

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,888, 13 ta' Marzu, 2012

Taqsimha B

A.L. 86 tal-2012

**ATT DWAR L-AWTORITÀ GĦAT-TRASPORT F'MALTA
(KAP. 499)**

**Regolamenti tal-2012 dwar il-Varar u l-Użu
ta' Sistemi ta' Trasport Intelliġenti**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 43 tal-Att dwar l-Awtorità għat-Trasport f'Malta, il-Ministru għall-Infrastruttura, Trasport u Kommunikazzjoni, wara konsultazzjoni mal-Awtorità għat-Trasport f'Malta, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti huwa r-
Regolamenti tal-2012 dwar il-Varar u l-Użu ta' Sistemi ta' Trasport
Intelliġenti. Titolu u bidu
fis-sehħ.

(2) Dawn ir-regolamenti għandhom jitqiesu li dahlu fis-sehħ
fis-27 ta' Frar, 2012.

2. Dawn ir-regolamenti jittrasponu d-dispożizzjonijiet tad-
Direttiva 2010/40/UE tal-Parlament Ewropew u tal-Kunsill dwar il-
qafas għall-varar ta' Sistemi ta' Trasport Intelliġenti fil-qasam tat-
trasport bit-triq u għall-interkonnessjonijiet ma' modi oħrajn ta'
trasport. Għan.

3. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma
tkunx teħtieġ xort'oħra: Tifsir.

"applikazzjoni ta' ITS" tfisser strument operattiv għall-
implimenazzjoni ta' Sistemi ta' Trasport Intelliġenti;

"l-Awtorità" tfisser l-Awtorità għat-Trasport f'Malta kif
stabbilita bl-artikolu 5 tal-Att dwar l-Awtorità għat-Trasport f'Malta;

"azzjonijiet ta' priorità" tfisser l-azzjonijiet ta' priorità elenkati
fl-Artikolu 3 tad-Direttiva;

"id-Direttiva" tfisser id-Direttiva 2010/40/UE tal-Parlament
Ewropew u tal-Kunsill dwar il-qafas għall-varar ta' Sistemi ta'
Trasport Intelliġenti fil-qasam tat-trasport bit-triq u għall-
interkonnessjonijiet ma' modi oħrajn ta' trasport;

"oqsma ta' priorità" tfisser l-oqsma ta' priorità elenkati fl-
Artikolu 2 tad-Direttiva;

"persuna" tinkludi korporazzjonijiet, kumpanniji,
assoċjazzjonijiet, ditti, soċjetajiet, entitatjiet, u individwi;

“servizz ta’ ITS” tfisser il-forniment ta’ applikazzjoni ta’ ITS permezz ta’ kwadru organizzattiv u operattiv definit b’mod ċar bl-iskop li jikkontribwixxi għas-sigurtà tal-utent, l-effiċjenza, il-kumdità u, jew biex jiffaċilita jew isostni l-operat tat-trasport u l-ivjaġġar;

"Sistema ta’ Trasport Intelligenti" jew "ITS" tfisser sistema li fiha jiġu applikati teknoloġiji tal-informazzjoni u tal-komunikazzjoni fis-settur tat-trasport stradali, kompriži l-infrastruttura, il-vetturi u l-utenti, u fl-immaniġġar tat-traffiku u tal-mobbiltà, kif ukoll għal interkonnexxjonijiet ma’ modi oħra tat-trasport.

Applikazzjoni tar-regolamenti.

4. Dawn ir-regolamenti għandhom ikunu japplikaw għall-applikazzjonijiet ta’ ITS u servizzi ta’ ITS fis-settur tat-trasport stradali u l-interkonnexxjonijiet tagħhom ma’ modi oħra ta’ trasport mingħajr preġudizzju għal materji li jkollhom x’jaqsmu mas-sigurtà nazzjonali jew meħtieġa fl-interess tad-difiża.

Rekwiżiti għas-Sistemi ta’ Trasport Intelligenti.

5. Sistemi ta’ Trasport Intelligenti li jiġu varati jew użati bħala parti ta’ azzjoni ta’ priorità f’oqsma ta’ priorità għandhom ikunu konformi mal-ispeċifikazzjonijiet li jkunu adottati skont id-dispożizzjonijiet tal-artikolu 6 tad-Direttiva u l-għażla u l-varar tagħhom josservaw il-prinċipji elenkati fl-Anness II tal-imsemmija Direttiva.

Meħtieġa l-approvazzjoni tal-Awtorità.

6. (1) Mingħajr preġudizzju għal kull permess li jkun meħtieġ taht xi liġi oħra, ebda persuna ma għandha tvarja u, jew tħaddem xi Sistema ta’ Trasport Intelligenti mingħajr l-approvazzjoni bil-miktub tal-Awtorità.

(2) L-applikazzjoni għall-approvazzjoni għandha ssir lill-Awtorità fuq il-formola adatta u għandu jkollha magħha dawk id-dettalji kollha u dokumentazzjoni rilevanti għas-sistema li tkun se tiġi varata u, jew imħaddma.

(3) Meta l-Awtorità jkollha l-ħsieb tirrifjuta li toħroġ approvazzjoni, hija għandha tagħti lill-persuna li tkun applikat avviż bil-miktub dwar dik l-intenzjoni u dak l-avviż għandu jispeċifika l-perjodu li fih il-persuna involuta tkun tista’ tressaq ilmenti lill-Awtorità.

(4) Il-perjodu msemmi fis-subregolament (3) m’għandux inkun inqas minn tletin ġurnata.

(5) L-Awtorità għandha mbagħad tiddeċiedi jekk għandhiex toħroġ jew le avviż formali ta’ rifjut.

