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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Michael Refalo, M.P., Ministru ghat-Turizmu, f'isem il-Ministru ghas-Servizzi Ekonomiċi, u moqri għall-Ewwel darba fis-Seduta ta' l-20 ta' Marzu, 2000.

ATT biex ihassar u jillegisla mill-ġdid b'emendi l-Att dwar l-Awtorità Maltija għall-Ghemil ta' Standards, Kap. 187.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Michael Refalo, M.P., Minister for Tourism, on behalf of the Minister for Economic Services, and read the First time at the Sitting of the 20th March, 2000.

AN ACT to repeal and re-enact with amendments the Malta Standardisation Authority, Cap. 187.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex iħassar u jilleġisla mill-ġdid b'emendi l-Att dwar l-Awtorità Maltija għall-Ghemil ta' Standards, Kap. 187.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġejj:-

1. It-titolu ta' dan l-Att hu l-Att ta' l-2000 dwar l-Awtorità Maltija għall-Ghemil ta' *Standards*. Titolu fil-qosor.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġx Tifsir.
xort'ohra -

“abbozz ta' *standard*” tfisser dokument li jkun fih it-test ta' l-ispeċifikazzjonijiet tekniċi li jirrigwardaw xi suġġett partikolari, li jkun qed jiġi kkunsidrat biex jiġi adottat u kif dan ikun ġie ċirkolat għall-kummenti u l-iskrutinju tal-pubbliku;

“Awtorità” tfisser l-Awtorità Maltija għall-Ghemil ta' *Standards*;

“korp ta' ghemil ta' *standards* Ewropew” tfisser xi wiehed minn dawn il-korpi li ġejjin:

- CEN - Kumitat Ewropew għall-Ghemil ta' *Standards*;
- CENELEC - Kumitat Ewropew għall-Ghemil ta' *Standards* fl-Elettroteknika;

- ETSI - Istitut Ewropew ghal *Standards* fit-Telekomunikazzjonijiet;

“Malta” ghandha l-istess tifsir kif moghti lilha bl-artikolu 124 tal-Kostituzzjoni ta’ Malta;

“marka ta’ konformità” tfisser marka, mahruġa skond regolamenti maghmulin taht l-artikolu 22 ta’ dan l-Att, li turi konformità ma’ *standard* applikabbli;

“Ministru” tfisser il-Ministru responsabbli għall-industrija;

“permess” tfisser permess moghti mill-Awtorità taht is-subartikolu (1) ta’ l-artikolu 20 ta’ dan l-Att għall-użu ta’ marka ta’ konformità;

“prodott” tfisser kull prodott manifatturat industrjalment u kull prodott agrikolu, inklużi prodotti tal-hut;

“programm ta’ *standards*” tfisser programm ta’ xogħol li jelenka s-sugġetti li dwarhom ikun qed isir xogħol ta’ ghemil ta’ *standards*;

“sena finanzjarja” tfisser perjodu ta’ tnax il-xahar li jtemm fit-30 ta’ Settembru:

Izda l-ewwel sena finanzjarja ta’ l-Awtorità ghandha tibda mal-bidu fis-sehh ta’ l-Att u ttemm fit-30 ta’ Settembru tas-sena li tiġi minnufih wara;

“servizz” tfisser riżultat generat minn attivitajiet f’relazzjoni bejn il-fornitur u l-klijent u bl-attivitajiet interni tal-fornitur biex jissodisfa l-htigiet tal-klijent;

“speċifikazzjoni teknika” tfisser speċifikazzjoni li tkun tinsab f’xi dokument li jstipula l-karatteristiċi mehtieġa minn prodott u, jew, servizz bħalma huma livelli ta’ kwalità, funzjonalità, sigurezza jew dimensjonijiet, inklużi l-htigiet applikabbli għall-prodott u, jew, is-servizzi għar-rigward ta’ l-isem li bih il-prodott, u, jew, is-servizz jinbiegħ, terminologija, simboli, l-ittestjar u metodi relattivi, l-ippakkettjar, l-immarkar jew l-ittikkettjar użati u proċeduri ta’ stima ta’ konformità. Din il-frazi tkopri wkoll metodi ta’ produzzjoni u proċessi li jintużaw għar-rigward ta’ prodotti agrikoli, prodotti intiżi għall-konsum mill-bnedmin u mill-annimali, u prodotti mediċinali, kif ukoll metodi ta’ produzzjoni u proċessi li jirrigwardaw prodotti ohra, meta dawn ikollhom effett fuq il-karatteristiċi tagħhom;

Ghall-ghanijiet ta' din it-tifsira, "proċeduri ta' stima ta' konformita'" tfisser kull proċedura użata, direttament u indirettament, sabiex jiġi stabbilit li htigiet rilevanti f' regolamenti jew *standards* tekniċi jitwettqu, inklużi fost l-oħrajn, proċeduri għat-teħid ta' kampjuni, ttestjar u spezzjon; valutazzjoni, verifikazzjoni u assigurazzjoni ta' konformita', reġistrazzjoni, akkreditament u approvazzjoni kif ukoll kull kombinazzjoni ta' dawn kollha;

"*standard*" tfisser speċifikazzjoni teknika approvata minn korp ta' għemil ta' *standards* rikonoxxut għal applikazzjoni ripetuta jew kontinwa, li mhix meħtieġa ta' bilfors il-konformita' miegħu, sew jekk jinkludi htigiet oħra sew jekk le, u li hu wiehed minn dawn li ġejjin:-

- *Standard Internazzjonali*: *standard* adottat minn organizzazzjoni ta' għemil ta' *standards* internazzjonali, minbarra xi korp ta' għemil ta' *standards* Ewropew, u li jkun disponibbli għall-pubbliku;

- *Standard Ewropew*: *standard* adottat minn korp ta' għemil ta' *standards* Ewropew u li jkun disponibbli għall-pubbliku;

- *Standard Nazzjonali*: *standard* adottat mill-Awtorità u li jkun disponibbli għall-pubbliku.

3. (1) Għandha tibqa' teżisti Awtorità, li tissejjah l-Awtorità Maltija għall-Għemil ta' *Standards*, li teżerċita w taqdi l-funzjonijiet lilha mogħtija b'dan l-Att jew b'kull liġi oħra.

Twaqqif u kostituzzjoni ta' Awtorità għall-Għemil ta' *Standards*.

(2) L-Awtorità titmexxa minn Kunsill li jkun magħmul kif ġej:-

(a) *Chairman*, li jinhatar mill-Prim Ministru;

(b) id-Direttur ta' l-Industrija *ex officio* li jkun Viċi-*Chairman*;

(c) il-Kontrollur tad-Dwana *ex officio*;

(d) id-Direttur ta' l-Agrikoltura *ex officio*;

(e) id-Direttur għall-Affarijiet tal-Konsumatur *ex officio*;

(f) id-Direttur għall-Protezzjoni ta' l-Ambjent *ex officio*;

- (g) id-Direttur tas-Sahha Pubblika *ex officio*;
- (h) tliet membri li jinhatru mill-Ministru -
 - (i) wiehed wara konsultazzjoni mal-Kamra tal-Periti,
 - (ii) wiehed wara konsultazzjoni mal-Kamra ta' l-Inġinieri Professionali, u
 - (iii) wiehed wara konsultazzjoni mal-Kamra ta' l-Ispizjara;
- (i) membru li jinhatar mill-Kunsill ta' l-Università ta' Malta;
- (j) rappreżentant tal-Kunsill Malti għax-Xjenza u t-Teknoloġija, li jinhatar mill-Prim Ministru;
- (k) membru li jinhatar mill-Kamra tal-Kummerċ; u
- (l) membru li jinhatar mill-Federazzjoni ta' l-Industriji.

