

ABBOZZ TA' LIĠI msejjah

Att biex itejjeb l-ambjent ta' operazzjoni għal intrapriži żgħar u medji sabiex jiġi ffaċilitat it-twaqqif u t-tkabbir tagħhom. Dan l-Att jipprova jidentifika dawk iż-żoni fejn l-ambjent regolatorju eżistenti jista' jitjieb sabiex jiġu provduti soluzzjonijiet li minnhom jibbenefikaw intrapriži u isir iżjed faċli għalihom li joperaw. Dan l-Att ukoll iwaqqaf il-Kunsill Konsultattiv tal-Intrapriži u l-Kulleġġ tar-Regolaturi, żewġ korpi konsultattivi, bil-għan li jipprovdu forum għal konsultazzjoni u djalogu soċjali, jagħtu parir lill-Gvern dwar sfidi li jiffaċċjaw l-intrapriži tan-negozju, jindirizzaw ilmenti li joħorgu mill-intrapriża tan-negozju u joħorgu b'azzjoni ta' rimedju.

Il-President bil-parir u l-kunsens tal-Kamra tad-Deputati imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

TAQSIMA I

Tifsir u Dikjarazzjoni ta' Prinċipji

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2011 dwar l-Intrapriži ż-Żgħar. Titolu fil-qosor u dhul fis-seħh.

(2) Dan l-Att għandu jidhul fis-seħh f'dik id-data li l-Ministru tal-Finanzi, l-Ekonomija u Investment jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm il-darba l-kuntest tal-kliem ma jkunx Tifsir.

jeħtieġ xort'ohra:

Kap. 497. "aġenzija tal-gvern" tfisser korp elenkat fir-Raba' Skeda tal-Att dwar l-Amministrazzjoni Pubblika;

Kap. 497. "dipartiment tal-gvern" tfisser kull entità fis-settur pubbliku li hi elenkata fit-Tieni Skeda tal-Att dwar l-Amministrazzjoni Pubblika;

"entità ċentrali" tfisser entità identifikata bl-artikolu 5;

"entità tal-gvern" tfisser organizzazzjoni, li ma tkunx dipartiment tal-gvern, aġenzija tal-gvern jew soċjetà kummerċjali, li fiha l-gvern ikollu interess li jikkontrolla, sew jekk dik l-organizzazzjoni hi mwaqqfa bil-liġi jew le;

"entitajiet pubbliċi li joffru servizzi lin-negozju" tfisser l-Awtorità Maltija għall-Ambjent u l-Ippjanar, il-Korporazzjoni tax-Xogħol u Tahriġ, id-Dipartiment tat-Taxxi Interni, id-Dipartiment tat-Taxxa fuq il-Valur Miżjud, id-Dipartiment tal-Kummerċ, l-Intrapriża ta' Malta, l-Awtorità ta' Malta dwar ir-Riżorsi, l-Awtorità dwar il-Mediċini, l-Awtorità Maltija dwar l-Istandards, l-Awtorità ta' Malta dwar il-Komunikazzjoni, id-Diviżjoni tal-Konsumatur u tal-Kompetizzjoni, id-Dipartiment tad-Dwana, l-Awtorità għas-Servizzi Finanzjarji ta' Malta u kull entità oħra kif tista' tiġi identifikata minn żmien għal żmien mill-Ministru;

Kap. 463. "l-Intrapriża ta' Malta" tfisser l-entità mwaqqfa skont l-Att dwar l-Intrapriża ta' Malta;

"konsultazzjoni" tfisser it-talba għal u l-għoti ta' pariri, informazzjoni jew opinjoni;

"Kulleġġ" tfisser l-Kulleġġ tar-Regolaturi mwaqqaf bl-artikolu 13;

"il-Kumitat Konsultattiv dwar Negozji Żgħar" tfisser il-korp mwaqqaf bl-artikolu 10(6);

"Kunsill" tfisser l-Kunsill Konsultattiv tal-Intrapriži mwaqqaf bl-artikolu 10(1);

"linji ta' gwida għall-utent" tfisser dokument preparat mid-dipartiment jew dik l-entità oħra li tkun bi ħsiebha tinforza strument gdid sabiex tispjega lill-pubbliku f'termini ċari x'ikun meħtieġ biex ikun hemm ħarsien tad-disposizzjonijiet tal-liġi, u x'ikun meħtieġ minnu biex jiġi żgurat dak il-ħarsien;

"il-Ministru" tfisser l-Ministru responsabbli għall-ekonomija;

"mizuri ta' appoġġ għan-negozju" tfisser kull inizjattiva bħal konċessjonijiet, ribassi, eżenzjonijiet u forom oħra ta' faċilitazzjoni biex tkun eħfef għan-negozji biex jibdew u joperaw;

"noti ta' spjegazzjoni" tfisser dokument preparat mid-dipartiment jew entità oħra li tissottometti strument lill-Parlament jew lill-Kamra tad-Deputati li jispjega f'termini ċari dak li jrid jikseb u jindirizza l-istrument, huwa ppubblikat u anness mal-Att jew Avviż Legali imma li ma jkunx liġi;

"stharrig dwar is-sodisfazzjon tal-konsumatur" huwa eżerċizzju bil-ħsieb li tiġi analizzata s-sodisfazzjon tal-konsumatur u jistabbilixxi l-bżonnijiet u l-aspettativi tal-konsumatur sabiex jiġi identifikat kull nuqqas jew titjib possibbli fit-twassil tas-servizz;

"strument" tfisser kemm l-liġi primarja kif ukoll sussidjarja, inkluż abbozz li jkun għadu ma sarx liġi, u t-traspożizzjoni ta' Direttiva tal-Unjoni Ewropea fil-liġi ta' Malta;

"SME" tfisser intrapriżi żgħar u medji kif mfissra fir-Rakkomandazzjoni tal-Kunsill 2003/361/KE tas-6 ta' Mejju 2003 dwar id-definizzjoni ta' intrapriżi mikro, żgħar u ta' daqs medju;

"Test SME" tfisser il-valutazzjoni tal-impatt kif mnizzel fl-Iskeda II;

"l-Uffiċċju Nazzjonali tal-Istatistika" tfisser l-Uffiċċju mwaqqaf taħt l-Att dwar l-Awtorità tal-Istatistika ta' Malta.

Kap. 422.

TAQSIMA II

Funzjonijiet ta' dipartimenti tal-gvern u entitajiet dwar in-negozju

3. (1) B'żjieda mat-twettiq tas-setgħat, funzjonijiet u responsabbiltajiet attribwiti lil dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern taħt l-Att dwar l-Amministrazzjoni Pubblika, u taħt kull leġislazzjoni oħra dwar il-kompetenza tagħhom, dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern għandhom jipprovaw jiffaċilitaw it-twettiq tal-attivitajiet tan-negozju.

Funzjonijiet ġenerali attribwiti lil dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern.
Kap. 497.

(2) Fit-twettiq tal-funzjoni tiegħhom taħt is-subartikolu (1), dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern għandhom:

(a) qabel ma jissottomettu lill-Parlament jew jipprezentaw strument quddiem l-Kamra tad-Deputati, jivvalutaw l-effett li l-istrument propost jista' jkollu fuq l-

ambjent ta' operazzjoni tal-SMEs;

(b) fi zmien xahrejn mid-data tal-pubblikazzjoni tiegħu fil-Gazzetta jikkomunikaw l-istrument, li jkun għadda mill-Parlament jew ikun gie prezentat lill-Kamra tad-Deputati, lis-setturi kollha affetwati bl-introduzzjoni tiegħu, u għandhom jinformaw lis-setturi tan-negozju dwar id-data tad-dhul fis-sehħ tal-istrument:

Izda l-ebda strument, li għalih japplika dan is-subartikolu, ma jista' jidhol fis-sehħ qabel it-tmiem tat-terminu ta' xahrejn msemmi f'dan il-paragrafu;

(c) ihejju noti ta' spjegazzjoni skont l-Iskeda III u jizguraw li dawn jigu pubblikati flimkien, u jkunu annessi, mal-istrument;

(d) jikkompilaw u jipubblikaw Linji ta' Gwida għall-Utent biex jispjegaw il-htigiet li qed jigu imposti b'xi strument gdid skont il-paragrafu (b), fi zmien sufficjenti qabel id-dhul fis-sehħ ta' dak l-istrument biex jiffacilitaw il-harisen tiegħu; u

(e) jikkompilaw informazzjoni bazika fuq ir-regoli u regolamenti pertitenti kollha li jaqghu fl-ambitu tagħhom kif ukoll dwar mizuri ta' facilita tan-negozju rilevanti għat-twaqqif u t-tmexxija ta' intrpriza, u jagħmlu din l-informazzjoni disponibbli b'mod facli.

Funzjoni tal-valutazzjoni.

