VERŻJONI ELETTRONIKA

I assent.

(L.S.) **GEORGE VELLA**
President

18th December, 2021

ACT No. LXVII of 2021

AN ACT to amend the Protection of the Whistleblower Act, Cap. 527.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and commencement.

Cap. 527.

1. (1) The short title of this Act is the Protection of the Whistleblower (Amendment) Act, 2021 and this Act shall be read and construed as one with the Protection of the Whistleblower Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date or dates as the Minister for Justice and Governance may by notice in the Gazette establish, and different dates may be so established for different provisions of this Act.

Scope.

(3) This Act transposes Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

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2. Article 2 of the principal Act shall be amended by the following: Amendment of article 2 of the principal Act.

(a) sub-article (1) thereof shall be amended by the following:

(i) immediately after the definition "disciplined force" thereof there shall be added the following new definition:

" "disclose" or "to disclose" means the oral or written communication of information on improper practice;";

(ii) paragraph (g) of the definition "employee" thereof shall be substituted by the following new paragraphs:

"(g) any candidate for employment only where information concerning improper practices has been acquired during the recruitment process or other pre-contractual negotiations;

(h) shareholders and persons belonging to the administrative, management or supervisory body of an undertaking, including non-executive members, and paid or unpaid trainees;";

(iii) immediately after the definition "External Whistleblowing Disclosure Unit" thereof there shall be added the following new definitions:

" "facilitator" means a person who assists a reporting person in the reporting process in a work-related context, and whose assistance should be confidential;

"feedback" means the provision to the reporting person of information on the action envisaged or taken as follow-up and on the grounds for such follow-up;

"follow-up" means any action taken by the recipient of a disclosure or any competent authority, to assess the accuracy of the allegations made in the report and, where relevant, to address the improper practice reported, including through actions such as an internal enquiry, an investigation, prosecution, an

action for recovery of funds, or the closure of the procedure;";

(iv) the definition "improper practice" thereof shall be substituted by the following new definition:

" "improper practice" means an action or a series of actions whereby:

(a) a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject; or

(b) the health or safety of any individual has been, is being or is likely to be endangered; or

(c) the environment has been, is being or is likely to be damaged; or

(d) a corrupt practice has occurred or is likely to occur or to have occurred; or

(e) a criminal offence has been committed, is being committed or is likely to be committed; or

(f) a miscarriage of justice has occurred, is occurring or is likely to occur; or

(g) bribery has occurred or is likely to occur or to have occurred; or

(h) a person has failed, is failing or is likely to fail to comply with any legal obligation on public procurement to which he is subject; or

(i) a person has failed, is failing or is likely to fail to comply with laws on financial services, products and markets, and prevention of money laundering and terrorist financing; or

(j) a person has failed, is failing or is likely to fail to comply with product safety and compliance law; or

(k) a person has failed, is failing or is

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likely to fail in ensuring transport safety; or

(l) a person has failed, is failing or is likely to fail in ensuring radiation protection and nuclear safety; or

(m) a person has failed, is failing or likely to fail in ensuring a food and feed safety, animal health and welfare; or

(n) a person has failed, is failing or is likely to fail to comply with any legal obligation on consumer protection to which he is subject; or

(o) a person has failed, is failing or is likely to fail to comply with any legal obligation on protection of privacy and personal data, and security of network and information systems to which he is subject; or

(p) a breach affecting the financial interests of the European Union as referred to in Article 325 of the Treaty on the Functioning of the European Union (TFEU) and further specified in relevant European Union measures has occurred or is likely to occur or to have occurred; or

(q) a breach relating to the internal market, as referred to in Article 26(2) of the Treaty on the Functioning of the European Union (TFEU), including breaches of European Union competition and State aid rules, as well as breaches relating to the internal market in relation to acts which breach the rules of corporate tax or to arrangements the purpose of which is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law has occurred or is likely to occur or to have occurred; or

(r) information tending to show any matter falling within any one (1) of the preceding paragraphs has been, is being or is likely to be deliberately concealed:

Provided that, in the interpretation of this definition due account shall be given to the *de minimis* rule so that very minor or trivial matters shall not fall under the provisions of this Act;";

(v) immediately after the definition "improper practice" thereof there shall be added the following new definition:

"'information on improper practices" means information, including reasonable suspicions, about actual or potential improper practices, which occurred or are very likely to occur in the organisation in which the reporting person works or has worked or in another organisation with which the reporting person is or was in contact through his work, and about attempts to conceal such breaches;";

(vi) the definition "occupational detriment" thereof shall be substituted by the following new definition:

" "occupational detriment", means any direct or indirect act or omission which occurs in a work related context, which is prompted by internal or external disclosures or by public disclosure, and which causes or may cause unjustified detriment to the whistleblower and may include:

(a) suspension, lay-off, dismissal or equivalent measures;

(b) demotion or withholding of promotion;

(c) transfer of duties, change of location of place of work, reduction in wages, change in working hours;

(d) withholding of training;

(e) a negative performance assessment or employment reference;

(f) imposition or administering of any disciplinary measure, reprimand or other penalty, including a financial penalty;

(g) coercion, intimidation, harassment

or ostracism;

(h) discrimination, disadvantageous or unfair treatment;

(i) failure to convert a temporary employment contract into a permanent one, where the worker had legitimate expectations that he would be offered permanent employment;

(j) failure to renew, or early termination of, a temporary employment contract;

(k) harm, including to the person's reputation, particularly in social media, or financial loss, including loss of business and loss of income;

(l) blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that this person will not, in the future, find employment in the sector or industry;

(m) early termination or cancellation of a contract for goods or services;

(n) cancellation of a licence or permit;

(o) psychiatric or medical referrals;

(p) being subjected to any disciplinary action including for breach of ethics or confidentiality;

(q) being subjected to a term or condition of employment or retirement which is altered or kept altered to his disadvantage:

Provided that, this shall not apply where the action is taken where the direct or indirect act or omission is administratively or commercially justifiable for organizational reasons;";

(vii) immediately after the definition "person" thereof there shall be added the following new definition:

" "person concerned" means a natural or legal person who is referred to in the report or public disclosure as a person to whom the improper practice is attributed or with whom that person is associated;";

(viii) immediately after the definition "public administration" thereof, there shall be added the following new definition:

""public disclosure" means a disclosure made in accordance with Section 4 of Part III;"; and

(ix) in the definition "whistleblowing reports unit" thereof, the words "Disclosure Unit." shall be substituted by the words "Disclosure Unit;" and immediately thereafter there shall be added the following new definition:

" "work-related context" means current or past work activities in the public or private sector through which, irrespective of the nature of those activities, persons acquire information on improper practices and within which those persons may suffer retaliation if they reported such information.";

(b) immediately after sub-article (3) thereof there shall be added the following new sub-articles:

"(4) Where specific rules on the reporting of breaches are provided for in the sector-specific laws listed in the Third Schedule, those laws shall apply. The provisions of this Act shall be applicable to the extent that a matter is not mandatorily regulated in those laws.

(5) This Act shall not affect the exercise by workers of their rights to consult their representatives or trade unions, and on protection against any unjustified detrimental action prompted by such consultations as well as on the autonomy of the social partners and their right to enter into collective agreements. This is without prejudice to the level of protection granted by this Act.".

Amendment of article 4 of the principal Act.

3. Immediately after sub-article (2) of article 4 of the principal Act there shall be added the following new sub-articles:

"(3) The protection afforded to a whistleblower shall, where relevant, be extended to:

(a) facilitators;

(b) third persons who are connected with the reporting persons and who could suffer retaliation in a work-related context, such as colleagues or relatives of the reporting persons;

(c) legal entities that the reporting persons own, work for or are otherwise connected with in a work-related context; and

(d) legal aid in criminal and in cross-border civil proceedings in accordance with the relevant provisions of the Criminal Code and Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters and in accordance with national law, legal aid in further proceedings and legal counselling or other legal counselling.

Cap. 9.

