L-Awtorità tista' titbiegħed minn dawn il-kriterji biss għal raġunijiet serji u ġġustifikati, u kull tali devjazzjoni trid tiġi ddikjarata u spjegata b'mod ċar. Rifjuti għandhom ukoll ikunu motivati b'mod xieraq.

Ir-regolament jippermetti wkoll lill-Awtorità tqis elementi rilevanti li m'humiex speċifikament imsemmija fl-Annessi, sakemm dan isir b'mod bilanċjat. Kull pożizzjoni formali adottata mill-Awtorità titqies bħala deċiżjoni u tista' tkun soġġetta għal rikonsiderazzjoni jew appell.

Regolament 7 'il quddiem u l-Annessi

Id-dispożizzjonijiet li jifdal jirregolaw l-infurzar, ir-rikonsiderazzjoni u l-appelli, is-salvagwardji dwar il-protezzjoni tad-data, it-tħassir u riżervi, kif ukoll l-istandards tekniċi dettaljati li jinsabu fl-Annessi 1 sa 5.

Dawn l-Annessi jistabbilixxu r-rekwiżiti ta' disinn, liċenzjar, klassifikazzjoni, operat, spazju, sigurtà u konformità applikabbli għad-diversi kategoriji ta' alloġġ turistik, inkluż alloġġ kollettiv, tikketti speċjali, alloġġ mikri għal żmien qasir u alloġġ ta' ospitant resident.

5. Taqsima Konklużiva

Skont ir-Regolament 1(2), ir-regolamenti għandhom jidħlu fis-seħħ xahrejn (2) wara l-pubblikazzjoni tagħhom fil-Gazzetta, suġġett għal dispożizzjonijiet tranżitorji speċifikati.

Dan il-perjodu ta' sospensjoni jippermetti lill-partijiet interessati jippreparaw ruħhom għall-konformità.

Għal aktar informazzjoni jekk jogħġbok ikkuntattja lill-Awtorità tat-Turiżmu ta' Malta (MTA), Sezzjoni Legali

E-mail: legal.mta@visitmalta.com
Telephone: 22915000

N.B. Dawn in-Noti ta' Spjegazzjoni mhumiex maħsuba biex ikunu deskrizzjoni eżawrjenti tal-istrument legali u lanqas sostitut tiegħu jew suppliment leġiżlattiv għall-istess. Dawn in-Noti ta' Spjegazzjoni mhumiex intiżi bħala deċiżjoni awtorevoli fuq l-interpretazzjoni tal-leġiżlazzjoni.

Il-15 ta' April, 2026

No. 585

MINISTRY FOR FOREIGN AFFAIRS AND TOURISM

Explanatory Notes[1]

Title of legislation	Tourism Accommodation Regulations, 2026 (hereinafter referred to as the "regulations") issued under the Malta Travel and Tourism Services Act (Cap. 409)
Regulated activity	The provision, licensing, classification, and operation of tourism accommodation across multiple categories, including collective accommodation, guest houses, hostels, short-term rentals, and resident host accommodation
Responsible entity	Malta Tourism Authority (MTA) (hereinafter referred to as the "Authority")

1. Introduction

These regulations regulate tourism accommodation establishments in Malta, including collective accommodation (hotels, tourist villages, guest houses and hostels), rented accommodation (short-let rented accommodation and resident host accommodation), and special labels.

[1]These Explanatory Notes are for the purpose of and in accordance with article 3(2)(c) and Schedule III of the Small Business Act (Cap. 512).

2. Summary and background

The regulations consolidate and replace the previous subsidiary legislation regulating tourism accommodation establishments.

They repeal and substitute:

the Tourism Accommodation Establishments Regulations (S.L. 409.04);

the Host Family Accommodation Regulations (S.L. 409.10);

the Holiday Premises Regulations (S.L. 409.11);

the Licensed Accommodation Regulations (S.L. 409.21).

The Regulations establish a unified framework governing:

the preliminary approval of tourism accommodation projects through a Tourism Policy Compliance Certificate;

the licensing of tourism accommodation establishments;

classification and operational standards;

spatial requirements;

special labels;

enforcement and appeals;

rented accommodation and resident host accommodation.

The regulations introduce clearer processing timeframes, including sixty (60) day determination periods for complete applications and a ninety-day tacit withdrawal mechanism where applicants fail to provide requested information.

They also introduce strengthened eligibility requirements, including fit-and-proper criteria and safeguards concerning the processing of police conduct certificates.

In addition, the regulations establish detailed standards in the Annexes covering classification criteria, operational requirements, spatial standards and safety obligations for each category of accommodation.

3. Overview of the structure of the instrument

The regulations are composed of twelve (12) operative regulations followed by detailed Annexes.

