Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,686, 14 ta' Lulju, 2026
Taqsima C

Nru 4

14. 07. 2026

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Ian Borg, M.P., Deputat Prim Ministru u Ministru għas-Saħħa, f'isem il-Ministru għall-Ekonomija, it-Teknoloġija u Proġetti Strateġiċi, u moqri għall-Ewwel darba fis-Seduta tas-6 ta' Lulju 2026.

ATT sabiex jemenda l-Att dwar l-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani, Kap. 620.

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Ian Borg, M.P., Deputy Prime Minister and Minister for Health, on behalf of the Minister for the Economy, Technology and Strategic Projects, and read the First time at the Sitting of the 6th July 2026.

AN ACT to amend the National Foreign Direct Investment Screening Office Act, Cap. 620.

ELEANOR SCERRI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT sabiex jemenda l-Att dwar l-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani, Kap. 620.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 li jemenda l-Att dwar l-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar l-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani, hawn aktar 'il quddiem imsejjaħ l-"Att prinċipali". Titolu fil-qosor. Kap. 620.

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

(a) minnufih wara t-tifsira "akkwist" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

Kap. 595. " "Amministrazzjoni Pubblika" għandu jkollha l-istess tifsira kif mogħti lilha fl-Att dwar l-Amministrazzjoni Pubblika;";

(b) it-tifsira "Bord" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "Bord" jew "Bord tal-FDI" tfisser il-Bord tal-investiment dirett barrani (FDI) stabbilit skont l-artikolu 5(2);";

(ċ) it-tifsira "Ministru" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "Ministru" tfisser il-Ministru responsabbli għar-reġistrazzjoni ta' soċjetajiet kummerċjali u tinkludi, sal-limitu tal-awtorità mogħtija, kwalunkwe persuna awtorizzata li taġixxi f'ismu għal kwalunkwe skop ta' dan l-Att;";

(d) minnufih wara t-tifsira "investiment dirett barrani li jkun qed jiġi skrinjat" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "investiment tal-portafoll" tfisser investiment f'titoli inkluż bonds, azzjonijiet, u strumenti oħra simili, maħsub għal investiment finanzjarju mingħajr l-ebda intenzjoni li jinfluwenza l-ġestjoni jew il-kontroll tal-kumpanija;";

(e) minnufih wara t-tifsira "pajjiż terz" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

L.S. 595.27.

" "Reġistru" tfisser ir-Reġistru dwar in-Negozju ta' Malta stabbilit bis-saħħa tal-Ordni li jistabbilixxi r-Reġistru dwar in-Negozju ta' Malta bħala Aġenzija;".

Sostituzzjoni tal-artikolu 5 tal-Att prinċipali.

3. L-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Stabbiliment tal-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani fi ħdan l-Aġenzija.

L.S. 595.27.

5. (1) Għandu jkun imwaqqaf uffiċċju li jkun magħruf bħala l-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani. L-Uffiċċju għandu jifforma parti integrali mir-Reġistru u għandu jikkostitwixxi taqsima separata tar-Reġistru skont l-artikolu 12A tal-Ordni li jistabbilixxi r-Reġistru dwar in-Negozju ta' Malta bħala Aġenzija.

(2) Għandu jitwaqqaf Bord tal-FDI li għandu jidderieġi u jkun responsabbli għall-affarijiet tal-Uffiċċju.

(3) Il-Bord tal-FDI għandu jkun kompost minn minimu ta' ħames (5) u massimu ta' seba' (7) persuni, li għandhom jinħatru mill-Ministru, li waħda (1) minnhom għandha tkun iċ-Chairperson. Il-membri tal-Bord tal-FDI għandhom jinħatru għal terminu ta' mhux aktar minn tliet (3) snin, kif jista' jiġi speċifikat fl-ittra tal-ħatra. Huma għandhom ikunu eliġibbli għal ħatra mill-ġdid u għandhom jirċievu tali remunerazzjoni skont kwalunkwe direttivi u linji gwida maħruġa mill-amministrazzjoni pubblika, minn żmien għal żmien, f'dan ir-rigward.

(4) Il-membri tal-Bord tal-FDI għandhom ikunu persuni li, fil-fehma tal-Ministru, ikollhom il-kompetenza u l-esperjenza meħtieġa sabiex jassumu tali funzjonijiet.

(5) (a) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4), persuna ma għandhiex tkun eliġibbli li tinħatar jew li żżomm kariga bħala membru tal-Bord tal-FDI, jekk:

(i) tkun membru tal-Kamra tad-Deputati;

(ii) tkun legalment inabilitata jew interdetta;

(iii) tkun ġiet dikjarata falluta jew tkun għamlet kompożizzjoni jew skema ta' arranġament mal-kredituri tagħha;

(iv) tkun kisret xi dispożizzjoni magħmula minn, jew taħt xi liġi li jkollha l-għan li tipproteġi lill-membri tal-pubbliku kontra telf finanzjarju b'konsegwenza ta' diżonestà, inkompetenza jew prattika ħażina minn persuni involuti f'attivitajiet ta' negozju jew fit-twettiq ta' professjoni;

(v) tkun ħadet sehem f'xi prattika kummerċjali li fil-fehma tal-Ministru tkun qarrieqa jew oppressiva jew mod ieħor mhux xierqa, sew jekk kontra l-liġi jew xort'oħra, jew b'xi mod ieħor tiskredita l-metodu ta' kif jitmexxa n-negozju jew l-attivitajiet professjonali tagħha;

(vi) tkun ħadet sehem fi, jew tkun ġiet assoċjata ma' xi prattika kummerċjali oħra jew xort'oħra ikkomportat ruħha b'manjiera li jitfa' dubju fuq il-kompetenza tagħha u fuq il-korrettezza tal-ġudizzju tagħha;

(vii) ikollha xi interess finanzjarju jew xi interess ieħor li x'aktarx ser jippreġudika t-twettiq tal-funzjonijiet tagħha; jew

(viii) tkun b'xi mod ieħor persuna mhux adatta u xierqa li tokkupa tali kariga.

(b) Sabiex jiddetermina jekk persuna hijiex adatta u xierqa, il-Ministru għandu jqis l-integrità ta' tali persuna, kemm hi persuna kompetenti u korretta fil-ġudizzju tagħha sabiex twettaq ir-responsabbilitajiet ta' tali kariga, id-diliġenza li biha qed taqdi jew x'aktarx ser taqdi dawk ir-responsabbiltajiet u jekk l-interessi ta' xi persuna oħra humiex, jew x'aktarx ikunu, b'xi mod mhedda jekk dik il-persuna tokkupa tali kariga.

(ċ) Kwalunkwe persuna li l-Ministru jaħtar jew jipproponi li jaħtar bħala membru tal-Bord tal-FDI għandha, kull darba li tkun hekk mitluba mill-Ministru, tagħtih tali informazzjoni li l-Ministru jqis meħtieġa sabiex jiddetermina jekk tali persuna hijiex eliġibbli għall-ħatra skont il-paragrafi (a) u (b).

(6) Membru tal-Bord tal-FDI, jista' jitneħħa mill-kariga tiegħu mill-Ministru fuq il-bażi ta' inabilità li jaqdi l-funzjonijiet tal-kariga tiegħu, kemm jekk minħabba mard mentali jew fiżiku, jew għal imġiba ħażina:

Iżda għall-finijiet ta' dan is-subartikolu, nuqqas ta' attendenza ripetuta u mhux ġustifikata tal-laqgħat tista' titqies li tammonta għal imġiba ħażina.

(7) Kwalunkwe membru tal-Bord tal-FDI jista' jirriżenja mill-kariga tiegħu fi kwalunkwe waqt permezz ta' ittra indirizzata lill-Ministru.

(8) Il-ħatra ta' kwalunkwe persuna bħala membru tal-Bord tal-FDI u t-tmiem ta' kariga jew riżenja ta' tali persuna, inkluża r-raġuni għal tali tmiem tal-kariga jew riżenja, kif applikabbli, għandhom jiġu ppubblikati mill-Uffiċċju fil-Gazzetta.

(9) (a) Il-Ministru għandu jaħtar persuna sabiex taġixxi bħala segretarju tal-Bord tal-FDI għal perjodu li jidhirlu xieraq:

Iżda l-Ministru jew rappreżentant tiegħu jista' jaħtar segretarju sostitut fil-każijiet li ġejjin:

(i) f'każijiet ta' urġenza meta s-segretarju għal kwalunkwe raġuni ma jkunx disponibbli sabiex iwettaq dmirijietu; u

(ii) f'każijiet meta s-segretarju maħtur jastjeni għall-istess raġunijiet li għalihom membru tal-Bord tal-FDI ikun jista' jastjeni skont dan l-artikolu.

(b) Is-segretarju għandu d-dmir li jagħmel il-preparamenti meħtieġa għal-laqgħat tal-Bord tal-FDI u li jżomm il-minuti ta' tali laqgħat.".

4. L-artikolu 8 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej: Sostituzzjoni tal-artikolu 8 tal-Att prinċipali.

"Il-Bord tal-FDI.

8. (1) Il-Bord tal-FDI għandu jiltaqa' kull meta jkun neċessarju, iżda fi kwalunkwe każ mhux anqas minn darba kull tliet (3) xhur. Il-laqgħat għandhom jissejħu miċ-Chairperson fuq l-inizjattiva tiegħu stess jew fuq talba bil-miktub ta' kwalunkwe membru.

(2) Il-Bord tal-FDI jista' jaġixxi minkejja xi post battal fost il-membri tiegħu sakemm ikun hemm *quorum* li jikkonsisti miċ-Chairperson u żewġ (2) membri oħra.

(3) Il-laqgħat tal-Bord tal-FDI għandhom ikunu ppreseduti miċ-Chairperson jew, fin-nuqqas tiegħu, minn membru elett għal-laqgħa partikolari mill-membri l-oħra preżenti għal dik il-laqgħa.

(4) Id-deċiżjonijiet tal-Bord tal-FDI għandhom jittieħdu b'maġġoranza tal-voti tal-membri preżenti, u ċ-Chairperson jew persuna oħra li tippresjedi l-laqgħa għandu jkollha vot oriġinali u fil-każ ta' voti ndaqs, it-tieni vot jew vot deċiżiv.

(5) Suġġett għal dak li ntqal hawn fuq, il-Bord tal-FDI jista' jirregola l-proċeduri tiegħu stess.

(6) Il-Bord tal-FDI jista' jistieden lil kwalunkwe persuna u jista' jitlob lil kwalunkwe uffiċjal jew impjegat tal-Uffiċċju sabiex jattendi laqgħa tal-Bord u sabiex jieħu sehem fid-diskussjonijiet.".

Emenda tal-artikolu 11 tal-Att prinċipali.

5. Is-subartikolu (1) tal-artikolu 11 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"11. (1) Fiċ-ċirkostanzi li ġejjin, investituri barranin u l-persuni kollha involuti f'investiment dirett barrani għandhom l-obbligu li, qabel ma jwettqu l-investiment jew jagħmlu kwalunkwe tibdil imsemmi fil-paragrafi (b), (ċ) jew (d), jinnotifikaw lill-Uffiċċju bil-miktub bl-investiment u jipprovdu informazzjoni dwar l-entità li qed twettaq l-investiment u kwalunkwe informazzjoni li tista' tkun meħtieġa għad-debita osservanza ta' din id-dispożizzjoni jew li tkun mitluba mill-Uffiċċju:

(a) fejn investiment dirett barrani li jaffettwa kwalunkwe waħda mill-attivitajiet imsemmija fl-Iskeda huwa ppjanat li jitwettaq fil-futur;

(b) fejn wara li jkun sar investiment dirett barrani f'Malta, l-investitur barrani jippjana li jibdel l-attività kummerċjali tiegħu għal waħda li taffettwa kwalunkwe waħda mill-attivitajiet imsemmija fl-Iskeda;

(ċ) fejn wara li jkun sar investiment f'Malta li jaffettwa kwalunkwe waħda mill-attivitajiet imsemmija fl-Iskeda, l-istruttura tas-sjieda tal-investitur tinbidel b'tali mod li mill-inqas għaxra fil-mija (10%) tkun proprjetà ta' investitur barrani; jew

(d) fejn wara li jkun sar investiment f'Malta li jaffettwa kwalunkwe waħda mill-attivitajiet imsemmija fl-Iskeda, l-interess ta' kontroll dirett jew indirett tal-kumpanija jew tal-kumpanija tal-grupp jinbidel u jgħaddi għand investitur barrani.".

Emenda tal-artikolu 12 tal-Att prinċipali.

6. Is-subartikolu (9) tal-artikolu 12 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(9) Fit-twettiq tal-proċessi msemmija fis-subartikoli (1) u (4), l-Uffiċċju jista' jikseb informazzjoni ulterjuri u dikjarazzjonijiet mingħand kwalunkwe persuna involuta f'investiment dirett barrani, inklużi iżda mhux limitati għal entitajiet jew awtoritajiet pubbliċi u privati.".

7. Minnufih wara l-artikolu 20 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Applikabbiltà tal-Att dwar ir-Responsabbiltà ta' persuni li jokkupaw Kariga Pubblika u ta' Entitajiet Pubbliċi.
Kap. 652.

21. Id-dispożizzjonijiet tal-Att dwar ir-Responsabbiltà ta' persuni li jokkupaw Kariga Pubblika u ta' Entitajiet Pubbliċi għandhom japplikaw għaċ-Chairperson, kwalunkwe membru ieħor tal-Bord tal-FDI , l-uffiċjali u l-impjegati tal-Uffiċċju.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jintegraw l-Uffiċċju Nazzjonali għall-Iskrinjar tal-Investiment Dirett Barrani mar-Reġistru dwar in-Negozju ta' Malta sabiex tinħoloq struttura waħda koerenti, u sabiex jiġu kjarifikati r-rekwiżiti ta' notifiki għall-investituri.

A BILL
entitled

AN ACT to amend the National Foreign Direct Investment Screening Office Act, Cap. 620.

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.
Cap. 620.

1. The short title of this Act is the National Foreign Direct Investment Screening Office (Amendment) Act, 2026 and this Act shall be read and construed as one with the National Foreign Direct Investment Screening Office Act, hereinafter referred to as the "principal Act".

Amendment of article 2 of the principal Act.

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

(a) the definition "Board" shall be substituted by the following new definition:

" "Board" or "FDI Board" means the Board regarding foreign direct investment (FDI) established in accordance with article 5(2);";

(b) the definition "Minister" shall be substituted by the following new definition:

" "Minister" means the Minister responsible for the registration of commercial partnerships and includes, to the extent of the authority given, any person authorised to act on his behalf for any purpose of this Act;";

(c) immediately after the definition "Office" there shall be added the following new definition:

" "portfolio investment" means an investment in securities including bonds, shares, and similar instruments, intended for financial investment without any intention to influence the management or control of the company;";

(d) immediately after the definition "procurement" there shall be added the following new definitions:

" "Public Administration" shall have the same meaning assigned to it in the Public Administration Act; Cap. 595.

"Registry" means the Malta Business Registry established by virtue of the Malta Business Registry (Establishment as an Agency) Order;". S.L.595.27.

Substitution of article 5 of the principal Act.

3. Article 5 of the principal Act shall be substituted by the following new article:

"Establishment of the National Foreign Direct Investment Screening Office within the Agency.

S.L. 595.27.

5. (1) There shall be established an office to be designated as the National Foreign Direct Investment Screening Office. The Office shall form an integral part of the Registry and shall constitute a separate section of the Registry in accordance with article 12A of the Malta Business Registry (Establishment as an Agency) Order.

(2) There shall be an FDI Board which shall direct and be responsible for the affairs of the Office.

(3) The FDI Board shall be composed of a minimum of five (5) and a maximum of seven (7) persons, to be appointed by the Minister, one (1) of whom shall be the Chairperson. Members of the FDI Board shall be appointed for a term of not more than three (3) years, as may be specified in the letter of appointment, and shall be eligible for reappointment. They shall receive such remuneration in accordance with any directives and guidelines issued by the public administration from time to time, in relation thereto.

(4) The members of the FDI Board shall be persons who, in the opinion of the Minister, possess the necessary expertise and experience to assume such functions.

(5) (a) Without prejudice to the provisions of sub-article (4), a person shall not be eligible to be appointed or hold office as a member of the FDI Board, if he:

(i) is a member of the House of Representatives;

(ii) is legally incapacitated or interdicted;

(iii) has been declared bankrupt or has made a composition or arrangement with his creditors;

(iv) has breached any provision made by, or under any law appearing to be designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons involved in business activities or in carrying on a profession;

(v) has engaged in any business practice appearing to the Minister to be deceitful or oppressive or otherwise improper, whether unlawful or otherwise, or otherwise discredits in any way his methods of conducting business or professional activities;

(vi) has engaged in, or been associated with any other business practice or otherwise conducted himself in such a manner as to cast doubt on his competence or soundness of judgement;

(vii) has a financial or other interest that is likely to prejudicially affect the discharge of his functions; or

(viii) is otherwise not a fit and proper person to hold such office.

(b) In determining whether a person is a fit and proper person, the Minister shall have regard to such person's integrity, to his competence and soundness of judgment for fulfilling the responsibility of such office, to the diligence with which he is fulfilling or is likely to fulfil those responsibilities and to whether the interests of any person are, or are likely to be, in any way threatened by his holding of such office.

(c) Any person whom the Minister has appointed or proposes to appoint as a member of the FDI Board, shall, whenever requested by the Minister to do so, furnish to him such information as the Minister deems necessary in order for the Minister to determine whether such person is eligible for appointment in terms of paragraphs (a) and (b).

(6) A member of the FDI Board may be removed from office by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or body, or to misbehaviour:

Provided that for the purposes of this sub-article, repeated and unjustified non-attendance of meetings may be deemed to amount to misbehaviour.

(7) Any member of the FDI Board may resign from his office at any time by letter addressed to the Minister.

(8) The appointment of any person as a member of the FDI Board and the termination of office or resignation of any such person, including the reason for such termination or resignation, as applicable, shall be published by the Office in the Gazette.

(9) (a) The Minister shall designate a person to act as secretary to the FDI Board for such period as he may deem appropriate:

Provided that the Minister or a representative on his behalf may appoint a substitute secretary in the following cases:

(i) in cases of urgency if the designated secretary is, for whatsoever reason, not available to perform his duties; and

(ii) in cases where the designated secretary abstains for the same reasons that a member of the FDI Board may abstain in terms of this article.

(b) It shall be the duty of the secretary to make the necessary preparations for the meetings of the FDI Board and to keep minutes of those meetings.".

Substitution of article 8 of the principal Act.

4. Article 8 of the principal Act shall be substituted by the following new article:

"FDI Board.

8. (1) The FDI Board shall meet as often as may be necessary or expedient, but in any case, not less than once every three (3) months. The meetings shall be convened by the Chairperson either on his own initiative or on the written request of any member.

(2) The FDI Board may act notwithstanding any vacancy among its members provided that there is a *quorum* consisting of the Chairperson and two (2) other members.

(3) The meetings of the FDI Board shall be chaired by the Chairperson or, in his absence, by a member elected for the particular meeting by the other members present at such meeting.

(4) Decisions of the FDI Board shall be taken by majority of votes of the members present, and the Chairperson or other person chairing the meeting shall have an original vote and in the case of an equality of votes, a second or casting vote.

(5) Subject to the foregoing, the FDI Board may regulate its own proceedings.

(6) The FDI Board may invite any person and may require any officer or employee of the Office to attend a meeting of the FDI Board and to take part in the discussions.".

Amendment of article 11 of the principal Act.

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

"11. (1) In the following circumstances, foreign investors and all persons involved in a foreign direct investment shall be obliged, prior to carrying out the investment or effecting any changes mentioned in paragraphs (b), (c) or (d), to notify in writing the Office about the investment and provide information regarding the entity carrying out the investment and any information which may be necessary for the due observance of this provision or which may be requested by the Office:

(a) where a foreign direct investment that affects any of the activities mentioned in the Schedule is planned to be carried out in the future;

(b) where having carried out a foreign direct investment in Malta, the foreign investor plans to change their business activity to one which affects any of the activities mentioned in the Schedule;

(c) where having carried out an investment in Malta which affects any of the activities mentioned in the Schedule, the ownership structure of the investor changes in such a manner that at least ten percent (10%) is owned by a foreign investor; or

(d) where having carried out an investment in Malta which affects any of the activities mentioned in the Schedule, the direct or indirect controlling interest of the company or the group company changes and passes to a foreign investor.".

Amendment of article 12 of the principal Act.

6. Sub-article (9) of article 12 of the principal Act shall be substituted by the following new sub-article:

"(9) In conducting the processes mentioned in sub-articles (1) and (4), the Office may obtain further information and statements from any person involved in a foreign direct investment, including but not limited to public and private entities or authorities.".

Addition of new article to the principal Act.

7. Immediately after article 20 of the principal Act there shall be added the following new article:

"Applicability of the Holders of Public Office and Public Entities (Responsibility) Act.
Cap. 652.

21. The Holders of Public Office and Public Entities (Responsibility) Act shall be applicable to the Chairperson, any other member of the FDI Board, the officers and employees of the Office.".

Objects and Reasons

The objects and reasons of this Bill are to integrate the National Foreign Direct Investment Screening Office with the Malta Business Registry creating one coherent structure, and to clarify the notification requirements for investors.

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