

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda diversi liġijiet dwar l-infurzar ta' poteri fil-protezzjoni tal-konsumaturi.

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li jemenda l-Liġijiet dwar il-Protezzjoni tal-Konsumatur. Titolu fil-qosor.

(2) Id-disposizzjonijiet ta' dan l-Att jitqiesu li dahlu fis-sehh fid-29 ta' Diċembru, 2005.

Taqsimha I

2. Din it-Taqsimha temenda u ghandha tinqara u tiftiehem bhala haġa waħda ma' l-Att dwar l-Affarijiet tal-Konsumatur, hawn iżjed 'il quddiem f'din it-Taqsimha msejjah "l-Att prinċipali". Emenda ta' l-Att dwar l-Affarijiet tal-Konsumatur, Kap. 378.

3. L-Artikolu 2 ta' l-Att prinċipali ghandu jiġi emendat kif ġej: Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) minnufih wara t-tifsira "qorti ordinarja", ghandha tidhol din it-tifsira ġdida li ġejja:

“Regolament dwar il-ko-operazzjoni u l-protezzjoni tal-konsumatur” tfisser ir-Regolament (KE) Nru 2006/2004 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' Ottubru 2004 dwar il-ko-operazzjoni bejn l-awtoritajiet nazzjonali

responsabbli għall-infurzar tal-liġijiet tal-protezzjoni tal-konsumaturi (test b'rilevanza għaż-ŻEE);”.

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

4. Is-subartikolu (2) ta' l-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) f'paragrafu (d), il-kelma “u” fi tmiem il-paragrafu għandha tiġi imhassra; u

(b) minnufih wara l-paragrafu (e), għandhom jiżdiedu dawn il-paragrafi ġodda li ġejjin:

“(f) il-qadi u t-twettiq tal-funzjonijiet ta' awtorità kompetenti skond ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur; u

(g) il-qadi u t-twettiq tal-funzjonijiet ta' l-uffiċċju għal kooperazzjoni unika f'Malta li hu responsabbli għall-koordinazzjoni fl-applikazzjoni tar-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur.”.

Emenda ta' l-artikolu 12 ta' l-Att prinċipali.

5. L-artikolu 12 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1), minnufih wara l-kliem “taht id-disposizzjonijiet ta' l-artikolu 9,” għandhom jidhlu l-kliem “jew bi ksur jew nuqqas ta' osservanza tad-disposizzjonijiet ta' l-artikoli 44 sa 50 jew tad-disposizzjonijiet ta' l-Att dwar il-Kuntratti fuq l-Għatba tal-Bieb” u minnufih wara l-kliem “kontra l-kummerċjant taht ir-regolament” għandhom jidhlu il-kliem “jew il-provvediment”;

(b) minnufih wara subartikolu (1), għandu jidhol dan is-subartikolu ġdid li ġej:

“(2) Meta d-Direttur iqis li jkun hekk adatt, huwa jista' jordna l-pubblikazzjoni ta' dik il-garanzija minn ta' l-inqas f'żewġ gazzetti ta' kuljum, u l-ispejjeż relattivi għal dan għadhom jithallsu mill-kummerċjant.”; u

(ċ) is-subartikoli (2), (3) u (4) għandhom jiġu enumerati mill-ġdid bhala s-subartikoli (3), (4) u (5) rispettivament.

Emenda ta' l-artikolu 102 ta' l-Att prinċipali.

6. L-artikolu 102 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) l-artikolu 102 għandu jiġi enumerat mill-ġdid bhala subartikolu (1) ta' l-istess artikolu;

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid, għandu jiżdied dan is-subartikolu (2) ġdid li ġej:

“(2) Meta jsir skambju ta’ uffiċjali minn awtoritajiet kompetenti skond ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur, id-Direttur jista’ jawtorizza bil-miktub lil dawn l-uffiċjali biex jaqdu, għalkollox jew biss f’parti, kull funzjoni jew jeżerċitaw xi poter mogħti lilu taht din it-Taqsima.”.

7. Minnufih wara l-artikolu 104 ta’ l-Att prinċipali, għandu jiżdied dan l-artikolu 104A ġdid li ġej:

Żjieda ta’ l-artikolu 104A ġdid ma’ l-Att prinċipali.

“Assistenza reċiproka ma’ awtoritajiet ohra.

