

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,188, 2 ta' Frar, 2024

Taqsim A

MALTA

ATT Nru I tal-2024

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda diversi liġijiet li għandhom x'jaqsmu mal-komunikazzjonijiet u sabiex jagħmel dispozizzjonijiet ancillari u konsegwenzjali għalihom.

ACT No. I of 2024

AN ACT enacted by the Parliament of Malta.

AN ACT to amend various laws relating to communications and to make ancillary and consequential provisions thereto.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

2 ta' Frar, 2024

ATT Nru I tal-2024

ATT sabiex jemenda diversi liġijiet li għandhom x'jaqsmu mal-komunikazzjonijiet u sabiex jagħmel dispożizzjonijiet ancillari u konsegwenzjali għalihom.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2024 li jemenda l-Liġijiet dwar il-Komunikazzjonijiet. Titolu fil-qosor u bidu fis-sehħ.

(2) Il-paragrafi (ċ) u (e) tal-artikolu 10, il-paragrafu (a) tal-artikolu 12 u l-artikoli 20 u 21 għandhom jidhlu fis-sehħ fis-17 ta' Frar 2024.

(3) Id-dispożizzjonijiet ta' dan l-Att, hliet dawk imsemmija fis-subartikolu (2), għandhom jidhlu fis-sehħ f'dik id-data jew id-dati li l-Ministru responsabbli għal komunikazzjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu stabbiliti għal dispożizzjonijiet differenti u għanijiet differenti tad-dispożizzjonijiet ta' dan l-Att.

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TAQSIMA I
EMENDI GHALL-ATT BIEX JIRREGOLA
KOMUNIKAZZJONIJIET ELETTRONIČI
(KAP. 399)

Emendi għall-Att biex jirregola Komunikazzjonijiet Elettroniċi. Kap. 399.

2. Din it-Taqsima temenda l-Att biex jirregola Komunikazzjonijiet Elettroniċi u għandha tinqara u tinftiehem haġa waħda mal-Att biex jirregola Komunikazzjonijiet Elettroniċi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emenda ġenerali għall-Att prinċipali.

3. Fil-verżjoni bl-Ingliż, il-kliem "administrative fine" jew "administrative fines" fl-Att prinċipali għandhom jiġu sostitwiti bil-kliem "administrative penalty" jew "administrative penalties" rispettivament, kull fejn jokkorru.

Emenda tal-artikolu 31 tal-Att prinċipali.

4. Fil-verżjoni bl-Ingliż, fin-nota marginali tal-artikolu 31 tal-Att prinċipali, il-kelma "Penalties" għandha tiġi sostitwita bil-kelma "Punishments".

Emenda tal-artikolu 34 tal-Att prinċipali.

5. L-artikolu 34 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) fis-subparagrafu (ii) tal-paragrafu (d) tiegħu l-kliem "tkun hatja ta' ksur li dwaru tkun tapplika piena amministrattiva iżda dawk il-pieni" għandhom jiġu sostitwiti bil-kliem "tkun hatja ta' ksur li jkun punibbli b'penali amministrattiva iżda dawk il-penalitajiet amministrattivi";

(b) il-paragrafu (A) tal-proviso tas-subparagrafu (ii) tal-paragrafu (d) tiegħu għandu jiġi emendat b'dan li ġej:

(i) il-kliem "pieni amministrattivi" għandhom jiġu sostitwiti bil-kliem "penalitajiet amministrattivi"; u

(ii) il-kelma "pieni" għandha tiġi sostitwita bil-kliem "penalitajiet amministrattivi";

(ċ) il-paragrafu (B) tal-proviso tas-subparagrafu (ii) tal-paragrafu (d) tiegħu għandu jiġi emendat b'dan li ġej:

(i) il-kliem "pieni bħal dawk għandha tkun dik stabbilita għal pieni imposti mill-Awtorità taħt it-Taqsima VII u t-Taqsima VIII" għandhom jiġu sostitwiti bil-kliem "penalitajiet amministrattivi bħal dawk għandha tkun dik stabbilita għal penalitajiet amministrattivi imposti mill-Awtorità taħt it-Taqsima VI"; u

