

No. 65

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes

1. Introduction

Title of Regulations	Radio Equipment (Amendment) Regulations, 2024 (hereinafter referred to as the “amending regulations”)
Activity to be regulated	The making available on the market of radio equipment and 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.
Responsible entity	The Technical Regulations Division (TRD) within the Malta Competition and Consumer Affairs Authority (MCCAA)

2. Summary and background

2.1 Aims & Objectives of the legislation.

Directive 2014/53/EU (the Radio Equipment Directive) lays down rules on placing radio equipment on the market, while ensuring a single market by setting essential requirements for health and safety, electromagnetic compatibility, and the efficient use of the radio spectrum.

Information on Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC may be accessed through the following link:

https://single-market-economy.ec.europa.eu/sectors/electrical-and-electronic-engineering-industries-eei/radio-equipment-directive-red_en

Directive 2014/53/EU and subsequent amendments thereto, have been transposed into local legislation by means of the Radio Equipment Regulations (hereinafter referred to as the “principal regulation”) (S.L.427.41), which may be accessed through the following link:

<https://legislation.mt/eli/sl/427.41/eng>

The aim of the proposed regulations is to transpose into Maltese law further amendments carried out to Directive 2014/53/EU made in terms of Directive (EU) 2022/2380.

*2.2 Overview of the Directive being transposed.***Directive (EU) 2022/2380:**

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022L2380>

provides requirements on the charging receptacle, the charging communication protocol and the consumer information for radio equipment that can be recharged via wired charging.

3. Overview of the structure of the instrument

The proposed regulations consist of twenty-three (23) regulations.

4. Commentary on parts and articles of the legislation

Regulation No. of the amending regulations	Meaning & obligations placed on user
1	The title, the scope, and the dates of entry into force of the amending regulations.
2	<p>Directive (EU) 2022/2380 provides for an amendment to the essential requirements.</p> <p>Paragraph (a) of sub-regulation (3) of regulation 4 is being substituted and a new sub-regulation (5) is being added, so as to include the requirements for the categories and classes of radio equipment listed in the newly added Schedule VIII of the principal regulations.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
3	<p>Directive (EU) 2022/2380 provides for a new regulation 'Possibility for consumers and other end-users to acquire certain categories or classes of radio equipment without a charging device'.</p> <p>Regulation 4A is being added to the principal regulations.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
4	<p>Directive (EU) 2022/2380 provides an amendment to the manufacturers' obligations.</p> <p>Sub-regulation (8) of regulation 10 of the principal regulations is being amended to include the new obligations for the manufacturers with regard to the added instructions and labels.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
5(a)	<p>Directive (EU) 2022/2380 provides an amendment to the importers' obligations.</p> <p>Sub-regulation (4) of regulation 12 in S.L. 427.41 is being amended to include the new importers' obligations with regard to the added labels.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of Schedule VIII of S.L. 427.41, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
5(b)	<p>Sub-regulation (8) of regulation 12 of the principal regulations shall be renumbered as paragraph (c).</p> <p>This provision shall become applicable from the date of publication.</p>
6(c)	<p>Directive (EU) 2022/2380 provides an amendment to the distributors' obligations.</p> <p>Sub-regulation (2) of regulation 13 of the principal regulations is being amended to include the new distributors' obligations with regard to the added labels.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of Schedule VIII of S.L. 427.41, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>

7	<p>Directive (EU) 2022/2380 provides an amendment to the conformity assessment procedures.</p> <p>Sub-regulation (2) of regulation 17 of the principal regulations is being amended to include the reference to the new sub-regulation regarding the requirements for the categories and classes of radio equipment listed in Schedule VIII.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
8	<p>A reference in sub-regulation (4) of regulation 20 of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
9	<p>References in sub-regulations (2) and (6) of regulation 26 of the principal regulations are being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
10	<p>A reference in regulation 27 of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
11	<p>A reference in sub-regulation (1) of regulation 28 of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
12	<p>A new regulation, regulation 28A regarding the application for notification is being added to the principal regulations. In view of this new regulation, a conformity assessment body shall submit an application for notification to the TRD, accompanied by a description of the conformity assessment activities, the conformity assessment module, and the radio equipment for which that body claims to be competent, as well as by an accreditation certificate in this regard.</p> <p>This provision shall become applicable from the date of publication.</p>
13	<p>References in sub-regulations (1) and (4) of regulation 29 of the principal regulations are being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
14	<p>A reference in sub-regulation (4) of regulation 31 of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
15(a)	<p>The marginal note for regulation 36 of the principal regulations is being substituted.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
15(b)	<p>Directive (EU) 2022/2380 provides for an amendment to the procedure at national level for dealing with radio equipment presenting a risk or which is not compliant to the essential requirements.</p> <p>Paragraph (a) of sub-regulation (1) of regulation 36 of the principal regulations is being substituted, so as to include new obligations to be adhered to by economic operators, as required by the market surveillance authorities.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>

