

Declaration by Malta pursuant to Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems for the reference year ending 31 December 2021

I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

None.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

Current legislation in force: Social Security Act (Cap 318 of the Laws of Malta)¹
Date of entry into force: 1 January 1987

Current legislation in force: Pensions Ordinance (Cap 93 of the Laws of Malta)
Date of entry into force: 1 April 1937

Current legislation in force: Malta Armed Forces Act (Cap 220 of the Laws of Malta)
Date of entry into force: 22 September 1970

Current legislation in force: Police Act (Cap 164 of the Laws of Malta)
Date of entry into force: 10 February 1961

Current legislation in force: Prisons Act (Cap 260 of the Laws of Malta)
Date of entry into force: 20 April 1976

Current legislation in force: Civil Protection Act (Cap 411 of the Laws of Malta)
Date of entry into force: 1 December 1999

Current legislation in force: Health Act (Cap 528 of the Laws of Malta)
Date of entry into force: 25 October 2013

1. Sickness benefits

(i) Benefits in kind

- Public Health Care - Chapter 528 -Health Act - 25th October, 2013 *ACT XI of 2013*

To regulate the entitlement to, and the quality of, healthcare services in Malta, to consolidate and reform the Government structures and entities responsible for Health and to provide for the rights of patients.

¹ Until December 1986, social security in Malta was administered through three separate laws: the Old Age Pensions Act 1948, The National Assistance Act 1956 and the National Insurance Act of 1956. In January 1987 these Acts were consolidated into the Social Security Act 1987 (Cap 318 of the revised laws of Malta).

Amendment: Act VII of 2017 amending Part VIII Patients Rights and Safety.

(ii) Benefits in cash

- Sickness Benefits in cash - [Social Security Act Article 18 – Part I of the Third Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- Carer's Allowance – [Social Security Act Article 68(1)a] (Actual date of entry into force: 2019 - Date of Application of the Regulation: 01.01.2019)
- Increased Carer's Allowance – [Social Security Act Article 68(1)b] (Actual date of entry into force: 2019 - Date of Application of the Regulation: 01.01.2019)

2. Maternity and equivalent paternity benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- Maternity Benefit - [Social Security Act Article 71– Part IV of the Fourteenth Schedule] (Actual date of entry into force: 1981 - Date of application of the Regulation: 01.05.2010)
- Maternity Leave Benefit - [Social Security Act Article 72 – Part IV of the Fourteenth Schedule] (Actual date of entry into force: 2012 - Date of application of the Regulation: 01.01.2012)

3. Invalidity benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- Invalidity Pension - [Social Security Act Article 26– Part B of the Twelfth Schedule] (Actual date of entry into force: 1965 - Date of application of the Regulation: 01.05.2010)
- Increased Invalidity Pension - [Social Security Act Article 26– Part B of the Twelfth Schedule] (Actual date of entry into force: 1965 - Date of application of the Regulation: 01.05.2010)
- National Minimum Invalidity Pension - [Social Security Act Article 26– Part B of the Twelfth Schedule] (Actual date of entry into force: 1979 - Date of application of the Regulation: 01.05.2010)
- Solely for the purposes of the application of Articles 49 and 60 of the Regulation, persons employed under the below Acts shall be treated as civil servants. Pensions payable under

the below Acts shall, solely for the purposes of Article 1(e) of the Regulation, be considered as 'special schemes for civil servants':

- the Pensions Ordinance (Cap 93 of the Laws of Malta) of 1 April 1937
- Article 4 of the Malta Armed Forces Act (Cap 220 of the Laws of Malta) of 22 September 1970
- Article 121 of the Police Act (Cap 164 of the Laws of Malta) of 10 February 1961

(Date of application of the Regulation: 01.05.2010)

- Articles 12-18 of the Prisons Act (Cap 260 of the Laws of Malta) of 20 April 1976
- Article 15 of the Civil Protection Act (Cap 411 of the Laws of Malta) of 1 December 1999

(Date of application of the Regulation 01.01.2017)

4. Old-age benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- Two Thirds Pension - [Social Security Act Article 52– Part I of the Twelfth Schedule] (Actual date of entry into force: 1979 - Date of application of the Regulation: 01.05.2010)
- Retirement Pension - [Social Security Act Article 44– Part B of the Twelfth Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- Increased Retirement Pension - [Social Security Act Article 44– Part B of the Twelfth Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- National Minimum Pension - [Social Security Act Article 44– Part B of the Twelfth Schedule] (Actual date of entry into force: 1979 - Date of application of the Regulation: 01.05.2010)
- Increased National Minimum Pension - [Social Security Act Article 44– Part B of the Twelfth Schedule] (Actual date of entry into force: 1979 - Date of application of the Regulation: 01.05.2010)
- Decreased National Minimum Pension - [Social Security Act Article 51– Part B of the Twelfth Schedule] (Actual date of entry into force: 1979 - Date of application of the Regulation: 01.05.2010)
- Contributory Retirement Grant for Non-Pensioners – [Social Security Act Article 85 (4)] (Actual date of entry into force: 2015 - Date of application of the Regulation: 01.01.2015)
- Guaranteed National Minimum Pension – [Social Security Act Article 50 A] (Actual date of entry into force: 2016 – Date of application of the Regulation: 01.01.2016)