(4) The whistleblower shall have access to:

(a) comprehensive and independent information and advice, which is easily accessible to the public and free of charge, on procedures and remedies available, on protection against retaliation, and on the rights of the person concerned;

(b) effective assistance from competent authorities before any relevant authority involved in their protection against retaliation, including, where provided for under national law, certification of the fact that they qualify for protection under this Act; and

(c) legal aid in criminal and in cross-border civil proceedings in accordance with Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings and Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters and, in accordance with national law, legal aid in further proceedings and legal counselling or other legal assistance.".

Amendment of article 6 of the principal Act.

4. Immediately after sub-article (4) of article 6 of the principal Act, there shall be added the following new sub-article:

"(5) Every whistleblowing reporting officer or whistleblowing reports Unit that receive information on breaches that includes trade secrets as defined under article 2 of the Trade Secrets Act shall not use or disclose those trade secrets for purposes going beyond what is necessary for proper follow-up.".

Cap. 589.

Addition of new articles 6A and 6B to the principal Act.

5. Immediately after article 6 of the principal Act, there shall be added the following new articles:

"Processing of personal data.

6A. Any processing of personal data carried out pursuant to this Act, including the exchange or transmission of personal data by the whistleblowing reporting officer or whistleblowing reports Unit, shall be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the Data Protection Act and the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations:

Cap. 586.
S.L. 586.08.

Provided that, personal data which are manifestly not relevant for the handling of a specific report shall not be collected or, if accidentally collected, shall be deleted without undue delay.

Disclosure of information on breaches under this Act.

6B. Where a person discloses information on breaches falling within the scope of this Act, and that information includes trade secrets, and where that person meets the conditions of this Act, such a disclosure shall be considered lawful under the conditions of article 5(2) of the Trade Secrets Act.".

Cap. 589.

Amendment of article 7 of the principal Act.

6. Sub-articles (4), (5) and (6) of article 7 of the principal Act shall be renumbered as sub-articles (5), (6) and (7) respectively and immediately after sub-article (3) thereof there shall be added the following new sub-article:

"(4) In proceedings referred to in sub-article (1), where the whistleblower establishes that he made an internal, external

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or public disclosure and suffered a detriment, it shall be presumed that the detriment was made in retaliation for the report or the public disclosure. In such cases, it shall be for the person who has taken the detrimental measure to prove that, that measure was based on duly justified grounds.".

Amendment of article 9 of the principal Act.

7. Sub-article (1) of article 9 of the principal Act shall be substituted by the following:

"(1) A disclosure is a protected disclosure if the whistleblower:

(a) had reasonable grounds to believe that the information on breaches disclosed was true at the time of the disclosure and that such information fell within the scope of this Act; and

(b) disclosed internally in accordance with article 12 or externally in accordance with article 16, or made a public disclosure in accordance with article 18A.".

Substitution of article 10 of the principal Act.

8. Article 10 of the principal Act shall be substituted by the following:

"Information protected by legal and medical professional privilege. Cap. 377.

10. (1) Saving the provisions of article 6A(c) of the Professional Secrecy Act, nothing in this Act authorises a person to disclose information protected by legal and medical professional privilege and a disclosure of such information is not a protected disclosure for the purposes of this Act.

(2) This Act shall not affect the application of laws relating to the protection of classified information, the secrecy of judicial deliberations and rules on criminal procedure.".

Substitution of article 11 of the principal Act.

9. Article 11 of the principal Act shall be substituted by the following:

"Anonymously made disclosures.

11. (1) Anonymously made disclosures shall not be a protected disclosure in terms of this Act.

(2) The whistleblowing reporting officer or the whistleblowing reports Unit may receive and process anonymous disclosures and may take that disclosure into consideration in determining whether improper practice has occurred.

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(3) Despite the provisions of sub-article (1) when following a public disclosure with information on breaches that is made anonymously the whistleblower is subsequently identified and suffers retaliation, that disclosure shall still be a protected disclosure provided that the disclosure satisfies the conditions established in article 9(1).".

