No. 1468

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes

1. Introduction

Title of Regulations	Radio Equipment (Amendment) Regulations, 2025 (hereinafter referred to as the "proposed regulations")
Activity to be regulated	The making available of radio equipment on the market.
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

Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (hereinafter referred to as "Directive 2014/53/EU") lays down rules on placing radio equipment on the market, while ensuring a single market by setting essential requirements for health and safety, electromagnetic compatibility, and the efficient use of the radio spectrum.

Information on Directive 2014/53/EU may be accessed through the following link:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0053&qid=1749112404242

Directive 2014/53/EU and subsequent amendments thereto, have been transposed into local legislation by means of Subsidiary Legislation 427.41 (S.L. 427.41), entitled the Radio Equipment Regulations (hereinafter referred to as the "principal regulations", which may be accessed through the following link:

https://legislation.mt/eli/sl/427.41/eng

The aim of the proposed regulations is to transpose into Maltese law further amendments carried out to Directive 2014/53/EU which are included in Directives (EU) 2024/2749 and 2024/2839, and to implement the provisions which are included in Commission Delegated Regulations (EU) 2019/320, 2022/30 and 2023/2444, as indicated in regulation 1(2) of the proposed regulations.

2.2 Overview of the amending Directives and Regulations

Directive (EU) 2024/2749:

https://eur-lex.europa.eu/eli/dir/2024/2749/oj/eng

regarding emergency procedures for the conformity assessment, presumption of conformity, adoption of common specifications and market surveillance due to an internal market emergency.

Directive (EU) 2024/2839:

https://eur-lex.europa.eu/eli/dir/2024/2839/oj/eng

regarding certain reporting requirements in the fields of food and food ingredients, outdoor noise, patients' rights, and radio equipment.

Commission Delegated Regulation (EU) 2019/320:

https://eur-lex.europa.eu/eli/reg_del/2019/320/oj/eng

regarding the application of the essential requirements referred to in Article 3(3)(g) of Directive 2014/53/EU in order to ensure caller location in emergency communications from mobile devices.

Commission Delegated Regulation (EU) 2022/30:

https://eur-lex.europa.eu/eli/reg_del/2022/30/oj/eng

regarding the application of the essential requirements referred to in Article 3(3), points (d), (e) and (f) of Directive 2014/53/EU.

Commission Delegated Regulation (EU) 2023/2444:

https://eur-lex.europa.eu/eli/reg_del/2023/2444/oj/eng

regarding the date of application of the essential requirements for radio equipment and correcting Regulation (EU) 2022/30.

3. Overview of the structure of the instrument

The proposed regulations consist of ten (10) regulations.

4. Commentary

Regulation No. of the proposed regulations	Meaning & obligations placed on user
1	The citation, the scope, and the dates of entry into force of the proposed regulations.
2	Amends regulation 3 to the principal regulations. Five (5) new definitions are being added to the principal regulations. This provision shall apply from 30th May 2026.
3(a)	Adds new sub-regulations to regulation 4 of the principal regulations regarding the essential requirements. These provisions shall apply from 1st August 2025.
3(b)	Adds new sub-regulations to regulation 4 of the principal regulations regarding the essential requirements. These provisions shall apply from the date of publication.
4	Sub-regulation (2) of regulation 8 (Notification of radio interface specifications and assignment of radio equipment classes) of the principal regulations is being deleted.

5	Sub-regulations (2) and (4) of regulation 29 (Notification procedure) of the principal regulations are being deleted.
6	Part of sub-regulation (1) of regulation 30 (Changes to notifications) of the principal regulations is being deleted.
7	Sub-regulations (2), (4)(b) and (6) of regulation 36 (Procedure at national level for dealing with radio equipment presenting a risk or otherwise in compliance with essential requirements) of the principal regulations are being deleted.
8	Sub-regulation (3) of regulation 37 (Compliant radio equipment which presents a risk) of the principal regulations is being deleted.
9	Regulations 39A to 39D are being added to the principal regulations regarding the application of emergency procedures concerning crisis-relevant goods. These provisions shall apply from 30th May 2026.
10	Regulation 40 (Review and reporting) of the principal regulations is being deleted.

5. Concluding Section

Regulations 1, 3(b), 4, 5, 6, 7, 8 and 10 shall came into force on the date of publication. Regulation 3(a) shall come into force on 1st August 2025, whilst regulations 2 and 9 shall come into force on 30th May 2026.

Should more information be required kindly contact the Regulatory Affairs Directorate within the Malta Competition and Consumer Affairs Authority on 23952000.

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 the Directives mentioned in section 2.2 of this Explanatory Note

Directive and Article number	**Implementing regulation**	**Applicability date**
Articles 1 and 2 of Commission Delegated Regulation (EU) 2022/30	Regulation 3(1)	1st August 2025
Article 1 of Commission Delegated Regulation (EU) 2019/320	Regulation 3(2)	Date of publication
Article 9(1) of Directive (EU) 2024/2749	Regulations 2(a) and 2(b)	30th May 2026
Article 9(2) of Directive (EU) 2024/2749	Regulation 9	30th May 2026

19th September, 2025