



# Operation of Cement Facilities at Corradino Industrial Estate

## Policy & Application

**Opening Date:** Tuesday 20<sup>th</sup> December 2022 (noon)

**Closing Date:** Tuesday 31<sup>st</sup> January 2023 (noon)

**INDIS Malta Ltd**

C 28965 • MT16910734

88, Msida Valley Road, Birkirkara BKR9020, Malta

+356 2226 4400 • [www.indismalta.com](http://www.indismalta.com) • [info@indismalta.com](mailto:info@indismalta.com)



## **Operation of Cement Facilities at Corradino Industrial Estate**

### **Policy and Application**

#### **1. Definitions**

In this document, the following capitalised terms shall have the meaning ascribed to them below:

Act	means the Government Lands Act (Cap. 573);
Applicant	means an economic operator (who may be a natural or legal person) that makes a Request;
Committee	means the INDIS Allocations Committee;
Facilities	means the facilities designated as cement silos at Corradino Industrial Estate which facilities are administered by INDIS and which are better shown in Annex 1;
INDIS	means INDIS Malta Ltd. (C28965);
Request	means an application for the allocation of space within the Facilities made by an Applicant pursuant to the present policy document;
TM	means the Authority for Transport in Malta and includes any entity which may succeed the said Authority in the regulation of maritime affairs (ports);

#### **2. Introduction**

- 2.1 INDIS is a fully-owned Government company vested with responsibility for the administration of Government-owned industrial parks, pursuant to the Act. INDIS' property portfolio includes the Facilities.
- 2.2 INDIS will consider Requests for the allocation of space within the Facilities to Applicants in accordance with the terms of this policy. This policy lays down the framework that is to be followed by applicants in compiling their Request. It also lays down the criteria that will be followed by INDIS in considering such applications.

- 2.3 Allocations pursuant to Requests shall be made by INDIS in terms of its powers as competent authority for the purposes of the Act.

### **3. Requests – General Principles**

- 3.1 INDIS will only consider Requests which are administratively compliant pursuant to clause 4 of this document.
- 3.2 INDIS will only assess Requests which are administratively compliant and which pass the Due Diligence for Good Standing Test pursuant to clause 5 of this document.
- 3.3 Subject to compliance with the foregoing, INDIS' assessment of Requests will be based on a Business Plan and Economic Report compiled in accordance with clause 6 of this document which demonstrates the applicant's capability to operate the Facilities.

### **4. Requests – Administrative Compliance**

- 4.1 Requests shall be made by the Applicant in the form of a free form document that complies with the parameters set out herein, provided that each Request shall contain a Cover Note compiled in accordance with Annex 2.
- 4.2 Requests must contain sufficient information to demonstrate that Applicant has the required understanding and resources to operate the Facilities.
- 4.3 Requests shall contain sufficient information to enable INDIS to determine whether Applicant, its officers, shareholders and ultimate beneficiary owners are of good standing.
- 4.4 All documents submitted in support of a Request shall be in original form. Documents which are not in original must be duly certified. Certification of documents shall be evidenced by a written statement which must state that the document is a true copy of the original documents seen by the person certifying.
- 4.5 All Requests attract a non-refundable administrative fee of ten thousand euro (€10,000), net of VAT. INDIS will issue a tax invoice within fifteen (15) days from receipt of a Request provided the necessary details are provided. The invoice shall be settled within fifteen (15) days from issuance.

### **5. Due Diligence for Good Standing Test**

- 5.1 In case that Applicant is a legal person, the following documents are to be provided with the Request:

- Certificate of incorporation of the Applicant;
- Memorandum and Articles of Association of the Applicant (or other relevant statutory document);
- Good Standing Certificate with reference to the Applicant issued by the Malta Business Registry (or equivalent body in another jurisdiction) including confirmation that Applicant has not been and is not in the process of being dissolved, struck off or wound-up;
- Group structure (if applicable) which shall give full details up to UBOs;
- Copies of identification documents with respect to persons involved in the administration of the Applicant (including UBOs);
- Good standing certificates of corporate shareholders;
- A declaration or certificate issued by an auditor duly warranted to exercise the profession in Malta which confirms that Applicant is a going concern and has the capacity to operate the Facilities;
- Where any of the involved persons are non-residents, a copy of their recent utility bill which must not be older than 3 months is also required.

