

SUBSIDIARY LEGISLATION 451.03**RECOGNITION OF PROFESSIONAL
QUALIFICATIONS REGULATIONS**

1st January, 2008*

*LEGAL NOTICE 422 of 2007, as amended by Legal Notices 270 of 2016,
300 of 2018 and 135 of 2019 and 145 of 2020.*

1. (1) The title of these regulations is the Recognition of Professional Qualifications Regulations. Citation and scope.

(2) These regulations implement the provisions of Commission Directive 2005/36/EC as amended by Commission Directive 2006/100/EC.

2. In these regulations, unless the context otherwise requires:

"the Act" means the Mutual Recognition of Qualifications Act;

"adaptation period" means a period of supervised practice under the responsibility of a qualified member of the profession concerned, which may include further training, for the purpose of the pursuit of a regulated profession. The detailed rules governing the adaptation period and its assessment, as well as the status of a migrant under supervision, shall be laid out by the designated authority;

"aptitude test" means a test of the professional knowledge, skills and competences of the applicant, carried out or recognised by the designated authority with the aim of assessing the ability of the applicant to pursue a regulated profession in Malta. In order to permit this test to be carried out, designated authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in Malta and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant. The aptitude test must take account of the fact that the applicant is a qualified professional in the home Member State or the Member State from which the applicant comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to pursue the profession in question in Malta. The test may also cover knowledge of the professional rules applicable to the activities in question in Malta. The detailed application of the aptitude test and the status, in Malta, of the applicant who wishes to prepare himself for the aptitude test in Malta shall be determined by the designated authorities concerned;

"European Professional Card" means an electronic certificate proving either that the professional has met all the necessary conditions to provide services in a host Member State on a temporary and occasional basis or the recognition of professional

*Interpretation.
Amended by:
L.N. 270 of 2016.
Cap. 451.*

*See regulation 1(2) of Legal Notice 422 of 2007 as originally promulgated, and Legal Notice 36 of 2008.

qualifications for establishment in a host Member State;

"European Credit Transfer and Accumulation System" or "ECTS credits" means the credit system for higher education used in the European Higher Education Area;

"evidence of formal qualifications" means, without prejudice to specific arrangements for recognition established in separate instruments of the European Union which shall also be treated as evidence of formal qualifications, any diploma, certificate and other evidence issued by an authority in a Member State designated by legislative, regulatory or administrative provisions of that Member State and certifying full completion of professional training obtained mainly in the European Union; furthermore, evidence of formal qualifications issued by a third country shall be regarded as evidence of formal qualifications if the holder has three years professional experience in the profession concerned on the territory of the Member State which recognized that evidence of formal qualifications in accordance with regulation 4(2), certified by that Member State;

"IMI" means the Internal Market Information System;

"lifelong learning" means all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics;

"manager of an undertaking" means any person who in an undertaking in the occupational field in question pursues an activity:

- (a) as a manager of an undertaking or a manager of a branch of an undertaking; or
- (b) as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented; or
- (c) in a managerial post with duties of a commercial and, or technical nature and with responsibility for one or more departments of the undertaking;

"Member State of establishment" means a Member State of the European Union, or state party to an agreement with the European Union, in which the service provider is legally established for the purpose of pursuing the same profession in that Member State;

"migrant" means any citizen of a Member State or a third country citizen legally entitled or authorised to seek access to a profession in Malta;

"overriding reasons of general interest" means reasons recognised as such in the case-law of the Court of Justice of the European Union;

"post-secondary level" means the level of education the entry condition to which is, as a general rule, the successful completion of a secondary level course required to obtain entry to university or higher education or completion of equivalent education at

secondary level;

"professional association" means an organisation, recognised in a special form by the Member States, awarding to its members evidence of formal qualifications and conferring upon them rights to use a title or designatory letters or to benefit from a status corresponding to those formal qualifications, ensuring among its members respect for the rules of professional conduct that it prescribes;

"professional experience" means the actual and lawful full-time or equivalent part-time pursuit of the profession concerned in a Member State;

"professional qualifications" means qualifications attested by evidence of formal qualifications, an attestation of competence referred to in regulation 9 and, or professional experience;

"professional traineeship" means a period of professional practice carried out under supervision provided it constitutes a condition for access to a regulated profession, and which can take place either during or after completion of an education leading to a diploma;

"regulated education and training" means any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate, by professional training and, or professional practice. The structure and level of the professional training, probationary and, or professional practice shall be determined by the laws, regulations or administrative provisions of the Member State concerned and, or approved by the authority designated for that purpose;

"secondary education" means a period of study following primary education and which includes higher secondary education usually up to the age of eighteen;

"sectoral legislation" means domestic legislation that regulates professions and professional activities and includes the Periti Act, the Health Care Professions Act, and the Veterinary Services Act;

Cap. 390.
Cap. 464.
Cap. 437.

