Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,180, 16 ta' Jannar, 2024

Taqsima B

L.N. 7 of 2024

PRODUCT SAFETY ACT
(CAP. 427)

Radio Equipment (Amendment) Regulations, 2024

IN EXERCISE of the powers conferred by articles 38, 39 and 40 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, scope and commencement. S.L. 427.41.

1. (1) The title of these regulations is the Radio Equipment (Amendment) Regulations, 2024 and these regulations shall be read and construed as one with the Radio Equipment Regulations, hereinafter referred to as "the principal regulations".

(2) The scope of these regulations is to transpose Directive (EU) 2022/2380 of the European Parliament and of the Council of 23 November 2022 amending Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment.

(3) Regulations 1, 5(b), 8 to 14, both included, 15(c), 16, 17(b) and 18 to 22, both included, shall be deemed to have come into force on the 28th of December 2023.

(4) The provisions of these regulations other than those mentioned under sub-regulation (3) shall apply as from the 28th of December 2024, with regard to radio equipment falling within the categories or classes specified in points 1.1 to 1.12 of Part I of Schedule VIII and as from the 28th of April 2026, with regard to radio equipment falling within the categories or classes specified in point 1.13 of Part I of Schedule VIII.

Amends regulation 4 of the principal regulations.

2. Regulation 4 of the principal regulations shall be amended as follows:

(a) paragraph (a) of sub-regulation (3) thereof shall be substituted by the following new paragraph:

"(a) radio equipment interworks with accessories other than the charging devices for the categories or classes of radio equipment, specified in Part I of Schedule VIII, which are specifically referred to in sub-regulation (5);"; and

(b) immediately after sub-regulation (4) thereof, there shall be added the following new sub-regulations:

"(5) Radio equipment falling within the categories or classes specified in Part I of Schedule VIII shall be so constructed that it complies with the specifications relating to charging capabilities set out in thesaid Schedule for the relevant category or class of radio equipment.

(6) The provisions of sub-regulation (5) and other provisions which make reference thereto shall apply as from 28 December 2024, for radio equipment falling within the categories or classes specified in points 1.1 to 1.12 of Part I of Schedule VIII, and from 28 April 2026 for the categories or classes of radio equipment referred to in point 1.13 of Part I of Schedule VIII.".

Adds new regulation to the principal regulations.

3. Immediately after regulation 4 of the principal regulations, as amended, there shall be added the following new regulation:

"Possibility for consumers and other end-users to acquire certain categories or classes of radio equipment without a charging device.

4A. (1) Where an economic operator offers to consumers and other end-users the possibility to acquire the radio equipment referred to in regulation 4(5) together with a charging device, the economic operator shall also offer the consumers and other end-users the possibility of acquiring that radio equipment without any charging device.

(2) Economic operators shall ensure that the information on whether or otherwise a charging device is included with the radio equipment referred to in regulation 4(5) is displayed in a graphic form using a user-friendly and easily accessible pictogram as set out in Part III of Schedule VIII when such radio equipment is made available to consumers and other end-users. The pictogram shall be printed on the packaging or affixed to the packaging as a sticker. When the radio equipment is made available to consumers and other end-users, the pictogram shall be displayed in a visible and legible manner, and in the case of distance selling, close to the price indication.".

Amends regulation 10 of the principal regulations.

4. Sub-regulation (8) of regulation 10 of the principal regulations shall be substituted by the following new sub-regulation:

"(8) (a) Manufacturers shall ensure that the radio equipment is accompanied by instructions and safety information. Instructions shall include the information required to use radio equipment in accordance with its intended use. Such

information shall include, where applicable, a description of accessories and components, including software, which allow the radio equipment to operate as intended. Such instructions and safety information, as well as any labelling, shall be clear, understandable, and intelligible.

(b) The following information shall also be included in the instructions in the case of radio equipment intentionally emitting radio waves:

(i) frequency bands in which the radio equipment operates; and

(ii) maximum radio-frequency power transmitted in the frequency bands in which the radio equipment operates.

