

Department of Contracts
Notre Dame Ravelin
FLORIANA

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

11 November 2025

ABSENCE OF CONFLICT-OF-INTEREST DECLARATION FORM

As of 1st December 2025, the Procurement Drafters shall be required to declare (or otherwise) any Conflict of Interest (COI) prior the initiation of all Procurement Procedures, irrelevant of its Funding Source.

All Procurement Drafters shall mandatorily compile and sign the Absence of Conflict-of-Interest Declaration Form concerning their role within the Public Contract. This form shall be made available through the Annex to the Procurement Originators Form (PoF). More specifically, the COI Declaration shall form part of the requirements of Section B of the PoF Template¹.

Once filled in and signed, the said COI Declaration Form shall be submitted to the Head of the Contracting Authority/Entity for a formal receipt acknowledgement as well as review of the contents of the Absence (or otherwise) of the COI Declaration Form. To ensure a comprehensive audit trail and managerial oversight, the Head of the Contracting Authority/Entity shall be required to counter sign the said Declaration Form.

The original signed Absence of Conflict-of-Interest Declaration Form shall be retained on file by the Contracting Authorities/Entities, for auditing purposes as well as for presentation to the relevant Competent Authority, as and when requested. However, a copy of the said COI Declaration Form shall be enclosed with the Procurement Originators Form.

It is important to note that all signatures shall be carried out in a format which is legally acceptable.

¹ Contracting Authorities/Entities holding an active ePPS account, are reminded that when logged in, one may access the PoF and its corresponding PoF Guidance Sheet, both of which form part of a zipped folder titled 'Standard Templates for CjTs (CAs)', through the 'Resources' section of Government's e-Procurement platform (Electronic Public Procurement System – ePPS).

Procurement Drafters

Procurement Drafters are deemed to refer to the individuals listed in Section B of the Procurement Originators Form, namely the drafters of the Procurement Documents:

- Instructions to Tenderers
- Special Conditions
- Technical Specifications/Terms of Reference
- Financial Bid Form/Bill of Quantities
- Procurement Drawings/Designs/Plans
- Breakdown of Estimates

As listed above, compilers of the ‘Breakdown of Estimates’ (including the Estimated Value and the Estimated Potential Cost to establish the Total Estimated Procurement Value) shall also be deemed as Procurement Drafters and must provide the COI Declaration Form.

In the eventuality that the drafting of the ‘Procurement Document’ (or part thereof) and/or the compilation of the ‘Breakdown of Estimates’ is not undertaken by Public Officers forming part of the Public Administration, the relevant engaged Consultants/Service Providers/Contractors are also to fill in and sign the COI Declaration Form.

Background to the PoF update

The Director of Contracts is generally responsible for the regulation and administration of Public Contracts Procedures as laid down in the relevant regulations².

This initiative follows the publication of Circular OPS/OPM-EES/1/2025³ on 14th April 2025, with the scope of strengthening oversight and governance, whilst momentarily preventing, identifying and mitigating Conflict of Interest, as well as detecting and addressing Fraud and Corruption.

Pursuant to Article 61 of EU Regulation 2024/2509 (Euratom)⁴ as well as to the First Schedule of the Public Administration Act CAP 595⁵ and Section 6.2 of the Public

² Pursuant to Regulation 10 of the Public Procurement Regulations S.L. 601.03, Regulation 33 of the Utilities Procurement Regulations S.L. 601.05, Regulation 11 of the Concession Contracts Regulations S.L. 601.09 and Regulation 7 of the Procurement of Property Regulations S.L. 601.12.

³ Circular OPS/OPM-EES/1/2025 (Conflict of Interest and Action Against Fraud and Corruption) serves as a reminder to Line Ministries and Beneficiaries of their obligations in ensuring rigorous and thorough checks on Conflict of Interest, including on the Ultimate Beneficial Owner/s throughout the entire EU-Funded Project Lifecycle as well as Recruitment Processes checks, where applicable. In addition, the Circular provides instructions on conducting robust and comprehensive Fraud Risk Assessments as well as developing and maintaining a Fraud Risk Register. Lastly, a List of potential Mitigating Controls to address specific Fraud Risks is also included.

⁴ EU Regulation 2024/2509 (Euratom) relates to ‘the financial rules applicable to the general budget of the Union’. Article 61 is titled Conflict of Interests - https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402509.

⁵ The Public Administration Act CAP 595 relates to the ‘values of public administration as an instrument for the common good, to provide for the application of those values throughout the public sector, to provide for the organisation and management thereof, and to provide for other matters which are consequential or ancillary thereto’. The First Schedule is titled Code of Ethics for Public Employees and Board Members - <https://legislation.mt/eli/cap/595/eng>.

Service Management Code (PSMC)⁶, officers involved in Public Contracts (including Procurement and Concessions) shall not act in any manner which may bring their own interests into conflict with those of Malta and/or the European Union (EU). To this end, Line Ministries and Malta's EU Funds Structures are required to conduct checks and verifications on the Evaluation Committee Members (including any Consultant/Technical Advisor/s) and Procurement Drafters.

The Evaluation Committee Members (including any Consultant/Technical Advisor/s), through the Declaration of Impartiality and Confidentiality embedded in the Public Procurement process, already declare that they have no personal interest or connections with any of the Participating Economic Operators. This Circular and initiative are spilling over such declaration formally also to Procurement Drafters at the onset of the Procurement Process.

Applicability

In line with current praxis in relation to the compilation of the Procurement Originators Form, Contracting Authorities⁷/Entities⁸ are being notified that the Absence of Conflict-of-Interest Declaration Form is applicable for any Public Contract (Locally and EU-Funded) **having an Estimated Value equal to or exceeding Euro 5,000 excluding VAT, published as of 1st December 2025.**

Contact

Contracting Authorities/Entities may submit any queries to the Department of Contracts' Customer Care service on info.contracts@gov.mt or by calling on +356 2378 1001.

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Director General (Contracts)

⁶ The PSMC is a code aimed to regulate the behaviour of Public Officials - <https://publicservice.gov.mt/en/public-service-management-code-page>. Section 6.2 is titled Professional Standards: Avoiding Conflicts of Interest https://publicservice.gov.mt/Media/PSMC%20Documents/PSMC_3.pdf.

⁷ Contracting Authorities in S.L. 601.03, S.L. 601.05 and in S.L. 601.12 is defined as the 'State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law'. Contracting Authorities in S.L. 601.09 is defined as per S.L. 601.03 with the additional inclusion of ... 'other than those authorities, bodies or associations which pursue one of the activities referred to in Schedule 4 and award a concession for the pursuit of one of those activities'. Contracting Authority in S.L. 601.08 is defined as 'one of the government entities specified in the Schedule' ie Central Procurement Supplies Unit and the Civil Protection Department.

⁸ Contracting Entities in S.L. 601.05 are entities which: (a) are contracting authorities or public undertakings and which pursue one of the activities referred to in regulations 8 to 14; (b) when they are not contracting authorities or public undertakings, have as one of their activities any of the activities referred to in regulations 7 to 13, or any combination thereof and operate on the basis of special or exclusive rights granted by a competent authority.