(6) Kull avviż bħal dak għandu jkun bil-miktub u għandu jsemmi r-raġunijiet li għalihom l-applikazzjoni tkun ġiet rifjutata.

7. (1) Meta l-varar u, jew l-użu ta' applikazzjonijiet u servizzi ta' ITS ikunu jinvolvu l-ipproċessar u l-użu ta' *data* dwar toroq, traffiku jew invjaġġar li tkun tagħmel parti minn dokumenti li jkollu korp tas-settur pubbliku, l-ipproċessar u l-użu ta' *data* bħal dik għandu jsir skont id-dispożizzjonijiet tal-Ordni dwar l-Użu mill-Ġdid ta' Informazzjoni tas-Settur Pubbliku.

Proċessar u użu ta' *data*.

L.S. 460.13

(2) Meta t-tħaddim ta' applikazzjonijiet u servizzi ta' ITS ikun jinvolvi l-ipproċessar ta' *data* personali, l-ipproċessar ta' *data* bħal dik għandu jsir skont id-dispożizzjonijiet tal-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*, u regolamenti li jsiru tahtu, u r-Regolamenti dwar *Networks* u Servizzi ta' Komunikazzjonijiet Elettroniċi (Ġenerali):

Kap. 440.

L.S. 399.28

Iżda, biex tkun żgurata l-privatezza, l-użu ta' *data* anonima għandu jiġi preferut, fejn u meta jkun possibbli, għat-tħaddim ta' applikazzjonijiet u servizzi ta' ITS:

Iżda wkoll li *data* personali għandha tiġi proċessata biss safejn dak l-ipproċessar ikun meħtieġ għat-tħaddim ta' applikazzjonijiet u servizzi ta' ITS.

8. Meta jinholqu kwestjonijiet li jkollhom x'jaqsmu ma' prodotti difettużi fil-varar u, jew l-użu ta' applikazzjonijiet u servizzi ta' ITS, għandhom japplikaw id-dispożizzjonijiet tat-Taqsima VIII tal-Att dwar l-Affarijiet tal-Konsumatur.

Responsabbiltà għal prodotti difettużi.

Kap. 378.

L.N. 86 of 2012

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**Deployment and Use of Intelligent Transport Systems
Regulations, 2012**

IN exercise of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister for Infrastructure, Transport and Communications, after consultation with the Authority for Transport in Malta, has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Intelligent Transport Systems Regulations, 2012.

(2) These regulations shall be deemed to have come into force on the 27th February, 2012.

Objective.

2. These regulations transpose the provisions of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.

Interpretation.

3. In these regulations, unless the context otherwise requires:

Cap. 499.

"the Authority" means the Authority for Transport in Malta as established by article 5 of the Authority for Transport in Malta Act;

"the Directive" means Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport;

"Intelligent Transport System" or "ITS" means a system in which information and communication technologies are applied in the field of road transport, including infrastructure, vehicles and users, and in traffic management and mobility management, as well as for interfaces with other modes of transport;

"ITS application" means an operational instrument for the application of Intelligent Transport Systems;

"ITS service" means the provision of an ITS application through a well-defined organisational and operational framework with the aim of contributing to user safety, efficiency, comfort and, or to facilitate or support transport and travel operations;

"person" includes corporations, companies, associations, firms, partnerships, societies, entities, and individuals;

"priority actions" means the priority actions listed in Article 3 of the Directive;

"priority areas" means the priority areas listed in Article 2 of the Directive.

4. These regulations shall apply to ITS applications and ITS services in the field of road transport and to their interfaces with other modes of transport without prejudice to matters concerning national security or necessary in the interest of defence. Application of regulations.

5. Intelligent Transport Systems deployed or used as part of priority action within priority areas shall conform to the specifications adopted in accordance with the provisions of Article 6 of the Directive and their selection and deployment shall comply with the principles listed in Annex II of the said Directive. Requirements for Intelligent Transport Systems.

6. (1) Without prejudice to any permit required under any other law, no person may deploy and, or operate any Intelligent Transport System without the approval in writing of the Authority. Authority's approval required.

(2) An application for an approval shall be made to the Authority on the appropriate form and shall be accompanied by all such details and documentation relevant to the system to be deployed and, or operated.

(3) Where the Authority proposes to refuse to issue an approval, it shall give the person who applied written notice of that proposal and that notice shall specify the period within which the person concerned may make representations to the Authority.

(4) The period referred to in sub-regulation (3) shall not be less than thirty days.

(5) The Authority shall then decide whether or not to issue a final notice of refusal.

(6) Every such notice shall be in writing and shall state the reasons for refusing the application.

7. (1) Where the deployment and, or use of ITS applications and services entail the processing and use of road, traffic or travel data forming part of documents held by a public sector body, the processing and use of such data shall be carried out in accordance with the provisions of the Re-Use of Public Sector Information Order. Processing and use of data. S.L. 460.13

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S.L. 399.28

(2) Where the operation of ITS applications and services entails the processing of personal data, the processing of such data shall be carried out in accordance with the provisions of the Data Protection Act and any regulations made thereunder and the Electronic Communications Networks and Services (General) Regulations:

Provided that, in order to ensure privacy, the use of anonymous data shall be preferred, where and when possible, for the performance of ITS applications and services:

Provided further that personal data shall only be processed insofar as such processing is necessary for the performance of ITS applications and services.

Liability for
defective
products.
Cap. 378.

8. Where issues arise related to liability for defective products in the deployment and, or use of ITS applications and services, the provisions of Part VIII of the Consumer Affairs Act shall apply.

VERŽJONI ELETTRONIKA

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