(ii) il-kliem "penali amministrattivi" għandhom jiġu

sostitwiti bil-kliem "penalitajiet amministrattivi";

(d) fil-paragrafu (Ċ) tal-proviso tas-subparagrafu (ii) tal-paragrafu (d) tiegħu l-kliem "multa amministrattiva" għandhom jiġu sostitwiti bil-kliem "penali amministrattiva"; u

(e) fil-paragrafu (g) tiegħu l-kelma "penali" għandha tiġi sostitwita bil-kelma "multa".

6. Is-subartikolu (1) tal-artikolu 47 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

Emenda tal-artikolu 47 tal-Att prinċipali.

(a) il-paragrafu (q) tiegħu għandu jiġi emendat b'dan li ġej:

(i) il-kliem "penali amministrattivi" għandhom jiġu sostitwiti bil-kliem "penalitajiet amministrattivi"; u

(ii) il-kliem "dawk il-penali" għandhom jiġu sostitwiti bil-kliem "dawk il-penalitajiet amministrattivi";

(b) fil-paragrafu (r) tiegħu l-kliem "penali amministrattivi" għandhom jiġu sostitwiti bil-kliem "penalitajiet amministrattivi"; u

(ċ) fil-verżjoni bl-Ingliż, fil-paragrafu (u) tiegħu l-kelma "penalties" għandha tiġi sostitwita bil-kelma "punishments".

7. Fl-artikolu 50 tal-Att prinċipali l-kelma "penali" għandha tiġi sostitwita bil-kelma "pieni".

Emenda tal-artikolu 50 tal-Att prinċipali.

TAQSIMA II EMENDI GHALL-ATT GHAT-TWAQQIF TA' AWTORITÀ TA' MALTA DWAR IL-KOMUNIKAZZJONI (KAP. 418)

8. Din it-Taqsima temenda l-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni u għandha tinqara u tinftiehem haġa waħda mal-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att għat-Twaqqif ta' Awtorità ta' Malta dwar il-Komunikazzjoni. Kap. 418.

9. Fil-verżjoni bl-Ingliż, il-kliem "administrative fine" jew "administrative fines" fl-Att prinċipali għandhom jiġu sostitwiti bil-kliem "administrative penalty" jew "administrative penalties" rispettivament, kull fejn jokkorru.

Emenda ġenerali għall-Att prinċipali.

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Emenda tal-
artikolu 32 tal-
Att prinċipali.

10. L-artikolu 32 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) fl-ewwel proviso għas-subartikolu (1) tiegħu l-kliem "tal-multa" għandhom jiġu sostitwiti bil-kliem "tal-penali amministrattiva";

(b) fis-subartikolu (3) tiegħu l-kliem "tal-multa" għandhom jiġu sostitwiti bil-kliem "tal-penali amministrattiva";

(c) minnufih wara l-paragrafu (a) tas-subartikolu (4) tiegħu għandu jiġi miżjud dan il-paragrafu (aa) ġdid li ġej:

"(aa) jirrappreżenta riskju ta' ħsara serja għall-finijiet tar-Regolament (UE) 2022/2065 tal-Parlament Ewropew u tal-Kunsill tad-19 ta' Ottubru 2022 dwar Suq Uniku għas-Servizzi Diġitali u li jemenda d-Direttiva 2000/31/KE (l-Att dwar is-Servizzi Diġitali); jew";

