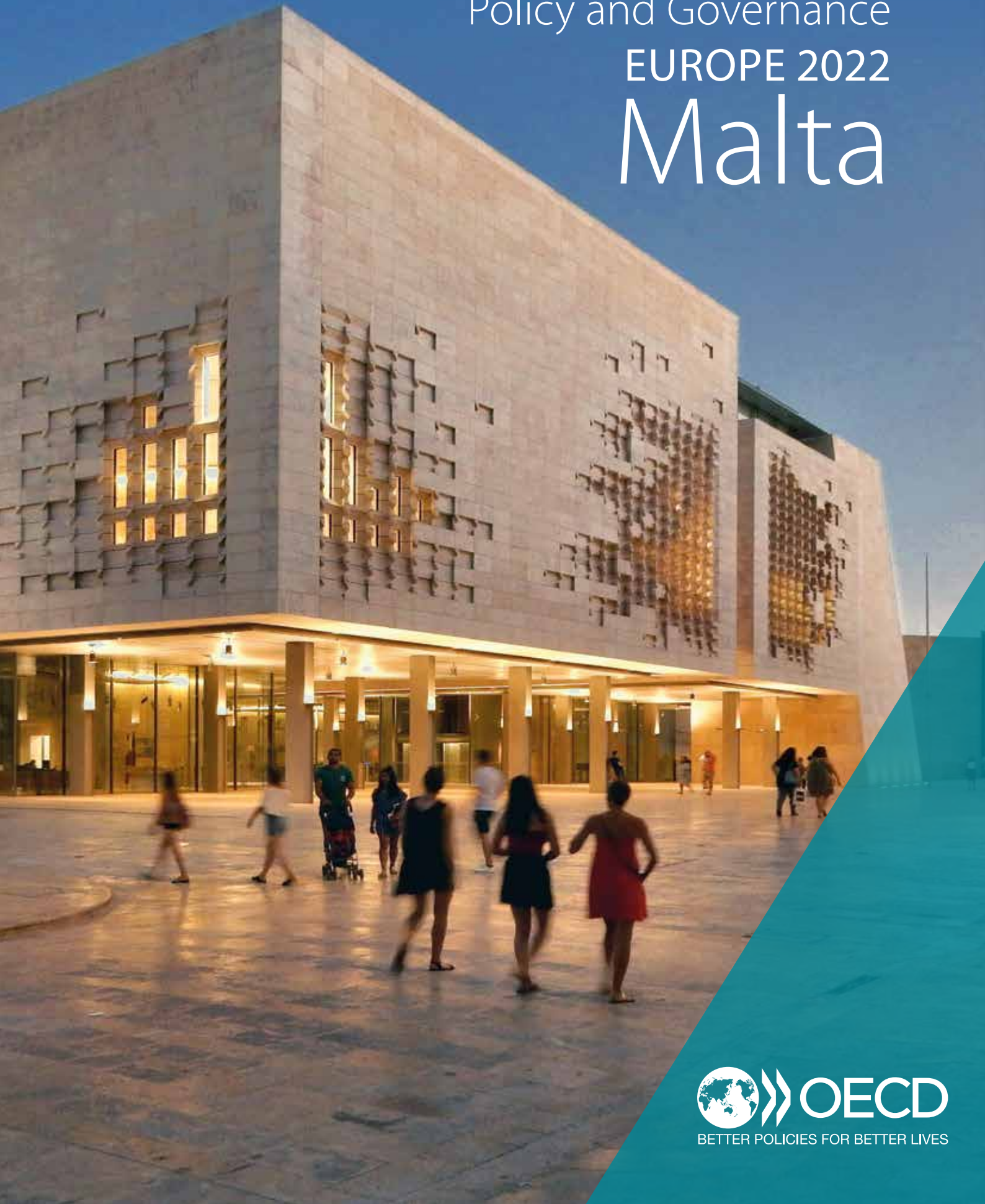
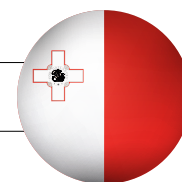


Indicators of Regulatory
Policy and Governance
EUROPE 2022
Malta





Malta

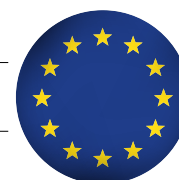
Overview and recent developments

Malta has not made any major changes to its regulatory framework over the last years with the exception of extending their RIA requirements recently to primary laws in May 2021. The “Small Business Act” (SBA), adopted in 2011 and revised in 2017 and 2021, introduced a framework for *ex ante* impact assessment to be applied by ministries when developing subordinate regulations, including an SME-Test, and more recently for developing primary laws. The Maltese government continues to put a strong emphasis on the reduction of regulatory burdens for business and citizens. Whilst *ex post* evaluation of existing regulation is not mandatory, the Maltese government has conducted several ad hoc reviews of existing laws and regulations in specific sectors, reflecting limited review resources. However, Malta currently lacks a systematic approach towards reviewing whether laws and regulations achieved the intended policy goals, including a requirement to periodically evaluate existing regulations and a standardised methodology for *ex post* evaluation.

