Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,089, 21 ta' Lulju, 2023
Taqsima B

L.N. 185 of 2023

PRODUCT SAFETY ACT
(CAP. 427)

Market Surveillance and Compliance of Products Regulations, 2023

IN EXERCISE of the powers conferred by articles 38 and 39 of the Product Safety Act, the Minister responsible for consumer affairs, on the advice of the Director General (Technical Regulations), has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Market Surveillance and Compliance of Products Regulations, 2023.

(2) The scope of these regulations is to implement the requisites of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"national market surveillance authority" means the authority responsible for the implementation and enforcement of the Union harmonisation legislation listed in Annex I of Regulation (EU) 2019/1020 and may include an authority which by virtue of any other law is required to adopt or abide by the provisions of Regulation (EU) 2019/1020;

"Regulation (EU) 2019/1020" means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011; and

"Technical Regulations Division" means the entity established under Part VI of the Malta Competition and Consumer Affairs Authority Act. Cap. 510.

Single liaison office. Cap. 510.

3. For the purpose of Article 10 of Regulation (EU) 2019/1020, the Technical Regulations Division shall be designated as the single liaison office:

Provided that for the purpose of carrying out the functions of the single liaison office in accordance with Regulation (EU) 2019/

1020, the Technical Regulations Division may establish technical committees in accordance with article 20(1)(e) of the Malta Competition and Consumer Affairs Authority Act.

Powers of national market surveillance authorities.

4. Without prejudice to any other law providing for the powers of the national market surveillance authorities, for the purpose of carrying out market surveillance, investigation and enforcement in accordance with Regulation (EU) 2019/1020, national market surveillance authorities shall have, whether directly or by recourse to other public authorities or upon application to the Maltese Courts all the powers provided for in Article 14 of Regulation (EU) 2019/1020.

Penalties.

5. Without prejudice to any specific provisions on penalties or punishments, however so described, in any other law implementing or transposing the Union harmonisation legislation listed in Annex I of Regulation (EU) 2019/1020, articles 32(2), (3) and (4) of the Product Safety Act shall be applicable to any infringement under Regulation (EU) 2019/1020:

Cap. 427.

Provided that proceedings in relation to any infringement under Regulation (EU) 2019/1020 may be instituted at the instance of any national market surveillance authority.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — *Published by the Department of Information (doi.gov.mt) — Valletta*
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — *Printed at the Government Printing Press on FSC certified paper*

Prezz/*Price*
€0.09