

## AGREEMENT

### between the European Community and Malta on conformity assessment and acceptance of industrial products (ACAA)

THE EUROPEAN COMMUNITY (hereinafter 'the Community'),

of the one part, and

MALTA,

of the other part,

hereinafter referred to as 'the Parties',

WHEREAS Malta has applied for membership of the European Union and such membership implies the effective implementation of the *acquis* of the Community,

RECOGNISING that the progressive adoption and implementation of Community law by Malta provides the opportunity to extend certain benefits of the internal market and to ensure its effective operation in certain sectors before accession,

CONSIDERING that, in the sectors covered by this Agreement, Maltese national law substantially takes over Community law,

CONSIDERING their shared commitment to the principles of free movement of goods and to promoting product quality, so as to ensure the health and safety of their citizens and the protection of the environment, including through technical assistance and other forms of cooperation between them,

CONSIDERING the Agreement of 5 December 1970 creating an association between the European Economic Community and Malta <sup>(1)</sup>,

DESIRING to conclude an Agreement on conformity assessment and acceptance of industrial products (hereinafter 'this Agreement') providing for the application of the mutual acceptance of industrial products which fulfil the requirements for being lawfully placed on the market in one of the Parties and of the mutual recognition of the results of conformity assessment of industrial products which are subject to Community or national law,

NOTING the close relationship between the Community and Iceland, Liechtenstein and Norway through the Agreement on the European Economic Area, which makes it appropriate to consider the conclusion of a parallel European Conformity Assessment Agreement between Malta and these countries equivalent to this Agreement,

BEARING IN MIND the Parties' status as contracting parties to the Agreement establishing the World Trade Organisation, and conscious in particular of the Parties' obligations under the World Trade Organisation Agreement on Technical Barriers to Trade,

HAVE AGREED AS FOLLOWS:

#### Article 1

##### Purpose

1. The purpose of this Agreement is to facilitate the elimination by the Parties of technical barriers to trade in respect of industrial products. The means to this end is the progressive adoption and implementation by Malta of national law which is equivalent to Community law.
2. This Agreement provides for:
  - (a) the mutual acceptance of industrial products, listed in the Annexes on 'Mutual acceptance of industrial products', which fulfil the requirements for being lawfully placed on the market in one of the Parties;
  - (b) the mutual recognition of the results of conformity assessment of industrial products subject to Community law and to the equivalent Maltese national law, both listed in the Annexes on 'Mutual recognition of results of conformity assessment'.

#### Article 2

##### Definitions

For the purpose of this Agreement:

- (a) 'industrial products' means the products listed in Chapters 25 to 97 of the Combined Nomenclature;
- (b) 'Community law' means any legal act and implementing practice of the Community applicable to a particular situation, risk or category of industrial products, as interpreted by the Court of Justice of the European Communities;
- (c) 'national law' means any legal act and implementing practice by which Malta takes over the Community law applicable to a particular situation, risk or category of industrial products.

The terms used in this Agreement shall have the meaning given in Community law and national law.

<sup>(1)</sup> OJ L 61, 14.3.1971, p. 2.

*Article 3***Alignment of legislation**

For the purpose of this Agreement, Malta agrees to take appropriate measures, in consultation with the Commission of the European Communities, to maintain or complete the takeover of Community law, in particular in the fields of standardisation, metrology, accreditation, conformity assessment, market surveillance, general safety of products and producer's liability.

*Article 4***Mutual acceptance of industrial products**

The Parties agree that, for the purpose of mutual acceptance, industrial products listed in the Annexes on 'Mutual acceptance of industrial products', which fulfil the requirements for being lawfully placed on the market in one of the Parties, may be placed on the market of the other Party, without further restriction.

*Article 5***Mutual recognition of the results of conformity assessment procedures**

The Parties agree to recognise the results of conformity assessment procedures carried out in accordance with the Community or national law listed in the Annexes on 'Mutual recognition of the results of conformity assessment'. The Parties shall not require procedures to be repeated, nor shall they impose additional requirements, for the purposes of accepting that conformity.