(c) In the case of radio equipment referred to in regulation 4(5), the instructions shall contain information on the specifications relating to the radio equipment's charging capabilities and the compatible charging devices, as set out in Part II of Schedule VIII. In addition to being included in the instructions, when the manufacturers make such radio equipment available to consumers and other end-users, the information shall be also displayed on a label, as set out in Part IV of Schedule VIII. The label shall be printed in the instructions and on the packaging or affixed to the packaging as a sticker. In the absence of packaging, the sticker with the label shall be affixed to the radio equipment. When the radio equipment is made available to consumers and other end-users, the label shall be displayed in a visible and legible manner, and in the case of distance selling, close to the price indication. Where the size or nature of the radio equipment does not allow otherwise, the label may be printed as a separate document accompanying the radio equipment.

(d) The instructions and safety information referred to in the paragraphs (a), (b) and (c) shall be in a language which can be easily understood by consumers and other end-users, as determined by TRD.".

Amends regulation 12 of the principal regulations.

5. Regulation 12 of the principal regulation shall be amended as follows:

(a) in paragraph (b) of sub-regulation (4) thereof, the words "set out in regulation 4." shall be substituted by the words "set out in regulation 4;" and immediately after there shall be added the following new paragraph:

"(c) when making the radio equipment referred to in

regulation 4(5) available to consumers and other end-users, importers shall ensure that:

(i) such radio equipment displays, or is supplied with, a label in accordance with regulation 10(8)(c); and

(ii) that label is displayed in a visible and legible manner and, in the case of distance selling, close to the price indication."; and

(b) immediately after paragraph (b) of sub-regulation (6) thereof, the words "(8) shall, further to a reasoned" shall be substituted by the words "(c) shall further to a reasoned".

Amends regulation 13 of the principal regulations.

6. Sub-regulation (2) of regulation 13 of the principal regulations shall be amended as follows:

(a) the words "(2) Before making radio equipment available on the" shall be substituted by the words "(2)(a) Before making radio equipment available on the";

(b) the words "Where a distributor considers or has reason" shall be substituted by the words "(b) Where a distributor considers or has reason";

(c) immediately after paragraph (b), as amended, there shall be added the following new paragraph:

"(c) When making the radio equipment referred to in regulation 4(5) available to consumers and other end-users, distributors shall ensure that:

(i) such radio equipment displays, or is supplied with, a label in accordance with regulation 10(8)(c); and

(ii) such label is displayed in a visible and legible manner, and in the case of distance selling, close to the price indication.".

Amends regulation 17 of the principal regulations.

7. In sub-regulation (2) of regulation 17 of the principal regulations, the words "regulation 4(1)" shall be substituted by the words "regulation 4(1) and (5)".

Amends regulation 20 of the principal regulations.

8. In sub-regulation (4) of regulation 20 of the principal regulations, the words "regulation 40" shall be substituted by the words "regulation 39".

9. Regulation 26 of the principal regulations shall be amended as follows: Amends regulation 26 of the principal regulations.

(a) in paragraph (c) of sub-regulation (2) thereof, the words "Schedule III" shall be substituted by the words "Schedules III and IV"; and

(b) in sub-regulation (6) thereof, the words "Schedule III" shall be substituted by the words "Schedules III and IV".

10. In regulation 27 of the principal regulations the words "regulation 25" shall be substituted by the words "regulation 26". Amends regulation 27 of the principal regulations.

11. In sub-regulation (1) of regulation 28 of the principal regulations, the words "regulation 24" shall be substituted by the words "regulation 26". Amends regulation 28 of the principal regulations.

12. Immediately after regulation 28 of the principal regulations, there shall be added the following new regulation: Adds new regulation of the principal regulations.

"Application for notification.

28A. (1) A conformity assessment body shall submit an application for notification to the TRD.

(2) The application for notification shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the radio equipment for which that body claims to be competent, as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in regulation 26.