4. (1) Fil-funzjoni tagħhom tat-twettiq ta' valutazzjoni tal-impatt skont l-artikolu 3(2)(i) -

(a) dipartiment tal-gvern, entita tal-gvern jew aġenzija tal-gvern għandhom japplikaw lista ta' kontroll kif stabbilita fl-Iskeda I, jew kif jista' jkun ulterjorment stabbilit taht xi legislazzjoni ohra;

(b) kull strument li jigi meqjus li ser ikollu effett fuq l-SMEs, għandu jkun akkumpanjat minn rapport dwar ir-rizultat ta' Test SME li għandu jsir mid-dipartiment tal-gvern, entita tal-gvern jew aġenzija tal-gvern koncernata skont il-procedura stabbilita fl-Iskeda II;

(2) L-applikazzjoni tat-Test SME taht is-subartikolu (1)(b) għandha ssir b'kordinament mal-entita centrali identifikata taht l-artikolu 5.

Entita centrali.

5. (1) Għandha tigi identifikata entita centrali mill-Gvern li għandu jkollha l-hila necessarja fir-rigward ta' rizorsi umani,

għarfien jew kwalifiki fl-applikazzjoni tat-Test SME.

(2) Tkun il-funzjoni tal-entità li:

(a) tassisiti lil dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern fl-applikazzjoni, analiżi u tifsir tat-Test SME;

(b) tiffaċilita konsultazzjoni mid-dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern mal-korpi relattivi SME u rappreżentanti, inkluż il-Kunsill u s-sottokumitati nominati mill-Kunsill bl-artikoli 10(6) u 11(3), dwar l-istrument propost sabiex jiġi stabbilit l-effett li l-imsemmi strument jista' jkollu fuq l-SMEs;

(c) tgħin biex jiġu identifikati mizuri alternattivi mmirati biex itaffu l-effett negattiv fuq l-SMEs identifikati fit-Test SME mingħajr ma jitnaqqas xejn mill-għanijiet li l-istrument ikun maħsub li jilhaq.

(3) Fit-twettiq tal-funzjonijiet tagħha, l-entità ċentrali għandha:

(a) taġixxi b'mod oġġettiv, trasparenti u effiċjenti;

(b) tiżgura li jiġi applikat approċċ uniformi minn kull dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern fit-twettiq tal-obbligu taħt l-artikolu 4(1); u

(c) taġixxi b'mod imparzjali mid-dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern li jipproponu l-istrument.

6. Fil-funzjoni tagħhom li jipprovdu informazzjoni skont l-artikolu 3(2)(e), dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern għandhom:

Funzjoni relatata mal-ghoti ta' informazzjoni.

(a) jorganizzaw l-informazzjoni kollha li taqa' fl-ambitu tagħhom relatata ma' servizzi provduti mill-Gvern u informazzjoni meħtieġa mill-Gvern, li tkun neċessarja għat-twaqqif ta' intrapriża f'Malta jew għal intrapriża biex topera u żzomm negozju eżistenti f'Malta;

(b) jipprovdu l-informazzjoni miġbura taħt il-paragrafu (a) lill-Intrapriża ta' Malta jew lil entità oħra bħal dik taħt l-artikolu 8, fiż-żewġ lingwi uffiċjali, u f'forma li tiffaċilita l-komunikazzjoni tagħha permezz ta' mezzi elettronici;

(c) iżommu l-informazzjoni aġġornata f'kull hin u jikkomunikaw dawk l-aġġornamenti lill-Intrapriża ta' Malta

minnufih.

Funzjonijiet
attribwiti lil
entitajiet tas-
settur pubbliku
li joffru servizzi
lin-negozju.

7. (1) B'żjieda mat-twettiq tas-setgħat, funzjonijiet u responsabbiltajiet attribwiti lil entità tas-settur pubbliku li toffri servizzi lin-negozju taħt xi leġislazzjoni li għandha x'taqsam mal-kompetenza tagħha, entità tas-settur pubbliku li toffri servizzi lin-negozju għandha twettaq sħarriġ dwar is-sodisfazzjon tal-konsumatur kull sentejn, bil-għan li tistabbilixxi l-impatt li s-servizz tagħha qed ikollu fuq is-settur tal-intrapriži.

(2) L-istħarriġ identifikat taħt is-subartikolu (1) għandu jitwettaq mill-Uffiċċju Nazzjonali tal-Istatistika, u għandu jkun fih il-gabra, il-kumpilazzjoni, l-analiżi, u l-pubblikazzjoni tad-*data*.

(3) L-ispejjeż kollha relattivi li jingarrbu mill-Uffiċċju Nazzjonali tal-Istatistika fit-twettiq tal-funzjoni tiegħu taħt is-subartikolu (2) għandhom jinqasmu bejn l-entitajiet tas-settur pubbliku li joffru servizzi lin-negozju.

(4) Fl-eżerċizzju tal-funzjoni tagħha taħt is-subartikolu (1), l-entità tas-settur pubbliku kkonċernata għandha tikkollabora mal-Uffiċċju Nazzjonali tal-Istatistika u għandha tagħmel dawk l-arrangamenti li jkunu meħtieġa għall-iskambju ta' informazzjoni u forom oħra ta' assistenza.

(5) Ir-riżultati tal-istħarriġ magħmul taħt is-subartikolu (2) għandhom jiġu komunikati lill-Kulleġġ mill-entità tas-settur pubbliku kkonċernata, li għandha ukoll iġġib għall-attenzjoni tal-pubbliku l-azzjonijiet li jkunu ser jittieħdu biex jiġu rranġati defiċjenzi li jkunu ġew identifikati. Kull azzjoni ta' rimedju għandha tittieħed fi żmien sena mir-riżultat tal-istħarriġ magħmul skont is-subartikolu (2).

Ċentru
ċentralizzat ta'
informazzjoni.

8. B'żjieda mas-setgħat, funzjonijiet u responsabbiltajiet attribwiti lill-Intrapriża ta' Malta taħt il-leġislazzjoni tagħha u kull leġislazzjoni oħra li għandha x'taqsam mal-kompetenza tagħha, l-Intrapriża ta' Malta jew entità bħal dik mahtura mill-Ministru għal dak il-għan, għandha tqiegħed għad-dispożizzjoni tal-pubbliku, l-informazzjoni kollha li tiġbor mid-dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern skont l-artikolu 6(b), filwaqt li tiżgura li din tirrappreżenta riferenza sħiħa għall-obbligi u mizuri ta' appoġġ imposti mill-Gvern applikabbli għan-negozji. Aktar minn hekk hi għandha tagħmel din l-informazzjoni disponibbli fuq sit elettroniku li hi għandha tohloq għal dak il-għan, u żżomm l-informazzjoni fuq is-sit elettroniku aġġornata f'kull hin. Din l-informazzjoni ma għandhiex tissostitwixxi l-leġislazzjoni jew ir-regolamenti attwali.

Promozzjoni ta'
kodiċi ta' etika.

9. (1) Ikun id-dmir ta' kull organizzazzjoni li tirrappreżenta negozji li tippromwovi t-tfassil ta', u fejn dan diġà

jeżisti, l-użu aħjar u iktar mifrux ta' kodiċi ta' etika fost il-membri tagħha.

(2) Fl-eżerċizzju tal-funzjoni tagħha taħt is-subartikolu (1), l-organizzazzjoni konċernata għandha tħabrek sabiex ittejjeb ir-rapport ta' bejn il-klijenti u l-fornituri fis-settur, billi tippromwovi l-adozzjoni tal-prinċipji li johorġu mill-kodiċi ta' etika.

(3) Fl-Iskeda IV hemm provduta gwida għat-tfassil ta' kodiċi ta' etika.

TAQSIMA III

Twaqqif ta' korpi

10. (1) Għandu jkun hemm Kunsill, li jkun magħruf bħala l-Kunsill Konsultattiv tal-Intraprizi.

Twaqqif u għamla tal-Kunsill Konsultattiv tal-Intraprizi.

(2) Il-Kunsill għandu jkun korp konsultattiv u li jagħti l-pariri lill-Gvern permezz tal-Ministru, li jkollu personalità ġuridika distinta, u jkun magħmul minn dawn li ġejjin:

(a) *Chairperson*, li jkun il-Ministru;

(b) hmistax-il membru ieħor li jirrappreżentaw l-entitajiet jew Ministeri responsabbli għall-intrapriża u li l-ambitu tagħhom huwa relevanti għas-settur, primarjament id-Dipartiment tal-Kummerċ, l-Intrapriża ta' Malta, id-Divizjoni tal-Konsumatur u tal-Kompetizzjoni, id-Direttorat għall-politika dwar l-intrapriża fi ħdan il-Ministeru tal-Finanzi, l-Ekonomija u Investiment, id-Divizjoni tal-politika ekonomika fi ħdan il-Ministeru tal-Finanzi, l-Ekonomija u Investiment, l-Awtorità Maltija għas-Servizzi Finanzjarji, id-Dipartiment tal-Kunsilli Lokali, il-Ministeru għal Ghawdex, l-Awtorità tat-Turiżmu ta' Malta, l-Awtorità Maltija għall-Ambjent u l-Ippjanar, il-Ministeru għar-Riżorsi u Affarijiet Rurali, l-Uffiċċju Nazzjonali tal-Istatistika, id-Dipartiment tat-Taxxi Interni, id-Dipartiment tat-Taxxa dwar il-Valur Miżjud u l-Ministeru tal-Edukazzjoni, Xogħol u l-Familja;

(ċ) disa' membri mahtura minn rappreżentanti minn korpi kostitwiti, primarjament il-Kamra tal-Kummerċ, l-Industrija u l-Intrapriża ta' Malta, il-*General Retailers and Traders Union*, l-Assoċjazzjoni Maltija għal-Lukandi u Ristoranti, il-Kamra tan-Negożju għal Ghawdex, l-Assoċjazzjoni tat-Turiżmu għal Ghawdex, l-Assoċjazzjoni Maltija ta' Min Ihaddem, il-Kunsill Nazzjonali tan-Nisa, l-Assoċjazzjoni Maltija tan-Nisa fin-Negożju u l-Fondazzjoni

tan-Nisa fin-Negożju; u

(d) il-Gvernatur tal-Bank Ċentrali ta' Malta, *ex officio*.