*Article 6***Safeguard clause**

Where a Party finds that an industrial product placed on its territory by virtue of this Agreement and used in accordance with its intended use may compromise the safety or health of users or other persons, or any other legitimate concern protected by legislation identified in the Annexes, it may take appropriate measures to withdraw such a product from the market, to prohibit its placing on the market and putting into service or use or to restrict its free movement. The Annexes shall set out the procedure to be applied in such cases.

*Article 7***Extension of coverage**

As Malta adopts and implements further national law taking over Community law, the Parties may amend the Annexes or conclude new ones, in accordance with the procedure laid down in Article 14.

*Article 8***Origin**

This Agreement shall apply to industrial products irrespective of their origin.

*Article 9***Obligation of Parties as regards their authorities and bodies**

The Parties shall ensure that authorities under their jurisdiction which are responsible for the effective implementation of Community and national law shall continuously apply it. Furthermore, they shall ensure that these authorities are able, where appropriate, to notify, suspend, remove suspension and withdraw notification of bodies, to ensure the conformity of industrial products with Community or national law or to require their withdrawal from the market.

The Parties shall ensure that bodies, notified under their respective jurisdictions to assess conformity in relation to the requirements of Community or national law specified in the Annexes, continuously comply with the requirements of Community or national law. Furthermore, they shall take all necessary steps to ensure that these bodies maintain the necessary competence to carry out the tasks for which they are notified.

*Article 10***Notified bodies**

Before the entry into force of this Agreement, Malta and the Community will agree on the lists of the bodies notified for the purpose of this Agreement.

After the entry into force of this Agreement, the following procedure shall apply for the notification of bodies to assess conformity in relation to the requirements of Community or national law specified in the Annexes:

- (a) a Party shall forward its notification to the other Party in writing;
- (b) on the acknowledgement of the other Party, given in writing, the body will be considered as notified and as competent to assess conformity in relation to the requirements specified in the Annexes from that date.

If a Party decides to withdraw a notified body under its jurisdiction, it shall inform the other Party in writing. The body will cease to assess conformity in relation to the requirements specified in the Annexes from the date of its withdrawal at the latest. Nevertheless, conformity assessment carried out before that date shall remain valid, unless otherwise decided by the Joint Committee set up by Article 14 (hereinafter 'the Joint Committee').

*Article 11***Verification of notified bodies**

Each Party may request the other Party to verify the technical competence and compliance of a notified body under its jurisdiction. Such request will be justified in order to allow the Party responsible for the notification to carry out the requested verification and report speedily to the other Party. The Parties may also jointly examine the body, with the participation of the relevant authorities. To this end, the Parties shall ensure the full cooperation of bodies under their jurisdiction. The Parties shall take all appropriate steps, and use whatever available means may be necessary, with a view to resolving any problems which are detected.

If the problems cannot be resolved to the satisfaction of both Parties, they may notify the chairman of the Joint Committee of their dissent, giving their reasons. The Joint Committee may decide on appropriate action.

Unless and until decided otherwise by the Joint Committee, the notification of the body and the recognition of its competence to assess conformity in relation to the requirements of Community or national law specified in the Annexes shall be suspended in part or totally from the date on which the disagreement of the Parties has been notified to the chairman of the Joint Committee.

*Article 12***Exchange of information and cooperation**

In order to ensure a correct and uniform application and interpretation of this Agreement, the Parties, their authorities and their notified bodies shall:

- (a) exchange all relevant information concerning implementation of law and practice including, in particular, the procedure to ensure compliance of notified bodies;
- (b) take part, as appropriate, in the relevant mechanisms of information, coordination and other related activities of the Parties;
- (c) encourage their bodies to cooperate with a view to establishing mutual recognition arrangements in the voluntary sphere.

