

MALTA

ATT Nru XIX tal-2024

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

ATT sabiex jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta, Kap. 591, u sabiex jipprovdi għal materji oħra anċillari jew konsegwenzjali għalih.

ACT No. XIX of 2024

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Malta Digital Innovation Authority Act, Cap. 591, and to provide for other matters ancillary or consequential thereto.

Nagħti l-kunsens tiegħi.

(L.S.)

**FRANCIS ZAMMIT
DIMECH
Aġent President**

14 ta' Ġunju, 2024

ATT Nru XIX tal-2024

ATT sabiex jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta, Kap. 591 u sabiex jipprovdi għal materji oħra anċillari jew konsegwenzjali għalih.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2024 li jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta. Titolu fil-qosor u għan.

(2) L-għan ta' dan l-Att huwa sabiex jemenda u jimplimenta diversi liġijiet dwar it-teknoloġija u sabiex jipprovdi dwar affarijiet anċillari jew inċidentali għalihom.

TAQSIMA I

**EMENDI GHALL-ATT DWAR L-AWTORITÀ TAL-
INNOVAZZJONI DIĠITALI TA' MALTA**

2. Din it-Taqsima temenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali". Emendi għall-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta. Kap. 591.

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Emendi ġenerali tal-Att prinċipali.

3. L-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kelma "Chairman" għandha tiġi sostitwta bil-kelma "Chairperson", kull fejn tokkorri;

(b) il-kelma "tenforza" għandha tiġi sostitwita bil-kelma "tinforza", kull fejn tokkorri; u

(ċ) il-kliem "liġi speċjali" jew "liġijiet speċjali" għandhom jiġu sostitwiti bil-kelma "liġi" jew "liġijiet" rispettivament, kull fejn jokkorru.

Sostituzzjoni tat-titolu tal-Att prinċipali.

4. It-titolu tal-Att prinċipali għandu jiġi sostitwit bit-titolu ġdid li ġej:

"ATT sabiex jipprovdi għat-twaqqif ta' Awtorità li tkun magħrufa bħala l-Awtorità tal-Innovazzjoni Diġitali ta' Malta, biex tappoġġja l-iżvilupp u l-implimentazzjoni tal-prinċipji gwida deskritti f'dan l-Att u sabiex tippromwovi prinċipji konsistenti għall-iżvilupp ta' viżjonijiet, ħiliet, u kwalitajiet oħra li għandhom x'jaqsmu mat-teknoloġija innovattiva, u sabiex teżerċita funzjonijiet regolatorji fir-rigward ta' teknoloġija innovattiva u servizzi relatati u sabiex tipprovdi għal ħwejjeġ anċillari għalihom jew konnessi magħhom."

Sostituzzjoni tat-Taqsim tal-Att prinċipali.

5. It-Taqsim tal-Att prinċipali għandu jiġi sostitwit bit-Taqsim ġdid li ġej:

"TAQSIM TAL-ATT

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L-Ewwel Skeda	Teknoloġija Innovattiva	
It-Tieni Skeda	Imħassra bl-Att Nru XIX	
	tal-2024".	

6. L-artikolu 2 tal-Att prinċipali għandu jigi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 2 tal-Att prinċipali.

"Tifsir.

2. (1) F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

Kap. 591.

"l-Att" tfisser l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta, u tinkludi kwalunkwe regolamenti u regoli magħmula, u linji gwida maħruġa taħthom sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra;

"Awtorità" tfisser l-Awtorità tal-Innovazzjoni Diġitali ta' Malta stabbilita permezz tal-artikolu 5 u kwalunkwe referenza f'dan l-Att jew fi kwalunkwe liġi oħra għall-Awtorità għandha, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra, tinftiehem bħala li tinkludi kwalunkwe persuna awtorizzata mill-Awtorità sabiex taġixxi f'isimha;

"Bord" tfisser il-Bord tal-Gvernaturi tal-Awtorità magħmul miċ-Chairperson u l-membri maħtura skont l-artikolu 5;

"Chairperson" tfisser iċ-Chairperson tal-Awtorità u tinkludi, fiċ-ċirkostanzi msemmija fl-artikolu 5(3), il-Viċi Chairperson jew kwalunkwe persuna oħra appuntata sabiex taġixxi bħala Chairperson;

"deċiżjoni" tinkludi kwalunkwe direttiva, determinazzjoni, direzzjoni, kondizzjoni, miżura, ħtieġa jew speċifikazzjoni, tkun kif tkun deskritta, magħmula mill-Awtorità;

"intrapriži żgħar jew ta' daqs medju" għandu jkollha l-istess tifsira mogħtija lilha skont ir-Rakkomandazzjoni tal-Kummissjoni tas-6 ta' Mejju 2003 dwar id-definizzjoni ta' intrapriži mikro, żgħar u ta' daqs medju (notifikata skont id-dokument numru C(2003) 1422) jew xi liġi li għiet promulgata fir-rigward tagħhom;

"Ministru" tfisser il-Ministru responsabbli għall-Awtorità;

"rikonoxximent" tfisser kwalunkwe forma ta' rikonnoxximent inkluż licenzja, registrazzjoni, permess, awtorizzazzjoni, approvazzjoni, konferma, ċertifikazzjoni, attestazzjoni jew mark of credit, mogħtija jew maħruġa mill-Awtorità skont is-setgħat tal-Awtorità;

"setgħat tal-Awtorità" tfisser is-setgħat tal-Awtorità li jirriżultaw minn dan l-Att, minn kwalunkwe liġijiet speċjali li l-Awtorità hija appuntata jew intitolata li tamministra jew tinforza, kwalunkawe haġra governattiva jew ministerjali jew b'delegazzjoni, haġra jew ingaġġar minn entitajiet pubbliċi, korpi regolatorji u, jew awtoritajiet kompetenti oħra;

"teknoloġija innovattiva" tinkludi kwalunkwe forma ta' teknoloġija diġitali, inkluż iżda mhux limitata għal, kwalunkwe tip ta' teknoloġija innovattiva elenkata fl-Ewwel Skeda, prodotti relatati, soluzzjonijiet jew servizzi, kif ukoll proċessi u prattiċi mmirati jew imfassla sabiex jipproteġu t-teknoloġija diġitali u l-utenti tagħha;

"Tribunal" tfisser it-Tribunal ta' Revizjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva;

"utent" tinkludi kwalunkwe persuna li tuża jew b'xi mod ieħor tipparteċipa fi, jew tkun involuta f'teknoloġija innovattiva.

Kap. 490.

(2) Fejn issir referenza għas-setgħat tal-Awtorità sabiex tħares l-interess pubbliku u l-utenti, din għandha tinftiehem bħala referenza għal membri tal-pubbliku u utenti fi kwalunkwe pajjiż u mhux esklussivament għal utenti f'Malta.

(3) Id-dispożizzjonijiet tal-Att għandhom ikunu mingħajr preġudizzju għal dispożizzjonijiet rigward attivitajiet li jikkonċernaw is-sigurtà pubblika, id-difiża, is-sigurtà nazzjonali u l-attivitajiet tal-Istat f'oqsma tal-liġi kriminali.

(4) Sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra, id-dispożizzjonijiet ta' dan l-Att u ta' kwalunkwe regolamenti magħmula tahtu għandhom japplikaw fin-nuqqas ta' regoli sostantivi dwar ir-rikonoxximent ta' teknoloġija innovattiva kif jista' jkun hemm f'xi liġijiet speċjali jew f'xi leġiżlazzjoni tal-Unjoni Ewropea jew internazzjonali li huma applikabbli għal Malta.

(5) Illi fil-każ li d-dispożizzjonijiet tal-Att jikkonfliġġu ma' xi dispożizzjonijiet ta' xi liġi oħra, id-dispożizzjonijiet tal-Att għandhom jipprevalu."

7. L-artikolu 3 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 3 tal-Att prinċipali.

"Promozzjoni u żvilupp tal-interessi tal-Awtorità.

3. Il-Gvern għandu, permezz tat-twaqqif tal-Awtorità f'Malta, ifittex li jkun hemm progress tas-settur tat-teknoloġija innovattiva f'Malta u t-trawwim tat-teknoloġija innovattiva f'Malta jew minn Malta permezz tar-rikonoxximent u r-regolamentazzjoni ta' teknoloġija innovattiva u servizzi relatati rilevanti, il-ħruġ u l-promozzjoni ta' inizjattivi u inċentivi mmirati lejn is-settur tat-teknoloġija innovattiva u l-addozzjoni ta' standards li jżidu l-fiduċja fit-teknoloġija innovattiva. Dan għandu jsir:

(a) b'rispett sħiħ għall-importanza tal-innovazzjoni u l-isforzi u l-potenzjal tal-intrapriżi żgħar jew ta' daqs medju u s-settur start-up f'dan il-qasam ta' attività;

(b) filwaqt li jiġi kkunsidrat li l-approċċ għar-rikonoxximent u r-regolamentazzjoni jista' jiġi mmoderat skont il-pass tal-bidliet u l-iżviluppi li jseħħu f'dan is-settur;

(ċ) b'mod li jiżgura li jkun hemm standards fis-seħħ għall-protezzjoni tal-utenti, l-integrità tas-suq u l-interess pubbliku b'mod generali;

(d) b'mod li jincentiva l-innovazzjoni u l-iżvilupp ta' teknoloġija innovattiva f'Malta jew minn Malta;

(e) b'mod li huwa konsistenti mal-liġijiet Ewropej u internazzjonali applikabbli għal Malta; u

(f) f'konformità mal-valuri deskritti fl-istrategija tal-Awtorità jew f'dokument simili, kif jistgħu jiġu aġġornati minn żmien għal żmien."

Emenda tal-artikolu 4 tal-Att prinċipali.

8. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Gvern għandu jiddetermina l-politiki u l-oġettivi ta' Malta fir-rigward ta' teknoloġija innovattiva sabiex jappoġġja l-iżvilupp ta' Malta bħala centru ta' eċċellenza għal teknoloġija innovattiva u għandu japproprja tali fondi u jipprovdi tali riżorsi lill-Awtorità li jikkonsidra neċessarji sabiex jintlaħqu dawk il-miri.";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) L-Awtorità għandha tfittex li tikseb l-oġettivi u l-politiki prinċipali li ġejjin u għandu jkollha s-setgħa:

(a) li tippromwovi politiki governattivi li jiffavorixxu l-iskjerament fi hdan l-amministrazzjoni pubblika, ta' teknoloġija innovattiva mill-Gvern fejn ikun neċessarju jew xieraq;

(b) li trawwem, tippromwovi u tiffacilita l-avvanz u l-utilizzazzjoni ta' teknoloġija innovattiva, permezz ta', fost l-oħrajn, programmi u skemi bħal, iżda mhux limitati għal ambjent regolatorju kkontrollat għall-ittestjar ta' teknoloġija innovattiva, immirati sabiex jincentivaw l-iżvilupp ta' teknoloġija innovattiva f'Malta u minn Malta u l-ħolqien ta' fiduċja fit-teknoloġija innovattiva;

(ċ) li tassisti żviluppaturi ta' teknoloġija innovattiva, b'mod partikolari, iżda mhux esklussivament, start-ups u intrapriżi żgħar jew ta' daqs medju sabiex jilħqu l-obbligi regolatorji tagħhom u obbligi oħra, u sabiex tnaqqas ir-riskji għal, u pprezentati minn, teknoloġija innovattiva, billi toħroġ rikonoxximent kif ukoll permezz ta' programmi u incentivi oħrajn immirati għal dan il-

għan;

(d) li tippromwovi, permezz ta' għotjiet, programmi, riċerka, edukazzjoni, użu u, jew, id-disponibbiltà ta' faċilitajiet, hardware jew persunal, l-użu u l-iżvilupp ta' teknoloġija innovattiva u l-applikazzjoni ta' standards etiċi fl-iżvilupp u l-użu ta' dik it-teknoloġija innovattiva:

Iżda l-għoti ta' dawk l-għotjiet ma għandux jippreġudika u, jew jipprekludi s-sorveljanza tal-Awtorità u l-funzjonijiet u s-setgħat regolatorji tagħha;

(e) li tippromwovi, u tistinka sabiex tissalvagwardja, iżżomm u tipproteġi r-reputazzjoni ta' Malta fir-rigward ta' teknoloġija innovattiva u l-iżvilupp u l-użu ta' teknoloġija innovattiva;

(f) li tipproteġi l-interess tal-utenti ta' teknoloġija innovattiva u l-pubbliku b'mod ġenerali, u b'hekk tiegħu l-azzjoni neċessarja, inkluż mingħajr limitazzjoni għall-iżvelar ta' informazzjoni u dokumenti li l-Awtorità fid-diskrezzjoni tagħha tqis li jimmeritaw l-iżvelar u, jew meta rikjest mill-liġi, li għandha tiġi żvelata lill-pubbliku inġenerali u, jew irreferuti lil xi awtorità kompetenti oħra u t-tweqqig ta' kwalunkwe att jew kollaborazzjoni minn, jew ma' entitajiet pubbliċi, awtoritajiet kompetenti u, jew korpi regolatorji oħra;

(g) li tipprovdi bażi finanzjarja b'saħħitha lill-Awtorità, permezz ta', fost l-oħrajn, l-impożizzjoni ta' tariffi mill-Awtorità, inkluż l-impożizzjoni ta' imgħax fil-każ ta' ħlas tardiv b'rata li tiġi stabbilita mill-Awtorità, sabiex l-Awtorità tkun tista' tilhaq l-għanijiet tagħha;

(h) li tippromwovi prattiċi armonizzati u, fejn ikun applikabbli, li tiffaċilita l-adozzjoni ta' standards fit-teknoloġija innovattiva f'Malta konformement ma' normi, standards, regoli u, jew liġijiet internazzjonali u b'mod partikolari ma' dawk tal-Unjoni Ewropea;

(i) li tassisti lill-awtoritajiet kompetenti għall-protezzjoni tad-data kif rikjest mill-liġi;

(j) li tippromwovi u tinkoragġixxi kriterji etiċi u legittimi fid-disinn u fl-użu ta' teknoloġija innovattiva, u li tinforza, kif tqis meħtieġ, il-kwalità tas-servizzi u s-sigurtà tat-teknoloġija innovattiva li għaliha jkun għe mogħti rikonoxximent mill-Awtorità;

(k) li permezz ta' kollaborazzjoni ma' korpi regolatorji u awtoritajiet kompetenti oħra bir-responsabbiltà għall-prevenzjoni ta' hasil ta' flus u l-iffinanzjar ta' terroriżmu u l-kriminalità b'mod ġenerali, tappoġġja l-prevenzjoni ta' hasil ta' flus, il-finanzjar ta' terroriżmu u t-twettiq ta' kwalunkwe reat ieħor fi, jew permezz tal-użu ta' teknoloġija innovattiva;

(l) li tippromwovi l-fiduċja, it-trasparenza, l-affidabbiltà, ir-robustezza, is-sigurtà u l-kontabbiltà fid-disinn u fl-użu ta' teknoloġija innovattiva;

(m) li tippromwovi ċ-ċertezza legali fl-applikazzjoni ta' liġijiet f'kundest nazzjonali u transkonfinali, u l-iżvilupp ta' prinċipji legali xierqa għall-applikazzjoni effettiva tal-liġi għal teknoloġija innovattiva; u

(n) li tippromwovi s-sigurtà ppjanata u sigurtà b'mod awtomatiku b'referenza għal teknoloġija innovattiva.";

(ċ) fis-subartikolu (3) tiegħu, il-kliem "l-amministrazzjoni pubblika u t-trasport." għandhom jiġu sostitwiti bil-kliem "l-amministrazzjoni pubblika, il-logistika, it-trasport, l-isports u divertiment.";

(d) fis-subartikolu (4) tiegħu, il-kliem "arranġamenti ta' teknoloġija innovattiva" għandhom jiġu sostitwiti bil-kliem "teknoloġija innovattiva"; u

(e) minnufih wara s-subartikolu (4) tiegħu, kif emendat, għandhom jiġu miżjuda dawn is-subartikoli godda li ġejjin:

"(5) L-Awtorità għandha tkun il-punt ċentrali nazzjonali għar-rikonoxximent ta' teknoloġija innovattiva u għandha, meta tqis li hu meħtieġ, tikkollabora ma' entitajiet pubbliċi, korpi regolatorji u, jew awtoritajiet kompetenti oħra fil-promozzjoni ta' miżuri li jiġu adottati

sabiex jintlaħqu u jitnaqqsu r-riskji identifikati mill-użu maħsub tiegħu.

(6) Għall-finijiet ta' dan l-artikolu:

(a) "sigurtà ppjanata" tfisser mizuri adottati fl-iktar stadji bikrin tad-disinn u l-iżvilupp ta' teknoloġija innovattiva, kif ukoll tul il-ħajja tagħha, sabiex is-sigurtà tagħha tkun protetta sal-ogħla grad possibbli; u

(b) "sigurtà prestabbilita" tfisser il-konfigurazzjoni prestabbilita ta' teknoloġija innovattiva bl-iktar settings sikuri possibbli."

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

Emenda tal-artikolu 5 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Għandu jkun hemm korp, li għandu jkun magħruf bhala l-Awtorità tal-Innovazzjoni Diġitali ta' Malta, li l-attivitajiet u x-xogħol tagħha għandhom jitwettqu minn Bord li jkun magħmul minn Chairperson u mhux inqas minn erba' (4) u mhux iżjed minn tmien (8) membri oħra li, fl-opinjoni tal-Ministru, għandhom ikunu persuni bi kwalifiki u esperjenza relattiva *inter alia* f'materji li jirrigwardaw teknoloġija innovattiva, servizzi finanzjarji, awditjar u l-kontabbilità, liġi, regolamentazzjoni u suġġetti oħra li jistgħu jkunu rilevanti għall-kompetenza superviżorja u regolatorja tal-Awtorità.";

(b) fil-paragrafu (d) tas-subartikolu (4) tiegħu, il-kliem "reat kriminali taħt liġi regolatorja li hemm referenza għaliha fit-Tieni Skeda," għandhom jiġu sostitwiti bil-kliem "reat kriminali taħt kwalunkwe liġi,";

(c) il-paragrafu (c) tas-subartikolu (6) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(c) jekk xi membru jonqos milli jaqdi dmirijietu għal perjodu kontinwu ta' aktar minn ħames (5) xhur mingħajr l-ebda ġustifikazzjoni valida.";

(d) fis-subartikolu (9) tiegħu, il-kliem "Kull membru tal-Awtorità" għandhom jiġu sostitwiti bil-kliem "Kull membru tal-Bord"; u

(e) is-subartikolu (10) tiegħu għandu jiġi mħassar.

Emenda tal-
artikolu 6 tal-
Att prinċipali.

