
ELECTORAL REFORM

A New Approach to **MALTA'S ELECTIONS**



THE MALTA CHAMBER



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'A New Approach to Malta's Elections' **The Malta Chamber of Commerce, Enterprise and Industry**

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Foreword



As the President of The Malta Chamber, I am honoured to present this pivotal document, which embodies our unwavering commitment to fostering transparency, accountability, and ethical governance in Malta.

Our nation stands at a crossroads. The political system, once a source of immense national pride with consistently high voter engagement, now faces a crisis of trust. The decline in voter participation and the growing disconnect between citizens and the political process underline the urgent need for a renewed commitment to the principles that form the foundation of a thriving democracy: integrity, accountability, and transparency.

The Malta Chamber has long advocated for the modernisation of Malta's governance framework, recognising that meaningful reform must go beyond institutional restructuring. It must address the cultural and systemic barriers that perpetuate unethical behaviour and disengagement. The recommendations presented in this report, particularly those concerning parliamentary remuneration and the electoral system, are carefully crafted within this broader vision of comprehensive reform.

This policy document, **penned by Mr. David Spiteri Gingell**, represents not only a roadmap for strengthening governance but also a call to action. It emphasises that true progress can only be achieved when reforms are adopted as part of an integrated and holistic approach. Cherry-picking recommendations or pursuing isolated changes risks undermining the effectiveness of the entire framework and squandering the opportunity to rebuild public trust.

At The Malta Chamber, we believe that leadership with integrity is not merely an aspiration but an imperative. By embracing these recommendations, Malta can demonstrate to its citizens and the global community that it is committed to fostering a political culture of accountability, transparency, and trust.

Let us rise to this challenge together and seize this opportunity to lay the foundation for a governance system that meets the highest standards and inspires confidence for generations to come.

Chris Vassallo Cesareo

President of The Malta Chamber of Commerce, Enterprise and Industry



Introduction

Traditionally, political and governing institution building has focused on creating or expanding institutions and the technical skills needed to operate them. In many cases, results have fallen short of expectations because the attitudes and behaviour that supported or condoned unethical behaviour were carried forward into the new institutions. It is now accepted globally that reforms must deal not only with political systems and governing institutions but also with the individuals who work in them. The imperative here is a **political leadership underpinned by a political system and process that promotes and applies integrity, accountability and transparency, as well as a general acceptance of the mindset, beliefs and customs favouring integrity over unethical behaviour.**¹

According to surveys carried out nationally, Malta is experiencing **significant citizenship disengagement, alienation and discontinuation in the political process**, where the prevailing public view is one of low political trust with continued growing distrust in politicians and political parties. Malta traditionally had voting participation in the high of 90% for nationwide elections. In 2022, this percentage went down to 85.6%² and further down to 72.8%³ in 2024 European election. Within this context of strengthening political trust, which lies at the nexus of political governance, **The Malta Chamber issued a document in September 2022** through its Governance Thematic Committee titled [‘A Strong Transparency, Accountability and Ethical Framework for Members of Parliament’](#).

This document is being presented with another document titled **‘Modern Framework for Members of Parliament for 2024 and Beyond’**, which recommends, amongst other matters, a review of the compensation framework concerning MPs and persons holding constitutional offices. **The Malta Chamber emphasises that its suggestions for reforming parliamentary remuneration, as outlined in the accompanying document, are proposed within a governance framework that champions transparency and accountability and a comprehensive review of Malta's electoral system and processes, as discussed in this document.**

The recommendations outlined in this paper for the adoption of a new approach to Malta's election system are presented as an **integrated, holistic package**. **Each recommendation** is designed to **complement and reinforce the others**, creating a **cohesive framework aimed at achieving the desired reform outcomes**. **Selective implementation**, or "cherry-picking," of **individual recommendations** should be **avoided**, as it risks **undermining the effectiveness** of the **overall reform** and could **significantly diminish the intended impact**. To realise **meaningful change**, it is **essential** that the **recommendations be considered** and adopted in their **entirety**.