- Solely for the purposes of the application of Articles 49 and 60 of the Regulation, persons employed under the below Acts shall be treated as civil servants. Pensions payable under the below Acts shall, solely for the purposes of Article 1(e) of the Regulation, be considered as ‘special schemes for civil servants’:
 - the Pensions Ordinance (Cap 93 of the Laws of Malta) of 1 April 1937
 - Article 4 of the Malta Armed Forces Act (Cap 220 of the Laws of Malta) of 22 September 1970
 - Article 121 of the Police Act (Cap 164 of the Laws of Malta) of 10 February 1961
- (Date of application of the Regulation: 01.05.2010)
 - Articles 12-18 of the Prisons Act (Cap 260 of the Laws of Malta) of 20 April 1976
 - Article 15 of the Civil Protection Act (Cap 411 of the Laws of Malta) of 1 December 1999
 (Date of application of the Regulation 01.01.2017)

5. Survivors’ benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- Survivor’s Pension - [Social Security Act Articles 34 to 39] (Actual date of entry into force: 1979 - Date of application of the Regulation: 01.05.2010)
- Widow’s Pension - [Social Security Act Articles 31 to 33– Part C and F of the Twelfth Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- Widower’s Pension - [Social Security Act Articles 31 to 33– Part C and F of the Twelfth Schedule] (Actual date of entry into force: 1989 - Date of application of the Regulation: 01.05.2010)
- Solely for the purposes of the application of Articles 49 and 60 of the Regulation, persons employed under the below Acts shall be treated as civil servants. Pensions payable under the below Acts shall, solely for the purposes of Article 1(e) of the Regulation, be considered as ‘special schemes for civil servants’:
 - the Pensions Ordinance (Cap 93 of the Laws of Malta) of 1 April 1937
 - Article 121 of the Police Act (Cap 164 of the Laws of Malta) of 10 February 1961

(Date of application of the Regulation: 01.05.2010)

- Articles 12-18 of the Prisons Act (Cap 260 of the Laws of Malta) of 20 April 1976
- Article 15 of the Civil Protection Act (Cap 411 of the Laws of Malta) of 1 December 1999

(Date of application of the Regulation 01.01.2017)

6. Benefits in respect of accidents at work and occupational diseases

(i) Benefits in kind

- None

(ii) Benefits in cash

- Injury Benefit – [Social Security Act Article 28 - Part I of the Third Schedule] (Actual date of entry into force: 1929 - Date of application of the Regulation: 01.05.2010)
- Injury Pension - [Social Security Act Article 29 - Part III of the Third Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- Injury Grant - [Social Security Act Article 29 - Part II of the Third Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)

7. Death grants

(i) Benefits in kind

- None

(ii) Benefits in cash

- None

8. Unemployment benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- Unemployment Benefit - [Social Security Act Article 30 - Part I of the Third Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)

9. Pre-retirement benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- None

10. Family benefits

(i) Benefits in kind

- None

(ii) Benefits in cash

- Children's Allowance - [Social Security Act Article 76 - Part VI of the Fourteenth Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- Disabled Children's Allowance - [Social Security Act Article 77 - Part VII of the Fourteenth Schedule] (Actual date of entry into force: 1988 - Date of application of the Regulation: 01.05.2010)
- Orphan's Allowance - [Social Security Act Article 69(1) - Part IV of the Third Schedule] (Actual date of entry into force: 1956 - Date of application of the Regulation: 01.05.2010)
- Supplementary Orphan's Allowance - [Social Security Act Article 69(2) - Part V of the Third Schedule] (Actual date of entry into force: 1991 - Date of application of the Regulation: 01.05.2010)
- In-Work Benefit – [As published in the Government Gazette No. 19470 dated 1st September 2015] (Actual date of entry into force: 2015 - Date of application of the Regulation: 01.01.2015)

11. Special non-contributory cash benefits

Special non-contributory cash benefits intended to provide a minimum level of subsistence pursuant to Article 70(2)(a)(i) of Regulation (EC) no 883/2004

(i) Benefits in kind

- None

(ii) Benefits in cash

- Age Pension – [Social Security Act Article 66 – Part II of the Sixth Schedule] (Actual date of entry into force: 1948 - Date of application of the Regulation: 01.05.2010)
- Supplementary Allowance - [Social Security Act Article 73 – Part V of the Fourteenth Schedule] (Actual date of entry into force: 1996 - Date of application of the Regulation: 01.05.2010)

Special non-contributory cash benefits intended to provide special protection for disabled persons with reference to the social environment pursuant to Article 70(2)(a)(ii) of Regulation (EC) no 883/2004

(i) Benefits in kind

- None

(ii) Benefits in cash

- None

III. CONVENTIONS ENTERED AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

None

IV. MINIMUM BENEFITS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 & THE DATE FROM WHICH THE REGULATION WILL APPLY

None

V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65A(1) OF REGULATION (EC) NO 883/2004) & LEGISLATIVE REFERENCE WHERE APPLICABLE

The legislation of Malta provides the possibility for any category of self-employed persons to be covered by the unemployment benefits system.

With effect from 5th January 2019, unemployment benefits coverage has been extended to include self-employed persons in the general social security scheme.

[Social Security Act Article 17(3)b(i)] (Actual date of entry into force: 2019 - Date of application of the Regulation: 01.01.2019)