

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,779, 4 ta' Frar, 2022

Taqsimha B

L.N. 52 of 2022

**METROLOGY ACT
(CAP. 454)**

**Non-Automatic Weighing Instruments (Amendment)
Regulations, 2022**

IN EXERCISE of the powers conferred by article 19 of the Metrology Act, the Minister for Tourism and Consumer Protection, on the advice of the Malta Competition and Consumer Affairs Authority, has made the following regulations:-

1. (1) The title of these regulations is the Non-Automatic Weighing Instruments (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Non-Automatic Weighing Instruments Regulations, hereinafter referred to as "the principal regulations".

Citation and commencement.
S.L. 454.02.

(2) These regulations shall be deemed to have come into force on the 20th April 2016.

2. Regulation 3 of the principal regulations shall be amended as follows:

Amends regulation 3 of the principal regulations.

(a) immediately after the definition "CE marking" there shall be added the following new definition:

" "competent national authorities" means the Standards and Metrology Institute within the Malta Competition and Consumer Affairs Authority authorised to enforce these regulations, and where the context requires, competent national authorities of other Member States;"

(b) immediately after the definition "manufacturer" there shall be added the following new definition:

" "market surveillance authorities" means the Standards and Metrology Institute within the Malta Competition and Consumer Affairs Authority acting in the capacity of market surveillance authority for the purpose of these regulations, and where the context requires, market surveillance authorities of other Member States;" and

(c) immediately after the definition "non-automatic weighing instrument" there shall be added the following new

definition:

"notifying authority" means the notifying authority established in regulation 21(1);".

Amends regulation 7 of the principal regulations.

3. Regulation 7 of the principal regulations shall be amended as follows:

(a) in sub-regulation (8) thereof, the words "immediately inform the competent national authorities of the Member States" shall be substituted by the words "immediately inform the Authority and the competent national authorities of the Member States"; and

(b) in sub-regulation (9) thereof, the words "The Authority at its request," shall be substituted by the words "They shall cooperate with the Authority, at its request,".

Amends regulation 9 of the principal regulations.

4. In sub-regulation (7) of regulation 9 of the principal regulations, the words "inform the Authority, giving details," shall be substituted by the words "inform the Authority and the competent national authorities of the Member States in which they made the instrument available on the market to that effect, giving details,".

Amends regulation 10 of the principal regulations.

5. Regulation 10 of the principal regulations shall be amended as follows:

(a) in sub-regulation (4) thereof, the words "inform the Authority to that effect," shall be substituted by the words "inform the Authority and the competent national authorities of the Member States in which they made the instrument available on the market to that effect,"; and

(b) immediately after sub-regulation (4) thereof there shall be added the following new sub-regulation:

"(5) Distributors shall, further to a reasoned request from the Authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of an instrument. They shall cooperate with the Authority, at its request, on any action taken to eliminate the risks posed by instruments which they have made available on the market.".

Amends regulation 11 of the principal regulations.

6. In regulation 11 of the principal regulations, the words "all, on request, identify the following to the Authority:" shall be deleted.

7. In sub-regulation (1) of regulation 12 of the principal regulations, the words "economic operators sh" shall be substituted by "economic operators shall, on request, identify the following to the market surveillance authorities:".

Amends regulation 12 of the principal regulations.

8. Regulation 21 of the principal regulations, shall be amended as follows:

Amends regulation 21 of the principal regulations.

(a) in sub-regulation (1) thereof, immediately after the words "The Authority" there shall be added the words ", which for the purpose of these regulations is the Notifying Authority,";

(b) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) The Authority may delegate or otherwise entrust the assessment and monitoring referred to in sub-regulation (1) to the National Accreditation Board (Malta);"; and

(c) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulation:

"(3) Where the Authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in sub-regulation (1) to a body which is not a governmental entity, such body shall:

(a) be a legal entity;

(b) comply *mutatis mutandis* with the requirements laid down in regulation 22;

(c) have arrangements to cover liabilities arising out of its activities:

Provided that in the event of a delegation to a body referred to in this sub-regulation (3), the Authority remains fully responsible for the tasks performed by such body."

9. Immediately after sub-regulation (2) of regulation 27 of the principal regulations there shall be added the following new sub-regulation:

Amends regulation 27 of the principal regulations.

"(3) Where the conformity assessment body concerned cannot provide an accreditation certificate referred to in sub-regulation (2), it shall provide the Authority with all the documentary evidence necessary for the verification, recognition

and regular monitoring of its compliance with the requirements laid down in regulation 24."

Amends regulation 28 of the principal regulations.

10. Regulation 28 of the principal regulations shall be amended as follows:

(a) sub-regulations (4) and (5) thereof shall be renumbered as sub-regulations (5) and (6) respectively; and

(b) immediately after sub-regulation (3) thereof there shall be added the following new sub-regulation:

"(4) Where a notification is not based on an accreditation certificate referred to in regulation 27(2), the Authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in regulation 24."

Amends regulation 40 of the principal regulations.

11. Regulation 40 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "covered by Regulation 2009/23/EC which are in conformity with that Regulation" shall be substituted by the words "covered by the Non-Automatic Weighing Instruments Regulations, 2002 which are in conformity with those regulations"; and

(b) in sub-regulation (2) thereof, the words "under Regulation 2009/23/EC" shall be substituted by the words "under the Non-Automatic Weighing Instruments Regulations, 2002".

L.N. 396 of 2002.

L.N. 396 of 2002.

Adds new regulation to the principal regulations.

12. Immediately after regulation 40 of the principal regulations there shall be added the following new regulation:

"Repeal.
L.N. 396 of 2002.

41. The Non-Automatic Weighing Instruments Regulations, 2002 are hereby repealed with effect from 20th April, 2016."