*Article 13***Confidentiality**

Representatives, experts and other agents of the Parties shall be required, even after their duties have ceased, not to disclose information acquired under this Agreement which is of the

kind covered by the obligation of professional secrecy. This information may not be used for purposes other than those envisaged by this Agreement.

*Article 14***Management of the Agreement**

1. A Joint Committee consisting of representatives of the Parties shall be established. The Joint Committee will be responsible for the effective functioning of this Agreement.
2. The Joint Committee shall take decisions and adopt recommendations by consensus. It shall meet at the request of either Party under the co-chairmanship of both Parties. It shall determine its own Rules of Procedure.
3. The Joint Committee may consider any matter related to the operation of this Agreement. In particular, it shall have the power to take decisions regarding:
  - (a) amending the Annexes;
  - (b) adding new Annexes;
  - (c) appointing a joint team or teams of experts to verify the technical competence of a notified body and its compliance with the requirements;
  - (d) exchanging information on proposed and actual modifications of the Community and national law referred to in the Annexes;
  - (e) considering new or additional conformity assessment procedures affecting a sector covered by an Annex;
  - (f) resolving any questions relating to the application of this Agreement.

*Article 15***Technical cooperation and assistance**

The Community may provide technical cooperation and assistance to Malta where necessary, in order to support the effective implementation and application of this Agreement.

*Article 16***Agreements with other countries**

Agreements on conformity assessment concluded by either Party with a country which is not a Party to this Agreement shall not entail an obligation upon the other Party to accept the results of conformity assessment procedures carried out in that third country, unless there is an explicit agreement between the Parties in the Joint Committee.

*Article 17***Entry into force, modification and duration**

1. This Agreement shall enter into force on the first day of the second month following the date on which the Parties have exchanged diplomatic notes confirming the completion of their respective procedures for entry into force of this Agreement.
2. This Agreement may be amended by the written agreement of the Parties. Amendments to or additions of Annexes will be made through the Joint Committee.

3. Either Party may terminate this Agreement by giving the other Party six months' notice in writing.

*Article 18***Final provisions**

This Agreement is drawn up in two originals in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Maltese languages, each text being equally authentic.

Hecho en Bruselas, el diecinueve de diciembre de dos mil tres.

Udfærdiget i Bruxelles den nittende december to tusind og tre.

Geschehen zu Brüssel am neunzehnten Dezember zweitausenddreißig.

Έγινε στις Βρυξέλλες, στις δεκαεννέα Δεκεμβρίου δύο χιλιάδες τρία.

Done at Brussels on the nineteenth day of December in the year two thousand and three.

Fait à Bruxelles, le dix-neuf décembre deux mille trois.

Fatto a Bruxelles, addì diciannove dicembre duemilatre.

Gedaan te Brussel, de negentiende december tweeduizenddrie.

Feito em Bruxelas, em dezanove de Dezembro de dois mil e três.

Tehty Brysselissä yhdeksäntenätoista päivänä joulukuuta vuonna kaksituhattakolme.

Som skedde i Bryssel den nittonde december tjugohundratre.

Magħmul fi Brussel fid-dsatax-il jum ta' Diċembru tas-sena elfejn u tlieta.

Por la Comunidad Europea  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Voor de Europese Gemeenschap  
Pela Comunidade Europeia  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar

*Le. Baltaru*

Għal Malta

*Sei.*

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ANNEXES

**ON MUTUAL ACCEPTANCE OF INDUSTRIAL PRODUCTS**

**(For the record)**

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## ANNEXES

**ON MUTUAL RECOGNITION OF RESULTS OF CONFORMITY ASSESSMENT**

## CONTENTS

1. Electrical safety
2. Electromagnetic compatibility (EMC)
3. Machinery
4. Lifts
5. Personal protective equipment (PPE)
6. Equipment and protective systems intended for use in potentially explosive atmospheres (ATEX)
7. Safety of toys
8. Radio communication and telecommunication terminal equipment (RTTE)