(d) fis-subartikolu (6) tiegħu l-kliem "għas-sospensjoni tal-multa sakemm ikunu għadhom għaddejin il-proċeduri, finalment jiddeċiedu li l-multa tkun dovuta, dik il-multa għandha tkun dovuta flimkien ma' kull imgħax fuq dik il-multa mid-data oriġinarjament stabbilita mill-Awtorità għall-ħlas, inkluż il-perjodu li matulu l-ħlas ta' dik il-multa kien sospiż" għandhom jiġu sostitwiti bil-kliem "għas-sospensjoni tal-penali amministrattiva sakemm ikunu għadhom għaddejjin il-proċeduri, finalment jiddeċiedu li l-penali amministrattiva tkun dovuta, dik il-penali amministrattiva għandha tkun dovuta flimkien ma' kull imgħax fuq dik il-penali amministrattiva mid-data oriġinarjament stabbilita mill-Awtorità għall-ħlas, inkluż il-perjodu li matulu l-ħlas ta' dik il-penali amministrattiva kien sospiż"; u

(e) is-subartikolu (9) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(9) L-Awtorità tista' skont id-diskrezzjoni tagħha tfittex li tikseb jew li taċċetta kull impenn bil-miktub mingħand xi persuna responsabbli għal xi ksur ta' xi liġi jew deċiżjoni, tkun kif tkun deskritta, li l-Awtorità jkollha jedd tinforza. Kull impenn ta' din ix-xorta li jista' jiġi aċċettat mill-Awtorità, għandu jkun jorbot lill-persuna li tagħmel dak l-impenn:

Iżda l-Awtorità meta tkun qed taċċetta xi impenn ta' din ix-xorta tista' timponi dawk il-kondizzjonijiet bħal dawk li hija tista' tqis li jkunu xierqa fiċ-ċirkostanzi u hija

għandha f'kull każ taġixxi b'mod trasparenti, mhux diskriminatorju u b'mod oġġettiv".

11. Is-subartikolu (3) tal-artikolu 32A tal-Att prinċipali għandu jiġi emendat b'dan li ġej: Emenda tal-artikolu 32A tal-Att prinċipali.

(a) il-kliem "penali ċivili" għandhom jiġu sostitwiti bil-kliem "penali amministrattiva";

(b) il-kliem "penali ta' mhux inqas" għandhom jiġu sostitwiti bil-kliem "penali amministrattiva ta' mhux inqas"; u

(ċ) il-kliem "dik il-penali jew dawk il-penalitajiet" għandhom jiġu sostitwiti bil-kliem "dik il-penali amministrattiva jew dawk il-penalitajiet amministrattivi".

12. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat b'dan li ġej: Emenda tal-artikolu 33 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem "Meta tiġi imposta multa amministrattiva din m'għandhiex, kemm-il darba ma jiġix provdut xort'oħra b'dan l-Att jew taħtu" għandhom jiġu sostitwiti bil-kliem "Meta tiġi imposta penali amministrattiva din m'għandhiex, kemm-il darba ma jiġix provdut xort'oħra b'dan l-Att jew taħtu jew b'xi liġi oħra li l-Awtorità tinforza";

(b) fit-tieni proviso għas-subartikolu (1) tiegħu l-kliem "multa għal kull ġurnata" għandhom jiġu sostitwiti bil-kliem "penali amministrattiva għal kull ġurnata"; u

(ċ) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan is-subartikolu (3) ġdid li ġej:

"(3) Il-Ministru jista' jagħmel regolamenti biex jistabbilixxi l-penalitajiet amministrattivi li jistgħu jiġu imposti mill-Awtorità fir-rigward ta' kull liġi li l-Awtorità tinforza:

Iżda l-ammont tal-penalitajiet amministrattivi li jistgħu jiġu hekk preskritti m'għandux ikun ta' iżjed mill-oġġla ammonti msemmija taħt is-subartikolu (1)".

13. Fl-artikolu 35 tal-Att prinċipali l-kliem "biex jiġu imposti penali amministrattiva" għandhom jiġu sostitwiti bil-kliem "biex tiġi imposta penali amministrattiva". Emenda tal-artikolu 35 tal-Att prinċipali.

14. Fin-nota marginali tal-artikolu 37 tal-Att prinċipali l-kliem "penali amministrattivi" għandhom jiġu sostitwiti bil-kliem "penalitajiet amministrattivi". Emenda tal-artikolu 37 tal-Att prinċipali.

