

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,712, 13 ta' Jannar, 2017*

*Taqsim A*

---

## MALTA

### **ATT Nru II tal-2017**

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

**ATT sabiex jistabbilixxi uffiċċju ċentrali li jikkordina spezzjonijiet minn entitajiet governattivi u sabiex jirregola t-tweqqif ta' spezzjonijiet bil-ghan li jitnaqqas il-piż fuq entitajiet u individwi, u sabiex l-ispezzjonijiet isiru b'mod aktar trasparenti u effikaċi.**

### **ACT No. II of 2017**

AN ACT enacted by the Parliament of Malta.

**AN ACT to establish a central office to coordinate inspections by government bodies and to regulate the conduct of inspections with a view to reducing the burden on entities and individuals, and making inspections more transparent and effective.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

13 ta' Jannar, 2017

**ATT Nru II tal-2017**

*ATT sabiex jistabbilixxi uffiċċju ċentrali li jikkordina spezzjonijiet minn entitajiet governattivi u sabiex jirregola t-tweqqif ta' spezzjonijiet bil-għan li jitnaqqas il-piż fuq entitajiet u individwi, u sabiex l-ispezzjonijiet isiru b'mod aktar trasparenti u effikaċi.*

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2017 li Jikkordina l-Ispezzjonijiet tal-Gvern.

Titolu fil-qosor  
u bidu fis-seħh.

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

**2.** F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'ohra: Tifsir.

A 6

"entità" tfisser -

Kap. 386. (a) kull soċjetà kummerċjali kif imfissra fl-artikolu 2(1) tal-Att dwar il-Kumpanniji;

Kap. 386. (b) kull impriża kif imfissra fl-artikolu 2(1) tal-Att dwar il-Kumpanniji;

Kap. 16. (c) kull organizzazzjoni privata kif imfissra fis-subartikoli (1) u (6) tal-artikolu 1 tat-Tieni Skeda tal-Kodiċi Ċivili;

Kap. 16. (d) kull assoċjazzjoni ta' persuni, kif mifhuma skont l-artikolu 1(4) tat-Tieni Skeda tal-Kodiċi Ċivili; u

(e) il-Gvern, inklużi kull ministeru u dipartiment tiegħu, kif ukoll kull korp jew entità tal-Istat;

"Ministru" tfisser il-Ministru responsabbli għall-kummerċ;

"spettorat" tfisser kwalunkwe korp elenkat fl-Iskeda;

"spezzjoni" tfisser spezzjoni ta' entità jew ta' individwu li titwettaq minn kull korp elenkat fl-Iskeda fl-eżerċizzju tas-setgħat mogħtija lil dak il-korp bil-liġi; u

"Uffiċċju li Jikkordina l-Ispezzjonijiet" jew "Uffiċċju" tfisser il-korp stabbilit bl-artikolu 3.

Twaqqif ta' Uffiċċju li Jikkordina l-Ispezzjonijiet.

**3.** (1) Għandu jkun hemm uffiċċju tal-gvern li jkun magħruf bħala l-Uffiċċju li Jikkordina l-Ispezzjonijiet.

Kap. 497. (2) L-arrangamenti organizzattivi għall-Uffiċċju li Jikkordina l-Ispezzjonijiet għandhom isiru mill-Prim Ministru taħt l-Att dwar l-Amministrazzjoni Pubblika.

(3) Il-ħatriet fl-Uffiċċju għandhom isiru taħt dawk id-dispożizzjonijiet tal-Kostituzzjoni applikabbli skont l-arrangamenti organizzattivi adottati għall-Uffiċċju skont is-subartikolu (2).

Rappreżentanza ġudizzjarja tal-Uffiċċju u t-tweqqif tas-setgħat tiegħu. Kap. 12. Kap. 497.

**4.** (1) Rappreżentanza ġudizzjarja fi kwistjonijiet li għandhom x'jaqsmu mal-Uffiċċju li Jikkordina l-Ispezzjonijiet għandhom jiġu regolati bl-artikolu 181B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jew bl-artikolu 37 tal-Att dwar l-Amministrazzjoni Pubblika, skont liema dispożizzjoni minnhom tapplika.

(2) Is-setgħat mogħtija lill-Uffiċċju li Jikkordina l-Ispezzjonijiet b'dan l-Att għandhom jiġu vestiti fil-Kap tal-Uffiċċju u

kull membru ieħor tal-istaff tal-Uffiċċju li jkun qed jaġixxi bl-awtorizzazzjoni tal-Kap.