The Purpose of ‘A New Approach to Malta's Election System’

The primary objective of a political party is to win an election. Elections and electoral systems are integral to a broader set of political institutions constituting a democracy. First, they have significant political consequences, and second, they are the most manipulative element of democratic politics. **If one wants to change the nature of a particular democracy, the electoral system is likely to be the most suitable and effective instrument.**⁴ Whilst governability is a general outcome of electoral institutions, the determinant is, invariably, partisan interests.

¹ Chapter, III, A Broad concept of institution building, <http://www.transparency.de/documents/source-book/contents.html>

² <https://electoral.gov.mt/ElectionResults/General?year=248&v=null>

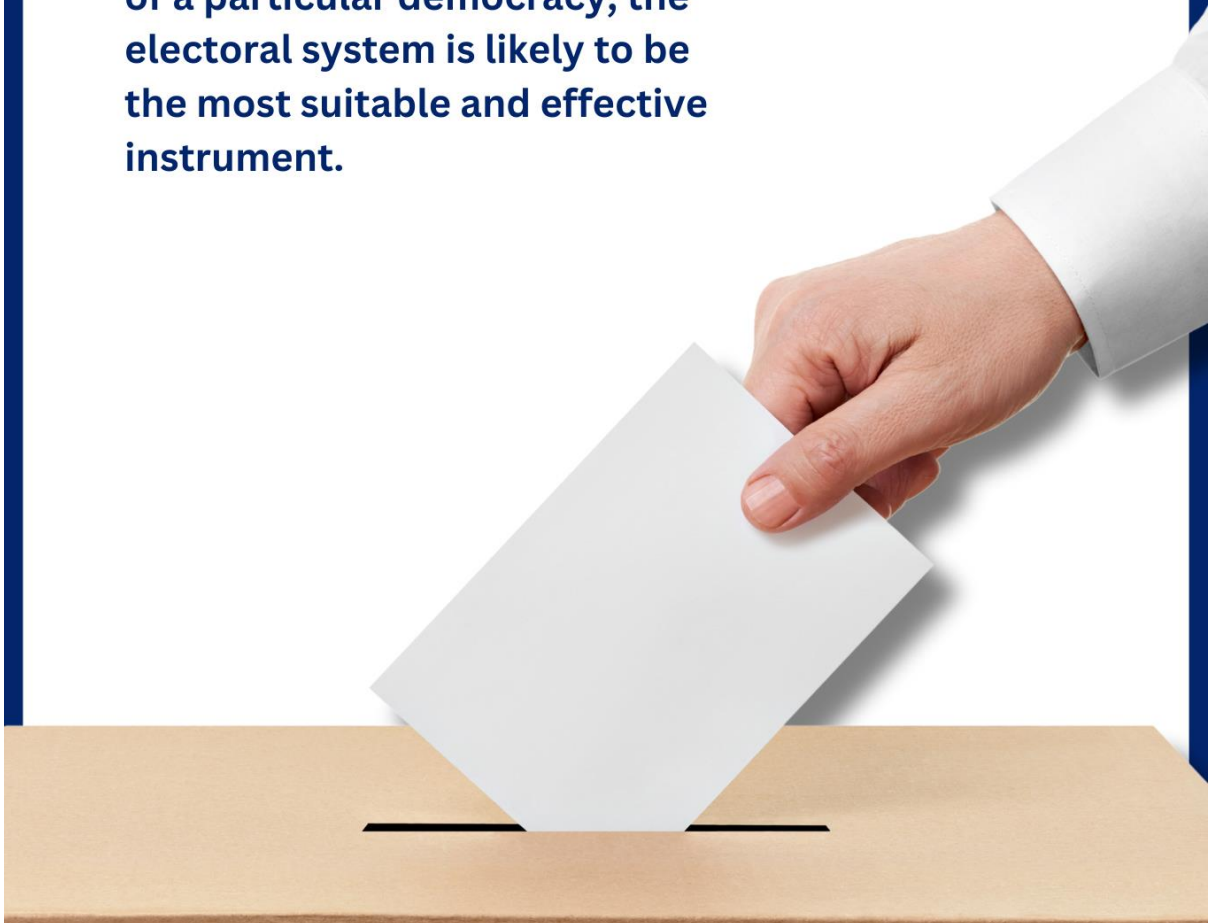
³ <https://electoral.gov.mt/pr5-08-06-24-en>

⁴ Pg 363, Lundell, K., Electoral Reform and Party System Change: An Analysis of Nordic Elections with Two Different Electoral Systems, Nordic Political Science Association, 2008.