(3) Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the TRD with all the documentary evidence necessary for the verification, recognition, and regular monitoring of its compliance with the requirements laid down in regulation 26.".

13. Regulation 29 of the principal regulations shall be amended as follows: Amends regulation 29 of the principal regulations.

(a) in sub-regulation (1) thereof, the words "regulation 25" shall be substituted by the words "regulation 26"; and

(b) in sub-regulation (4) thereof, the words "sub-regulation (2)" shall be substituted by the words "sub-regulation (2) of regulation 28A".

Amends regulation 31 of the principal regulations.

14. In paragraph (a) of sub-regulation (4) of regulation 31 of the principal regulations, the words "Schedule I" shall be substituted by the words "regulation 4".

Amends regulation 36 of the principal regulations.

15. Regulation 36 of the principal regulations shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Procedure at national level for dealing with radio equipment presenting a risk or otherwise in compliance with essential requirements.";

(b) paragraph (a) of sub-regulation (1) thereof, shall be substituted by the following new paragraph:

"36. (1) (a) Where the MSD have sufficient reason to believe that radio equipment covered by these regulations presents a risk to the health or safety of persons or to other aspects of public interest protection covered by these regulations, or that it does not comply with at least one of the applicable essential requirements set out in regulation 4, it shall carry out an evaluation in relation to the radio equipment concerned covering all relevant requirements laid down in these regulations. The relevant economic operators shall cooperate as necessary with the MSD for that purpose."; and

(c) in paragraph (a) of sub-regulation (4) thereof, the words "sub-regulation (1)(c)" shall be substituted by the words "sub-regulation (1)(b)".

Amends regulation 37 of the principal regulations.

16. In sub-regulation (1) of regulation 37 of the principal regulations, the words "regulation 33(1)" shall be substituted by the words "regulation 36(1)".

Amends regulation 38 of the principal regulations.

17. Sub-regulation (1) of regulation 38 of the principal regulations shall be amended as follows:

(a) immediately after paragraph (f) thereof, there shall be added the following new paragraphs:

"(fa) the pictogram as referred to in regulation 4A(2) or the label as referred to in regulation 10(8) has not been drawn up correctly;

(fb) the label as referred to in regulation 10(8) does

not accompany the radio equipment concerned;

(fc) the pictogram or the label is not affixed or displayed in accordance with regulation 4A(2) or regulation 10(8);";

(b) in paragraph (g) thereof:

(i) the words "regulation 7(6)" shall be substituted by the words "regulations 10(6) or 10(7)"; and

(ii) the words "regulation 9(3)" shall be substituted by the words "regulation 12(3)";

(c) paragraph (h) thereof shall be substituted by the following new paragraph:

"(h) the information referred to in regulation 10(8), the EU declaration of conformity referred to in regulation 10(9), or the information on usage restrictions referred to in regulation 10(10), does not accompany the radio equipment;"; and

(d) paragraph (j) thereof, shall be substituted by the following new paragraph:

"(j) regulation 4A(1) or regulation 6 is not complied with.".

18. Point 3 in Schedule I to the principal regulations shall be substituted by the following new point:

Amends Schedule I to the principal regulations.

"3. Aviation equipment intended exclusively for airborne use falling within the scope of article 138 of Regulation (EU) 2018/1139 of the European Parliament and of the Council (†).

† Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p.1)".

19. Schedule IV to the principal regulations shall be amended as follows:

Amends Schedule IV to the principal regulations.

(a) in item 6(c) thereof, the words "point 3(5)" shall be substituted by the words "point 3(3)(f)";

(b) in item 6(d) thereof, the words "3(5)" shall be substituted by the words "3(3)(f)"; and

(c) in item 8 thereof, the words "point 3(5)" shall be substituted by the words "point 3(3)(f)".

Amends Schedule V to the principal regulations.

20. In item (f) of Schedule V to the principal regulations, the words "Annex III" shall be substituted by the words "Schedule III".