15(c)	<p>A reference in sub-regulation (4) of regulation 36 of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
16	<p>A reference in sub-regulation (1) of regulation 37 of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
17(a)	<p>Directive (EU) 2022/2380 provides for an amendment to the formal non-compliance article.</p> <p>Paragraphs (fa), (fb) and (fc) are being added to sub-regulation (1) of regulation 38 of the principal regulations, so as to include new obligations to be adhered to by economic operators, as required by the market surveillance authorities.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
17(b)	<p>References in paragraph (g) of regulation 38 of the principal regulations are being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
17(c)	<p>Directive (EU) 2022/2380 provides for an amendment to the formal non-compliance article.</p> <p>Paragraph (h) to sub-regulation (1) of regulation 38 of the principal regulations is being substituted, so as to include new obligations to be adhered to by economic operators, as required by the market surveillance authorities.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
17(d)	<p>Directive (EU) 2022/2380 provides for an amendment to the formal non-compliance article.</p> <p>Paragraph (j) of sub-regulation (1) of regulation 38 of the principal regulations is being substituted, so as to include new obligations to be adhered to by economic operators, as required by the market surveillance authorities.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
18	<p>Regulation (EU) 2018/1139 provides an amendment to the list of equipment in the field of civil aviation, which is excluded from the Radio Equipment Directive. Item 3 in Schedule I to the principal regulations is being substituted to exclude certain aviation equipment that is intended exclusively for airborne use.</p> <p>This provision shall become applicable from the date of publication.</p>
19	<p>References in items 6(c), 6(d) and 8 of Schedule IV to the principal regulations are being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
20	<p>A reference in item (f) of Schedule V of the principal regulations is being amended.</p> <p>This provision shall become applicable from the date of publication.</p>
21	<p>The title is being substituted and a footnote is being added in Schedule VI of the principal regulations with regards to the option for assigning a Declaration of Conformity number (DoC number).</p> <p>This provision shall become applicable from the date of publication.</p>
22	<p>Schedule VII is being added to the principal regulations, in connection to the EU Simplified Declaration of Conformity.</p> <p>This provision shall become applicable from the date of publication.</p>

23	<p>Directive (EU) 2022/2380 provides for a new Annex entitled ‘Specifications and Information relating to Charging applicable to Certain Categories or Classes of Radio Equipment’.</p> <p>Schedule VIII is being added to principal regulations, to provide the specifications relating to charging capabilities, the information on specifications relating to charging capabilities and the compatible charging devices, the pictogram indicating whether or not a charging device is included with the radio equipment, and the content and format of the label.</p> <p>This provision shall apply with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII, from 28th December 2024, while for point 1.13, this provision shall apply from 28th April 2026.</p>
-----------	---

5. Concluding Section

Regulations 1, 5(b), 8 to 14, 15(c), 16, 17(b) and 18 to 22 of the amending regulations shall be deemed to have come into force on the 28th of December 2023. The remaining regulations shall apply as from 28th December 2024, with regard to radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of the newly added Schedule VIII to the principal regulations, and from 28th April 2026 for the categories or classes of radio equipment referred to in Part I, point 1.13, of Schedule VIII to the principal regulations.

Should more information be required kindly contact the Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority.

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

16th January, 2024

Annex

(For the purpose of paragraph (vi) of Schedule III of Chapter 512 of the Laws of Malta)

Transposition Notes for the implementation of the main elements of the Directives mentioned in section 2.2 of this Explanatory Note.