(3) Il-membri tal-Kunsill li ma jkunux dawk imsemmija fil-paragrafi (b) sa (g) tas-subartikolu (2) għandhom jinhatru għal żmien ta' mhux iktar minn tliet snin u jistgħu jerġgħu jiġu hekk mahtura.

(4) Il-membri tal-Kunsill għandhom jirċievu dik ir-rimunerazzjoni li l-Ministru jista' jordna.

(5) L-Eżekuttiv Prinċipali ta' l-Awtorità għandu jaġixxi bħala s-segretarju tal-Kunsill.

(6) Il-preżenza f'xi laqgħa tal-Kunsill tač-*Chairman* jew tal-Viċi *Chairman* u ta' kull sitt membri oħra għandha tikkostitwixxi *quorum*:

Iżda, meta membru tal-Kunsill ikollu xi interess dirett jew indirett f'xi haġa li tkun qed tiġi diskussa jew deċiża mill-Kunsill, f'dak il-każ dak il-membru ma għandux ikun preżenti fil-hin ta' dik id-diskussjoni jew deċiżjoni.

(7) Bla hsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmula tahtu il-Kunsill għandu jirregola l-proċeduri tiegħu nnifsu.

(8) Il-Kunsill jista' jaġixxi minkejja kull vakanza fih sakemm ikun hemm *quorum* preżenti.

(9) *Ic-Chairman* ikollu vot originali u fil-każ ta' voti ndaqs, vot iehor jew *casting vote*.

(10) L-Awtorità tkun l-awtorità f'Malta li tkun fdata bil-koordinazzjoni ta' l-ghemil ta' *standards* u attivitajiet relatati, u fit-twettiq tal-funzjonijiet taghha taht din il-ligi jew xi ligi ohra, din m'ghandhiex tkun, kemm-il darba ma jigix espressament provdut xort'ohra, taht id-direzzjoni jew kontroll ta' xi persuna jew awtorità.

(11) L-Awtorità tista', bi ftehim mal-Ministru, taghmel kull ftehim ma' xi persuna jew awtorità li bihom dik il-persuna jew awtorità ghandha f'isem l-Awtorità twettaq dawk il-funzjonijiet u servizzi bhalma huma b'din il-ligi jew kull ligi ohra assenjati lill-Awtorità.

(12) L-Awtorità ikollha personalità ġuridika distinta minn dik tal-Gvern, u r-rappreżentanza ġuridika taghha tkun tvesti fič-*Chairman*. L-assi u kull proprjetà li l-Awtorità jkollha ghandhom madankollu jkunu proprjetà tal-Gvern u l-Awtorità tkun biss responsabbli ghall-amministrazzjoni taghhom waqt li tkun qed tiehu hsiebhom, u ghandha tiddisponi minnhom skond dawk id-direttivi li l-Ministru jista' minn żmien ghal żmien jaghti lill-Awtorità.

(13) L-Awtorità tista' bl-approvazzjoni tal-Ministru timpjega dak il-persunal li tista' tkun tehtieg ghat-twettiq xieraq tal-funzjonijiet taghha taht dan l-Att b'dawk il-pattijiet u l-kondizzjonijiet li l-Ministru jista' japprova.

4. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn żmien ghal żmien jordna li xi uffičjal pubbliku jkun allokat biex iwettaq xi dmir ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tigi spečifikata fl-ordni.

Allokazzjoni ta' uffičjali pubbliči biex iwettqu dmirijiet ma' l-Awtorità.

(2) Il-perijodu li matulu ordni bhal dak hawn aktar qabel imsemmi jkun japplika ghal xi uffičjal spečifikat fih, sakemm dak l-uffičjal ma jirtirax mis-servizz pubbliku, jew xort'ohra jtemm qabel iż-żmien milli jibqa' fil-kariga, jew sakemm ma tkunx spečifikata xi data ohra fl-ordni, ghandu jtemm malli ssehħ xi wahda mill-ġrajjet li ġejjin, jigifieri meta:-

(a) dak l-uffičjal jaččetta offerta ta' trasferiment ghas-servizz ta', u impieg permanenti ma' l-Awtorità li ssir skond is-subartikolu (8) ta' dan l-artikolu; jew

(b) ssir ir-revoka mill-Prim Ministru ta' xi ordni minnu magħmul taht dan l-artikolu dwar dak l-uffiċjal.

(3) Meta ordni bhal dak hawn aktar qabel imsemmi jkun revokat ghar-rigward ta' xi uffiċjal mill-Prim Ministru, il-Prim Ministru jista', b'ordni iehor, jalloka lil dak l-uffiċjal sabiex jaqdi dmirijietu ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tkun speċifikata fl-ordni l-iehor, u d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom ma' dan japplikaw sakemm jibqa' jsehħ dak l-ordni l-iehor dwar dak l-uffiċjal.

(4) Meta uffiċjal pubbliku jkun allokat għal xogħol ma' l-Awtorità skond xi wahda mid-dispożizzjonijiet ta' dan l-artikolu, dak l-uffiċjal għandu, sakemm dak l-ordni jibqa' jkollu effett dwaru, jkun taht l-awtorità amministrattiva u l-kontroll ta' l-Awtorità, iżda għandu għall-finijiet u l-effetti l-oħra kollha jibqa' u jiġi meqjus u ttrattat bhala uffiċjal pubbliku.

(5) Minghajr preġudizzju għall-ġeneralità ta' dak li jinsab hawn aktar qabel, uffiċjal allokat biex iwettaq dmirijiet kif hawn aktar qabel imsemmi -

(a) m'għandux sakemm ikun hekk allokat -

(i) ikun prekluz milli japplika għal trasferiment għal dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz annessi mal-hatra tiegħu li kellu mal-Gvern fid-data li fiha jkun ġie allokat biex iwettaq dmirijiet; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu anqas vantaġġjużi minn dawk annessi mal-hatra tiegħu li kellu mal-Gvern fid-data li fiha jkun ġie allokat biex iwettaq dmirijiet kif imsemmi qabel jew li kienu jkunu annessi ma' dik il-hatra, matul dak il-perijodu, kieku dak l-uffiċjal ma kienx allokat biex iwettaq dmirijiet ma' l-Awtorità; u

(b) ikollu l-jedd li s-servizz tiegħu ma' l-Awtorità jitqies bhala servizz mal-Gvern għall-fini ta' kull pensjoni, gratifikazzjoni jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet u taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltima, u għall-fini ta' kull jedd jew privileġġ iehor li għalih kien ikollu dritt, u jkollu kull responsabbiltà li għaliha kien ikun sugġett, hlief għall-fatt li hu kien allokat biex iwettaq dmirijiet ma' l-Awtorità.

(6) Meta ssir applikazzjoni kif provdut fis-subparagrafu (i) tal-paragrafu (a) tas-subartikolu (5) ta' dan l-artikolu, din ghandha tinghata l-istess konsiderazzjoni bhallikieku l-applikant ma kienx allokat biex iwettaq dmirijietu ma' l-Awtorità.