5. (1) L-għanijiet tal-Uffiċċju li Jikkordina l-Ispezzjonijiet għandhom ikunu sabiex:

Għanijiet u  
objettivi tal-  
Uffiċċju.

(a) jiġi mnaqqas il-piż tal-ispezzjonijiet fuq entitajiet u individwi; u

(b) jiġi żgurat li dawk l-ispezzjonijiet isiru bl-aktar mod trasparenti u effettiv.

(2) L-Uffiċċju għandu jsegwi dawk l-objettivi li huma neċessarji sabiex jilhaq l-għan tiegħu, u dawk l-objettivi jistgħu jinkludu:

(a) li jġieghel isiru spezzjonijiet kongunti minn spettorati differenti;

(b) li jiggruppja r-riżorsi tal-ispettorati sabiex, fejn hu raġjonevolment possibbli, spettur ikun jista' jwettaq spezzjonijiet għan-nom ta' aktar minn spettorat wiehed;

(ċ) li jstabilixxi Qafas ta' Politika Komuni li taħseb għall-adozzjoni ta' prattiċi u metodoloġiji moderni marbuta mal-ispezzjonijiet, u dawn il-prattiċi u metodoloġiji jistgħu jinkludu:

(i) *standards* komuni, gwida u pariri;

(ii) il-kondiviżjoni ta' *data* u l-forniment ta' evalwazzjoni, u rapporti kongunti;

(iii) l-użu ta' analiżi tar-riskju u valutazzjonijiet ibbażati fuq ir-riskju;

(iv) l-adozzjoni ta' listi ta' kontroll dwar spezzjonijiet, gwidi u dokumentazzjoni u informazzjoni rilevanti oħra;

(v) il-pubblikazzjoni, *online* jew xort'oħra, ta' gwida mistharrġa legalment għal entitajiet u individwi soġġetti għal spezzjoni;

(vi) l-applikazzjoni ta' moratorji għal entitajiet li jkunu għadhom kemm bdew l-operat tagħhom, fejn xieraq;

(vii) l-użu ta' awtovalutazzjonijiet minn entitajiet

u individwi soġġetti għal spezzjoni;

(viii) it-tmexxija ta' kampanji edukattivi relatati mad-dispożizzjonijiet tas-subparagrafi (i) sa (vii);

(ix) id-dispożizzjonijiet dwar skemi dwar rikonossiment ta' konformità; u

(x) qafas komuni għal multi amministrattivi fejn applikabbli;

(d) li jistabbilixxi *databases* komuni bil-għan li tiġi evitata d-duplikazzjoni u sabiex tiġi faċilitata azzjoni kongunta; u

(e) jagħmel rakkomandazzjonijiet lill-Prim Ministru, permezz tal-Ministru, rigward bidliet fil-liġijiet li jirregolaw xi spettorati, meta dawk il-bidliet ikunu jidhru neċessarji, sabiex jiffaċilitaw il-kisba tal-għanijiet tal-Uffiċċju.

Setgħat tal-Uffiċċju u l-limitazzjonijiet tiegħu.

6. (1) L-Uffiċċju jista' jagħti lill-ispettorati dawk l-ordnijiet li jkunu neċessarji biex jintlaħqu l-għanijiet u l-oġġettivi tiegħu taħt l-artikolu 5, u minkejja kull liġi oħra, għandu jkun id-dmir tal-uffiċjali tal-ispettorati u dawk responsabbli għalihom li jwettqu dawk l-ordnijiet.

(2) Mingħajr ħsara għall-ġeneralità tas-subartikolu (1), l-Uffiċċju jista':

(a) jagħti ordnijiet lill-ispettorati li jikkonċernaw it-twettiq ta' spezzjonijiet kongunti, ir-raggruppar ta' riżorsi, u l-kondiviżjoni ta' *data*;

(b) jippubblika *standards* dwar it-twettiq ta' spezzjonijiet u l-adozzjoni ta' prattiċi u metodoloġiji moderni li għandhom x'jaqsmu ma' spezzjonijiet, u dawn l-*standards* għandhom jorbtu lill-ispettorati;

(ċ) jistabbilixxi u jżomm *databases* komuni u repożitorji oħra ta' informazzjoni; u

(d) jistabbilixxi *fora* ta' konsulenza u konsultazzjoni li jinkludu dawk ir-rappreżentanti ta' spettorati u persuni oħra li l-Uffiċċju jista' jqis neċessarji, u jsejjaħ il-laqgħat tagħhom.

