

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,450, 10 ta' Lulju, 2015*  
*Taqsim A*

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## MALTA

### **ATT Nru. XVIII tal-2015**

ATT maħruġ b'ligi mill-Parlament ta' Malta.

**ATT sabiex jemenda l-Att dwar l-Intrapriżi Żgħar, Kap. 512, u biex jipprovdi dwar materji anċillari jew li għandhom x'jaqsmu miegħu.**

### **ACT No. XVIII of 2015**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Small Business Act, Cap. 512 and for matters consequential or connected therewith.**

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

10 ta' Lulju, 2015

### ATT Nru XVIII tal-2015

*ATT sabiex jemenda l-Att dwar l-Intrapriżi Żgħar, Kap. 512, u biex jipprova dwar materji anċillari jew li għandhom x'jaqsmu miegħu.*

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

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda l-Att dwar l-Intrapriżi Żgħar u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Intrapriżi Żgħar, hawn aktar 'il quddiem imsejjah "l-Att".

Titolu fil-qosor.

Kap. 512

**2.** L-artikolu 4 tal-Att għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att.

(a) il-paragrafu (a) tas-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(a) dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern għandhom jimlew l-*Impact Assessment Framework* kif murija fl-Iskeda I, jew kif jista' jkun ulterjorment stabbilit taht xi leġislazzjoni oħra;"

(b) fis-subartikolu (2) tiegħu minnufih wara l-kliem "artikolu 5" għandhom jidhlu l-kliem "liema entità tkun responsabbli biss sabiex tissorvelja l-implimentazzjoni tat-Taqsima 5 tal-*Impact Assessment Framework*"; u

(ċ) minnufih wara s-subartikolu (2) tiegħu għandu

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jizzdied is-subartikolu ġdid li ġej:

"(3) *L-Impact Assessment Framework* imsemmi fis-subartikolu (1)(a) għandu jiġi ppubblikat fil-verżjoni bl-Ingliż biss."

Emenda tal-  
artikolu 10 tal-  
Att.

**3.** Is-subartikolu (2) tal-artikolu 10 tal-Att għandu jiġi emendat kif ġej:

(a) is-subparagrafu (b) tiegħu għandu jiġi sostitwit kif ġej:

"(b) erbatax-il membru ieħor li jirrappreżentaw l-entitajiet jew Ministeri responsabbli għall-intrapriża jew li l-ambitu tagħhom huwa rilevanti għas-settur, li huma:

(i) id-Dipartiment tal-Kummerċ;

(ii) l-Intrapriża ta' Malta;

(iii) l-Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur;

(iv) id-Direttorat tal-Politika tal-Intrapriża u l-Iskemi fi ħdan il-Ministeru responsabbli għall-ekonomija;

(v) id-Divizjoni tal-Politika Ekonomika fi ħdan il-Ministeru responsabbli għall-finanzi;

(vi) l-Awtorità Maltija għas-Servizzi Finanzjarji;

(vii) id-Dipartiment tal-Gvern Lokali;

(viii) il-Ministeru għal Ghawdex;

(ix) l-Awtorità tat-Turiżmu ta' Malta;

(x) l-Awtorità Maltija għall-Ambjent u l-Ippjanar;

(xi) il-Ministeru responsabbli għall-affarijiet rurali;

(xii) l-Uffiċċju Nazzjonali tal-Istatistika;

(xiii) il-Kummissarju tat-Taxxi; u

(xiv) il-Ministeru responsabbli għall-edukazzjoni

u impieg."; u

(b) fis-subparagrafu (ċ) tiegħu l-kliem "disa' membri" għandhom jiġu sostitwiti bil-kliem "għaxar membri" u l-kliem "il-Kunsill Nazzjonali tan-Nisa, l-Assoċjazzjoni Maltija tan-Nisa fin-Negożju u l-Fondazzjoni tan-Nisa fin-Negożju; u" għandhom jiġu sostitwiti bil-kliem "il-Kunsill Nazzjonali tan-Nisa, l-Assoċjazzjoni Maltija tan-Nisa fin-Negożju, il-Fondazzjoni tan-Nisa fin-Negożju u l-Assoċjazzjoni Maltija għall-Intrapriża tal-Familja; u".

