



TECHNICAL REGULATIONS DIVISION

RAD Requirements Document

Requirements for the designation of Authorised Conformity Assessment Bodies (ACABs)

Lifts Regulations, 2002 (L.N. 370 of 2002)
Inspection of Lifts Regulations, 2007 (L.N. 231 of 2007)

Regulatory Affairs Directorate

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REGULATORY AFFAIRS DIRECTORATE

REQUIREMENTS FOR THE DESIGNATION OF AUTHORISED CONFORMITY ASSESSMENT BODIES (ACABS)

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1. Introduction

- 1.1. The Method for Designating Conformity Assessment Bodies Regulation, L.N. 136 of 2003, sets the legal framework for the recognition, requirements, duties and responsibilities of Conformity Assessment Bodies operating under the jurisdiction of the Maltese Authorities.

2. Scope

- 2.1. The Regulations issued under the Product Safety Act Cap. 427 set out the conditions for the recognition of the competence of conformity assessment bodies performing inspection of industrial products pursuant to regulations issued under the Act, either to bring Maltese legislation in line with the European Union's New Legislative Framework, or as national regulations governing the manufacture and placing on the market of products.

3. Criteria to be satisfied for eligibility for appointment

- 3.1. To be eligible for appointment, criteria will be assessed from the "Qualifications Dossier" which is composed of:
 - (a) the "Minimum Criteria Report" prepared by an expert chosen by MCCA as per Schedule II (A) of the Method for Designating Conformity Assessment Bodies Regulations, 2003, (L.N. 136 of 2003),
 - (b) "Accreditation Certificate" issued by the National Accreditation Board- Malta or by any other national accreditation body as recognized by the Authority as per Schedule II(B) of the same legal notice. "Accreditation Certificate" means the certificate and scope of accreditation together. The list of accredited conformity assessment activities is in the scope of accreditation.
- 3.2. The main standard used for accreditation shall be EN ISO/IEC 17020 (Conformity assessment – Requirements for the operation of various types of bodies performing inspection). The complete set of normative documents are those for the Inspection Body Accreditation Scheme as defined in the NAB-MALTA policies and procedures.
- 3.3. The applicant shall be accredited for the same fields covered by the minimum criteria report. Evidence of this shall be through the scope of accreditation.

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4. Criteria

- 4.1. The ACAB shall ensure professional integrity and technical competence.
- 4.2. The ACAB shall be independent from market or financial pressures that might influence its judgments regarding the lifts it inspects. Personnel of the inspection body shall meet Type A independence requirements and shall not provide consultancy services in the lift sector whether in return for payment or free of charge. Personnel employed with an ACAB cannot be involved in consultancy in lifts as individuals.
- 4.3. The ACAB shall have adequate and suitable staff and facilities to enable it to perform properly its tasks.
- 4.4. The CAB shall have adequate liability insurance including cover for professional indemnity, public liability and civil liability.
- 4.5. The ACAB shall ensure confidentiality and professional secrecy through legally enforceable commitments.

4.6. Impartiality and Independence

- 4.6.1. The ACAB shall ensure that there are no commercial or financial interests in the items under inspection and that are listed in the scope of accreditation.
- 4.6.2. In order to ensure impartiality of the inspections/examinations and the fulfilment of legal requirements arising out of LN 231/2007, the ACAB shall not pressure in any way the responsible person to choose a specific ACAB, either by the ACAB itself or by the lift installation/maintenance company, or by a company offering condominium administration and related services.
- 4.6.3. The ACAB shall meet the criteria for a Type A inspection body as defined in EN ISO/IEC 17020:2012.
- 4.6.4. The ACAB shall always be freely and solely selected by the responsible person, as per L.N. 231/2007.
- 4.6.5. No contracts (including servicing/maintenance agreements) signed between private parties (including ACAB, lift installation/maintenance company and/or responsible person) shall overrule legal requirements. The ACAB shall have a clear written policy

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that it shall not accept that lift installation/maintenance/condominium administration companies bind or influence, in any way (be it verbal or written), responsible persons about the ACAB to be used for inspections/examinations. If any evidence of this practice is found, this shall be considered as a conflict and a breach of L.N. 231 of 2007 and Type A independence status and the ACAB's designation shall be withdrawn.