**ELECTRICAL SAFETY**

## SECTION I

**Community and national law**

- Community law: Council Directive 73/23/EEC of 19 February 1973 on the approximation of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits (OJ L 77, 26.3.1973, p. 29), as last amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1)
- National law: L.N. 367 of 2002: Low Voltage Electrical Equipment Regulations, 2002

## SECTION II

**Notifying authorities**

## European Community:

- Belgium: Service Public Fédéral Economie, P.M.E., Classes Moyennes & Energie/Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie
- Denmark: Økonomi- og Erhvervsministeriet, Elektricitetsrådet
- France: Ministère de l'économie, des finances et de l'industrie. Direction générale de l'industrie, des technologies de l'information et des postes (DiGITIP) — SQUALPI
- Germany: Bundesministerium für Wirtschaft und Arbeit
- Greece: Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry)
- Spain: Ministerio de Ciencia y Tecnología
- Ireland: Department of Enterprise and Employment
- Italy: Ministero delle Attività Produttive
- Luxembourg: Ministère de l'économie — Service de l'énergie de l'Etat. Ministère du travail (Inspection du travail et des mines)
- Netherlands: Minister van Volksgezondheid, Welzijn en Sport (consumer goods)  
Minister van Sociale Zaken en Werkgelegenheid (others)
- Austria: Bundesministerium für Wirtschaft und Arbeit
- Portugal: Under the authority of the Government of Portugal:  
Instituto Português da Qualidade
- Finland: Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
- Sweden: Under the authority of the Government of Sweden:  
Styrelsen för ackreditering och teknisk kontrol (SWEDAC)
- United Kingdom: Department of Trade and Industry
- Malta: Under the authority of the Government of Malta:  
Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified bodies**

## European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

## Malta

Bodies which have been authorised by Malta in accordance with the Maltese national law referred to in Section I and notified to the Community in accordance with Article 10 of this Agreement.

## SECTION IV

**Specific arrangements**

## Safeguard clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge and shall report to each other the results of their investigations.
3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
5. Where the Joint Committee finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

**ELECTROMAGNETIC COMPATIBILITY**

## SECTION I

**Community and national law**

Community law: Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (OJ L 139, 23.5.1989, p. 19), as last amended by Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1).

National law: L.N. 368 of 2002: Electromagnetic Compatibility Regulations, 2002

## SECTION II

**Notifying authorities**

European Community:

Belgium:	Service Public Fédéral Economie, P.M.E., Classes Moyennes & Energie/Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie
Denmark:	IT- og Telestyrelsen
France:	Ministère de l'économie, des finances et de l'industrie. Direction générale de l'industrie, des technologies de l'information et des postes (DiGITIP) — SQUALPI
Germany:	Bundesministerium für Wirtschaft und Arbeit
Greece:	Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry)
Spain:	Ministerio de Ciencia y Tecnología
Ireland:	Department of Enterprise and Employment
Italy:	Ministero delle Attività Produttive
Luxembourg:	Ministère de l'Economie — Service de l'Energie de l'Etat
Netherlands:	Minister van Verkeer en Waterstaat
Austria:	Bundesministerium für Wirtschaft und Arbeit
Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade ICP — Autoridade Nacional de Comunicações (ANACOM)
Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet. For EMC aspects of telecommunications and radio equipment: Liikenne-javiestintäministeriö/Kommunikationsministeriet
Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontrol (SWEDAC)
United Kingdom:	Department of Trade and Industry
Malta:	Under the authority of the Government of Malta: Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified and competent bodies**

European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

Malta

Bodies which have been authorised by Malta in accordance with the Maltese national law referred to in Section I and notified to the Community in accordance with Article 10 of this Agreement.

## SECTION IV

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2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.