4. Fis-subartikolu (1) tal-artikolu 12 tal-Att il-kliem "tad-Direttorat għall-politika dwar l-intrapriża fi ħdan il-Ministeru tal-Finanzi, l-Ekonomija u Investiment" għandhom jiġu sostitwiti bil-kliem "tad-Direttorat tal-Politika tal-Intrapriża u l-Iskemi fi ħdan il-Ministeru responsabbli għall-ekonomija".

Emenda tal-artikolu 12 tal-Att.

5. Fis-subartikolu (1) tal-artikolu 16 tal-Att, il-kliem "tal-Ministeru tal-Finanzi, l-Ekonomija u Investiment" għandhom jiġu sostitwiti bil-kliem "il-Ministeru responsabbli għall-ekonomija".

Emenda tal-artikolu 16 tal-Att.

6. L-Iskeda I tal-Att għandha tiġi sostitwita b'li ġej:

Sostituzzjoni tal-Iskeda I tal-Att.

**"Skeda I**  
(Artikolu 4)  
Impact Assessment Framework

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| 1. Summary                                     |       |                                                             |                                                                                                                                                                                                                                                                                                                                                                                  |                                          |
|------------------------------------------------|-------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
|                                                |       |                                                             | Full title of proposed legislation including document referencing (e.g. EU Directives, etc).                                                                                                                                                                                                                                                                                     |                                          |
| Parent Act(s):                                 |       |                                                             | ..... Act (Cap. ....)                                                                                                                                                                                                                                                                                                                                                            |                                          |
| Rationale:                                     |       |                                                             | Identify a clear need which is in the national interest for government to address.                                                                                                                                                                                                                                                                                               |                                          |
| Objectives of proposed legislation:            |       |                                                             | <p>Clearly state what the proposal intends to achieve.</p> <ul style="list-style-type: none"> <li>Objectives should be in line with the <b>SMART<sup>1</sup></b> principle.</li> <li>Objectives should demonstrate that they encapsulate the principles of Transparency, Accountability, Proportionality, Consistency and be targeted at cases where action is needed</li> </ul> |                                          |
| Options considered:                            |       |                                                             | A wide set of options should be considered including the 'do nothing' option and the 'alternative to regulation' options.                                                                                                                                                                                                                                                        |                                          |
| Preferred option:                              |       |                                                             | <p>Indicate the preferred option and the reason for this being the preferred option on the basis of the Impact Assessment including at least the following considerations:</p> <ul style="list-style-type: none"> <li>Short listing from all options considered</li> <li>Outcome of consultation</li> <li>Outcome of other assessments</li> </ul>                                |                                          |
| Compelling reason for publication:             |       |                                                             | State the current situation and the valid reasons for publication of proposed Legal Notice.                                                                                                                                                                                                                                                                                      |                                          |
| Deadline for publication:                      |       |                                                             | Deadline due to:                                                                                                                                                                                                                                                                                                                                                                 |                                          |
| .....                                          | ..... | 20.....                                                     | EU commitment <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                           | National Agenda <input type="checkbox"/> |
| Does legislation emanate from an EU Directive? |       | No <input type="checkbox"/><br>Yes <input type="checkbox"/> | Insert Name of Directive                                                                                                                                                                                                                                                                                                                                                         |                                          |

<sup>1</sup> SMART - Specific, Measurable, Achievable, Relevant, and, Time-bound.  
Further reading: European Commission, 2009. Impact Assessment Guidelines. HM Government, 2011. IA Toolkit.