Substitution of article 12 of the principal Act.

10. Article 12 of the principal Act, shall be substituted by the following:

"Internal procedures for receiving and dealing with protected information.

12. (1) Without prejudice to article 16 and article 18A, every employer shall have in operation internal procedures for receiving and dealing with information about improper practice committed within or by that organisation; such internal procedures shall at least include the following:

(a) channels for receiving the reports in writing or orally, or both. Oral reporting shall be made possible by telephone or through other voice messaging systems, and, upon request by the reporting person, by means of a physical meeting within a reasonable time frame. Such channels shall be designed, established and operated in a secure manner that ensures that the confidentiality of the identity of the whistleblower and any third party mentioned in the disclosure is protected, and prevents access thereto by non-authorised staff members;

(b) the designation of a whistleblowing reporting officer competent for following-up on the reports which may be the same person or department as the one that receives the protected disclosure and which will maintain communication with the whistleblower and, where necessary, ask for further information from and provide feedback to that whistleblower;

(c) diligent follow-up by the designated person or department referred to in paragraph (b).

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(2) Clear and easily accessible information about the existence of the internal procedures, and adequate information on how to use the procedures shall be published widely within the organisation and shall be republished at regular intervals. Every employer shall also provide clear and easily accessible information regarding the procedures for reporting externally to competent authorities pursuant to article 15 and, where relevant to institutions, bodies, offices or agencies of the European Union.

(3) An internal disclosure is a protected disclosure made in accordance with the provisions of this Act if it is made by an employee to an employer substantially in the manner established by internal procedures established by the employer for receiving or dealing with such disclosures.

(4) For purposes of Part III Section 2, "employer" means the same as the meaning assigned to it in the Second Schedule:

Provided that, this shall not apply to entities falling within the scope of Part I(B) and II of the Third Schedule:

Provided further that, organisation in the private sector with fifty (50) to two hundred and forty-nine (249) workers may share resources as regards the receipt of reports and any investigation that shall be carried out. This shall be without prejudice to the obligations imposed upon private sector organisations by this Act to maintain confidentiality, to give feedback, and to address the reported breach.".

Amendment of article 13 of the principal Act.

11. Sub-article (1) of article 13 of the principal Act, shall be substituted by the following new sub-article:

"(1) The whistleblowing reporting officer shall acknowledge receipt of an internal disclosure within seven (7) days of receipt and provide feedback within a reasonable time, not exceeding three (3) months from the acknowledgment of receipt or, if no acknowledgment was sent to the reporting person, three (3) months from the expiry of the seven (7) day period after the report was made.".

Amendment of article 16 of the principal Act.

12. In sub-article (1) of article 16 of the principal Act, immediately after the words "may be made to the whistleblowing reports Unit of the authority as provided in the First Schedule" there shall be added the word "directly".

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Amendment of article 17 of the principal Act.

13. Article 17 of the principal Act shall be amended by the following:

(a) sub-article (1) thereof shall be substituted by the following:

"(1) All authorities referred to in the First Schedule shall:

(a) set up an independent and autonomous whistleblowing reports Unit, for receiving and handling information on breaches and which shall meet all the following criteria:

(i) is designed, established and operated in a manner that ensures the completeness, integrity and confidentiality of the information and prevents access thereto by non-authorised staff members of the authority;

(ii) enables the durable storage of information in accordance with article 21A to allow further investigations to be carried out;

(b) promptly, and in any event within seven (7) days of receipt of the external disclosure, acknowledge that receipt unless the whistleblower explicitly requested otherwise or the whistleblowing reports Unit reasonably believes that acknowledging receipt of the disclosure shall jeopardise the protection of the reporting person’s identity;

(c) diligently follow up on external disclosures;

(d) provide feedback to the whistleblower within a reasonable time frame not exceeding three (3) months, or six (6) months in duly justified cases;

(e) communicate to the whistleblower the final outcome of investigations triggered by the report, in accordance with procedures provided for under national law;

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(f) transmit in due time the information contained in the disclosures to competent institutions, bodies, offices or agencies of the European Union, as appropriate, for further investigation, where provided for under law.";

(b) sub-article (2) thereof shall be renumbered as sub-article (10) thereof and immediately after sub-article (1) thereof, there shall be added the following new sub-articles:

"(2) The whistleblowing reports Unit shall enable external disclosures in writing and orally. Oral disclosures shall be possible by telephone or through other voice messaging systems and, upon request by the whistleblower, by means of a physical meeting within a reasonable time-frame.