(3) Għal kull wiehed mill-membri mahtura skont is-subartikolu (2)(b), (c), u (d), għandu jkun hemm numru ugwali ta' membri sostituti li jirrapprezentaw dawk l-istess setturi jew organizzazzjonijiet u li jkollhom id-dritt li jattendu għal-laqgħat fl-assenza tal-membri mahtura.

(4) It-tul tal-kariga tal-membri għandu jkun ta' sena.

(5) Il-Kunsill jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu jekk fil-laqgħa ikun hemm kworum preżenti.

(6) Bla hsara għad-disposizzjonijiet ta' dan l-Att, u għal kull regolament magħmul tahtu, il-Kunsill għandu jahtar sottokumitat li jkun magħruf bhala l-Kumitat ta' Pariri għan-Negożji ż-Żgħar, li għandu jkun magħmul minn persuni magħżula mill-komunità tan-negożju bl-esperjenza ta' operat ta' tipi differenti ta' mikro intrapriżi jew li jkunu hadmu ma' negożji żgħar.

(7) Il-Ministru jista, wara konsultazzjoni mal-Kunsill, jagħmel regolamenti dwar proċeduri li għandhom jiġu adottati mill-Kunsill, inkluż il-kworum għal-laqgħat, ir-registru ta' vakanzi każwali, it-telf ta' mandat u sostituzzjoni ta' membri. Għall-fini ta' dan l-artikolu, kworum ikun magħmul minn proporzjon ugwali ta' rappreżentanti miż-żewġ setturi, b'tal-anqas għaxar rappreżentanti.

Funzjonijiet tal-Kunsill.

11. (1) Il-Kunsill ikollu l-funzjoni li -

(a) jagħti rakkomandazzjonijiet lill-Gvern dwar affarijiet li għandhom x'jaqsmu mas-settur tal-intrapriża;

(b) jagħti rakkomandazzjonijiet lill-Gvern fuq l-formulazzjoni ta' politika fil-qasam tal-intrapriżi żgħar u medji;

(c) jaħdem lejn titjib fl-ambjent tal-operat ta' intrapriżi żgħar;

(d) jirrevedi, jiddiskuti u jipprovdi pariri fuq propositi legiſlativi li jkollhom impatt sinifikanti fuq is-settur tal-intrapriżi;

(e) jsegwi l-implimentazzjoni xierqa tal-politika tal-Gvern;

(f) jinkoraġġixxi riċerka, iwettaq monitoraġġ fuq,

jivvaluta u jmexxi miżuri għal ambjent li jwassal għal livell għoli ta' provvista ta' servizz; u

(g) jwettaq dawk il-funzjonijiet oħra kif jistgħu jiġu assenjati lilu taħt dan l-Att jew xi liġi oħra.

(2) Fit-twettiq tal-funzjonijiet tiegħu, il-Kunsill għandu:

(a) jaħdem fuq materji identifikati li jxekklu t-takkbar ekonomiku, l-iżvilupp u l-kompetittività;

(b) jsegwi dawk il-linji ta' gwida ta' politika kif jistgħu jiġu mfassla mill-Gvern;

(ċ) jippromwovi ir-regolamentazzjoni bbażata fuq spejjeż li wiehed ikun konxju minnhom u l-effettività;

(d) jippromwovi sinerġiji fl-applikazzjoni tal-politika tal-Gvern fi ħdan l-Amministrazzjoni; u

(e) jagħmel xogħol intern ta' riċerka, jew permezz ta' xogħol li jinbagħat biex isir barra mill-Kunsill, fuq materji rilevanti.

(3) Il-Kunsill ikollu s-setgħa li jahtar sottokumitati, li l-membri tagħhom ikunu nominati minn korpi kostitwiti, biex jindirizzaw materji speċifiċi, u jirrevedu proposti li jaffettwaw l-SMEs.

12. (1) L-affarijiet amministrattivi tal-Kunsill għandhom ikunu amministrati mis-Segretarjat tal-Kunsill, u għandhom ikunu fil-kompetenza tad-Direttorat għall-politika dwar l-intrapriża fi ħdan il-Ministeru tal-Finanzi, l-Ekonomija u Investiment, u l-Kunsill, bl-approvazzjoni tal-Ministru, jista' jahtar lil dawk l-uffiċjali kif jista' jkun neċessarju għat-twettiq xieraq u effiċjenti tal-funzjonijiet tal-Kunsill.

Twaqqif ta'
Segretarjat tal-
Kunsill.

(2) Is-Segretarjat tal-Kunsill għandu jkun responsabbli għas-servizzi tekniċi u segretarjali tal-Kunsill, u għandu, *inter alia*, jkun responsabbli:

(a) għall-provvista ta' servizzi amministrattivi u segretarjali meħtieġa mill-Kunsill, l-Kumitat jew s-sottokumitat maħtur taħt l-artikolu 10(6);

(b) biex jiżgura li l-informazzjoni kollha li tista' tkun meħtieġa mill-membri tal-Kunsill biex iwettqu l-funzjonijiet tagħhom tkun disponibbli;

(c) biex jiżgura li tittieħed azzjoni sussegwenti sabiex jiġu implimentati direzzjonijiet jew deċiżjonijiet meħuda mill-Kunsill jew mis-sottokumitati;

(d) biex jipprovdi informazzjoni u jwettaq xogħol preparatorju għall-għanijiet tar-rapporti dwar l-attività tal-Kunsill, u jissorvelja u jivvaluta l-eżekuzzjoni ta' dawn il-kompiti;

(e) biex jiżgura li servizzi tal-uffiċċju jkunu provduti għall-operat tal-Kunsill u tas-sottokumitat;

(f) biex jeżerċita kull responsabbiltà oħra kif tista' tkun delegata miċ-*Chairperson* f'isem il-Kunsill; u

(g) biex jiżgura li l-Kunsill u l-Kumitat joperaw b'ħarsien strett mar-regolamenti finanzjarji tal-Gvern li jkunu japplikaw għall-Kunsill u għall-Kumitat.

Twaqqif tal-Kulleġġ tar-Regolaturi.

13. (1) Għandu jkun hemm Kulleġġ, li jkun magħruf bhala l-Kulleġġ tar-Regolaturi.

(2) Il-Kulleġġ għandu jkun korp konsultattiv u li jagħti pariri lill-Gvern permezz tal-Ministru, li jkollu personalità ġuridika distinta, u jkun magħmul minn dawn li ġejjin:

(a) *Chairperson*, maħtur mill-Ministru; u

(b) sittax-il membru maħtura mill-Gvern li jirrappreżentaw ir-rappreżentanti tal-Gvern fuq korpi kostitwiti, primarjament l-Awtorità Maltija għas-Servizzi Finanzjarji, l-Awtorità Maltija dwar l-*Istandards*, id-Dipartiment tad-Dwana, l-Awtorità dwar il-Lotteriji u l-Logħob, l-Awtorità ta' Malta dwar ir-Riżorsi, l-Awtorità tat-Turiżmu ta' Malta, l-Awtorità ta' Malta dwar il-Komunikazzjoni, l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xogħol, l-Awtorità Maltija għall-Ambjent u l-Ippjanar, id-Divizjoni tal-Konsumatur u tal-Kompetizzjoni, id-Dipartiment tas-Saħħa Ambjentali, id-Direttorat tas-Saħħa tal-Pjanti, id-Direttorat tar-Regolazzjoni Veterinarja, id-Direttorat dwar il-Kontroll fuq is-Sajd u d-Dipartiment tal-Kummerċ.

(3) (a) Għal kull wieħed mill-membri maħtura skont is-subartikolu (2)(b), għandu jkun hemm numru ugwali ta' membri sostituti li jirrappreżentaw dawk l-awtoritajiet li jkollhom id-dritt li jattendu għal-laqgħat fl-assenza tal-membri maħtura.

(b) Il-Kulleġġ jista' jagixxi minkejja kull vakanza fost

il-membri tiegħu jekk fil-laqgħa ikun hemm kworum preżenti.

(4) It-tul tal-kariga tal-membri għandu jkun ta' sena.

