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Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,532, 4 ta' Novembru, 2025
Taqsima B

L.N. 260 of 2025

PRODUCT SAFETY ACT (CAP. 427)

Approval and Market Surveillance of Motor Vehicles and their Trailers and of Systems, Components and Separate Technical Units intended for such vehicles (Implementing) Regulations, 2025

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 Approval and Market Surveillance of Motor Vehicles and their Trailers and of Systems, Components and Separate Technical Units intended for such vehicles (Implementing) Regulations, 2025.

(2) These regulations implement the requirements of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC.

Interpretation.

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

"Act" means the Product Safety Act; Cap. 427.

"Board" means the Board of Governors established by article 8 of the Malta Competition and Consumer Affairs Authority Act; Cap. 510.

"Committee" means the Type-Approval Committee established in accordance with regulation 3;

"Director General (Technical Regulations)" means the person so appointed by virtue of article 19(2) of the Malta Competition and Consumer Affairs Authority Act; Cap. 510.

"Malta Competition and Consumer Affairs Authority" means the authority established by article 3 of the Malta Competition and Consumer Affairs Authority Act; Cap. 510.

"Regulation (EU) 2018/858" means Regulation (EU) 2018/

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858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC, as may be amended from time to time, and all its delegated, implementing, supplementing, amending, and complementing acts as well as any relevant act affecting it, as may be amended from time to time;

Cap. 510.

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

"UN Regulations" means the Regulations and any modifications, including amendments, supplements, and corrigenda, thereto adopted, from time to time, under the Revised Agreement referred to in Council Decision 97/836/EC.

Establishment and composition of the Committee.

3. (1) There shall be a Committee to be known as the Type-Approval Committee.

(2) In matters relating exclusively to the responsibilities of the Committee in accordance with these regulations, the legal and judicial representation of the Committee shall vest in the Chairman heading the Committee.

(3) The Committee shall be composed as follows:

Cap. 510.

(a) the Chairman of the Committee, who shall be the member of the Board appointed in accordance with article 9(1)(b)(iii) of the Malta Competition and Consumer Affairs Authority Act;

Cap. 510.

(b) the Chairman of the Malta Competition and Consumer Affairs Authority appointed in accordance with article 9(1)(a) of the Malta Competition and Consumer Affairs Authority Act; and

Cap. 510.

(c) the Director General (Technical Regulations) appointed in accordance with article 19(2) of the Malta Competition and Consumer Affairs Authority Act.

(4) Unless otherwise provided by these regulations or any other law, the Committee may regulate its own procedure.

Designation of national authorities.

4. (1) For the purposes of Regulation (EU) 2018/858, the Committee shall be the approval authority responsible for:

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(a) EU type-approval of all types of vehicles, systems, components or separate technical units;

(b) national individual approval and national type-approval of systems, components, or separate technical units of all type of vehicles.

(c) all aspects concerning type-approval in accordance with UN Regulations;

(d) the authorisations referred to in Article 55(1) of Regulation (EU) 2018/858 regarding parts or equipment that may pose a serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance, systems, components and separate technical units; and

(e) EU individual vehicle approval in accordance with Article 44 of Regulation (EU) 2018/858.

(2) The Committee shall, in accordance with Article 6(2) of Regulation (EU) 2018/858, be the sole approval authority that is responsible for the exchange of information with the approval authorities of other Member States for the purpose of Article 11 of Regulation (EU) 2018/858 and for the fulfilment of obligations established in Chapter XV of the said Regulation.

(3) The Technical Regulations Division shall be the national authority responsible for market surveillance in accordance with Article 8 of Regulation (EU) 2018/858 and shall in accordance with Article 6(3) of Regulation (EU) 2018/858, be the sole market surveillance authority that is responsible for the exchange of information with the market surveillance authorities of other Member States for the purpose of Article 11 of Regulation (EU) 2018/858.

Powers of inspection and enforcement.

5. (1) For the purpose of implementing and enforcing the requirements of Regulations (EU) 2018/858, the powers vested in the Director General (Technical Regulations) by virtue of the Act shall, *mutatis mutandis,* apply to these regulations.

(2) Without prejudice to sub-regulation (1), economic operators shall make available to the Director General (Technical Regulations) upon his request such documentation, information and other technical specifications, including access to software and algorithms, that he considers necessary for the purpose of implementing and enforcing these regulations:

Provided that the Director General (Technical Regulations)

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may delegate in writing any of the powers vested in him by virtue of this regulation to any person being a public officer or otherwise and any person so authorised shall when required, produce the written authorisation signed by the Director General (Technical Regulations).

Periodical review.

6. The Malta Competition and Consumer Affairs Authority shall:

(a) periodically review and assess the functioning of the type-approval activities carried out by the Committee. Such reviews and assessments shall be carried out at least every four (4) years, and the results thereof shall be communicated to the Commission and the Forum for Exchange of Information on Enforcement referred to in Article 11 of Regulation (EU) 2018/858;

(b) periodically review and assess the functioning of the market surveillance activities carried out by the Technical Regulations Division. Such reviews and assessments shall be carried out at least every four (4) years, and the results thereof shall be communicated to the Commission and the Forum for Exchange of Information on Enforcement referred to in Article 11 of Regulation (EU) 2018/858;

(c) make accessible to the public a summary of the results of the periodic reviews and assessments referred to in paragraphs (a) and (b); and

(d) report to the Commission and the Forum for Exchange of Information on Enforcement on how it addresses any recommendations referred to in Article 11(5) of Regulation (EU) 2018/858 issued by the Forum for Exchange of Information on Enforcement.

Language.

7. For the purposes of these regulations:

(a) where any type of information or instructions are to be provided in the official language or languages of Malta, such information or instructions shall be provided in both the Maltese and English language or at least in the English language;

(b) the owner’s manual or any information or instructions made available by the manufacturer to users of a vehicle, system, component, separate technical unit, part or equipment placed on the market, registered or entered into service in Malta shall be provided in both the Maltese and English language or at least in the English language, and may additionally be provided in other languages; and

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(c) a language which may be easily understood by a national authority in accordance with Articles 14(4) and 17(4) shall either be the Maltese or the English language.

Proceedings.

8. Part IV of the Act shall apply, *mutatis mutandis,* to any offence against the provisions of Regulation (EU) 2018/858 and of these regulations.

Repeal and saving. S.L. 427.23.

9. Without prejudice to the transitional provisions stipulated in Article 89 of Regulation (EU) 2018/858, the EC Type-Approval of Motor Vehicles and their Trailers Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder and any approval issued in accordance with the said regulations shall remain valid until its expiry, withdrawal or revocation.

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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*
€0.27