(7) L-Awtorità ghandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistghu minn żmien ghal żmien jiġu stabbiliti mill-Ministru responsabbli ghall-finanzi ghal kemm ikunu jiswew il-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjal allokat biex iwettaq dmirijiet ma' l-Awtorità kif imsemmi qabel matul il-perijodu li fih ikun hekk allokat.

(8) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal pubbliku allokat biex iwettaq dmirijiet ma' l-Awtorità taht is-subartikolu (2) ta' dan l-artikolu, impieg permanenti ma' l-Awtorità b'rimunerazzjoni u bil-pattijiet u l-kondizzjonijiet li jiġu speċifikati fl-offerta.

(9) Kull uffiċjal li jaċċetta impieg permanenti ma' l-Awtorità li jkun offrut lilu taht dan l-artikolu ghandu, ghall-finijiet kollha jitqies li jkun temm mis-servizz tal-Gvern u li jkun dahal f'servizz ma' l-Awtorità fid-data meta huwa jaċċetta.

5. (1) Minghajr preġudizzju ghall-provvedimenti li ġejjin ta' dan l-artikolu, l-Awtorità ghandha hekk tmexxi l-affarijiet taghha li daqstant mill-ispiza mehtieġa ghat-twettiq sew tal-funzjonijiet taghha daqskemm ikun possibbli ghandha, daqskemm dan ikun prattiku, tinhareġ mid-dhul taghha.

Parti mill-infieq ta' l-Awtorità isir mid-dhul taghha.

(2) Ghal dak l-ghan l-Awtorità ghandha tigbor kull dritt, rata u hlas iehor preskritti jew meqjusa bhala preskritti b'dan l-Att jew tahtu jew kull liġi ohra li jkollha x'taqsam mas-setghat u l-funzjonijiet ta' l-Awtorità.

(3) L-Awtorità ghandha wkoll tithallas mill-Gvern mill-Fond Konsolidat dawk l-ammonti li l-Parlament jista' minn żmien ghal żmien jawtorizza li jiġu approprijati sabiex minnhom issir kull nefqa li ma tistax tiġi koperta bid-dhul taghha u jsiru l-ispejjeż ta' xoghlijiet speċifikati biex dawn jitkomplew jew xort'ohra jsiru mill-Awtorità, li jkunu xoghlijiet ta' infrastruttura jew ta' xorta kapitali simili.

(4) Kull eċċess ta' dhul fuq l-infieq ghandu, bla hsara ghal dawk l-ordnijiet li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli ghall-finanzi, jista' jaghmel, jiġi applikat mill-Awtorità ghall-formazzjoni ta' fondi ta' riserva sabiex dawn jintużaw ghall-ghanijiet ta' l-Awtorità; u minghajr preġudizzju ghall-ġeneralità tas-setghat moghtijin lill-Ministru b'dan is-subartikolu, kull ordni li ssir mill-Ministru kif hawn aktar qabel imsemmi tista' tkun tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod li jista' jiġi

Kontijiet u verifika.

speċifikat fl-ordni, ta' xi parti mid-drittijiet, rati u hlasijiet ohra miġbura skond is-subartikolu (2) ta' dan l-artikolu jew ta' kull eċċess bhal dak kif hawn aktar qabel imsemmi.

(5) Il-flus kollha ta' l-Awtorità li ma jkunux mehtieġa minnufih biex minnhom issir l-ispiza jistgħu jiġu investiti b'dak il-mod li jista' minn żmien għal żmien jiġi approvat mill-Ministru.

Setgħa li tissellef
jew toriġina kapital.

6. (1) Bil-ghan li tkun tista' taqdi kull funzjoni tagħha taht dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru li tinghata wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tiġbor flus b'dak il-mod, minn dik il-persuna, dak il-korp jew dik l-awtorità, u taht dawk il-pattijiet u l-kondizzjonijiet li l-Ministru jista', wara konsultazzjoni kif hawn aktar qabel imsemmija, japprova bil-miktub.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, b'*overdraft* jew xort'ohra, dawk l-ammonti li tista' tenhtieġ sabiex twettaq il-funzjonijiet tagħha taht dan l-Att:

Iżda għal kull ammont li jkun jeċċedi l-hamsin elf lira, għandha tinghata l-approvazzjoni tal-Ministru bil-miktub.

Avvanzi mill-
Gvern.

7. Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk l-ammonti li huwa jista' jaqbel li jkunu mehtieġa mill-Awtorità biex din twettaq kull funzjoni tagħha taht dan l-Att, u jista' jagħmel dawk l-avvanzi b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista', wara dik il-konsultazzjoni hawn aktar qabel imsemmija, iqis li tkun xierqa. Avvanz bhal dak jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u minghajr ebda approprjazzjoni ohra minbarra dan l-Att, b'kitba minnu magħmula li tkun tawtorizza lill-*Accountant General* li jagħmel dak l-avvanz.

Self minghand il-
Gvern.

8. (1) Il-Ministru responsabbli għall-finanzi jista', għal kull htieġa ta' l-Awtorità ta' xorta kapitali, jikkuntratta jew jiġbor kull self, jew jidhol f'passiv, għal dawk il-perjodi u b'dawk il-pattijiet u kondizzjonijiet hekk kif huwa jista' jqis li jkun xieraq; u kull ammont dovut għar-rigward ta' jew f'konnessjoni ma' xi self jew passiv bhal dak għandu jkun piż fuq il-Fond Konsolidat.

(2) Għandu jinghata avviz dwar kull self, passiv jew avvanz magħmul jew li jsir taht il-provvedimenti ta' qabel ta' dan l-artikolu lill-Kamra tar-Rappreżentanti kemm jista' jkun prattikament malajr.

(3) Sakemm ma jibda jsir il-ġbir ta' xi self bhal dak imsemmi fis-subartikolu (1) ta' dan l-artikolu, jew bil-ghan li l-Awtorità tiġi pprovduta b'kapital funzjonali, il-Ministru responsabbli għall-finanzi jista', b'kitba magħmula minnu nnifsu, u mingħajr ebda approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* li jagħmel avvanzi lill-Awtorità mit-*Treasury Clearance Fund* taht dawk il-pattijiet li jistgħu jiġu speċifikati mill-Ministru meta dawn isiru.

(4) Ir-rikavat minn kull self li jingabar bil-ghan li jsiru avvanzi lill-Awtorità, u kull flus oħra li għandhom jiġu avvanzati lill-Awtorità taht dan l-artikolu, għandhom jitqegħdu ġewwa fond speċifikament stabbilit għal dak l-ghan u li jkun magħruf bħala "Fond għal Self lill-Awtorità Maltija għall-Għemil ta' *Standards*".

(5) Ammonti li jirċievi l-*Accountant General* mill-Awtorità għar-rigward ta' avvanzi magħmulin lill-Awtorità taht is-subartikolu (3) ta' dan l-artikolu għandhom jithallsu, f'dawk li huma ammonti riċevuti bħala hlas lura billi jitqegħdu fit-*Treasury Clearance Fund* u, f'dawk li huma ammonti riċevuti bħala mgħax billi jitqegħdu fil-Fond Konsolidat.

9. (1) L-Awtorità għandha tara li jithejjew f'kull sena finanzjarja, u għandha mhux iktar tard minn sitt ġimghat wara tmien kull sena bhal dik tadotta, estimi tad-dhul u l-infieq ta' l-Awtorità għas-sena finanzjarja li tiġi minnufih wara:

Estimi ta' l-Awtorità.