"substantially different matters" means matters in respect of which knowledge, skills and competences acquired are essential for pursuing the profession and with regard to which the training received by the migrant shows significant differences in terms of content from the training required by the host Member State.

PART I

General Provisions

3. (1) Without prejudice to any specific provisions for professional recognition in other national legislation and European Union Community Law, these regulations shall apply to all nationals of a Member State and citizens otherwise legally entitled and authorised, wishing to pursue a regulated profession in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualification, on either self employed or employed basis.

Scope.
Amended by:
L.N. 270 of 2016.

(2) These regulations shall also apply to all nationals of a Member State who have pursued a professional traineeship outside

	the home Member State.
	(3) These regulations shall not apply to notaries who are appointed by official act of government.
Permission to pursue a regulated profession. <i>Amended by: L.N. 270 of 2016.</i>	4.(1) (a) Nationals of Member States in possession of evidence of professional qualifications obtained in another Member State shall be permitted to pursue a regulated profession in the Maltese territory in accordance with the national rules and regulations.
Minimum training conditions.	(b) In the case of professions covered by Section III of Part III, initial recognition shall respect the minimum training conditions laid out in the relevant national legislation.
Comparable professional activities.	(2) For the purpose of these regulations the profession which the applicant may pursue in Malta shall be the same as that for which he is qualified in his home Member State if the activities covered are comparable.
Effects of recognition.	(3) The recognition of professional qualifications shall allow migrants to gain access in Malta to the same profession as that for which they are qualified in their home Member State and to pursue it in Malta under the same conditions as Maltese nationals: Provided that partial access to a profession in Malta shall be granted under the conditions laid down in regulation 6F.
Third country citizens.	(4) These regulations shall also apply to a third country citizen in possession of the status of long term resident within a Member State or on being a family member of a citizen of a Member State exercising the right to free movement within Member States.
Knowledge of languages. <i>Added by: L.N. 270 of 2016.</i>	4A. (1) Professionals benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in Malta. (2) Designated authorities shall ensure that any controls carried out to ensure compliance with the obligation under sub-regulation (1) shall be limited to the knowledge of one official language of Malta. (3) Controls carried out in accordance with sub-regulation (2) may be imposed if the profession to be practised has patient safety implications. Controls may be imposed in respect of other professions in cases where there is a serious and concrete doubt about the sufficiency of the professional's language knowledge in respect of the professional activities which that professional intends to pursue. (4) Controls may be carried out only after the issuance of a European Professional Card in accordance with regulation 6D or after the recognition of a professional qualification, as the case may be. (5) Any language controls shall be proportionate to the activity to be pursued, and shall be subject to appeal in accordance with article 7 of the Act.

5. (1) There shall be designated authorities to award and, or receive evidence of formal qualifications and other documents or information, competent to receive applications and to decide on matters referred to in article 4 of the Act.
- Award or receive evidence of formal qualifications, receive applications and take decisions.
Amended by:
L.N. 270 of 2016.
- (2) The designated authorities shall work in close collaboration with the relevant counterparts of other Member States and shall provide mutual assistance in order to facilitate application of professional recognition. They shall ensure confidentiality of the information exchanged.
- Collaboration between Member States.
- (3) (a) The designated authorities shall exchange information with competent authorities of other Member States regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under these regulations. In so doing, they shall respect personal data protection rules provided by law.
- Exchange of information.
- (b) The appropriate authorities in the home Member State shall examine the veracity of the circumstances and shall decide on the nature and scope of the investigations which need to be carried out and shall inform the host Member State of the conclusions which it draws from the information available to it.
- Investigations by Home Member State.