(5) Il-Ministru jista', wara konsultazzjoni mal-Kulleġġ, jagħmel regolamenti dwar il-proċeduri li għandhom jiġu adottati mill-Kulleġġ, inkluż il-kworum għal-laqgħat, ir-reġistru ta' vakanzi każwali, it-telf ta' mandat u s-sostituzzjoni ta' membri.

14. (1) Il-Kulleġġ ikollu l-funzjoni li:

Funzjonijiet tal-Kulleġġ.

(a) jistabilixxi u jzomm sistema regolatorja ta' koperazzjoni fost il-membri tiegħu;

(b) jiżgura li jkun hemm l-aħjar użu tar-regolamentazzjoni sabiex jipromwovi effiċjenza, ekonomija u kompetizzjoni fi hdan is-settur ta' intraprizi;

(ċ) jistabilixxi program ta' xogħol kif propost u preżentat mill-membri u ċċertifikat formalment mill-Ministru;

(d) jagħmel laqgħat kongunti regolari mal-Kunsill u jiddiskuti sugġetti ta' importanza għas-settur ta' intraprizi;

(e) jagħmel rakkomandazzjonijiet lill-Gvern dwar sugġetti li jkunu ġew diskussi fi hdan il-Kunsill u wara laqgħat kongunti mal-Kunsill;

(f) jagħmel rakkomandazzjonijiet lill-Gvern fuq revizjonijiet tal-politika;

(g) jiskambja informazzjoni fost il-membri tiegħu fuq materji regolatorji u tendenzi kurrenti fi hdan s-settur ta' intraprizi; u

(h) jwettaq dak il-funzjonijiet oħra kif l-Gvern jista' jassenja lill-Kulleġġ minn żmien għal żmien.

(2) Fit-twertiq tal-funzjonijiet tiegħu, il-Kulleġġ għandu:

(a) jiżviluppa miżuri għall-promozzjoni ta' effiċjenza, ekonomija aħjar, u kompetizzjoni fi hdan is-settur ta' intraprizi;

(b) jidentifika barrieri regolatorji li jxekklu t-tkabbir tas-settur ta' intraprizi u jagħmel rakkomandazzjonijiet biex jindirizza dawk l-kwistjonijiet;

(ċ) jkollu l-għan li jsaħħaħ u jzomm *network* ta' komunikazzjoni fost ir-rappreżentanti u l-membri kollha

permezz ta' skambju regolari dwar l-istat ta' affarijiet u informazzjoni; u

(d) jagħmel xogħol intern ta' riċerka, jew permezz ta' xogħol li jinbagħat biex isir barra mill-Kulleġġ, fuq materji rilevanti.

Laqgħat u
rapporti.

15. Il-Kulleġġ għandu:

(a) jiltaqa' tal-inqas darba kull tliet xhur jew iżjed frekwenti kif ikun meqjus neċessarju mill-Kulleġġ;

(b) jirrapporta lill-Ministru kull sitt xhur fuq ix-xogħol imwettaq; u

(ċ) jippublika rapport annwali li jkun jinkludi rapport generali fuq żviluppi tul il-perjodu li dwaru jirrelata dwar materji diskussi fil-laqgħat.

Segretarjat tal-
Kulleġġ.

16. (1) L-affarijiet amministrattivi tal-Kulleġġ għandhom ikunu amministrati mis-Segretarjat tal-Kulleġġ, u għandhom ikunu taħt il-kompetenza tal-Ministeru tal-Finanzi, l-Ekonomija u Investiment, u l-Kulleġġ, bl-approvazzjoni tal-Ministru, jista' jahtar lil dawk l-uffiċjali kif jista' jkun neċessarju għat-twettiq xieraq u effiċjenti tal-funzjonijiet tal-Kulleġġ.

(2) Is-Segretarjat tal-Kulleġġ għandu jkun responsabbli għas-servizzi tekniċi u segretarjali, u d-disposizzjonijiet tal-artikolu 12(2) għandhom *mutatis mutandis* japplikaw għas-Segretarjat tal-Kulleġġ.

TAQSIMA IV

Mixxellanji

Setgħa li
jagħmel
regolamenti.

17. Il-Ministru jkollu s-setgħa li jagħmel regolamenti biex jagħti effett lid-disposizzjonijiet ta' dan l-Att, u sabiex jitwettqu aħjar id-disposizzjonijiet u l-għanijiet ta' dan l-Att.

Eżenzjoni.

18. (1) Il-Ministru jista', b'ordni pubblikat fil-Gazzetta u bla ħsara għal kull kondizzjoni, restrizzjoni jew limitazzjoni, jeżenta strumenti speċifiċi mill-applikazzjoni ta' dan l-Att jew parti minnu jew minn xi obbligu impost taħt dan l-Att.

(2) Il-Ministru jista' jirrevoka kull ordni magħmula taħt dan l-artikolu.

Skeda I

Lista ta' Verifika dwar il-Valutazzjoni tal-Impatt

1. Ġenerali

a. Strument propost

b. Obiettivi

ċ. Għan

d. Raġuni konvincenti għall-publikazzjoni

2. Eżerċizzju ta' abbozzar

Iva

Le

Jekk iva,

a. Kienu kkonsultati l-partijiet interessati?

Nizzel il-persuni interessati prinċipali u r-reazzjoni tagħhom

b. Saret valutazzjoni tal-impatt regolatorja?

Nizzel s-sejbiet prinċipali

3. Impatt

Iva

Le

Jekk Iva, mur għat-Test SME u rraporta għaldaqstant

3.1. Impatt fuq in-Negozju jew l-ambjent tan-negozju

3.2. Impatt fuq l-Gvern

Iva

Le

Jekk iva, liema impatt u fuq min?

a. Id-disposizzjonijiet proposti ser ikollhom effett fuq Ministeri oħra, Dipartimenti, Awtoritajiet, eċċ.?

b. Il-proposti ser ikollhom impatt fuq il-prijoritajiet tal-Gvern u l-politika kurrenti prinċipali?

Ekonomija / impjieg

Edukazzjoni

Ambjent

Ugwaljanza bejn is-sessi

4. Riżultati

a. Lista ta' riżultati pożittivi mistennija

b. Lista ta' riżultati negattivi mistennija

ċ. Fil-każ ta' impatt negattiv, niżżel il-miżuri ta' mitigazzjoni maħsuba

5. Żmien ta' skadenza għall-publikazzjoni

6. Noti

___ / ___ / _____

Skeda II

Linji ta' gwida għat-Test SME

(1) Konsultazzjoni mar-rappreżentanti tal-SMEs

Legislazzjoni ġdida proposta li jkollha impatt dirett fuq l-ambjent tan-negozju għandha tiġi diskussa fil-Kunsill Konsultattiv tal-Intrapriżi (ECC) jew sottokomitat tal-Kunsill mwaqqaf speċifikament għal hekk. F'din id-diskussjoni l-entità responsabbli għall-preparazzjoni tal-legislazzjoni għandha tindika l-oġettiv prinċipali tal-proposta u tidentifika aspetti speċifiċi tal-legislazzjoni proposta, b'mod partikolari jekk il-legislazzjoni proposta hiex ser tinkludi:

- spiza ġdida ta' konformità
- htieġa għal tagħmir ġdid
- impatt fuq l-ħin tal-persunal
- indikazzjoni jekk approċċ ta' daqs wiehed għal kulhadd qed jiġi applikat u jekk iva, għaliex?
- indikazzjoni jekk l-miżuri proposti jegħlbux l-ispejjeż tal-implimentazzjoni (eż. tħassib dwar l-ambjent).

(2) Valutazzjoni preliminari tan-negozji li x'aktarx jiġu affettwati

Waqt dan l-istadju, għandu jiġi stabbilit jekk l-SMEs humiex fost dawk affettwati, b'mod partikolari is-settur/i li probabilmnt x'aktarx jiġu affettwati.

Sorsi ta' informazzjoni rilevanti għandhom jiġu esplorati inklużi r-rappreżentanti tal-SME. Lista mhux eżawrjenti ta' elementi li għandhom jiġu

kkunsidrati tinkludi, meta applikabbli, affarijiet bħal:

- in-numru ta' negozji li jiġu affettwati
- il-proporzjon tal-impjeg konċernat fil-kategoriji differenti tal-intraprizi affettwati
- il-piż fuq SMEs ta' tip differenti fis-settur/i (dawk mikro, żgħar jew medji)
- jekk il-valutazzjoni preliminari twassal għall-konklużjoni li l-SMEs huma fost il-partijiet affettwati, għandha ssir iżjed analiżi u - fejn xieraq - tittiehed konsiderazzjoni tagħha meta ssir id-determinazzjoni tal-obiettivi u l-iżvilupp tal-għażliet tal-politika fil-valutazzjoni tal-impatt.