10. L-artikolu 6 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "f'Malta ta' arrangamenti ta' teknoloġija innovattiva u ta' servizzi ta' teknoloġija innovattiva sabiex tilhaq il-prinċipji u l-oġġettivi msemmija fit-Taqsima II." għandhom jiġu sostitwiti bil-kliem "f'Malta jew minn Malta ta' teknoloġija innovattiva sabiex tilhaq il-politiki u l-għanijiet msemmija fl-artikolu 4.";

(b) fis-subartikolu (2) tiegħu l-kliem "il-funzjonijiet superviżorji u regolatorji fil-qasam ta' arrangamenti ta' teknoloġija innovattiva u ta' servizzi ta' teknoloġija innovattiva li jistgħu, minn żmien għal żmien, jiġu assenjati lilha mill-Awtorità b'xi liġi speċjali." għandhom jiġu sostitwiti bil-kliem "dawk il-funzjonijiet superviżorji u regolatorji fil-qasam ta' teknoloġija innovattiva skont is-setgħat tal-Awtorità.";

(ċ) is-subartikoli (3), (4), (5), (6) u (7) tiegħu għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

"(3) L-Awtorità għandha, mingħajr preġudizzju għal kwalunkwe waħda mis-setgħat tal-Awtorità jew funzjonijiet, u skont l-artikolu 3 ikollha s-setgħat li:

(a) tippubblika u tamministra tali programmi, skemi u inizjattivi li, fil-fehma tagħha, huma neċessarji sabiex jippromwovu l-interessi tas-settur tat-teknoloġija innovattiva u l-utenti tiegħu, inklużi, iżda mhux limitati għall-iskemi ta' rikonoxximent fejn, fost l-oħrajn, it-teknoloġija innovattiva, u r-riskji pprezentati mill-applikazzjoni tagħha huma vvalutati u ttestjati u pprovdu b'ċertifikat jew marka ta' assigurazzjoni jew approvazzjoni, fi kwalunkwe mod li ssir refereza għalihom:

Izda l-Awtorità għandha tippubblika t-termini ta' dawk il-programmi, skemi u inizjattivi b'mod ċar u trasparenti;

(b) sakemm ma jiġix stabbilit xort'oħra minn jew skont kwalunkwe liġi u, jew regolament applikabbli, tiddetermina dawk is-servizzi professjonali fir-rigward ta' teknoloġija innovattiva li jeħtieġu rikonoxximent mill-Awtorità u tippubblika u tamministra dawk il-programmi, skemi u inizjattivi

li, fil-fehma tal-Awtorità, huma neċessarji sabiex irawmu fiduċja fit-teknoloġija innovattiva, inklużi servizzi għall-verifika u ttestjar ta' teknoloġija innovattiva, jew aspetti minnhom, u r-riskji pprezentati mill-użu jew l-applikazzjoni tagħhom;

(ċ) tippubblika u tamministra dawk il-programmi, skemi u inizzjattivi, inklużi dawk li jiżguraw id-disponibbiltà ta' ambjent regolatorju kkontrollat għall-ittestjar ta' teknoloġija innovattiva, għat-trawwim tal-iżvilupp tat-teknoloġija innovattiva f'Malta jew minn Malta;

(d) tikseb mill-Gvern, jew awtoritajiet jew aġenziji lokali oħra u, jew tagħmel applikazzjonijiet lill-Unjoni Ewropea jew korpi internazzjonali oħra għall-għoti ta' fondi sabiex jintużaw bhala għotjiet li jkunu allokatu għal teknoloġija innovattiva permezz ta' inċentivi u rikonoxximenti, u tamministra dawk l-għotjiet u inċentivi lill-applikanti skont kundizzjonijiet ġusti, trasparenti u mhux diskriminatorji u li jkunu ppubblikati mill-Awtorità u li jkunu aċċessibbli permezz tas-sit elettroniku tal-Awtorità minn żmien għal żmien;

(e) twettaq il-funzjonijiet tal-Awtorità Nazzjonali taċ-Ċertifikazzjoni taċ-Ċibersigurtà skont ir-Regolament (UE) 2019/881 tal-Parlament Ewropew u tal-Kunsill tas-17 ta' April 2019 dwar l-ENISA (l-Aġenzija tal-Unjoni Ewropea għaċ-Ċibersigurtà) u dwar iċ-ċertifikazzjoni taċ-ċibersigurtà tat-teknoloġija tal-informazzjoni u tal-komunikazzjoni u li jhassar ir-Regolament (UE) Nru 526/2013 (l-Att dwar iċ-Ċibersigurtà) u tagħti pariri lill-Ministru dwar l-adozzjoni u l-pubblikazzjoni ta' liġijiet neċessarji sabiex jimplimentaw liġijiet Ewropej u internazzjonali relatati maċ-ċertifikazzjoni taċ-ċibersigurtà;

(f) tiġi kkonsultata dwar kwalunkwe implimentazzjoni pplanata ta' liġijiet u politiki relatati mal-impożizzjoni nazzjonali ta' obbligi fir-rigward ta' teknoloġija innovattiva fi kwalunkwe qasam jew settur kif ukoll f'dawk relatati mal-implimentazzjoni ta' leġiżlazzjoni tal-Unjoni Ewropea u internazzjonali li jirrigwardaw teknoloġija innovattiva;

(g) bla hsara għal kwalunkwe limitazzjoni li tista' tiġi imposta fuq is-setgħat tal-Awtorità, tistabbilixxi u timponi tariffi fir-rigward ta' teknoloġija innovattiva, inkluż fuq kwalunkwe rikonoxximent u kwalunkwe persuni, bħal fornituri ta' servizzi relatati ma' teknoloġija innovattiva li jipparteċipaw fl-inizjattivi u, jew fl-iskemi ppubblikati jew amministrati mill-Awtorità, kemm jekk taġixxi waħedha kif ukoll b'mod kongunt ma' entitajiet pubbliċi, korpi regolatorji u, jew awtoritajiet kompetenti oħra, soġġett għall-pubblikazzjoni ta' dawk it-tariffi bil-quddiem u b'mod trasparenti, u aċċessibbli permezz tas-sit elettroniku tal-Awtorità għandu jkollha wkoll is-setgħa li tistabbilixxi u timponi tariffi għal servizzi mogħtija lil entitajiet pubbliċi, korpi regolatorji u, jew awtoritajiet kompetenti oħra;

(h) tirregola, toħroġ rikonoxximenti u kundizzjonijiet, inkluż rikonoxximenti temporanji jew parzjali fil-prinċipju, kif jista' jkun elaborat ulterjorment mill-Awtorità abbażi tal-linji gwida tagħha u tagħmel testijiet, monitoraġġ u superviżjoni fuq teknoloġija innovattiva f'Malta jew minn Malta, skont l-Att;

(i) iżzomm taħt reviżjoni l-prattiċi, l-operazzjonijiet u l-attivitajiet kollha li għandhom x'jaqsmu ma' kwalunkwe materja regolata minn jew skont l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza jew xi leġislażżjoni tal-Unjoni Ewropea jew internazzjonali li tapplika għal Malta;

(j) tippromwovi standards għoljin ta' mġiba u governanza fl-industrija tat-teknoloġija innovattiva, li jikkorrispondu mal-livelli ta' riskji li jippreżenta l-użu ta' teknoloġija innovattiva;

(k) tinforza konformità mal-obbligi u, jew termini li joħroġu mil-liġi u, jew fit-termini tal-liġi;

(l) tkun sid ta', tiġġestixxi, tissorvelja u tikkontrolla u kif meħtieġ tuża, iżzomm, tiżviluppa u tipprovdi, issostni subliċenzja u, jew tagħmel disponibbli kwalunkwe wallet jew soluzzjoni simili jew software, kwalunkwe wallet solution, kont jew

faċilità oħra, b'mod partikolari fir-rigward ta' kwalunkwe forma ta' identità diġitali, akkreditazzjoni, data u assi diġitali;

(m) tissieħeb ma' faċilitajiet, entitajiet u persuni, inklużi fornituri ta' servizzi u twettaq tranżazzjonijiet li jista' jidhrilha neċessarji għat-twettiq tal-funzjonijiet tagħha, u tidhol fi kwalunkwe kuntratt għall-provvista ta' oġġetti jew materjali jew għall-eżekuzzjoni ta' xogħol, jew għall-għoti ta' servizzi lil, jew għall-benefiċċju u, jew il-funzjonament tal-Awtorità, inkluż iżda mhux limitat għal, skont il-paragrafu (l) u, jew tas-settur tat-teknoloġija innovattiva;

(n) twettaq monitoraġġ fuq l-effetti tal-ligijiet dwar l-użu u l-operat ta' teknoloġija innovattiva u twettaq jew tikkummissjona tali studju, riċerka jew investigazzjoni li jidhrilha neċessarju f'dan ir-rigward;

(o) toħroġ dokumentazzjoni vinkolanti bħal linji gwida, u tipprovdi informazzjoni u gwida dwar kwalunkwe materja, inklużi tifsiriet, regolati minn, jew skont l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità hija intitolata li tamministra jew tinforza jew xi leġiżlazzjoni Ewropea jew internazzjonali applikabbli għal Malta;

(p) tiddetermina, bis-saħħa ta' linji gwida jew dokumentazzjoni vinkolanti oħra, liema prodotti, soluzzjonijiet jew servizzi jistgħu jiġu klassifikati bħala "teknoloġija innovattiva" kif imfissra fl-Att u l-għanijiet, il-kwalitajiet, il-karatteristiċi, l-attributi, l-imġiba jew aspetti tagħhom li għandhom jiġu rikonoxxuti mill-Awtorità;

(q) tappoġġja u tikkoordina ma' organizzazzjonijiet li ma jagħmlux profitt u ma' istituzzjonijiet edukattivi f'Malta li huma stabbiliti għall-promozzjoni tal-użu u l-iżvilupp ta' teknoloġija innovattiva;

(r) iżżomm taħt reviżjoni l-iżviluppi f'suġġetti rilevanti relatati ma' teknoloġija innovattiva sabiex tiżgura li l-attività f'Malta hi generalment konsistenti mal-istandards rikonoxxuti

internazzjonalment u normi ta' prattika tajba;

(s) tidhol fi ftehim ma' korpi u awtoritajiet pubbliċi oħra sabiex jiġi kkoordinat aħjar l-eżerċizzju effettiv u effiċjenti tal-funzjonijiet rispettivi ta' dawk il-korpi u awtoritajiet pubbliċi fejn ikollhom funzjonijiet, interessi jew għanijiet komuni, inkluż id-delega lill-Awtorità mill-korpi u awtoritajiet pubbliċi msemmija ta' ċerti setgħat li jappartjenu lilhom u d-delega mill-Awtorità lil dawk il-korpi u awtoritajiet pubbliċi oħrajn ta' ċerti setgħat tal-Awtorità;

(t) tiġbor statistika rilevanti u informazzjoni oħra kif jista' jkun meħtieġ mill-Awtorità fir-rigward ta' teknoloġija innovattiva;

(u) twettaq dawk il-funzjonijiet l-oħra, inklużi funzjonijiet immirati lejn il-promozzjoni ta' teknoloġija innovattiva, li jistgħu minn żmien għal żmien jiġu assenjati lilha mill-Ministru, jew b'haġra governattiva jew haġra ministerjali, jew permezz ta' ingaġġar minn entitajiet pubbliċi, korpi regolatorji u, jew awtoritajiet kompetenti oħra;

(v) timponi penali amministrattivi u, jew miżuri u, jew multi skont is-setgħat tal-Awtorità fir-rigward ta' ksur tal-Att, kwalunkwe regolamenti magħmula taħtu, kwalunkwe liġi speċjali li l-Awtorità hija intitolata li tamministra jew tinforza, jew kwalunkwe rikonoxximent maħruġ mill-Awtorità jew xi leġiżlazzjoni Ewropea jew internazzjonali applikabbli għal Malta;

(w) tagħti pariri lill-Ministru dwar il-formulazzjoni ta' politika fir-rigward ta' materji minn, jew skont l-att, u b'mod partikolari fir-rigward ta' kwalunkwe obbligu internazzjonali;

(x) b'mod ieħor tagħti pariri lill-Ministru dwar kwalunkwe materja konnessa mal-funzjonijiet tagħha skont l-Att jew kwalunkwe liġi oħra;

(y) tifformula u timplimenta l-politiki u l-istrategiji b'objettivi ta' terminu qasir u ta' terminu fit-tul fir-rigward ta' materji konnessi mal-funzjonijiet tagħha skont l-Att jew kwalunkwe liġi

oħra;

(z) tinkoraġġixxi utenti ta' teknoloġija innovattiva sabiex jistabilixxu postijiet ta' negozju f'Malta;

(aa) tagħti pariri lill-Ministru dwar l-ippjanar u l-iżvilupp tal-industrija ta' teknoloġija innovattiva kif ukoll dwar l-infrastruttura li tappoġġja l-industrija tat- teknoloġija innovattiva;

(bb) tippromwovi u tavvanza lil Malta bħala destinazzjoni għal utenti kummerċjali ta' valur għoli li jużaw teknoloġija innovattiva sabiex jistabilixxu postijiet ta' negozju f'Malta;

(ċċ) tippreskrivi kwalunkwe formola relatata ma' kwalunkwe mill-applikazzjonijiet u proċessi involuti fir-rikonoxximent ta' teknoloġija innovattiva;

(dd) tistabilixxi jew tipparteċipa fit-twaqqif u l-operat ta' entitajiet li l-funzjoni tagħhom għandha tkun neċessarja, anċillari jew li twassal għall-kisba tal-funzjonijiet u, jew għanijiet tal-Awtorità skont l-Att jew kwalunkwe regolamenti magħmula tahtu jew kwalunkwe liġi speċjali li l-Awtorità għandha s-setgħa li tamministra jew tinforza jew xi leġiżlazzjoni Ewropea jew internazzjonali applikabbli għal Malta;

(ee) twettaq funzjonijiet ta' awtorità kompetenti skont ir-Regolament (UE) 2022/868 tal-Parlament Ewropew u tal-Kunsill tat-30 ta' Mejju 2022 dwar il-governanza Ewropea tad-data u li jemenda r-Regolament (UE) 2018/1724 (Att dwar il-Governanza tad-Data) għal servizzi ta' *data altruism* u servizzi ta' *data intermediation*;

(ff) twettaq il-funzjonijiet in konformità ma' mekkaniżmi ta' kooperazzjoni ma' awtoritajiet nazzjonali kompetenti oħra; u

(gg) tappunta persuna kompetenti jew xort'oħra teħtieġ li l-persuna konċernata tappunta persuna kompetenti f'każ li tikkunsidra li dan hu xieraq jew spedjenti sabiex twettaq dawk il-kompiti

skont dawk it-termini u l-kondizzjonijiet li l-Awtorità tista' tordna. Id-drittijiet u l-ispejjeż kollha inkorsi mill-persuna kompetenti fir-rigward jew inċidentali għal tali ħatra, għandhom jithallsu mill-persuna li fir-rigward tagħha giet appuntata l-persuna kompetenti, sakemm ma jiġix determinat mod ieħor mill-Awtorità. L-Awtorità tista' tohrog linji gwida li jistabbilixxu l-proċeduri jew ir-rekwiżiti relatati ma' din il-ħatra u dawn il-linji gwida jistgħu wkoll jistabbilixxu l-poteri, id-dmirijiet u l-obbligi tal-persuna kompetenti.

(4) (a) Mingħajr preġudizzju jew limitazzjoni għal kwalunkwe waħda mis-setgħat tal-Awtorità, l-Awtorità għandu jkollha s-setgħa, strettament għall-finijiet tat-twettiq tal-funzjonijiet tagħha, li titlob kwalunkwe persuna jew kwalunkwe persuna li jista' jkollha fil-pussess tagħha dokumentazzjoni rilevanti sabiex tagħtiha kull informazzjoni, dokumenti u rapporti, inkluża informazzjoni finanzjarja, li l-Awtorità tqis neċessarja:

Iżda l-informazzjoni mitluba mill-Awtorità għandha tkun proporzjonata mat-twettiq tal-funzjonijiet u l-obbligi tagħha skont l-Att jew kwalunkwe regolamenti magħmula tahtu jew kwalunkwe ligi speċjali li l-Awtorità għandha s-setgħa li tamministra jew tinforza jew xi leġiżlazzjoni Ewropea jew internazzjonali applikabbli għal Malta, u meta teħtieg kwalunkwe informazzjoni kif intqal qabel, l-Awtorità għandha tispeċifika r-raġuni għal tali rikjesta.

(b) Fejn l-Awtorità titlob informazzjoni relatata mal-proprjetà intellettuali, mas-sigrieti kummerċjali jew mal-informazzjoni kummerċjalment sensittiva relatata ma' kwalunkwe teknoloġija innovattiva, hi għandha tordna li tingħata biss dik l-informazzjoni li hi strettament neċessarja għall-għanijiet tagħha u għandha żżomm dik l-informazzjoni kunfidenzjali.

(ċ) Persuna li tiġi avżata b'talba għall-informazzjoni għandha minnufih tikkonforma mat-talba u mal-perjodu ta' żmien u skont kwalunkwe livell ta' dettall kif jista' jkun meħtieg mill-Awtorità.

(d) Kwalunkwe persuna li jkollha jew li kellha informazzjoni rikjesta mill-Awtorità kif

provdut fit-termini tal-Att u l-uffiċjali jew l-impjegati tagħha għandhom fuq talba bil-miktub mill-Awtorità, jipprovdu b'mod espedjenti lill-Awtorità bi kwalunkwe informazzjoni fit-termini tal-Att, ma tista' tqajjem l-ebda eċċezzjoni jew difiża f'dan ir-rigward, inkluż xi obbligu dwar il-projibizzjoni jew il-kunfidenzjalità li jiskattaw mil-liġi kuntrattwali jew b'mod ieħor tirrifjuta li tikkonforma ma' tali rikjesta tal-Awtorità. L-ebda azzjoni għal ksur tal-liġi kuntrattwali jew azzjoni dixxiplinarja ma tista' tittiehed b'mod dirett jew indirett minn persuna fil-konfront tal-uffiċjali u l-impjegati minhabba l-fatt li pprovdew lill-Awtorità b'xi informazzjoni meħtieġa mill-istess Awtorità kif provdut fis-subartikolu (4) u kwalunkwe tali miżura kuntrattwali jew dixxiplinarja għandha titqies bħala nulla u bla effett:

Iżda kwalunkwe tali persuna għandha, filwaqt li tikkonforma mad-dispożizzjonijiet ta' dan is-subartikolu, tispeċifika b'mod ċar lill-Awtorità jekk kwalunkwe informazzjoni provduta minnha għandha tiġi kkunsidrata bħala kunfidenzjali għal raġunijiet kummerċjali. L-istess persuna għandha tispeċifika wkoll b'mod ċar ir-raġunijiet tagħha lill-Awtorità. L-Awtorità għandha tiddeċiedi jekk l-informazzjoni għandhiex tiġi hekk trattata:

Iżda wkoll id-dispożizzjonijiet ta' dan is-subartikolu relatati mal-kunfidenzjalità għandhom japplikaw għal kwalunkwe informazzjoni provduta lill-Awtorità għal kwalunkwe raġuni kemm jekk skont l-Att kemm jekk skont kwalunkwe liġi oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza.

(5) (a) L-Awtorità tista' tagħzel li tippubblika informazzjoni u, jew linji gwida relatati mad-deċiżjonijiet u d-determinazzjonijiet li huma aċċessibbli permezz tas-sit elettroniku tal-Awtorità, meta l-imsemmija deċiżjonijiet u determinazzjonijiet jaffettwaw applikazzjonijiet, l-interpretazzjoni tad-dispożizzjonijiet tal-Att, jew ta' kwalunkwe liġi speċjali li hi għandha s-setgħa li tamministra jew tinforza, jew xi leġiżlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta sabiex tiżgura li applikanti u l-pubbliku iġenerali jkunu konxji tal-pożizzjoni meħuda mill-Awtorità fuq materji ta' interess ġenerali relatati mat-teknoloġija innovattiva.

(b) Il-pubblikazzjoni ta' tali informazzjoni u, jew linji gwida ma għandha bl-ebda mod tillimita l-libertà tal-Awtorità li tvarja l-politiki jew l-approċċ tagħha fuq kwalunkwe kwistjoni bbażata fuq aktar revizzjoni u esperjenza jew żvilupp tat-teknoloġija innovattiva jew il-liġi b'mod ġenerali. Meta jirrikorru dawk il-varjazzjonijiet, l-Awtorità għandha tavża fil-pubblikazzjonijiet sussegwenti l-konnessjoni u r-reviżjoni għal publikazzjonijiet preċedenti.

(ċ) L-Awtorità għandu jkollha s-setgħa li tiddetermina meta kwalunkwe publikazzjoni tagħha, jew parti minnha, għandha ssir vinkolanti.