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Emenda tal-
artikolu 38 tal-
Att prinċipali.

15. L-artikolu 38 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "penali amministrattivi" għandhom jiġu sostitwiti bil-kliem "penalitajiet amministrattivi";

(b) fis-subartikolu (3) tiegħu l-kliem "dik il-piena" għandhom jiġu sostitwiti bil-kliem "dik il-penali amministrattiva"; u

(ċ) fis-subartikolu (6) tiegħu l-kliem "piena mogħtija mill-Awtorità jew fejn tiġi mnaqqsa kull piena bħal dik" għandhom jiġu sostitwiti bil-kliem "penali amministrattiva mogħtija mill-Awtorità jew fejn tiġi mnaqqsa kull penali amministrattiva bħal dik".

Emenda tal-
artikolu 43 tal-
Att prinċipali.

16. Is-subartikolu (1) tal-artikolu 43 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(1) Kemm-il darba ma jiġix provdut xort'oħra f'xi liġi oħra, jekk tqum tilwima li sseħħ bejn:

(a) impriži f'Malta fi hdan l-istess settur ta' komunikazzjonijiet; jew

(b) impriži li jipprovdu networks u, jew servizzi ta' komunikazzjonijiet elettronici f'Malta min-naħa waħda, u impriži oħra bħal dawk li jipprovdu networks u, jew servizzi ta' komunikazzjonijiet elettronici fi Stati Membri oħra li jkunu jibbenefikaw minn obbligi ta' aċċess jew interkonnessjoni min-naħa l-oħra; jew

(ċ) impriži li jipprovdu networks u, jew servizzi ta' komunikazzjonijiet elettronici f'Malta min-naħa waħda, u impriži li jipprovdu faċilitajiet assoċjati f'Malta min-naħa l-oħra,

fir-rigward ta' kwalunkwe obbligi li joħroġu minn xi liġi, deċiżjoni jew kondizzjoni ta' awtorizzazzjoni li l-Awtorità jkollha jedd tinforza, l-Awtorità għandha, fuq talba ta' xi parti fit-tilwima, tinvestiga l-kwistjoni u għandha tagħti deċiżjoni vinkolanti sabiex tirriżolvi t-tilwima fl-iqsar żmien possibbli, u f'kull każ fi żmien erba' (4) xhur mid-data meta t-tilwima tkun giet lilha notifikata:

Iżda dak iż-żmien ta' erba' (4) xhur jista' jiġi estiż f'ċirkostanzi li l-Awtorità tqis li jkunu eċċezzjonali:

Iżda wkoll jekk il-partijiet kollha f'tilwima jaqblu li m'għandhomx jibqgħu għaddejjin bit-tilwima bil-għan li jaslu għal soluzzjoni bonarja fuq il-kwistjonijiet kollha fit-tilwima, u jgħaddu tliet (3) xhur minn meta l-partijiet kollha hekk jaqblu li jitmellmu biex jilhqnu soluzzjoni bonarja, għaldaqstant it-tilwima għandha titqies li tkun intemmet meta jgħaddi ż-żmien imsemmi ta' tliet (3) xhur jekk matul dak iż-żmien ebda waħda mill-partijiet ma tkun talbet bil-miktub li t-tilwima titkompla u tinqata' mill-Awtorità. Meta xi parti tkun qieghda tagħmel talba bħal dik hija għandha wkoll tiddikjara xi jkunu raġunijiet tagħha għaliex tkun qieghda tagħmel dan."

17. Fil-verżjoni bl-Ingliż, fl-artikolu 46 tal-Att prinċipali l-kliem minn "The Minister" sal-kliem "any such functions:" għandhom jiġu enumerati bħala s-subartikolu (1) fl-intier tiegħu.

Emenda tal-artikolu 46 tal-Att prinċipali.