(3) Kejl tal-impatt fuq l-SMEs

Id-distribuzzjoni tal-ispejjeż potenzjali u l-benefiċċji tal-proposti dwar id-daqs tan-negozju, li għandha tagħmel differenza bejn l-intraprizi mikro, żgħar, medji u kbar għandha tiġi analizzata b'mod kwalitattiv u, jekk possibbli b'mod kwantitattiv. Huwa importanti li jiġi stabbilit sa liema grad il-proposti jaffettwaw il-kompetittività tal-SMEs jew l-ambjent tan-negozju li fih ser jiġu affettwati l-operazzjonijiet tagħhom billi jiġu stabbiliti:

- Spejjeż finanzjarji - maħluqa bl-obbligu ta' hlas ta' mizati jew drittijiet;
- Spejjeż sostantivi - maħluqa bl-obbligu li tiġi adottata n-natura tal-prodott/servizz u/jew il-proċess tal-kunsinna tal-prodott/servizz biex jintlaħqu l-*standards* ekonomiċi, soċjali jew ambjentali (eż. ix-xiri ta' tagħmir ġdid, taħriġ tal-persunal, investimenti addizzjonali li ser isiru);
- Spejjeż amministrattivi - maħluqa bl-obbligu li tiġi provduta informazzjoni dwar l-attivitajiet jew prodotti tal-kumpannija inklużi spejjeż amministrattivi ta' darba jew ta' sikwit (eż. rizorsi għall-akkwist jew provvista ta' informazzjoni);
- Spejjeż u impatti identifikati fuq intraprizi żgħar u mikro għandhom jiġu mqabbla ma' dawk ta' intraprizi akbar.

B'zjieda ma' dawn jistgħu jiġu kkunsidrati fatturi oħra bħal:

- telf possibbli ta' kompetittività minħabba fatturi esterni bħalma hija d-disponibbiltà tal-finanzi;
- reġim tat-taxxa, aċċess għal rizorsi jew hiliet, eċċ.;

- tibdil possibbli fl-imġiba tal-kompetitur, fornitur jew konsumatur;
- impatti possibbli fuq l-barrieri għad-dhul, kompetizzjoni fis-suq u l-istruttura tas-suq;
- impatt possibbli fuq l-innovazzjoni, miftiehma bhala teknoloġika u mhux teknoloġika;
- innovazzjoni (proċess, tqegħid fis-suq, eċċ.);
- benefiċċji, jekk applikabbli, li jkunu ġejjin mill-proposta (tnaqqis tal-piż, titjib tal-produttività u kompetittività, investimenti jew innovazzjoni akbar eċċ.).

(4) Valutazzjoni ta' għażliet alternattivi jew miżuri mitiganti

Jekk l-analiżi dwar spejjeż/benefiċċji msemmija hawn fuq tindika li l-intrapriżi żgħar u mikro qed jiffaċċaw piż relattivament akbar, jista' jiġi kkunsidrat l-użu ta' miżuri speċifiċi sabiex jiġu żgurati kondizzjonijiet indaqs u r-rispett lejn il-prinċipju tal-proporzjonalità. Meta l-analiżi magħmula taht is-sezzjoni ta' qabel turi li n-negozji żgħar u mikro huma affettwati b'mod disproporzjonat jew żvantaġġati meta mqabbla ma' kumpanniji akbar, għandu jiġi kkunsidrat (kull każ għalih) l-użu tal-miżuri mitiganti possibbli:

- Eżenzjonijiet sħaħ jew parzjali relatati mad-daqs għan-negozji żgħar u mikro (eżempju: negozji taht ċerti limiti m'għandhomx iħarsu ċerti obbligi speċifiċi meta dan ma jinvalidax l-għan ewlieni tal-leġislazzjoni)
- Eżenzjonijiet jew tnaqqis temporanju (eżempju: perjodi transitorji li matulhom intrapriżi żgħar u mikro huma eżentati jew intervalli itwal għal ċerti obbligi)
- Tnaqqis fuq taxxa jew għajjnuna finanzjarja diretta biex tikkumpensa l-ispejjeż involuti jekk dan ikun kompatibbli mal-leġislazzjoni eżistenti (dwar il-kompetizzjoni u l-kummerċ internazzjonali)
- Miżati mnaqqsa (eżempju: meta dawn il-miżati jkun b'mod partikolari għoljin u/jew jirrapprezentaw spiża fissa li tkun ser tinħass disproporzjonatament mill-intrapriżi żgħar u mikro)
- Obbligi ta' rapport simplifikat għal intrapriżi żgħar u mikro (eżempju: fil-qasam tal-istatistika, jiġu esplorati sinerġiji possibbli ma' obbligi preċedenti ta' rapport)
- Kampanji ta' informazzjoni speċifiċi jew gwida għall-utenti,

tahriġ u uffiċċji/*help-desks* dedikati (eżempju: *help-desks* speċifiċi li jipprovdu informazzjoni mfassla għall-intrapriži żgħar)

- Kunsiderazzjoni sistematika ta' inizjattivi generali ta' simplifikazzjoni li jistgħu b'mod partikolari jkunu ta' benefiċċju għall-intrapriži żgħar u mikro (eżempju: l-possibbiltà ta' użu ta' faċilitajiet *on-line*, spezzjonijiet simplifikati)

Meta jkun hemm l-valutazzjoni ta' miżuri mitiganti possibbli għall-SMEs, huwa importanti li l-ispejjeż li din tista' tipproduċi jiġu kkunsidrati b'mod sħiħ u mdahhlin fil-valutazzjoni aħħarija.

Skeda III

Noti ta' spjegazzjoni

(i) Noti ta' spjegazzjoni jridu jkunu pubblikati flimkien ma' kull strument li jkun identifikat bħala li jkollu impatt fuq is-settur tan-negozju.

(ii) Id-dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern li jisponsorjaw l-istrument huma responsabbli biex jabbozzaw in-noti ta' spjegazzjoni annessi. L-Uffiċċju tal-Avukat Ġenerali għandu japprova l-abbozz, u jikkonferma jekk huwiex konsistenti mal-istrument.

(iii) In-noti ta' spjegazzjoni mhumiex maħsuba biex ikunu deskrizzjoni eżawrjenti tal-istrument jew sostitut għalih. L-għan tagħhom huwa li jagħmel aċċessibbli l-istrument għall-qarrejja li mhumiex kwalifikati fil-liġi u li m'għandhomx għarfien speċjalizzat tal-materja tas-suġġett.

(iv) In-noti mhumiex liġi. Ma jiffurmawx parti mill-istrument u ma jistgħux jiġu emendati mill-Parlament jew mill-Kamra tad-Deputati jew approvati minnhom. Mhumiex disinjati biex isolvu ambigwitajiet fit-test tal-istrument peress li jekk xi ambigwitajiet jiġu identifikati tul il-progress tal-istrument, dawn għandhom jiġu emendati kif imiss. In-noti għandhom jagħmluha ċara li m'għandhomx jitqiesu li huma *rulings* awtoritattivi dwar l-interpretazzjoni tal-liġi proposta, għax l-qrati biss jistgħu jagħtu dawn.

(v) In-noti għandu jkollhom dawn l-affarijiet li ġejjin: Introduzzjoni, Taqsira u l-isfond, Harsa Ġenerali tal-istruttura tal-istrument, Kummentarju, u sezzjonijiet konklużivi.

(vi) Jekk l-istrument jimplementa Direttiva Ewropea, in-noti ta' spjegazzjoni għandhom jinkludu fil-forma ta' anness sett ta' "Noti ta' Trasposizzjoni" li juru kif il-Gvern ikun bi ħsiebu jittrasponi l-elementi prinċipali kollha tad-Direttiva/i fil-

liġi Maltija.

Skeda IV

Valuri etiċi tal-SMEs

Tfassil ta' kodiċi ta' etika

Kodiċi ta' etika huwa l-ghodda prinċipali biex jimplimenta l-politika tal-etika. Jittraduċi l-valuri tal-qalba f'rabtiet speċifiċi u l-imġiba mistennija fir-rigward tal-persuni ewlenin interessati tal-gruppi ta' organizzazzjoni (eż: konsumaturi, impjegati, fornituri u kuntratturi, fornituri ta' finanzi u komunità). Kodiċi jkun ukoll post tajjeb biex jindirizza r-responsabbiltajiet ambjentali u biex jingħad kif l-kumpannija tkun bi hsiebha tirrelata mal-kompetituri tagħha. Ikun ukoll utli li jiġu mistoqsija l-impjegati dwar kwistjonijiet etiċi li jikkonċernawhom u dwar liema kwistjonijiet ikunu jixtiequ gwida meta jtfassal il-kodiċi.