3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
5. Where the Joint Committee finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

## MACHINERY

### SECTION I

#### Community and national law

Community law: Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998, p. 1), as amended by Directive 98/79/EC (OJ L 331, 7.12.1998, p. 1)

National law: L.N. 369 of 2002: Machinery Regulations, 2002

### SECTION II

#### Notifying authorities

European Community:

Belgium:	Service Public Fédéral Emploi, Travail et Concertation Sociale/Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg
Denmark:	Beskæftigelsesministeriet, Arbejdstilsynet
France:	Ministère de l'emploi et de la solidarité, direction des relations du travail, Bureau CT 5
Germany:	Bundesministerium für Wirtschaft und Arbeit
Greece:	Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας Ministry of Development. General Secretariat of Industry
Spain:	Ministerio de Ciencia y Tecnología
Ireland:	Department of Enterprise and Employment
Italy:	Ministero delle Attività Produttive
Luxembourg:	Ministère du travail (Inspection du travail et des mines)
Netherlands:	Minister van Sociale Zaken en Werkgelegenheid
Austria:	Bundesministerium für Wirtschaft und Arbeit
Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade
Finland:	Sosiaali- ja terveystieteiden ministeriö/Social- och hälsovårdsministeriet
Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC)
United Kingdom:	Department of Trade and Industry
Malta:	Under the authority of the Government of Malta: Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified bodies**

## European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

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## SECTION IV

**Specific arrangements**

## Safeguard clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
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3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
5. Where the Joint Committee finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

**LIFTS**

## SECTION I

**Community and national law**

Community law: Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (OJ L 213, 7.9.1995, p. 1)

National law: L. N. 370 of 2002: Lifts Regulations, 2002

## SECTION II

**Notifying authorities**

European Community:

Belgium:	Service Public Fédéral Economie, P.M.E., Classes Moyennes & Energie/Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie
Denmark:	Arbejdstilsynet
France:	Ministère de l'équipement, des transports et du logement. Direction Générale de l'urbanisme, de l'habitat et de la construction
Germany:	Bundesministerium für Wirtschaft und Arbeit
Greece:	Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry)
Spain:	Ministerio de Ciencia y Tecnología
Ireland:	Department of Enterprise and Employment
Italy:	Ministero delle Attività Produttive
Luxembourg:	Ministère du travail (Inspection du travail et des mines)
Netherlands:	Minister van Sociale Zaken en Werkgelegenheid
Austria:	Bundesministerium für Wirtschaft und Arbeit
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United Kingdom:	Department of Trade and Industry
Malta:	Under the authority of the Government of Malta: Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified bodies**

European Community

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Malta

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## SECTION IV

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4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee who may decide to have an evaluation carried out.
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  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

## PERSONAL PROTECTIVE EQUIPMENT

### SECTION I

#### Community and national law

- Community law: Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18), as last amended by Directive 96/58/EC of the European Parliament and of the Council (OJ L 236, 18.9.1996, p. 44)
- National law: L.N. 371 of 2002: Personal Protective Equipment Regulations, 2002

### SECTION II

#### Notifying authorities

European Community:

- |                 |   |
|-----------------|---|
| Belgium:        | Service Public Fédéral Emploi, Travail et Concertation Sociale/Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg  |
| Denmark:        | Beskæftigelsesministeriet, Arbejdstilsynet  |
| France:         | Ministère de l'emploi et de la solidarité, Direction des relations du travail, Bureau CT 5<br>Ministère de l'économie, des finances et de l'industrie, Direction générale de l'industrie, des technologies de l'information et des postes (DIGITIP) — SQUALPI |
| Germany:        | Bundesministerium für Wirtschaft und Arbeit   |
| Greece:         | Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας Ministry of Development. General Secretariat of Industry   |
| Spain:          | Ministerio de Ciencia y Tecnología  |
| Ireland:        | Department of Enterprise, Trade and Employment  |
| Italy:          | Ministero delle attività produttive   |
| Luxembourg:     | Ministère du travail (Inspection du travail et des mines)   |
| Netherlands:    | Minister van Volksgezondheid, Welzijn en Sport  |
| Austria:        | Bundesministerium für Wirtschaft und Arbeit   |
| Portugal:       | Under the authority of the Government of Portugal:<br>Instituto Português da Qualidade  |
| Finland:        | Sosiaali- ja terveyministeriö/Social- och hälsovårdsministeriet   |
| Sweden:         | Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC)  |
| United Kingdom: | Department of Trade and Industry  |
| Malta:          | Under the authority of the Government of Malta:<br>Consumer and Industrial Goods Directorate of the Malta Standards Authority   |