Amends Schedule VI to the principal regulations.

21. In Schedule VI to the principal regulations the words "EU DECLARATION OF CONFORMITY (No XXX) (1)" thereof, shall be substituted by the words "EU DECLARATION OF CONFORMITY (No)[1] (Regulation 18)";

"[1] - It is optional for the manufacturer to assign a number to the EU declaration of conformity.".

Adds new Schedule to the principal regulations.

22. Immediately after Schedule VI to the principal regulations there shall be added the following new Schedule:

"SCHEDULE VII

SIMPLIFIED EU DECLARATION OF CONFORMITY

The simplified EU declaration of conformity referred to in regulation 10(9) shall be provided as follows:

Hereby, [Name of manufacturer] declares that the radio equipment type [designation of type of radio equipment] is in compliance with Directive 2014/53/EU.

The full text of the EU declaration of conformity is available at the following internet address:".

Adds new Schedule to the principal regulations.

23. Immediately after Schedule VII to the principal regulations there shall be added the following new Schedule:

"SCHEDULE VIII

SPECIFICATIONS AND INFORMATION RELATING TO CHARGING APPLICABLE TO CERTAIN CATEGORIES OR CLASSES OF RADIO EQUIPMENT

Part I

Specifications relating to charging capabilities

1. The requirements set out in points 2 and 3 of this Part shall apply to the following categories or classes of radio equipment:

1.1. handheld mobile phones;

1.2. tablets;

1.3. digital cameras;

1.4. headphones;

1.5. headsets;

1.6. handheld videogame consoles;

1.7. portable speakers;

1.8. e-readers;

1.9. keyboards;

1.10. mice;

1.11. portable navigation systems;

1.12. earbuds;

1.13. laptops.

2. In so far as they are capable of being recharged by means of wired charging, the categories or classes of radio equipment referred to in point 1 of this Part shall:

2.1. be equipped with the USB Type-C receptacle, as described in the standard EN IEC 62680-1-3:2022 "Universal serial bus interfaces for data and power – Part 1-3: Common components – USB Type-C® Cable and Connector Specification", and that receptacle shall remain accessible and operational at all times*;

2.2. be capable of being charged with cables which comply with the standard EN IEC 62680-1-3:2022 "Universal serial bus interfaces for data and power – Part 1-3: Common components – USB Type-C® Cable and Connector Specification"*.

3. In so far as they are capable of being recharged by means of wired charging at voltages higher than 5 Volts, currents higher than 3 Amperes or powers higher than 15 Watts, the categories or classes of radio equipment referred to in point 1 of this Part shall:

3.1. incorporate the USB Power Delivery, as described in the standard EN IEC 62680-1-2:2022 "Universal serial bus interfaces for data and power – Part 1-2: Common components – USB Power Delivery Specification"*;

3.2. ensure that any additional charging protocol allows for the full functionality of the USB Power Delivery referred to in point 3.1, irrespective of the charging device used.

Part II

Information on specifications relating to charging capabilities and the compatible charging devices

In the case of radio equipment falling within the scope of regulation 4(5) the following information shall be indicated in accordance with the requirements set out in regulation 10(8), and may be made available in addition by means of QR codes or similar electronic solutions:

(a) in the case of all categories or classes of radio equipment which are subject to the requirements set out in Part I, a description of the power requirements of the wired charging devices that can be used with that radio equipment, including the minimum power required to charge the radio equipment, and the maximum power required to charge the radio equipment at the maximum charging speed expressed in Watts by displaying the text: "the power delivered by the charger must be between min [xx] Watts required by the radio equipment, and max [yy] Watts in order to achieve the maximum charging speed". The number of Watts shall express, respectively, the minimum power required by the radio equipment, and the maximum power required by the radio equipment to achieve the maximum charging speed;