(3) The whistleblowing reports Unit shall ensure that, where an external disclosure is received through channels other than the reporting channels referred to in sub-articles (1) and (2) or by staff members other than those responsible for handling reports, the staff members who receive it are prohibited from disclosing any information that may identify the whistleblower or the person concerned, and that they promptly forward the report without modification to the staff members responsible for handling reports.

(4) The whistleblowing reports Unit shall designate staff members responsible for handling reports, and in particular for:

(a) providing any interested person with information on the procedures for reporting;

(b) receiving and following up on external disclosures;

(c) maintaining contact with the whistleblower for the purpose of providing feedback and requesting further information where necessary.

(5) The staff members referred to in sub-article (4) shall receive specific training for the purposes of handling reports:

(a) providing any interested person with information on the procedures for reporting;

(b) receiving and following up on external disclosures;

(c) maintaining contact with the whistleblower for the purpose of providing feedback and requesting further information where necessary.

(6) The whistleblowing reports Unit shall publish on their websites in a separate, easily identifiable and accessible section at least the following information:

(a) the conditions for qualifying for protection under this Act;

(b) the contact details for the whistleblowing reports Unit as provided for under sub-article (1), in particular the electronic and postal addresses, and the phone numbers for such channels, indicating whether the phone conversations are recorded;

(c) the procedures applicable to the reporting of breaches, including the manner in which the competent authority may request the whistleblower to clarify the information reported or to provide additional information, the time frame for providing feedback and the type and content of such feedback;

(d) the confidentiality regime applicable to reports, and in particular the information in relation to the processing of personal data in accordance with article 6A, Articles 5 and 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), regulation 13 of the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation,

S.L. 586.08.

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Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations and Article 15 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No. 45/2001 and Decision No. 1247/2002/EC, as applicable;

(e) the nature of the follow-up that shall be given to reports;

(f) the remedies and procedures for protection against retaliation and the availability of confidential advice for persons contemplating reporting;

(g) a statement clearly explaining the conditions under which persons disclosing to the competent authority are protected from incurring liability for a breach of confidentiality pursuant to article 4(1); and

(h) contact details of the information centre or of the single independent administrative authority as provided for in article 4(4) where applicable.

(7) The whistleblowing reports Units shall review their procedures for receiving disclosures, and their follow-up, regularly, and at least once every three (3) years. In reviewing such procedures, competent authorities shall take account of their experience as well as that of other whistleblowing reports Unit and adapt their procedures accordingly.

(8) The whistleblowing reports Units may close procedures regarding repetitive reports which do not contain any meaningful new information on improper practice compared to a past report in respect of which the relevant procedures were concluded, unless new legal or factual circumstances justify a different follow-up. In such a case, the whistleblowing reports Units shall notify the reporting person of their decision and the reasons thereof.

(9) In the event of high inflows of reports, whistleblowing reports Units may deal with reports of serious breaches or breaches of essential provisions falling within the scope of this Act as a matter of priority, without prejudice to the time frame as set out in paragraph (d) of sub-article (1).".

Addition of new Section 4 and new article 18A to the principal Act.

14. The new Section 4 and new article 18A to the principal Act, shall be added as follows:

(a) in the first, second and third columns of the Arrangement of Act thereof, immediately after the words "Section 3 External Disclosures 15-18" there shall be added a fresh line with the words "Section 4 Public Disclosures 18A"; and

(b) immediately after article 18 thereof there shall be added the new heading and new article as follows:

"SECTION 4
PUBLIC DISCLOSURES

18A. (1) Except as provided in this Part, a public disclosure shall only be protected if an internal disclosure in accordance with Section 2 of this Part and an external disclosure in accordance with Section 3 of this Part has already been made, but no appropriate action was taken in response to the report within the time-frames referred to in article 13(1) and article 17(1)(b).