Each recommendation is designed to complement and reinforce the others, creating a cohesive framework.

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A major challenge in the design of an electoral system is the simultaneous balancing of two (at least partially) conflicting but central goals - **proportionality and party system concentration**. The antithetic relationship between these two determines the proportionality-concentration nexus, one of the most critical topics of electoral systems research.⁵ The first claim, proportionality, follows the idea that parliaments shall accurately reflect the sizes of voter groups in the parliaments, with the consequence that majorities in the population are mirrored in the Parliament. At the same time, strict proportionality guarantees the representation of minority groups (and minority ideas) on the parliamentary level and considers as many views as possible.⁶

The second demand, party system concentration, covers several further wishful attributes of electoral systems. If electoral systems concentrate party systems sufficiently, this process goes along with **aggregating the electorate's preferences**, leading to clear majorities. Such an aggregation process allows the clear identification of government alternatives which can be held accountable for their activities in the following elections. At the same time, concentrated party systems with fewer parties generally lead to governments with fewer parties.⁷

While both proportionality and party system concentration are wishful features of electoral systems, they cannot be fulfilled simultaneously. The stronger an electoral system preserves the party system by votes, the less it can concentrate this party system at the parliamentary level, and vice versa. Thus, **"proportionality and concentration form the key trade-off in electoral system design"**.⁸

Yet, political party systems are shaped by electoral institutions, which exert both **"mechanical" and "psychological" pressures on voters and parties**. The mechanical effect of electoral systems describes how electoral rules constrain the seats that can be awarded from distributions of votes, while the psychological impact deals with shaping Party and voter strategies in anticipation of the electoral function's mechanical constraints.⁹

1. Single Transferrable Vote System

Malta adopts the **Single Transferrable Vote (STV)** as its electoral system. The basic characteristics of Malta's electoral system are that general elections are contested across 13 districts - with a minimum threshold of 65 seats. Malta's STV is sometimes categorised among proportional representation systems. A political party can nominate a candidate to contest up to two electoral districts. If the candidate is elected from both electoral districts they contested in, they are to forego one of the districts. When an elected candidate foregoes a seat in the district, the seat they forego becomes vacant. This triggers a by-election amongst the Party's candidates within that district - subject to the candidates submitting a nomination to participate in the by-election. Increasingly, political parties are co-opting persons to assume the vacant seat in place of a by-election after political parties wield considerable influence behind the scenes. Such co-opted persons may not necessarily have contested the general election.

⁵ Pg 3, Linhart, E and Eichorn, K., Electoral systems and party systems in Germany on the local level, Paper prepared for the 2020 conference of the German Studies Association (GSA), 2-4 Oct 2020.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Pg 364, Benoit, K., Models of electoral system change, Electoral Studies 23, 363–389, 204.



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The STV allows voters to vote for part or all the candidates on the ballot sheet for a particular electoral district irrespective of the Party they represent - thus allowing for inter and intra-party voting. This ballot structure thus gives voters the maximum possible choice. The STV count occurs in several stages. After announcing the 1st count and the quota, the Electoral Commission (EC) establishes which candidates are elected. Surplus votes of a candidate who surpassed the quota are transferred in the second count. If more than one candidate exceeds the quota, the surplus of the candidate who obtained the highest number of votes is transferred first. Surplus votes are transferred by a pro-rata transfer and at full value.¹⁰

The following stages of the count consist of the **transfer of the surplus votes** (that is, those votes that were over and above the number of votes required to equal the quota) of the elected candidates or;

- If no candidates were elected in the preceding stage of the count, or the size of the surplus vote of any victorious candidates is too small to make a difference to the result for the remaining candidates
- The elimination of the candidates with the fewest votes and the transfer of those votes to those candidates still left in the race.

The decision of which actual ballot papers to transfer to the remaining candidates is determined by which candidates were ranked next on each transfer ballot paper. Transferring surpluses or the ballots of eliminated candidates continues until the successful candidates have filled all the remaining seats¹¹.

