

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,717, 11 ta' Settembru, 2026

Taqsima B

L.N. 238 of 2026

**MALTA DIGITAL INNOVATION AUTHORITY ACT
(CAP. 591)**

Cyber Resilience Regulations, 2026

IN EXERCISE of the powers conferred by article 58 of the Malta Digital Innovation Authority Act, the Minister responsible for the Malta Digital Innovation Authority, acting on the advice of the Malta Digital Innovation Authority, has made the following regulations:-

1. (1) The title of these regulations is the Cyber Resilience Regulations, 2026. Citation, scope and commencement.

(2) These regulations implement the requirements of Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act).

(3) Regulations 3 to 7 and regulations 9 to 12 shall come into force on 11th December 2027.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Malta Digital Innovation Authority Act; Cap. 591.

"Authority" means the Malta Digital Innovation Authority established by article 5 of the Act;

"Board" means the National Accreditation Board (Malta) established in terms of regulation 3 of the National Accreditations Board (Malta) (Establishment) Regulations; S.L. 419.07.

"national CSIRT" means the national CSIRT as defined in article 8 of Measures for a High Common Level of Cybersecurity across the European Union (Malta) Order; Cap. 460.

"public administration" shall have the meaning assigned to it in article 2 of the Public Administration Act; Cap. 595.

"Regulation (EU) 2024/2847" means Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for

products with digital elements and amending Regulations (EC) No 168/2013, (EU) No 2019/1020, and Directive (EU) No 2020/1828 (Cyber Resilience Act).

(2) Any terms which are not defined in these regulations shall have the same meaning as assigned to them in Regulation (EU) 2024/2847:

Provided that unless the context otherwise requires, terms used in these regulations, which are not defined in Regulation (EU) 2024/2847 and which are not defined herein, shall have the same meaning as that assigned to them in the Act.

Enhancement of skills.

3. For the purposes of Regulation (EU) 2024/2847 and in order to respond to the needs of professionals in support of the implementation of Regulation (EU) 2024/2847, the Authority shall promote measures and strategies, in terms of Article 10 of Regulation (EU) 2024/2847 and the Act, as applicable.

Authority responsible in notifying the Commission.

4. Where the Authority considers that a common specification, established by implementing acts referred to in article 27(2) of Regulation (EU) 2024/2847, or parts thereof, does not entirely satisfy the essential cybersecurity requirement established in Annex I of Regulation (EU) 2024/2847, it shall inform the Commission thereof in terms of Article 27(7) of Regulation (EU) 2024/2847.

CE marking.

Cap. 568.

5. For the purposes of Article 30(5) of Regulation (EU) 2024/2847, the Authority shall build upon existing mechanisms, including but not limited to the Coordination of Government Inspections Act to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of the CE marking.

Entity leading supporting measures.

Cap. 568.

6. Where appropriate the Authority shall undertake the actions listed in Article 33(1) of Regulation (EU) 2024/2847 for the purposes of microenterprises and small enterprises, taking into account the provisions of the Coordination of Government Inspections Act.

Cyber resilience regulatory sandbox.

7. Where deemed appropriate the Authority may establish cyber resilience regulatory sandboxes in accordance with article 6(3) of the Act and in that case the Authority shall have under its direct supervision, guidance and support such sandboxes and it shall inform the Commission and other market surveillance authorities of the establishment of a regulatory sandbox through the dedicated cooperation group mentioned in Article 33(2) of Regulation (EU) 2024/2847.

8. (1) The Authority shall be designated as the Notifying Authority for the purpose of Regulation (EU) 2024/2847: Designation of Notifying Authority.

Provided that the assessment and monitoring referred to in Article 36(1) of Regulation (EU) 2024/2847 shall be carried out by the Board.

(2) The provision of sub-article (1) of this regulation shall apply notwithstanding any provision of the law to the contrary.

(3) An appeal shall lie to the Notifying Authority against decisions of the notified bodies, as may be prescribed from time to time by the Authority, by virtue of guidelines or other binding documentation.

9. (1) The Authority shall be designated as the Market Surveillance Authority for the purpose of Regulation (EU) 2024/2847. Designation of Market Surveillance Authority.

(2) Without prejudice to any other law providing for the responsibilities, duties, powers and functions of the Authority, the Authority shall have all the responsibilities, duties, powers and functions granted to the market surveillance authorities by virtue of Regulation (EU) 2024/2847.

10. (1) The national CSIRT shall be designated as the CSIRT designated as coordinator for the purpose of Regulation (EU) 2024/2847. Designation of the national CSIRT as coordinator.

(2) Without prejudice to any other law providing for the responsibilities, duties, powers and functions of the national CSIRT, the national CSIRT shall have all the responsibilities, duties, powers and functions granted to the CSIRT designated as coordinator by virtue of Regulation (EU) 2024/2847.

11. (1) Part VIII of the Act shall apply to any breach under Regulation (EU) 2024/2847 and these regulations. Administrative penalties.

(2) Unless otherwise specified in these regulations, proceedings in relation to a breach of these regulations and of Regulation (EU) 2024/2847 shall be instituted by the Authority and any administrative penalty imposed and, or decision taken by the Authority shall be subject to an appeal in accordance with Part IX of the Act.

(3) When deciding on the amount of the administrative penalty in each individual case, all relevant circumstances of the specific situation shall be taken into account and due regard shall be given to the following:

(a) the nature, gravity and duration of the infringement and of its consequences;

(b) whether administrative penalties have been already applied by the same or other market surveillance authorities to the same economic operator for a similar breach;

(c) the size, in particular with regard to microenterprises and small and medium sized-enterprises, including start-ups, and the market share of the economic operator committing the breach.

(4) At any stage of the proceedings in relation to a breach of these regulations and of Regulation (EU) 2024/2847, the Authority may require any person or public authority who has violated any provision of these regulations or of Regulation (EU) 2024/2847 to undertake in writing to refrain from such conduct and to take any remedial or other action as the Authority may specify.

(5) Without prejudice to sub-regulation (1), the Authority may at any stage of the proceedings in respect of any breach of these regulations or of Regulation (EU) 2024/2847, issue reprimands, warnings, or take any other similar non-monetary disciplinary measures or any other measures it may deem appropriate or necessary.

(6) The Authority may establish and publish policies and guidelines from time to time regarding the measures referred to in sub-regulation (5).

(7) The initiation of proceedings by the Authority under these regulations shall be prescribed by the lapse of two (2) years from the date on which the breach is alleged to have been committed.

Consequential
amendment.
Cap. 490.

12. In the Second Schedule of the Administrative Justice Act, immediately after the last item of subsidiary legislation there shall be added the following new item:

"Cyber Resilience Regulations,	S.L. 591.06	Inferior Competence".
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