(6) L-Awtorità għandu jkollha wkoll dawk il-funzjonijiet, ir-responsabbiltajiet u s-setgħat l-oħra li huma stabbiliti b'dan, jew skont l-Att, jew li jistgħu jiġu assenjati lilha permezz ta' kwalunkwe liġi oħra, jew taħtha inklużi dawk is-setgħat kollha li huma neċessarji jew incidentali għat-twettiq tal-funzjonijiet u s-setgħat tagħha.

(7) L-Awtorità għandha fit-twettiq tal-funzjonijiet tagħha tagħmel hilitha sabiex tiżgura li l-miżuri li jittieħdu jkunu proporzjonati filwaqt li jitqiesu wkoll l-għanijiet tal-Awtorità.";

(d) is-subartikoli (8) u (9) tiegħu għandhom jiġu mħassra.

Żieda ta' artikolu ġdid fl-Att prinċipali.

11. Minnufih wara l-artikolu 6 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Setgħat ta' infurzar.

6A. (1) Mingħajr preġudizzju għal kwalunkwe liġi oħra, bil-għan li tkun tista' twettaq is-sorveljanza tas-suq, l-investigazzjonijiet u l-infurzar skont ir-Regolament (UE) 2019/1020 tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Ġunju 2019 dwar is-sorveljanza tas-suq u l-konformità tal-prodotti u li jemenda d-Direttiva 2004/42/KE u r-Regolamenti (KE) Nru 765/2008 u (UE) Nru 305/2011 u leġiżlazzjoni oħra tal-Unjoni Ewropea, l-Awtorità għandu jkollha s-setgħat elenkati f'tali Regolament u leġiżlazzjoni oħra tal-Unjoni Ewropea, fir-rigward tal-funzjonijiet fejn l-Awtorità tkun inħatret bħala l-awtorità ta' sorveljanza tas-suq, inkluż is-setgħa li:

(a) tirrikjedi li operaturi ekonomiċi jipprovdu dokumenti rilevanti, speċifikazzjonijiet tekniċi, data jew informazzjoni dwar il-konformità u l-aspetti tekniċi tal-prodott, inklużi l-aċċess għal software integrat sa fejn dak l-aċċess ikun meħtieg għall-fini tal-valutazzjoni tal-konformità tal-prodott mal-leġiżlazzjoni ta' armonizzazzjoni tal-Unjoni Ewropea applikabbli, fi kwalunkwe forma jew format u irrispettivament mill-mezz ta' ħżin jew mill-post fejn daww id-dokumenti, speċifikazzjonijiet tekniċi, data jew informazzjoni huma maħżuna, u li tiegħu jew tikseb kopji tagħhom;

(b) tirrikjedi li operaturi ekonomiċi jipprovdu informazzjoni rilevanti dwar il-katina tal-provvista, dwar id-dettalji tan-netwerk ta' distribuzzjoni, dwar il-kwantitajiet ta' prodotti fis-suq u dwar mudelli oħra tal-prodotti li għandhom l-istess karatteristiċi tekniċi bħall-prodott inkwistjoni, meta dan ikun rilevanti għall-konformità mar-rekwiżiti applikabbli skont il-leġiżlazzjoni ta' armonizzazzjoni tal-Unjoni Ewropea;

(ċ) tirrikjedi li operaturi ekonomiċi jipprovdu l-informazzjoni rilevanti meħtieġa sabiex tiġi aċċertata s-sjieda tas-siti web, meta l-informazzjoni inkwistjoni tkun relatata mas-sugġett tal-investigazzjoni;

(d) twettaq, mingħajr preavviż, spezzjonijiet fuq il-post u verifikazzjonijiet fiżiċi;

(e) tidhol fi kwalunkwe bini, art jew mezz ta' trasport li l-operatur ekonomiku inkwistjoni juża għal skopijiet relatati mal-kummerċ, man-negozju, mas-sengħa jew mal-professjoni tiegħu, sabiex tidentifika nuqqas ta' konformità u sabiex tikseb l-evidenza;

(f) tibda investigazzjonijiet fuq inizjattiva tagħha stess sabiex jiġu identifikati n-nuqqasijiet ta' konformità u tiżgura li s-sitwazzjoni tiġi rettifikata;

(g) tirrikjedi li operaturi ekonomiċi jieħdu azzjoni xierqa sabiex iwaqqfu ċirkostanzi ta' nuqqas ta' konformità jew sabiex jeliminaw ir-riskju;

(h) tieġu l-miżuri xierqa meta operatur ekonomiku jonqos milli jieġu azzjoni korrettiva xierqa jew meta n-nuqqas ta' konformità jew ir-riskju jippersisti, inklużi s-setgħa li ttiprobixxi jew tirrestringi d-disponibbiltà ta' prodott fis-suq jew li tordna li l-prodott jiġi rtirat jew jissejjaħ lura;

(i) timponi penali amministrattivi skont l-Artikolu 41 tar-Regolament (UE) 2019/1020 tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Ġunju 2019 dwar is-sorveljanza tas-suq u l-konformità tal-prodotti u li jemenda d-Direttiva 2004/42/KE u r-Regolamenti (KE) Nru 765/2008 u (UE) Nru 305/2011 u skont leġislazzjoni tal-Unjoni Ewropea;

(j) takkwista kampjuni tal-prodott, inkluż b'identità moħbija, sabiex tispezzjona dawk il-kampjuni u twettaq inġinerija inversa fuqhom sabiex tidentifika nuqqas ta' konformità u sabiex tikseb l-evidenza;

(k) fejn ma jkun hemm l-ebda mezz effettiv ieħor disponibbli, sabiex jiġi eliminat riskju serju:

(i) li tirrikjedi t-tneħħija tal-kontenut li jirreferi għall-prodotti relatati minn interfaċċja online jew li tirrikjedi l-wiri espliċitu ta' twissija lill-utenti finali meta dawn jaċċessaw interfaċċja online; jew

(ii) meta ma tkunx giet sodisfatta r-rikjesta skont is-subparagrafu (i), li tirrikjedi li fornituri ta' servizzi tas-soċjetà tal-informazzjoni jirrestringu l-aċċess għall-interfaċċja online, inkluż billi tirrikjedi lil parti terza rilevanti sabiex timplimenta dawk il-miżuri; u

(l) tuża kwalunkwe informazzjoni, dokument, sejba, dikjarazzjoni jew kwalunkwe intelligenza bħala evidenza għall-fini tal-investigazzjonijiet tagħha, irrispettivament kemm mill-format li huma maħżuna fih kif ukoll mill-mezz li huma maħżuna fuqu.

(2) Għall-finijiet ta' dan l-artikolu, "operatur ekonomiku" għandu jkollha l-istess tifsira kif assenjat lilha fir-Regolament (UE) 2019/1020 tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Ġunju 2019 dwar is-sorveljanza tas-suq u l-konformità tal-prodotti u li jemenda d-Direttiva 2004/42/KE u r-Regolamenti (KE) Nru 765/2008 u (UE) Nru 305/2011."

12. L-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

"Tmexxija tal-hidma tal-Awtorità.

7. (1) Il-ħidma u l-attività tal-Awtorità għandhom ikunu r-responsabbiltà tal-Bord, liema responsabbiltà għandha tiġi eżerċitata permezz ta' Chairperson.

(2) L-ewwel Uffiċjal Eżekuttiv Ewlieni għandu jiġi maħtur mill-Ministru.

(3) L-amministrazzjoni minn ġurnata għal oħra, ir-reklutaġġ, u l-organizzazzjoni tal-Awtorità, u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tagħha għandhom ikunu taħt il-kontroll tal-Uffiċjal Eżekuttiv Ewlieni tal-Awtorità li għandu jkollu wkoll dawk is-setgħat l-oħra li jistgħu, minn żmien għal żmien, jiġu lilu delegati mill-Bord.

(4) L-Uffiċjal Eżekuttiv Ewlieni għandu jkun inkarigat bl-implimentazzjoni tal-għanijiet tal-Awtorità fl-eżerċizzju tal-funzjonijiet tagħha skont il-liġi, kif stabbilit mill-Bord, u mingħajr preġudizzju għall-generalità ta' dak li ntqal qabel hu għandu:

(a) ikollu kontroll tal-amministrazzjoni, superviżjoni u l-operazzjonijiet ġenerali tal-Awtorità u kull attività anċillari relatata magħha;

(b) jiżviluppa l-istrategiji neċessarji għall-implimentazzjoni tal-għanijiet tal-Awtorità u jimplementa dawk l-istrategiji kif ordnat mill-Bord;

(ċ) jagħti parir lill-Bord dwar kwalunkwe materja li l-Bord jista' jirreferi għandu, jew dwar kwalunkwe materja li hu jikkunsidra neċessarja jew spedjenti;

(d) iwettaq dawk id-dmirijiet l-oħra li jistgħu jiġu assenjati lilu mill-Bord minn żmien għal żmien; u

(e) fl-aħħar ta' kull sena finanzjarja, jippreżenta lill-Bord estimi tad-dhul u l-infiq tal-Awtorità għas-sena finanzjarja sussegwenti sabiex jiġu approvati minn dak il-Bord.

(5) L-Uffiċjal Eżekuttiv Ewlieni għandu jattendi l-laqgħat kollha tal-Bord iżda ma għandux jivvota f'dawk il-laqgħat.

(6) L-Awtorità tista' teżercita kwalunkwe waħda jew aktar mill-funzjonijiet tagħha jew direttament jew permezz ta' kwalunkwe wieħed mill-uffiċjali jew impjegati tagħha jew permezz ta' aġenzija awtorizzata għal dak il-għan, jew permezz ta' kuntrattur jew persuna oħra li miegħu jkun sar ftehim għat-tweġiq ta' kwalunkwe waħda jew aktar minn dawk il-funzjonijiet:

Iżda l-ebda haġa f'dan is-subartikolu ma għandha tawtorizza lill-Awtorità li tikkuntratta jew tiddelega kwalunkwe waħda:

(a) mill-funzjonijiet regolatorji tagħha; jew

(b) mill-funzjonijiet ta' rikonoxximent tagħha, kemm-il darba dawk il-funzjonijiet ma jkunux espressament delegati lill-entità pubblika, korp regolatorju u, jew awtorità kompetenti oħra mwaqqfa bil-liġi.

(7) Il-Bord jista' jistabbilixxi kumitati tal-Bord, komposti minn membri tal-Bord u persuni oħra li jistgħu jiġu mistiedna sabiex jipparteċipaw fil-kumitat, sabiex jindirizzaw kwistjonijiet partikolari assenjati lilhom mill-Bord.

(8) Il-Bord jista' wkoll jistabbilixxi Kumitat Nazzjonali għall-Etika tat-Teknoloġija bil-għan li jiġi żgurat li jiġu mħarsa standards xierqa ta' etika fl-użu ta' teknoloġiji innovattivi li huma rikonoxxuti mill-Awtorità u sabiex jassisti fuq talba tagħhom awtoritajiet oħra stabbiliti f'Malta fejn tkun qed tintuża teknoloġija innovattiva fl-oqsma ta' kompetenza tagħhom. L-imsemmi Kumitat Nazzjonali għall-Etika tat-Teknoloġija għandu jkollu dawk il-funzjonijiet u għandu jkun magħmul minn dawk il-membri hekk kif jista' jiġi determinat mill-Bord."

Sostituzzjoni tal-artikolu 8 tal-Att prinċipali.

13. L-artikolu 8 tal-Att prinċipali għandu jiġi sostitwit b'dan l-

artikolu ġdid li ġej:

"Indipendenza tal-Awtorità u r-relazzjonijiet tagħha mal-Ministru.

8. (1) Hlief kif espressament provdut f' dispożizzjonijiet oħra tal-Att, l-Awtorità għandha taġixxi b' mod indipendenti, imparzjali u mingħajr preferenzi fl-eżerċizzju tal-funzjonijiet regolatorji, superviżorji, ta' sorveljanza tas-suq u tal-infurzar tagħha skont il-liġi, inkluż fl-iżvilupp ta' linji gwida u dokumentazzjoni vinkolanti, tal-proċeduri interni tagħha u tal-organizzazzjoni tal-persunal tagħha. Meta tkun qiegħda hekk taġixxi, l-Awtorità ma għandhiex tfittex jew tiegħu struzzjonijiet minn kwalunkwe persuna oħra fir-rigward tat-twettiq tal-kompiti assenjati lilha bil-liġi, u dan mingħajr preġudizzju għal kwalunkwe sorveljanza, irrISPettivament minn kif inhi deskritta, li tista' tiġi mwettqa skont il-Kostituzzjoni.

(2) Il-Ministru, fir-rigward ta' dawk il-materji li jolqtu l-interess pubbliku, jista', minn żmien għal żmien, jagħti lill-Awtorità direttivi ta' politika bil-miktub ta' xorta ġenerali, li ma jkunux inkonsistenti mad-dispożizzjonijiet tal-Att u dwar il-politiki li għandhom jiġu segwiti fit-twettiq tal-funzjonijiet vestiti fl-Awtorità minn, jew skont l-Att.

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(3) Id-dispożizzjonijiet tal-artikolu 77 tal-Att dwar il-Ġestjoni tal-Finanzi Pubbliċi ma għandhomx japplikaw għall-Awtorità."

14. L-artikolu 9 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 9 tal-Att prinċipali.

(a) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Ir-rappreżentanza legali u ġuridika tal-Awtorità għandha tkun vestita f'xi wieħed miċ-Chairperson, fl-Uffiċjal Eżekuttiv Ewlieni, jew tali membru ieħor jew membri oħra tal-Bord jew uffiċjal tal-Awtorità li l-Bord jista' jahtar:

Iżda l-Bord jista' jahtar lil kwalunkwe wieħed jew aktar mill-membri tal-Bord, jew lil kwalunkwe uffiċjal jew aktar tal-Awtorità sabiex jidhru f'isem jew għan-nom tal-Awtorità fi proċedimenti ġudizzjarji u fuq kwalunkwe att, kuntratt, strument jew dokument ieħor ikun xi jkun."; u

(b) fis-subartikolu (3) tiegħu l-kliem "ffirmat miċ-Chairman, jew minn xi membru ieħor tal-Bord" għandhom jiġu sostitwiti bil-kliem "ffirmat miċ-Chairperson, jew mill-Uffiċjal

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Eżekuttiv Ewlieni jew minn kwalunkwe tali membru ieħor tal-Bord".

Emenda tal-artikolu 10 tal-Att prinċipali.

15. Is-subartikolu (2) tal-artikolu 10 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Nofs in-numru tal-membri li jikkostitwixxu l-Bord fi kwalunkwe żmien partikolari għandu jifforma kworum. Id-deċiżjoni għandha tiġi adottata b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jistgħu jivvutaw. Iċ-Chairperson, jew fin-nuqqas taċ-Chairperson, id-Deputat Chairperson jew kwalunkwe persuna oħra maħtura sabiex tagħmilha ta' Chairperson, għandu jkollu vot inizjali u, fil-każ ta' voti ndaqs, vot deċiżiv."

Emenda tal-artikolu 13 tal-Att prinċipali.

16. Is-subartikolu (2) tal-artikolu 13 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Għall-għanijiet tad-dispożizzjonijiet tas-subartikolu (1), l-Awtorità għandha tiġbor it-tariffi, ir-rati u l-ħlasijiet l-oħra kollha preskritti skont l-Att jew kwalunkwe liġi speċjali oħra amministrata mill-Awtorità, jew stabbiliti mill-Awtorità skont is-setgħat tal-Awtorità jew xi leġiżlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta."

Żieda ta' artikolu ġdid fl-Att prinċipali.

17. Minnufih wara l-artikolu 13 tal-Att prinċipali, kif emendat, għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Eżenzjoni mit-taxxi.

13A. L-Awtorità għandha tkun ħielsa minn kull obbligu għall-ħlas ta' taxxa fuq id-dħul, taxxa fuq id-dokumenti u trasferimenti, u dazju doganali u tas-sisa, skont kwalunkwe liġi."

Emenda tal-artikolu 20 tal-Att prinċipali.

18. Fis-subartikolu (2) tal-artikolu 20 tal-Att prinċipali l-kliem "jinħatru mill-Awtorità u jiġu approvati mill-Ministru:" għandhom jiġu sostitwiti bil-kliem "jinħatru mill-Awtorità:".

Emenda tal-artikolu 21 tal-Att prinċipali.

19. L-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "b'riżoluzzjoni tal-Awtorità." għandhom jiġu sostitwiti bil-kliem "b'riżoluzzjoni tal-Bord."; u

(b) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) Ċekkijiet kontra u ġbid minn kwalunkwe kont bankarju tal-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal tal-Awtorità li jista' jiġi maħtur jew nominat mill-

Awtorità għal dak il-għan u għandhom ikunu kontrofirmati miċ-Chairperson, jew mill-Uffiċjal Eżekuttiv Ewlieni, jew minn dak il-membru ieħor tal-Bord jew uffiċjal ieħor tal-Awtorità li jistgħu jiġu awtorizzati mill-Awtorità għal dak l-għan."

20. L-artikolu 22 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 22 tal-Att prinċipali.

21. L-artikolu 24 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 24 tal-Att prinċipali.

22. Fl-artikolu 25 tal-Att prinċipali, il-kliem "taħt dan l-Att jew kull liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tenforza, jew regoli jew regolamenti kif intqal aktar qabel, sakemm ma jiġix muri li l-att jew l-ommissjoni jkunu saru b'*mala fede*." għandhom jiġu sostitwiti bil-kliem "skont is-setgħat tal-Awtorità sakemm ma jiġix ppruvat li l-att jew l-ommissjoni jkunu saru b'*mala fede*."

Emenda tal-artikolu 25 tal-Att prinċipali.

23. L-intestatura tat-Taqsima VI tal-Att prinċipali għandha tiġi sostitwita bl-intestatura ġdida li ġejja:

Sostituzzjoni tal-intestatura tat-Taqsima VI tal-Att prinċipali.

"Prinċipji li jirrigwardaw ir-Rikonoxximent".

24. L-artikolu 26 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 26 tal-Att prinċipali.

"Kundizzjonijiet għall-hruġ ta' rikonoxximent.

26. (1) L-Awtorità għandha tistabbilixxi u tippreskrivi regoli, fil-forma ta' dokumentazzjoni vinkolanti bħal linji gwida, fir-rigward tal-forom ta' rikonoxximent li hi għandha tagħti jew toħroġ u fir-rigward ta' programmi, inizjattivi u skemi ta' rikonoxximent li hi għandha tamministra skont is-setgħat tal-Awtorità, li jistabbilixxu t-termini u l-htigijiet li l-applikanti għandhom jissodisfaw.

(2) L-Awtorità tista' wkoll tiddetermina meta teknologija innovattiva li tista' tkun soġġetta għal htigijiet skont kwalunkwe liġi li l-Awtorità hija intitolata li tamministra jew tinforza, jew skont termini u kondizzjonijiet ta' rikonoxximent, programmi, inizjattivi u skemi mahruġa u, jew amministrati mill-Awtorità, tkun eżenti minn tali htigijiet.

(3) Fejn l-Awtorità jidhrilha li jkun neċessarju, l-Awtorità għandha żżomm reġistru li jkun fih lista tad-detenturi ta' rikonoxximent u tar-rikonoxximenti mahruġa mill-Awtorità. Dan ir-reġistru, li jista' jkun disponibbli għall-pubbliku, fid-diskrezzjoni tal-Awtorità, inkluż fuq is-sit elettroniku tal-Awtorità, għandu jindika b'mod partikolari:

(a) il-forma ta' rikonoxximent u l-programm, l-inizjattiva u, jew l-iskema li taħtha ngħata r-rikonoxximent;

(b) kull prodott, soluzzjoni jew servizz ta' teknoloġija innovattiva li jkun ġie mogħti r-rikonoxximent;

(ċ) dawk id-dettalji kollha li l-Awtorità għandha tikkunsidra neċessarji sabiex jiġi identifikat id-detentur tar-rikonoxximent relevanti; u

(d) l-informazzjoni dwar il-materji kollha li huma meħtieġa li jitniżżlu fir-reġistru għall-informazzjoni pubblika skont id-dispożizzjonijiet tal-Att, kwalunkwe liġi oħra applikabbli, jew li l-Awtorità jidhrilha li hi fl-interess pubbliku, u tali informazzjoni għandha tinzamm aġġornata fuq bażi regolari."

