



Malta Competition and Consumer Affairs Authority

Technical Regulations Division

Introduction by Ing. Anthony Camilleri, *B. Mech. Eng. (Hons.)*

Director General

I assent.

(L.S.)

GEORGE ABELA
President

29th April, 2011

ACT No. VI of 2011

An Act to provide for the establishment of an Authority to promote, maintain and encourage competition, to safeguard the interests of consumers and enhance their welfare, to promote sound business practices, to adopt and co-ordinate standards in relation to products or services, to regulate such activities and to provide for such matters ancillary or incidental thereto or connected therewith, to provide for the establishment, jurisdiction and procedure of an appeals tribunal and to make amendments to other laws.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I PRELIMINARY

1. (1) The short title of this Act is the Malta Competition and Consumer Affairs Authority Act 2011.

(2) This Act shall come into force on such date as the Minister, by notice in the Gazette, may appoint and different dates may be so appointed for different provisions of this Act.

Short title and
commencement.

MCCAA Act – Cap. 510

- **Came into force on 23rd MAY 2011**
- Amends the Consumer Affairs Act, Cap. 378
- Amends the Competition Act, Cap. 379
- Amends the Public Administration Act, Cap. 497
- **Repeals the MSA Act, Cap. 419**
- Amends the Product Safety Act, Cap. 427
- Amends the Metrology Act, Cap. 454
- Amends the Administrative Justice Act, Cap. 490
- Amends the Doorstep Contracts Act, Cap. 317
- Amends the Trade Description Act, Cap. 313
- Amends the Food Safety Act, Cap. 449
- Amends the Pesticides Control Act, Cap. 430
- Amends the Code of Organization and Civil Procedure, Cap. 12

MCCAA Act – Cap. 510

- **Article 19: Establishment of the Technical Regulations Division**
- **Article 20: Responsibilities**

MCCAA Act – Cap. 510

- (a) to draft legislation in relation to its areas of competence and issued by virtue of article 38 of the Product Safety Act, article 10 of the Food Safety Act and article 5 of the Pesticides Control Act and by any other law;
- (b) to advise the Board and other Government agencies and the private sector;
- (c) to assist all sectors of industry to understand and meet the essential requirements imposed by technical regulations, issued by virtue of the Product Safety Act, the Food Safety Act and the Pesticides Control Act and by any other law, and the technical, quality and safety requirements of harmonised European and international standards;

MCCAA Act – Cap. 510

- (d) to co-ordinate and implement its regulatory programme in the areas falling under its remit and, in particular, to exercise the advisory functions assigned to it by article 38 of the Product Safety Act, article 9(1) of the Food Safety Act and by any other law;
- (e) to establish, with the consent of the Minister and of the Chairman of the Authority, technical committees for the areas falling under its competence and to chair and co-ordinate the work of such committees;
- (f) to act as the Product Contact Point and provide support to the focal point for any Notification requirements for ensuring the free movement of goods as laid down in article 9 of Council Regulation (EC) No 764/2008;

MCCAA Act – Cap. 510

- (g) to formulate and give effect to programmes of technical assistance aimed at business operators for the purpose of facilitating their compliance with relevant technical regulations and standards;
- (h) to communicate to the general public and to interested parties any information regarding the regulatory programmes in its areas of competence;
- (i) to provide training and information on technical regulations in its areas of competence;
- (j) to participate in relevant national and international activities;
- (k) to perform risk assessment and to co-ordinate market surveillance activities as prescribed in article 27 of the Product Safety Act;

MCCAA Act – Cap. 510

- (l) to assist in the drawing up of the Authority's business plan;
- (m) to submit an annual report on its work to the Board;
- (n) to develop the necessary strategies for the implementation of its responsibilities;
- (o) to generally exercise the responsibilities conferred upon it under this Act, the Product Safety Act, the Food Safety Act, the Pesticides Control Act and any other Act and regulations made thereunder; and
- (p) to monitor the implementation of legislation under Cap. 500. the Services (Internal Market) Act and its subsequent application.

MCCAA Act – Cap. 510

- The Technical Regulations Division shall be the authority in Malta entrusted with the implementation of:
 - (a) Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down the procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State;
 - (b) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products; and
 - (c) related activities.