(b) in the case of radio equipment which is subject to the

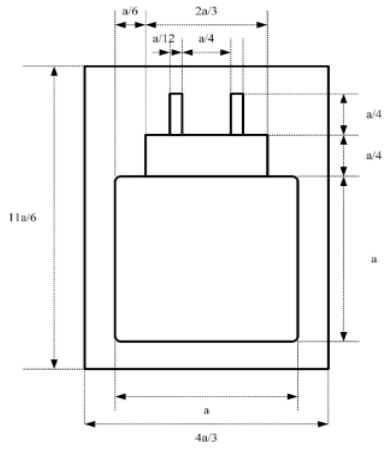
requirements set out in point 3 of Part I, a description of the specifications relating to charging capabilities of the radio equipment, in so far as it is capable of being recharged by means of wired charging at voltages higher than 5 Volts or currents higher than 3 Amperes or powers higher than 15 Watts, including an indication that the radio equipment supports the USB Power Delivery charging protocol by displaying the text "USB PD fast charging" and an indication of any other supported charging protocol by displaying its name in text format.

Part III

Pictogram indicating whether or not a charging device is included with the radio equipment

1. The pictogram shall have the following formats:

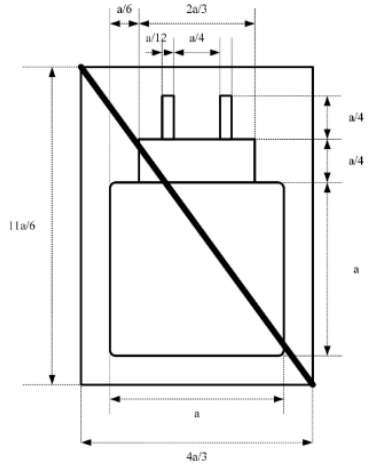
1.1 If a charging device is included with the radio equipment:



1.2. If no charging device is included with the radio

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equipment:

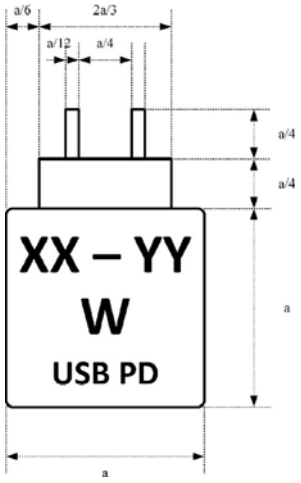


2. The pictogram may vary in appearance (e.g. as to its colour, solid or hollow, line thickness), provided that it remains visible and legible. If the pictogram is reduced or enlarged, the proportions set out in the drawings in point 1 of this Part shall be maintained. The dimension "a" referred to in point 1 of this Part shall be greater than or equal to 7 mm, irrespective of the variation.

Part IV

Content and format of the label

1. The label shall have the following format:



2. The letters "XX" shall be replaced by the figure corresponding to the minimum power required by the radio equipment to charge, which determines the minimum power that a charging device needs to supply to charge the radio equipment. The letters "YY" shall be replaced by the figure corresponding to the maximum power required by the radio equipment to achieve maximum charging speed, which determines the power that a charging device needs to supply at least to achieve that maximum charging speed. The abbreviation "USB PD" (USB Power Delivery) shall be displayed if the radio equipment supports that charging communication protocol. "USB PD" is a protocol that negotiates the fastest delivery of current from the charging device to the radio equipment without shortening the battery lifetime.

3. The label may vary in appearance (e.g. as to its colour, solid or hollow, line thickness) provided that it remains visible and legible. If the label is reduced or enlarged, the proportions set out in the drawing in point 1 of this Part shall be maintained. The dimension "a" referred to in point 1 of this Part shall be greater than or equal to 7 mm, irrespective of the variation.

* - Standards as per Commission Delegated Regulation (EU) 2023/1717 of 27 June 2023 amending Directive 2014/53/EU of the European Parliament and of the Council as regards the technical specifications for the charging receptacle and charging communication protocol for all the categories or classes of radio equipment capable of being recharged by means of wired charging.".

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