Article 11 of the Directive, on the conformity of the electrical equipment with the provisions of paragraphs 5.1 and 5.1.1.

8.3. Where electrical equipment is subject to other Directives concerning other aspects which also provide for the affixing of the CE marking, the latter shall indicate that the equipment in question is also presumed to conform to the provisions of those other Directives.

8.3.1. However, where one or more of these Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity to the provisions only of those Directives applied by the manufacturer. In this case, particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the Directives and accompanying the electrical equipment.

8.4. The records, and correspondence relating to the certification procedures referred to in paragraphs 8.1 and 8.2 shall be drafted in, at least, Maltese and/or English.

CE Conformity Marking.

9.1. As a confirmation that the electrical equipment conforms with all the requirements of this Order which relate to it, the CE conformity marking, referred to in Schedule 2 to this Order, shall be affixed by the responsible person, to the electrical equipment or, failing that, to the packaging, the instruction sheet or the guarantee certificate so as to be visible, easily legible and indelible.

9.2. The affixing on electrical equipment, on the packaging, the instruction sheet or the guarantee certificate of any markings liable to deceive third parties as to the meaning and form of the CE marking shall be prohibited.

9.2.1. However, any other marking may be affixed to the electrical equipment, its packaging, the instruction sheet or the guarantee certificate provided that the visibility and legibility of the CE marking is not thereby reduced.

9.3. Without prejudice to paragraph 7 of this Order:

9.3.1. Where it is established that the CE marking has been affixed unduly, the responsible person shall be obliged to make the electrical equipment comply as regards the provisions concerning the CE marking and to end the infringement.

9.3.2. Where non-compliance continues, all appropriate measures shall be taken to restrict or prohibit the placing on the market of the electrical equipment in question or to ensure that it is withdrawn from the market.

9.4. Paragraph 9.1 above shall not apply in relation to low voltage electrical equipment which —

(a) by virtue of being manufactured prior to 31st December, 1993 does not bear the CE marking; or

(b) has previously been supplied to any user in Malta, i.e. secondhand equipment with or without CE marking; or

(c) is supplied solely by virtue of its being hired out in connection with the supply of other goods and services or otherwise provided that it satisfies the provisions of subparagraph (b) above,

shall, prior to such equipment being sold, hired or otherwise distributed, including distribution free of charge, be accompanied by a Declaration of Conformity containing the following elements:

- name and address of the person who is importing and/or supplying and/or hiring the electrical equipment in question,
- a description of the electrical equipment,
- reference to the harmonised standards,

- where appropriate, references to the specifications with which conformity is declared,

- signature of the person importing and/or supplying and/or hiring such electrical equipment in Malta.

SCHEDULE 1

Annex I of the Directive

Principal elements of the safety objectives for Electrical Equipment designed for use within certain voltage limits

1. General conditions

(a) The essential characteristics, the recognition and observance of which will ensure that electrical equipment will be used safely and in applications for which it was made, shall be marked on the equipment, or, if this is not possible, on an accompanying notice.

(b) The manufacturer's brand name or trade mark should be clearly printed on the electrical equipment or, where that is not possible, on the packaging.

(c) The electrical equipment, together with its component parts should be made in such a way as to ensure that it can be safely and properly assembled and connected.

(d) The electrical equipment should be designed and manufactured as to ensure that protection against the hazards set out in points 2 and 3 of this Schedule is assured provided that the equipment is used in applications for which it was made and is adequately maintained.

2. Protection against hazards arising from electrical equipment

Measures of a technical nature should be described in accordance with point 1, in order to ensure:

(a) that persons and domestic animals are adequately protected against danger of physical injury or other harm which might be caused by electrical contact direct or indirect;

(b) that temperatures, arcs or radiation which would cause a danger, are not produced;

(c) that persons, domestic animals and property are adequately protected against non-electrical dangers caused by electrical equipment which are revealed by experience;

(d) that the insulation must be suitable for foreseeable conditions.

3. Protection against hazards which may be caused by external influences on the electrical equipment

Technical measures are to be laid down in accordance with point 1, in order to ensure:

(a) that the electrical equipment meets the expected mechanical requirements in such a way that persons, domestic appliances and property are not endangered;

(b) that the electrical equipment shall be resistant to non-mechanical influences in expected environmental conditions, in such a way that persons, domestic animals and property are not endangered;

(c) that the electrical equipment shall not endanger persons, domestic animals and property in foreseeable conditions of overload.

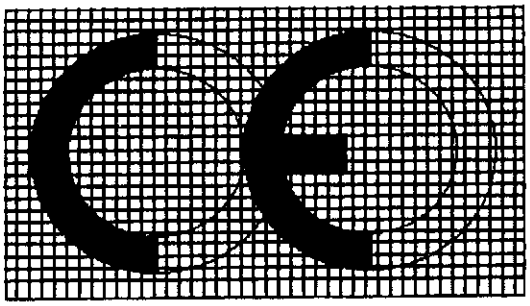
Schedule 2

Based on Annex III of the Directive

CE Conformity Marking and EC Declaration of Conformity

A. CE conformity marking

The CE conformity marking shall consist of the initials "CE" in the following form:



For the avoidance of doubt, it is hereby declared that the grid providing the background in the above graduated drawing is not part of the CE marking.

- If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

- The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5mm.

B. EC declaration of conformity

The EC declaration of conformity must contain the following elements:

- name and address of the responsible person,

- a description of the electrical equipment,

- reference to the harmonised standards,

- where appropriate, references to the specifications with which conformity is declared,

- identification of the signatory who has been empowered to enter into commitments on behalf of the manufacturer or importer, established in Malta,

- the last two digits of the year in which the CE marking was affixed.

Schedule 3
Based on Annex IV of the Directive

Internal Production Control

1. Internal production control is the procedure whereby the manufacturer or his local authorised representative, who carries out the obligations laid down in point 2 below, ensures and declares that the electrical equipment satisfies the requirements of this Order that apply to it. The manufacturer or his local authorised representative must affix the CE marking to each product and draw up a written declaration of conformity.

2. The manufacturer must establish the technical documentation described in point 3 below and he must keep it on Maltese territory at the disposal of the Malta Standardisation Authority for inspection purposes for a period ending at least 10 years after the last product has been manufactured. Where the manufacturer is not established in Malta and he has not appointed a local authorised representative, this obligation is the responsibility of the person who places the electrical equipment on the Maltese market.

3. Technical documentation must enable the conformity of the electrical equipment to the requirements of this Order to be assessed. It must, as far as relevant for such assessment, cover the design, manufacture and operation of the electrical equipment. It must include:

- a general description of the electrical equipment,
- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the electrical equipment,
- a list of the standards applied in full or in part, and descriptions of the solutions adopted to satisfy the safety aspects of this Order where standards have not been applied,
- results of design calculations made, examinations carried out, etc.,
- test reports.

4. The responsible person must keep a copy of the declaration of conformity with the technical documentation.

5. The manufacturer must take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured products with the technical documentation referred to in point 2 above and with the requirements of this Order that apply to them.

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