The main body of the Regulations includes:

Citation and commencement provisions;

Interpretation;

Provisions regulating Tourism Policy Compliance Certificates;

Provisions regulating operating licences;

Provisions governing special labels;

Provisions on the determination of applications;

Enforcement powers;

Reconsideration and appeal procedures;

Data protection safeguards;

Repeal and saving provisions.

The Annexes form an integral part of the regulations and set out detailed standards and criteria.

Annex 1 establishes general design criteria applicable to new hotels, hotel extensions, tourist villages, guest houses and hostels.

Annex 2 regulates collective accommodation categories and specifies licensing requirements for hotels, tourist villages, guest houses and hostels.

Annex 3 regulates the assignment and use of special labels.

Annex 4 regulates rented accommodation, including short-let rented accommodation and resident host accommodation.

Annex 5 contains the Schedules establishing classification standards, operational requirements and spatial requirements for each category.

4. Commentary

Regulation 1 – Citation and Commencement

Regulation 1 sets out the title and commencement of the instrument and provides that it will generally come into force two (2) months after publication in the Gazette.

It also states that certain provisions will come into force later, on a date to be set by notice in the Gazette. In addition, it introduces transitional rules for some spatial and technical standards, including delayed commencement of parts of Annex 5 and conditional commencement of Standard 2.1 of the Sixth Schedule to Annex 5 for private rented accommodation.

Overall, this regulation provides for phased implementation and greater legal certainty, especially for existing property transactions.

Regulation 3 – Tourism Policy Compliance Certificates

Regulation 3 requires a Tourism Policy Compliance Certificate for collective accommodation projects involving new developments, redevelopments, changes in designation, or reclassification. The certificate must be obtained before applying for development permission or an operating licence, and it remains valid for three (3) years. Applications must be submitted in the prescribed form together with the applicable fee.

Once a complete application is validated, the Authority must decide it within sixty (60) days. If the applicant fails to provide requested documentation within ninety (90) days, the application is deemed withdrawn, and the sixty (60) day decision period is suspended until compliance.

Overall, this regulation creates a preliminary policy approval stage before planning or licensing can proceed.

Regulation 4 – Operating Licences

Regulation 4 makes an operating licence mandatory for any tourism activity listed in the Annexes. The licence is issued for a fixed period and may be renewed, and in renewal cases the Authority may waive certain conditions where reasonably justified.

Applications must be submitted in the prescribed form with the relevant fee. Applicants must also satisfy the fit and proper person requirement by providing a recent police conduct certificate showing no relevant convictions in the previous five (5) years. After verification, the certificate must be permanently erased, with only an internal note retained.

Once an application is complete and validated, the Authority must decide it within sixty (60) days. If the applicant fails to respond within ninety (90) days, the application is deemed withdrawn.

Licensees must notify the Authority of operational changes, and prior approval is required for any alterations that could affect classification.

Regulation 5 – Special Labels

Regulation 5 deals with special labels. It allows a licensee to apply for a special label, which is issued for a fixed period and may be renewed. Applications must be submitted on the prescribed form, and once a complete application is validated, the Authority must decide it within sixty (60) days. If the applicant fails to provide requested documentation within ninety (90) days, the application is treated as withdrawn. Holders of special labels must also inform the Authority of any operational changes, and prior approval is required for alterations that could affect the classification.

Regulation 6 – Determining an Application

Regulation 6 sets out how the Authority must decide applications for certificates, licences, special labels, or formal positions. It must consider factors such as the National Tourism Strategy, sustainability and value added, existing bed stock, the strategic vision of competent authorities, and compliance with the Annexes.

The Authority may depart from these criteria only for compelling and justified reasons, and any such departure must be clearly stated and explained. Refusals must also be properly reasoned. The regulation also allows the Authority to take into account relevant matters not specifically listed in the Annexes, as long as it does so in a balanced way. Any formal position adopted by the Authority is treated as a decision and may be reconsidered or appealed.

Regulation 7 onwards and Annexes

The remaining provisions regulate enforcement, reconsideration and appeals, data protection safeguards, repeal and savings, and the detailed technical standards contained in Annexes 1 to 5.

These Annexes set out the design, licensing, classification, operational, spatial, safety and compliance requirements applicable across the different categories of tourism accommodation, including collective accommodation, special labels, short-let rented accommodation and resident host accommodation.

5. Concluding Section

Pursuant to regulation 1(2), the regulations shall enter into force two (2) months after publication in the Gazette, subject to specified transitional provisions.

This stand-still period allows stakeholders to prepare for compliance.

For further information please contact Malta Tourism Authority, Legal Affairs Unit.

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N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

15th April, 2026