Iżda l-estimi għall-ewwel sena finanzjarja ta' l-Awtorità għandhom jiġu mhejjija u adottati f'dak iż-żmien li l-Ministru jista' jispeċifika b'avviż bil-miktub lill-Awtorità.

(2) Fit-thejjija ta' dawk l-estimi l-Awtorità għandha tqis kull fond u flus oħra li jistgħu jkunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-saħħa ta' dan l-Att jew ta' Att ta' approprjazzjoni jew ta' kull liġi oħra; u l-Awtorità għandha hekk thejji l-estimi imsemmija b'mod li tiżgura li d-dhul totali ta' l-Awtorità huma mill-inqas suffiċjenti biex minnhom jithallas kull ammont li sewwasew għandu jintefaq mill-kont tad-dhul tagħha inkluż, iżda mingħajr preġudizzju għall-ġeneralità ta' dik il-frazi, d-deprezzament.

(3) L-estimi għandhom isiru f'dik l-ghamla u għandu jkun fihom dik l-informazzjoni u dak it-tqabbil ma' snin ta' qabel hekk kif il-Ministru responsabbli għall-finanzi jista' jordna.

(4) Kopja ta' l-estimi għandha, meta dawn jiġu adottati mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru ghandu ma' l-ewwel opportunita' u mhux iktar tard minn sitt gimghat wara li jkun ircieva kopja ta' l-estimi minghand l-Awtorita' japprova dawk l-estimi li jistghu jkunu b'emendi jew minghajrhom wara konsultazzjoni mal-Ministru responsabbli ghall-finanzi.

L-infieq ghandu
jkun skond l-estimi
approvati.

10. (1) Ma ghandha ssir jew tiggarrab ebda nefqa mill-Awtorita' kemm-il darba din ma tkunx giet approvata mill-Ministru kif provdut fl-artikolu 9 ta' dan l-Att.

(2) Minkejja l-provvedimenti tas-subartikolu (1) ta' dan l-artikolu -

(a) sa l-iskadenza ta' sitt xhur mill-bidu ta' sena finanzjarja, jew sa l-approvazzjoni ta' l-estimi ghal dik is-sena mill-Ministru, skond liem data tigi l-ewwel, l-Awtorita' tista' taghmel jew iggarrab spiza ghat-twettiq tal-funzjonijiet taghha taht dan l-Att li ma tkunx globalment teccedi nofs l-ammont approvat mill-Ministru ghas-sena finanzjarja precedenti;

(b) in-nefqa approvata ghar-rigward ta' intestatura jew sotto-intestatura ta' l-estimi tista', bl-approvazzjoni tal-Ministru li tinghata wara konsultazzjoni mal-Ministru responsabbli ghall-finanzi, issir jew tiggarrab ghar-rigward ta' xi intestatura jew sotto-intestatura ohra ta' l-estimi;

(c) ghar-rigward ta' l-ewwel sena finanzjarja, l-Awtorita' tista' taghmel jew iggarrab nefqa li ma tkunx globalment teccedi dawk l-ammonti li l-Ministru responsabbli ghall-finanzi jista, wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk ghar-rigward ta' xi sena finanzjarja jinstab li l-ammont approvat mill-Ministru ma jkunx sufficjenti jew inkella tkun inqalghet htiega ghal nefqa ghal ghan li ma jkunx hemm provdut dwaru fl-estimi, l-Awtorita' tista' tadotta estimi supplimentari ghall-approvazzjoni tal-Ministru u f'kull kaz bhal dak il-provvedimenti ta' dan l-Att applikabbli ghall-estimi ghandhom kemm jistghu ikunu japplikaw ghall-estimi supplimentari.

Pubblikazzjoni ta' l-estimi approvati.

11. L-estimi u l-estimi supplimentari kollha ta' l-Awtorita' approvati mill-Ministru ghandhom, kemm jista' jkun prattikament malajr, jitqeghdu fuq il-Mejda tal-Kamra.

Kontijiet u verifika.

12. (1) L-Awtorita' ghandha tara li jinzammu kontijiet u *records* ohra sew ghar-rigward ta' l-operazzjonijiet taghha, u ghandha tara li jithejja prospett ta' kontijiet ghar-rigward ta' kull sena finanzjarja.

(2) Il-kontijiet ta' l-Awtorità għandhom jiġu verifikati minn awditur jew awdituri li jinhatru mill-Awtorità u jiġu approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jehtieg li l-kotba u l-kontijiet ta' l-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għandu għal dak l-għan ikollu s-setgħa li jikkontrolla fiżikament u jagħmel dawk l-aċċertamenti li huwa jista' jqis li jkunu mehtieġa.

(3) Wara tmiem kull sena finanzjarja, u mhux aktar tard mid-data meta l-estimi ta' l-Awtorità jintbagħtu lill-Ministru taht l-artikolu 9 ta' dan l-Att, l-Awtorità għandha tara li kopja tal-prospett tal-kotijiet debitament verifikat għandu jintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dak il-prospett jew fuq il-kontijiet ta' l-Awtorità.

(4) Il-Ministru għandu, kemm jista' jkun malajr, jara li kopja ta' kull prospett u rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra.

13. (1) Il-flus kollha li jingabru mill-Awtorità għandhom jitqiegħdu f'bank jew banek li jinhatru bhala bankeira ta' l-Awtorità b'rizoluzzjoni ta' l-Awtorità. Dawk il-flus għandhom, kemm jista' jkun prattiku, jitqiegħdu f'dawk il-banek minn jum għall-iehor, hlief dak l-ammont li l-Awtorità tista' tawtorizza li għandu jinżamm sabiex isiru nefqiet zgħar minnu u hlasijiet ta' flus likwidi ta' minnufih.

Depozitu tad-dhul u hlasijiet li jsiru mill-Awtorità.

(2) Kull hlas mill-fondi ta' l-Awtorità, minbarra nefqiet zgħar li ma jkunux jeċċedu ammont stabbilit mill-Awtorità, għandhom isiru minn dak l-uffiċjal jew dawk l-uffiċjali ta' l-Awtorità li l-Awtorità tahtar jew tinnomina għal dak l-għan.

(3) Ċekkijiet li jinħargu fuq, u żbanki li jsiru minn, xi kont tal-bank ta' l-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal ta' l-Awtorità hekk kif jista' jiġi mahtur jew nominat mill-Awtorità għal dak l-għan u għandhom ikunu kontrosenjati mill-President, jew minn dak il-membri jew uffiċjal ieħor ta' l-Awtorità li jista' jiġi awtorizzat mill-Awtorità għal dak l-għan.

(4) L-Awtorità għandha wkoll tagħmel provvedimenti għar-rigward ta' -

(a) il-mod kif il-hlasijiet għandhom jiġu awtorizzati jew approvati u l-uffiċjal jew uffiċjali li għandhom jawtorizzawhom jew japprovawhom;

(b) it-titolu ta' kull kont miżmum f'bank jew banek fejn jiġu depożitati l-flus ta' l-Awtorità, u t-trasferiment ta' fondi minn kont għall-iehor;

(ċ) il-metodu li għandu jiġi adottat meta jkun qed jithallsu flus mill-fondi ta' l-Awtorità;

u ġeneralment għar-rigward ta' kull haġa li hi rilevanti għat-tiżmim u kontroll sew tal-kontijiet u l-kotba, u l-kontroll tal-finanzi, ta' l-Awtorità.

Kuntratti ta' provvista ta' xogħlijiet.