Kwistjonijiet tipiċi li jiġu indirizzati fil-kodiċi ta' etika

Kodiċi ta' etika għandu:

1. Jipprezenta b'mod preċiż l-kapaċità tal-intrapriża fit-tqegħid fis-suq, ir-reklamar u l-materjal ta' promozzjoni.
2. Jipprezenta b'mod preċiż l-ħiliet disponibbli, jirrikonoxxi l-limitazzjonijiet u joffri biss servizzi professjonali li jhoss li hu kompetenti li jipprovdi.
3. Jinforma klijenti prospettivi dwar kull kondizzjoni li tista' tillimita l-effettività tal-intrapriża.
4. Jpogġi l-aqwa interess ta' kull klijent l-ewwel u qabel kollox, jaċċerta b'mod raġjonevoli li l-intrapriża għandha l-ħiliet u r-riżorsi neċessarji biex tipprovdi l-appoġġ meħtieġ qabel ma tidhol f'relazzjoni mal-klijent.
5. Jikkomunika b'mod ċar it-termini u l-kondizzjonijiet ta' kull relazzjoni mal-klijent, jidentifika ir-responsabbiltajiet ta' kull parti, u jiddokumenta dawn id-disposizzjonijiet fi ftehim iffirmat.
6. Jonora kull kuntratt, ftehim u rabta.
7. Jagħmel biss rabtiet li jkunu fi hdan is-setgħa u l-ħila tal-intrapriża li taqdi l-klijenti.

8. Jaċċetta responsabbiltà għax-xogħol kollu tiegħu, jammetti l-iżbalj u jagħmel dak kollu possibbli biex isolvi kull problema li tista' tinqala.
9. Jżomm reġistru preċiż u suffiċjenti tax-xogħol tal-klijent kollu.
10. Jissalvagwardja u jipprotegi l-informazzjoni kollha privata u kunfidenzjali fdata lilu jew mogħtija tul il-kors ta' kull relazzjoni tax-xogħol.
11. Ma jiżvelax informazzjoni tal-klijent mingħajr l-kunsens minn qabel jew sakemm ma jingħatax istruzzjoni jew permess mill-klijent biex isir hekk f'ismu.
12. Jiżgura li t-tneħħija ta' kull reġistru elettroniku u bil-miktub ikun amministrat b'mod kunfidenzjali u sigur.
13. Jipprotegi l-interess tal-klijenti tiegħu f'kull hin.

Għanijiet u Raġunijiet

L-għanijiet ta' dan l-Abbozz ta' Ligi huma biex jiġi promulgat Att biex itejjeb l-ambjent ta' operazzjoni għal intrapriżi żgħar u medji sabiex jiġi ffaċilitat it-twaqqif u t-tkabbir tagħhom, u jwaqqaf il-Kunsill Konsultattiv tal-Intrapriżi u l-Kulleġġ tar-Regolaturi, żewġ korpi konsultattivi, biex jipprovdu forum għal konsultazzjoni u djalogu soċjali, jagħtu parir lill-Gvern dwar sfidi li jiffaċċjaw l-intrapriżi tan-negozju, jindirizzaw ilmenti li joħorġu mill-intrapriża tan-negozju u joħorġu b'azzjoni ta' rimedju.

**A BILL
entitled**

AN ACT to enhance the operational environment for medium and small enterprises in order to facilitate their setting up and growth. It seeks to identify those areas where the existing regulatory environment can be improved in order to provide solutions that will benefit enterprises and make it easier for them to operate. It further sets up the Enterprise Consultative Council and the College of Regulators, two advisory bodies, which aim to provide a forum for consultation and social dialogue, advise Government on challenges faced by the business enterprise, address grievances which emanate from the business enterprise and come up with remedial action.

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:-

PART I

Definitions and Declaration of Principles

Short title and commencement.

1. (1) The short title of this Act is the Small Business Act, 2011.

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

Interpretation.

2. In this Act, unless the context otherwise requires:

"business support measures" means any initiatives such as grants, rebates, exemptions and other forms of facilitation meant to make it easier for businesses to start up and operate;

"central entity" means an entity identified by article 5;

"College" means the College of Regulators established by article 13;

"consultation" means the seeking and giving of advice, information or opinion;

"Council" means the Enterprise Consultative Council established by article 10(1);

"customer satisfaction survey" is an exercise meant to analyse customer satisfaction and establish customer needs and expectations in order to identify any shortcomings or possible improvements in the service delivery;

"explanatory notes" means a document prepared by the department or other entity submitting an instrument to Parliament or the House of Representatives that explains in plain terms what the instrument seeks to achieve and is meant to address, it is published and attached with the Act or Legal Notice but does not have legal standing;

"government agency" means a body listed in the Fourth Schedule to the Public Administration Act; Cap. 497.

"government department" means any entity in the public sector that is listed in the Second Schedule to the Public Administration Act; Cap. 497.

"government entity" means an organization, not being a government department, a government agency or a commercial partnership, in which government has a controlling interest, whether or not such an organization is established by law;

"instrument" means both primary and subsidiary legislation, including a bill which has not yet become law, and the transposition of a European Union Directive into Maltese law;

"the Malta Enterprise" means the entity set up in terms of the Malta Enterprise Act; Cap. 463.

"the Minister" means the Minister responsible for the economy;

"the National Statistics Office" means the Office set up under the Malta Statistics Authority Act; Cap. 422.

"public sector entities offering services to business" means the Malta Environment and Planning Authority, the Employment and Training Corporation, the Inland Revenue Department, the Value Added Tax Department, the Commerce Department, the Malta Enterprise, the Malta Resources Authority, the Medicines Authority, the Malta Standards Authority, the Malta Communications Authority, the Consumer and Competition Division, the Customs Department, the Malta Financial Services Authority and any other entity as may be identified by the Minister from time to time;

"the Small Business Advisory Committee" means the body established by article 10(6);

"SME" means small and medium enterprises as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises;

"SME Test" means the impact assessment as set out in Schedule II;

"user guidelines" means a document prepared by the department or other entity that intends to enforce a new instrument in order to explain to the public in plain terms what will be required to abide by the provisions of the law, and what will be expected of it to ensure compliance.

PART II

Functions of government departments and entities which relate to business

General functions attributed to a government department, government entity or government agency. Cap. 497.

3. (1) Further to the fulfilment of the powers, functions and responsibilities attributed to a government department, government entity or government agency under the Public Administration Act, and under any other legislation concerning their area of competence, a government department, government entity or government agency shall endeavor to facilitate the carrying out of business activities.

(2) In fulfilment of its function under sub-article (1), a government department, government entity or government agency shall:

(a) prior to submitting to Parliament or laying before the House of Representatives an instrument, assess the effect which the proposed instrument might have on SMEs' operating environment;

(b) within two months from the date of its publication in the Gazette communicate the instrument, which has passed through Parliament or been laid before the House of Representatives, to all sectors affected by its introduction, and shall inform the affected business sectors of the date of the coming into force of the instrument:

Provided that no instrument, to which this sub-article applies, may come into force before the lapse of the two months referred to in this paragraph;

(c) draw up explanatory notes in terms of Schedule III and ensure that they are published concurrently with, and attached to, the instrument;

(d) compile and publish User's Guidelines to explain the requirements being imposed in any new instrument in accordance with paragraph (b), in sufficient time before the coming into force of such instrument to facilitate compliance; and

(e) compile basic information on all pertinent rules and regulations within its remit as well as of business facilitation measures relevant to the setting up and running of an enterprise, and make this information easily available.

4. (1) In its function of carrying out an impact assessment in terms of article 3(2)(i) - Assessment function.

(a) a government department, government entity or government agency shall apply a check list as set out in Schedule I, or as may be further established under any other legislation;

(b) any instrument which is determined to have an effect on SMEs, shall be accompanied by a report on the outcome of a SME Test which is to be carried out by the government department, government entity or government agency concerned following the procedure set out under Schedule II;

(2) The application of the SME Test under sub-article (1)(b) shall be carried out in coordination with the central entity identified under article 5.

5. (1) There shall be identified by Government a central entity which will have the necessary expertise in terms of human resource, knowledge or qualification in the application of the SME Test. Central entity.

(2) It shall be the function of the central entity to:

(a) assist a government department, government entity or government agency in the application, analysis and interpretation of the SME Test;

(b) facilitate consultation by the government department, government entity or government agency with the relative SME bodies and representatives, including the Council and sub-committees nominated by the Council in terms of articles 10(6) and 11(3), on the proposed instrument in order to determine the effect which the said instrument might have on SMEs;

(c) help identify alternative measures aimed at mitigating the negative effect on SMEs identified in the SME Test without derogating from the aims which the instrument is meant to achieve.

(3) In the carrying out of its functions, the central entity shall:

(a) act objectively, transparently and efficiently;

(b) ensure that a uniform approach is applied by all government departments, government entities or government agencies in fulfilling the obligation under article 4(1); and

(c) act impartially from the government department, government entity or government agency proposing the instrument.

Function related to the provision of information.

6. In its function to provide information in terms of article 3(2)(e), a government department, government entity or government agency shall:

(a) organise all information within its remit related to the services provided by Government and information required by Government, which is necessary for the set up of an enterprise in Malta or for an enterprise to operate and maintain an existing business in Malta;

(b) provide the information collated under paragraph (a), to the Malta Enterprise or to such other entity in terms of article 8, in both official languages, and in a form to facilitate its communication by electronic means;

(c) keep the information updated at all times and communicate such updates to the Malta Enterprise at once.

7. (1) Further to the fulfilment of the powers, functions and responsibilities attributed to a public sector entity offering services to business under any legislation concerning their area of competence, a public sector entity offering services to business shall carry out a customer satisfaction survey every two years, with the aim to establish the impact which its service is having on the enterprise sector.

