No. 536

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes[1]

1. Introduction

Title of Regulations	General Product Safety (Implementing) Regulations, 2025 (hereinafter referred to as "the implementing regulations").
Activity to be regulated	Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (hereinafter referred to as "the Regulation") establishes the minimum requirements intended for the safety of products when placed or made available on the market, which are not established by other Union legislation, in order to improve the functioning of the internal market while providing for a high level of consumer protection.
Responsible entity	The Technical Regulations Division (TRD) within the Malta Competition and Consumer Affairs Authority (MCCAA).

2. Summary and Background

2.1 Aims & Objectives of the legislation

The scope of these regulations is to implement Regulation (EU) 2023/988.

Regulation (EU) 2023/988 establishes rules on the safety of consumer products placed or made available on the market. The EU Regulation recognises new challenges in this regard and aims to address evolving market dynamics and technological advancements. It introduces robust measures to enhance product safety, focusing on online marketplaces, traceability, and the regulation of emerging technologies.

Regulation (EU) 2023/988 also emphasizes product traceability. Manufacturers are required to include identifiable information, such as batch or serial numbers on products and clear instructions and safety information of the product, including the labelling thereof. Additionally, they must maintain detailed records of sourcing and distribution for up to 10 years, ensuring accountability throughout the supply chain. These measures enable market surveillance authorities and consumers to report unsafe products and facilitate product recalls or withdrawal from the market.

Online marketplaces are required to notify authorities of serious accidents involving their products and cooperate in recalls. Through the online portal, the general public will also be able to gain an awareness of products currently being recalled or withdrawn from the market.

Additionally, Regulation (EU) 2023/988 provides for the minimum requirements intended for the safety of products on the market which are not established by other Union harmonisation legislation in this regard, while establishing the powers of market surveillance authorities to carry out market surveillance, investigation, compliance and enforcement which shall be without prejudice to the powers of market surveillance authorities under any other law or Union harmonisation legislation.

These Regulations will be implementing the provisions of Regulation (EU) 2023/988. They will also lay down the penalties applicable and establishing the single national point of contact.

[1]These Explanatory Notes are for the purpose of and in accordance with article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

2.2 Overview of the Regulation being transposed

Regulation (EU) 2023/988 may be accessed on the following link:

https://eur-lex.europa.eu/eli/reg/2023/988/oj

3. Overview of the structure of the instrument

The proposed regulations consist of seven (7) regulations.

Regulation No. of the implementing regulations	Meaning & obligations placed on user
1	Citation and scope.
2	Interpretation.
3	Labelling and product information.
4	Powers of market surveillance authorities.
5	Single national point of contact.
6	Proceedings.
7	Amendment to the Representative Actions (Consumers) Act.

4. Commentary

The scope of these regulations is to implement Regulation (EU) 2023/988. These regulations establish rules on the safety of consumer products placed or made available on the market. They provide for the minimum requirements intended for the safety of products on the market which are not established by other Union harmonisation legislation in this regard, while establishing the powers of market surveillance authorities to carry out market surveillance, investigation, compliance and enforcement which shall be without prejudice to the powers of market surveillance authorities under any other law or Union harmonisation legislation. They will also provide for the penalties applicable and establishing the single national point of contact.

5. Concluding Sections

Should more information be required kindly contact the Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority.

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

Annex

(for the purpose of paragraph (vi) of Schedule III of Chapter 512 of the Laws of Malta)

Transposition Notes for the implementation of the main elements of Regulation (EU) 2023/988

Regulation (EU) 2023/988 Article number	Implementing regulations	Applicability date
Articles 9(7), 11(4), 19, 21, 22(9) and 36(2)	Regulation 3	13 December 2024
Article 22(4)	Regulation 4	13 December 2024
Article 25(2)	Regulation 5	13 December 2024

4th April, 2025