Host Member State informed.
- (4) For the purposes of sub-regulations (2) and (3), the designated authorities shall use IMI.
- 5A. (1) The National Commission for Further and Higher Education shall inform the competent authorities of all other Member States about a professional whose pursuit in the territory of Malta of the following professional activities in their entirety or parts thereof has been restricted or prohibited, even temporarily, by national authorities or courts:
- Information to be given to competent authorities of all other Member States.
Added by:
L.N. 270 of 2016.
- (a) doctor of medicine and of general practice possessing evidence of a formal qualification referred to in points 5.1.1 and 5.1.4 of Annex V of Directive 2005/36/EC;
 - (b) specialist doctor of medicine possessing a title referred to in point 5.1.3 of Annex V of Directive 2005/36/EC;
 - (c) nurse responsible for general care possessing evidence of a formal qualification referred to in point 5.2.2 of Annex V of Directive 2005/36/EC;
 - (d) dental practitioner possessing evidence of a formal qualification referred to in point 5.3.2 of Annex V of Directive 2005/36/EC;
 - (e) specialist dentists possessing evidence of a formal qualification referred to in point 5.3.3 of Annex V of Directive 2005/36/EC;
 - (f) veterinary surgeon possessing evidence of a formal qualification referred to in point 5.4.2 of Annex V of

Directive 2005/36/EC;

- (g) midwife possessing evidence of a formal qualification referred to in point 5.5.2 of Annex V of Directive 2005/36/EC;
- (h) pharmacist possessing evidence of a formal qualification listed in point 5.6.2 of Annex V of Directive 2005/36/EC;
- (i) holders of certificates mentioned in point 2 of Annex VII of Directive 2005/36/EC attesting that the holder completed a training which satisfies the minimum requirements listed in Articles 24, 25, 31, 34, 35, 38, 40, or 44 respectively of Directive 2005/36/EC, but which started earlier than the reference dates of the qualifications listed in points 5.1.3, 5.1.4, 5.2.2, 5.3.2, 5.3.3, 5.4.2, 5.5.2, 5.6.2 of Annex V of Directive 2005/36/EC;
- (j) holders of certificates of acquired rights as referred to in Articles 23, 27, 29, 33, 33a, 37, 43 and 43a of Directive 2005/36/EC;
- (k) other professionals exercising activities that have patient safety implications, where the professional is pursuing a profession regulated in Malta;
- (l) professionals exercising activities relating to the education of minors, including in childcare and early childhood education, where the professional is pursuing a profession regulated in Malta.

(2) The National Commission for Further and Higher Education shall send the information referred to in sub-regulation (1) by way of alert via IMI at the latest within three days from the date of adoption of the decision restricting or prohibiting pursuit of the professional activity in its entirety or in part by the professional concerned. That information shall be limited to the following:

- (a) the identity of the professional;
- (b) the profession concerned;
- (c) information about the authority or court adopting the decision on restriction or prohibition;
- (d) the scope of the restriction or the prohibition; and
- (e) the period during which the restriction or the prohibition applies.

(3) The National Commission for Further and Higher Education shall, at the latest within three days from the date of adoption of the court decision, inform the competent authorities of all other Member States, by way of alert via IMI, about the identity of professionals who have applied for the recognition of a qualification and who have subsequently been found by courts to have used falsified evidence of professional qualifications in this context.

(4) The processing of personal data for the purpose of the exchange of information referred to in sub-regulations (1) and (3)

shall be carried out in accordance with Directives 95/46/EC and 2002/58/EC.

(5) The National Commission for Further and Higher Education shall inform the competent authorities of all Member States without delay when a prohibition or a restriction referred to in sub-regulation (1) has expired. For that purpose, the National Commission for Further and Higher Education, when providing the information in accordance with sub-regulation (1), shall also be required to provide the date of expiry as well as any subsequent change to that date.

(6) Designated authorities shall forthwith provide the National Commission for Further and Higher Education with all information required in terms of this regulation for the purposes of permitting the National Commission for Further and Higher Education to meet its obligations in terms of this regulation.

(7) The National Commission for Further and Higher Education shall ensure that professionals, in respect of whom alerts are sent to other Member States, are informed in writing of decisions on alerts at the same time as the alert itself. Professionals may appeal, in terms of article 7 of the Act, against the decision to issue an alert or apply for rectification of such decisions, and in such cases the decision on the alert shall be qualified to indicate that it is subject to proceedings by the professional.

(8) Data regarding alerts may be processed within IMI for as long as they are valid. Alerts shall be deleted within three days from the date of adoption of the revoking decision or from the expiry of the prohibition or the restriction referred to in sub-regulation (1).

(9) Notwithstanding anything provided in this regulation, the Minister may by notice in the Gazette appoint any entity other than the National Commission for Further and Higher Education to perform the duties and obligations set forth in this regulation, either in addition to or in substitution of the National Commission for Further and Higher Education.