18. L-Ewwel Skeda li tinsab mal-Att prinċipali għandha tiġi emendata b'dan li ġej:

Emenda fl-Ewwel Skeda li tinsab mal-Att prinċipali.

(a) fil-intestatura tagħha l-kliem "(Artikolu 5(3))" għandhom jiġu sostitwiti bil-kliem "(Artikolu 5(2))"; u

(b) il-kliem "id-dispożizzjonijiet tal-paragrafu (ii) tal-proviso għall-artikolu 5(3)" għandhom jiġu sostitwiti bil-kliem "id-dispożizzjonijiet tal-paragrafu (b) tal-ewwel proviso għas-subartikolu (2) tal-artikolu 5".

TAQSIMA III

EMENDA GHALL-ATT DWAR IL-KOMUNIKAZZJONIJIET U TRANSAZZJONIJIET ELETTRONIĊI (KAP. 426)

19. Din it-Taqsima temenda l-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emendi għall-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi. Kap. 426.

20. L-artikoli 19 sa 22 tal-Att prinċipali għandhom jiġu mħassra.

Thassir tal-artikoli 19 sa 22 tal-Att prinċipali.

21. Fl-artikolu 24 tal-Att prinċipali l-kliem "li tikser l-artikoli 22 u 23 tal-Att" għandhom jiġu sostitwiti bil-kliem "li tikser l-artikolu 23 tal-Att".

Emenda tal-artikolu 24 tal-Att prinċipali.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 201 tat-30 ta' Jannar, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

2nd February, 2024

ACT No. I of 2024

AN ACT to amend various laws relating to communications and to make ancillary and consequential provisions thereto.

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

1. (1) The short title of this Act is the Communications Laws (Amendment) Act, 2024. Short title and commencement.

(2) Paragraphs (c) and (e) of article 10, paragraph (a) of article 12 and articles 20 and 21 shall come into force on the 17 February 2024.

(3) The provisions of this Act, apart from those mentioned in sub-article (2), shall come into force on such date or dates as the Minister responsible for communications may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes of these provisions of this Act.

PART I
AMENDMENTS TO THE ELECTRONIC COMMUNICATIONS
(REGULATION) ACT
(CAP. 399)

Amendments to the Electronic Communications (Regulation) Act. Cap. 399.

2. This Part amends the Electronic Communications (Regulation) Act and it shall be read and construed as one with the Electronic Communications (Regulation) Act, hereinafter in this Part referred to as the "principal Act".

General amendment to the principal Act.

3. The words "administrative fine" or "administrative fines" in the principal Act shall be substituted by the words "administrative penalty" or "administrative penalties" respectively, wherever they occur.

Amendment of article 31 of the principal Act.

4. In the marginal note of article 31 of the principal Act the word "Penalties" shall be substituted by the word "Punishments".

Amendment of article 34 of the principal Act.

5. Article 34 of the principal Act shall be amended by the following:

(a) in sub-paragraph (ii) of paragraph (d) thereof the words "be guilty of an infringement punishable as an administrative fine provided that such fines" shall be substituted by the words "be guilty of an infringement punishable as an administrative penalty provided that such administrative penalties";

(b) paragraph (A) of the proviso of sub-paragraph (ii) of paragraph (d) thereof shall be amended by the following:

(i) in the Maltese version, the words "pieni amministrattivi" shall be substituted by the words "penalitajiet amministrattivi"; and

(ii) the word "fines" shall be substituted by the words "administrative penalties";

(c) paragraph (B) of the proviso of sub-paragraph (ii) of paragraph (d) thereof shall be amended by the following:

(i) the words "such fines shall be that established in respect of fines imposed by the Authority under Part VII and Part VIII" shall be substituted by the words "such administrative penalties shall be that established in respect of administrative penalties imposed by the Authority under Part VI"; and

(ii) in the Maltese version, the words "penali amministrattivi" shall be substituted by the words "penalitajiet amministrattivi";

(d) in the Maltese version, in paragraph (C) of the proviso of sub-paragraph (ii) of paragraph (d) thereof the words "multa amministrattiva" shall be substituted by the words "penali amministrattiva"; and

(e) in paragraph (g) thereof the word "fine" shall be substituted by the words "fine (*multa*)".