Functions attributed to public sector entities offering services to business.

(2) The survey identified under sub-article (1) shall be conducted by the National Statistics Office, and shall include the collection, compilation, analysis, and publication of the data.

(3) All relative costs incurred by the National Statistics Office in the fulfilment of its function under sub-article (2) shall be shared amongst the public sector entities offering services to business.

(4) In the exercise of its function under sub-article (1), the public sector entity concerned shall collaborate with the National Statistics Office and shall make arrangements for the exchange of information and other forms of assistance as may be necessary.

(5) The results of the survey conducted under sub-article (2) shall be communicated to the College by the public sector entity concerned, which shall also make public actions that will be taken to rectify identified deficiencies. Any remedial actions shall take place within one year of the result of the survey conducted under sub-article (2).

8. Further to the fulfilment of the powers, functions and responsibilities attributed to Malta Enterprise under its legislation and any legislation concerning its area of competence, the Malta Enterprise, or such other entity so appointed by the Minister for such purpose, shall make available to the public all the information which it collects from the government department, government entity or government agency in terms of article 6(b), ensuring that this represents a complete reference of all Government imposed obligations and support measures applicable to businesses. Moreover it shall make this information available through a web-site which it shall create for such a purpose, and shall keep the information on the website updated at all times. This information will not replace the actual legislation or regulation.

Centralised information centre.

9. (1) It shall be the duty of any organization representing businesses to promote the drawing up, and where this is already existing, the wider and better use, of a business code of ethics amongst its members.

Promotion of code of ethics.

(2) In the exercise of its function under sub-article (1), the

organization concerned shall strive to enhance the relationship between clients and providers in the sector, by promoting the adoption of the principles which emanate from the code of ethics.

(3) A guide to the drawing up of a code of ethics is provided under Schedule IV.

PART III

Establishment of bodies

Establishment
and composition
of the Enterprise
Consultative
Council.

10. (1) There shall be a Council, to be called the Enterprise Consultative Council.

(2) The Council shall be a consultative and advisory body to the Government through the Minister, having a distinct legal personality, and shall consist of the following:

(a) a Chairperson, who shall be the Minister;

(b) fifteen other members representing the entities or Ministries responsible for enterprise or whose remit is relevant to the sector, namely the Commerce Department, the Malta Enterprise, the Consumer and Competition Division, the Enterprise Policy Directorate within the Ministry of Finance, the Economy and Investment, the Economic Policy Division within the Ministry of Finance, the Economy and Investment, the Malta Financial Services Authority, the Local Councils Department, the Ministry for Gozo, the Malta Tourism Authority, the Malta Environment and Planning Authority, the Ministry for Resources and Rural Affairs, the National Statistics Office, the Inland Revenue Department, the Value Added Tax Department and the Ministry of Education, the Employment and the Family;

(c) nine members nominated by representatives from constituted bodies, namely the Malta Chamber of Commerce, Enterprise and Industry, the General Retailers and Traders Union, the Malta Hotels and Restaurants Association, the Gozo Business Chamber, the Gozo Tourism Association, the Malta Employers' Association, the National Council of Women, the Maltese Association of Women in Business, and the Foundation for Women Entrepreneurs; and

(d) the Governor of the Central Bank of Malta, *ex officio*.

(3) For each of the members nominated in accordance with

sub-article (2)(b), (c), and (d), there shall be an equal number of substitute members representing those same sectors or organizations and who shall have the right to attend meetings in the absence of the nominated members.

(4) The term of office of the members shall be of one year.

(5) The Council may act notwithstanding any vacancy amongst its members provided that there is a quorum present at the meeting.

(6) Subject to the provisions of this Act, and of any regulations made thereunder, the Council shall appoint a sub-committee to be known as the Small Business Advisory Committee, which shall be made up of persons selected from the business community with experience of running different types of micro enterprises or having worked with small businesses.

(7) The Minister may, after consultation with the Council, make regulations regarding the procedures to be adopted by the Council, including the quorum for meetings, the filing of casual vacancies, loss of mandate and substitution of members. For the purpose of this article, a quorum shall be made up of an equal proportion of representatives from both sectors, with a minimum of ten representatives.

11. (1) It shall be the function of the Council to -

Functions of the Council.

(a) make recommendations to Government on issues relating to the enterprise sector;

(b) make recommendations to Government on the formulation of policies in the field of small and medium enterprises;

(c) work towards improvements in the operating environment for small enterprises;

(d) review, discuss and provide advice on legislative proposals that have a significant impact on the enterprise sector;

(e) monitor the proper implementation of government policy;

(f) instigate research, monitor, evaluate and advocate measures for an environment conducive to a high level of service provision; and

(g) perform such other functions as may be assigned to it under this Act or any other law.

(2) In the discharge of its functions, the Council shall:

(a) work on identifying issues which hinder enterprise growth, development and competitiveness;

(b) follow such policy guidelines as may be set out by Government;

(c) promote cost-conscious and effective regulation;

(d) promote synergies in the application of government policy within the Administration; and

(e) undertake research work in-house, or through outsourcing, on relevant issues.

(3) The Council shall have the power to appoint sub-committees, whose members shall be nominated from constituted bodies, to address specific issues, and review proposals affecting SMEs.

Establishment
of Council
Secretariat.

12. (1) The administrative affairs of the Council shall be managed by the Council Secretariat, and shall fall within the competence of the Enterprise Policy Directorate within the Ministry of Finance, the Economy and Investment, and the Council, with the approval of the Minister, may appoint such officers as may be necessary for the due and efficient discharge of the functions to the Council.

(2) The Council Secretariat shall be responsible for the Council's technical and secretarial services, and shall, *inter alia*, be responsible for:

(a) the provision of administrative and secretarial services required by the Council, the Committee or the sub-committee nominated in terms of article 10(6);

(b) ensuring that all information that may be required for the Council members to effectively carry out their functions is made available;

(c) ensuring that all follow up action is taken in order to implement directions or decisions taken by the Council or the sub-committee;

(d) providing information and carrying out preparatory work for the purpose of the Council's activity reports, and overseeing and assessing execution of these tasks;

(e) ensuring that office services are provided for the running of the Council and the sub-committee;

(f) exercising any other responsibility as may be delegated by the Chairperson on behalf of the Council; and

(g) ensuring that the Council and the Committee operate in strict adherence with Government financial regulations which shall apply to the Council and to the Committee.

13. (1) There shall be a College, to be called the College of Regulators. Establishment of College of Regulators.

(2) The College shall be a consultative and advisory body to the Government through the Minister, having a distinct legal personality, and shall consist of the following:

(a) a Chairperson, to be appointed by the Minister; and

(b) sixteen members nominated by Government, representing the government representatives on the constituted bodies, namely the Malta Financial Services Authority, the Malta Standards Authority, the Customs Department, the Lotteries and Gaming Authority, the Malta Resources Authority, the Malta Tourism Authority, the Malta Communication Authority, the Occupational Health and Safety Authority, the Malta Environment and Planning Authority, the Consumer and Competition Division, the Department for Environmental Health, the Plant Health Directorate, the Veterinary Regulation Directorate, the Fisheries Control Directorate and the Department of Commerce.

(3) (a) For each of the members nominated in accordance with sub-article (2)(b), there shall be equal number of substitute members representing those same authorities who shall have the right to attend meetings in the absence of the nominated members.

(b) The College may act notwithstanding any vacancy amongst its members, provided that there is a quorum present at the meeting.

(4) The term of office of the members shall be of one year.

(5) The Minister may, after consultation with the College,

make regulations regarding the procedures to be adopted by the College, including quorum for meetings, the filling of casual vacancies, loss of mandate and substitution of members.

Functions of the College.

14. (1) In the discharge of its functions, the College shall:

(a) establish and maintain a regulatory co-operation system among its members;

(b) ensure better use of regulation to promote efficiency, economy and competition within the enterprise sector;

(c) establish a work programme as proposed and submitted by the members and as formally endorsed by the Minister;

(d) hold regular joint meetings with the Council and discuss topics of importance for the enterprise sector;

(e) make recommendations to Government in respect of topics which have been discussed within the College and following joint meetings with the Council;

(f) make recommendations to Government in respect of reviews of policies;

(g) exchange information among its members on current regulatory issues and trends within the enterprise sector; and

(h) carry out such other functions as the Government may assign to the College from time to time.

(2) In the discharge of its functions, the College shall:

(a) develop measures for the promotion of efficiency, better economy and competition within the enterprise sector;

(b) identify regulatory barriers which hinder the growth of the enterprise sector and make recommendations to address such issues;

(c) aim at reinforcing and maintaining communication networks between all representatives or members by way of regular exchange of status of affairs and information; and

(d) undertake research work in-house, or through outsourcing, on relevant issues.

15. The College shall:

Meetings and reporting.

(a) meet at least once every three months or more frequently as may be deemed necessary by the College;

(b) report to the Minister every six months on the work carried out; and

(c) publish an annual report which shall include a general report of developments during the period to which it relates in respect of matters discussed during meetings.