5B. (1) Designated authorities shall ensure that all requirements, procedures and formalities relating to matters covered by these regulations may be easily completed, remotely and by electronic means through the relevant point of single contact or the relevant competent authorities. Designated authorities shall be permitted to request certified copies at a later stage in the event of justified doubts and where strictly necessary:

Requirements, procedures and formalities to be easily completed, remotely and by electronic means.
Added by:
L.N. 270 of 2016.
Amended by:
L.N. 145 of 2020.

Provided that this shall not apply to the carrying out of an adaptation period or an aptitude test.

(2) Where it is justified for a designated authority to ask for advanced electronic signatures, as defined in point 2 of Article 2 of Directive 1999/93/EC, for the completion of procedures referred to in sub-regulation (1), the designated authority shall accept electronic signatures in compliance with Commission Decision 2009/767/EC of 16 October 2009 and provide for technical means to process documents with advanced electronic signature in formats defined by Commission Decision 2011/130/EU of 25 February

2011.

Cap. 500.

(3) All procedures shall be carried out in accordance with article 4(d) of the Services (Internal Market) Act relating to the point of single contact. The procedural time limits set out in regulations 9(4) and 25 of these regulations shall commence at the point when an application or any missing document has been submitted by a citizen to the point of single contact or directly to the relevant designated authority. Any request for certified copies referred to in sub-regulation (1) shall not be considered as a request for missing documents.

National
Assistance Centre.
Substituted by:
L.N. 270 of 2016.

6. (1) There shall be a National Assistance Centre whose remit shall be to provide citizens, as well as assistance centres of the other Member States, with assistance concerning the recognition of professional qualifications provided for in these regulations and Directive 2005/36/EC, including information on the national legislation governing the professions and the pursuit of those professions, social legislation, and, where appropriate, the rules of ethics.

(2) The National Assistance Centre shall assist citizens in exercising the rights conferred on them by these regulations, in cooperation, where appropriate, with the assistance centres of other Member States and the designated authorities and the point of single contact in Malta.

(3) Designated authorities shall fully cooperate with the National Assistance Centre and where appropriate national assistance centres of other Member States, and provide all relevant information about individual cases to such assistance centres upon their request and subject to data protection rules in accordance with Directives 95/46/EC and 2002/58/EC.

(4) At the European Commission's request, the National Assistance Centre shall inform the European Commission of the result of enquiries which it is dealing with within two months after receiving such a request.

Issuance of
European
Professional Card.
Added by:
L/N. 270 of 2016.

6A. (1) Subject to the European Commission having adopted implementing acts as specified in Directive 2005/36/EC, designated authorities shall issue holders of a professional qualification with a European Professional Card upon their request.

(2) When a European Professional Card has been introduced for a particular profession by means of relevant implementing acts referred to in sub-regulation (1), the holder of a professional qualification concerned may choose to apply for such a European Professional Card or to make use of the procedures provided for in Titles II and III of Directive 2005/36/EC.

(3) A holder of a European Professional Card shall benefit from all the rights conferred by regulations 6B to 6E.

(4) Where the holder of a professional qualification intends to provide services under Title II of Directive 2005/36/EC other than those covered by Article 7(4) of the same Directive, the relevant designated authority shall issue the European Professional Card in

accordance with regulations 6B and 6C.

(5) Designated authorities shall also, in cases when Malta is the host Member State, recognise a European Professional Card as a declaration under regulation 9.

(6) Where the holder of a professional qualification intends to establish himself in another Member State under Chapters I to IIIa of Title III of Directive 2005/36/EC or to provide services under Article 7(4) of Directive 2005/36/EC, the relevant designated authority shall complete all preparatory steps with regard to the individual file of the applicant created within the Internal Market Information System (IMI) (IMI file) as provided for in regulations 6B and 6D. The relevant designated authority shall issue the European Professional Card in accordance with regulations 6B and 6D. For the purpose of establishment in Malta, a European Professional Card shall not provide an automatic right to practise a particular profession if there are registration requirements or other control procedures already in place in the Malta before a European Professional Card is introduced for that profession.

(7) The relevant designated authority shall be responsible for dealing with IMI files and issuing European Professional Cards. The relevant designated authority shall ensure an impartial, objective and timely processing of applications for European Professional Cards. Designated authorities and the National Assistance Centre shall inform citizens, including prospective applicants, about the functioning and the added value of a European Professional Card for the professions for which it is available.