Emenda tal-artikolu 27 tal-Att prinċipali.

25. L-artikolu 27 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja:

"Setgħa tal-Awtorità li toħroġ jew tirrifjuta rikonoxximent.";

(b) is-subartikoli (1) u (2) tiegħu għandhom jiġu

sostitwiti bis-subartikoli godda li ġejjin:

"(1) L-Awtorità għandu jkollha s-setgħa li toħroġ jew tirrifjuta li toħroġ rikonoxximent ta' teknoloġija innovattiva skont l-Att jew skont kwalunkwe liġi speċjali li l-Awtorità għandha s-setgħa li tamministra jew tinforza, jew xi leġiżlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta skont il-ħtiġijiet u l-kundizzjonijiet li jirrigwardaw programm, inizjattiva jew skema partikolari għar-rikonoxximent ta' teknoloġija innovattiva partikolari li għandhom ikunu aċċessibbli permezz tas-sit elettroniku tal-Awtorità, soġġett għall-komunikazzjoni tad-deċiżjoni motivata tal-Awtorità lill-applikant u soġġett għad-dritt ta' appell tal-applikant, kif provdut hawn taht.

(2) (a) L-Awtorità, meta toħroġ rikonoxximent, tista' tissuġġettah għal dawk il-kundizzjonijiet li jista' jidhrilha xierqa, u wara li tkun ħarġet dak ir-rikonoxximent tista', minn żmien għal żmien, tvarja jew tirrevoka kwalunkwe kundizzjoni hekk imposta jew timponi kundizzjonijiet godda.

(b) Għat-twettiq aħjar tad-dispożizzjonijiet tal-Att, l-Awtorità tista', minn żmien għal żmien, toħroġ u tippubblika kundizzjonijiet, regoli u linji gwida ta' rikonoxximent li jkunu vinkolanti fuq detenturi ta' rikonoxximent kif jista' jiġi speċifikat fihom.

(ċ) Fl-interess tat-trasparenza u l-għarfien tas-suq, tali rikonoxximent, kundizzjonijiet, regoli u linji gwida ta' rikonoxximent jistgħu jistabbilixxu, fost l-oħrajn, ħtiġijiet u kundizzjonijiet addizzjonali relatati mal-attivitajiet tal-applikanti u detenturi ta' rikonoxximent, u kwalunkwe materji oħra li l-Awtorità jista' jidhrilha xierqa.";

(ċ) fis-subartikolu (3) tiegħu:

(i) il-kliem "Meta tikkunsidra jekk għandhiex toħroġ jew tirrifjuta li toħroġ awtorizzazzjoni għal teknoloġija innovattiva, l-Awtorità għandha, b'mod partikolari, tqis –" għandhom jiġu sostitwiti bil-kliem "Meta tikkunsidra jekk għandhiex toħroġ jew tirrifjuta li toħroġ rikonoxximent, l-Awtorità għandha, fost l-oħrajn, iżda mingħajr preġudizzju għall-generalità tas-setgħat tal-Awtorità, tqis:"; u

(ii) fil-paragrafu (d) tiegħu, il-kliem "partijiet l-oħra kollha konnessi mal-arranġamenti ta' teknoloġija innovattiva." għandhom jiġu sostitwiti bil-kliem "partijiet konnessi l-oħra kollha."; u

(d) is-subartikoli (4) u (5) tiegħu għandhom jiġu mħassra.

Emenda tal-artikolu 28 tal-Att prinċipali.

26. L-artikolu 28 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja:

"Rifjut li jinħareġ rikonoxximent.";

(b) is-subartikolu (1) tiegħu għandu jiġi emendat b'dan li ġej:

(i) il-kliem "L-Awtorità, konformement mal-prinċipji gwida u b'segwitu għall-oġettivi regolatorji stabbiliti bl-Att, jew bi kwalunkwe liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza, jew xi leġiżlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta għandha tirrifjuta li toħroġ awtorizzazzjoni għal teknoloġija innovattiva f'kull waħda mis-sitwazzjonijiet li ġejjin:" għandhom jiġu sostitwiti bil-kliem "Mingħajr preġudizzju għall-ġeneralità tas-setgħat tal-Awtorità, l-Awtorità tista' toħroġ linji gwida, jew b'mod ieħor tispeċifika dawk l-istanzi meta l-Awtorità tista' tirrifjuta li toħroġ rikonoxximent, liema istanzi jistgħu jinkludu dan li ġej:";

(ii) il-paragrafu (ċ) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(ċ) jekk l-Awtorità, fid-diskrezzjoni tagħha, ma tkunx sodisfatta li l-applikant, kwalunkwe persuna rilevanti, inklużi persuni b'awtorità delegata ta' rappreżentazzjoni, ikollhom il-kwalitajiet u, jew il-kompetenzi, u, jew il-kwalifiki meħtieġa, inklużi dawk li jirrigwardaw karatteristiċi ta' sigurtà u sistemi tat-teknoloġija awtomizzati użati u dawk relatati ma' htigijiet ta' kompetenza u idoneità, imposti mill-Awtorità; jew";

(iii) il-paragrafu (d) tiegħu għandu jiġi mħassar;

(iv) il-paragrafu (f) tiegħu għandu jiġi sostitwit

b'dan il-paragrafu ġdid li ġej:

"(f) jekk l-Awtorità, fid-diskrezzjoni tagħha, ma tkunx sodisfatta, skont iċ-ċirkostanzi tal-każ li:

(i) l-applikant ikun kapaċi li jiffinanzja b'mod sostenibbli t-teknoloġija innovattiva;

(ii) l-applikant għandu l-kompetenza, ir-rikonoxximent tekniku u r-riżorsi neċessarji sabiex jiżviluppa t-teknoloġija innovattiva jew sabiex jipprovdi s-servizz;

(iii) l-applikant għandu mudell ta' negozju sabiex jiżviluppa u, jew isostni t-teknoloġija innovattiva jew jipprovdi s-servizz b'mod vijabbli li hu konformi mal-istrumenti regolatorji applikabbli fis-sehħ; u

(iv) l-applikant għandu jikkonforma mal-ħtigijiet u l-obbligi kollha applikabbli jekk jinhareġ rikonoxximent mill-Awtorità, inklużi, iżda mhumiex limitati għal, salvagwardji finanzjarji; jew";

(v) minnufih wara l-paragrafu (f) tiegħu, kif sostitwit, għandhom jiġu miżjuda l-paragrafi ġodda li ġejjin:

"(g) jekk l-Awtorità jidhrilha li l-proposta tal-applikant mhux konformi mal-istrumenti regolatorji fis-sehħ;

(h) jekk l-Awtorità jidhrilha li l-għoti ta' rikonoxximent lill-applikant jista' joħloq riskju għar-reputazzjoni ta' Malta jew ma jkunx b'mod ieħor fl-interess pubbliku jew kuntrarju għall-oġettivi regolatorji stabbiliti bl-Att;

(i) jekk l-Awtorità jidhrilha li t-teknoloġija innovattiva tista' tiġi użata b'mod li hu kuntrarju għall-moralità pubblika, jew għad-drittijiet personali ta' terzi persuni, jew li tali teknoloġija innovattiva hi meqjusa bħala theddida potenzjali għas-sigurtà, jew li tista' tippreżenta riskju għar-reputazzjoni ta' Malta, jew li hi meqjusa li mhux fl-interess pubbliku; jew

(j) jekk l-Awtorità, fid-diskrezzjoni raġonevoli tagħha, ma tkunx sodisfatta li l-applikant hu konformi mal-valutazzjoni tal-konformità meħtieġa u, jew li jkun issodisfa l-proċedura ta' valutazzjoni tal-konformità meħtieġa, fejn ikun applikabbli u, jew li jkun issodisfa proċeduri oħra tal-Awtorità."; u

(ċ) is-subartikoli (2) u (3) tiegħu għandhom jiġu mħassra.

Sostituzzjoni tal-artikolu 29 tal-Att prinċipali.

27. L-artikolu 29 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Avviż dwar rifjut ta' rikonoxximent. 29. L-Awtorità għandha, f'perjodu ta' żmien li jkun stabbilit permezz ta' linji gwida, liema perjodu ta' żmien jista' jvarja skont it-tip ta' rikonoxximent, tavża lill-applikant bid-deċiżjoni tagħha bil-miktub meta tirrifjuta applikazzjoni għal rikonoxximent."

Sostituzzjoni tal-artikolu 30 tal-Att prinċipali.

28. L-artikolu 30 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Setgħa tal-Awtorità li tirrevoka, tikkancella jew tissospendi rikonoxximent. 30. (1) L-Awtorità tista' fi kwalunkwe żmien tirrevoka, tikkancella jew tissospendi rikonoxximent jekk, wara l-ħruġ tar-rikonoxximent:

(a) tirriżulta kwalunkwe waħda mir-raġunijiet li għalihom l-Awtorità setgħet tirrifjuta l-applikazzjoni tad-detentur tar-rikonoxximent;

(b) fejn ir-rikonoxximent hu maħruġ abbażi ta' informazzjoni skorretta jew falza provduta lill-Awtorità;

(ċ) fejn fid-diskrezzjoni tal-Awtorità dawn huma fl-interess tal-utenti tat-teknoloġija innovattiva kkonċernati, is-sigurtà pubblika, il-morali jew ir-reputazzjoni ta' Malta;

(d) fejn dawn huma meħtieġa b'riżultat ta' bidla fil-qafas legali li jeħtieġu dik ir-revoka, kancellazzjoni jew sospensjoni tar-rikonoxximent; jew

(e) fejn dawn huma meħtieġa abbażi tal-liġijiet tal-Unjoni Ewropea u internazzjonali applikabbli għal Malta:

Iżda mingħajr preġudizzju għal kwalunkwe ksur skont kwalunkwe liġi oħra li dan jista' jagħti lok, l-għoti ta' informazzjoni falza lill-Awtorità għandha tikkostitwixxi reat skont l-Att u għandha tkun punibbli skont id-dispożizzjonijiet tal-Att.

(2) L-Awtorità għandu jkollha s-setgħa li tippubblicizza r-revoka, il-kancellament jew is-sospensjoni tar-rikonoxximent tagħha u r-raġunijiet għalihom, jekk jidhrilha li dan huwa neċessarju.

Kap. 579.

(3) Ma tista' tittiehed l-ebda azzjoni kontra l-Awtorità skont l-Att dwar il-Midja u l-Malafama, jew kwalunkwe liġi oħra li tirtigwarda malafama jew inġurja għall-ħruġ ta' dikjarazzjonijiet pubbliċi *bona fide* skont id-dispożizzjonijiet ta' dan l-artikolu.

(4) L-Awtorità tista' tispeċifika ulterjorment dawk iċ-ċirkostanzi li jistgħu jwasslu għas-sospensjoni, kancellament jew revoka ta' rikonoxximent.

(5) B'żieda mal-miżuri hawn fuq imsemmija relatati mas-sospensjoni, kancellament jew revoka ta' rikonoxximent, l-Awtorità għandu jkollha s-setgħa li timponi penali amministrattivi għal ksur tal-kundizzjonijiet jew obbligi imposti fuq applikanti, detenturi tar-rikonoxximent jew partijiet terzi mill-Awtorità skont is-setgħat tal-Awtorità, jew l-Att, jew kwalunkwe liġi oħra li l-Awtorità għandha s-setgħa tamministra jew tinforza.

(6) Dawk il-penali amministrattivi kif jistgħu jiġu imposti mill-Awtorità skont is-subartikolu preċedenti għandhom ikunu skont kif stabbilit fl-artikolu 42 u jistgħu jiġu imposti mill-Awtorità b'żieda, jew b'sostituzzjoni, ta' kwalunkwe miżuri oħra imposti mill-Awtorità."

29. L-artikolu 31 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Proċedura meta tittiehed miżura skont l-artikolu 30.

31. (1) L-Awtorità għandha tinforma lid-detentur tar-rikonoxximent u tistabbilixxi l-proċedura li għandha tiġi adottata, qabel ma tiegħu kwalunkwe mill-miżuri skont l-artikolu 30, liema proċedura tista' tvarja skont it-tip ta' rikonoxximent li hi qed toħroġ.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), meta l-Awtorità jkollha prova *prima facie* li l-ksur:

Sostituzzjoni tal-artikolu 31 tal-Att prinċipali.

(a) jirrappreżenta theddida immedjata u serja għall-utenti ta' teknoloġija innovativa, l-interess pubbliku jew l-applikazzjoni ta' regoli tal-liġi mandatorji;

(b) joħloq jew jista' joħloq problemi ekonomiċi jew operattivi serji għal partijiet terzi, b'mod partikolari fornituri oħra jew utenti ta' teknoloġija innovattiva; u, jew

(ċ) jirriżulta f'danni lil Malta u, jew lill-Unjoni Ewropea u, jew il-benesseri tal-utenti u, jew il-kompetizzjoni, inkluż fis-settur tat-teknoloġija innovattiva,

l-Awtorità tista' tiegħu miżuri urgenti inkluż li tordna t-terminazzjoni immedjata tal-att jew tal-ommissjoni li jkunu qegħdin jikkagunaw il-ksur, u l-impożizzjoni ta' penali amministrattivi u s-sospensjoni, ir-revoka jew il-kanċellazzjoni tar-rikonossiment."

Sostituzzjoni tal-artikolu 32 tal-Att prinċipali.

30. L-artikolu 32 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

"Deċiżjonijiet tal-Awtorità.

32. (1) L-Awtorità għandha tagħti r-raġunijiet tagħha għal kwalunkwe deċiżjoni meħuda skont l-Att.

(2) Bla ħsara għad-drittijiet tal-appellant f'appell ippreżentat quddiem it-Tribunal skont l-Att, l-avviż ta' deċiżjoni meħuda mill-Awtorità skont l-Att, jekk ma jkunx gie ppreżentat appell fit-termini tal-liġi, u n-notifika ta' att ġudizzjarju fuq il-persuna indikat fl-avviż, għandha tikkostitwixxi titolu eżekuttiv għall-finijiet u effetti kollha tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(3) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, l-ebda mandat kawtelatorju jew ordni ma għandhom jinħarġu minn kwalunkwe qorti sabiex trażżan lill-Awtorità milli tiegħu kwalunkwe miżura skont l-Att, jew skont kwalunkwe regolamenti magħmula tahtu jew kwalunkwe liġi oħra.

(4) Sakemm ma jiġix provdut xort'oħra bil-liġi, deċiżjonijiet meħuda mill-Awtorità jistgħu biss jiġu sospiżi jew imħassra mill-Qorti jew mit-Tribunal kompetenti kif provdut skont dan l-Att."

31. L-artikolu 33 tal-Att prinċipali għandu jiġi mħassar. Thassir tal-artikolu 33 tal-Att prinċipali.
32. It-Taqsima VII tal-Att prinċipali għandha tiġi mħassra. Thassir tat-Taqsima VII tal-Att prinċipali.
33. L-artikolu 39 tal-Att prinċipali għandu jiġi mħassar. Thassir tal-artikolu 39 tal-Att prinċipali.
34. L-artikolu 40 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 40 tal-Att prinċipali.
- (a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:
- (i) fil-paragrafu (a) tiegħu l-kliem "go fond li ma jkunx post ta' residenza" għandhom jiġu sostitwiti bil-kliem "fi kwalunkwe fond";
- (ii) fil-paragrafu (e) tiegħu l-kliem "arrangament ta' teknoloġija innovattiva" għandu jiġi sostitwit bil-kelma "materja";
- (iii) fil-proviso tal-paragrafu (f) tiegħu l-kliem "modifikat l-użu ta' kwalunkwe apparat bħal dak." għandhom jiġu sostitwiti bil-kliem "modifikat l-użu ta' kwalunkwe apparat bħal dak; u";
- (iv) minnufih wara l-paragrafu (f) tiegħu, kif emendat, għandu jiġi miżjud il-paragrafu ġdid li ġej:
- "(g) tinvestiga kwalunkwe suspettat ksur ta' kwalunkwe obbligi li johorġu mill-Att jew kwalunkwe liġi speċjali li l-Awtorità tista' tamministra jew tinforza u, jew legiżlazzjoni Ewropea jew internazzjonali applikabbli għal Malta:
- Iżda l-Awtorità tista tibda investigazzjonijiet fuq inizjattiva tagħha stess.";
- (b) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:
- (i) il-kliem "arrangament ta' teknoloġija innovattiva" għandhom jiġu sostitwiti bil-kliem "teknoloġija innovattiva"; u
- (ii) il-kliem "regolatorji tal-Awtorità," għandhom jiġu sostitwiti bil-kliem "regolatorji tal-Awtorità, inkluż ir-rappreżentanti u l-impjegati tagħhom,";

(ċ) fil-paragrafu (e) tas-subartikolu (5) tiegħu minnufih wara l-kliem "fl-eżerċizzju tal-funzjonijiet tagħha taht" għandhom jiġu miżjuda l-kliem "l-Att jew"; u

(d) is-subartikolu (6) tiegħu għandu jiġi mħassar.

Emenda tal-artikolu 41 tal-Att prinċipali.

35. Fis-subartikolu (4) tal-artikolu 41 tal-Att prinċipali l-kliem "Ministru, jew skont ma jista' jkun meħtieġ bil-liġi." għandhom jiġu sostitwiti bil-kliem "Ministru, jew fil-kuntest ta' proċeduri legali fil-qorti jew proċedimenti ta' arbitraġġ, jew kif jista' jkun meħtieġ bil-liġi."

Emenda tal-artikolu 42 tal-Att prinċipali.

36. L-artikolu 42 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'din in-nota marginali ġdida li ġejja:

"Penali amministrattivi.";

(b) is-subartikolu (1) tiegħu għandu jiġi emendat b'dan li ġej:

(i) il-kliem "Multa amministrattiva" għandhom jiġu sostitwiti bil-kliem "Penali amministrattivi";

(ii) fl-ewwel proviso tiegħu l-kliem "kontravvenzjoni jsiru minn kwalunkwe intrapriża u l-Awtorità tqis li dak l-att jew dik l-ommissjoni jkollhom effetti li jkunu speċjalment sinifikattivi fis-suq b'detriment għall-kompetituri u, jew il-konsumaturi, l-ammont speċifiku li jista' jiġi impost bħala multa amministrattiva" għandhom jiġu sostitwiti bil-kliem "kontravvenzjoni titqies mill-Awtorità li għandha effetti sinifikattivi fuq is-suq b'detriment għall-utenti, l-ammont li jista' jiġi impost bħala penali amministrattivi";

(iii) fit-tieni proviso tiegħu, il-kliem "Izda wkoll kull multa għal kull ġurnata" għandhom jiġu sostitwiti bil-kliem "Izda wkoll kull penali amministrattivi għal kull ġurnata";

(ċ) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(2) Fid-determinazzjoni tal-ammont ta' penali amministrattiva għandhom jitqiesu b'mod partikolari n-natura u l-gravità tal-ksur, kif ukoll id-dewmien u l-impatt tiegħu fuq is-suq u fuq l-utenti."; u

(d) is-subartikolu (3) tiegħu għandu jiġi mħassar.

37. L-artikolu 43 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 43 tal-Att prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'din in-nota marginali ġdida li ġejja:

"Ksur."; u

(b) il-kliem "Meta jsir ksur amministrattiv ta' xi dispożizzjoni ta' dan l-Att" għandhom jiġu sostitwiti bil-kliem "Meta jsir ksur ta' kwalunkwe dispożizzjoni tal-Att".