14. L-Awtorità ma għandhiex, hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-ghoti ta' servizzi, lil għall-benefiċċju ta' l-Awtorità, li jkun stmat mill-Awtorità li jeċċedi tliet elef lira fil-valur, jew dak l-ammont iehor li l-Ministru responsabbli għall-finanzi jista' b'regolamenti jippreskrivi, hlief wara li jkun ġie ppubblikat avviż dwar l-intenzjoni ta' l-Awtorità li tidhol fil-kuntratt u jkunu nharġu s-sejhhiet għall-offerti kompetittivi.

Rapport Annwali.

15. L-Awtorità għandha, mhux aktar tard minn sitt ġimghat wara tmiem kull sena finanzjarja, tagħmel u tibghat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun ġeneralment jittratta dwar l-attivitajiet ta' l-Awtorità matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni relattiva għall-proċedimenti u l-*policy* ta' l-Awtorità b'dak il-mod li xiwiehed mill-Ministri msemmija jista' minn żmien għal żmien ikun jehtieg. Il-Ministru għandu jara li kopja ta' kull rapport bhal dak jitqiegħed fuq il-Mejda tal-Kamra kemm jista' jkun malajr.

Eżenzjoni mill-intaxxar.

16. L-Awtorità għandha tkun eżenti minn kull responsabbiltà għall-hlas ta' taxxa fuq l-*income* u taxxa fuq id-dokumenti taht xi liġi li f'dak il-waqt tkun fis-sehħ.

Funzjonijiet ta' l-Awtorità.

17. Il-funzjonijiet ta' l-Awtorità jkunu:

(a) li tagħmel, tadotta u tippubblika *standards* għar-rigward ta' kull klassi, kategorija jew tip ta' prodotti u, jew, servizzi;

(b) li tikkordina, tissorvelja u ġġib 'il quddiem l-ghemil ta' *standards* u attivitajiet relatati fid-diversi livelli korporattivi, nazzjonali, reġjonali u internazzjonali, u biex tipprovdi u, jew, tiżgura li jkun hemm servizzi relatati sussidjarji adattati;

Ghall-ghanijiet ta' dan il-paragrafu, "servizzi relatati sussidjarji" tinkludi:

(i) il-promozzjoni ta' l-adozzjoni u l-applikazzjoni ta' kull aspekk ta' metrologija bhala haga miżjuda mehtieġa għall-ghemil ta' *standards*;

(ii) l-iżgurar tad-disponibilità ta' servizzi ta' l-ittestjar;

(iii) l-offerta ta' pariri teknoloġiċi u servizzi ta' konsulenza lill-Gvern, aġenziji tal-Gvern u s-settur privat;

(iv) it-twaqqif u l-manutenzjoni ta' programm ta' akkreditazzjoni internazzjonali;

(v) kull servizz iehor relatat ma' l-ghemil ta' *standards* kif jista' jkun mehtieġ;

(ċ) li tippubblika listi ta' korpi għall-ghemil ta' *standards* li jkunu rikonoxxuti mill-Awtorità għall-ghanijiet ta' dan l-Att;

(d) li tikkonsidra kull applikazzjoni għal permess għall-użu ta' marka ta' konformità u għall-ghoti ta' permessi għal dak l-ghan;

(e) li tgħarraf lill-pubbliku bis-sugġetti godda inkluzi fil-programm ta' *standards* tagħha u bit-thejjija jew l-emenda ta' *standard*, kemm-il darba dak l-*istandard* ma jkunx traspożizzjoni identika jew ekwivalenti ta' *standard* Internazzjonali jew Ewropew. Din l-informazzjoni għandha tindika, b'mod partikolari, jekk l-*istandard* involut:

- ikunx se jittrasponi *standard* internazzjonali minghajr ma jkun l-ekwivalenti tiegħu;

- huwiex se jkun *standard* nazzjonali ġdid; jew

- ikunx se jemenda *standard* nazzjonali; u

(f) li tikkollabora ma' korpi Nazzjonali, Ewropej, Reġjonali jew korpi internazzjonali ohra fil-qasam ta' l-ghemil ta' *standards* u tiskambja informazzjoni magħhom b'mod generali, u b'mod partikolari sa dak il-limitu daqskemm jista' jiġi pprovdut dwaru f'xi obbligu internazzjonali li Malta tintrabat bih jew hekk kif jista' jiġi preskritt;

(g) li taghmel dawk il-funzjonijiet l-oħra kollha li jistgħu jiġu lilha assenjati taħt il-provvedimenti ta' dan l-Att jew ta' kull liġi oħra.

Tibdil, sostituzzjoni jew revoka ta' *standards*.

18. Is-setgħa mogħtija lill-Awtorità biex taghmel, tadotta u tippubblika *standards* għandha tiftiehem li tinkludi s-setgħa, eżerċitabbli bl-istess mod, li tbiddel, tissostitwixxi jew tirrevoka xi *standard* bħal dak.

Tiġi pubblikata lista ta' *standards*.

19. L-Awtorità għandha tippubblika fil-Gazzetta lista ta' *standards* magħmula, adottati jew trasposti minnha flimkien ma' l-ekwivalenza internazzjonali tagħhom, jekk din tkun applikata, u għandha tindika wkoll f' dawk l-avviżi mnejn tkun tista' tinkiseb kopja ta' dawk l-*standards*.

Marka ta' konformità.

20. (1) L-Awtorità għandha tagħti permess għall-użu ta' marka ta' konformità dwar xi prodott u, jew, servizz li jissodisfaw l-*standards* u jwettqu l-kondizzjonijiet preskritti fl-*standards* li tkun qegħda tiġi ddikjarata konformità magħhom.

(2) L-Awtorità ma għandhiex tagħti permess jekk ma jkollhiex dik il-prova u ma jiġux mogħtija lilha dawk l-opportunitajiet u faċilitajiet li jistgħu jkunu raġonevolment meħtieġa sabiex l-Awtorità tkun tista' tissodisfa ruħha li l-prodott u, jew, is-servizz li dwarhom tkun saret l-applikazzjoni jkunu jikkwalifikaw għal dak il-permess.

(3) F'kull permess mogħti dwar xi prodott u, jew, servizz, l-Awtorità barra milli tiddekrivi dak il-prodott u, jew, servizz, għandha wkoll -

(a) issemmi l-persuna li jkun ingħatalha il-premess;

(b) issemmi l-pajjiż fejn dawk l-oġġetti jkunu prodotti, manifatturati jew ipproċessati; u

(ċ) tispeċifika l-*standards* applikabbli għal dak il-prodott u, jew, servizz:

Iżda, meta ma jkun hemm ebda tibdil fiċ-ċirkostanzi l-oħra li kienu ġġustifikaw l-ghoti ta' liċenza, l-Awtorità għandha dwar kull permess bħal dak tawtorizza, fuq talba, is-sostituzzjoni tal-persuna msemmija fiha kif jiġi pprovat li jkun meħtieġ.

(4) Għall-finijiet ta' dan l-Att il-partikolaritajiet imsemmija fil- paragrafi (a) u (b) ta' l-aħħar subartikolu qabel dan għandhom jitqiesu li jagħmlu parti mid-deskrizzjoni tal-prodott u, jew, servizz li għalihom jirreferixxu.

