

L.N. 48 of 2024

**ELECTRONIC COMMUNICATIONS (REGULATION) ACT
(CAP. 399)**

Online Intermediation Services for Business Users (Enforcement Measures) (Amendment) Regulations, 2024

IN EXERCISE of the powers conferred by article 47 of the Electronic Communications (Regulation) Act, the Minister responsible for communications after consultation with the Malta Communications Authority has made the following regulations:-

1. The title of these regulations is the Online Intermediation Services for Business Users (Enforcement Measures) (Amendment) Regulations, 2024 and these regulations shall be read and construed as one with the Online Intermediation Services for Business Users (Enforcement Measures) Regulations, hereinafter referred to as the "principal regulations".
Citation.
S.L. 399.49.
2. The principal regulations shall be amended as follows:
General amendments to the principal regulations.
 - (a) the word "breach", wherever it occurs, shall be substituted by the word "infringement"; and
 - (b) the words "Regulation 2019/1150", wherever they occur, shall be substituted by the words "Regulation (EU) 2019/1150".
3. Regulation 4 of the principal regulations shall be substituted by the following new regulation:
Substitutes regulation 4 of the principal regulations.
4. (1) A business user may file an application before the Civil Court to:
"Action by a business user or a corporate website user."
 - (a) seek redress against a provider of online intermediation services for any loss or damage, however so described, suffered consequential to non-compliance by any such provider; and, or
 - (b) stop any non-compliance by a provider of online intermediation services:

Provided that such non-compliance shall be as referred to in Articles 3 to 12 of Regulation (EU) 2019/1150 insofar as these apply to any obligation onerous on such providers.

(2) A corporate website user may file an application before the Civil Court to:

(a) seek redress against a provider of online search engines for any loss or damage, however so described, suffered consequential to non-compliance by such provider; and, or

(b) stop any non-compliance by a provider of online search engines:

Provided that such non-compliance shall be as referred to in Articles 5 and, or 7 of Regulation (EU) 2019/1150 insofar as these apply to any obligation onerous on such providers."

Substitutes regulation 5 of the principal regulations.

4. Regulation 5 of the principal regulations shall be substituted by the following new regulation:

"Action by a designated organisation, association or public body.

5. A designated organisation, association or public body may file an application before the Civil Court requesting it to stop or prohibit the non-compliance by providers of online intermediation services and, or by providers of online search engines, as the case may be, if they consider that there has been or that there is likely to be a breach by any such provider of any of the provisions of Articles 3 to 12 of Regulation 2019/1150 insofar as these relate to an onerous obligation on any such provider."

Adds a new regulation to the principal regulations.

5. After regulation 6 of the principal regulations there shall be added the following new regulation:

"Service of any action on the Authority.

7. A business user, corporate website user or any designated organisation, association or public body, as the case may be, who institute any action in accordance with these regulations shall when doing so, also issue service on the Authority of a copy of the application initiating the said action only for information purposes."