38. L-artikolu 44 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

Emenda tal-artikolu 44 tal-Att prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'din in-nota marginali ġdida li ġejja:

"Preskrizzjoni għal reati u ksur.";

(b) fil-verżjoni bl-Ingliż biss, il-kliem "to impose an administrative fine under this Act" għandhom jiġu sostitwiti bil-kliem "to impose an administrative penalty under the Act";

(c) il-kliem "tkun preskritta meta jiskadu sentejn minn meta jiġi allegat li jkun sar ir-reat jew il-ksur amministrattiv" għandhom jiġu sostitwiti bil-kliem "għandhom jiġu preskritti bl-iskadenza ta' sentejn mid-data li fiha r-reat jew il-ksur ikunu allegatament twettqu jew mid-data li l-Awtorità saret taf bl-allegat reat jew ksur"; u

(d) il-kliem "ir-reat jew il-ksur amministrattiv" għandhom jiġu sostitwiti bil-kliem "ir-reat jew il-ksur".

39. Fis-subartikolu (1) tal-artikolu 45 tal-Att prinċipali l-kliem "jew f'xi liġi jew regolamenti." għandhom jiġu sostitwiti bil-kliem "jew fi kwalunkwe liġi speċjali li l-Awtorità għandha s-setgħa li tamministra jew tinforza jew f'xi leġiżlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta.".

Emenda tal-artikolu 45 tal-Att prinċipali.

40. L-artikolu 46 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 46 tal-Att prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja:

"Appelli minn deċiżjonijiet tal-Awtorità minbarra l-impożizzjoni ta' penali amministrattivi.";

(b) fis-subartikolu (1) tiegħu l-kliem "servizzi ta' teknoloġija innovattiva jew arrangamenti ta' teknoloġija innovattiva" għandhom jiġu sostitwiti bil-kliem "teknoloġija innovattiva."; u

(ċ) is-subartikolu (4) tiegħu għandu jiġi mħassar.

Emenda tal-artikolu 47 tal-Att prinċipali.

41. L-artikolu 47 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita bin-nota marginali ġdida li ġejja:

"Appelli minn penali amministrattivi imposti mill-Awtorità.";

(b) fil-verżjoni bl-Ingliż biss, fis-subartikolu (1) tiegħu, il-kliem "administrative fines" għandhom jiġu sostitwiti bil-kliem "administrative penalties";

(ċ) fis-subartikolu (2) tiegħu l-kliem "multa amministrattiva" għandhom jiġu sostitwiti bil-kliem "penali amministrattivi";

(d) fil-verżjoni bl-Ingliż biss, fis-subartikolu (3) tiegħu, il-kliem "administrative fine as aforesaid unless it results to it that such fine" għandhom jiġu sostitwiti bil-kliem "administrative penalty as aforesaid unless it results to it that such penalty";

(e) is-subartikolu (7) tiegħu għandu jiġi mħassar.

Emenda tal-artikolu 48 tal-Att prinċipali.

42. In-nota marginali tal-artikolu 48 tal-Att prinċipali għandha tiġi sostitwita b'din in-nota marginali ġdida li ġejja:

"Deċiżjonijiet tat-Tribunal ta' Reviżjoni Amministrattiva.".

Emenda tal-artikolu 49 tal-Att prinċipali.

43. Fis-subartikolu (1) tal-artikolu 49 tal-Att prinċipali l-kliem "u f'kull każ għandu jagħti" għandhom jiġu sostitwiti bil-kliem "u f'kull każ sabiex jagħti".

Żieda ta' artikolu ġdid fl-Att prinċipali.

44. Minnufih wara l-artikolu 49 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Appell lill-Qorti tal-Appell.

49A. Kwalunkwe parti, li tħossha aggravata bid-deċiżjoni tat-Tribunal, tista' fuq punt ta' liġi u, jew ta' fatt tappella lill-Qorti tal-Appell skont l-artikolu 22 tal-Att dwar il-Ġustizzja Amministrattiva.".

Kap. 490.

45. Fil-paragrafu (ċ) tas-subartikolu (2) tal-artikolu 50 tal-Att prinċipali l-kliem "tas-servizzi ta' teknoloġija innovattiva jew ta' arrangamenti ta' teknoloġija innovattiva" għandhom jiġu sostitwiti bil-kliem "ta' teknoloġija innovattiva".

Emenda tal-artikolu 50 tal-Att prinċipali.

46. Minnufih wara l-artikolu 50 tal-Att prinċipali, kif emendat, għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Akkumulazzjoni tal-imghax.

50A. F'kazijiet fejn it-Tribunal jew il-Qorti tal-Appell, skont il-każ, wara li tkun laqgħet rikors sabiex tissospendi penali amministrattivi imposti mill-Awtorità pendenti l-proċedimenti, tiddeċiedi li l-penali amministrattiva hija dovuta, tali penali amministrattiva għandha tkun dovuta flimkien ma' kwalunkwe imghax akkumulat fuqha mid-data speċifikata mill-Awtorità għall-ħlas inkluż il-perjodu li matulu l-pagament ta' tali penali amministrattivi kien sospiż."

47. Il-paragrafu (e) tal-artikolu 51 tal-Att prinċipali għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

Emenda tal-artikolu 51 tal-Att prinċipali.

"(e) f'kull każ fejn l-Awtorità tqis li huwa meħtieġ li l-avviż għandu jintbagħat bil-posta elettronika fl-indirizz tal-posta elettronika provdut mid-destinatarju lill-Awtorità, iżda l-avviż ma għandux jitqies li ġie kkunsinnat jekk l-Awtorità tirċievi messaġġ awtomatizzat ta' nuqqas ta' kunsinna tal-posta elettronika, li jindika li l-posta elettronika ma kinitx ikkunsinnata:

Iżda d-dispożizzjonijiet ta' dan il-paragrafu ma għandhomx japplikaw għan-notifika ta' dokumenti pprezentati quddiem it-Tribunal jew xi Qorti."

48. Is-subartikolu (1) tal-artikolu 52 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda tal-artikolu 52 tal-Att prinċipali.

"(1) Meta l-Awtorità tkun trid tħarrek sabiex tirkupra dejn dovut lill-Awtorità skont l-Att jew kwalunkwe liġi speċjali oħra li hija għandha s-setgħa li tamministra jew tinforza skont xi leġiżlazzjoni Ewropea jew internazzjonali applikabbli għal Malta, iċ-Chairperson jew kwalunkwe uffiċjal ieħor tal-Awtorità debitament awtorizzat mill-Awtorità sabiex jaġixxi f'isimha jista' jagħmel dikjarazzjoni bil-gurament quddiem ir-Registatur tal-Qrati, Imħallef jew Maġistrat fejn huwa jispeċifika n-natura tad-dejn u d-dettalji tad-debitur u jikkonferma li d-dejn huwa dovut."

Emenda tal-
artikolu 53 tal-
Att prinċipali.

49. L-artikolu 53 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "l-effett li -" għandhom jiġu sostitwiti bil-kliem "l-effetti li:";

(ii) il-paragrafi (a), (b) u (ċ) tiegħu għandhom jiġu sostitwiti bil-paragrafi ġodda li ġejjin:

"(a) kwalunkwe teknoloġija innovattiva jkollha l-approvazzjoni jew ir-rikonoxximent tal-Awtorità, meta dan ma jkunx il-każ;

(b) kwalunkwe attività li tkun saret minn kwalunkwe persuna jew provduta minn, jew fuq kwalunkwe teknoloġija innovattiva jkollha r-rikonoxximent tal-Awtorità jew qed titmexxa bil-koperazzjoni jew l-għajnuna tal-Awtorità, jekk dan ma jkunx il-każ; jew

(ċ) kwalunkwe attività li qed titwettaq f'Malta, jew minn Malta skont il-qafas regolatorju applikabbli għal teknoloġija innovattiva meta l-prodott, soluzzjoni jew servizz rilevanti ma jkunx rikonoxxut mill-Awtorità;"

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "arranġament jew servizz ta' teknoloġija innovattiva." għandhom jiġu sostitwiti bil-kliem "teknoloġija innovattiva."; u

(ii) il-kelma "għarfien" għandha tiġi sostitwita bil-kelma "rikonoxximent";

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

"(3) Min jorog xi reklam ikun fid-dover li jiddikjara espressament f'tali reklam li l-prodott, is-soluzzjoni jew is-servizz ma jgawdux rikonoxximent mill-Awtorità u ma għandux jagħti l-impressjoni kuntrarja taht l-ebda ċirkostanza jekk:

(a) it-teknoloġija innovattiva qed tiġi amministrata u operata f'Malta jew minn Malta, jew qed tingħata f'Malta jew minn Malta;

(b) issir referenza għal dan il-fatt f'reklam; u

(c) il-prodott, soluzzjoni jew servizz mhuwiex rikonossut mill-Awtorità fi kwalunkwe forma skont il-każ,";

(d) fis-subartikolu (4) tiegħu l-kliem "arrangament jew servizz" għandhom jiġu sostitwiti bil-kliem "teknoloġija innovattiva."; u

(e) fis-subartikolu (5) tiegħu l-kliem "xi arrangament ta' teknoloġija innovattiva jew provdatur ta' servizz" għandhom jiġu sostitwiti bil-kliem "kwalunkwe teknoloġija innovattiva".

50. L-artikolu 54 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 54 tal-Att prinċipali.

51. It-Taqsima X tal-Att prinċipali għandha tiġi mħassra.

Thassir tat-Taqsima X tal-Att prinċipali.

52. L-artikolu 58 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 58 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(1) Il-Ministru jista', mingħajr preġudizzju għas-setgħat tal-Awtorità u filwaqt li jaġixxi fuq il-parir tal-Awtorità, jagħmel regolamenti sabiex jagħti effett iktar sħiħ lid-dispożizzjonijiet tal-Att, jew sabiex jippreskrivi kwalunkwe haġa li għandha jew tista' tiġi preskritta bl-Att, kwalunkwe liġi speċjali li l-Awtorità hija intitolata li tamministra jew tinforza jew xi leġislazzjoni Ewropea jew internazzjonali applikabbli għal Malta jew kwalunkwe strument ieħor regolatorju u sabiex jipprovdi għal kwalunkwe haġa li hi konsegwenzjali, incidentali jew konnessa magħhom.";

(b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-paragrafi ġodda li ġejjin:

"(a) (i) jiddefinixxi u jagħti s-setgħa lill-Awtorità sabiex tiddefinixxi prodotti, soluzzjonijiet u servizzi li jistgħu jiġu regolati skont l-Att;

(ii) jirregola proċessi ta' rikonossiment skont l-Att jew kwalunkwe liġi speċjali oħra li l-

Awtorità hija intitolata tamministra jew tinforza jew xi leġizlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta; u r-reqwiziti u l-kondizzjonijiet b'mod ġenerali għal dak ir-rikonossiment, għotja, emenda, tiġdid, sospensjoni, revoka u terminazzjoni tagħhom u azzjonijiet simili oħra u jagħti aktar setgħa lill-Awtorità sabiex tistabilixxi tali reqwiziti u kundizzjonijiet;"

(ii) il-paragrafu (b) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(b) jagħti s-setgħa lill-Awtorità sabiex tirregola u toħroġ rikonossiment lil persuni li huma involuti f'attivitajiet li jaqgħu taħt il-kompetenza tal-Awtorità, l-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza jew xi leġizlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta; u l-materji kollha li huma relatati ma' dan, inkluża l-kwalifiki u l-elementi sabiex jipprovdu teknoloġija innovattiva kif ukoll l-eżenzjoni ta' ċerti persuni, jew kategoriji ta' persuni minn kwalunkwe jew mill-ħtiġijiet kollha għal rikonossiment;"

(iii) il-paragrafu (d) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(d) jistabilixxi kwalunkwe penali amministrattivi li jistgħu jiġu imposti mill-Awtorità għal kwalunkwe ksur tad-dispożizzjonijiet tal-Att jew kwalunkwe liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza jew xi leġizlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta;"

(iv) fil-paragrafu (e) tiegħu, il-kelma "arrangamenti" għandha tiġi mħassra;

(v) fil-paragrafu (f) tiegħu l-kliem "fir-rigward tal-għarfien ta' xi arrangamenti jew servizzi ta' teknoloġija innovattiva skont id-dispożizzjonijiet tal-Att jew xi liġi speċjali oħra li l-Awtorità għandha s-setgħa li tamministra jew tinforza" għandhom jiġu mħassra;

(vi) fil-paragrafu (g) tiegħu, il-kliem "jippreskrivi regoli" għandhom jiġu sostitwiti bil-kliem "jippreskrivi

regoli, jipprovdi għal u jikkjarifika s-setgħat tal-Awtorità";

(vii) il-paragrafu (h) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(h) jemenda, iħassar, iżid ma' u, jew ivarja kull Skeda fl-Att u kwalunkwe regolamenti magħmula tahtu;"

(viii) il-paragrafi (i), (j), (k), (l), (m) u (n) tiegħu għandhom jiġu sostitwiti b'dawn il-paragrafi ġodda li ġejjin:

"(i) jistabbilixxi regoli u jagħti s-setgħa lill-Awtorità sabiex tistabbilixxi regoli u sabiex tilhaq l-għanijiet tal-Att, u l-amministrazzjoni effettiva tal-Att u, jew kwalunkwe liġi speċjali oħra li l-Awtorità għandha s-setgħa tamministra jew tinforza jew xi leġiżlazzjoni Ewropea u, jew internazzjonali applikabbli għal Malta;

(j) jistabbilixxi regoli u jagħti s-setgħa lill-Awtorità li tippreskrivi regoli għar-rikonoxximent reċiproku ta' rikonoxximenti maħruġa minn awtoritajiet jew korpi oħra nazzjonali, barranin jew internazzjonali;

(k) johroġ aktar gwida u jagħti setgħa lill-Awtorità li tohroġ aktar gwida rigward il-forma, l-aċċessibbiltà u l-kontenut minimu ta' informazzjoni li għandu jkun disponibbli lill-utenti ta' teknoloġija innovattiva;

(l) jiddefinixxi u jagħti s-setgħa lill-Awtorità li tiddefinixxi livelli differenti ta' rikonoxximent li jistgħu jiġu miksuba fir-rigward ta' teknoloġija innovattiva;

(m) jirregola aktar ir-rikonoxximent ta' teknoloġija innovattiva;

(n) jirregola ulterjorament ir-rikonoxximent ta' fornituri ta' servizzi ta' teknoloġija innovattiva, inkluż il-livell ta' indipendenza u kwalitajiet oħra, jekk ikun hemm, li huma meħtieġa għat-twettiq tal-funzjonijiet tagħhom u t-tifsira ta' tali termini;"

(ix) minnufih wara l-paragrafu (n) tiegħu, kif

sostitwit, għandhom jiġu miżjuda l-paragrafi godda li ġejjin:

"(o) jiddefinixxi l-kriterji sabiex jiġi ddeterminat jekk is-sistemi u l-protokollu ta' aċċess ta' sigurtà ta' applikanti jew detenturi ta' rikonoxximent, kif applikabbli, jilhqqu jew jinżammu mal-istandards internazzjonali xierqa li jistgħu jiġu stabbiliti minn żmien għal żmien;

(p) jippreskrivi regoli għan-notifika ta' kwalunkwe attivitajiet f'Malta, jew minn Malta, jew relatati ma' teknoloġija innovattiva li huma aċċessibbli permezz tas-sit elettroniku tal-Awtorità, inkluż meta t-teknoloġija innovattiva diġà għandha rikonoxximent f'pajjiż ieħor;

(q) jistabbilixxi f'liema ċirkostanzi u jagħti s-setgħa lill-Awtorità sabiex tistabbilixxi ċ-ċirkostanzi li fihom kwalunkwe persuna involuta b'konnessjoni ma' detentur ta' rikonoxximent, inkluż kwalunkwe fornitur ta' servizz, huma obbligati li jikkomunikaw informazzjoni lill-Awtorità, jippreskrivi regolamenti li jirregolaw l-iżvelar ta' informazzjoni minn fornituri ta' servizz u jistabbilixxi proċeduri superviżorji u dixxiplinari għall-fornituri tas-servizzi tas-sistema fir-rigward tad-dmirijiet tagħhom;

(r) jestendi kwalunkwe dispożizzjoni tal-Att, inkluż iżda mhux limitat għad-dritt għal rimedju ġudizzjarju effettiv, għal kwalunkwe forma ta' teknoloġija innovattiva;

(s) b'regolamenti magħmula taħt l-Att jemenda kwalunkwe Skeda magħmula skont l-Att;

(t) jikkjarifika permezz ta' linji gwida kwalunkwe tifsira fis-subartikolu (1) tal-artikolu 2;

(u) jagħti s-setgħa u jinnomina l-Awtorità bħala awtorità kompetenti u, jew awtorità superviżorja u, jew awtorità ta' sorveljanza tas-suq fir-rigward ta' teknoloġija innovattiva, data u kwalunkwe oqsma oħra, kif jista' jiġi preskritt mill-Ministru;

(v) jagħti s-setgħa lill-Awtorità sabiex toħroġ rikonnoxximenti, tikkrea proċessi u strutturi, tiffacilita u tiġġenera l-qsim tad-data minn persuni naturali u legali u s-settur pubbliku; u

(w) jippreskrivi drittijiet b'konsultazzjoni mal-Ministru responsabbli għall-finanzi.";

(è) is-subartikoli (3) u (4) tiegħu għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

"(3) Regolamenti magħmula skont dan l-artikolu jistgħu jkunu magħmula soġġetti għal dawk l-eżenzjonijiet jew kondizzjonijiet li jistgħu jiġu speċifikati fihom, jistgħu jagħmlu dispożizzjonijiet differenti għal każijiet, ċirkostanzi jew għanijiet differenti u jistgħu jagħtu lill-Awtorità dawk is-setgħat ta' adattament tar-regolamenti kif jistgħu wkoll ikunu hekk speċifikati.

(4) Fejn regolamenti jkunu ġew magħmula skont dan l-artikolu, l-Awtorità tista toħroġ linji gwida għat-twettiq aħjar u għall-implimentazzjoni aħjar tad-dispożizzjonijiet ta' tali regolamenti.";

(d) fis-subartikolu (5) tiegħu l-kliem "ta' arrangamenti" u l-kliem "u servizzi ta' teknoloġija innovattiva" għandhom jiġu mħassra; u

(e) fis-subartikolu (6) tiegħu l-kliem "konsistenti ma' arrangamenti ta' teknoloġija innovattiva sabiex jinkisbu l-ogħla eżiti u ekosistema għall-użu ta' tali arrangamenti ta' teknoloġija innovattiva." għandhom jiġu sostitwiti bil-kliem "konsistenti ma' teknoloġija innovattiva sabiex jinkisbu l-ogħla eżiti u ekosistema għall-użu ta' tali teknoloġija innovattiva.".

53. L-Ewwel Skeda li tinsab mal-Att prinċipali għandha tiġi sostitwita bl-Iskeda ġdida li ġejja:

Sostituzzjoni tal-Ewwel Skeda li tinsab mal-Att prinċipali.

**"L-EWWEL SKEDA
(artikolu 2)
Teknoloġija Innovattiva**

(a) intelliġenza artifiċjali;

(b) "teknoloġija distribwita fuq regjistru" u "teknoloġija decentralizzata fuq regjistru (DLT)";

(è) internet of things.".

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Thassir tat-Tieni Skeda li tinsab mal-Att prinċipali.

54. It-Tieni Skeda li tinsab mal-Att prinċipali għandha tiġi mħassra.

Dispożizzjoni tranżitorja. Kap. 591. Att Nru XIX tal-2024.