Directive and Article number	Implementing regulation	Applicability date
Article 1(1)(a) of Directive (EU) 2022/2380	Regulation 2(a)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(1)(b) of Directive (EU) 2022/2380	Regulation 2(b)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(2) of Directive (EU) 2022/2380	Regulation 3	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(3) of Directive (EU) 2022/2380	Regulation 4	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(4) of Directive (EU) 2022/2380	Regulation 5(a)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(5) of Directive (EU) 2022/2380	Regulation 6(c)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(6) of Directive (EU) 2022/2380	Regulation 7	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(7)(a) of Directive (EU) 2022/2380	Regulation 15(a)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)

Article 1(7)(b) of Directive (EU) 2022/2380	Regulation 15(b)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(8)(a) of Directive (EU) 2022/2380	Regulation 17(a)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(8)(b) of Directive (EU) 2022/2380	Regulation 17(c)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
Article 1(8)(c) of Directive (EU) 2022/2380	Regulation 17(d)	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)
ANNEX of Directive (EU) 2022/2380	Regulation 23	Points 1.1 – 1.12: 28 th Dec 2024 Points 1.13: 28 th Apr 2026 (*)

* - From 28th December, 2024, for radio equipment falling within the categories or classes specified in Part I, points 1.1 to 1.12, of Schedule VIII of S.L. 427.41, and from 28th April 2026 for the categories or classes of radio equipment referred to in Part I, point 1.13, of Schedule VIII of S.L. 427.41.

Nru. 66

**ATT DWAR IL-PROFESSJONI NUTARILI
U ARKIVJI NUTARILI
(KAP. 55)**

NGHARRFU b'din illi bis-saħħa tal-artikolu 94A(5) u (6) tal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili (Kapitlu 55 tal-Ligijiet ta' Malta), in-Nutar Dott. Elisa Falzon irriżenjat mill-kariga ta' Nutar Pubbliku u fl-20/12/2023 giet maħtura mill-Qorti tar-Revizjoni tal-Atti Nutarili bħala Uffiċjal Revizur tal-Atti 'inter vivos' u tnizzlet fil-lista ta' nutara mhux eżerċenti u permezz ta' digriet ieħor maħruġ mill-istess Qorti nhar it-28/12/2023, in-Nutar Prinċipali tal-Gvern ġie maħtur bħala n-Nutar Konservatur tal-atti kollha tagħha.

DOTT. KEITH FRANCIS GERMAN
Nutar Prinċipali tal-Gvern

Nru. 67

**ATT DWAR IL-CONDOMINIA
(KAP. 398)**

B'DIN qed ngħarraf li jiena rċivejt applikazzjoni għar-registrazzjoni u/jew emendi tar-regolamenti li jirregolaw l-imsemmija condominia:

Nru. tal-Condominium <i>Condominium Number</i>	Indirizz tal-Condominium <i>Address of Condominium</i>
0517	Ramla View Residences, Triq Ġnien Xibla, Ix-Xagħra

Dott. Miriam Rapa, LLD.
Għar-Registratur tal-Artijiet

Is-16 ta' Jannar, 2024

No. 66

**NOTARIAL PROFESSION AND
NOTARIAL ARCHIVES ACT
(CAP. 55)**

IT is hereby notified that in virtue of article 94A(5) and (6) of the Notarial Profession and Notarial Archives Act (Chapter 55 of the Laws of Malta), Notary Dr Elisa Falzon has resigned from her Office as Notary Public and, on the 20/12/2023 she was appointed as a Review Officer by the Court of Revision of Notarial Acts of 'inter vivos' acts and listed with the non-practising notaries, and furthermore that, by virtue of another decree issued by the same Court on the 28/12/2023, the Chief Notary to Government has been appointed as the Notary Keeper of all her deeds.

DR KEITH FRANCIS GERMAN
Chief Notary to Government

No. 67

**CONDOMINIUM ACT
(CAP 398)**

NOTICE is hereby given that I have received an application for the registration of and/or amendment to rules regulating the following condominia:

Rimarki <i>Remarks</i>	Data tar-Registrazzjoni <i>Date of Registration</i>
Registration of Rules	28/12/2023

Dr Miriam Rapa, LLD
f/Land Registrar

16th January, 2024