## SECTION III

**Notified bodies**

## European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

## Malta

Bodies which have been authorised by Malta in accordance with the Maltese national law referred to in Section I and notified to the Community in accordance with Article 10 of this Agreement.

## SECTION IV

**Specific arrangements**

## Safeguard clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
5. Where the Joint Committee finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

**EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES**

## SECTION I

**Community and national law**

- Community law: Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 100, 19.4.1994, p. 1)
- National law: L.N. 372 of 2002: Equipment and Protective Systems intended for use in Potentially Explosive Atmospheres Regulations, 2002

## SECTION II

**Notifying authorities**

European Community:

Belgium:	Service Public Fédéral Economie, P.M.E., Classes Moyennes & Energie/Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie
Denmark:	For electrical aspects: Økonomi- og Erhvervsministeriet, Elektricitetsrådet For mechanical aspects: Beskæftigelsesministeriet, Arbejdstilsynet
France:	Ministère de l'économie, des finances et de l'industrie, Direction de l'action régionale et de la petite et moyenne industrie (DARPMI), Sous-direction de la sécurité industrielle
Germany:	Bundesministerium für Wirtschaft und Arbeit
Greece:	Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας (Ministry of Development, General Secretariat of Industry)
Spain:	Ministerio de Ciencia y Tecnología
Ireland:	Department of Enterprise and Employment
Italy:	Ministero delle Attività Produttive
Luxembourg:	Ministère de l'économie — Service de l'Energie de l'Etat
Netherlands:	Minister van Sociale Zaken en Werkgelegenheid
Austria:	Bundesministerium für Wirtschaft und Arbeit
Portugal:	Under the authority of the Government of Portugal: Instituto Português da Qualidade
Finland:	Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
Sweden:	Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontrol (SWEDAC)
United Kingdom:	Department of Trade and Industry
Malta:	Under the authority of the Government of Malta: Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified bodies**

European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

Malta

Bodies which have been authorised by Malta in accordance with the Maltese national law referred to in Section I and notified to the Community in accordance with Article 10 of this Agreement.

## SECTION IV

**Specific arrangements**

## 1. Transitional arrangements

The certificates issued in the Community Member States in conformity with Directives 76/117/EEC, 79/196/EEC and 82/130/EEC will be recognised as a proof of conformity assessment under the Maltese Act. Based on these certificates, the importer of these products in Malta will issue a declaration of conformity of the relevant product to the applicable requirements referred to in this paragraph.

## 2. Safeguard clauses

A. *Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
  3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
  4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
  5. Where the Joint Committee finds that the measure is:
    - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
    - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
- B. *Safeguard clause relating to harmonised standards*
1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
  2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
  3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
  4. The outcome of the procedure shall be notified to the other Party.

## SAFETY OF TOYS

### SECTION I

#### Community and national law

- Community law: Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys (OJ L 187, 16.7.1988, p. 1), as amended by Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1)
- National law: L.N. 373 of 2002: Safety of Toys Regulations, 2002