55. Id-dispożizzjonijiet tal-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta kif applikabbli qabel id-dhul fis-seħh tal-Att tal-2024 li jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta għandhom jibqgħu japplikaw għal dawk ir-rikonoxximenti, l-awtorizzazzjonijiet, iċ-ċertifikazzjonijiet u r-registrazzjonijiet maħruġa qabel id-dhul fis-seħh tal-Att tal-2024 li jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta u tali rikonoxximenti, awtorizzazzjonijiet, ċertifikazzjonijiet u registrazzjonijiet għandhom jibqgħu validi sal-iskandenza, irtirar jew revokazzjoni tagħhom:

Att Nru XIX tal-2024.

Iżda kwalunkwe tiġdid ta' rikonoxximenti jew applikazzjonijiet mill-ġdid ta' rikonoxximenti, awtorizzazzjonijiet, ċertifikazzjonijiet u registrazzjonijiet eżistenti maħruġa wara d-dhul fis-seħh tal-Att tal-2024 li jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta għandhom ikunu soġġetti u għandhom ikunu regolati bl-imsemmi Att tal-2024 li jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta.

Revoka u riżervi u dispożizzjonijiet transitorji. Kap. 592. L.S. 592. 01.

56. (1) L-Att dwar Arrangamenti u Servizzi ta' Teknoloġija Innovattiva u r-Regolamenti dwar Drittijiet li jithallsu fir-rigward ta' Arrangamenti u Servizzi ta' Teknoloġija Innovattiva qed jiġu b'dan imħassra, mingħajr preġudizzju għal kwalunkwe att magħmul jew omissjoni li setgħet issir taħthom.

A. L. 132 tal-2024. Kap. 592.

(2) Mad-dhul fis-seħh tal-*Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024*, l-Att dwar Arrangamenti u Servizzi ta' Teknoloġija Innovattiva u kwalunkwe regolamenti magħmula tahtu kif applikabbli qabel id-dhul fis-seħh tal-Att tal-2024 li jemenda l-Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta għandu jibqa' applikabbli unikament fir-rigward ta':

Att Nru XIX tal-2024.

A. L. 132 tal-2024.

(a) applikazzjonijiet riċevuti qabel id-dhul fis-seħh tal-*Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024*;

A.L. 132 tal-2024.

(b) rikonoxximenti, awtorizzazzjonijiet, ċertifikazzjonijiet u registrazzjonijiet maħruġa qabel id-dhul fis-seħh tal-*Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024*, liema rikonoxximenti, awtorizzazzjonijiet, ċertifikazzjonijiet u registrazzjonijiet għandhom jibqgħu validi sakemm ma jiskadu, l-irtirar jew ir-revoka tagħhom u l-Att dwar Arrangamenti u Servizzi ta' Teknoloġija Innovattiva u kwalunkwe regolament magħmula tahtu applikabbli

Kap. 592.

qabel id-dhul fis-seħħ tal-*Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024* għandhom japplikaw għal tali rikonoxximenti, awtorizzazzjonijiet, ċertifikazzjonijiet u reġistrazzjonijiet maħruġa preċedement:

Iżda kwalunkwe tiġdid jew applikazzjonijiet mill-ġdid ta' kwalunkwe rikonoxximenti, awtorizzazzjonijiet, ċertifikazzjonijiet u reġistrazzjonijiet eżistenti li jseħhu wara d-dhul fis-seħħ tal-*Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024* għandhom ikunu soġġetti u regolati bl-istess *Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024*.

A.L. 132 tal-2024.

TAQSIMA II EMENDA KONSEGWENZJALI

57. Fit-Tieni Skeda li tinsab mal-Att dwar il-Ġustizzja Amministrattiva, fil-partita "l-Att dwar l-Awtorità tal-Innovazzjoni Digitali Kap. 591 Kompetenza Superjuri" il-kliem "Kompetenza Superjuri" għandhom jiġu sostitwiti bil-kliem "Kompetenza Inferjuri".

Emenda ghat-Tieni Skeda li tinsab mal-Att dwar il-Ġustizzja Amministrattiva. Kap. 490.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru 245 tal-11 ta' Ġunju, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**FRANCIS ZAMMIT
DIMECH
Acting President**

14th June, 2024

ACT No. XIX of 2024

An ACT to amend the Malta Digital Innovation Authority Act, Cap. 591, and to provide for other matters ancillary or consequential 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:-

Short title and scope.

1. (1) The short title of this Act is the Malta Digital Innovation Authority (Amendment) Act, 2024.

(2) The scope of this Act is to amend and implement various technology laws and to provide for matters ancillary or incidental thereto.

**PART I
AMENDMENTS TO THE MALTA DIGITAL INNOVATION
AUTHORITY ACT**

Amendments to the Malta Digital Innovation Authority Act. Cap. 591.

2. This Part amends the Malta Digital Innovation Authority Act and shall be read and construed as one with the Malta Digital Innovation Authority Act, hereinafter in this Part referred to as "the principal Act".

3. The principal Act shall be amended as follows:

General amendments to the principal Act.

(a) the word "Chairman" shall be substituted by the word "Chairperson", wherever it occurs;

(b) in the Maltese version only, the word "tenforza" shall be substituted by the word "tinforza", wherever it occurs; and

(c) the words "special law" or "special laws" shall be substituted by the word "law" or "laws" respectively, wherever they occur.

4. The title to the principal Act shall be substituted by the following new title:

Substitution of the title of the principal Act.

"AN ACT to provide for the establishment of an Authority to be known as the Malta Digital Innovation Authority, to support the development and implementation of the guiding principles described in this Act and to promote consistent principles for the development of visions, skills and other qualities relating to innovative technology, and to exercise regulatory functions regarding innovative technology and related services and to provide for matters ancillary thereto or connected therewith."

5. The Arrangement of the principal Act shall be substituted by the following new Arrangement:

Substitution of the Arrangement of the principal Act.

**"ARRANGEMENT OF
THE ACT**

		Articles
Part I	Preliminary	1 – 2
Part II	Guiding Principles	3 – 4
Part III	Establishment, Functions and Conduct of Affairs of the Authority	5 – 10
Part IV	Officers and Employees of the Authority	11 – 12
Part V	Financial Provisions	13 – 25
Part VI	Principles relating to Recognition	26 - 33
Part VII	Deleted by Act No. XIX of 2024	34 - 38
Part VIII	Enforcement and Sanctions	39 - 44

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Part IX	Administrative Review Tribunal	45 - 54
Part X	Deleted by Act No. XIX of 2024	55 - 57
Part XI	Miscellaneous Provisions	58 – 59
First Schedule	Innovative Technology	
Second Schedule	Deleted by Act No. XIX of 2024".	

Substitution of article 2 of the principal Act.

6. Article 2 of the principal Act shall be substituted by the following new article:

"Interpretation. 2. (1) In this Act, unless the context otherwise requires:

Cap. 591.

"the Act" means the Malta Digital Innovation Authority Act and includes any regulations and rules made thereunder and any binding guidelines issued thereunder, unless the context otherwise requires;

"Authority" means the Malta Digital Innovation Authority established by article 5 and any references in the Act or any other law to the Authority shall, unless the context otherwise requires, be construed as including a reference to any person authorised by the Authority to act for or on its behalf;

"Board" means the Board of Governors of the Authority composed of the Chairperson and members appointed in accordance with article 5;

"Chairperson" means the Chairperson of the Authority and includes, in the circumstances mentioned in article 5(3), the Deputy Chairperson or any other person appointed to act as Chairperson;

"decision" includes any directive, determination, direction, condition, measure, requirement or specification, howsoever described, made by the Authority;

"innovative technology" includes any form of digital technology, including but not limited to, any type of digital technology listed in the First Schedule, related products, solutions or services, as well as processes and practices aimed or designed at protecting digital technology and its users;

"Minister" means the Minister responsible for the Authority;

"powers of the Authority" means the powers of the Authority resulting from the Act, any special laws that the Authority is appointed or entitled to administer or enforce, any Governmental or ministerial appointment, or by delegation, appointment or engagement by other public entities, regulatory bodies and, or competent authorities;"

"recognition" means any form of recognition including a licence, registration, permission, authorisation, approval, acknowledgment, certification, attestation, or mark of credit, granted or issued by the Authority in accordance with the powers of the Authority;

"small and medium-sized enterprises" shall have the meaning assigned to it under the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) or any law enacted in relation thereto;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act;

"user" includes any person who uses or otherwise participates in or engages with innovative technology.

(2) Where reference is made to the powers of the Authority to protect the public interest and users, it shall be construed as a reference to members of the public and users in any country and not exclusively to users in Malta.

(3) The provisions of the Act shall be without prejudice to provisions regarding activities concerning public security, defence, national security and the activities of the State in areas of criminal law.

(4) Unless the context otherwise requires, the provisions of the Act and any regulations made thereunder shall apply in the absence of substantive rules on recognition of innovative technology as may be contained in any special laws or in European Union and, or international legislation applicable to Malta.

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(5) In the case that the provisions of the Act conflict with the provisions of any other legislation, the provisions of the Act shall prevail."

Substitution of article 3 of the principal Act.

7. Article 3 of the principal Act shall be substituted by the following new article:

"Promotion and development of the Authority's interests.

3. The Government shall, through the establishment of the Authority in Malta, seek the progress of the innovative technology sector in Malta and the fostering of innovative technology development in or from Malta through the recognition and regulation of relevant innovative technology and related services, the issuing and promotion of initiatives and incentives aimed at the innovative technology sector and the adoption of standards that add trust in innovative technology. This shall be done:

(a) in full respect of the importance of not hindering innovation and the efforts and potential of small and medium-sized enterprises and the start-up sector in this area of activity;

(b) while considering that the approach to recognition and regulation may be moderated by the pace of changes and developments taking place in this sector;

(c) in a manner ensuring that there are standards in place for the protection of users, the integrity of the market, and the public interest in general;

(d) in a manner that incentivises innovation and innovative technology development in or from Malta;

(e) in a manner that is consistent with European and international laws applicable to Malta; and

(f) in line with the values outlined in the strategy of the Authority or similar document, as may be updated from time to time."

Amendment of article 4 of the principal Act.

8. Article 4 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The Government shall determine Malta's policies and objectives with regard to innovative technology to support the development of Malta as a centre

of excellence for innovative technology and shall appropriate such funds and provide such resources to the Authority as it considers necessary to achieve such aims.";

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

"(2) The Authority shall seek to achieve the following main objectives and policies and shall have the power:

(a) to promote governmental policies that favour the deployment, within the public administration, of innovative technology by the Government where necessary or appropriate;

(b) to foster, promote and facilitate the advancement and utilisation of innovative technology through, amongst others, programmes and schemes, such as, but not limited to, a controlled regulatory environment for the testing of innovative technology, aimed at incentivising innovative technology development in and from Malta and the creation of trust in innovative technology;

(c) to assist developers of innovative technology, in particular, but not exclusively, start-ups and small and medium-sized enterprises in meeting their regulatory and other obligations, and to minimise risks to, and posed by, innovative technology, by issuing recognitions and through other programmes and incentives designed for this purpose;

(d) to promote, through grants, programmes, research, education, use and, or the making available of facilities, hardware or personnel, the use and development of innovative technology and the application of ethical standards in the development and use of such innovative technology:

Provided that the giving of such grants shall not prejudice and, or preclude the Authority's oversight and regulatory functions and powers;

(e) to promote, and strive to safeguard, maintain and protect the reputation of Malta in

relation to innovative technology and the development and use of innovative technology;

(f) to protect the interest of users of innovative technology and the public in general and in so doing take any necessary action, including without limitation to disclosure of information and documents which the Authority in its discretion deems that merits disclosure and, or when required by law, to be disclosed to the general public and, or referred to any other competent authority and the pursuance of any further act or collaboration from or with other public entities, regulatory bodies and, or competent authorities and, or regulatory bodies;

(g) to provide a sound financial basis to the Authority, through, amongst others, the levying of fees by the Authority, including the imposition of interest in the case of late payment at the rate to be determined by the Authority, for the Authority to be able to achieve its purposes;

(h) to promote harmonised practices and, where applicable, to facilitate the adoption of standards in innovative technology in Malta in conformity with international norms, standards, rules and, or laws and particularly with those of the European Union;

(i) to assist the competent data protection authorities as required by law;

(j) to promote and encourage ethical and legitimate criteria in the design and use of innovative technology, and to enforce, as deemed necessary, the quality of services and security of the innovative technology for which a recognition has been granted by the Authority;

(k) through collaboration with other regulatory bodies and competent authorities with responsibility for the prevention of money laundering and the financing of terrorism and crime in general, to support the prevention of money laundering, terrorist financing and the commission of any other crime in, or by means of the use of innovative technology;

(l) to promote trust, transparency, reliability, robustness, safety and auditability in the design and use of innovative technology;

(m) to promote legal certainty in the application of laws, in a national and cross-border context, and the development of appropriate legal principles for the effective application of law to innovative technology; and

(n) to promote security by design and security by default criteria with reference to innovative technology.";

(c) in sub-article (3) thereof, the words "public administration and transport." shall be substituted by the words "public administration, logistics, transport, sports and entertainment.";

(d) in sub-article (4) thereof, the words "innovative technology arrangements" shall be substituted by the words "innovative technology"; and

(e) immediately after sub-article (4) thereof, as amended, there shall be added the following new sub-articles:

"(5) The Authority shall be the national focal point for the recognition of innovative technology and shall, when it deems necessary, collaborate with other public entities, regulatory bodies and, or competent authorities in promoting measures to be adopted in meeting and reducing the risks identified with its intended use.

(6) For the purpose of this article:

(a) "security by design" means measures adopted at the earliest stages of the design and development of innovative technology, and also throughout its lifetime, to protect its security to the highest possible degree; and

(b) "security by default" means the default configuration of innovative technology to the most secure settings possible.".

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

Amendment of article 5 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) There shall be a body, which shall be referred to as the Malta Digital Innovation Authority, the activities and business of which shall be carried out by a Board composed of a Chairperson and not less than four (4) and not more than eight (8) other members who, in the opinion of the Minister, shall be persons with the relative qualifications and experience *inter alia* in matters relating to innovative technology, financial services, audit and accounting, law, regulation and other subjects which may be relevant to the supervisory and regulatory competence of the Authority.";

(b) in paragraph (d) of sub-article (4) thereof, the words "a criminal offence under a regulatory law referred to in the Second Schedule," shall be substituted by the words "a criminal offence under any law,";

(c) paragraph (c) of sub-article (6) thereof shall be substituted by the following new paragraph:

"(c) if any member fails to perform his duties for a continuous period exceeding five (5) months without any valid justification.";

(d) in sub-article (9) thereof, the words "Any member of the Authority" shall substituted by the words "Any member of the Board"; and

(e) sub-article (10) thereof shall be deleted.

Amendment of
article 6 of the
principal Act.

10. Article 6 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "in Malta of all innovative technology arrangements and innovative technology services in order to achieve the principles and objectives outlined in Part II." shall be substituted by the words "in or from Malta of innovative technology in order to achieve the policies and objectives outlined in article 4.";

(b) in sub-article (2) thereof the words "supervisory and regulatory functions in the field of innovative technology arrangements and innovative technology services as may from time to time be assigned to the Authority by any special law." shall be substituted by the words "supervisory and regulatory functions in the field of innovative technology in accordance

with the powers of the Authority.";

(c) sub-articles (3), (4), (5), (6) and (7) thereof shall be substituted by the following new sub-articles:

"(3) The Authority shall, without prejudice to any of the powers of the Authority or functions, and in adherence with article 3, have the powers to:

(a) publish and administer such programmes, schemes and initiatives that, in its view, are necessary to promote the interests of the innovative technology sector and its users, including, but not limited to, schemes of recognition whereby, amongst others, the innovative technology, and the risks posed by its application are assessed and tested and provided with a certificate or mark of assurance or approval, in any manner that they are referred to:

Provided that the Authority shall publish the terms of such programmes, schemes and initiatives in a clear and transparent manner;

(b) unless otherwise determined by or under any applicable laws and, or regulations, determine those professional services related to innovative technology that require recognition by the Authority and publish and administer such programmes, schemes and initiatives that, in the view of the Authority, are necessary to foster trust in innovative technology, including services for the auditing and testing of innovative technology, or aspects thereof, and the risks posed by their use or application;

(c) publish and administer such programmes, schemes and initiatives, including those ensuring that a controlled regulatory environment for the testing of innovative technology is available, for the fostering of the development of innovative technology in or from Malta;

(d) obtain from the Government, other local authorities or agencies and, or apply to the European Union or other international bodies for the grant of funds to be utilised as grants to be allocated to innovative technology by way of incentives and awards and administer such grants and incentives to

applicants in accordance with fair, transparent and non-discriminatory conditions to be published by the Authority and which are accessible through the website of the Authority, from time to time;

(e) perform the functions of the National Cybersecurity Certification Authority in accordance with Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No. 526/2013 (Cybersecurity Act), and advise the Minister on the adoption and publication of laws necessary to implement European and international laws relating to cyber security certification;

(f) be consulted on any planned implementation of laws and policies relating to the national imposition of obligations on innovative technology in any area or sector as well as in relation to the implementation of European Union and, or international legislation relating to innovative technology;

(g) subject to any limitations that may be imposed on the powers of the Authority, establish and levy fees in relation to innovative technology, including on any recognition and any persons, such as providers of services relating to innovative technology participating in the initiatives and, or schemes published or administered by the Authority, whether acting alone as well as jointly with other public entities, regulatory bodies and, or competent authorities, subject to the publication of such fees in advance and in a transparent fashion and accessible through the website of the Authority, and the Authority shall also have the power to establish and levy fees for services rendered to other public entities, regulatory bodies and, or competent authorities;

(h) regulate, issue recognitions and conditions, including in principle temporary or partial recognitions, as may be further elaborated by the Authority pursuant to its guidelines and test,

monitor and supervise innovative technology, in or from Malta, in accordance with the Act and any subsidiary legislation made thereunder;

(i) keep under review all practices, operations and activities relating to any matter regulated by or under the Act or any other special law which the Authority is entitled to administer or enforce or any European Union and, or international legislation applicable to Malta;

(j) promote high standards of conduct and governance throughout the innovative technology industry, corresponding with the levels of risk posed by the use of innovative technology;

(k) enforce compliance with obligations and, or terms arising from and, or in terms of the law;

(l) own, manage, supervise and control and as required use, hold, develop and provide, maintain a sub-licence and, or make available any wallet or similar solution or software, any wallet solution, account or other facility, in particular in relation to any form of digital identity, accreditation, data and digital assets;

(m) engage with facilities, entities and persons, including service providers and carry out transactions as it may consider necessary for the fulfilment of its functions, and enter into any contract for the supply of goods or materials or the execution of work or the rendering of services to, or for the benefit and, or functioning of the Authority, including but not limited to, in pursuance to paragraph (l) and, or the innovative technology sector;

(n) monitor the effects of laws on the use and operation of innovative technology and undertake or commission such study, research or investigation which it may deem necessary in this regard;

(o) issue binding documentation such as guidelines and provide information and guidance on any matter, including definitions regulated by, or under the Act, or any other special law which the

Authority is entitled to administer or enforce, or any European Union and, or international legislation applicable to Malta;

(p) determine, by virtue of guidelines or other binding documentation, which products, solutions or services may be classified as "innovative technology" as defined in the Act and the purposes, qualities, features, attributes, behaviours or aspects thereof that shall be recognised by the Authority;

(q) support and liaise with non-profit organisations and educational institutions in Malta which are established for the promotion of the use and development of innovative technology;

(r) keep under review developments on relevant subjects relating to innovative technology in order to ensure that activity in Malta is generally consistent with internationally recognised standards and norms of good practice;

(s) enter into agreements with other public bodies and authorities to better coordinate the effective and efficient exercise of the respective functions of such public bodies and authorities where they have common functions, interests or aims, including the delegation to the Authority by the said public bodies and authorities of certain powers appertaining to them and the delegation by the Authority to such other public bodies and authorities of certain powers of the Authority;

(t) collect relevant statistical and other information as may be required by the Authority in relation to innovative technology;

(u) perform such other functions, including functions aimed at promoting innovative technology, as may from time to time be assigned to it by the Minister, or by governmental or ministerial appointment or by engagement by other public entities, regulatory bodies and, or competent authorities;

(v) impose administrative penalties and, or measures and, or fines in accordance with the powers

of the Authority in relation to a breach of the Act, any regulations made thereunder, any special law which the Authority is entitled to administer or enforce, or any recognition issued by the Authority or any European Union and, or international legislation applicable to Malta;

(w) advise the Minister on the formulation of policy in relation to matters regulated by, or under the Act, and in particular in relation to any international obligations;

(x) otherwise advise the Minister on any matter connected with its functions under the Act or any other law;

(y) formulate and implement the policies and strategies with short-term and long-term objectives in relation to the matters connected with its functions under the Act or any other law;

(z) encourage users of innovative technology to establish places of business in Malta;

(aa) advise the Minister on the planning and development of the innovative technology industry as well as on the infrastructure supporting the innovative technology industry;

(bb) promote and advance Malta as a destination for high value commercial users of innovative technology to establish places of business in Malta;

(cc) prescribe any forms relating to any of the applications and processes involved in the recognition of innovative technology;

(dd) establish or participate in the establishment and operation of entities whose function shall be necessary, ancillary or conducive to the attainment of the functions and, or objectives of the Authority under the Act or any regulations made thereunder or any special law which the Authority has the power to administer or enforce or any European Union and, or international legislation applicable to Malta;

(ee) perform the functions of a competent authority in accordance with Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) for data altruism services and data intermediation services;

(ff) carry out functions in line with cooperation mechanisms with other national competent authorities; and

(gg) appoint a qualified person or otherwise require that the person concerned appoints a qualified person in the case that he considers this to be appropriate or expedient to perform those tasks in terms of those terms and conditions that the Authority may order. The fees and expenses incurred by the qualified person in this respect or which are incidental to such an appointment shall be paid by the person in respect of whom the qualified person was appointed, unless determined otherwise by the Authority. The Authority may issue guidelines that establish the procedures or requisites related with this appointment and these guidelines may also establish the powers, duties and obligations of the qualified person.