The Malta Chamber recognises that a reform that seeks to replace the STV with another system, such as a closed-list proportional representation system, is unrealistic. Thus, the recommendations it presents seek to address what it considers to be major flaws in the STV system as applied locally.

2. The Size of Member of Parliament Representation in the House of Representatives

The total number of eligible voters in the 2022 general election was 304,500.¹² At the minimum threshold of 65 members in the House, this means a ratio of one MP for 4,685 votes. Following the triggering of the mechanisms listed above, these general elections, including the triggering of the gender mechanisms, resulted in 79 MPs election to the House. This reduced the ratio of MPs to one for every 3,854. Even when accounting for the minimum 65 MP threshold, Malta has the largest number of parliamentarians per capita in the EU.

The number of parliamentary seats in the House should be reduced to 45 MPs, with the number of electoral districts rationalised into five districts with equal populations. This number of seats is absolute – that is, it does not increase under the current proportionality rules.

¹⁰ Pg 34, Schiavone, H., The Single Transferrable Vote system and its consequences for representation: The case of Malta, Doctor of Philosophy dissertation, University of Manchester, 2011, UK.

¹¹ Pp 8-9, Carter, E., and Farrell, M, D., Electoral Systems and Election Management, Comparing Democracies 3, London: Sage, 2009.

¹² Accessed on 15th September 2023: https://en.wikipedia.org/wiki/2022_Maltese_general_election.



The number of MPs elected from each district would be nine, with four districts approximating a voting population based on the 2022 registered voters of 60,900. The Gozo district (13th district) will be extended to include both Mellieha and Mġarr - adding a total population of 16,738 to that of Gozo, which, as per the 2021 Census, stood at 39,287 – bringing the district relatively at par with other districts at 56,025 registered voters.

3. An Electoral System that allows for Smaller Party Representation in the House of Representatives

Research shows that electoral systems with relatively small district magnitudes, as in Malta, make it difficult for smaller parties to win legislative seats.¹³ While the ranked preferential system used is technically proportional in Malta, the low number of seats per constituency (five) means that parties can only receive seats if they receive at least 16.7% of the vote - the [Hageback-Bischoof quota](#) where (total votes) / (total seats + 1) is 1/6th of the total votes cast.

Indeed, since the 1966 general elections, there were only two small political parties, splinters from the PL, which held seats in the House. The first was in the 1992 legislature when two MPs withdrew the whip from the Malta Labour Party (as the PL was then called) and set up Alternativa Demokratika (AD). Despite contesting every election since it has never managed to elect MPs to the House - and in 2013 and 2017, it obtained 5,506 and 2,564 votes, respectively.

During the 2013 legislature, two MPs, one an ex-minister and former Cabinet member and Whip of the PL, resigned the whip and became independent MPs. In the 2017 general elections, the PD entered a coalition with the PN, with the two former PL MPs being returned to the House. Nevertheless, the 2 MPs in September 2019 declared that they were resigning from the PD to enable the Party to rebuild, though they retained their seats until the end of the legislature.¹⁴ The PD joined Alternativa Demokratika (AD) to become ADPD in the 2022 general elections.

With 13 districts, the electoral system works against small parties.¹⁵ The STV voting system's inherent characteristic systematically favours the larger parties. Smaller parties are handicapped with little realistic possibility of electing a reasonable representation in the House. Malta's electoral system is in part by design through electoral mechanisms (for example, mentioned earlier, in the event of a relative majority, the representation mechanism for the number of seats to be adjusted according to the proportion of votes that the two parties obtain¹⁶ frequently argued that this was introduced by the PN and PL to maintain their duopoly on Malta's political system.

Electoral systems such as Germany and New Zealand have established a national threshold of the national ballot, 5% in either country, which, if secured, would automatically provide representation in Parliament.

¹³ Pg 77, Reynolds, R., et al, Electoral System Design: The New International IDEA Handbook, International Institute for Democracy and Electoral Assistance, 2005.