(8) Designated authorities may charge fees to issue a European Professional Card, provided such fees shall be reasonable, proportionate and commensurate with the costs incurred by the designated authority and shall not act as a disincentive to apply for a European Professional Card.

6B. (1) In cases where Malta is the home Member State, the relevant designated authority shall enable a holder of a professional qualification to apply for a European Professional Card through an on-line tool that automatically creates an IMI file for the particular applicant. Written applications shall not be permitted.

On-line
application.
Added by:
L/N. 270 of 2016.

(2) Applications shall be supported by the documents specified in implementing acts to be adopted by the European Commission pursuant to Directive 2005/36/EC.

(3) Within one week of receipt of the application, the relevant designated authority shall acknowledge receipt of the application and inform the applicant of any missing document. Where applicable, the designated authority shall issue any supporting certificate required under these regulations. The designated authority shall verify whether the applicant is legally established in Malta and whether all the necessary documents which have been issued in Malta are valid and authentic. In the event of duly justified doubts, the designated authority shall consult the relevant body and may request from the applicant certified copies of documents. In case of subsequent applications by the same applicant, the designated authority may not request the re-

submission of documents which are already contained in the IMI file and which are still valid.

(4) In cases where Malta is the host Member State, the designated authority may not request the re-submission of documents which are already contained in the IMI file and which are still valid.

Verification of
application.
Added by:
L/N. 270 of 2016.

6C. (1) In cases where Malta is the home Member State, the relevant designated authority shall verify the application and the supporting documents in the IMI file and issue the European Professional Card for the temporary and occasional provision of services other than those covered by Article 7(4) of Directive 2005/36/EC within three weeks. That time period shall start upon receipt of the missing documents referred to in sub-regulation (3) of regulation 6B or, if no further documents were requested, upon the expiry of the one-week period referred to in that sub-regulation. The relevant designated authority shall then transmit the European Professional Card immediately to the competent authority of each host Member State concerned and shall inform the applicant accordingly.

(2) In cases where Malta is the host Member State, the relevant designated authority may not require any further declaration under regulation 9 for the following eighteen months.

(3) The decision of the relevant designated authority or the absence of a decision within the period of three weeks referred to in sub-regulation (1) shall be subject to appeal in terms of article 7 of the Act.

(4) If a holder of a European Professional Card wishes to provide services in Member States other than those initially mentioned in the application referred to in sub-regulation (1), that holder may apply for such extension. If the holder wishes to continue providing services beyond the period of eighteen months referred to in sub-regulation (1), that holder shall inform the relevant designated authority accordingly. In either case, that holder shall also provide any information on material changes in the situation substantiated in the IMI file that may be required by the relevant designated authority in accordance with the implementing acts to be adopted by the European Commission. The designated authority shall transmit the updated European Professional Card to the host Member States concerned.

(5) A European Professional Card issued by a competent authority of another Member State shall be valid in the entire territory of Malta for as long as its holder maintains the right to practice on the basis of the documents and information contained in the IMI file.

Verification of
authenticity and
validity of
supporting
documents.
Added by:
L/N. 270 of 2016.

6D. (1) In cases where Malta is the home Member State, the relevant designated authority shall, within one month, verify the authenticity and validity of the supporting documents in the IMI file for the purpose of issuing a European Professional Card for establishment or for the temporary and occasional provision of services under Article 7(4) of Directive 2005/36/EC. That time

period shall start upon receipt of the missing documents referred to in sub-regulation (3) of regulation 6B or, if no further documents were requested, upon the expiry of the one-week period referred to in that sub-regulation. It shall then transmit the application immediately to the competent authority of the host Member State. The relevant designated authority shall inform the applicant of the status of the application at the same time as it transmits the application to the host Member State.

(2) In cases where Malta is the host Member State, in the instances referred to in regulations 18, 22(1), 29 and 30, the relevant designated authority shall decide whether to issue a European Professional Card under sub-regulation (1) within one month of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the relevant designated authority may request additional information from, or the inclusion of a certified copy of a document by, the home Member State, which the latter shall provide no later than two weeks after the submission of the request. Subject to the provisions of sub-regulation (5), the period of one month shall apply, notwithstanding any such request:

Provided that, in cases where Malta is the home Member State, upon receipt of a request for additional information or the inclusion of a certified copy of a document from the host Member State, the relevant designated authority shall provide the same within no later than two weeks after the submission of the request.