16. (1) The administrative affairs of the College shall be managed by the College Secretariat, and shall fall within the competence of the Ministry of Finance, the Economy and Investment and the College, with the approval of the Minister, may appoint such officers as may be necessary for the due and efficient discharge of the functions of the College.

College Secretariat.

(2) The College Secretariat shall be responsible for the College's technical and secretarial services, and the provisions of article 12(2) shall *mutatis mutandis* apply to the College Secretariat.

PART IV

Miscellaneous

17. The Minister may make regulations generally for giving effect to the provisions of this Act, and for the better carrying out of the provisions of this Act.

Power to make regulations.

18. (1) The Minister may, by order published in the Gazette and subject to any conditions, restrictions or limitations, exempt specific instruments from the application of this Act or part thereof or from any obligation imposed under this Act.

Exemption.

(2) The Minister may revoke any order made under this article.

Schedule I

Impact Assessment Checklist

1. General

a. Proposed instrument

b. Objectives

c. Scope

d. Compelling reason for publication

2. Drafting exercise

Yes

No

If yes,

a. Were stakeholders consulted?

list main stakeholders and their feedback

b. Was a regulatory impact assessment carried out?

list the main findings

3. Impact

Yes

No

If yes, proceed to SME Test and report accordingly

3.1. Impact on Business or the business environment

3.2. Impact on Government

Yes

No

If yes, what impact and on whom?

a. Do the proposed provisions have a bearing on other Ministries, Departments, Authorities, etc.?

b. Do proposals impact Government priorities and main-streaming policies?

Economy / employment

Education

Environment

Gender equality

4. Outcomes

a. List expected positive outcomes

b. List expected negative outcomes

c. In case of negative impact, list planned mitigation measures

5. Deadline for publication

6. Notes

____ / ____ / _____

Schedule II

SME Test guidelines

(1) Consultation with SMEs representatives

New proposed legislation having a direct impact on the business environment has to be discussed at the Enterprise Consultative Council (ECC) or a specifically set up sub-committee of the Council. In this discussion the entity responsible for preparing the legislation has to outline the main objective of the proposal and identify specific aspects of the proposed legislation, particularly whether proposed legislation includes:

- a new compliance cost
- requirement for new equipment
- impact on staff time
- indication as to whether a one-size fits all approach is being applied and if yes, why?
- indication as to whether proposed measures outweigh costs of implementation (e.g. environmental concerns).

(2) Preliminary assessment of businesses likely to be affected

During this stage, it should be established whether SMEs are among the affected population, in particular the sector(s) more likely to be affected.

Relevant sources of information should be explored including SME representatives. A non-exhaustive list of elements to consider includes, when applicable, items such as:

- the number of businesses to be affected

- the proportion of the employment concerned in the different categories of enterprises affected
- the weight on the different kind of SMEs in the sector(s) (micro, small and medium ones)
- if the preliminary assessment leads to the conclusion that SMEs are amongst the affected parties, further analysis should be carried out and - where appropriate - taken into account when defining the objectives and developing the policy options in the impact assessment.

(3) Measurement of the impact on SMEs

The distribution of the potential costs and of the benefits of the proposals with respect to the business size, differentiating between micro, small, medium and large enterprises should be analysed qualitatively and, if possible quantitatively. It is important to establish to which extent the proposal affects SMEs' competitiveness or the business environment in which it will affect their operations by establishing the:

- Financial costs - created by the obligation to pay fees or duties;
- Substantive costs - created by the obligation to adapt the nature of the product/service and/or production/service delivery process to meet economic, social or environmental standards (e.g. the purchase of new equipment, training of staff, additional investments to be made);
- Administrative costs - created by the obligation to provide information on the activities or products of the company including one-off and recurring administrative costs (e.g. resources to acquire or provide information);
- Cost and impacts identified for small and micro enterprises should be compared with those for larger enterprises.

Additionally one may also consider other factors such as:

- possible loss of competitiveness due to external factors such as the availability of finance,
- tax regimes, access to resources or skills, etc.;
- possible changes in the behaviour of competitors, suppliers or customers;
- possible impacts on barriers to entry, competition in the market

and market structure;

- possible impact on innovation, understood as both technological and non-technological;
- innovation (process, marketing, etc.);
- benefits, if applicable, coming from the proposal (burden reduction, improved productivity and competitiveness, greater investments or innovation etc.).

(4) Assessment of alternative options and mitigating measures

If the abovementioned cost/benefit analysis indicates that small and micro are facing a relatively higher burden, one might consider the use of specific measures in order to ensure a level playing field and the respect of the proportionality principle. When the analysis made under the previous section shows that small and micro businesses are disproportionately affected or disadvantaged compared to larger companies, one should consider (one a case by case basis) using possible mitigating measures:

- Complete or partial size-related exemptions for small or micro-businesses (example: businesses below certain thresholds do not have to comply with certain specific obligations when this does not invalidate the original purpose of the legislation)
- Temporary reduction or exemptions (example: transition periods during which small and micro enterprises are exempted or longer intervals for certain obligations)
- Tax reductions or direct financial aid to compensate costs incurred provided this is compatible with existing legislation (on competition or international trade)
- Reduced fees (example: when these fees are particularly high and/or represent a fixed cost that would be felt disproportionately by small and micro enterprises)
- Simplified reporting obligations for small and micro enterprises (example: in the area of statistics, explore possible synergies with already existing reporting obligations)
- Specific information campaigns or user guides, training and dedicated help-desks/offices (example: specific help-desks providing tailored information for small businesses)
- Systematically consider general simplification initiatives which can particularly benefit small and micro enterprises (example:

possibility to use on-line facilities, simplified inspections)

When assessing possible mitigation measures for SMEs, it is important that the costs this could produce are also fully considered and included in the final assessment.

Schedule III

Explanatory Notes

(i) Explanatory Notes must be published alongside every instrument that has been identified as having an impact on the business sector.

(ii) The government department, government entity or government agency sponsoring the instrument is responsible for drafting the Explanatory Notes to accompany it. The draft must be agreed with by the Office of the Attorney General, which will check that it is consistent with the instrument.

(iii) The Explanatory Notes are not intended to be an exhaustive description of the instrument or to be a substitute for it. Their purpose is to make the instrument accessible to readers who are not legally qualified and who have no specialised knowledge of the subject matter.

(iv) The Notes are not legislation. They do not form part of the instrument and are not amendable by Parliament or the House of Representatives nor endorsed by them. They are not designed to resolve ambiguities in the text of the instrument since if ambiguities are identified as the instrument progresses, they should be amended accordingly. The Notes should make clear that they do not purport to be authoritative rulings on the interpretation of the proposed legislation, as only the courts can give these.

(v) The Notes should usually contain the following items: Introduction, Summary and background, Overview of the structure of the instrument, Commentary, and concluding sections.

(vi) If the instrument implements a European Directive, the Explanatory Notes should include in the form of an annex a set of “Transposition Notes” illustrating how the Government intends to transpose all the main elements of the Directive(s) into Maltese law.

Schedule IV

Ethical Values in SMEs

Drawing up a code of ethics

A code of ethics is the main tool for implementing an ethics policy. It translates core values into specific commitments and expected behaviour in relation to the organisation's key stakeholder groups (i.e. customers, employees, suppliers and contractors, providers of finance and community). A code will also be a good place to address environmental responsibilities and to state how the company seeks to relate to its competitors. It is also helpful to ask employees about ethical issues that concern them and on which they would like guidance when drawing up a code.

Typical issues to be addressed in a code of ethics

A code of ethics should pledge to:

1. Accurately represent what the enterprise is capable of in all marketing, advertising and promotional materials.
2. Accurately represent available skills, recognizing limitations and only offering professional services that it feels competent to provide.
3. Inform prospective clients of any conditions that could limit the enterprise's effectiveness.
4. Place each client's best interest first and foremost, making reasonably certain that the enterprise has the necessary skills and resources to provide the support needed before entering into a client relationship.
5. Clearly communicate the terms and conditions of any client relationship, identifying the responsibilities of all parties, and documenting these provisions in a signed agreement.
6. Honour all contracts, agreements and commitments.
7. Only make commitments that are within the enterprise's power and abilities to deliver.
8. Accept responsibility for all work it does, admit mistakes and do whatever is possible to rectify any problems that arise.
9. Maintain accurate and sufficient records of all client work.
10. Safeguard and protect all private and confidential information entrusted to it or obtained in the course of any working relationship.

11. Not release any client information without prior consent or unless given instruction or permission by client to do so on his behalf.
12. Ensure that electronic and hardcopy record disposal is handled in a confidential and secure manner.
13. Protect the interest of its clients at all times.

Objects and Reasons

The objects of this Bill are to make provision for the enactment of an Act to enhance the operational environment for medium and small enterprises in order to facilitate their setting up and growth, and setting up the Enterprise Consultative Council and the College of Regulators, two advisory bodies, to provide a forum for consultation and social dialogue, advise Government on challenges faced by the business enterprise, address grievances which emanate from the business enterprise and come up with remedial action.