¹⁴ Godfrey and Marlene Farrugia resign from PD 'to give party chance to rebuild', Times of Malta, 22nd September 2022. Accessed on 17th September 2023: <https://timesofmalta.com/articles/view/farrugias-resign-from-partit-demokratiku-to-give-party-chance-to.737060>.

¹⁵ Following the defeats of the Progressive Constitutional Party, the Democratic Nationalist Party and the Christian Workers Party following the 1966 general election no small political party, bar one, managed to win seats in general elections held thereafter. When small political held seats in the House these were a splinter from the LP, mainly the Alternattiva Demokratika (AD) in 1992 legislature and the Partit Demokratiku (PD) in the 2013 legislature - with both two seats in the House respectively. The MPs who split from the LP and formed AD were Dr Wenzu Mintoff and Dr Toni Abela, whilst those who formed the PD were Dr Marlene Mizzi and Dr Godfrey Farrugia.

¹⁶ Pp 41, Schiavone, H., The Single Transferrable Vote system and its consequences for representation: The case of Malta, Doctor of Philosophy dissertation, University of Manchester, 2011, UK.



The decision of which actual ballot papers to transfer to the remaining candidates is determined by which candidates were ranked next on each transfer ballot paper.

The number of parliamentary seats in the House should be reduced to 45 MPs...This number of seats is absolute.





To render it possible for small political parties to win representation in the House and, in doing so, reduce the PL's and PN's hegemony on the political system, the Malta Chamber recommends that a mechanism be introduced that should a party garner 5% of the national eligible votes cast they will win a seat in the House. The mechanism presented in this regard should retain the 45 MP representation in the House, with seats to be distributed proportionally according to the votes won by each political Party.

4. Gender and Other Minorities Representation in the House of Representatives

The sphere of politics in many countries, including Malta, has been primarily male-dominated - though Malta has a tradition of formidable female players in the political system, like Ms Mabel Strickland, Ms Agatha Barbara and Dr Marie-Louise Coleiro Preca.¹⁷ In 2019, the PL Government issued a consultation document titled '[Gender Balance in Parliament Reform](#)' presenting proposals to address the challenge of "*under-representation of women that constitutes a democratic deficit*" in the House.¹⁸ The mechanism was introduced and applied through a constitutional amendment for the first time in the 2022 general elections.¹⁹

Nevertheless, a study of the general elections held in 1996, 1998, 2003, and 2008 general elections study where 538 male and 92 women candidates participated, "*appear[s] to demonstrate no significant voters' bias against women*".²⁰ In the 2017 and 2022 elections, the percentage of women elected in proportion to the number of women candidates was the lowest over the past 5 general elections. In the 2017 general elections, eight women were elected to the House of Representatives – with two candidates, one from the PL and the other from the PN, elected through casual elections. The number of female candidates directly elected to Parliament in the 2022 general elections dropped to a 25-year low, with just four women winning a seat without relying on casual elections or co-option.

The Malta Chamber argues that the poor performance of women in the 2022 general election was, in fact, a direct result of the gender equalisation / quota mechanism. The results of the 2022 general election demonstrate that the quota mechanism failed to increase the number of female MPs relative to the number of female candidates participating. Voters were assured that irrespective of their vote, women would still be elected as MPs, as the top women performers in either Party were guaranteed a seat as an MP, given that regardless of their failure to secure a direct election or through the by-election, they would remain the top candidates for selection through the quota system.

The Malta Chamber is against the mechanism of quotas.

¹⁷ Ms Agatha Barbara who stood for election in 1947. She became the first and only woman among the 40 MPs, and she was the only woman candidate to successfully contest in ten consecutive elections, until 1982, when she resigned to become president. Barbara was also Malta's first and until the end of the 1990s only woman cabinet minister. When MLP came to power for the first time in 1955, she was appointed as education minister by Mintoff from 1955 to 1958. https://en.wikipedia.org/wiki/Agatha_Barbara - accessed on 22nd September 2023. Dr Marie-Louise Coleiro Preca was a member of the National Executive, the Assistant General Secretary and as the General-Secretary of the Malta Labour Party. She was the only woman to have served in such a senior post of a Maltese political party. Dr Coleiro Preca served as a minister for social policy between March 2013 and March 2014. In April 2014 she was appointed as the President of Malta.