(4) (a) Without prejudice or limitation to any of the powers of the Authority, the Authority shall have the power, strictly for the purposes of carrying out its functions, to request any person or any person who may have in her possession relevant documentation to provide it with any information, documents and reports, including financial information, that the Authority considers necessary:

Provided that the information requested by the Authority shall be proportionate to the performance of its functions and obligations under the Act or any regulations made thereunder or any special law which the Authority has the power to administer or enforce or any European Union and, or international legislation applicable to Malta, and in requiring any information as aforesaid, the Authority shall specify the reason for such request.

(b) Where the Authority requires information

relating to the intellectual property, trade secrets or commercially sensitive information related to any innovative technology, it shall only demand that information which is strictly necessary for its purposes and shall keep such information confidential.

(c) A person who is notified with a request for information shall comply promptly with the request and within the timeframes and according to any level of detail, as may be required by the Authority.

(d) Any person who has any information requested by the Authority in terms of the Act and its officers or employees shall, on a written request from the Authority, provide expeditiously to the Authority any information required by the Authority in terms of the Act, may not raise in this regard, an exception or defence including any obligation with regard to the prohibition or the confidentiality that arise from contractual law or in any other manner refuses to conform with such a request from the Authority. No action for a breach of contractual law or disciplinary action may be taken in a direct or indirect manner by a person in regard to officers and employees due to the fact that they provided the Authority with any required information by the Authority as provided in sub-article (4) and any such contractual or disciplinary measure shall be deemed as null and void:

Provided that any such person shall, in complying with the provisions of this sub-article, specify clearly to the Authority if any information provided by him is to be considered as confidential for commercial reasons. Also said person shall specify clearly his reasons to the Authority. The Authority shall decide whether the information shall be treated as such:

Provided further that the provisions of this sub-article relating to confidentiality shall apply to any information provided to the Authority for whatever reason whether under the Act or any other law which the Authority is entitled to administer or enforce.

(5) (a) The Authority may opt to publish

information and, or guidelines relating to its rulings and determinations which are accessible through the website of the Authority when said rulings and determinations affect applications, the interpretation of the provisions of the Act, or any special law which it has the power to administer or enforce or any European Union and, or international legislation applicable to Malta, in order to ensure that applicants and the public in general are aware of the position taken by the Authority on matters of general interest relating to innovative technology.

(b) The publication of such information and, or guidelines shall not in any way limit the freedom of the Authority to vary its policies or approach on any issue based on further review and experience or development of innovative technology or law generally. When such variations take place the Authority shall notify in later publications the connection and review to previous publications.

(c) The Authority shall have the power to determine when any of its publications, or part thereof, shall become binding.

(6) The Authority shall also have such other functions, responsibilities and powers as are set out by or under the Act or as may be assigned to it by or under any other law including all such powers as are necessary for, or incidental to the performance of its functions and powers.

(7) The Authority shall in the carrying out of its functions seek to ensure that the measures taken are proportionate having regard also to the objectives of the Authority.";

(d) sub-articles (8) and (9) thereof shall be deleted.

Addition of new article to the principal Act.

11. Immediately after article 6 of the principal Act there shall be

added the following new article:

"Enforcement powers.

6A. (1) Without prejudice to any other law, for the purpose of carrying out market surveillance, investigation and enforcement in accordance with Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011 and other European Union legislation, the Authority shall have the powers listed in such Regulation and other European Union legislation, with regard to functions where the Authority has been designated as market surveillance authority, including the power to:

(a) require economic operators to provide relevant documents, technical specifications, data or information on compliance and technical aspects of the product, including access to embedded software in so far as such access is necessary for the purpose of assessing the product's compliance with applicable European Union harmonisation legislation, in any form or format and irrespective of the medium of storage or the place where such documents, technical specifications, data or information are stored, and to take or obtain copies thereof;

(b) require economic operators to provide relevant information on the supply chain, on the details of the distribution network, on quantities of products on the market and on other product models that have the same technical characteristics as the product in question, where relevant for compliance with the applicable requirements under European Union harmonisation legislation;

(c) require economic operators to provide relevant information required for the purpose of ascertaining the ownership of websites, where the information in question is related to the subject matter of the investigation;

(d) carry out unannounced on-site inspections and physical verifications;

(e) enter any premises, land or means of transport that the economic operator in question used for purposes related to the economic operator's trade, business, craft or profession, in order to identify non-compliance and to obtain evidence;

(f) start investigations on its own initiative in order to identify non-compliance and ensure that the situation is rectified;

(g) require economic operators to take appropriate action to stop circumstances of non-compliance or to eliminate the risk;

(h) take appropriate measures where an economic operator fails to take appropriate corrective action or where the non-compliance or the risk persists, including by prohibiting or restricting the making available of a product on the market or by ordering that the product is withdrawn or recalled;

(i) impose administrative penalties in accordance with Article 41 of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011 and according to European Union legislation;

(j) acquire product samples, including under a cover identity, to inspect those samples and reverse engineer them in order to identify non-compliance and to obtain evidence;

(k) where no other effective means are available to eliminate a serious risk:

(i) to require the removal of content referring to the related products from an online interface or require the explicit display of a warning to end users when they access an online interface; or

(ii) where a request according to sub-paragraph (i) has not been complied with, to require information society service providers to restrict access to the online interface, including by requesting a relevant third party to implement such measures; and

(1) use any information, document, finding, statement, or any intelligence as evidence for the purpose of its investigations, irrespective of the format in which and medium on which they are stored.

(2) For the purposes of this article, "economic operator" shall have the same meaning assigned to it in Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011."

12. Article 7 of the principal Act shall be substituted by the following new article:

Substitution of article 7 of the principal Act.

"Conduct of the affairs of the Authority.

7. (1) The affairs and business of the Authority shall be the responsibility of the Board, which responsibility shall be exercised through the Chairperson.

(2) The first Chief Executive Officer shall be appointed by the Minister.

(3) The day-to-day administration, recruitment, and organisation of the Authority, and the administrative control of its officers and employees shall be under the control of the Chief Executive Officer of the Authority who shall also have such other powers, as may from time to time, be delegated to him by the Board.

(4) The Chief Executive Officer shall be tasked with the implementation of the objectives of the Authority in the exercise of its functions at law, as set out by the Board, and without prejudice to the generality of the foregoing he shall:

(a) have control of the general administration, supervision and operations of the Authority and any ancillary activity related to it;

(b) develop the necessary strategies for the implementation of the objectives of the Authority and implement such strategies as directed by the Board;

(c) advise the Board on any matter it may refer to him or any matter he considers necessary or expedient;

(d) perform such other duties as the Board may assign to him from time to time; and

(e) at the end of each financial year, present to the Board estimates of the income and expenditure of the Authority for the following financial year for the Board's approval.

(5) The Chief Executive Officer shall attend all the meetings of the Board but shall not vote at such meetings.

(6) The Authority may exercise any one or more of its functions either directly or through any of its officers or employees or through an agency authorised for that purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into:

Provided that nothing in this sub-article shall authorise the Authority to contract or delegate any of:

(a) its regulatory functions; or

(b) its recognition functions, unless such functions are expressly delegated to another public entity, regulatory body and, or competent authority established by law.

(7) The Board may establish committees of the Board, composed of members of the Board and other persons who may be invited to participate in the committee, to address particular issues as may be assigned to it by the Board.

(8) The Board may also establish a National Technology Ethics Committee for the purpose of ensuring that proper standards of ethics are upheld in the use of innovative technologies which are recognised by the Authority and to assist upon their request other authorities established in Malta where innovative technology is being used in their areas of competence. The said National Technology Ethics Committee shall have such functions and shall be composed of such members as may be determined by the Board."

Substitution of article 8 of the principal Act.

13. Article 8 of the principal Act shall be substituted by the

following new article:

"Independence of the Authority and its relations with the Minister.

8. (1) Except as expressly provided for in other provisions of the Act, the Authority shall act independently, impartially and without bias in the exercise of its regulatory, supervisory, market surveillance and enforcement functions at law, including in the development of guidelines and binding documentation, its internal procedures and the organisation of its staff. In doing so the Authority shall not seek or take instructions from any other person in relation to the exercise of the tasks assigned to it by law, and this without prejudice to any supervision, however so described, that may be undertaken in accordance with the Constitution.

(2) The Minister, in relation to matters that affect the public interest, may give to the Authority, from time to time, policy directions in writing of a general character, not inconsistent with the provisions of the Act and, on the policies to be followed in the carrying out of the functions vested in the Authority by or under the Act.

Cap. 601. (3) The provisions of article 77 of the Public Finance Management Act shall not apply to the Authority."

14. Article 9 of the principal Act shall be amended as follows:

Amendment of article 9 of the principal Act.

(a) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) The legal and judicial representation of the Authority shall vest in any one of the Chairperson, the Chief Executive Officer, or such other member or members of the Board or officer of the Authority as the Board may appoint:

Provided that the Board may appoint one or more members of the Board, or one or more officers of the Authority to appear in the name or on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever."; and

(b) in sub-article (3) thereof, the words "signed by the Chairman, or such other member of the Board, the Chief Executive Officer, if any," shall be substituted by the words

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"signed by the Chairperson or the Chief Executive Officer or such other member of the Board,".

Amendment of article 10 of the principal Act.

15. Sub-article (2) of article 10 of the principal Act shall be substituted by the following new sub-article:

"(2) Half the number of members constituting the Board at any given time shall form a quorum. A decision shall be adopted by a simple majority of the votes of the members present and who may vote. The Chairperson, or in the absence of the Chairperson, the Deputy Chairperson or any other person appointed to act as Chairperson, shall have an initial vote and, in the event of an equality of votes, a casting vote."

Amendment of article 13 of the principal Act.

16. Sub-article (2) of article 13 of the principal Act shall be substituted by the following new sub-article:

"(2) In furtherance of the provisions of sub-article (1), the Authority shall levy all fees, rates and other payments prescribed under the Act or any other special law administered by the Authority, or set by the Authority in accordance with the powers of the Authority or any European Union and, or international legislation applicable to Malta."

Addition of new article to the principal Act.

17. Immediately after article 13 of the principal Act, as amended, there shall be added the following new article:

"Exemption from taxes.

13A. The Authority shall be exempt from any liability for the payment of income tax, duty on documents and transfers, and customs and excise duty, under any law."

Amendment of article 20 of the principal Act.

18. In sub-article (2) of article 20 of the principal Act the words "appointed by the Authority and approved by the Minister:" shall be substituted by the words "appointed by the Authority:".

Amendment of article 21 of the principal Act.

19. Article 21 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "by a resolution of the Authority." shall be substituted by the words "by resolution of the Board."; and

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

"(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 Chairperson or Chief Executive Officer, or such other member of the Board or officer of the Authority as may be authorised by the Authority for that purpose."

20. Article 22 of the principal Act shall be deleted.

Deletion of article 22 of the principal Act.

21. Article 24 of the principal Act shall be deleted.

Deletion of article 24 of the principal Act.

22. In article 25 of the principal Act the words "under this Act, or any other special law which the Authority is entitled to administer or enforce, or rules or regulations aforesaid, unless the act or omission is shown to have been done or omitted to be done in bad faith." shall be substituted by the words "in accordance with the powers of the Authority unless the act or omission is proven to have been done or omitted to be done in bad faith."

Amendment of article 25 of the principal Act.

23. The heading of Part VI of the principal Act shall be substituted by the following new heading:

Substitution of the heading of Part VI of the principal Act.

"Principles relating to Recognition".

24. Article 26 of the principal Act shall be substituted by the following new article:

Substitution of article 26 of the principal Act.

"Conditions for the issue of recognitions.

26. (1) The Authority shall establish and prescribe rules, in the form of binding documentation such as guidelines, in relation to the forms of recognition it shall grant or issue and in relation to recognition programmes, initiatives and schemes it shall administer in accordance with the powers of the Authority, laying down the terms and requirements that applicants shall satisfy.

(2) The Authority may also determine when innovative technology which may be the subject of requirements under any law which the Authority is entitled to administer or enforce, or under terms and conditions of recognition, programmes, initiatives and schemes issued and, or administered by the Authority, is exempt from such requirements.

(3) Where the Authority deems necessary, the Authority shall keep a register containing a list of recognition holders and recognitions issued by the Authority. This register, which may be publicly available at the discretion of the Authority, including on the Authority's website, shall in particular indicate:

(a) the form of recognition and the programme, initiative and, or scheme under which it is granted;

(b) each innovative technology product, solution or service which is recognized;

(c) all such details as the Authority shall consider necessary to identify the relevant recognition holder; and

(d) the information on all matters which is required to be entered into the register for public information in accordance with the provisions of the Act, any other applicable law, or which the Authority deems to be in the public interest and such information shall be updated on a regular basis."

Amendment of article 27 of the principal Act.

25. Article 27 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall substituted by the following new marginal note:

"Power of the Authority to grant or refuse recognition.";

(b) sub-articles (1) and (2) thereof shall be substituted by the following new sub-articles:

"(1) The Authority shall have the power to grant or refuse to grant an innovative technology recognition in accordance with the Act or under any special law which the Authority is entitled to administer or enforce or any European and, or international legislation applicable to Malta, in accordance with the requirements and conditions relating to the particular programme, initiative or scheme for the recognition of the particular innovative technology that shall be accessible through the website of the Authority, subject to its reasoned decision being communicated to the applicant and subject to the applicant's right of appeal, as provided for hereunder.

(2) (a) The Authority, when granting a recognition, may subject it to such conditions as it may deem appropriate, and having granted such recognition it may, from time to time, vary or revoke any condition so imposed or impose new conditions.

(b) For the better carrying out of the provisions of the Act, the Authority may, from time to time, issue and publish recognition conditions, rules and guidelines which shall be binding on recognition holders as may be specified therein.

(c) In the interest of transparency and market awareness, such recognition, conditions, rules and guidelines may lay down, amongst others, additional requirements and conditions in relation to the activities of applicants and recognition holders and any other matters as the Authority may consider appropriate.";

(c) in sub-article (3) thereof:

(i) the words "When considering whether to grant or refuse to grant an innovative technology authorisation the Authority shall, in particular, have regard to -" shall be substituted by the words "When considering whether to grant or refuse to grant recognition, the Authority shall, amongst others, but without prejudice to the generality of the powers of the Authority, have regard to:"; and

(ii) in paragraph (d) thereof, the words "all other parties connected with innovative technology arrangements." shall be substituted by the words "all other connected parties."; and

(d) sub-articles (4) and (5) thereof shall be deleted.

26. Article 28 of the principal Act shall be amended as follows:

Amendment of article 28 of the principal Act.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Refusal to grant recognition.";

(b) sub-article (1) thereof shall be amended as follows:

(i) the words "The Authority, acting in line with the governing principles and in furtherance of the

regulatory objectives established by the Act, or any other special law which the Authority is entitled to administer or enforce or any European Union and, or international legislation applicable to Malta, shall refuse to grant an innovative technology authorisation in any of the following instances:" shall be substituted by the words "Without prejudice to the generality of the powers of the Authority, the Authority may issue guidelines or otherwise specify those instances in which it may refuse to grant a recognition, which instances may include the following:";

(ii) paragraph (c) thereof shall be substituted by the following new paragraph:

"(c) if the Authority, in its discretion, is not satisfied that the applicant, any relevant persons, including persons with delegated authority of representation, possess the required qualities and, or competencies and, or qualifications, including those relating to security features and automated technology systems used and those related to fit and proper requirements, imposed by the Authority; or";

(iii) paragraph (d) thereof shall be deleted;

(iv) paragraph (f) thereof shall be substituted by the following new paragraph:

"(f) if the Authority, in its discretion is not satisfied in accordance with the circumstances of the case that:

(i) the applicant is capable of sustainably financing the innovative technology;

(ii) the applicant has the necessary competence, technical know-how and resources to develop the innovative technology or provide the service;

(iii) the applicant has a business model to develop and, or maintain the innovative technology or provide the service in a viable manner which is compliant with the applicable regulatory instruments in force; and

(iv) the applicant shall comply with all requirements and obligations applicable should a recognition be issued by the Authority, including but not limited to financial safeguards; or";

(v) immediately after paragraph (f) thereof, as substituted, there shall be added the following new paragraphs:

"(g) if the Authority believes that the applicant's proposal is not compliant with the regulatory instruments in force;

(h) if the Authority believes that granting a recognition to the applicant may pose a risk to the reputation of Malta or is otherwise not in the public interest or contrary to regulatory objectives established by the Act;

(i) if the Authority believes that the innovative technology may be used in a manner that is contrary to public morality, or third party personal rights or is considered a potential security threat, or may pose a risk to the reputation of Malta, or is considered to be not in the public interest; or

(j) if the Authority, in its reasonable discretion, is not satisfied that the applicant has complied with and, or has satisfied the required conformity assessment procedure, where applicable and, or other procedures of the Authority."; and

(d) sub-articles (2) and (3) thereof shall be deleted.

27. Article 29 of the principal Act shall be substituted by the following new article:

Substitution of article 29 of the principal Act.

"Notice of refusal of a recognition.

29. The Authority shall, within a time period to be established through guidelines, which period may vary depending on the type of recognition, notify an applicant in writing of its decision to refuse an application for recognition."

28. Article 30 of the principal Act shall be substituted by the

Substitution of article 30 of the principal Act.

following new article:

"Power of the Authority to revoke, cancel or suspend a recognition.

30. (1) The Authority may at any time revoke, cancel or suspend a recognition if, following the issuing of a recognition:

(a) one of the grounds for which the Authority may have rejected the recognition holder's application arises;

(b) where the recognition is issued based on incorrect or false information provided to the Authority;

(c) where at the discretion of the Authority, this is in the interest of the users of the innovative technology concerned, public safety or morality, or the reputation of Malta;

(d) where this is necessary as a result of a change in the legal framework which necessitates such a revocation, cancellation or suspension of recognition; or

(e) where this is necessary on the basis of European Union and international laws applicable to Malta:

Provided that without prejudice to any other breaches under any other law that this may give rise to, the providing of false information to the Authority shall constitute an offence in accordance with the Act and shall be punishable in accordance with the provisions of the Act.