6. Sub-article (1) of article 47 of the principal Act shall be amended by the following: Amendment of article 47 of the principal Act.

(a) paragraph (q) thereof shall be amended by the following:

(i) in the Maltese version, the words "penali amministrattivi" thereof shall be substituted by the words "penalitajiet amministrattivi"; and

(ii) the words "such fines" shall be substituted by the words "such administrative penalties";

(b) in the Maltese version, in paragraph (r) thereof the words "penali amministrattivi" shall be substituted by the words "penalitajiet amministrattivi"; and

(c) in paragraph (u) thereof the word "penalties" shall be substituted by the word "punishments".

7. In article 50 of the principal Act the word "penalties" shall be substituted by the word "punishments". Amendment of article 50 of the principal Act.

PART II
AMENDMENTS TO THE MALTA COMMUNICATIONS
AUTHORITY ACT
(CAP. 418)

8. This Part amends the Malta Communications Authority Act and it shall be read and construed as one with the Malta Communications Authority Act, hereinafter in this Part referred to as "the principal Act". Amendments to the Malta Communications Authority Act. Cap. 418.

9. The words "administrative fine" or "administrative fines" in the principal Act shall be substituted by the words "administrative penalty" or "administrative penalties" respectively, wherever they General amendment to the principal Act.

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occur.

Amendment of
article 32 of the
principal Act.

10. Article 32 of the principal Act shall be amended by the following:

(a) in the first proviso to sub-article (1) thereof the words "the fine" shall be substituted by the words "the administrative penalty";

(b) in sub-article (3) thereof the words "the fine" shall be substituted by the words "the administrative penalty";

(c) immediately after paragraph (a) of sub-article (4) thereof there shall be added the following new paragraph (aa):

"(aa) represents the risk of serious harm for the purposes of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC, (Digital Services Act); or";

(d) in sub-article (6) thereof the words "to suspend the fine pending proceedings, finally decides that the fine is due, such fine shall be due together with any interests accrued thereon as from the date originally set by the Authority for payment including the period during which the payment of the said fine was suspended" shall be substituted by the words "to suspend the administrative penalty pending proceedings, finally decides that the administrative penalty is due, such administrative penalty shall be due together with any interests accrued thereon as from the date originally set by the Authority for payment including the period during which the payment of the said administrative penalty was suspended"; and

(e) sub-article (9) thereof shall be substituted by the following new sub-article:

"(9) The Authority may at its discretion seek or accept all written commitments from any person responsible for any infringement of any law or decision, however so described, enforced by the Authority. Any such commitment as may be accepted by the Authority shall be binding on the person making that commitment:

Provided that the Authority in accepting any such commitment may impose any such conditions as it may consider appropriate in the circumstances and shall in all instances act in a transparent, non-discriminatory and

objective manner."

11. Sub-article (3) of article 32A of the principal Act shall be amended by the following:

Amendment of article 32A of the principal Act.

(a) the words "civil fine" shall be substituted by the words "administrative penalty";

(b) the words "fine of not less" shall be substituted by the words "administrative penalty of not less"; and

(c) the words "which fine or fines" shall be substituted by the words "which administrative penalty or administrative penalties".

12. Article 33 of the principal Act shall be amended by the following:

Amendment of article 33 of the principal Act.

(a) in sub-article (1) thereof the words "An administrative fine imposed shall not, unless provided otherwise by or under this Act," shall be substituted by the words "An administrative penalty imposed shall not, unless provided otherwise by or under this Act or by any other law enforced by the Authority,";

(b) in the second proviso to sub-article (1) thereof the words "daily fine" shall be substituted by the words "daily administrative penalty"; and

(c) sub-article (3) thereof shall be substituted by the following new sub-article (3):

"(3) The Minister may make regulations to establish the administrative penalties that may be imposed by the Authority in relation to any law enforced by the Authority:

Provided that the amount of administrative penalties that may be so prescribed shall not exceed the maximum amounts referred to under sub-article (1)."