(3) L-Uffiċċju jista' jesigi li kwalunkwe spettorati jew membru tal-istaff jipprovdulu kull tagħrif li l-Uffiċċju jista' jqis neċessarju sabiex tiġi żgurata l-konformità ma' dan l-Att, kull regolament

magħmul tahtu, u kull ordni jew *standard* maħruġa mill-Uffiċċju.

(4) L-Uffiċċju ma jistax jagħti ordnijiet lil xi spettorat jew membru tal-istaff tiegħu rigward ir-riżultati ta' spezzjoni jew il-konkluzjonijiet li joħorġu minnha, ħlief safejn jista' jkun hemm bżonn għal skopijiet korrettivi jekk dik l-ispezzjoni titwettaq bi ksur tal-ordnijiet jew tal-*standards* maħruġa mill-Uffiċċju.

7. (1) L-Uffiċċju li Jikkordina l-Ispezzjonijiet jista', permezz ta' dokument bil-miktub, jagħti s-setgħa lil spettorat sabiex iwettaq spezzjonijiet f'isem xi spettorat ieħor, u f'dan il-każ:

Dispożizzjoni għal spezzjonijiet li jitwettqu minn spettorat wiehed f'isem ieħor.

(a) l-uffiċjali inkarigati mill-ispettorat tagħhom sabiex iwettqu dawk l-ispezzjonijiet għandhom jaġixxu bħala uffiċjali tal-ispettorat f'isem min ikunu qed jitwettqu l-ispezzjonijiet, u għandhom jitqiesu bħala tali għall-finijiet kollha tal-liġi;

(b) l-uffiċjali in kwistjoni għandhom jassumu s-setgħat kollha mogħtija bil-liġi lill-uffiċjali tal-ispettorat li f'ismu jkunu qed jitwettqu l-ispezzjonijiet;

(ċ) fejn xi liġi teħtieġ li uffiċjali ta' spettorat jaġixxu biss fuq l-awtorizzazzjoni, jew bid-delega tas-setgħat mill-ispettorat tagħhom, mill-Kap tal-ispettorat, jew minn kwalunkwe persuna jew awtorità oħra, dik l-awtorizzazzjoni jew delega tas-setgħat għandha tiġi meqjusa bħala mogħtija jew magħmula bis-saħħa tad-dokument maħruġ mill-Uffiċċju taht is-subartikolu (1).

(2) Id-dispożizzjonijiet tas-subartikolu (1) għandu jkollhom effett minkejja kwalunkwe liġi oħra, iżda bla ħsara għal:

(a) kwalunkwe dispożizzjoni tal-liġi li teħtieġ li uffiċjali li jwettqu spezzjonijiet partikolari jżommu kwalunkwe professjoni jew kwalifiki oħra; u

(b) l-artikolu 6(4) ta' dan l-Att.

8. (1) Il-kondiviżjoni ta' *data*, iż-żamma ta' *databases* komuni u repożitorji oħra ta' informazzjoni, u l-provvista ta' informazzjoni taht dan l-Att lill-Uffiċċju li Jikkordina l-Ispezzjonijiet għandhom ikunu soġġetti għall-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*.

Salvagwardja tad-*data* personali.

Kap. 440.

A 10

Kap. 440. (2) Il-kondiviżjoni ta' *data*, iż-żamma ta' *databases* komuni u repożitorji ohra ta' informazzjoni, kif jahseb għalihom dan l-Att bil-għan li jnaqqas il-piż fuq entitajiet u individwi, għandhom jigu meqjusa bħala attivitajiet li jitwettqu fl-interess pubbliku għall-finijiet tal-artikolu 9(e) tal-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*.

Gurisdizzjoni tal-Uffiċċju li Jikkordina l-Ispezzjonijiet.

**9.** (1) Il-gurisdizzjoni tal-Uffiċċju li Jikkordina l-Ispezzjonijiet għandha tkun limitata għal spezzjonijiet li jitwettqu mill-korpi elenkati fl-Iskeda.

(2) Il-Ministru jista' jemenda jew jissostitwixxi l-Iskeda b'ordni fil-Gazzetta wara konsultazzjoni mal-Kap tal-Uffiċċju li Jikkordina l-Ispezzjonijiet.

Setgħat biex isiru regolamenti.

**10.** Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Uffiċċju li Jikkordina l-Ispezzjonijiet, jagħmel regolamenti biex jagħti effett aħjar lil kwalunkwe dispozizzjoni ta' dan l-Att.

---

**SKEDA**  
**[Artikolu 9]**

Dipartiment għall-Ħarsien tal-Animali

Dipartiment għar-Regolamentazzjoni tas-Saħħa

Dipartiment tar-Relazzjonijiet Industrijali u tal-Impieg

Dipartiment għal *Standards* fil-Ħarsien Soċjali

Dipartiment tas-Sajd u l-Akwakultura

Dipartiment għall-Anzjani u l-Kura fil-Komunità

Direttorat għas-Saħħa Ambjentali

Awtorità tal-Ambjent u r-Riżorsi

Diviżjoni Proprjeta' tal-Gvern

Awtorità tas-Saħħa

Jobsplus

Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur

Malta Industrial Parks

Awtorità ta' Malta dwar ir-Riżorsi

Awtorità tat-Turiżmu ta' Malta

Awtorità dwar il-Mediċini

Kummissjoni għad-Drittijiet ta' Persuni b'Dizabilità

Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol

Awtorità tal-Ippjanar

Direttorat għas-Sahħa tal-Pjanti

Regolatur għas-Servizzi tal-Energija u l-Ilma

Dipartiment dwar ir-Regolamentazzjoni Veterinarja u Fitosanitarji

Korporazzjoni għas-Servizzi tal-Ilma

---

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 466 tad-9 ta' Jannar, 2017.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

A 12

I assent.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

13th January, 2017

**ACT No. II of 2017**

*AN ACT to establish a central office to coordinate inspections by government bodies and to regulate the conduct of inspections with a view to reducing the burden on entities and individuals, and making inspections more transparent and effective.*

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.

**1. (1)** The short title of this Act is the Coordination of Government Inspections Act, 2017.

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

Interpretation.

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

"entity" means:

(a) any commercial partnership as defined by article 2(1) of the Companies Act; Cap. 386.

(b) any undertaking as defined by article 2(1) of the Companies Act; Cap. 386.

(c) any private organisation as defined by sub-articles (1) and (6) of article 1 of the Second Schedule to the Civil Code; Cap. 16.

(d) any association of persons, understood in accordance with article 1(4) of the Second Schedule to the Civil Code; and Cap. 16.

(e) the Government, including any ministry or department thereof, together with any state body or entity;

"inspection" means an inspection of an entity or an individual that is carried out by any of the bodies listed in the Schedule in the exercise of the powers granted to that body by law;

"Inspections Coordination Office" or "Office" means the body established by article 3;

"inspectorate" means any body listed in the Schedule; and

"Minister" means the Minister responsible for commerce.

**3.** (1) There shall be an office of government to be known as the Inspections Coordination Office. Establishment of Inspections Coordination Office.

(2) Organisational arrangements for the Inspections Coordination Office shall be made by the Prime Minister under the Public Administration Act. Cap. 497.

(3) Appointments to the Office shall be made under those provisions of the Constitution that are applicable according to the organisational arrangements adopted for the Office in terms of sub-article (2).

**4.** (1) Judicial representation in matters pertaining to the Inspections Coordination Office shall be governed by article 181B of the Code of Organization and Civil Procedure or article 37 of the Public Administration Act, whichever provision may apply. Judicial representation of the Office and exercise of its powers. Cap. 12. Cap. 497.

(2) The powers assigned by this Act to the Inspections Coordination Office shall vest in the Head of the Office and any other member of staff of the Office who acts with the authorisation of the

A 14

Head.

Aims and objectives of the Office.

5. (1) The aims of the Inspections Coordination Office shall be to:

(a) minimise the burden of inspections on entities and individuals; and

(b) ensure that such inspections are as transparent and effective as possible.

(2) The Office shall pursue such objectives as are necessary to achieve its aims, and such objectives may include:

(a) bringing about joint inspections by different inspectorates;

(b) pooling the resources of inspectorates such that, where reasonably possible, an inspector may conduct inspections on behalf of more than one inspectorate;

(c) establishing a Common Policy Framework providing for the adoption of modern practices and methodologies pertaining to inspections, which may include:

(i) common standards, guidance and advice;

(ii) data sharing, shared feedback and shared reporting;

(iii) the use of risk analysis and risk-based assessments;

(iv) the adoption of inspection check-lists, guidelines and other relevant documentation and information;

(v) the publication, online or otherwise, of legally vetted guidance for entities and individuals subject to inspection;

(vi) the application of moratoria for start-up entities, where appropriate;

(vii) the use of self-assessments by entities and individuals subject to inspection;

(viii) the conduct of educational campaigns relating to the provisions of sub-paragraphs (i) to (vii);

(ix) provision for compliance recognition schemes; and

(x) a common framework for administrative fines where applicable;

(d) establishing common databases with a view to avoiding duplication and facilitating joint action; and

(e) making recommendations to the Prime Minister, through the Minister, for changes to the laws governing any inspectorate, where such changes appear necessary to facilitate the achievement of the aims of the Office.

6. (1) The Office may give such directions to inspectorates as are necessary to achieve its aims and objectives under article 5 and, notwithstanding any other law, it shall be the duty of officers of inspectorates and those responsible for them to carry out those directions.

Powers of the Office and limitation thereon.

(2) Without prejudice to the generality of sub-article (1), the Office may:

(a) give directions to inspectorates concerning the conduct of joint inspections, the pooling of resources, and the sharing of data;

(b) issue binding standards governing the conduct of inspections and the adoption of practices and methodologies relating to inspections;

(c) establish and maintain common databases and other repositories of information; and

(d) establish advisory and consultative fora including such representatives of inspectorates and other persons as the Office may consider necessary, and convene meetings thereof.

(3) The Office may require any inspectorate or member of staff thereof to provide it with any information that the Office considers necessary for the purpose of ensuring compliance with the provisions of this Act, any regulations issued thereunder, and any directions or standards issued by the Office.

(4) The Office may not give directions to any inspectorate or member of staff thereof concerning the results of an inspection or the conclusions to be drawn from it, except in so far as may be necessary for corrective purposes if that inspection is carried out in

contravention of the directions or standards issued by the Office.

Provision for inspections to be carried out by one inspectorate on behalf of another.

**7. (1)** The Inspections Coordination Office may, by instrument in writing, empower an inspectorate to conduct inspections on behalf of any other inspectorate, and in such a case:

(a) the officers who are tasked by their inspectorate with conducting such inspections shall act, and shall be regarded for all purposes at law, as officers of the inspectorate on behalf of which the inspections are conducted;

(b) the officers in question shall assume all powers granted by law to the officers of the inspectorate on behalf of which the inspections are conducted; and

(c) where any law requires officers of an inspectorate to act only upon authorisation from, or the delegation of powers by, their inspectorate, the Head thereof, or any other person or authority, such authorisation or delegation of powers shall be regarded as given or made by virtue of the instrument issued by the Office under sub-article (1).

(2) The provisions of sub-article (1) shall have effect notwithstanding any other law, but without prejudice to:

(a) any provisions of law requiring officers conducting particular inspections to hold any profession or other qualifications; and

(b) article 6(4) of this Act.

Safeguarding of personal data.

Cap. 440

**8. (1)** The sharing of data, the maintenance of common databases and repositories of information, and the provision of information to the Inspections Coordination Office under this Act shall be subject to the Data Protection Act.

Cap. 440

(2) The sharing of data, the maintenance of common databases and repositories of information, as provided for by this Act with a view to facilitating reductions in the burden of inspections on entities and individuals, shall be regarded as activities that are carried out in the public interest for the purposes of article 9(e) of the Data Protection Act.

Jurisdiction of the Inspections Coordination Office.

**9. (1)** The jurisdiction of the Inspections Coordination Office shall be limited to inspections carried out by the bodies listed in the Schedule.

(2) The Minister may amend or substitute the Schedule by

order in the Gazette after consultation with the Head of the Inspections Coordination Office.

**10.** The Minister may, after consultation with the Head of the Inspections Coordination Office, make regulations to give better effect to any of the provisions of this Act. Power to make regulations.

---

**SCHEDULE**  
**[Article 9]**

Animal Welfare Department

Commission for the Rights of Persons with Disability

Department for Health Regulation

Department for Industrial and Employment Relations

Department for Social Welfare Standards

Department of Fisheries and Aquaculture

Elderly and Community Care Department

Environmental Health Directorate

Environment and Resources Authority

Government Property Division

Health Authority

Jobsplus

Malta Competition and Consumer Affairs Authority

Malta Industrial Parks

Malta Resources Authority

Malta Tourism Authority

Medicines Authority

Occupational Health and Safety Authority

Planning Authority

A 18

Plant Health Directorate  
Regulator for Energy and Water Services  
Veterinary and Phytosanitary Regulation Department  
Water Services Corporation

---

Passed by the House of Representatives at Sitting No.466 of the  
9th January, 2017.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