(3) In cases where Malta is the host Member State, in the instances referred to in regulations 9(4) and 16, the relevant designated authority shall decide whether to issue a European Professional Card or to subject the holder of a professional qualification to compensation measures within two months of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the relevant designated authority may request additional information from, or the inclusion of a certified copy of a document by, the home Member State which the latter shall provide no later than two weeks after the submission of the request. Subject to the provisions of sub-regulation (5), the period of two months shall apply, notwithstanding any such request:

Provided that, in cases where Malta is the home Member State, upon receipt of a request for additional information or the inclusion of a document from the host Member State, the relevant designated authority shall provide the same within no later than two weeks after the submission of the request.

(4) In cases where Malta is the host Member State, in the event that the relevant designated authority does not receive the necessary information which it may require in accordance with these regulations for taking a decision on the issuance of the European Professional Card from either the home Member State or the applicant, it may refuse to issue the Card. Such refusal shall be duly justified.

(5) In cases where Malta is the host Member State, where the

relevant designated authority fails to take a decision within the time limits set out in sub-regulations (2) and (3) or fails to organise an aptitude test in accordance with regulation 9(4), the European Professional Card shall be deemed to be issued and shall be sent automatically, through IMI, to the holder of a professional qualification.

The relevant designated authority shall have the possibility to extend by two weeks the deadlines set out in sub-regulations (2) and (3) for the automatic issuance of the European Professional Card. It shall explain the reason for the extension and inform the applicant accordingly. Such an extension may be repeated once and only where it is strictly necessary, in particular for reasons relating to public health or the safety of the service recipients.

(6) In cases where Malta is the host Member State, the actions taken by the home Member State in accordance with sub-regulation (1) shall replace any application for recognition of professional qualifications under the national law of Malta.

(7) The decisions of a designated authority under sub-regulations (1) to (5) or the absence of decision shall be subject to appeal in accordance with article 7 of the Act.

Updating of IMI
file.
Added by:
L/N. 270 of 2016.

6E. (1) Without prejudice to the presumption of innocence, the relevant designated authority shall update, in a timely manner, the corresponding IMI file with information regarding disciplinary actions or criminal sanctions which relate to a prohibition or restriction and which have consequences for the pursuit of activities by the holder of a European Professional Card under these regulations or Directive 2005/36/EC. In so doing they shall respect personal data protection rules provided for in Directive 95/46/EC and Directive 2002/58/EC. Such updates shall include the deletion of information which is no longer required. The holder of the European Professional Card as well as the relevant designated authorities that have access to the corresponding IMI file shall be informed immediately of any updates. This obligation shall be without prejudice to the alert obligations set forth in regulation 5A.

(2) The content of the information updates referred to in sub-regulation (1) shall be limited to the following:

- (a) the identity of the professional;
- (b) the profession concerned;
- (c) information about the national authority or court which has adopted the decision on restriction or prohibition;
- (d) the scope of the restriction or the prohibition; and
- (e) the period for which the restriction or the prohibition applies.

(3) Access to the information in the IMI file shall be limited to the relevant designated authority, in accordance with Directive 95/46/EC. The relevant designated authority shall inform the holder of the European Professional Card of the content of the IMI file upon that holder's request.

(4) The information included in the European Professional Card shall be limited to the information that is necessary to ascertain its holder's right to exercise the profession for which it has been issued, namely the holder's name, surname, date and place of birth, profession, formal qualifications, and the applicable regime, designated or competent authorities involved, Card number, security features and reference to a valid proof of identity. Information relating to professional experience acquired, or compensation measures passed, by the holder of the European Professional Card shall be included in the IMI file.

(5) The personal data included in the IMI file may be processed for as long as it is needed for the purpose of the recognition procedure as such and as evidence of the recognition or of the transmission of the declaration required under Article 7 of Directive 2005/36/EC or regulation 9. The holder of a European Professional Card shall have the right at any time, and at no cost to that holder, to request the rectification of inaccurate or incomplete data, or the deletion or blocking of the IMI file concerned. The holder shall be informed of this right at the time the European Professional Card is issued, and reminded of it every two years thereafter. The reminder shall be sent automatically via IMI where the initial application for the European Professional Card was submitted online.

In the event of a request for deletion of an IMI file linked to a European Professional Card issued for the purpose of establishment or temporary and occasional provision of services under Article 7(4) of Directive 2005/36/EC or regulation 9(4), the designated authority shall issue the holder of professional qualifications with evidence attesting to the recognition of his professional qualifications.

