

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,575, 13 ta' Mejju, 2016*

*Taqsima C*

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## **Nru. 154**

13. 05. 2016

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Chris Cardona, M.P., Ministru għall-Ekonomija, Investiment u Intrapriżi Żgħar, f'isem il-Ministru għad-Djalogu Soċjali, Affarijiet tal-Konsumatur u Libertajiet Ċivili, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Mejju, 2016.

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A BILL introduced by the Honourable Chris Cardona, M.P., Minister for the Economy, Investment and Small Business, on behalf of the Minister for Social Dialogue, Consumer Affairs and Civil Liberties, and read the First time at the Sitting of the 9th May, 2016.

**ATT li jemenda l-Att dwar l-Affarijiet tal-Konsumatur, Kap.378, u għal affarijiet oħra konsegwenzjali jew anċillari għal dan.**

**AN ACT to amend the Consumer Affairs Act, Cap. 378, and for any other matter consequential or ancillary thereto.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



### Abbozz ta' Ligi msejjah

*ATT li jemenda l-Att dwar l-Affarijiet tal-Konsumatur, Kap.378, u għal affarijiet oħra konsegwenzjali jew anċillari għal dan.*

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Att dwar l-Affarijiet tal-Konsumatur, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Affarijiet tal-Konsumatur, hawn aktar 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 378.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih wara t-tifsira "Awtorità", għandha tiżdied it-tifsira ġdida li ġejja:

Kap. 330. " "Awtorità għas-Servizzi Finanzjarji ta' Malta" tfisser l-Awtorità stabbilita taht l-Att dwar l-Awtorità għas-Servizzi Finanzjarji ta' Malta;" u

(b) minnufih wara t-tifsira "il-Bord", għandha tiżdied it-tifsira ġdida li ġejja:

" "id-Direttiva dwar il-Kreditu Ipotekarju" tfisser id-Direttiva 2014/17/UE tal-Parlament Ewropew u tal-Kunsill tal-4 ta' Frar 2014 dwar kuntratti ta' kreditu għall-konsumaturi marbutin ma' proprjetà immobbli residenzjali u li temenda d-Direttivi 2008/48/KE u 2013/36/UE u r-Regolament (UE) Nru. 1093/2010, kif tista' tiġi emendata minn żmien għal żmien, u tinkludi kull miżura ta' implimentazzjoni, *standards* tekniċi ta' implimentazzjoni,

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*standards* tekniċi regolatorji, linji gwida u mizuri simili li kienu jew li jistgħu jiġu mahruġin taħtha;".

Emenda tal-  
artikolu 7 tal-  
Att prinċipali.

**3.** Minnufih wara s-subartikolu (1) tal-artikolu 7 tal-Att prinċipali hemm għandu jiżdied is-subartikolu ġdid li ġejj:

"(1A) Il-Ministru, li jaġixxi bil-parir tal-Awtorità għas-Servizzi Finanzjarji ta' Malta u tal-Kunsill, jista' jagħmel regolamenti għal dawn l-għanijiet li ġejjin:

(a) biex jitrassponu, jimplementaw u, jew jagħtu effett għall-htigiet tad-Direttiva dwar il-Kreditu Ipotekarju, u dawn jistgħu għal dak l-għan jintroduċu dispożizzjonijiet li jkunu aktar iebesin mid-Direttiva msemmija sabiex jiġu protetti l-konsumaturi, iżda dawk id-dispożizzjonijiet għandhom isiru kif hemm fil-liġijiet tal-Unjoni Ewropea, u iżda wkoll dawn id-dispożizzjonijiet m'għandhomx ikunu jvarjaw minn dawk stabbiliti fl-Artikolu 14(2) u fl-Anness II Taqsima A ta' dik id-Direttiva, rigward informazzjoni *standard* li tingħata qabel il-kuntratt permezz ta' Karta ta' Informazzjoni Standardizzata Ewropea (ESIS), u l-Artikolu 17(1) sa (5), (7) u (8) u l-Anness I tad-Direttiva rigward *standard* komuni u konsistenti tal-Unjoni Ewropea, biex tiġi kalkolata r-rata percentwali annwali ta' hlas (APRC);

(b) biex jipprovdu dwar is-setgħat u l-funzjonijiet tal-Awtorità għas-Servizzi Finanzjarji ta' Malta fir-rigward ta' kull persuna jew haġa regolata mid-Direttiva dwar il-Kreditu Ipotekarju;

(c) biex l-Awtorità għas-Servizzi Finanzjarji ta' Malta tkun tista' timponi kull applikazzjoni, hlasijiet annwali u hlasijiet oħra li jithallsu dwar l-ammissjoni ta' intermedjarju ta' kreditu, u biex tiġbor drittijiet dwar kull talba jew kull haġa oħra li tista' tiġi ppreżentata lill-Awtorità għas-Servizzi Finanzjarji ta' Malta, inklużi d-drittijiet u l-hlasijiet għal kull permess, eżenzjoni jew benefiċċju ieħor, kif ukoll drittijiet u hlasijiet dwar il-funzjonijiet regolatorji, superviżorji jew investigattivi tal-Awtorità għas-Servizzi Finanzjarji ta' Malta;

