L.N. 213 of 2000

MALTA STANDARDS AUTHORITY ACT, 2000 (ACT NO. XIX OF 2000)

Malta Standards Authority (Establishment of Directorates) Order, 2000

IN exercise of the powers conferred by article 3 (14) of the Malta Standards Authority Act, the Minister for Economic Services has made the following Order:–

Citation and commencement.

1. (1) The title of this Order is the Malta Standards Authority (Establishment of Directorates) Order, 2000.

(2) The date of coming into force of the Order is the 1st October, 2000.

Definitions.

2. In this Order, the following definitions shall apply, unless the context otherwise requires:

"Act" means the Malta Standards Authority Act, 2000;

"Authority"means the Malta Standards Authority;

"Head of Directorate" means the person appointed to that post according to the provisions of section 3 (17) of the Act.

"Minister" means the Minister responsible for industry.

Establishment of Directorates.

3. There shall be established such Directorates within the Authority in terms of article 3 (14) of the Act, having such functions and responsibilities as described in the schedule relative to each one of such Directorates, as follows:

(a) Consumer and Industrial Goods Directorate (Schedule 1);

(b) Foodstuffs, Chemicals and Cosmetics Directorate (Schedule 2);

(c) Standardization Directorate (Schedule 3).

Head and functions of the Directorates.

4. (1) A Head of a Directorate shall be appointed according to the provisions of section 3 (17) of the Act.

(2) In exercising its functions under this Order, the Directorate shall be functionally independent from the Authority as regards substantive matters and, more specifically, as regards technical matters within its area of competence. In particular, the Directorate shall be independent of any other structure or official within the Authority as regards the implementation of the functions listed in the relative schedule to each Directorate.

(3) Without prejudice to subarticle (2) hereof, the Directorate shall operate subject to the administrative and financial control of the Authority as provided for in the Act and subject to the general policy of the Authority.

Technical Committees.

5. (1) The Head of the Directorate may, with the agreement of the Minister and of the Authority, establish Technical Committees in order to provide scientific and technical advice as required by article 16 (b) (iii) of the Act in the areas of competence indicated in each relative schedule to this Order.

(2) The members of the Technical Committees shall be nominated by the Minister on the advice of the Head of the Directorate.

(3) The Head of the Directorate shall chair and co-ordinate the Technical Committees under his responsibility.

(4) The Head of the Directorate shall not have the right of vote in the Technical Committees.

(5) The Head of the Directorate shall be responsible for ensuring the competence, impartiality, transparency and independence of the Technical Committees under his responsibility.

(6) The Minister may, on the advice of the Head of the Directorate, remove, replace or suspend any member of a Technical Committee if this is considered necessary by the Minister to maintain the requirements stated in subarticle (5) hereof.

SCHEDULE 1

FUNCTIONS AND RESPONSIBILITIES OF THE CONSUMER AND INDUSTRIAL GOODS DIRECTORATE

(a) To draft legislation in relation to the areas indicated in paragraph (e) hereof and issued by virtue of the Quality Control (Exports, Imports and Local Goods) Act, Cap. 225;

(b) To advise the Minister, the Authority and other Government agencies and the private sector, concerning this legislation and other matters ancillary thereto;

(c) To assist all sectors of industry to understand and meet the essential requirements imposed by technical regulations, issued by virtue of the Quality Control (Export, Imports and Local Goods) Act, and the technical, quality and safety requirements of harmonised European and international standards issued by virtue of the Act;

(d) To co-ordinate and implement the Authority's programme of standardization in the areas indicated in paragraph (e) hereof and, in particular, to exercise the advisory functions assigned to the Authority by virtue of the Quality Control (Exports, Imports and Local Goods Act) and by any other law;

(e) To establish, with the consent of the Minister and of the Chairman of the Authority, Technical Committees for the areas of competence hereunder indicated, and to chair and co-ordinate the work of such Committees relating to:

1. Motor vehicles
2. Electrical risk and electrical equipment
3. Electromagnetic compatibility
4. Radio equipment and telecommunications terminal equipment
5. Energy efficiency requirements
6. Mechanical devices
7. Personal protective equipment
8. Construction products
9. Recreational seacraft
10. Medical devices
11. Pressure vessels
12. Toys
13. Gas appliances
14. Noise from vehicles and machinery;

(f) To act as the focal point for any notification requirements involving the Authority, for ensuring the free movement of goods principle;

(g) To formulate and give effect to programmes of technical assistance aimed at business operators for the purpose of facilitating their compliance with relevant technical regulations and standards;

(h) To communicate to the general public and to interested parties any information regarding the Authority's programme of standardization in the areas of competence indicated in paragraph (e) hereof;

(i) To provide training and information on technical regulations and standards in the areas indicated in paragraph (e) hereof;

(j) To represent the Authority in relevant national and international activities;

(k) To carry out such other functions as the Minister may, from time to time, direct.