(6) In relation to the processing of personal data in the European Professional Card and all IMI files, the relevant designated authority shall be regarded as a controller within the meaning of point (d) of Article 2 of Directive 95/46/EC.

(7) Without prejudice to sub-regulation (3), designated authorities shall permit employers, customers, patients, public authorities and other interested parties to verify the authenticity and validity of a European Professional Card presented to them by the Card holder.

6F. (1) Designated authorities shall grant partial access, on a case-by-case basis, to a professional activity only when all the following conditions are fulfilled:

- (a) the professional is fully qualified to exercise in the home Member State the professional activity for which partial access is sought in Malta;
- (b) differences between the professional activity legally exercised in the home Member State and the regulated profession in Malta as such are so large that the application of compensation measures would amount to requiring the applicant to complete the full programme of education and training required in Malta

Partial access to a professional activity.
Added by:
L.N. 270 of 2016.
Amended by:
L.N. 300 of 2018.

to have access to the full regulated profession in Malta;

- (c) the professional activity can objectively be separated from other activities falling under the regulated profession in Malta; provided that for this purpose the designated authority shall take into account whether the professional activity can be pursued autonomously in the home State.

(2) Partial access may be rejected if such rejection is justified by overriding reasons of general interest, suitable for securing the attainment of the objective pursued, and does not go beyond what is necessary to attain that objective.

(3) Applications for the purpose of establishment in Malta shall be examined in accordance with Sections I and III of Part III of these regulations.

(4) Applications for the purpose of providing temporary and occasional services in Malta concerning professional activities that have public health or safety implications shall be examined in accordance with Part II of these regulations.

(5) Notwithstanding the provisions of regulations 9(4) and 27, the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted. The designated authority may require use of that professional title in the languages of Malta. Professionals benefiting from partial access shall clearly indicate to the service recipients the scope of their professional activities.

(6) This regulation shall not apply to professionals benefiting from automatic recognition of their professional qualifications under Chapters II, III and IIIa of Title III of Directive 2005/36/EC.

PART II

Free Provisions of Services

Scope.
Amended by:
L.N. 270 of 2016;
L.N. 135 of 2019.

7. (1) Without prejudice to specific provisions of national legislation and Community law, as well as to regulations 8 and 9, no designated authority or other authority shall restrict, for any reason relating to professional qualifications, the free provision of services from another Member State:

Legal
establishment.

- (a) if the service provider is legally established in a Member State for the purpose of pursuing the same profession in that Member State;

Two years in the
last ten years.

- (b) where the service provider moves, if he has pursued that profession in one or several Member States for at least one year during the last ten years preceding the provision of services when the profession is not regulated in the Member State of establishment. The condition of one year's pursuit shall not apply if the profession or the education and training leading to the profession is regulated.

Temporary and
occasional basis.

- (2) The provisions of these regulations shall only apply where

the service provider moves to the territory of Malta to pursue, on a temporary and occasional basis, the profession referred to in sub-regulation (1). The temporary and occasional nature of the provision of services shall be assessed case by case in relation to its duration, its frequency, its regularity and its continuity.

(3) A service provider from another Member State shall be subject to professional rules of a professional, statutory or administrative nature which are directly linked to professional qualifications such as the definition of the profession, the use of titles and serious professional malpractice which is directly and specifically linked to consumer protection and safety, as well as disciplinary provisions which are applicable in national legislation to professionals who pursue the same profession in Malta.

Subject to national rules and legislation.

8. Pursuant to regulation 7(1), the service providers established in another Member State shall be exempted from the requirements, placed on professionals established in the national territory, relating to:

Exemptions.
Amended by:
L.N.135 of 2019.

(a) authorisation by registration with, or membership of, a national professional organisation or body;

Membership in national professional organisations.

(i) for the purpose of the application of disciplinary provisions in force in Malta the relevant professional body may provide either for automatic temporary registration or pro-forma membership, provided that such registration or membership does not delay or complicate in any way the provision of services and does not entail any additional costs for the service provider;

Automatic temporary registration or proforma membership.

(ii) a copy of the declaration and, where applicable, of the renewal referred to in regulation 9(1), and in the case of professions with health and safety implications or that benefit from automatic recognition, accompanied by documents referred to in regulation 9(2), shall be sent by the designated authority to the relevant professional organisation or body and this shall constitute automatic temporary registration or pro-forma membership for this purpose;

Registration with public social security body.

(b) registration with a public social security body for the purpose of settling accounts with an insurance relating to activities pursued for the benefit of insured persons. The service provider shall inform in advance or, in an urgent case, afterwards, the public social security body of the services which he has provided.