21. (1) L-uffiċjali awtorizzati bil-miktub ghal hekk mill-Awtorità jkunu jistghu fil-hinijiet kollha raġonevoli jidhlu għall-finijiet ta' dan l-Att f'kull post fejn prodotti u, jew, servizz li dwarhom ikun isehh permess, jiġu prodotti, manifatturati jew ipproċessati, u jkollhom dritt jispezzjonaw dak il-post, jeżaminaw dawk l-oġġetti u jiehdu kampjuni tagħhom bil-mod preskritt mill-Ministru.

Dhul f'fabbriki u tehid ta' kampjuni.

(2) Kull min ma jhallix jidhol f'xi post bhal dak lil xi uffiċjal awtorizzat kif hawn aktar qabel imsemmi jew f'xi post bhal dak jostakolah jew ifixklu fil-qadi ta' dmirijietu, jkun hati ta' reat u jehel meta jinsab hati mill-Qorti tal-Maġistrati multa ta' mhux anqas minn hamsin lira u mhux iżjed minn mitejn lira jew prigunerija għal żmien ta' minn xahar sa tliet xhur jew dik il-multa u prigunerija flimkien.

22. (1) Il-Ministru jista' minn żmien għal żmien jagħmel regolamenti:

Setgħa tal-Ministru li jagħmel regolamenti.

(a) li jippreskrivu l-marka jew is-simbolu li għandu jintuża biex jindika konformità ma' xi *standard*;

(b) li jippreskrivu l-mod u l-forma kif għandha ssir applikazzjoni għal marka ta' konformità, it-tagħrif li tali applikazzjoni għandu jkollha, u d-drittijiet li għandhom jithallsu dwarha;

(ċ) li jippreskrivu l-mod u l-forma kif għandhom jinharġu l-permessi mill-Awtorità u d-drittijiet li għandhom jithallsu dwarhom;

(d) li jippreskrivu l-mod ta' reġistrazzjoni ta' permessi maħruġa taht dan l-Att;

(e) li jippreskrivu l-mod kif għandhom jittiehdu l-kampjuni ta' prodotti;

(f) li jipprovdu dwar il-pubblikazzjoni ta' abbozzi ta' *standards* u l-mod kif il-pubbliku jista' jressaq l-ilmenti tiegħu dwarhom lill-Awtorità;

(g) li jippreskrivu d-drittijiet jew il-hlasijiet li jistghu jingabru dwar servizz provdut mill-Awtorità taht dan l-Att;

(h) li jippreskrivu kull haġa li tkun jew li tista' tigi preskritta taht dan l-Att; u

(i) b'mod ġenerali għat-tmexxija ahjar ta' l-iskopijiet u finijiet ta' dan l-Att.

(2) Ir-regolamenti magħmula taħt is-subartikolu (1) ta' dan l-artikolu, u *standards* magħmula mill-Awtorità jistgħu isiru bl-ilsien Inġliż biss.

Emendi
konsegwenzjali
ghall-Att dwar
Deskrizzjonijiet
Kummerċjali,
Kap.313.

23. L-Att dwar Deskrizzjonijiet Kummerċjali, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att:

(i) minnufih qabel it-tifsira ta' "Ministru" għandha tidhol din it-tifsira li ġejja:

“ “marka ta' konformità” ikollha l-istess tifsira bhal dik lilha mogħtija fl-artikolu 2 ta' l-Att ta' l-2000 dwar l-Awtorità Maltija għall-Ghemil ta' *Standards*;”;

(ii) minflok it-tifsira ta' “oġġetti” għandha tidhol din it-tifsira li ġejja:

“ “oġġetti” tfisser oġġetti li jiġu offruti għall-bejgħ kummerċjalment f'Malta jew barra minn Malta;”;

(iii) minnufih wara t-tifsira ta' “għaqda ta' konsumaturi reġistrata” għandha tiżdied din it-tifsira ġdida li ġejja:

“ “servizzi” tfisser kull servizz offrut kummerċjalment f'Malta jew barra minn Malta;”;

(b) fis-subartikolu (1) ta' l-artikolu 4 ta' l-Att:

(i) minnufih wara l-kliem “dwar xi oġġetti jew partijiet minn oġġetti” għandhom jidhlu l-kliem “jew skond il-każ, dwar kull servizz jew parti minn servizz”;

(ii) il-paragrafi (h) sa (l) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (i) sa (m) rispettivament;

(iii) minnufih wara l-paragrafu (g) tiegħu għandu jizdied dan il-paragrafu ġdid li ġej:

“ “(h) l-użu ta' xi marka ta' konformità, jew ta' xi imitazzjoni tagħha li x'aktarx tqarraq, jew ta' xi indikazzjoni jew dikjarazzjoni oħra li x'aktarx tiftiehem bhala, li tindika li l-oġġetti jew is-servizzi ikunu konformi ma' *standards* mahruġin minn xi korp jew awtorità;”;

(ċ) fl-artikoli 9 u 11 ta' l-Att wara l-kelma "oġġetti" kull fejn din tinsab, ghandhom jidhlu l-kliem "jew servizzi"; u

(d) fl-artikolu 18 ta' l-Att:

(i) il-provvediment preżenti ghandu jiġi enumerat mill-ġdid bhala s-subartikolu (1) tiegħu; u

(ii) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid ghandu jizjed dan is-subartikolu ġdid li ġej:

"(2) F'kull każ ta' sejbien ta' htija għal reat kontra dan l-Att, il-Qorti tista', u fuq talba tal-prosekuzzjoni ghandha:

(a) tordna l-konfiska ta' kull oġġett li jkollu x'jaqsam mar-reat; u

(b) tissospendi għal żmien mhux iktar minn tliet xhur hekk kif il-qorti tista' tqis adattat kull liċenza f'isem il-persuna li tinsab hatja dwar il-forniment ta' oġġetti jew l-ghoti ta' servizzi."

24. (1) B'riserva għall-provvedimenti tas-subartikolu (2) ta' dan l-artikolu, l-Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*, Kap. 187 ta' l-Edizzjoni Riveduta hawnhekk iżjed 'il quddiem f'dan l-artikolu msemmi bhala Kapitolu 187, huwa b'dan imhassar. Thassir u riservi.

(2) Regolamenti magħmulin taht il-Kapitolu 187 ghandhom jibqgħu fis-sehh bhallikieku magħmula taht il-provvedimenti ta' dan l-Att u jistgħu jiġu emendati u revokati skond hekk.

(3) L-Awtorità mwaqqfa taht il-Kapitolu 187 ghandha tkompli ssehh bhala l-Awtorità mwaqqfa taht dan l-Att.

(4) Kull *Standard Order* magħmul taht il-Kapitolu 187 ghandu jkompli jsehh bhallikieku dan kien *Standard Order* magħmul taht dan l-Att u jista' jiġi emendat jew revokat skond hekk.

Ghanijiet u Raġunijiet

L-ghan ewlieni ta' l-Abbozz hu sabiex isir provvediment ġdid dwar l-ghemil ta' *standards* minflok il-provvedimenti ta' l-Att dwar l-Awtorità ta' Malta għall-Ghemil ta' *Standards*, Kap. 187.

L-Abbozz jagħmel ukoll provvedimenti ġodda għat-tmexxija aħjar ta' l-Awtorità Maltija għall-Ghemil ta' *Standards*.