SCHEDULE 2

FUNCTIONS AND RESPONSIBILITIES OF THE FOODSTUFFS, CHEMICALS AND COSMETICS DIRECTORATE

(a) To draft legislation in relation to the areas indicated in paragraph (e) hereof and issued by virtue of the Quality Control (Exports, Imports and Local Goods) Act, Cap. 225, and the Food, Drugs and Drinking Water Act, Cap. 231;

(b) To advise the Minister, the Authority and other Government agencies and the private sector, concerning this legislation and other matters ancillary thereto;

(c) To assist all sectors of industry to understand and meet the essential requirements imposed by technical regulations, issued by virtue of the Acts referred to in paragraph (a) above, and the technical, quality and safety requirements of harmonised European and international standards issued by virtue of the Act;

(d) To co-ordinate and implement the Authorityís programme of standardization in the areas indicated in paragraph (e) hereof and, in particular, to exercise the advisory functions assigned to the Authority by virtue of the Quality Control (Exports, Imports and Local Goods) Act, the Food, Drugs and Drinking Water Act and by any other law;

(e) To establish, with the consent of the Minister and of the Chairman of the Authority, Technical Committees for the areas of competence hereunder indicated, and to chair and co-ordinate the work of such Committees relating to:

1. Foodstuffs, including materials for their production
2. Water
3. Alcoholic beverages
4. Fertilisers and animal feedingstuffs
5. Chemical substances, products and preparations

6. Medicinal and pharmaceutical products
7. Cosmetic products
8. Textiles and footwear
9. Glass, wood, paper and metal and products made therefrom
10. Packaging materials;

(f) To act as the focal point for any notification requirements involving the Authority, for ensuring the free movement of goods principle;

(g) To formulate and give effect to programmes of technical assistance aimed at business operators for the purpose of facilitating their compliance with relevant technical regulations and standards;

(h) To communicate to the general public and to interested parties any information regarding the Authority's programme of standardization in the areas of competence indicated in paragraph (e) hereof;

(i) To provide training and information on technical regulations and standards in the areas indicated in paragraph (e) hereof;

(j) to represent the Authority in relevant national and international activities;

(k) to carry out such other functions as the Minister may, from time to time, direct.

SCHEDULE 3

FUNCTIONS AND RESPONSIBILITIES OF THE STANDARDIZATION DIRECTORATE

(a) To draft standards according the Authority's programme of standardization and issue them by virtue of the Act;

(b) To adopt international standards and issue them as national standards by virtue of the Act according the Authority's programme of standardization;

(c) To advise the Authority to repeal conflicting national standards;

(d) To ensure that all interested parties are adequately represented in standardization activities;

(e) To advise the Minister, the Authority and other Government agencies and the private sector, concerning standardization issues and other matters ancillary thereto;

(f) To assist all sectors of industry to understand the importance of standards, issued by virtue of the Act;

(g) To co-ordinate and implement the Authority's programme of standardization such as conformity marking, public enquiry and surveys on standardization needs, sale of standards, and other matters ancillary thereto;

(h) To establish, with the consent of the Minister and of the Chairman of the Authority, Technical Committees for the areas of competence as the Authority may identify, and to chair and co-ordinate the work of such Committees;

(i) To act as the focal point for any notification requirements involving the Authority, for ensuring the free movement of goods principle;

(j) To formulate and give effect to programmes of technical assistance aimed at business operators for the purpose of facilitating their compliance with relevant standards;

(k) To communicate to the general public and to interested parties any information regarding the Authority's programme of standardization;

(l) To provide training and information on standardization matters and in other matters ancillary thereto;

(m) To represent the Authority in relevant national and international activities and express national vote on draft European and International standards;

(n) To carry out such other functions as the Authority may, from time to time, direct.