¹⁸ Pg 11, Gender Balance in Parliament Reform, Consultation Document, Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes, March 2019.

¹⁹ A 'sunset clause' is introduced where the mechanism would expire after 20 years, whereby a more proportionate approach may be considered subject to the state of play.

²⁰ Pg 119, Schiavone, H., The Single Transferrable Vote system and its consequences for representation: The case of Malta, Doctor of Philosophy dissertation, University of Manchester, 2011, UK.



5. Address Donkey Voting

The candidates of a political party on the ballot paper are traditionally listed alphabetically.

Many voters tend to start their voting preferences with the first name on the list and continue downwards, a practice commonly referred to as 'donkey voting'. This phenomenon can disproportionately influence which candidates are elected, as those at the top of the list often enjoy an advantage over those listed further down. In fact, some candidates have even been known to modify their surnames to secure a higher position on the ballot. It is proposed that, rather than eliminating 'donkey voting,' this practice could be repurposed as a tool to promote gender balance in the House.

By placing female candidates (as the underrepresented gender) at the top of each political party's ballot list, followed by male candidates, the system could be used to encourage greater representation of women in Parliament.

To further neutralise the advantage typically afforded by alphabetical order, the names of both female and male candidates could be randomly listed within their respective gender groups. This approach seeks to enhance gender equality in parliamentary representation, providing an alternative to the controversial quota system. By leveraging 'donkey voting' in this manner, a more equitable balance of gender representation in the House could potentially be achieved

6. Provide Legitimate Pathways for Political Parties to appoint Non-Elected Persons to the Positions of Ministers and Parliamentary Secretaries

To broaden the choice relating to party-preferred persons for appointment to the House, the PN and PL have applied stratagems achieved through legal manipulation of the electoral system. One way is the selection of candidates to occupy the vacant seats dropped by candidates elected from the two districts. Democratically, such a seat should be filled by the unelected candidate who obtained the highest votes in the district dropped by the successful candidate. This is not the case. The political executive of the Party determines the unsuccessful candidates appointed to such seats. In essence, ex-post of the general elections, the Party identifies the candidates and appoints them accordingly.

The application by the party executive of the co-option mechanism to "secure" the person they wish to present in the House or as a minister is on the increase. Following Dr Abela's appointment as Prime Minister in 2020, over three years, five persons were co-opted into the House by the PL, none of whom had contested a general election before: Dr Miriam Dalli, Mr Clyde Caruana Mr Oliver Scicluna, Dr Jonathan Attard and Mr Randolph Debattista were co-opted. Mr Scicluna's co-option in 2021 was only made possible after the immediate resignation of Dr Gulia, who was elected in a casual election forced on the Party after one of its MPs resigned. On being elected through the by-election, Dr Gulia immediately resigned, enabling PL's political executive to co-opt the 'person' of its choice.²¹

Applying such stratagems in leveraging by-election and co-option loopholes in the electoral system so that they appoint 'their' persons in the House, potentially appointed to a constitutional political office, makes a mockery of Malta's democratic process.

²¹ Debone, J., Abela's co-options: Widening the talent pool or promoting loyalists?, Malta Today, 6th January 2022. Access on 21st September 2023: <https://www.maltatoday.com.mt/news/national/114190/abelas-cooptions-widening-the-talent-pool-or-promoting-loyalists>.



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Legitimate pathways should be created to provide a Prime Minister with the option to appoint unelected technical persons to the position of a Minister or a Parliamentary Secretary.





Legitimate pathways should be created to provide a Prime Minister with the option to appoint unelected technical persons to the position of a Minister or a Parliamentary Secretary – ones that are based on clear and transparent rules rather than the debasement of the electoral system through its manipulation to bypass constitutional constraints.

Adopting such an approach eliminates the increasing practices discussed above where a Prime Minister and the Party's political executive adopt unsavoury practices to appoint a Cabinet and / or parliamentary group that does not meet the voters' expressed choices for who should represent them in the House.

The current practice of co-opting individuals to the House who neither participated in the general election nor were selected by the party to contest in specific electoral districts must be discontinued.

