

**L.N. 91 of 2002**

**PRODUCT SAFETY ACT  
(ACT NO. V OF 2001)**

**Airborne Noise Emitted by Household Appliances  
Regulations, 2002**

IN exercise of the powers conferred by articles 38 to **40** of the Product Safety Act, 2001, the Minister for Economic Services, on the advice of the Malta Standards Authority, has made the following regulations:-

**1.1.** The title of these regulations is the Airborne Noise Emitted by Household Appliances Regulations, 2002. Citation and commencement.

1.2. These regulations shall become operative on the 1<sup>st</sup> January, 2003:

Provided that the requirement to provide information to the European Commission referred to in regulation **8.4** of these regulations shall come into force on such date as the Minister responsible for consumer affairs, after consultation with the Malta Standards Authority, may prescribe.

**2.1.** These regulations shall cover provisions relating to: Scope.

2.1.1. the general principles regarding the publication of information on the airborne noise emitted by household appliances,

2.1.2. the measuring methods for determining the airborne noise emitted by household appliances,

2.1.3. the arrangements for monitoring the levels of airborne noise emitted by household appliances.

2.2. The following shall be excluded from the scope of these regulations:

2.2.1. appliances, equipment or machines designed exclusively for industrial or professional purposes,

**2.2.2.** appliances which are integrated parts of a building or its installations such as equipment for air conditioning, heating and ventilating (except household fans, cooker hoods and free-standing heating appliances), oil burners for central heating and pumps for water supply and for sewage systems,

**2.2.3.** equipment components such as motors,

**2.2.4.** electroacoustic appliances.

**Definitions.**

**3.1.** For the purposes of these regulations, the following definitions shall apply:

**3.1.1.** “The Directive” means Council Directive 86/594/EEC<sup>1</sup> of 1<sup>st</sup> December, 1986 on airborne noise emitted by household appliances.

**3.1.2.** “Household appliance” means any machine, portion of a machine or installation manufactured principally for use in dwellings, including cellars, garages and other outbuildings, in particular household appliances for upkeep, cleaning purposes, preparation and storage of foodstuffs, production and distribution of heat and cold, air conditioning, and other appliances used for non-professional purposes;

**3.1.3.** “Family” of household appliances means all models (or types) of various household appliances designed for the same purpose and powered by the same principal energy source. Generally a family includes several models (or types);

**3.1.4.** “Series” of household appliances means all household appliances belonging to the same model (or type), which have defined characteristics and are produced by the same manufacturer;

**3.1.5.** “Batch” of household appliances means a specified quantity of a given series manufactured or produced under uniform conditions;

**3.1.6.** “Airborne noise emitted” means the A-weighted sound power level, LWA, of the household appliance, expressed in decibels (dB) with reference to the sound power of one picowatt (1 pW), transmitted by the air.

**3.1.7.** “Harmonised Standard” means a technical specification adopted by the European Committee for Standardisation (CEN) or the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI), upon a remit from the European Commission in accordance with Directive

<sup>1</sup> OJN<sup>o</sup>. L 344, 06-12-86, p. 24-27.

98/34/EC<sup>2</sup> of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations as amended by Directive 98/48/EC<sup>3</sup> of the European Parliament and of the Council.

3.1.8. “National Standard transposing the Harmonised Standard” means a Standard issued by one of the members of CEN/CENELEC/ETSI which is declared and noted to be technically equivalent to the Harmonised Standard originally issued by CEN/CENELEC/ETSI.

3.1.9. “OJ” means the Official Journal of the European Communities.

3.1.10. “Community” means the European Community.

3.1.11. “Manufacturer” means the person:

3.1.11.1. who is primarily responsible for the design and construction of the household appliance so that it complies with the requirements of these regulations;

3.1.11.2. who is responsible for “re-building” or modifying an existing household appliance, and who in so doing is creating an “as-new” household appliance;

3.1.11.3. who takes responsibility for the appraisal of the design, construction and any necessary modification of used imported household appliances.

3.1.12. “Local authorised representative” means any person (or organisation) established in Malta who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by these regulations;

3.1.13. “Importer” means any person who places a household appliance from a foreign country on to the Maltese market so that he supplies such a household appliance on the first occasion that it is supplied in Malta;

3.1.14. “Person who supplies household appliances” means wholesalers, distributors, retailers etc.

3.1.15. “Supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly:

<sup>2</sup> *EW* No. L 204, 21-07-98, p. 37.

<sup>3</sup> *EW* No. L 217, 05-08-98, p. 18.

**8.1.** All necessary steps shall be taken to ensure that the manufacture or importer, if he does not choose to withdraw the defective batch from the market, corrects the information without delay should it appear from monitoring in accordance with section 2 of the Schedule to these regulations that the level of airborne noise emitted by a batch of appliances exceeds the declared level.

**8.2.** Where a non-complying household appliance, referred to in regulations 3.1.2 of these regulations bears the information referred to in regulation 5.1 of these regulations, the Director of Consumer Affairs shall take appropriate action against whom so ever has drawn up the information shall so inform the Consumer and Industrial Goods Directorate<sup>5</sup> of the Malta Standards Authority.

**8.3.** Any decision taken pursuant to these regulations, which contains a restriction on the placing on the market of household appliances, shall state the precise grounds on which it is based.

**8.3.1.** The party concerned shall be notified without delay of the decision and shall be informed at the same time of the possibilities and time limits regarding the legal remedies available to it under the laws in force in Malta and of the time limits to which such remedies are subject.

**8.4.** The Consumer and Industrial Goods Directorate of the Malta Standards Authority shall immediately inform the Commission of any measures taken in pursuance of regulations 8.2 of these regulations.

**8.5.** All appropriate measures shall be taken to encourage the local authorities responsible for implementing these regulations to cooperate with each other and provide each other with information in order to assist the functioning of these regulations.

<sup>5</sup> L.N.213 of 2000 - Malta Standards Authority (Establishment of Directorates) Order, 2000, published in the Government Gazette No. 17,002 of 20th October, 2000.

## Schedule I

### Based on Article 6 of the Directive

#### THE GENERAL TEST METHOD

1. (a) The general test method used to determine the airborne noise emitted by household appliances must be accurate enough for the measurement uncertainties to produce standard deviations not exceeding 2 dB in the case of A-weighted sound power levels.

The standard deviations referred to in the first subparagraph shall represent the cumulative effects of all causes of uncertainty in the measurements, except for variations in the noise level of the appliance from one test to another.

(b) The general test method referred to in part (a) of section 1 of this Schedule shall be supplemented, for each family of appliances, by a description of the location, mounting, load and operation of the appliances under test conditions to stimulate normal use **and** ensure adequate repeatability and reproducibility. The standard deviation of reproducibility must be specified for each family of appliances.

2. The statistical method used to verify the declared noise level of appliances in a batch shall be sampling measurement on isolated batches of appliances using unilateral tests.

The fundamental statistical parameters of the statistical method referred to in the first subparagraph shall be such that the acceptance probability is 95 % if 6.5 % of the noise emission levels of a batch are higher than the level claimed. The size of a simple or equivalent sample must be **3**. The statistical method chosen requires the use of a total reference standard deviation of **3.5 dB**.