(2) The Authority shall have the power to publicise the revocation, cancellation or suspension of its recognitions and the reasons thereof, should it consider that this is necessary.

(3) No action shall lie against the Authority in terms of the Media and Defamation Act, or any other law relating to defamation or slander, for the issuing of *bona fide* public statements in terms of this article.

(4) The Authority may further specify those circumstances which may lead to a suspension, cancellation or revocation of a recognition.

(5) In addition to the above mentioned measures relating to the suspension, cancellation or revocation of a recognition, the Authority shall have the power to impose administrative penalties for breaches of the conditions or obligations imposed on applicants, recognition holders or third parties by the Authority in accordance with the powers of the Authority or the Act or any other law which the Authority is empowered to administer or enforce.

(6) Such administrative penalties as may be imposed by the Authority under the previous sub-article shall be in accordance with article 42 and may be imposed by the Authority in addition or in substitution of any other measures imposed by the Authority."

29. Article 31 of the principal Act shall be substituted by the following new article

Substitution of article 31 of the principal Act.

"Procedure when taking a measure in accordance with article 30.

31. (1) The Authority shall inform the recognition holder and establish the procedure to be adopted, prior to taking any of the measures in accordance with article 30, which procedure may vary depending on the type of recognition it is granting.

(2) Notwithstanding the provisions of sub-article (1), where the Authority has *prima facie* evidence that the infringement:

(a) represents an immediate and serious threat to the users of the innovative technology, the public interest or to the application of mandatory rules of law;

(b) creates or may create serious economic or operational problems for third parties, in particular other providers or users of innovative technology; and, or

(c) would result in harm to Malta and, or the European Union and, or the welfare of users and, or competition, including within the innovative technology sector,

the Authority may take urgent measures including ordering the immediate cessation of the act or omission giving cause to the infringement and the imposition of administrative penalties and the suspension, revocation or cancellation of the recognition."

30. Article 32 of the principal Act shall be substituted by the

Substitution of article 32 of the principal Act.

following new article:

"Decisions of the Authority.

32. (1) The Authority shall give its reasons for any decision taken in accordance with the Act.

(2) Subject to the rights of the appellant in an appeal filed before the Tribunal in accordance with the Act, the notification of a decision taken by the Authority in accordance with the Act shall, if no such appeal has been filed in terms of the law, and upon the service of a judicial act on the person indicated in the notice, constitute an executive title for all effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

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(3) Notwithstanding the provisions of any other law, no precautionary warrant or order shall be issued by any court restraining the Authority from taking any measure under the Act, or under any regulations issued hereunder or any other law.

(4) Unless otherwise provided for by law decisions taken by the Authority shall only be suspended or reversed by the competent Court or Tribunal, as prescribed in terms of this Act."

Deletion of article 33 of the principal Act.

31. Article 33 of the principal Act shall be deleted.

Deletion of Part VII of the principal Act.

32. Part VII of the principal Act shall be deleted.

Deletion of article 39 of the principal Act.

33. Article 39 of the principal Act shall be deleted.

Amendment of article 40 of the principal Act.

34. Article 40 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be amended by the following:

(i) in paragraph (a) thereof, the words "any premises other than a place of residence," shall be substituted by the words "any premises";

(ii) in paragraph (e) thereof, the words "innovative technology arrangement" shall be substituted by the word "matter";

(iii) in the proviso to paragraph (f) thereof, the words "modification of the use of any such apparatus." shall be substituted by the words "modification of the use

of any such apparatus; and";

(iv) immediately after paragraph (f) thereof, as amended, there shall be added the following new paragraph:

"(g) investigate any suspected breach of any obligations arising under the Act or any other special law which the Authority is entitled to administer or enforce or any European and, or international legislation which is applicable in Malta:

Provided that the Authority may initiate investigations on its own initiative.";

(b) sub-article (4) thereof shall be amended as follows:

(i) the words "innovative technology arrangement" shall be substituted by the words "innovative technology"; and

(ii) the words "regulatory functions of the Authority" shall be substituted by the words "regulatory functions of the Authority, including their representatives and employees,";

(c) in paragraph (e) of sub-article (5) thereof, immediately after the words "in the exercise of its functions under" there shall be added the words "the Act or"; and

(d) sub-article (6) thereof shall be deleted.

35. In sub-article (4) of article 41 of the principal Act the words "Minister or as may be required at law." shall be substituted by the words "Minister, or within the context of legal proceedings in court or arbitration proceedings, or as may be required at law.".

Amendment of article 41 of the principal Act.

36. Article 42 of the principal Act shall be amended by the following:

Amendment of article 42 of the principal Act.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Administrative penalties.";

(b) sub-article (1) thereof shall be amended by the following:

(i) the words "administrative fine" shall be

substituted by the words "administrative penalty";

(ii) in the first proviso thereof, the words "an infringement is committed by an undertaking and the Authority considers that such act or omission has especially significant effects on the market to the detriment of competitors and, or consumers, the specified amount that may be imposed as an administrative fine" shall be substituted by the words "an infringement is considered by the Authority as having significant effects on the market to the detriment of users, the stated amount that may be imposed as an administrative penalty";

(iii) in the second proviso to sub-article (1) thereof, the words "Provided further that any daily fine" shall be substituted by the words "Provided further that any daily administrative penalty";

(c) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) In determining the amount of an administrative penalty, regard shall be had in particular to the nature and the gravity of the infringement, its duration and its impact on the market and on users."; and

(d) sub-article (3) thereof shall be deleted.

Amendment of article 43 of the principal Act.

37. Article 43 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Infringements."; and

(b) the words "Where an administrative infringement of any provision of this Act" shall be substituted by the words "Where an infringement of any provision of the Act".

Amendment of article 44 of the principal Act.

38. Article 44 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Prescription for offences and infringements.";

(b) the words "to impose an administrative fine under this Act" shall be substituted by the words "to impose an

administrative penalty under the Act";

(c) in the Maltese version only, the words "tkun preskritta meta jiskadu sentejn minn meta jiġi allegat li jkun sar ir-reat jew il-ksur amministrattiv" shall be substituted by the words "għandhom jiġu preskritti bl-iskandenza ta' sentejn mid-data li fiha r-reat jew il-ksur ikunu allegatament twettqu jew mid-data li l-Awtorità saret taf bl-allegat reat jew ksur"; and

(d) the words "the offence or administrative infringement" shall be substituted by the words "the offence or infringement".

39. In sub-article (1) of article 45 of the principal Act, the words "or in any law or regulations." shall be substituted by the words "or in any special law which the Authority is entitled to administer or enforce or in any European Union and, or international legislation applicable to Malta." Amendment of article 45 of the principal Act.

40. Article 46 of the principal Act shall be amended as follows: Amendment of article 46 of the principal Act.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Appeals from decisions of the Authority other than the imposition of administrative penalties.";

(b) in sub-article (1) thereof the words "innovative technology services or innovative technology arrangements." shall substituted by the words "innovative technology."; and

(c) sub-article (4) thereof shall be deleted.

41. Article 47 of the principal Act shall be amended as follows: Amendment of article 47 of the principal Act.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Appeals against an administrative penalty imposed by the Authority.";

(b) in sub-article (1) thereof the words "administrative fines" shall be substituted by the words "administrative penalties";

(c) in sub-article (2) thereof the words "administrative fine" shall be substituted by the words "administrative penalty";

(d) in sub-article (3) thereof the words "administrative

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fine as aforesaid unless it results to it that such fine" shall be substituted by the words "administrative penalty as aforesaid unless it results to it that such penalty";

(e) sub-article (7) thereof shall be deleted.

Amendment of article 48 of the principal Act.

42. The marginal note to article 48 of the principal Act shall be substituted by the following new marginal note:

"Decisions of the Administrative Review Tribunal."

Amendment of article 49 of the principal Act.

43. In sub-article (1) of article 49 of the principal Act the words "and in any case shall deliver" shall be substituted by the words "and in any case to deliver".

Addition of new article to the principal Act.

44. Immediately after article 49 of the principal Act there shall be added the following new article:

"Appeal to the Court of Appeal.

49A. Any party, who feels aggrieved by a decision of the Tribunal, may on a point of law and, or of fact appeal to the Court of Appeal in accordance with article 22 of the Administrative Justice Act."

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Amendment of article 50 of the principal Act.

45. In paragraph (c) of sub-article (2) of article 50 of the principal Act the words "the innovative technology services or innovative technology arrangements" shall be substituted by the words "innovative technology".

Addition of new article to the principal Act.

46. Immediately after article 50 of the principal Act, as amended, there shall be added the following new article:

"Accrual of interest.

50A. In cases where the Tribunal or the Court of Appeal, as the case may be, after having upheld an application to suspend an administrative penalty imposed by the Authority pending proceedings, decides that the administrative penalty is due, such administrative penalty shall be due together with any interests accrued thereon as from the date specified by the Authority for payment, including the period during which the payment of the said administrative penalty was suspended."

Amendment of article 51 of the principal Act.

47. Paragraph (e) of article 51 of the principal Act shall be substituted by the following new paragraph:

"(e) in any case that the Authority deems it necessary to send the notice by means of electronic mail, to the electronic mail address provided by the addressee to the Authority, provided that the notice shall not be deemed as delivered if the

Authority receives an automated electronic mail delivery failure message, indicating that the electronic mail was not delivered:

Provided that the provisions of this paragraph shall not apply to the service of documents filed before the Tribunal or any Court."

48. Sub-article (1) of article 52 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 52 of the principal Act.

"(1) When the Authority wants to sue for the recovery of a debt due to the Authority under the Act or any other special law which it is entitled to administer or enforce or under European Union and, or international legislation applicable to Malta, the Chairperson or the Chief Executive Officer or an officer of the Authority duly authorised by the Authority to act on its behalf may make a declaration on oath before the registrar of the Courts, a Judge or a Magistrate wherein he specifies the nature of the debt and the details of the debtor and confirms that the debt is due."

49. Article 53 of the principal Act shall be amended as follows:

Amendment of article 53 of the principal Act.

(a) sub-article (1) thereof shall be amended as follows:

(i) in the Maltese version only, the words "l-effett li -" shall be substituted by the words "l-effett li:";

(ii) paragraphs (a), (b) and (c) thereof shall be substituted by the following new paragraphs:

"(a) any innovative technology has the recognition of the Authority, if this is not the case;

(b) any activity carried out by any person or provided by or on an innovative technology has the recognition or is conducted with the co-operation or assistance of the Authority, if this is not the case; or

(c) any activity is being carried out in, or from Malta in accordance with the regulatory framework applicable to innovative technology when the relevant product, solution or service is not recognised by the Authority;"

(b) sub-article (2) thereof shall be amended as follows:

(i) the words "an innovative technology

arrangement or service." shall be substituted by the words "an innovative technology."; and

(ii) in the Maltese version only, the word "għarfien" shall be substituted by the word "rikonoxximent";

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

"(3) It shall be incumbent on the issuer of an advertisement to expressly state in such advertisement that the product, solution or service does not enjoy recognition by the Authority and shall not give the contrary impression under any circumstances if:

(a) an innovative technology is being administered and operated in or from Malta, or is being provided in or from Malta;

(b) reference is made to such fact in an advertisement; and

(c) the product, solution or service is not recognised by the Authority in any form, as the case may be.";

(d) in sub-article (4) thereof, the words "arrangement or service" shall be substituted by the words "innovative technology."; and

(e) in sub-article (5) thereof the words "any innovative technology arrangement or provider of a service" shall be substituted by the words " any innovative technology".

Deletion of article 54 of the principal Act.

50. Article 54 of the principal Act shall be deleted.

Deletion of Part X of the principal Act.

51. Part X of the principal Act shall be deleted.

Amendment of article 58 of the principal Act.

52. Article 58 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The Minister may, without prejudice to the powers of the Authority, and acting on the advice of the Authority make regulations to give fuller effect to the

provisions of the Act, or to prescribe anything that is to be or which may be prescribed in terms of the Act, any special law which the Authority is entitled to administer or enforce or any European Union and, or international legislation which is applicable to Malta or any other regulatory instrument and to provide for any matter consequential, incidental to or connected therewith.";

(b) sub-article (2) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraphs:

"(a) (i) define and empower the Authority to define products, solutions and services that may be regulated under the Act;

(ii) regulate recognition processes in accordance with the Act or any other special law which the Authority is entitled to administer or enforce or any European Union and, or international legislation applicable to Malta; and the overall requirements and conditions for such recognitions, their grant, amendment, renewal, suspension, revocation and termination and other similar actions and to further empower the Authority to lay down any such requirements and conditions;"

(ii) paragraph (b) thereof shall be substituted by the following new paragraph:

"(b) empower the Authority to regulate and issue recognition to persons engaged in activities falling within the competence of the Authority, the Act or any other special law which the Authority has the power to administer or enforce or any European Union and, or international legislation, and all matters relating thereto, including the qualifications and elements to provide innovative technology as well as the exemption of certain persons or categories of persons from any or all of the requirements for recognition;"

(iii) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) provide for any administrative penalties

that may be imposed by the Authority for any breach of the provisions of the Act or any other special law which the Authority is entitled to administer or enforce or any European Union and, or international legislation applicable to Malta;"

(iv) in paragraph (e) thereof the word "arrangements" shall be deleted;

(v) in paragraph (f) thereof the words "in relation to the recognition of any innovative technology arrangements or services under the provisions of the Act or any special law which the Authority is entitled to administer or enforce" shall be deleted;

(vi) in paragraph (g) thereof, the words "lay down rules" shall be substituted by the words "lay down rules, provide for and clarify the powers of the Authority";

(vii) paragraph (h) thereof shall be substituted by the following new paragraph:

"(h) amend, repeal, add to and, or vary any of the Schedules to the Act and any regulations made thereunder;"

(viii) paragraphs (i), (j), (k), (l), (m) and (n) thereof shall be substituted by the following new paragraphs:

"(i) establish rules and empower the Authority to prescribe rules and to achieve the purposes of the Act, and the effective administration of the Act and, or any other special law which the Authority is empowered to administer or enforce or any European Union and, or international legislation having effect in Malta;

(j) establish rules and empower the Authority to prescribe rules for the mutual recognition of recognitions issued by other national, foreign or international authorities or bodies;

(k) issue further guidance and empower the Authority to issue further guidance regarding the form, accessibility and minimum contents of information that shall be made available to users of innovative technology;

(l) define and empower the Authority to define different levels of recognition that may be obtained in relation to innovative technology;

(m) further regulate recognitions of innovative technology;

(n) further regulate the recognition of innovative technology service providers, including the level of independence and other qualities, if any, that are required for the carrying out of their functions and the definition of such terms;"

(ix) immediately after paragraph (n) thereof, as substituted, there shall be added the following new paragraphs:

"(o) define the criteria for determining whether the systems and security access protocols of applicants or recognition holders, as applicable, meet or are maintained to the appropriate international standards that may be established from time to time;

(p) prescribe rules for the notification of any activities in or from Malta, or relating to innovative technology which are accessible through the website of the Authority, including when the innovative technology already has the recognition in another country;

(q) establish the circumstances and empower the Authority to establish the circumstances in which any person involved in connection with a recognition holder, including any service provider is obliged to communicate information to the Authority, prescribe regulations governing the disclosure of information by service providers and establish supervisory and disciplinary procedures for service providers in respect of their duties;

(r) extend any provisions of the Act, including but not limited to, the right to an effective judicial remedy to any form of innovative technology;

(s) by regulations made under the Act amend any Schedule made under the Act;

(t) clarify by means of guidelines any definition in sub-article (1) of article 2;

(u) empower and designate the Authority as a competent authority and, or supervisory authority and, or market surveillance authority in relation to innovative technology, data or any other area, as may be prescribed by the Minister;

(v) grant to the Authority the power to issue recognitions, create processes and structures, facilitate and generate data sharing by natural or legal persons and the public sector; and

(w) prescribe fees in consultation with the Minister responsible for finance."; and

(c) sub-articles (3) and (4) thereof shall be substituted by the following new sub-articles:

"(3) Regulations made under this article may be made subject to such exemptions or conditions as may be specified therein, may make different provision for different cases, circumstances or purposes and may give to the Authority such powers of adaptation of the regulations as may also be so specified.

(4) Where regulations have been made in terms of this article, the Authority may issue guidelines for the better carrying out and to better implement the provisions of such regulations.";

(d) in sub-article (5) thereof, the words "arrangements and innovative technology services providers" shall be deleted; and

(e) in sub-article (6) thereof, the words "consistent with innovative technology arrangements in order to achieve the best outcomes and ecosystem for the use of such innovative technology arrangements." shall be substituted by the words "consistent with innovative technology in order to achieve the best outcomes and ecosystem for the use of such innovative technology.".

Substitution of
the First
Schedule to the
principal Act.

53. The First Schedule to the principal Act shall be substituted by the following new Schedule:

**"FIRST SCHEDULE
(article 2)
Innovative Technology**

- (a) artificial intelligence;
- (b) "distributed ledger technology" and "decentralised ledger technology (DLT)";
- (c) internet of things."

54. The Second Schedule to the principal Act shall be deleted. Deletion of the Second Schedule to the principal Act.

55. The provisions of the Malta Digital Innovation Authority Act as applicable prior to the entry into force of the Malta Digital Innovation Authority (Amendment) Act, 2024 shall continue to apply to those recognitions, authorisations, certifications and registrations issued before the entry into force of Malta Digital Innovation Authority (Amendment) Act, 2024 and such recognitions, authorisations, certifications and registrations shall remain valid until the expiry, withdrawal or revocation thereof: Transitory provisions. Cap. 591. Act No. XIX of 2024.

Provided that any renewals or re-applications of existing recognitions, authorisations, certifications and registrations granted after the coming into force of Malta Digital Innovation Authority (Amendment) Act, 2024 shall be subject to and shall be regulated by the said Malta Digital Innovation Authority (Amendment) Act, 2024. Act No. XIX of 2024.

56. (1) The Innovative Technology Arrangements and Services Act and the Innovative Technology Arrangements and Services (Fees) Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder. Repeal and savings and transitory provisions. Cap. 592. S.L. 592.01.

(2) Upon the coming into force of the Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024, the Innovative Technology Arrangement and Services Act and any regulations made thereunder as applicable before the coming into force of the Malta Digital Innovation Authority (Amendment) Act, 2024, shall continue to apply solely in relation to: L.N. 132 of 2024. Cap. 592. Act No. XIX of 2024.

- (a) applications received before the coming into force of the Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024; L.N. 132 of 2024.

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L.N. 132 of
2024.

Cap. 592.

(b) recognitions, authorisations, certifications and registrations issued before the coming into force of the Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024 which recognitions, authorisations, certifications and registrations shall retain their validity until their expiry, withdrawal or revocation and the Innovative Technology Arrangement and Services Act and any regulations made thereunder applicable before the coming into force of the Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024 shall apply to such recognitions, authorisations, certifications and registrations already issued:

L.N. 132 of
2024.

Provided that any renewals or re-applications of any recognitions, authorisations, certifications and registrations occurring after the coming into force of the Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024 shall be subject to and regulated by the said Innovative Technology Arrangements and Services (ITAS) Certification Regulations, 2024.

PART II CONSEQUENTIAL AMENDMENT

Amendment to
the Second
Schedule to the
Administrative
Justice Act.
Cap. 490.

57. In the Second Schedule to the Administrative Justice Act, in the item "Malta Digital Innovation Authority Act Cap. 591 Superior Competence" the words "Superior Competence" shall be substituted by the words "Inferior Competence".

Passed by the House of Representatives at Sitting No. 245 of the
11th June, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives