

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,629, 24 ta' April, 2026

Taqsimha C

Nru 179

24. 04. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Michael Falzon, M.P., Ministru għall-Politika Soċjali u d-Drittijiet tat-Tfal f'isem il-Ministru għall-Ekonomija, l-Intrapriża u Proġetti Strateġiċi, u moqri għall-Ewwel darba fis-Seduta tas-16 ta' Marzu 2026.

A BILL introduced by the Honourable Michael Falzon, M.P., Minister for Social Policy and Children's Rights on behalf of the Minister for the Economy, Enterprise and Strategic Projects, and read the First time at the Sitting of the 16th March 2026.

ATT sabiex jemenda l-Att dwar l-Intrapriża Soċjali, Kap. 630.

AN ACT to amend the Social Enterprise Act, Cap. 630.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Att dwar l-Intrapriża Soċjali, Kap. 630.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 li jemenda l-Att dwar l-Intrapriża Soċjali, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Intrapriża Soċjali, hawnhekk aktar 'il quddiem imsejjah l-"Att prinċipali".

Titolu fil-qosor
u bidu fis-sehħ.
Kap. 630.

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

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

Emenda tal-
artikolu 2 tal-
Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) it-tifsira "ħaddiem żvantagġat" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

"ħaddiem żvantagġat" tfisser kwalunkwe persuna fiżika li taffaċċja ostakoli sinifikanti sabiex tiżgura u żżomm impjieg minħabba diversi fatturi, inkluż ċirkostanzi soċjali, ekonomiċi jew personali li jillimitaw l-aċċess tagħha għal opportunitajiet jew ifixklu l-ħila tagħha li tikkompeti b'mod effettiv fis-suq tax-xogħol, kif jista' jiġi stabbilit, minn żmien għal żmien mill-Ministru permezz ta' kategoriji fil-Fames Skeda;"

C 4302

(ii) it-tifsira "qorti" għandha tigi sostitwita bit-tifsira ġdida li ġejja:

" "Qorti" tfisser il-Qorti Ċivili (Sezzjoni tal-Kummerċ) sakemm ma jkunx espressament indikat xort'oħra;"

(iii) minnufih wara t-tifsira "Qorti" għandha tigi miżjuda t-tifsira ġdida li ġejja:

" "Regolament (UE) 2016/679" tfisser ir-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u dwar il-moviment liberu ta' tali *data*, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-*Data*);"

(iv) it-tifsira "Registratur tal-Kumpaniji" għandha tigi mħassra;

(v) minnufih wara t-tifsira "statut" għandha tigi miżjuda t-tifsira ġdida li ġejja:

" "Uffiċċju tar-Regolatur" tfisser ir-Regolatur maħtur skont l-artikolu 11 u għandu jinkludi kwalunkwe uffiċjal jew impjegat tar-Regolatur debitament awtorizzat minnu sabiex jaġixxi f'ismu għall-għanijiet ta' dan l-Att;"

(b) is-subartikolu (4) tiegħu għandu jiġi mħassar.

Emenda tal-artikolu 8 tal-Att prinċipali.

3. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(3) L-organizzazzjoni ta' intrapriża soċjali għandha tkun identifikabbli b'isem uniku li għandu jikkonforma mal-liġi applikabbli u li għandu jinkludi l-kliem "Social Enterprise" fl-isimha;"

(b) is-subartikolu (4) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(4) L-ebda organizzazzjoni oħra ma għandha tkun permessa li tuża l-kliem "Intrapriża Soċjali" jew il-kliem

"Social Enterprise" f'isimha sakemm ma tkunx registrata skont dan l-Att u kwalunkwe ksur ta' dan is-subartikolu għandu jikkostitwixxi reat taħt dan l-Att."

4. Minnufih wara l-artikolu 11 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid fl-Att prinċipali.

"Personalità ġuridika tar-Regolatur.

11A. (1) Ir-Regolatur għandu jkollu personalità ġuridika separata u distinta u għandu, bla ħsara għad-dispożizzjonijiet ta' dan l-Att, jidhol f'kuntratti, jakkwista, iżomm u jiddisponi minn kwalunkwe tip ta' proprjetà għall-finijiet tal-funzjonijiet tiegħu, li jharrek u jiġi mharrek, li jimponi penali amministrattivi u li jwettaq dawk il-ħwejjeg kollha u jidhol f'dawk it-tranzazzjonijiet kollha li huma inċidentali jew li jistgħu jwasslu għall-eżerċizzju jew għat-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, inkluż li jsellef jew jissellef il-flus:

Iżda r-Regolatur ma għandux ikollu s-setgħa li:

(a) jissellef jew isellef xi flus jekk mhux bl-awtorità u bil-ftehim bil-miktub tal-Ministru u tal-Ministru responsabbli għall-finanzi; jew

(b) jidhol f'xi forma ta' soċjetà kummerċjali għat-twettiq tal-funzjonijiet tiegħu jew għal xi raġuni oħra, sakemm ma jkunx awtorizzat li jagħmel dan bil-miktub mill-Ministru; jew

(c) b'xi mod jiddelega kwalunkwe mill-funzjonijiet tiegħu, għajr kif stabbilit permezz ta', jew taħt dan l-Att.

(2) Ir-rappreżentanza ġuridika tar-Regolatur għandha tkun vestita fir-Regolatur stess:

Iżda r-Regolatur jista' jiddelega bil-miktub kwalunkwe poter li għandu lil kwalunkwe mill-uffiċjali jew impjegati tiegħu sabiex jidhru f'isem u għan-nom tar-Regolatur fi kwalunkwe proċeduri ġudizzjarji u għal kwalunkwe att, kuntratt, strument jew dokument ieħor ikun li jkun."

5. L-artikolu 13 tal-Att prinċipali għandhu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 13 tal-Att prinċipali.

"Funzjonijiet tar-Regolatur.

13. (1) Ir-Regolatur għandu jwettaq id-dmirijiet u jeżerċita l-funzjonijiet imposti fuqu u mogħtija lilu b'dan l-Att sabiex:

C 4304

(a) jipprovdi faċilitajiet ta' reġistrazzjoni għal applikanti li huma eliġibbli għal reġistrazzjoni skont dan l-Att;

(b) jaċċetta jew jirrifjuta applikazzjonijiet minn applikanti sabiex jirreġistraw bħala organizzazzjonijiet ta' intrapriża soċjali skont dan l-Att;

(c) iżomm u jaġġorna r-Registru ta' Organizzazzjonijiet ta' Intrapriża Soċjali;

(d) jissorvelja l-attivitajiet ta' organizzazzjonijiet ta' intrapriża soċjali sabiex jiżgura li dawn ikunu konformi mal-istatut tagħhom, mad-dispożizzjonijiet ta' dan l-Att, kwalunkwe regolamenti u kwalunkwe linji gwida magħmula tahtu u li jiżgura li l-organizzazzjoni ta' intrapriża soċjali timplimenta l-politiki, ir-regolamenti u l-istrutturi ta' rappurtagġ meħtieġa li jiżguraw ir-responsabbiltà u t-trasparenza fl-operat tagħhom;

(e) jissorvelja l-imġiba tal-amministraturi ta' organizzazzjonijiet ta' intrapriża soċjali sabiex jiżgura li jiġu osservati standards għolja ta' responsabbiltà u trasparenza u konformità mal-liġi;

(f) jinvestiga kwalunkwe ilmenti relatati ma' organizzazzjonijiet ta' intrapriża soċjali jew organizzazzjonijiet li jaġhtu lil wiehed x'jifhem li huma organizzazzjonijiet ta' intrapriża soċjali u l-attivitajiet tagħhom, li jinvestiga *ex officio* kwalunkwe organizzazzjoni ta' intrapriża soċjali għal kwalunkwe nuqqasijiet u li jieħu tali azzjoni fil-parametri tas-setgħat tiegħu sabiex jirrimedja kwalunkwe ilment ġustifikat li jista' jiġi għall-attenzjoni tiegħu, inkluż li jirrikorri għand il-Pulizija bis-sejbiet tiegħu;

(g) jiżgura li l-organizzazzjoni ta' intrapriża soċjali tilhaq l-għanijiet tagħha u tħares il-baži tal-kapital tagħha filwaqt li tiżviluppa surplussi operatorji tal-iżvilupp sabiex tiżgura sostenibilità;

(h) jikkoordina u jikkomunika ma' kull Reġistratur u ma' kwalunkwe awtorità kompetenti:

(i) sabiex jiffacilità l-proċessi ta' reġistrazzjoni għal organizzazzjonijiet ta' intrapriża soċjali, jiżgura l-ħarsien kontinwu u l-eleġibilità ta' organizzazzjonijiet ta' intrapriża soċjali skont dan l-Att;

(ii) sabiex jistabilixxi proċeduri li jiżguraw li r-Regolatur u kull Registratur huma konxji dwar l-istatus ta' organizzazzjoni ta' intrapriża soċjali f'kull waqt u ta' kwalunkwe investigazzjoni jew azzjoni li tkun qiegħda tittiehed fir-rigward ta' tali organizzazzjoni ta' intrapriża soċjali;

(i) jippromwovi s-settur tal-intrapriża soċjali, jiżviluppa l-kooperazzjoni bejn organizzazzjonijiet ta' intrapriża soċjali u l-Gvern u l-kooperazzjoni bejn organizzazzjonijiet ta' intrapriża soċjali bejniethom;

(j) jaġħmel rakkomandazzjonijiet lill-Ministru dwar leġiżlazzjoni, regolamenti u politiki li jappoġjaw lill-organizzazzjonijiet ta' intrapriża soċjali u s-settur tal-intrapriża soċjali b'mod ġenerali;

(k) jassisti lill-Gvern, dipartimenti tal-Gvern, aġenziji pubbliċi, awtoritajiet u entitajiet kontrollati mill-Gvern fit-tnejja u l-evalwazzjoni ta' politiki b'appoġġ għal organizzazzjonijiet ta' intrapriża soċjali u s-settur tal-intrapriża soċjali b'mod ġenerali;

(l) jwettaq kwalunkwe funzjoni oħra jew dmir ieħor li jkunu ġew assenjati lilu taħt dan l-Att u kwalunkwe regolamenti magħmula taħtu kif ukoll tali funzjonijiet oħra li jistgħu jiġu assenjati lilu taħt kwalunkwe liġi oħra;

(m) jimponi penali amministrattivi għal nuqqas ta' tħaris ta' dan l-Att:

Iżda r-Regolatur ikun jista' japplika derogi temporanji fir-rigward ta' tqassim tal-profitti, l-ingaġġ ta' voluntiera u l-impjieg ta' ħaddiema żvantaġġati skont l-eżiġenza tal-każ.

(2) Fit-twertiq tal-funzjonijiet tiegħu, ir-Regolatur għandu jaġixxi b'mod imparzjali u ma għandux ikun soġġett għal xi ordni ta' kwalunkwe persuna jew awtorità oħra.

C 4306

(3) Ir-Regolatur jista' bil-miktub minnu stess, jiddelega lil kwalunkwe persuna oħra funzjonijiet, setgħat u awtoritajiet speċifiċi assenjati jew mogħtija lilu b'dan l-Att jew kwalunkwe liġi oħra, u jista' fi kwalunkwe żmien jirrevoka jew ivarja tali delega:

Iżda l-ebda tali delega ma għandha titqies li tneħhi lir-Regolatur xi waħda mill-funzjonijiet, setgħat jew awtoritajiet tiegħu u hu jista', jekk jqis xieraq, jeżerċita tali funzjonijiet, setgħat jew awtoritajiet kollateralment mal-persuna hekk delegata.

Kap. 601.

(4) Id-dispożizzjonijiet tal-artikolu 77 tal-Att dwar il-Gestjoni tal-Finanzi Pubbliċi ma għandhomx japplikaw għar-Regolatur jew kwalunkwe persuna li tkun qed twettaq il-funzjonijiet tiegħu skont dan l-Att."

Żieda ta' artikolu ġdid fl-Att prinċipali.

6. Minnufih wara l-artikolu 14 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Protezzjoni tad-data.

Kap. 586.

14A. (1) Kwalunkwe data personali pproċessata mill-Uffiċċju tar-Regolatur fil-kapaċità ta' kontrollur skont l-Artikolu 4(7) tar-Regolament (UE) 2016/679, għandha tikkonforma fl-intier tagħha mad-dispożizzjonijiet tar-Regolament (UE) 2016/679 u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data, inkluż ir-regolamenti magħmula taħtu u d-drittijiet u l-libertajiet fundamentali tas-suġġetti tad-data.

(2) Il-kontrollur għandu jipproċessa data personali kif neċessarju u meħtieġ għall-fini tat-twettiq tal-funzjonijiet tiegħu u, jew l-eżerċizzju ta' kwalunkwe waħda mill-poteri tiegħu taħt dan l-Att, inkluż kwalunkwe regolamenti magħmula taħtu.

(3) L-ipproċessar ta' data personali, inklużi kategoriji speċjali ta' data personali għal raġunijiet ta' interess pubbliku sostanzjali, għandu jkun proporzjonat għall-għan segwit, jirrispetta l-essenza tad-dritt għall-protezzjoni tad-data u jipprovdi miżuri xierqa u speċifiċi sabiex jissalvagwardja d-drittijiet fundamentali u l-interessi tas-suġġetti tad-data.

(4) Il-kontrollur, filwaqt li jieħu kont tan-natura, l-ambitu, il-kuntest u l-għanijiet tal-ipproċessar, kif ukoll ir-riskji ta' probabbiltà u severità varji tad-drittijiet u l-libertajiet tas-suġġetti tad-data, kemm fil-ħin tad-determinazzjoni tal-mezzi tal-ipproċessar kif ukoll fil-waqt tal-ipproċessar innifsu, għandu jimplementa miżuri tekniċi u organizzattivi xierqa, b'mod effettiv u jintegra s-salvagwardji meħtieġa fl-ipproċessar sabiex jiproteġi d-drittijiet tas-suġġetti tad-data u jiżgura livell ta' sigurtà xieraq għar-riskju.

(5) L-aċċess għad-data personali għandu jkun riżervat esklussivament għall-uffiċjali debitament maħtura tal-kontrollur abbażi ta' mekkaniżmu li jikkontrolla l-aċċess skont l-irwol u soġġett għall-kunfidenzjalità u, jew l-obbligi ta' segretezza professjonali, sabiex jiġi evitat abbuż jew aċċess mhux skont il-liġi, jew l-iżvelar ta' data personali.

(6) L-uffiċjal tal-protezzjoni tad-data maħtur mill-kontrollur skont l-Artikolu 37(1)(a) tar-Regolament (UE) 2016/679 għandu jkun debitament u tempestivament ikkonsultat dwar il-kwistjonijiet kollha fir-rigward tal-protezzjoni tad-data personali pproċessata għall-fini tas-subartikolu (2).

(7) Għall-finijiet li jiġi żgurat u jkun jista' jintwera li l-ipproċessar ta' data personali jitwettaq skont id-dispożizzjonijiet tar-Regolament (UE) 2016/679, il-kontrollur għandu jimplementa l-politiki xierqa dwar il-protezzjoni tad-data, liema politiki għandhom jiġu rieżaminati perjodikament u aġġornati fejn meħtieġ.

7. L-artikolu 16 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 16 tal-Att prinċipali.

(a) fis-subartikolu (2) tiegħu l-kliem "malli ssir talba bil-miktub" għandhom jiġu mhassra;

(b) is-subartikolu (3) tiegħu għandu jiġi mhassar.

8. L-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 17 tal-Att prinċipali.

(a) il-paragrafu (h) tas-subartikolu (1) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(h) rapport preliminari li jindika l-għan jew l-għanijiet soċjali primarji tal-organizzazzjoni kif ukoll il-mod li bih l-applikant ikun qiegħed jippjana li jilhaq dawn l-għanijiet soċjali flimkien mal-mod li bih l-applikant jippjana kif ser jopera sabiex:

C 4308

(i) ma jippreġudikax it-twettiq tal-għan soċjali li għalih tkun twaqfet l-organizzazzjoni, jekk l-applikant huwa wiehed li jista' jiġi klassifikat taht l-artikolu 3(1)(b)(i);

(ii) ma jippreġudikax l-integrazzjoni fis-suq tax-xogħol ta' haddiema żvantaġġati jew haddiema b'diżabilità jekk l-applikant huwa wiehed li jista' jiġi klassifikat taht l-artikolu 3(1)(b)(ii);

(iii) ma jagħtix għotjiet gratwiti mill-qligħ jew bonuses lill-amministraturi, impjegati jew ufficjali oħra li jwassalu għall-istess riżultati indikati fis-subparagrafi (i) u (ii);";

(b) is-subartikolu (3) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (d) tiegħu l-kliem "liġi applikabbli; jew" għandhom jiġu sostitwiti bil-kliem "liġi applikabbli;";

(ii) fil-paragrafu (e) tiegħu l-kliem "liġi applikabbli." għandhom jiġu sostitwiti bil-kliem "liġi applikabbli; jew";

(iii) minnufih wara l-paragrafu (e) tiegħu, kif emendat, għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(f) l-eżattezza u l-awtentiċità ta' dokumenti sottomessi lir-Regolatur skont il-liġi applikabbli."

Emenda tal-artikolu 19 tal-Att prinċipali.

9. L-artikolu 19 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"19. (1) Organizzazzjoni ta' intrapriża soċjali għandha tissottometti l-prospett annwali li jinsab fir-Raba' Skeda lir-Regolatur sat-tletin (30) jum ta' April tas-sena kalendarja sussegwenti:

Iżda l-Appendiċi Ċ tar-Raba' Skeda, għandha tiġi sottomessa lir-Regolatur fi żmien hamest (5) ijiem kalendarji mid-data li fiha l-organizzazzjoni ta' intrapriża soċjali tkun obligata b'mod statutorju li tissottometti r-rendikonti annwali tagħha u kwalunkwe dokumenti relattivi oħra lir-Registatur, jew fi żmien hamest (5) ijiem kalendarji mir-rendikont tagħha u d-dokumentazzjoni

relattiva lir-Registatur, skont liema minnhom tiġi l-ewwel. Fin-nuqqas ta' dan, għandu jkun hemm penali amministrattiva ta' ħamsa u għoxrin euro (€25) għal kull xahar ta' dewmien. F'każ ta' ksur li jissussisti għal perjodu ta' sena, ir-registrazzjoni tal-organizzazzjoni ta' intrapriża soċjal għandha tiġi debitament mhassra u l-benefiċċji kollha għandhom jiġu minnufih rifiużi u rimborżati mill-organizzazzjoni ta' intrapriża soċjali."

(b) is-subartikolu (3) tiegħu għandu jiġi mhassar.

10. Is-subartikolu (1) tal-artikolu 22 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda tal-artikolu 22 tal-Att prinċipali.

"(1) Fil-każ ta' kancellament ta' registrazzjoni ta' organizzazzjoni ta' intrapriża soċjali, l-amministraturi għandhom jagħmlu l-emendi kollha neċessarji fl-istatut tal-organizzazzjoni inkluż emendi fl-isem sabiex titneħħa kwalunkwe referenza għat-terminu "Social Enterprise"."

11. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 33 tal-Att prinċipali.

(a) fil-verżjoni bl-Ingliż biss, fis-subartikolu (1) tiegħu l-kliem "valid compliant" għandhom jiġu sostitwiti bil-kliem "valid complaint";

(b) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "jimponi pieni" għandhom jiġu sostitwiti bil-kliem "jimponi penali amministrattivi";

(ii) fil-proviso tiegħu l-kliem "pieni" għandhom jiġu sostitwiti bil-kliem "penali amministrattivi", kull fejn jokkorru.

12. Il-partita 1 tal-Ewwel Skeda li tinsab mal-Att prinċipali għandha tiġi sostitwita bil-partita ġdida li ġejja:

Emenda tal-Ewwel Skeda li tinsab mal-Att prinċipali.

Kap. 386.

"1. Kumpanija ta' intrapriża soċjali għandha tkun kumpanija privata inkluża kumpanija magħmula minn membru wieħed, registrata taħt l-Att dwar il-Kumpaniji. L-artikolu 213 tal-Att dwar il-Kumpaniji ma għandux japplika għal kumpanija ta' intrapriża soċjali għall-finijiet ta' dan l-Att."

13. It-Tielet Skeda li tinsab mal-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tat-Tielet Skeda li tinsab mal-Att prinċipali.

(a) il-partita (2) tagħha għandha tiġi sostitwita bil-partita

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gdid li ġejja:

Kap. 442. "(2) Sa fejn għandu x'jaqsam mal-isem ta' kooperativa ta' intrapriża soċjali, dan għandu jikkonforma mal-artikolu 24 tal-Att dwar is-Soċjetajiet Kooperativi u mal-artikolu 8(3), (4) u (5) u l-kooperativa ta' intrapriża soċjali għandu jkollha l-kliem kooperativa limitata" jew fil-qosor "kop ltd." fl-aħħar ta' isimha kif meħtieġ bl-artikolu 24(2)(b) tal-Att dwar is-Soċjetajiet Kooperativi wara l-kliem "Social Enterprise".";

(b) il-partita 5 tagħha għandha tiġi mhassra.

Sostituzzjoni tar-Raba' Skeda li tinsab mal-Att prinċipali.

14. Ir-Raba' Skeda li tinsab mal-Att prinċipali għandha tiġi sostitwita' bl-Iskeda għida li ġejja:

"IR-RABA' SKEDA
(Artikolu 19)
Prospetti annwali

Għan

L-għan ta' dan il-prospett annwali huwa sabiex jipprovdi lir-Regolatur informazzjoni aġġornata u dettaljata dwar l-organizzazzjoni ta' intrapriża soċjali, l-amministraturi tagħha u l-attivitajiet tagħha, b'mod ġenerali. Huwa importanti li l-eżerċizzju jkun wieħed kwalitattiv sabiex il-persuni li jkunu qegħdin iħejju l-prospetti annwali jagħtu verżjoni veritiera tal-fatti.

L-ipproċessar ta' data personali qed isir skont l-artikolu 14A tal-Att dwar l-Intrapriża Soċjali (Kap. 630).

Isem tal-Organizzazzjoni ta' Intrapriża Soċjali:

Tikketta tal-Intrapriża Soċjali:

Indirizz:.....

.....
Kodiċi postali

Numru/i tat-telefon:

Numru tal-Fax:

Indirizz/i elettroniku/elettronici:

Website:

Isem tal-persuna ta' kuntatt:

Pożizzjoni:

Numru tat-telefon/telefon ċellulari:

Jekk l-organizzazzjoni tal-intrapriża soċjali għandha tinnomina rappreżentant lokali skont dan l-Att jekk jogħġbok ipprova d-dettalji tar-rappreżentant lokali hawn taħt. Jehtieg li l-indirizz li jkun inserit ikun l-indirizz tar-rappreżentant lokali f'Malta.

Isem u kunjom:.....
 Numru tal-Karta tal-Identità / Passaport / Numru ta' Registrazzjoni:.....
 Indirizz:.....

 Kodiċi postali:
 Numru/i tat-telefon:
 Numru tat-telefon ċellulari:
 Indirizz/i elettroniku/elettroniċi:

Dikjarazzjoni ta' kompletzza u korrettezza

Jiena hawn nikkonferma li d-dettalji provduti inklużi l-Appendiċi annessi, huma kompleti u veritiera fil-kontenut tagħhom.

Firma tal-amministratur:
 Isem l-amministratur:
 Data:

Appendiċi

Appendiċi A - Organisational Chart skont l-artikolu 17(1)(g) tal-Att dwar l-Intrapriża Soċjali (Kap. 630).

Appendiċi B - kopja awtentikata u aġġornata tal-istatut tal-organizzazzjoni ta' intrapriża soċjali kif maħruġ mir-Registratur. Jekk ikunu saru xi emendi f'dak l-istatut u f'tali każ għandha tiġi ffirmata dikjarazzjoni minn tal-inqas amministratur wieħed (1) li jispjega x'emendi jkunu saru.

Appendiċi Ċ - kopja tar-rendikont annwali flimkien mar-rapport tal-evalwaturi, accountants u awdituri, skont kif ikun meħtieġ taħt il-liġi applikabbli.

Appendiċi D - kopja tar-rapport annwali skont l-artikolu 17(1)(f) tal-Att dwar l-Intrapriża Soċjali (Kap. 630).

Appendiċi E - kopja tar-rapport tal-impatt soċjali.

Appendiċi F - kopja awtentikata ta' kwalunkwe karti tal-identità jew passaporti jew ċertifikati ta' rikonoxximent tal-amministraturi u tar-rappreżentanti lokali tal-organizzazzjoni ta' intrapriża soċjali mġedda (jekk applikabbli).".

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Żieda ta' Skeda ġdida li tinsab mal-Att prinċipali.

15. Minnufih wara r-Raba' Skeda li tinsab mal-Att prinċipali, kif sostitwita, għandha tiġi miżjuda l-Iskeda ġdida li ġejja:

**"II-HAMES SKEDA
(Artikolu 2)**

Il-kategoriji ta' persuni li ġejjin għandhom jitqiesu li jissodisfaw it-tifsira ta' haddiema żvantaġġati skont l-artikolu 2:

"haddiem żvantaġġat" tfisser kwalunkwe persuna li:

(a) tgħix waħedha b'dipendent wieħed (1) jew aktar u ilha qiegħda għal mill-inqas sitt (6) xhur; jew

L.S. 31.21.

(b) kwalunkwe persuna rikonoxxuta li għandha jew li kellha vizzju jew li tinsab jew kienet imniżżla fir-Registru tad-Dipendenti miżmum mis-Suprintendent tas-Saħħa Pubblika skont ir-Regolamenti dwar id-Drogi (Registrazzjoni tad-Dipendenti); jew

Kap. 77.

(ċ) kwalunkwe persuna li ma jkollhiex l-ewwel impjieg full-time fiss b'remunerazzjoni regolari minhabba li tkun skontat perjodu ta' priġunerija jew miżura penali oħra li tidher fuq iċ-ċertifikat tal-kondotta ta' tali persuna mahruġ skont l-Ordinanza dwar iċ-Ċertifikati tal-Kondotta; jew

(d) kwalunkwe persuna li hija intenzjonata li tidhol jew tirritorna fid-dinja tax-xogħol u li kienet assenti kemm mix-xogħol kif ukoll mill-edukazzjoni għal tal-anqas sentejn (2), u partikolarment kwalunkwe persuna li tkun telqet mix-xogħol minhabba li sabet ruħha f'diffikultà li tirrikonċilja l-ħajja tal-familja tagħha mal-ħajja tax-xogħol tagħha; jew

(e) għandha aktar minn ħamsin (50) sena u ilha qiegħda għal dawn l-aħħar sitt (6) xhur; jew

(f) kwalunkwe persuna li tkun sfat bla impjieg għal perjodu twil ta' żmien, jiġifieri persuna li tkun ilha bla impjieg għal tnaħ (12)-il xahar mis-sittax (16)-il xahar preċedenti; jew

(g) ma jkollhiex edukazzjoni sekondarja jew kwalifika vokazzjonali (Klassifikazzjoni Internazzjonali tal-Istandard tal-Edukazzjoni 3), jew li ilha sentejn (2) li lestiet kors edukattiv full-time u li ma tkunx ingħatat l-ewwel impjieg full-time b'remunerazzjoni regolari; jew

(h) taħdem f'settur jew professjoni fejn l-iżbilanċ bejn is-sessi f'Malta huwa tal-inqas hamsa u għoxrin fil-mija (25%) oġġla mill-medja tal-iżbilanċ bejn is-sessi fis-setturi ekonomiċi kollha f'Malta, u tappartjeni għal dak il-grupp ta' sess li huwa sotto-rappreżentat:

(i) huwa applikant għall-asil li għandu aċċess għas-suq tax-xogħol skont il-leġiżlazzjoni u l-politika nazzjonali, jew huwa benefiċjarju ta' protezzjoni internazzjonali jew protezzjoni temporanja, jew huwa benefiċjarju ta' kwalunkwe forma oħra ta' protezzjoni nazzjonali u, jew status nazzjonali; jew

(j) huwa vittma tat-traffikar ta' persuni:

Iżda l-Ministru jista b'regolamenti jistabilixxi kondizzjonijiet amministrattivi jew ta' osservanza li jirriżultaw taħt il-liġi Maltija għall-imsemmija kategoriji jew iżid kategoriji oħra ta' persuni mal-kategoriji imsemmija ta' "ħaddiem żvantaġġat", skont kif meħtieġ."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jemenda l-Att dwar l-Intrapriża Soċjali (Kap. 630) u biex jintroduċi numru ta' emendi, fosthom emenda fit-tifsira ta' "ħaddiema żvantaġġati" u l-introduzzjoni tal-personalitá ġuridika tar-Regolatur.

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A BILL
entitled

AN ACT to amend the Social Enterprise Act, Cap. 630.

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. 630.

1. (1) The short title of this Act is the Social Enterprise (Amendment) Act, 2026 and this Act shall be read and construed as one with the Social Enterprise Act, hereinafter referred to as the "principal Act".

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

Amendment of
article 2 of the
principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) the definition "Court" shall be substituted by the following new definition:

" "Court" means the Civil Court (Commercial Section) unless it is otherwise expressly stated;"

(ii) the definition "disadvantaged worker" shall be substituted by the following new definition:

" "disadvantaged worker" means any natural person facing significant obstacles in securing and maintaining employment due to various factors,

including social, economic, or personal circumstances that limit his access to opportunities or hinder his ability to compete effectively in the job market, as may be established, from time to time by the Minister by means of categories in the Fifth Schedule;"

(iii) immediately after the definition "normal market levels" there shall be added the following new definition:

" "Office of the Regulator" means the Regulator appointed in accordance with article 11 and shall include any officer or employee of the Regulator duly authorised by him to act on his behalf for the purposes of this Act;"

(iv) the definition "Registrar of Companies" shall be deleted;

(v) immediately after the definition "Registrar" there shall be added the following new definition:

" "Regulation (EU) 2016/679" means 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 Regulations);"

(b) sub-article (4) thereof shall be deleted.

3. Article 8 of the principal Act shall be amended as follows:

Amendment of article 8 of the principal Act.

(a) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The social enterprise organisation shall be identifiable by a unique name which shall conform to the applicable law and which shall include the words "Social Enterprise" in its name.";

(b) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) No other organisation shall be permitted to use the words "Social Enterprise" or the words "Intrapriža

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Soċjali" in its name unless it is one which is registered in accordance with this Act and any breach of this sub-article shall constitute an offence under this Act."

Addition of a new article to the principal Act.

4. Immediately after article 11 of the principal Act there shall be added the following new article:

"Legal personality of the Regulator.

11A. (1) The Regulator shall have a separate and distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, of imposing administrative penalties and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money:

Provided that the Regulator shall not have the power to:

(a) borrow or lend any monies except with the authority and concurrence in writing of the Minister and Minister responsible for finance; or

(b) enter into any form of commercial partnership in furtherance of its functions or otherwise, unless authorized to do so in writing by the Minister; or

(c) delegate any of its functions in a manner other than that established by, or under this Act.

(2) The legal representation of the Regulator shall vest in the Regulator himself:

Provided that the Regulator may delegate any of his powers in writing to any one of his officers or employees to appear in the name and on behalf of the Regulator in any judicial proceedings and in any act, contract, instrument or other document whatsoever."

Substitution of article 13 of the principal Act.

5. Article 13 of the principal Act shall be substituted by the following new sub-article:

"Functions of the Regulator.

13. (1) The Regulator shall perform the duties and exercise the functions imposed and conferred upon him by this Act to:

(a) provide registration facilities for applicants which are eligible for registration in terms of this Act;

(b) accept or refuse applications from applicants to register as social enterprise organisations in terms of this Act;

(c) maintain and update the Register of Social Enterprise Organisations;

(d) monitor the activities of social enterprise organisations in order to ensure that they comply with their statute, with the provisions of this Act, any regulations and any guidelines made thereunder and to ensure that the social enterprise organisation implements the necessary policies, regulations and reporting structures to ensure accountability and transparency in their operations;

(e) monitor the behaviour of the administrators of social enterprise organisations to ensure the observance of high standards of accountability and transparency and compliance with the law;

(f) investigate any complaints relating to social enterprise organisations or organisations purporting to be social enterprise organisations and their activities, investigate *ex officio* any social enterprise organisation for any shortcomings and take such action as is in his power to redress any justified grievance that may come to his notice, including referring his findings to the Police;

(g) ensure that the social enterprise organisation achieves its purposes and protects its capital base while developing operational surpluses to ensure sustainability;

(h) co-ordinate and communicate with every Registrar and with any competent authority:

(i) to facilitate the registration processes for social enterprise organisations and to ensure the continuous monitoring and eligibility of social enterprise organisations in terms of this Act;

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(ii) to establish procedures to ensure that the Regulator and each Registrar are aware of the status of a social enterprise organisation at all times and of any investigation or action which is being taken in respect of such social enterprise organisation;

(i) promote the social enterprise sector, developing co-operation between social enterprise organisations and the Government and co-operation between social enterprise organisations amongst themselves;

(j) make recommendations to the Minister on legislation, regulations and policies in support of social enterprise organisations and the social enterprise sector in general;

(k) assist Government, government departments, public agencies, authorities and entities controlled by the Government in preparing and reviewing policies in support of social enterprise organisations and the social enterprise sector in general;

(l) perform any other function or duty that is assigned to him under this Act and any regulations made thereunder as well as such other functions as may be assigned to him under any other law;

(m) impose administrative penalties for non-compliance with this Act:

Provided that the Regulator may apply a temporary derogation in relation to profit distribution, engagement of volunteers and the employment of disadvantaged workers according to the exigencies of the case.

(2) In the exercise of his functions, the Regulator shall act impartially and shall not be subject to the direction of any other person or authority.

(3) The Regulator may by writing under his hand, delegate to any person specific functions, powers or authorities assigned to, or conferred upon him by this Act or any other law, and may at any time revoke or vary such delegation:

Provided that no such delegation shall be deemed to divest the Regulator of any of his functions, powers or authorities and he may, if he thinks fit, exercise such functions, powers or authorities collaterally with the person so delegated.

Cap. 601.

(4) The provisions of article 77 of the Public Finance Management Act shall not apply to the Regulator or any other person carrying out his functions in terms of this Act."

6. Immediately after article 14 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Data protection.

14A. (1) Any processing of personal data conducted by the Office of the Regulator in its capacity of a controller in terms of Article 4(7) of the Regulation (EU) 2016/679, shall fully comply with the provisions of Regulation (EU) 2016/679 and the Data Protection Act, including the regulations made thereunder and the fundamental rights and freedoms of the data subjects.

Cap. 586.

(2) The controller shall process personal data as necessary and required for the purpose of the performance of its functions and, or the exercise of any of its powers under this Act, including any regulations made thereunder.

(3) The processing of personal data, including special categories of personal data for reasons of substantial public interest, shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subjects.

(4) The controller, while taking into account the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, both at the time of the determination of the means for processing as well as at the time of the processing itself, shall implement appropriate technical and organisational measures, in an effective manner and integrate the necessary safeguards into the processing in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

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(5) The access to personal data shall be reserved exclusively to duly designated officers of the controller on the basis of a role-based access control mechanism and subject to confidentiality and, or professional secrecy obligations, in order to prevent abuse, or unlawful access to, or disclosure of personal data.

(6) The data protection officer designated by the controller in accordance with Article 37(1)(a) of Regulation (EU) 2016/679 shall be duly consulted and in a timely manner on all matters in relation to the protection of personal data processed for the purpose of sub-article (2).

(7) For the purposes of ensuring and to be able to demonstrate that the processing of personal data is performed in accordance with the provisions of Regulation (EU) 2016/679, the controller shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary."

Amendment of article 16 of the principal Act.

7. Article 16 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof the words "upon written request" shall be deleted;

(b) sub-article (3) thereof shall be deleted.

Amendment of article 17 of the principal Act.

8. Article 17 of the principal Act shall be amended as follows:

(a) paragraph (h) of sub-article (1) of article 17 thereof shall be substituted by the following new paragraph:

"(h) a preliminary report which indicates the primary social objective or objectives of the organisation and the manner in which the applicant intends to achieve these social objectives together with the manner in which the applicant intends to operate so as not to:

(i) prejudice the fulfilment of the social purpose for which the organisation was established, if the applicant is one which may be classified under article 3(1)(b)(i);

(ii) prejudice the integration into the labour market of disadvantaged workers or workers with a disability if the applicant is one which may be classified under article 3(1)(b)(ii);

(iii) grant gratuitous distributions from the profit or bonuses to its administrators, employees or other officers which will lead to the same results indicated in sub-paragraphs (i) and (ii);".

(b) sub-article (3) thereof shall be amended as follows:

(i) in paragraph (d) thereof the words "applicable law; or" shall be substituted by the words "applicable law;"

(ii) in paragraph (e) thereof the words "applicable law." shall be substituted by the words "applicable law; or";

(iii) immediately after paragraph (e) thereof, as amended, there shall be added the following new paragraph:

"(f) the accuracy and authenticity of documents submitted to the Regulator in accordance with the applicable law."

9. Article 19 of the principal Act shall be amended as follows:

Amendment of article 19 of the principal Act.

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

"19. (1) A social enterprise organisation shall submit the annual return found in the Fourth Schedule to the Regulator by the thirtieth (30) day of April of the following calendar year:

Provided that Appendix C of the Fourth Schedule, shall be submitted to the Regulator within five (5) calendar days from the date in which the social enterprise organisation is statutorily obliged to submit its annual statement of accounts and any other relative documents to the Registrar, or within five (5) calendar days from the submission of its statement of accounts and relative documentation to the Registrar, whichever comes first. In default, there shall be an administrative penalty of twenty-five euro (€25) for each month of delay. In the case that non-compliance subsists for a year, the registration of the social enterprise organisation shall be duly cancelled and all benefits shall be refunded and reimbursed immediately by the social enterprise organisation.";

C 4322

(b) sub-article (3) thereof shall be deleted.

Amendment of article 22 of the principal Act.

10. Sub-article (1) of article 22 of the principal Act shall be substituted by the following new sub-article:

"(1) In the event of the cancellation of a registration of a social enterprise organisation, the administrators shall make all the necessary amendments to the statute of the organisation, including amending its name to remove any references to the term "Social Enterprise"."

Amendment of article 33 of the principal Act.