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|                                                                                                                                                                                                     |                                                             |                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Does the LN go beyond the Directive's minimum requirements?                                                                                                                                         | No <input type="checkbox"/><br>Yes <input type="checkbox"/> | Give reasons why it was necessary to go beyond <b>minimum provisions</b> of Directive |
|                                                                                                                                                                                                     |                                                             |                                                                                       |
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|                                                                                                                                                                                                     |                                                             |                                                                                       |
| Does the LN require notification under the procedure laid down in Directive 98/34/EC <sup>2</sup> (procedure for the provision of information in the field of technical standards and regulations)? | No <input type="checkbox"/><br>Yes <input type="checkbox"/> |                                                                                       |
|                                                                                                                                                                                                     |                                                             |                                                                                       |
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<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L.1998.204.0037:0048.EN.PDF>



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**2. Consultation Process<sup>3</sup>**

(In line with Directive 6 issued under the PAA)  
See also Part 8

*A matrix indicating proposals received and how these were integrated into the proposal. In the case of rejection of proposals, the reason behind such rejection is to be provided.*

|                       |                                                             |                                                             |  |
|-----------------------|-------------------------------------------------------------|-------------------------------------------------------------|--|
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|                       |                                                             |                                                             |  |
|                       |                                                             |                                                             |  |
| Internal Consultation | Yes <input type="checkbox"/><br>No <input type="checkbox"/> |                                                             |  |
| External Consultation | Yes <input type="checkbox"/><br>No <input type="checkbox"/> |                                                             |  |
| Feedback received     | Attached                                                    | Yes <input type="checkbox"/><br>No <input type="checkbox"/> |  |
| No feedback           | Yes <input type="checkbox"/>                                |                                                             |  |

<sup>3</sup> Proponents are to ensure that the Consultation Exercise is in conformity to Directive 6 issued under the Public Administration Act and its official Guideline entitled 'Parameters for Consultation Exercises with Stakeholders' available at <http://intra.gov.mt/file-attachments-2011-2/others/directive-6-consultation-exercises-with-stakeholders>



### 3. Social Impact<sup>4</sup>

Are there any envisaged social impacts on citizens (positive or negative) in any of the following areas?

Yes ☐ No ☐

Where possible quantify the monetary value of each impact (costs and benefits)<sup>5</sup>

**Social  
benefits:**

**Health:**

**Education:**

**Spending power:**

*Apart from a qualitative description, the equivalent cost should be calculated using 'Supply Chain Management'*

**Administrative  
burden<sup>6</sup>:**

*Apart from a qualitative description, the financial burden should be calculated using 'Supply Chain Management'*

### Impact on Government<sup>7</sup>

*Outline any implications to government's policy on social issues*

<sup>4</sup> **Examples:** demographic & economic changes, social impacts on lifestyle, quality of life and general well-being.

<sup>5</sup> Monetary values should be quantified with respect to the 'do nothing' scenario.

<sup>6</sup> Proponents should seek the guidance of the Management Efficiency Unit.

<sup>7</sup> Such as: prevention approaches, sustainability, improvement of efficiency, capacity building & partnerships with NGOs.



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#### 4. Environmental Impact<sup>8</sup>

Are there any envisaged environmental impacts (positive or negative) in any of the following areas?

Yes ☐ No ☐

Where possible quantify the monetary value of each impact (costs and benefits)<sup>9</sup>

Climate change:

Land use:

Other Resources &  
Infrastructure (waste,  
utilities transport, air  
quality etc.):

#### Impact on Government

*Outline any implications on government's environmental policies and strategies*

<sup>8</sup> Applicable only to legislation related, but not limited, to agriculture, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.  
<sup>9</sup> Monetary values should be quantified with respect to the 'do nothing' scenario



## 5. Impact on Small and Medium Sized Enterprises<sup>10</sup>

In conformity with the Small Business Act, Cap. 512

Does this legislation affect the business environment?