**A BILL
entitled**

*AN ACT to repeal and re-enact with amendments the Malta
Standardisation Authority Act, Cap.187.*

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

1. This Act may be cited as the Malta Standardization Authority Act, 2000. Short title.

2. In this Act, unless the context otherwise requires – Interpretation.

“Authority” means the Malta Standardization Authority;

“conformity mark” means a mark, issued in accordance with regulations made under section 22 of this Act, showing compliance with an applicable standard;

“draft standard” means a document containing the text of the technical specifications concerning a given subject, which is being considered for adoption and as circulated for public comment or scrutiny;

“European standardization body” means any of the following bodies:

- CEN - European Committee for Standardization;

- CENELEC - European Committee for Electrotechnical Standardization;

- ETSI - European Telecommunications Standards Institute;

“financial year” means any period of twelve months ending on the 30th September;

Provided that the first financial year of the Authority shall commence on the coming into force of the Act and end on the 30th September of the next following year;

“Malta” has the same meaning as is assigned to it by section 124 of the Constitution of Malta;

“Minister” means the Minister responsible for industry;

“permit” means a permit granted by the Authority under subsection (1) of section 20 of this Act for the use of a conformity mark;

“product” means any industrially manufactured product and any agricultural product, including fish products;

“service” means a result generated by activities at the interface between the supplier and the customer and by supplier internal activities to meet the customer needs;

“standard” means a technical specification approved by a recognised standardization body for repeated or continuous application, with which compliance is not compulsory, whether or not including other requirements, and which is one of the following:-

- International Standard: a standard adopted by an international standardization organisation, other than a European standardization body, and made available to the public;

- European Standard: a standard adopted by a European standardization body and made available to the public;

- National Standard: a standard adopted by the Authority and made available to the public;

“standards programme” means a work programme listing the subjects on which standardization work is being carried out;

“technical specification” means a specification contained in a document which lays down the characteristics required of a product and, or, service such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product and, or, service as regards the name under which the product and, or, service is sold, terminology, symbols, testing and test methods, packaging, marking or labelling used and the conformity assessment procedures. This term also covers production methods and processes used in respect of agricultural products, products intended for human and animal consumption, and medicinal products, as well as production methods and processes relating to other products, where these have an effect on their characteristics;

For the purposes of this definition, “conformity assessment procedures” mean any procedures used, directly and indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled, including, *inter alia*, procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity, registration, accreditation and approval as well as their combinations.

3. (1) There shall continue to be an Authority, to be called the Malta Standardization Authority, which shall exercise and perform the functions assigned to it by this Act or by any other law.

Establishment and
constitution of the
Malta
Standardization
Authority.

(2) The Authority shall be governed by a Council which shall be composed as follows:-

- (a) a Chairman, appointed by the Prime Minister;
- (b) the Director of Industry *ex officio* who shall be Deputy Chairman;
- (c) the Comptroller of Customs *ex officio*;
- (d) the Director of Agriculture *ex officio*;
- (e) the Director of Consumer Affairs *ex officio*;
- (f) the Director (Environment Protection) *ex officio*;
- (g) the Director (Public Health) *ex officio*;

(h) three members appointed by the Minister –

(i) one after consultation with the Kamra tal-Periti;

(ii) one after consultation with the Chamber of Professional Engineers, and

(iii) one after consultation with the Chamber of Pharmacists;

(i) a member appointed by the Council of the University of Malta;

(j) a representative of the Malta Council for Science and Technology, appointed by the Prime Minister;

(k) a member appointed by the Chamber of Commerce; and

(l) a member appointed by the Federation of Industries.

(3) The members of the Council other than those referred to in paragraphs (b) to (g) of subsection (2) shall be appointed for a period not exceeding three years and shall be eligible to be reappointed.

(4) The members of the Council shall receive such remuneration as the Minister may prescribe.

(5) The Chief Executive of the Authority shall act as secretary to the Council.

(6) The presence at any meeting of the Council of the Chairman or the Deputy Chairman and any other six members shall constitute a quorum:

Provided that, where a member of the Council has a direct or an indirect interest in any matter being discussed or decided upon by the Council, then such member shall not be present at the time of such discussion or decision.

(7) Subject to the provisions of this Act and of any regulations made thereunder the Council shall regulate its own proceedings.

(8) The Council may act notwithstanding any vacancy as long as a quorum is present.

(9) The Chairman shall have an original and in the case of equality of votes a second or casting vote.

(10) The Authority shall be the authority in Malta entrusted with the coordination of standardization and related activities, and in the exercise of its functions under this or any other law, it shall, unless otherwise expressly provided, not be under the direction or control of any person or authority.

(11) The Authority may with the concurrence of the Minister, enter into agreements with any person or authority whereby such person or authority shall on behalf of the Authority carry out such functions and services as are by this or any other law assigned to the Authority.

(12) The Authority shall have a legal personality distinct from that of the Government, its legal representation shall vest in the Chairman. The assets and other properties held by the Authority shall however be the property of the Government and the Authority shall only have their administration during such tenure, and shall dispose of them in accordance with such directives as the Minister may from time to time give to the Authority.

(13) The Authority may with the approval of the Minister recruit such personnel as it may require for the proper discharge of its functions under this Act under such terms and conditions as the Minister may approve.

4. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the direction.

Detailing of public officers for duty with Authority.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or a different date is specified in the direction, end on the happening of any of the following events, that is to say -

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with the Authority made in pursuance of subsection (8) of this section; or

(b) the revocation by the Prime Minister of any direction made by him under this section in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the further direction, and the provisions of subsection (2) of this section shall thereupon apply to the period of duration of such further direction in relation to such officer.

(4) When a public officer is detailed for duty with the Authority under any of the provisions of this section, such officer shall, during the time the direction has effect in relation to him, be under the administrative authority and control of the Authority, but he shall for other intents and purposes remain, and be considered and treated as, a public officer.

(5) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

(a) shall not during the time while such officer is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at the date on which he was detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act, and of any other right of privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

(6) Where an application is made as provided in subparagraph (i) of paragraph (a) of subsection (5) of this section, the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(7) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

(8) The Authority may, with the approval of the Prime Minister, offer to any public officer detailed for duty with the Authority under subsection (2) of this section permanent employment with the Authority at a remuneration and on terms and conditions specified in the offer.

(9) Every officer who accepts permanent employment with the Authority offered to him under this section shall, for all purposes be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance.

5. (1) Without prejudice to the following provisions of this section, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions as is possible shall, as far as practicable, be met out of its revenue.

Authority to meet part of expenditure out of revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet any of its expenditure that cannot be covered by its revenues and the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subsection, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any

part of the fees, rates and other payments levied in accordance with subsection (2) of this section or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow or raise capital.

6. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

Advances from Government.

7. The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from Government.

8. (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this section shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subsection (1) of this section, or for the purpose of providing the Authority with working capital, the Minister responsible for finance may,

by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this section, shall be paid into a fund specially established for the purpose and which shall be known as the "Malta Standardization Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subsection (3) of this section shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amount received by way of interest into the Consolidated Fund.

9. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Estimates of the Authority.

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority approve the same with or without amendment after consultation with the Minister responsible for finance.

Expenditure to be according to approved estimates.

10. (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the Minister as provided in section 9 of this Act.

(2) Notwithstanding the provisions of subsection (1) of this section—

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Publication of approved estimates.

11. All estimates and supplementary estimates of the Authority approved by the Minister shall, as soon as practicable, be laid on the Table of the House.

Accounts and audit.

12. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall

for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under section 9 of this Act, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, as soon as practicable, cause a copy of every such statement and report to be laid on the Table of the House.

13. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

Deposit of revenues and payment by the Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairman, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the Authority;

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the Authority.

Contracts of supply of works.

14. The Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed three thousand liri in value, or such other amount as the Minister responsible for finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been published and competitive tenders have been issued.

Annual Report.

15. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House as soon as practicable.

Exemption from taxation.

16. The Authority shall be exempt from any liability for the payment of income tax and stamp duty under any law for the time being in force.

Functions of the Authority.

17. The functions of the Authority shall be:

(a) to make, adopt and publish standards, in relation to any class, category or type of products and, or, services;

(b) to co-ordinate, monitor and promote standardization and related activities at the various corporate, national, regional and international levels, and to supply and, or, ensure the existence of adequate supporting related services;

For the purpose of this paragraph, "supporting related services" include:

(i) promoting the adoption and application of all aspects of metrology as a necessary adjunct to standardization;

(ii) ensuring the availability of testing services;

- (iii) offering technological advice and consultancy services to Government, Government agencies and the private sector;
- (iv) setting up and maintaining an international accreditation programme; and
- (v) any other services related to standardization as may be required;
- (c) to publish lists of standardization bodies that are recognised by the Authority for the purposes of this Act;
- (d) to consider all applications for a permit to use a conformity mark and to grant permits for such purpose;
- (e) to inform the public of new subjects included in its standards programme and of the preparation or amendment of a standard, unless such standard is an identical or equivalent transposition of an International or European standard. This information shall indicate, in particular, whether the standard concerned:
- will transpose an international standard without being the equivalent;
 - will be a new national standard; or
 - will amend a national standard; and
- (f) to cooperate with National, European, Regional or other international bodies in the field of standardization and to exchange information therewith generally, and in particular to such extent as may be provided for in any international obligation entered into by Malta or as may be prescribed;
- (g) to perform such other functions as may be assigned to it under the provisions of this Act or of any other law.

18. The power conferred on the Authority to make, adopt and publish standards shall be construed as including the power, exercisable in like manner, to vary, substitute or revoke any such standard.

Variation, substitution or revocation of standards.

19. The Authority shall publish in the Gazette a list of standards made, adopted or transposed by it together with their international equivalence, if applicable, and shall in such notices also indicate where a copy of such standards may be obtained.

List of standards to be published.

Conformity mark.

20. (1) The Authority shall grant a permit for the use of a conformity mark in relation to any product and, or, services which satisfy the standards and fulfil the conditions prescribed in the standards, conformity to which is being declared.

(2) The Authority shall not grant a permit unless it is furnished with such proof and it is given such opportunities and facilities as may be reasonably necessary in order that the Authority may satisfy itself that the product and, or, services in relation to which the application has been made qualify for such permit.

(3) In any permit granted in relation to any product and, or, service, the Authority besides describing such product and, or, service shall also:-

(a) name the person to whom the permit is granted;

(b) state the country where the said goods are produced, manufactured or processed; and

(c) specify the standards applicable to the said product and, or, services:

Provided that, when there have been no changes in the other circumstances which justified the grant of a permit, the Authority shall in regard to any such permit authorize, on application, the substitution of the person named therein as will be proved to be necessary.

(4) For the purpose of this Act the particulars referred to in paragraphs (a) and (b) of the last foregoing subsection shall be deemed to form part of the description of the product and, or, service to which they refer.

Access to factories
and taking of
samples.

21. (1) Officers authorized in writing to that effect by the Authority shall at all reasonable times have access for the purposes of this Act to any place where goods and, or, services in respect of which there is in force a permit are produced, manufactured or processed, and they shall be entitled to inspect such place, to examine such goods and to take samples thereof in the manner prescribed by the Minister.

(2) Any person who denies the said right of access in any such place to an officer authorized as aforesaid or in any such place hinders or obstructs him in the discharge of his duties shall be guilty of an offence and shall be liable on conviction by the Court of Magistrates to a fine (*multa*) of not less than fifty liri and not exceeding two hundred liri or to imprisonment for a term from one to three months or to both such fine and imprisonment.

22. (1) The Minister may from time to time make regulations: Power of Minister to make regulations.

(a) prescribing the mark or symbol that is to be used to indicate conformity with any standard;

(b) prescribing the manner and form in which any application for a conformity mark shall be made, the information which such application is to contain, and the fees payable in respect thereof;

(c) prescribing the manner and form in which permits shall be issued by the Authority and the fees payable in respect thereof;

(d) prescribing the manner of registration of permits issued under this Act;

(e) prescribing the manner in which samples of products shall be taken;

(f) providing for the publication of draft standards and the manner in which the public can make representations thereon to the Authority;

(g) prescribing the fees or charges that may be charged in respect of any service provided by the Authority under this Act;

(h) prescribing anything that is or may be prescribed under this Act; and

(i) generally for the better carrying out of the objects and purposes of this Act.

(2) Regulations made under subsection (1) of this section, and standards made by the Authority may be made in the English language only.

23. The Trade Descriptions Act shall be amended as follows: Consequential amendments to the Trade Descriptions Act, Cap. 313.

(a) in subsection (1) of section 2 thereof:

(i) immediately after the definition of “advertisement” there shall be inserted the following definition:

“ “conformity mark” shall have the same meaning assigned to it in section 2 of the Malta Standardization Authority Act, 2000;”;

(ii) for the definition of “goods” there shall be substituted the following:

“ “goods” means things offered for sale by way of trade in or from Malta;”; and

(iii) immediately after the definition of “registered consumer association” there shall be added the following new definition:

“ “services” means any service offered by way of trade in or from Malta;”;

(b) in subsection (1) of section 4 thereof:

(i) immediately after the words “with respect to any goods or part of goods” there shall be inserted the words “or as the case may be, in respect of any services or part of a service”;

(ii) paragraphs (h) to (l) thereof shall be renumbered as paragraphs (i) to (m) respectively;

(iii) immediately after paragraph (g) thereof there shall be added the following paragraph:

“(h) the use of any conformity mark, or of any imitation thereof likely to deceive, or of any other indication or statement likely to be construed as, indicating that the goods or services conform to standards issued by any body or authority;”;

(c) in sections 9 and 11 thereof after the word “goods” wherever it appears, there shall be inserted the words “or services”; and

(d) in section 18 thereof:

(i) the present provision shall be renumbered as subsection (1) thereof; and

(ii) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection:

“(2) In every case of conviction for an offence against this Act, the Court may, and at the request of the prosecution shall:

(a) order the forfeiture of any goods to which the offence relates; and

(b) suspend for a period of not more than three months as the court may deem proper any licences in the name of the person convicted relating to the provision of goods or the supply of services.”.

24. (1) Saving the provisions of subsection (2) of this section, Repeal and saving. the Malta Standardisation Authority Act, Cap. 187 of the Revised Edition hereinafter in this section referred to as Chapter 187, is hereby repealed.

(2) Regulations made under Chapter 187 shall continue in force as if made under the provisions of this Act and may be amended and revoked accordingly.

(3) The Authority established under Chapter 187 shall continue in being as the Authority established under this Act.

(4) Any Standard Order made under Chapter 187 shall continue in force as if it were a Standard Order made under this Act and may be amended or revoked accordingly.

Objects and Reasons

The main object of the Bill is to make new provision for the making of standards in lieu of the provisions of the Malta Standardisation Authority Act, Cap. 187.

The Bill also makes new provisions for the better running of the Malta Standardization Authority.