

SUBSIDIARY LEGISLATION 350.12

BROADCASTING AUTHORITY (ENFORCEMENT POWERS) REGULATIONS

29th December, 2005

LEGAL NOTICE 263 of 2006, as amended by Legal Notice 326 of 2010.

1. The title of these regulations is the Broadcasting Authority (Enforcement Powers) Regulations. Citation.

2. In these regulations, unless the context otherwise requires - Interpretation.
Amended by:
L.N. 326 of 2010.
Cap. 350.

"the Act" means the Broadcasting Act;

"intra-Community infringement" means any act or omission contrary to the laws that protect consumers' interests, that harm, or are likely to harm, the collective interests of consumers residing in a Member State or Member States other than the Member State where the act or omission originated or took place or where the responsible seller or supplier is established or where evidence or assets pertaining to the act or omission are to be found;

"laws that protect consumers' interest" means articles 3h and 3i and articles 10 to 20 of the Audiovisual Media Services Directive, Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities published in the Official Journal of the European Union on 18 December 2007 (L 332/27);

"Regulation 2006/2004" means Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on co-operation between national authorities responsible for the enforcement of consumer protection laws (text with EEA relevance);

"seller or supplier" means any natural or legal person who, in respect of the laws that protect consumers' interests, is acting for purposes relating to his trade, business, craft or profession.

3. For the purpose of the proper implementation and enforcement of the Act, of any subsidiary legislation made thereunder and of Regulation 2006/2004, the Broadcasting Authority is hereby being designated as the competent authority for the purposes of the said Regulation with regard to laws that protect consumers' interest; and the Broadcasting Authority and any of its officers or employees shall have the following additional powers: Powers of the
Broadcasting
Authority.

- (a) to enter and search any premises;
- (b) to have access to any relevant document, in any form, related to the intra-Community infringement;
- (c) to require the supply by any person of relevant information related to the intra-Community

infringement;

- (d) to carry out necessary on-site inspections;
 - (e) to request in writing that the seller or supplier concerned cease the intra-Community infringement;
 - (f) to obtain from the seller or supplier responsible for intra-Community infringements an undertaking to cease the intra-Community infringement; and, where appropriate, to publish the resulting undertaking;
 - (g) to require the cessation or prohibition of any intra-Community infringement and, where appropriate, to publish resulting decisions;
 - (h) to require the losing seller or supplier to make payments to the Broadcasting Authority, in the event of failure to comply with the decision;
 - (i) to take such other measures conducive to the enforcement and implementation of Regulation 2006/2004 in terms of the said Regulation.
-