13. In the Maltese version, in article 35 of the principal Act the words "biex jiġu imposti penali amministrattiva" shall be substituted by the words "biex tiġi imposta penali amministrattiva".

Amendment of article 35 of the principal Act.

14. In the Maltese version, in the marginal note of article 37 of the principal Act the words "penali amministrattivi" shall be substituted by the words "penalitajiet amministrattivi".

Amendment of article 37 of the principal Act.

15. Article 38 of the principal Act shall be amended by the following:

Amendment of article 38 of the principal Act.

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(a) in the Maltese version, in sub-article (1) thereof the words "penali amministrattivi" shall be substituted by the words "penalitajiet amministrattivi";

(b) in sub-article (3) thereof the words "such fine" shall be substituted by the words "such administrative penalty"; and

(c) in sub-article (6) thereof the words "a fine established by the Authority or reducing any such fine" shall be substituted by the words "an administrative penalty established by the Authority or reducing any such administrative penalty".

Amendment of
article 43 of the
principal Act.

16. Sub-article (1) of article 43 of the principal Act shall be substituted by the following:

"(1) Unless otherwise provided in any other law, in the event of a dispute occurring between:

(a) undertakings in Malta within the same communications sector; or

(b) undertakings providing electronic communications networks and, or services in Malta on the one hand, and other such undertakings providing electronic communications networks and, or services in other Member States benefiting from obligations of access or interconnection on the other hand; or

(c) undertakings providing electronic communications networks and, or services in Malta on the one hand, and undertakings providing associated facilities in Malta on the other hand,

with regard to any obligations arising under any law, decision or authorisation condition which the Authority is entitled to enforce, the Authority shall, at the request of any party to the dispute, investigate the matter and shall issue a binding decision to resolve the dispute in the shortest possible time frame, and in any case within four (4) months from the date on which the dispute was notified to it:

Provided that such period of four (4) months may be extended in circumstances which the Authority considers exceptional:

Provided further that if all the parties to a dispute agree that they shall not pursue further with the dispute with a view to achieving an amicable settlement on all the issues in

dispute, and three (3) months elapse from when all parties do so agree to discuss to reach an amicable settlement, then the dispute shall be considered to be terminated at the lapse of the aforesaid period of three (3) months if during that period none of the parties in writing requests the continuation of the determination of the dispute by the Authority. A party in making such a request shall also state its reasons therefore."

17. In article 46 of the principal Act the words from "The Minister" to the words "any such functions:" shall be numbered as sub-article (1) in its entirety.

Amendment of article 46 of the principal Act.

18. The First Schedule to the principal Act shall be amended by the following:

Amendment to the First Schedule to the principal Act.

(a) in the heading thereof the words "(Article 5(3))" shall be substituted by the words "(Article 5(2))"; and

(b) the words "the provisions of paragraph (ii) of the proviso to article 5(3)" shall be substituted by the words "the provisions of paragraph (b) of the first proviso to sub-article (2) of article 5".

PART III AMENDMENTS TO THE ELECTRONIC COMMERCE ACT (CAP. 426)

19. This Part amends the Electronic Commerce Act and it shall be read and construed as one with the Electronic Commerce Act, hereinafter in this Part referred to as the "principal Act".

Amendments to the Electronic Commerce Act. Cap. 426.

20. Articles 19 to 22 of the principal Act shall be deleted.

Deletion of articles 19 to 22 of the principal Act.

21. In article 24 of the principal Act the words "contravening articles 22 and 23 of the Act" shall be substituted by the words "contravening article 23 of the Act".

Amendment of article 24 of the principal Act.

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Passed by the House of Representatives at Sitting No. 201 of the
30th January, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