5.2 In case that Applicant is a natural person, the following documents are to be provided with the Application:

- Copies of identification documents;
- Conduct Certificate;
- A declaration or certificate issued by an auditor duly warranted to exercise the profession in Malta which confirms that Applicant is not an undischarged bankrupt, is solvent and has the capacity to operate the Facilities;
- If Applicant is non-resident, a copy of their recent utility bill which must not be older than 3 months is also required.

5.3 INDIS shall cause all searches which in its discretion are relevant to determine whether the Applicant is fit and proper to operate the Facilities.

5.4 INDIS may at any time require applicants to substantiate their submission or to produce further documents.

5.5 INDIS' analysis pursuant to the Due Diligence for Good Standing Test shall be final and the Applicant accepts that INDIS is under no obligation to divulge information relative to findings and this notwithstanding clause 8.4 of this policy document.

## **6. Business Plan and Economic Report**

6.1 The Request is to contain a comprehensive business plan and economic report with respect to the Applicant for the operation of the Facilities for a forty-five (45) year term. The business plan and economic report must provide sufficient details with respect to the following:

- Economic and Financial standing;
- Leadership and Management;
- Human Resources;
- Knowledge of the sector with specific reference to Malta;
- Area required by reference to drawings;
- Environmental, Social and Governance;
- Investment Proposed;
- Future Development relative to the Facilities as well as the sector in general.

6.2 Allocations of Facilities will be made by title of temporary emphyteusis for a term of forty-five (45) years in accordance with the provisions of Art. 31(g)(C)(i)(b) of the Act and consequently the Request is to contain information that is sufficient for INDIS to assess that the conditions laid down in said provision are met. To this extent, Applicant is to satisfy INDIS about the benefits which their project will render to the economy of Malta and that it will create an adequate number of jobs.

6.3 The business plan and economic report is to be substantiated by actual financial information that is sufficient for INDIS to determine that applicant has the economic backing to operate the Facilities.

## 7. Financials

7.1 Allocations shall be made for an annual temporary *canone* of €46.04 per square metre of area. A throughput fee shall be payable to TM.

7.2 The annual temporary *canone* shall be increased by 5% every three (3) years.

## 8. Allocation process

8.1 The processing of Requests shall be the responsibility of the Committee.

8.2 The Committee shall have the following responsibilities:

- To receive and to consider Requests;
- To evaluate Requests pursuant to clause 3;
- To make recommendations for allocation to the INDIS Board of Directors.

8.3 Requests which contain information that is *prima facie* unclear and/or incomplete or the rationale is not clear and logical shall be rejected, provided that the Committee may invite applicants to correct or substantiate their Request if it may be easily rectifiable.

- 8.4 Applicants whose Request is not considered eligible for allocation will be duly informed of the Committee's decision. Saving what is stated in clause 5.5, reasons and justifications will be issued accordingly.
- 8.5 Committee's decisions shall be final and not subject to appeal.
- 8.6 Requests which are deemed acceptable by Committee shall be brought for the attention of the INDIS Board of Directors.
- 8.7 Decisions on allocation shall be based on the Business Plan and Economic Report, subject to the criteria stated in this document. Consequently, the decisions of the Board of Directors and shall be final.
- 8.8 The Board of Directors may enter into negotiations with a view of concluding a final agreement.
- 8.9 An applicant whose Request is not considered eligible for allocation may not submit a fresh Request before the lapse of one year from when they are notified of the rejection.

**END**



## **ANNEX 2**

### **Cover Note**

The Chief Executive Officer  
INDIS Malta Ltd.  
88, Msida Valley road,  
Birkirkara

Sir,

#### **Operation of Cement Facilities at Corradino Industrial Estate**

I write on behalf of [-] of [-].

I am hereby putting forward this Request for the Operation of Cement Facilities at Corradino Industrial Estate in accordance with your policy regulating the matter.

The following documents are enclosed herewith in support of this Request and in accordance with said policy:

- (i) ...
- (ii) ...
- ...

I understand that INDIS will consider this Request pursuant to the said policy and that allocations will be made by direct allocation in accordance with the provisions of the Government Lands Act (Cap. 573 of the laws of Malta). Consequently, I understand that INDIS' decision shall be final.

The administrative fee of €10,000 net of VAT shall be paid upon issuance of an invoice on your part.

Sincerely,

[-]