

L.N. 367 of 2002

**PRODUCT SAFETY ACT
(ACT NO. V OF 2001)**

Low Voltage Electrical Equipment Regulations, 2002

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, 2001, the Minister for Economic Services, on the advice of the Malta Standards Authority, has made the following regulations:-

1.1. (1) The title of these regulations is the Low Voltage Electrical Equipment Regulations, 2002. Citation and
commencement

1.2. These regulations shall become operative on such date as notified by the Authority in the Gazette. Scope

2.1. These regulations 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.

2.2. These regulations shall not apply to the following electrical equipment and phenomena:

2.2.1. Electrical equipment for use in an explosive atmosphere¹;

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 use²;

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.

¹Falling within the scope of the Equipment and Protective Systems intended for use in Potentially Explosive Atmospheres Order, 1999.

²Falling within the scope of the Electrical Accessories Regulations, 2002.

3.1. In these regulations:

3.1.1. “the Directive” means Council Directive 73/23/EEC³ as amended by Council Directive 93/68/EEC⁴ on the approximation of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits.

3.1.2. “notified body” means a body notified to the Commission which may make a report in accordance with the provisions of Article 8 or give an opinion in accordance with the provisions of Article 9 of the Directive.

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/EC⁵ 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/EC⁶ of the European Parliament and of the Council.

3.1.3.1. For purposes of information the list of harmonized standards and their references is that published in the Official Journal of the European Communities.

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 identical 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 Annex II of the Directive, which is set out in Schedule II to these regulations.

³ OJ No. L77, 26-03-73, P.29.

⁴ OJ No. L220, 30-08-93, P.1.

⁵ OJ No. L204, 21-07-98, P.37.

⁶ OJ No. L217, 05-08-98, P.18.

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 these regulations.

3.1.9. “authorized representative” means any person (or organisation) established in the Community or Malta who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by these regulations.

3.1.10. “importer” means any person who places the low voltage electrical equipment from a foreign country on to the Community or Maltese market so that he supplies such equipment on the first occasion that it is supplied in the Community or 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:

(a) the manufacturer thereof:

(b) the manufacturer’s authorized representative: or

(c) where the manufacturer is not established in the Community or Malta and he has not appointed an authorized representative, the person who places the low voltage electrical equipment on the Community or Maltese 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.

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

4.1.1. Regulation 4.1 above shall not be construed to prohibit any person from possessing for supply at any time before it is supplied, offered for supply or exposed for supply in Malta for the first time, or before it is agreed for the first time to supply it in Malta, any electrical equipment referred to in regulation 2.1 of

these regulations which has been imported into Malta and which does not comply with the requirements of these regulations.

4.2. Subject to regulation 4.3 below, the provisions of these regulations shall not apply to low voltage electrical equipment intended exclusively for export.

4.3. Subject to regulations 9.1 to 9.4 of these regulations, regulation 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 regulation 2.1 of these regulations, 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 regulation 5.1 of these regulations are listed in Annex I of the Directive, which is set out in Schedule I to these regulations.

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 regulation 5.1 of these regulations, subject to the conditions laid down in regulations 6.1, 6.1.1, 6.2 and 6.3 of these regulations, 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 regulation 5.1 of these regulations shall not be imposed by electricity supply bodies for connection to the grid, or for the supply of electricity to users of electrical equipment.

**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 Annex IV of the Directive, which is set out in Schedule IV to these regulations.

6.1.1. Conformity of electrical equipment with the safety provisions of harmonized standards shall be regarded as complying with the provisions of regulation 5.1 of these regulations, for the purposes of placing on the market and free movement as referred to in regulations 5.1 and 5.2 respectively.

6.2. Where harmonized standards have not yet been drawn up and published, all appropriate measures shall be taken to ensure that, for the purposes of placing on the market or free movement as referred to in regulations 5.1 and 5.2 respectively of these regulations, electrical equipment shall also be regarded as complying with the provisions of regulation 5.1 of these regulations if complying with the safety provisions issued by the European Committee for Electrotechnical Standardisation (CENELEC) or by the International Electrotechnical Commission (IEC) in respect of which the publication procedure laid down in paragraphs 2 and 3 of Article 6 of the Directive has been applied.