### SECTION II

#### Notifying authorities

#### European Community:

- Belgium: Service Public Fédéral Economie, P.M.E., Classes Moyennes & Energie/Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie
- Denmark: Økonomi- og Erhvervsministeriet, Forbrugerstyrelsen
- France: Ministère de l'économie, des finances et de l'industrie, Direction générale de l'industrie, des technologies de l'information et des postes (DiGITIP) — SQUALPI
- Germany: Bundesministerium für Wirtschaft und Arbeit
- Greece: Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας (Ministry of Development, General Secretariat of Industry)
- Spain: Ministerio de Ciencia y Tecnología  
Instituto Nacional del Consumo
- Ireland: Department of Enterprise and Employment
- Italy: Ministero delle Attività Produttive
- Luxembourg: Ministère du travail et de l'emploi
- Netherlands: Minister van Volksgezondheid, Welzijn en Sport, Inspectie voor de Gezondheidszorg (IGZ)
- Austria: Bundesministerium für Wirtschaft und Arbeit
- Portugal: Divisão de Estudos de Produtos do Instituto do Consumidor
- Finland: Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
- Sweden: Under the authority of the Government of Sweden:  
Styrelsen för ackreditering och teknisk kontrol (SWEDAC)
- United Kingdom: Department of Trade and Industry
- Malta: Under the authority of the Government of Malta:  
Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified bodies**

## European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

## Malta

Bodies which have been authorised by Malta in accordance with the Maltese national law referred to in Section I and notified to the Community in accordance with Article 10 of this Agreement.

## SECTION IV

**Specific arrangements**

## 1. Information concerning the certificate and the technical file

In accordance with Article 10(4) of Directive 88/378/EEC, the notifying authorities listed in Section II may obtain on request a copy of the certificate and, on reasoned request, a copy of the technical file and the reports on the examinations and tests carried out.

## 2. Notification of grounds for refusal by approved bodies

In accordance with Article 10(5) of Directive 88/378/EEC, Maltese bodies shall inform the notifying authority when refusing to issue a certificate. The notifying authority shall likewise notify the Commission thereof.

## 3. Safeguard clauses

A. *Safeguard clause relating to products*

1. Where a Party has taken a measure to deny free access to its market for products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
5. Where the Joint Committee finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

B. *Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation listed in Section I of this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

**RADIO COMMUNICATION AND TELECOMMUNICATION TERMINAL EQUIPMENT**

## SECTION I

**Community and national law**

- Community law: Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on the approximation of the laws of the Member States relating to radio communication and telecommunication terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10)
- National law: L.N. 374 of 2002: Radio Equipment and Telecommunications Terminal Equipment and mutual recognition of their conformity Regulations, 2002

## SECTION II

**Notifying authorities**

## European Community:

- Belgium: Service Public Fédéral Economie, P.M.E., Classes Moyennes & Energie/Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie
- Denmark: IT- og Telestyrelsen
- France: Ministère de l'économie, des finances et de l'industrie — Direction générale de l'industrie, des technologies de l'information et des postes (DiGITIP) — SQUALPI
- Germany: Bundesministerium für Wirtschaft und Arbeit
- Greece: Υπουργείο Ανάπτυξης. Ministry of Development
- Spain: Ministerio de Ciencia y Tecnología
- Ireland: Department of Public Enterprise, Communication Division
- Italy: Ministero delle Comunicazioni
- Luxembourg: Ministère des transports
- Netherlands: Minister van Economische Zaken, Agentschap Telecom
- Austria: Bundesministerium für Verkehr, Innovation und Technologie
- Portugal: Under the authority of the Government of Portugal:  
Instituto Português da Qualidade  
For EMC aspects of telecommunications and radio equipment:  
ICP — Autoridade Nacional de Comunicações (ANACOM)
- Finland: Kauppa- ja teollisuusministeriö/Handels- och industriministeriet
- Sweden: Under the authority of the Government of Sweden:  
Styrelsen för ackreditering och teknisk kontrol (SWEDAC)
- United Kingdom: Department of Trade and Industry
- Malta: Under the authority of the Government of Malta:  
Consumer and Industrial Goods Directorate of the Malta Standards Authority

## SECTION III

**Notified bodies**

## European Community

Bodies which have been notified by the Member States of the Community in accordance with the Community law referred to in Section I and notified to Malta in accordance with Article 10 of this Agreement.