(d) biex l-Awtorità għas-Servizzi Finanzjarji ta' Malta tkun tista' tagħmel, temenda jew tirrevoka Regoli dwar Intermedjarji ta' Kreditu għall-aħjar twettiq ta', u biex jiġu implimentati aħjar, id-dispożizzjonijiet tar-regolamenti li jitrassponu u, jew jimplementaw id-Direttiva

dwar il-Kreditu Ipotekarju, u sabiex jiġu implimentati kull linja gwida, rakkomandazzjoni u deċiżjoni mahruġa mill-Awtorità Bankarja Ewropea kif hemm fir-Regolament (UE) Nru. 1093/2010 tal-Parlament Ewropew u tal-Kunsill tal-24 ta' Novembru 2010 li jistabbilixxi Awtorità Supervizorja Ewropea (Awtorità Bankarja Ewropea);

(e) b'mod ġenerali biex jipprovdi dwar kull haġa oħra anċillari jew li jkollha x'taqsam ma' dak imsemmi hawn qabel."

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### **Għanijiet u raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Ligi huma biex jemenda l-Att dwar l-Affarijiet tal-Konsumatur biex jikkumplimenta l-proċess ta' traspożizzjoni relattiv għad-Direttiva 2014/17/UE tal-Parlament Ewropew u tal-Kunsill tal-4 ta' Frar 2014 dwar kuntratti ta' kreditu għall-konsumaturi marbutin ma' proprjetà immobbli residenzjali u li temenda d-Direttivi 2008/48/KE u 2013/36/UE u r-Regolament (UE) Nru. 1093/2010.

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**A Bill  
entitled**

*AN ACT to amend the Consumer Affairs Act, Cap. 378, and for any other matter consequential or ancillary 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.

**1.** The short title of this Act is the Consumer Affairs (Amendment) Act, 2016, and this Act shall be read and construed as one with the Consumer Affairs Act, hereinafter referred to as "the principal Act".

Cap. 378.

Amendment of article 2 of the principal Act

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

(a) immediately after the definition "goods", there shall be added the following new definition:

" "Malta Financial Services Authority" means the Authority established under the Malta Financial Services Authority Act;" and

Cap. 330.

(b) immediately after the definition "Minister", there shall be added the following new definition:

" "Mortgage Credit Directive" means Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010, as may be amended from time to time, and includes any implementing measures, implementing technical standards, regulatory technical standards, guidelines and similar measures that have been or may be issued thereunder;" .

3. Immediately after sub-article (1) of article 7 of the principal Act there shall be added the following new sub-article:

Amendment of article 7 of the principal Act.

"(1A) The Minister, acting on the advice of the Malta Financial Services Authority and the Council, may make regulations for the following purposes:

(a) to transpose, implement and, or give effect to the requirements of the Mortgage Credit Directive, and may for such purpose introduce provisions that are more stringent than the said Directive in order to protect consumers, provided that such provisions are made in accordance with European Union law, and provided further that such provisions shall not diverge from those laid down in Article 14(2) and Annex II Part A of the said Directive, with regard to standard pre-contractual information through a European Standardised Information Sheet (ESIS), and Article 17(1) to (5), (7) and (8) and Annex I of the Directive with regard to a common, consistent European Union standard for the calculation of the annual percentage rate of charge (APRC);

(b) to provide for powers and functions of the Malta Financial Services Authority in relation to any person or matter regulated by the Mortgage Credit Directive;

(c) to enable the Malta Financial Services Authority to impose any application, annual and other fees payable in respect of an admission of a credit intermediary, and to levy charges in respect of any request or other matter that may be submitted to the Malta Financial Services Authority, including the fees and charges in respect of any permission, exemption or other benefit, as well as fees and charges in respect of the regulatory, supervisory or investigative functions of the Malta Financial Services Authority;

(d) to enable the Malta Financial Services Authority to make, amend or revoke Credit Intermediaries Rules for the better carrying out of, and to better implement, the provisions of the regulations transposing and, or implementing the Mortgage Credit Directive, and for the purpose of implementing any guidelines, recommendations and decisions issued by the European Banking Authority in terms of Regulation (EU) No. 1093/2010 of the European Parliament and of the Council of 24

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November 2010 establishing a European Supervisory Authority (European Banking Authority);

(e) generally to provide for any other matter ancillary or connected with the above."

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### **Objects and Reasons**

The objects and reasons of this Bill are to amend the Consumer Affairs Act to complement the transposition process relative to Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010.