Yes ☐ No ☐

If yes, please attach SME Test report as endorsed by the Small Business Act Implementation Unit, within the Ministry responsible for the Economy, together with the Explanatory Notes and User Guidelines

## 6. Gozo's Regional Impact<sup>11</sup>

**Social impact:**

*Outline qualitatively and where possible quantitatively the social impacts on the region, such as reducing insularity, logistical costs, business continuity and functions.*

**Economic impact:**

*Outline qualitatively and where possible quantitatively the economic impacts on the region, such as value-added industry.*

**Environmental impact:**

*Outline qualitatively and where possible quantitatively the environmental impacts on the region, such as agro-tourism, employment and social assistance.*

<sup>10</sup> Includes, but is not limited to, legislation related to agriculture, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.

<sup>11</sup> Applicable only to legislation related, but not limited, to agriculture, fisheries, general energy & alternative energy, industry, transport, waste management, water management & separation management, telecommunications, tourism, town & country planning, noise pollution, chemical hazards or land use.



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| 7. Enforcement and Implementation <sup>12</sup> |  |
|-------------------------------------------------|--|
| How will this regulation be communicated?       |  |
| Who will enforce this regulation?               |  |
| Are skills required available?                  |  |
| Risks:                                          |  |

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<sup>12</sup> This section should take into consideration the adoption of risk-based approaches, data sharing, the use of administrative data, e-government, interaction and collaboration between departments and government entities, and the use of administrative fines.



## 8. Conclusion

### NOTE - Political Summary

*This document presumes that the Minister and the Permanent Secretary have discussed the contents hereof. There is a presumption that the Minister will set out an Executive Summary of the Consultation Report in the Memo to be presented in Cabinet.*

**The Executive Summary for the purposes of the Impact Assessment is to include, as a minimum:**

- A shortlist of options presented during consultation, with an explanation of the selection process conducted to create the shortlist.
- Internal and external stakeholders consulted.
- Timing of consultation.

*The scope of the statement in the **Memo** is to ensure that there is political ownership of the proposals. This is of vital importance in particular where no meaningful feedback or where, due to cogent reasons that need to be spelt out, the stakeholder feedback cannot be taken on board.*

Compliance to/Strategies of Government as may be applicable:

## 9. Sunset Clause

Sunset clauses are part of Government's commitment; is it envisaged that the proposed legislation contains a sunset clause / sunset clauses?

Yes ☐ No ☐

Kindly indicate hereunder which **article/clause/regulation/rule** etc., of the proposed legislation is subject to a sunset clause:

Ministry/Entity responsible to carry out an evaluation:



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|                                                                |                                                                        |                                  |
|----------------------------------------------------------------|------------------------------------------------------------------------|----------------------------------|
| 10. Signatories                                                |                                                                        |                                  |
| Contact Details:                                               | contact details of <b>PERSON RESPONSIBLE</b> in case of queries        |                                  |
| Name of official responsible:                                  | Name of <b>TECHNICAL PERSON RESPONSIBLE</b> for the drafting of the LN |                                  |
| Ministry / entity responsible:                                 |                                                                        |                                  |
| Telephone number:                                              |                                                                        |                                  |
| Email:                                                         |                                                                        |                                  |
|                                                                |                                                                        |                                  |
| Signature of OFFICIAL responsible for drawing up this document | Signature of DIRECTOR responsible for policy                           | Signature of PERMANENT SECRETARY |
| Date:                                                          |                                                                        |                                  |
| FOR CABINET OFFICE USE                                         |                                                                        |                                  |
| Date received:                                                 |                                                                        |                                  |
| Date checked:                                                  |                                                                        |                                  |
| Checked by:                                                    |                                                                        |                                  |
| Assessment:                                                    |                                                                        |                                  |
| Action:                                                        | For <i>Cabinet</i> use <b>ONLY</b>                                     |                                  |

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 283 tal-1 ta' Lulju, 2015.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*