11. Article 33 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "valid compliant" shall be substituted by the words "valid complaint";

(b) sub-article (4) thereof shall be amended as follows:

(i) the words "impose penalties" shall be substituted by the words "impose administrative penalties";

(ii) in the proviso thereof the word "penalties" shall be substituted by the words "administrative penalties", wherever they occur.

Amendment to the First Schedule to the principal Act.

12. Item 1 of the First Schedule to the principal Act shall be substituted by the following new item:

Cap. 386.

"1. A social enterprise company shall be a private company including a single member company, registered under the Companies Act. Article 213 of the Companies Act shall not apply to a social enterprise company for the purposes of this Act."

Amendment to the Third Schedule to the principal Act.

13. The Third Schedule to the principal Act shall be amended as follows:

(a) item 2 thereof shall be substituted by the following new item:

Cap. 442.

"(2) Insofar as the name of a social enterprise co-operative is concerned, it shall comply with article 24 of the Co-operative Societies Act and with article 8(3), (4) and (5) and the social enterprise co-operative shall have the word "co-operative limited" or the abbreviation "co-op ltd." at the end of its name as required by article 24(2)(b) of the Co-operative Societies Act after the words "Social Enterprise".";

(b) item 5 thereof shall be deleted.

14. The Fourth Schedule to the principal Act shall be substituted by the following new schedule:

Amendment to the Fourth Schedule to the principal Act.

"FOURTH SCHEDULE
(Article 19)
Annual return

Purpose

The purpose of this annual return is to provide the Regulator with updated and detailed information about the social enterprise organisation, its administrators and its activities, generally. It is important that the exercise be qualitative in order that the persons preparing the annual returns provide a true account of the facts.

The processing of personal data is being conducted pursuant to article 14A of the Social Enterprise Act (Cap. 630).

Name of Social Enterprise Organisation:.....
Social Enterprise Label:.....
Address:.....
.....
Postcode.....
Telephone number(s):.....
Fax number:.....
E-mail address/es:.....
Website:.....
Name of Contact Person:.....
Designation:.....
Mobile/Telephone Number:.....

If the social enterprise organisation has an obligation to nominate a local representative in terms of the Act please provide the details of the local representative below. It has to ensure that the address that is included is the address of the local representative in Malta.

Name and Surname:.....
ID Card/ Passport / Registration Number:.....
Address:.....
.....
.....
Postcode:.....
Telephone number(s):.....
Mobile number:.....

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E-mail address/es:.....

Declaration of Completeness and Correctness.

I hereby confirm that the details provided, including the attached Appendices, are complete and truthful as to their contents.

Signature of administrator:

Name of administrator:

Date:

Appendices

Appendix A - Organisational Chart in terms of article 17(1)(g) of the Social Enterprise Act (Cap. 630).

Appendix B - an authenticated updated copy of the statute of the social enterprise organisation as issued by the Registrar if any amendments have been made to such statute and in such case a declaration shall be signed by at least one (1) administrator stating what amendments have been made.

Appendix C - a copy of the annual accounts together with a report of reviewers, accountants or auditors as may be required under applicable law.

Appendix D - a copy of the annual report in terms of article 17(1)(f) of the Social Enterprise Act (Cap. 630).

Appendix E - a copy of the current social impact report.

Appendix F - an authenticated copy of any renewed identity cards or passports or registration certificates of the administrators and local representative of the social enterprise organisation (if applicable).".

Addition of new
Schedule to the
principal Act.

15. Immediately after the Fourth Schedule to the principal Act, as substituted, there shall be added the following new schedule:

"FIFTH SCHEDULE

(Article 2)

The following categories of persons shall be deemed to fulfil the definition of disadvantaged workers in terms of article 2:

"disadvantaged worker" means any person who:

S.L. 31.21.

Cap. 77.

(a) lives as a single person with one (1) or more dependants and has been unemployed for at least six (6) months; or

(b) any person recognised to be, or to have been an addict and who is, or who was on the Register of Addicts kept by the Superintendent of Public Health in accordance with the Registration of Drug Addicts Regulations; or

(c) any person who has not obtained his first regular paid full-time employment on account of having served a period of imprisonment or other penal measure that appears on such person's conduct certificate issued in accordance with the Conduct Certificates Ordinance; or

(d) any person who intends to enter or re-enter working life and who has been absent both from work and education for at least two (2) years, particularly any person who gave up work on account of the difficulty of reconciling his family life with his working life; or

(e) is over the age of fifty (50) years and has been unemployed for the last six (6) months; or

(f) any long-term unemployed person, who is, any person who has been unemployed for twelve (12) of the previous sixteen (16) months; or

(g) has not attained an upper secondary educational or vocational qualification (International Standard Classification of Education 3), or is within two (2) years after completing full-time education, and who has not previously obtained his first regular paid employment; or

(h) works in a sector or profession where the gender imbalance in Malta is at least twenty-five per cent (25%) higher than the average gender imbalance across all economic sectors in Malta, and belongs to such under-represented gender group; or

(i) is an asylum seeker who has access to the labour market in accordance with national legislation and policy, or is a beneficiary of international protection or temporary protection, or is a beneficiary of any other form of national protection and, or national status; or

(j) is a victim of trafficking of persons:

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Provided that the Minister may by regulations, establish administrative or compliance conditions arising under Maltese law in relation to the above categories or add other categories of persons to the said categories of "disadvantaged worker", as required."

Objects and Reasons

The objects and reasons of this Bill are to amend the Social Enterprise Act (Cap. 630) and to introduce a number of amendments, including an amendment in the definition of "disadvantaged workers" and the introduction of the legal personality of the Regulator.