104A. (1) Minkejja d-disposizzjonijiet ta’ dan l-Att, id-Direttur jista’, biex ikun jista’ jaqdi l-funzjoni tiegħu bhala awtorità kompetenti taht ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur, jitlob, jirċievi, jikxef u jiskambja informazzjoni fi kwistjonijiet li jirrigwardaw l-assistenza reċiproka ma’ awtoritajiet kompetenti ohra skond ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data.

(2) Minkejja id-disposizzjonijiet ta’ kull liġi ohra, id-direttur jista’ jipproduċi bhala prova quddiem qorti jew tribunal kull informazzjoni, inklużi dokumenti, riżultanzi, stqarrijiet, kopji veri u awtentikati jew tagħrif iehor li tiġi riċevuta minghand awtoritajiet kompetenti skond is-subartikolu (1).”

Taqsima II

8. Din it-Taqsima temenda u għandha tinqara u tiftiehem bhala haġa wahda ma’ l-Att dwar l-Avjazzjoni Ċivili, hawn iżjed ’il quddiem f’ din it-Taqsima msejjah “l-Att prinċipali”.

Emenda ta’ l-Att dwar l-Avjazzjoni Ċivili, Kap. 232.

9. L-artikolu 3 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta’ l-artikolu 3 ta’ l-Att prinċipali.

(a) fil-paragrafu (ċ) tas-subartikolu (1), minflok il-kliem “skond dan l-Att.” għandhom jidhlu l-kliem “taht dan l-Att;” u minnufih wara l-imsemmi paragrafu (ċ) għandu jiżdied dan il-paragrafu ġdid li ġej:

“(d) biex tiġi implementata kull obligazzjoni tal-Komunità Ewropea f’ dak li għandu x’jaqsam mat-trasport bl-ajru u ma’ l-avjazzjoni ċivili.”; u

(b) minnufih wara s-subartikolu (4) ghandu jizdied dan is-subartikolu ġdid li ġej:

“(5) Regolamenti jew ordnijiet maghmulin taht dan l-artikolu jistgħu, bil-ghan li dawn jiġu implimentati u infurzati sew, jipprovdu dwar l-ghoti tas-setgħa lid-Direttur ta’ l-Avjazzjoni Ċivili li jidhol u jagħmel tfittxija ġewwa kull fond, li jkun jista’ jara kull dokument rilevanti f’kull forma li jkun, li jehtieg lil kull persuna tipprovdi kull informazzjoni rilevanti, li jagħmel spezzjoni fuq il-post, li johroġ ordni lil persuni biex dawn jieqfu milli jagħmlu xi haġa li tikkostitwixxi ksur ta’ dan l-Att jew ta’ kull regolament jew ordni maghmula tahtu, u li jitolbu minghand persuni garanzija illi jieqfu milli jkomplu jagħmlu xi haġa minn dawk u li jipubblikaw kull garanzija bħal dik u kull deċiżjoni tad-Direttur skond ma dawn ikollhom x’jaqsmu ma’ dawk ir-regolamenti jew ordnijiet.”.

Taqsimha III

Emenda ta’ l-Att
dwar ix-Xandir,
Kap. 350.

10. Din it-Taqsimha temenda u għandha tinqara u tiftiehem bħala haġa waħda ma’ l-Att dwar ix-Xandir, hawn izjed ’il quddiem f’din it-Taqsimha msejjah “l-Att prinċipali”.

Emenda ta’
l-artikolu 37 ta’
l-Att prinċipali.

11. L-artikolu 37 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (f) tas-subartikolu (2) għandu jiġi enumerat mill-ġdid bħala l-paragrafu (g); u

(b) minnufih wara l-paragrafu (e) tas-subartikolu (2) għandu jizdied dan il-paragrafu ġdid li ġej:

“(f) biex tiġi implimentata kull obligazzjoni tal-Komunità Ewropea f’dak li għandu x’jaqsam max-xandir.”;

(ċ) minnufih wara s-subartikolu (2) għandu jizdied dan is-subartikolu ġdid li ġej:

“(3) Regolamenti maghmulin taht is-subartikolu (2) jistgħu, bil-ghan li dawn jiġu implimentati u infurzati sew, jipprovdu dwar l-ghoti tas-setgħa lill-Awtorità tax-Xandir u lil kull ufficjal u impjegat tagħha li jidhlu u jagħmlu tfittxija ġewwa kull fond, li jkunu jistgħu jaraw kull dokument rilevanti f’kull forma li jkun, li jehtiegu lil kull persuna tipprovdi kull informazzjoni rilevanti, li jagħmlu spezzjoni fuq il-post, li johorġu ordni lil persuni biex dawn jieqfu milli jagħmlu xi haġa li tikkostitwixxi ksur ta’ dan l-Att jew ta’

kull leġislazzjoni sussidjarja maghmula tahtu, u li jitolbu minghand persuni garanzija illi jieqfu milli jkomplu jaghmli xi haġa minn dawk u li jippubblikaw kull garanzija bhal dik u kull deċiżjoni ta' l-Awtorità, ta' l-uffiċjali u l-impjegati taghha skond ma dawn ikollhom x'jaqsmu ma' dik il-leġislazzjoni sussidjarja.”.

Taqsimha IV

12. Din it-Taqsimha temenda l-Att dwar l-Awtorità Maltija dwar l-*Istandards* u ghandha tinqara u tinftiehem haġa wahda ma' l-Att dwar l-Awtorità Maltija dwar l-*Istandards*, hawnhekk iżjed 'il quddiem f' din it-Taqsimha msejjah “l-Att prinċipali”.

Emenda ta' l-Att
dwar l-Awtorità
Maltija dwar
l-*Istandards*,
Kap. 419.

13. Fit-tifsira “Ministru” fl-artikolu 2 ta' l-Att prinċipali, minflok il-kliem “responsabbli għall-industrija” ghandhom jidhlu l-kliem “responsabbli għall-Awtorità Maltija dwar l-*Istandards*”.

Emenda ta'
l-artikolu 2 ta' l-Att
prinċipali.

Taqsimha V

14. Din it-Taqsimha temenda l-Att dwar il-Metroloġija u ghandha tinqara u tinftiehem haġa wahda ma' l-Att dwar il-Metroloġija, hawnhekk iżjed 'il quddiem f' din it-Taqsimha msejjah “l-Att prinċipali”.

Emenda ta' l-Att
dwar il-Metroloġija,
Kap. 454.

15. Fis-subartikolu (2) ta' l-artikolu 1 ta' l-Att prinċipali, minflok il-kliem “responsabbli għall-industrija” ghandhom jidhlu l-kliem “responsabbli għall-Awtorità Maltija dwar l-*Istandards*”.

Emenda ta'
l-artikolu 1 ta' l-Att
prinċipali.

16. Fit-tifsira “Ministru” fl-artikolu 2 ta' l-Att prinċipali, minflok il-kliem “responsabbli għall-industrija” ghandhom jidhlu l-kliem “responsabbli għall-Awtorità Maltija dwar l-*Istandards*”.

Emenda ta'
l-artikolu 2 ta' l-Att
prinċipali.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu biex jemenda u jipprovdi miżuri ta' infurzar f'diversi liġijiet sabiex jiġi implimentat ir-Regolament (KE) Nru 2006/2004 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' Ottubru 2004 fuq il-kooperazzjoni bejn l-awtoritajiet nazzjonali responsabbli għall-infurzar tal-liġijiet dwar il-protezzjoni tal-konsumaturi. L-Abbozz jipprovdi ukoll dwar bdil tal-Ministru responsabbli għall-amministrazzjoni ta' żewġ Atti relatati.

**A BILL
entitled**

AN ACT to amend various laws for the enforcement of consumer protection powers.

Short title.

1. (1) The short title of this Act is the Consumer Protection Laws (Amendment) Act, 2006.

(2) The provisions of this Act shall be deemed to have come into force on the 29th December, 2005.

Part I

Amendment to the Consumer Affairs Act, Cap. 378.

2. This Part amends and shall be read and construed as one with the Consumer Affairs Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of article 2 of the principal Act.

3. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition “registered consumer association” there shall be inserted the following new definition:

““consumer protection co-operation Regulation” means Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on co-operation between national authorities responsible for the enforcement of consumer protection laws (text with EEA relevance);”.

4. Sub-article (2) of article 3 of the principal Act shall be amended as follows: Amendment of article 3 of the principal Act.

(a) in paragraph (d) thereof, the word “and” at the end of the paragraph shall be deleted; and

(b) immediately after paragraph (e) there shall be added the following new paragraphs:

“(f) to serve as and perform the functions of a competent authority in terms of the consumer protection co-operation Regulation; and

(g) to serve as and perform the functions of the single liaison office in Malta responsible for coordinating the application of the consumer protection co-operation Regulation.”.

5. Article 12 of the principal Act shall be amended as follows: Amendment of article 12 of the principal Act.

(a) immediately after the words “under the provisions of article 9,” there shall be inserted the words “or a breach of or a failure to comply with the provisions of articles 44 to 50 or with the provisions of the Doorstep Contracts Act” and immediately after the words “against the trader under the relevant regulation” there shall be inserted the words “or provision”;

(b) immediately after sub-article (1) thereof, there shall be added the following new sub-article:

“(2) Where the Director deems it appropriate, he may order the publication of the said undertaking in at least two daily newspapers, and that the relative expenses shall be borne by the trader;” and

(c) sub-articles (2), (3) and (4) shall be renumbered as sub-articles (3), (4) and (5) respectively.

6. Article 102 of the principal Act shall be amended as follows: Amendment of article 102 of the principal Act.

(a) article 102 of the principal Act shall be renumbered as sub-article (1) thereof;

(b) immediately after sub-article (1) as renumbered, there shall be added the following new sub-article:—

“(2) Where there is an exchange of officials from competent authorities in terms of the consumer protection co-operation Regulation, the Director may in writing authorise such officials to perform, in full or in part, any of the functions or exercise any of the powers granted to him under this Part.”.

Addition of new article 104A to the principal Act.

7. Immediately after Article 104 of the principal Act, there shall be added the following new article 104A.

“Mutual assistance with other authorities.

104A. (1) Notwithstanding anything contained in this Act, the Director may, in order to carry out his function as competent authority under the consumer protection co-operation Regulation, request, receive, disclose and exchange information in matters of mutual assistance with other competent authorities in terms of the consumer protection co-operation Regulation and the Data Protection Act.

(2) Notwithstanding the provisions of any other law, the Director may produce as evidence before any court or tribunal any such information, including documents, findings, statements, certified true copies or intelligence received from competent authorities in terms of sub-article (1).” .

Part II

Amendments to the Civil Aviation Act, Cap. 232.

8. This Part amends and shall be read and construed as one with the Civil Aviation Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of Article 3 of the principal Act.

9. Article 3 of the Principal Act shall be amended as follows:

(a) in paragraph (c) of sub-article (1) thereof the words “under this Act.” shall be substituted with the words “under this Act;” and immediately after the said paragraph (c) there shall be added the following new paragraph:

“(d) for implementing any European Community obligation in matters relating to air transport or civil aviation.”; and

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

“(5) Regulations or orders under this article may, for the purpose of the proper implementation and enforcement

thereof, provide for the granting of the power to the Director of Civil Aviation to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Director related to the said regulations or orders.”.

Part III

10. This Part amends and shall be read and construed as one with the Broadcasting Act, hereinafter in this Part referred to as “the principal Act”.

Amendments to the Broadcasting Act, Cap. 350.

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

Amendment of Article 37 of the principal Act.

(a) paragraph (f) of sub-article (2) thereof shall be renumbered as paragraph (g) thereof;

(b) immediately after paragraph (e) of sub-article (2) thereof, there shall be added the following new paragraph:

“(f) to implement any European Community obligation in matters relating to broadcasting.”; and

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

“(3) Regulations made under sub-article (2) may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Broadcasting Authority and to any of its officers and employees to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any subsidiary legislation made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Authority, its officers and employees related to the said subsidiary legislation.”.

PART IV

Amendment of the Malta Standards Authority Act, Cap. 419.

12. This part amends the Malta Standards Authority Act and it shall be read and construed as one with the Malta Standards Authority Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of article 2 of the principal Act.

13. In the definition “Minister” for the words “responsible for industry” there shall be substituted the words “responsible for the Malta Standards Authority”.

PART V

Amendment of the Metrology Act, Cap. 454.

14. This Part amends the Metrology Act and it shall be read and construed as one with the Metrology Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of article 1 of the principal Act.

15. In subarticle (2) of article 1 of the principal Act, for the words “responsible for industry” there shall be substituted the words “responsible for the Malta Standards Authority”.

Amendment of article 2 of the principal Act.

16. In the definition “Minister” for the words “responsible for industry” there shall be substituted the words “responsible for the Malta Standards Authority”.

Objects and Reasons

The object of this Bill is to amend and to provide for enforcement measures in various laws in order to implement Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on co-operation between national authorities responsible for the enforcement of consumer protection laws. The Bill further provides for an alteration of the Minister responsible for the administration of two related Acts.