## Malta

Bodies which have been authorised by Malta in accordance with the Maltese national law referred to in Section I and notified to the European Community in accordance with Article 10 of this Agreement.

## SECTION IV

**Specific arrangements**

## 1. Market surveillance authorities

In accordance with the general provisions of this Agreement, each Party shall notify to the other Party the authorities established within its territory which are to carry out the surveillance tasks related to the operation of the respective legislation listed in Section I.

## 2. Notification of interface regulations

Each Party shall notify to the other Party the interfaces which they have regulated in their respective territory. When classifying equipment the Community shall take due account of the interfaces regulated in Malta.

## 3. Application of essential requirements

Where the Commission considers adopting a decision to apply a requirement contained in Article 3(3) of Directive 1999/5/EC Malta shall give its opinion on the issue in its capacity as observer in the TCAM before the formal opinion of the Committee is requested.

## 4. Notification of apparatus causing damage

Where a Party considers that apparatus declared to be compliant with the respective legislation causes serious damage to a network or harmful radio interference or harm to the network or its functioning and has granted the operator the right to refuse its connection, to disconnect it or to withdraw it from service, the Party shall notify such authorisation to the other Party.

## 5. Safeguard clauses

*A. Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations, the matter shall be forwarded to the Joint Committee, who may decide to have an evaluation carried out.
5. Where the Joint Committee finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards*

1. Where Malta considers that a harmonised standard referred to in the legislation defined in this Annex does not meet the essential requirements of such legislation, it shall inform the Joint Committee, giving the reasons therefor.
2. The Joint Committee shall consider the matter and may request the European Community to proceed in accordance with the procedure provided for in the Community legislation listed in Section I of this Annex.
3. The Community shall keep the Joint Committee and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

C. *Safeguard clause relating to compliant radio products not intended for use in a spectrum of one of the Parties*

1. Where a Member State or Malta takes a measure to adopt any appropriate measures with a view to prohibiting or restricting the placing on its market, and/or requiring the withdrawal from its market, of radio equipment, including types of radio equipment, which has caused, or which it reasonably considers will cause, harmful interference, including interference with existing or planned services on nationally allocated frequency bands, the Party shall inform the other Party, giving the reasons therefor.
  2. Where, after such information, the other Party considers that the measure may be unjustified, and when the problems cannot be resolved to the satisfaction of both Parties, they may consult the Joint Committee on the measure, giving their reasons.
  3. Where, after such consultation, the Joint Committee finds that the measure is:
    - (a) justified, it shall immediately inform the Party who took the initiative and the other Party;
    - (b) unjustified, it shall immediately inform the Party who took the measure and request it to withdraw it.
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**DECLARATION BY THE COMMUNITY ON THE ATTENDANCE OF MALTESE REPRESENTATIVES AT COMMITTEE MEETINGS**

In order to ensure a better understanding of the practical aspects of the application of the *acquis* of the Community, the Community declares that Malta is invited, under the following conditions, to the meetings of the committees established or referred to under the Community law on electrical safety, electromagnetic compatibility, machinery, lifts, ATEX, toys, PPE and RTTE.

This participation shall be limited to meetings or parts thereof during which the application of the *acquis* is discussed; it shall not entail attendance at meetings intended to prepare and issue opinions on implementation or management powers delegated to the Commission by the Council.

This invitation may be extended, on a case-by-case basis, to groups of experts convened by the Commission.

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**DECLARATION BY MALTA ON THE PLACING ON THE MARKET OF PRODUCTS SUBJECT TO MALTESE LEGISLATION TRANSPOSING COMMUNITY LEGISLATION**

1. Malta will specifically define, through legal notices, for all those sectors covered by the Agreement on conformity assessment and acceptance of industrial products (ACAA) in Maltese national legislation transposing Community legislation relating to the placing on the market of products, that reference to placing on the market is intended to cover also the placing of products on the market anywhere on the territory of the Community or that of Malta.
  2. The legal notices shall be effective from the date of the coming into force of the ACAA.
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