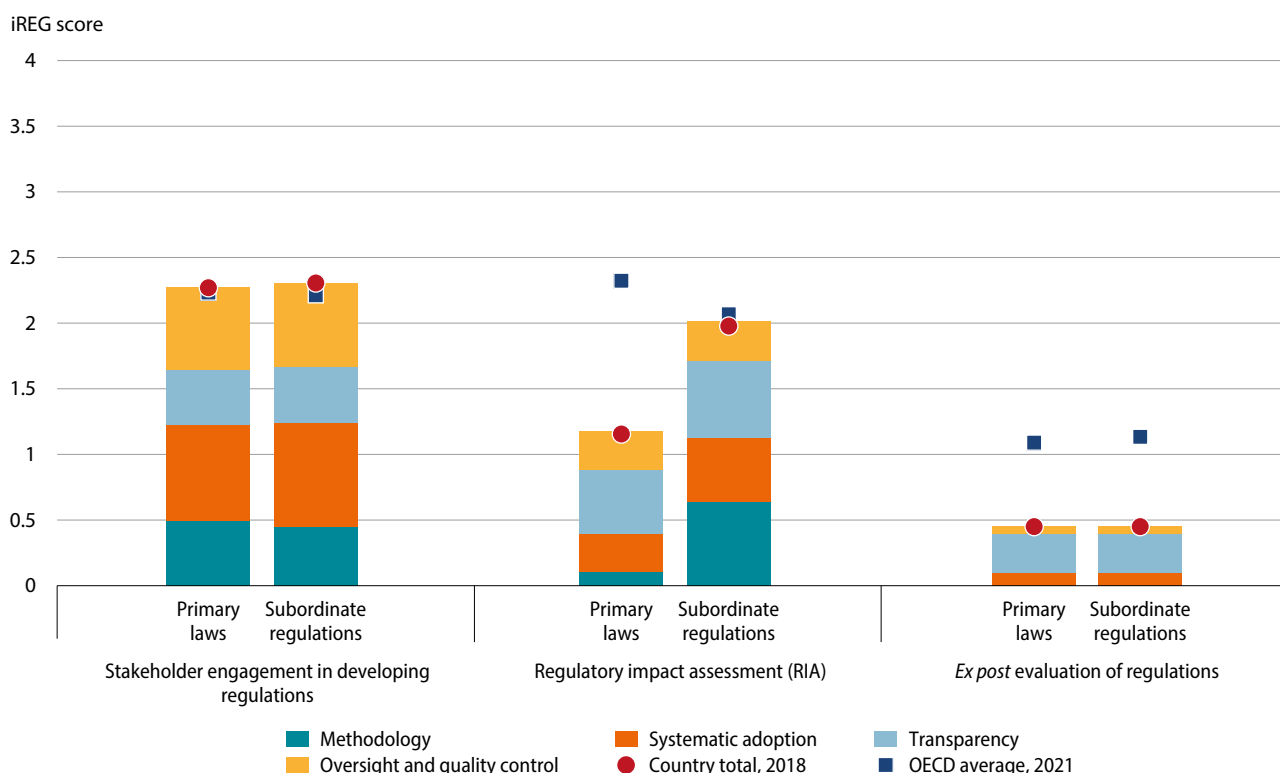
Competences for regulatory policy and regulatory reform are dispersed among various government bodies. The mandate of the Office of the Principal Permanent Secretary and Cabinet Secretary – located within the Maltese Cabinet Office – notably includes oversight on the quality of RIAs, co-ordination on regulatory policy and guidance on regulatory management tools. It is also responsible for administrative simplification and publishes the yearly Simplification Measures Report. Additionally, the Ministry within the Office of the Prime Minister (MSD) was established in 2020 and is responsible for the quality control of stakeholder engagement, particularly online public consultation. Finally, the Policy Development and Programme Implementation Directorate within the Ministry for the Economy,

Investment and Small Businesses is responsible for the implementation of the SBA and for improving the regulatory environment for SMEs. It performs a range of core regulatory functions – such as quality control of regulatory management tools, systematic improvement and advocacy, and guidance – insofar as these relate to the SBA and to the SME Test.

Stakeholder engagement and open public consultation are required for all primary laws and subordinate regulations. Online consultations are accompanied by a feedback report, summarizing the views of participants and providing general feedback on the comments received. The transparency of the Maltese regulatory framework could be further strengthened by making RIAs available for consultations with stakeholders. Additionally, Malta could more systematically engage with stakeholders during the early stages of the legislative development process, particularly for primary laws, before a preferred regulatory decision has been identified.



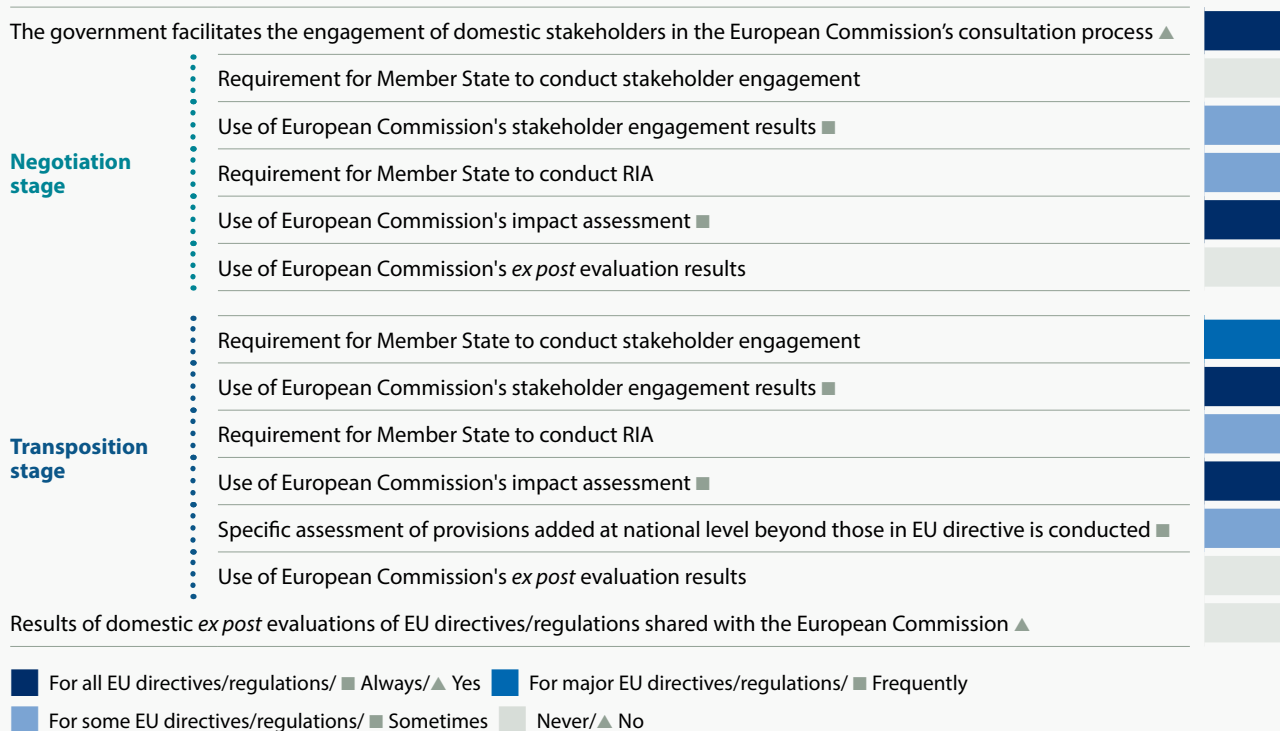
INDICATORS OF REGULATORY POLICY AND GOVERNANCE (iREG): MALTA, 2021



Note: The more regulatory practices as advocated in the *OECD Recommendation on Regulatory Policy and Governance* a country has implemented, the higher its iREG score. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (97% of all primary laws in Malta).

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: MALTA



Source: Indicators of Regulatory Policy and Governance (iREG) Survey 2021, <http://oe.cd/ireg>.

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

The data presented in the *Better Regulation Practices across the European Union 2022* report are the results of the 2014, 2017, and 2021 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD member countries as well as the European Union have also been presented in the 2015, 2018, and 2021 OECD Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD were published for the first time and are based on the data from the 2017 and 2021 iREG surveys.

The Regulatory Indicators Survey investigates in detail three principles of the *2012 OECD Recommendation of the Council on Regulatory Policy and Governance*: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** which records formal requirements and how often these requirements are conducted in practice;
- **Methodology** which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used;
- **Oversight and quality control** records the role of oversight bodies and publicly available evaluations; and
- **Transparency** which records information from the questions that relate to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform. A full score on the composite indicators does not imply full implementation of the *Recommendation*. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- Full report: [Better Regulation Practices across the European Union 2022](#)
- [Better Regulation Practices across the European Union 2019](#)
- [Indicators and underlying data and methodology](#)
- [Regulatory Policy Outlook 2021](#)
- [Recommendations and Guidelines on Regulatory Policy](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

For more information:

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 <http://oe.cd/ireg>