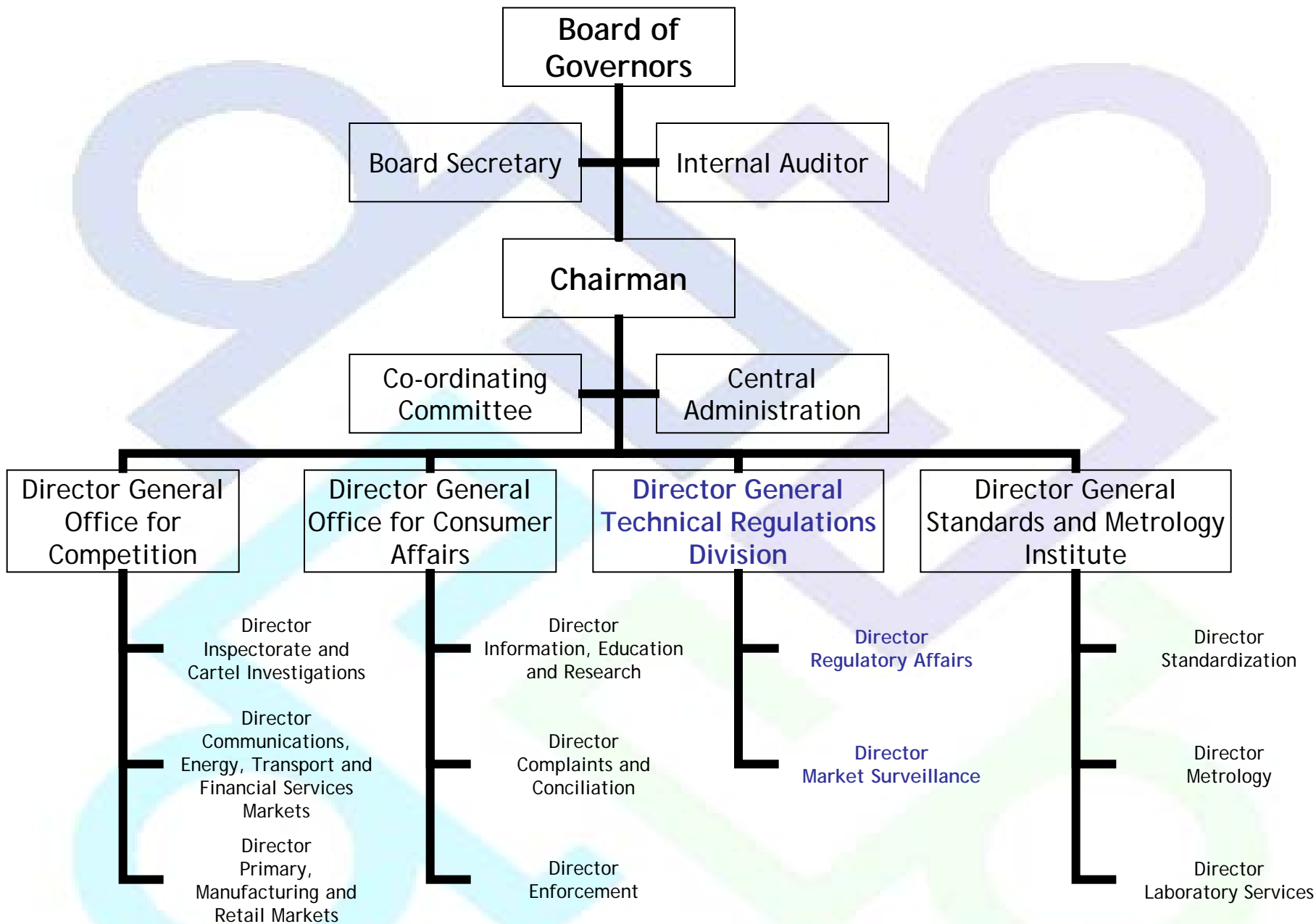
MCCAA Act – Cap. 510

- Establishment of Directorates

- **66.** (1) There shall be established the Directorates as listed in the Fourth Schedule, which shall have the responsibilities as described therein. The Minister may, after consulting the Board, by Order in the Gazette, abolish any one or more of the said Directorates, vary their responsibilities and establish such other Directorate as he may from time to time deem appropriate:
- Provided that the Board may, temporarily or for a specific purpose, authorise the Director General heading the entity concerned, to allow that a particular function of one Directorate be performed by another Directorate within the same entity, should this be expedient for the proper exercise of that function or for that specific purpose.

MCCAA Act – Cap. 510

- Responsibilities of Directorates (4th Schedule)
 - 1. **Regulatory Affairs Directorate** with the responsibility of the transposition and implementation of legislation in the field of free movement of goods.
 - 2. **Market Surveillance Directorate** with the responsibility to ensure that only goods conforming to regulations are available on the market.



Regulatory Affairs Directorate

- Attendance to Commission Standing Committees;
- Attendance to Council Working Parties;
- Conduct consultations, prepare national position papers, [transpose Directives](#) under the Product Safety Act (Cap. 427), the Pesticides Control Act (Cap. 430) and the Food Safety Act (Cap. 449).

Market Surveillance Directorate

Directives/ Regulation	Product group	Additional description of product	Main motivation	Target group/s	Number of visits foreseen	Number of samples to be taken	Other activities	Purpose	
								Market monitoring?	Enforcement?
Pesticides	Fruit and vegetables		National Requirements	Farmers/ supermarkets/ grocers	25	135	Meetings with farmers re use of pesticides in collaboration with Local councils	Primary	Secondary
LVD	Electrical appliances for DIY	Hand-held drills intended for DIY	Possibly several non-compliances	DIY products Importers	15	3		Primary	Secondary
	Fans	Domestic fans	Enforcement	Importers/ retailers	10	3			Primary
	Household appliances	Hand-held mixers in use in kitchens etc	Possibly several non-compliances	Importers/ retailers	15	3		Primary	Secondary
	Lighting chains	Christmas tree lights, other lighting chains, etc	Enforcement	Importers/ retailers	10	3			Primary
R&TTE	Radio Controlled Toys		Enforcement / National Requirements	Importers & Retailers	10	2		Primary	Secondary
Toys	Toys	Toys for all age-groups	Enforcement	Importers & Retailers	40	5		Primary	Secondary
GPSD	Laser pointers		International Cooperation	Importers	25	15	Coordination with other MS	Primary	Secondary
	Food imitating products		International Cooperation	Importers	10	10	Coordination with other MS	Primary	Secondary
	Children's clothing		Enforcement	Importers/ retailers	25	10			Primary

Thank You

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Director General

Technical Regulations Division

Malta Competition and Consumer Affairs Authority

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"We can forgive a child who is afraid of the dark;

the real tragedy of life is when adults are afraid of the light." PLATO (ca. 400 B.C.)