This undermines the democratic process and distorts the principle of electoral representation. In the event of a vacancy in the House, whether due to resignation, disqualification, or any other reason, the procedure for filling such a vacancy should follow a clear and transparent process. This process should ensure that the replacement maintains a fair reflection of the electorate's choice.

The **conditions for appointment of unelected technical ministers or parliamentary secretaries** are the following:

- a) To maintain a balance with the democratic mandate expressed through general elections, the number of unelected technical ministers appointed by the Prime Minister within a legislative term will be limited based on a proportional formula tied to the party's seats. **Specifically, the cap on the number of such appointments will be set at one unelected technical minister for every six seats won by the party in government.** In instances where the number of seats won results in a fractional calculation (for example, 5.4 or 5.6 seats), the entitlement will be determined by standard rounding rules. Thus, if the calculated ratio results in a figure such as 5.4, it will be rounded down to five seats, whereas a ratio of 5.6 would be rounded up to six seats. This method ensures clarity and proportionality, aligning the number of unelected technical ministerial positions with the party's electoral success while respecting the principles of democratic representation.
- b) The **Opposition should be provided with the same opportunity** to appoint unelected technical ministers based on the same formula, thereby ensuring a level playing field and maintaining fairness in representation.
- c) The **term of their appointment** should be capped so that unelected technical ministers are subject to a stipulated re-approval procedure – for example, every three years.
- d) Similarity to what takes place in other systems, such as appointing persons to the position of Secretary in the USA and Commissioner in the European Union, and recently in Malta, the Public Appointments Committee. The focus of the scrutiny process at both the appointment and re-appointment stages would be on **qualifications and backgrounds, policy positions and visions, ethics and conflicts of interest, and experience.**
- e) **The appointment of unelected technical ministers will not lead to an increase in the total number of MPs in the House.** The size of the House will remain capped at a maximum of 45 MPs. Should the Prime Minister choose to appoint an unelected technical minister, the MP representing the party who received the fewest votes in the last general election will be required to relinquish their seat.



The current practice of co-opting individuals to the House who neither participated in the general election nor were selected by the party to contest in specific electoral districts must be discontinued.

Introduce a proportionate legitimate pathway for technical ministers; set at one for every six elected seats.





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The **proposed procedure of unelected technical ministers or parliamentary secretaries** is as follows:

- a) In the first instance, the **vacancy should be filled by the unelected candidate from the same party who received the highest number of votes in the electoral district previously represented by the resigning MP**, without having been elected; and
- b) If no unelected candidate from that district meets the above criteria, the vacancy should then be **filled by the unelected candidate from the same party who received the most votes across all electoral districts**. This ensures that the process remains consistent with voter preferences, while also reinforcing the integrity of the electoral system.

This ensures that the overall composition of the House remains within the established limits, while still allowing for the expertise of unelected individuals to be brought into government. This approach maintains the balance of representation in Parliament and prevents any expansion of the House that could disrupt the proportionality and democratic integrity of the electoral process.

7. Appointment of a person that is not elected to the House, to the constitutional office of Leader of the Opposition or Position of Prime Minister

In several instances, a sitting Prime Minister who resigned or a Leader of the Opposition who renounced this position following an electoral defeat was replaced by a new party leader who was not elected to the House. For example, Dr Karmenu Mifsud Bonnici was co-opted into the House in 1982 as part of the succession to replace the then Prime Minister Perit Mintoff, whilst the latter retained his parliamentary seat and remained a backbencher. In 2017, after the abrupt immediate resignation of Dr Simon Busuttil following the PN's general election defeat, following inter-party leadership elections, the newly elected Leader, Dr Adrian Delia, was neither a candidate nor an elected MP in the new legislature. Once again, this co-option approach was adopted.

As political parties change their leaders and are subject to the respective parties' democratic process, appoint a leader not in the parliamentary group. There should be a clear and transparent route which allows the appointed leader to become a member of the House so that they can assume their constitutional office.

One clear pathway is that the candidate elected to the House with the lowest number of votes automatically relinquishes their seat in the House should such an event occur.

This document has been written by Mr David Spiteri Gingell, commissioned by The Malta Chamber of Commerce, Enterprise and Industry.

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