A public disclosure shall be as a protected disclosure under this Act if any one (1) of the following conditions are fulfilled:

The whistleblower has reasonable grounds to believe that:

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(a) the breach may constitute an imminent or manifest danger to the public interest, such as when there is an emergency situation or a risk of irreversible damage; or

(b) in the case of external reporting, there is a risk of retaliation or there is a low prospect of the breach being effectively addressed, due to the particular circumstances of the case, such as those where evidence may be concealed or destroyed or where an authority may be in collusion with the perpetrator of the breach or involved in the breach.

(2) This article shall not apply to cases where a person directly discloses information to the press pursuant to specific national law establishing a system of protection relating to freedom of expression and information.".

Addition of new article 21A to the principal Act.

15. Immediately after article 21 of the principal Act, there shall be added the following new article:

"Shall keep records of every report received.

21A. (1) Whistleblowing reports Unit and the whistleblowing reporting officers shall keep records of every report received, in compliance with the confidentiality requirements provided for in article 6:

Provided that, reports shall be stored for no longer than it is necessary and proportionate in order to comply with the requirements imposed by this Act, or other requirements imposed by law.

(2) Where a recorded telephone line or another recorded voice messaging system is used for disclosing, subject to the consent of the whistleblower, whistleblowing reports Unit and whistleblowing reporting officers shall have the right to document the oral reporting in one (1) of the following ways:

(a) by making a recording of the conversation in a durable and retrievable form; or

(b) through a complete and accurate transcript of the conversation prepared by the staff members responsible for handling the report. Whistleblowing reports Unit and whistleblowing reporting officers shall offer the whistleblower the opportunity to check, rectify and agree the transcript of the call by signing it.

(3) Where an unrecorded telephone line or another unrecorded voice messaging system is used for disclosing, whistleblowing reports Units and whistleblowing reporting officers shall have the right to document the oral disclosure in the form of accurate minutes of the conversation written by the staff member responsible for handling the disclosure. The whistleblowing reports Unit and whistleblowing reporting officer shall offer the whistleblower the opportunity to check, rectify and agree the minutes of the conversation by signing them.

(4) Where a person requests a meeting with the whistleblowing reports Unit and whistleblowing reporting officers for disclosing purposes pursuant to article 12(1)(a) and article 17(2), whistleblowing reports Unit and whistleblowing reporting office shall ensure, subject to the consent of the whistleblower, that complete and accurate records of the meeting are kept in a durable and retrievable form. The whistleblowing reports Unit and whistleblowing reporting officers shall have the right to document the meeting in one of the following ways:

(a) by making a recording of the conversation in a durable and retrievable form; or

(b) through accurate minutes of the meeting prepared by the staff members responsible for handling the report:

Provided that, whistleblowing reports Units and whistleblowing reporting officers shall offer the whistleblower the opportunity to check, rectify and agree the minutes of the meeting by signing them.".

Amendment of the Second Schedule to the principal Act.

16. Item (2) of the Second Schedule to the principal Act shall be substituted by the following new item:

"(2) Any organisation within the private sector with fifty (50) or more workers or where following an appropriate risk assessment taking into account the nature of the activities of the organisation and the ensuing level of risk for, in particular the environment and public health may require an organisation in the private sector with fewer than fifty (50) workers to establish an internal disclosure channel and procedure in accordance with Section 2 of Part III.".

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17. Immediately after the Second Schedule to the principal Act, there shall be added the following new Schedule: Addition of new Third Schedule to the principal Act.

"Third Schedule
[Articles 2 and 12]

The Annex of Commission Directive (EU) 2019/1937 shall be applicable in its entirety as the Third Schedule to this Act.".

Passed by the House of Representatives at Sitting No. 530 of the 14th December, 2021.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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