6.3. Where harmonized standards within the meaning of regulation 6.1.1 of these regulations or safety provisions published in accordance with regulation 6.2 of these regulations are not yet in existence, all appropriate measures shall be taken to ensure that, for the purpose of placing on the market or free movement as referred to in regulations 5.1 and 5.2 respectively of these regulations, electrical equipment shall also be regarded as complying with the provisions of regulation 5.1 of these regulations if it is manufactured in accordance with the safety provisions of the standards in force in the Member State of manufacture, provided that the latter ensure a safety level equivalent to that required in the Maltese territory.

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.

Withdrawal and
prohibition from
market.

7.2. The Consumer and Industrial Goods Directorate⁷ of the Malta Standards Authority shall be immediately informed of any such measures taken under regulation 7.1 above, indicating the grounds for such decision and stating in particular:

- whether its non-conformity with regulation 5.1 of these regulations is attributable to a shortcoming in the harmonized standards referred to in regulation 6.1.1 of these regulations, the provisions referred to in regulation 6.2 or the standards referred to in regulation 6.3 of these regulations;
- whether its non-conformity is attributable to faulty application of such standards or publications or to failure to comply with good engineering practice as referred to in regulation 5.1 of these regulations.

⁷ L.N. 213 of 2000 – Malta Standards Authority (Establishment of Directorates) Order, 2000, published in the Government Gazette No. 17,002 of 20th October, 2000.

7.3. The Consumer and Industrial Goods Directorate of the Malta Standards Authority shall immediately inform the Commission of any measures taken in pursuance of regulations 7.1 of these regulations.

Certification
Procedures.

8.1. Before being placed on the market, the electrical equipment, referred to in regulation 2.1 of these regulations, must have affixed to it the CE marking provided for in regulations 9.1 to 9.4 below, attesting to its conformity to the provisions of these regulations, including the conformity assessment procedure described in Annex IV of the Directive, which is set out in Schedule IV to these regulations.

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 notified body, on the conformity of the electrical equipment with the provisions of regulations 5.1. and 5.1.1 to these regulations.

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 regulations 8.1 and 8.2 shall be drafted in an official language of the Member State of the Community or Maltese, as applicable.

8.4.1. However, in relation to any provisions taken under regulation 7.1 of these regulations, the responsible person may be obliged to supply the Authorities with a translation into Maltese or English of part or whole of the documentation referred to in regulation 8.4 above.

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 Annex III of the Directive, which is set out in Schedule III to these regulations, 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 7.1 of these regulations:

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. Regulation 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.

Revokes L N. 23 of
1999.

10. The Low Voltage Electrical Equipment Order, 1999 is hereby being revoked.

Schedule I

Based on 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 providing 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;

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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 II

Based on Annex II of the Directive

EQUIPMENT AND PHENOMENA OUTSIDE THE SCOPE OF THE DIRECTIVE

Electrical equipment for use in an explosive atmosphere ·

Electrical equipment for radiology and medical purposes

Electrical parts for goods and passenger lifts

Electricity meters

Plugs and socket outlets for domestic use

Electric fence controllers

Radio-electrical interference

Specialized electrical equipment, for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the Member States participate.

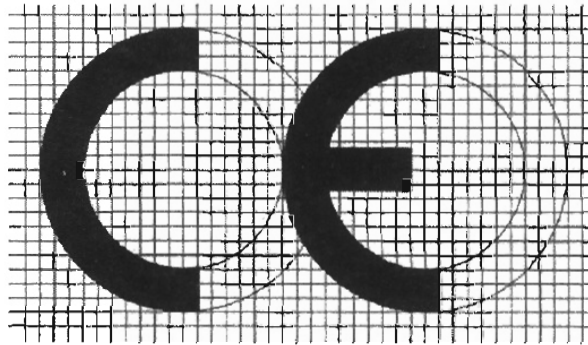
Schedule III

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 the Community or Malta,
- the last two digits of the year in which the CE marking was affixed.

Schedule IV

Based on Annex IV of the Directive

INTERNAL PRODUCTION CONTROL

1. Internal production control is the procedure whereby the manufacturer or his authorized representative, who carries out the obligations laid down in point 2 below, ensures and declares that the electrical equipment satisfies the requirements of these regulations that apply to it. The manufacturer or his authorized 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 Community or Maltese territory at the disposal of the Authorities 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 the Community or Malta and he has not appointed an authorized representative, this obligation is the responsibility of the person who places the electrical equipment on the Community or Maltese market.

3. Technical documentation must enable the conformity of the electrical equipment to the requirements of these regulations 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 these regulations 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 these regulations that apply to them.