- 4.6.6. The ACAB shall include a statement in the footer of each inspection/examination report issued under L.N. 231 of 2007 containing the following:

“[ACAB NAME] is a Type A accredited inspection body [Registration number]. It is independent of any other party (lift installation/ maintenance, condominium services company) and has been freely and solely chosen by the Responsible Person of the lift.”

- 4.7. The ACAB shall be responsible for any subcontracted work.
- 4.8. The ACAB shall keep all inspection, examination, and certification records, as well as any related documentation for at least 10 years from the date these were drawn up;
- 4.9. The cost of an inspection shall be itemized separately on any invoice to ensure clarity for the end user.
- 4.10. The ACAB shall cooperate with the competent authorities for implementing regulations and market surveillance;
- 4.11. The inspection report shall include the contents specified by the Inspection of Lifts Regulations, L.N. 231 of 2007, Schedule II for the report of the Thorough Examination and Schedule IV for the report of the Preventive Inspection. The inspection report shall include all the results of examinations and shall be correct, accurate and clear;
- 4.12. Instruments used by ACABs during preventive inspections and thorough examinations shall be calibrated according to accreditation requirements. The following tools require calibration:
- a) Light meter
 - b) Tacho meter
 - c) Multimeter

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- d) Door pressure gauge

5. Personnel

5.1. The **Technical Manager, his Deputy and Equivalent Roles** shall:

- a) Hold a valid warrant to practice the profession of engineer in Malta, issued by the Board tal-Inġiniera in line with Inġiniera Act, Cap. 321.;
- b) Produce a recent certificate of conduct issued by the Police or other competent authority not earlier than 6 months from the date of application. The ACAB shall inform the Regulatory Affairs Directorate without delay of any changes in the personnel's conduct.
- c) Perform one of the following:
 - Attended an ACAB course, or an equivalent course, approved by RAD; or
 - Carried out a minimum of 50 lift preventive inspections per year for a minimum period of 2 years
- d) In either case, the technical manager has to:
 - demonstrate competence in the carrying out of thorough examination; and
 - have conducted a minimum of 25 lift thorough examinations.

5.2. The personnel carrying out **preventive inspections** shall:

- a) possess, as a minimum, an MQF level 3 qualification in a subject of technical nature providing knowledge in the area of lifts and parts thereof;
- b) perform the first 50 preventive inspections under the supervision of the deputy/technical manager;
- c) have the appropriate training, technical knowledge, skills and experience;
- d) have knowledge and keep updated of, the latest statutory and regulatory requirements, standards and any other applicable documents;
- e) be competent for the inspections they have been authorised by the ACAB to carry out;

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- f) have satisfactory knowledge of the technology used for the manufacture of the products to be inspected, of the way they are used, and of any defects which may occur during the use of the product. They shall understand the significance of deviations found with regard to the normal use of the product;
- g) have the ability to exercise professional judgment in respect of the conformity of the product with the requirements of the regulations and any other normative documents being applied; and
- h) have the ability to draw up the certificates, records and reports required to authenticate the outcome of the inspections.

5.3. The personnel carrying out **thorough examinations** shall:

- a) hold a valid warrant to practice the profession of engineer in Malta issued by the Board tal-Inġiniera in line with Inġiniera Act, Cap. 321;
- b) have the appropriate training, technical knowledge, skills and experience;
- c) have knowledge of the statutory and regulatory requirements, standards and any other applicable documents;
- d) be competent for the inspections they are authorised to carry out by the ACAB,
- e) have satisfactory knowledge of the technology used for the manufacture the products inspected, of the way they are used, and of any defects which may occur during the use of the product. They shall understand the significance of deviations found with regard to the normal use of the product;
- f) have the ability to exercise professional judgment in respect of the conformity of the product with the requirements of the regulations and any other normative documents being applied; and
- g) have the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.

6. Useful Links

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6.1. MCCA – TRD:

<https://mccaa.org.mt/Section/Content?contentId=1141>

6.2. NAB – Malta:

<https://nabmalta.org.mt/inspection-bodies/>

6.3. Method for Designating Conformity Assessment Bodies:

<https://mccaa.org.mt/Section/Content?contentId=5786>

7. Contact Details

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