Declaration including insurance cover details.

9. (1) Where the designated authority regulating a profession so requires, the service provider, when first moving from a Member State to Malta in order to provide services, shall inform the designated authority concerned in a written declaration to be made in advance including the details of an insurance cover or other means of personal or collective protection with regard to

Declaration on first provision or material change.
Amended by:
L.N. 270 of 2016;
L.N.135 of 2019.

	professional liability. Such declaration shall be renewed once a year if the service provider intends to provide temporary or occasional services during that year. The service provider may communicate the declaration by any means.
First provision or material change.	(2) Moreover, for the first provision of services or if there is a material change in the situation substantiated by the documents, the designated authority may require that the declaration be accompanied by the following documents:
Additional documents.	
Proof of nationality.	(a) proof of the nationality of the service provider;
Legal establishment.	(b) an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestations;
Professional qualifications.	(c) evidence of professional qualifications;
One year provision.	(d) for cases referred to before, any means of proof that the service provider has pursued the activity concerned for at least one year during the previous ten years;
Criminal record.	(e) for professions in the security sector, in the health sector and professions related to the education of minors, including in childcare and early childhood education, where required for Maltese nationals, an attestation confirming the absence of temporary or final suspensions from exercising the profession or of criminal convictions;
	(f) for professions that have patient safety implications, a declaration about the applicant's knowledge of the language necessary for practising the profession in Malta;
	(g) for professions covering the activities referred to in regulation 18 and which were notified to the European Commission in accordance with Directive 2005/36/EC, a certificate concerning the nature and duration of the activity issued by the competent authority or body of the Member State where the service provider is established.
Maltese professional title.	(3) (a) The service shall be provided under the professional title of the Member State of establishment, insofar as such a title exists in that Member State for that professional activity. The title shall be indicated in the official language or one of the official languages of the Member State of establishment in such a way as to avoid confusion with the professional title used in Malta.
	(b) Where no such title exists in the Member State of establishment, the service provider shall indicate his formal qualification in the official language or one of the official languages of that Member State.

- (c) By way of exception, in cases referred to in Section III of Part III, Freedom of Establishment shall be provided under the Maltese professional title.
- (4) (a) For the first provision of services, in the case of regulated professions having public health or safety implications, and which do not benefit from automatic recognition under Part III, Section II and Section III, the designated authority may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to the a lack of professional qualifications of the service provider and where this is not beyond what is necessary for that purpose. Health or safety implications.
- (b) No later than one month after receipt of the declaration and accompanying documents, the designated authority shall inform the service provider of its decision: Inform within one month.
- (i) not to check his professional qualifications; or
- (ii) having checked his professional qualifications, to either require the service provider to take an aptitude test or allow the service provider to provide the services.
- Where there is a difficulty which would result in delay in taking a decision under sub-paragraph (ii), the designated authority shall notify the service provider of the reason for the delay within the same deadline. The difficulty shall be solved within one month of that notification and the decision finalised within two months of resolution of the difficulty.
- (c) Where there is a substantial difference between the professional qualifications of the service provider and the training required in the Malta, to the extent that that difference is such as to be harmful to public health or safety, and that it cannot be compensated by the service provider's professional experience or by knowledge, skills and competences acquired through lifelong learning formally validated to that end by a relevant body, the designated authority shall give that service provider the opportunity to show, by means of an aptitude test, that he has acquired the knowledge, skills or competence that were lacking. The designated authority shall take a decision on that basis on whether to allow the provision of services. In any case, it must be possible to provide the service within one month of the decision taken in accordance with paragraph (b)(ii). Substantial difference.
- (d) In the absence of a reaction of the designated authority within the deadlines set in the preceding paragraphs, the service may be provided. Absence of reaction.

National
professional title.

- (e) In cases where qualifications have been verified under this regulation, the service shall be provided under the relevant national professional title.

(5) Submission of a required declaration by the service provider in accordance with sub-regulation (1) shall entitle that service provider to have access to the service activity or to exercise that activity in the entire territory of Malta; provided that a designated authority may require additional information listed in sub-regulation (2) concerning the professional qualifications of the service provider if:

- (a) the profession is regulated in parts of the territory of Malta in a different manner;
- (b) such regulation is applicable also to all nationals of Malta;
- (c) the differences in such regulation are justified by overriding reasons of general interest relating to public health or safety of service recipients; and
- (d) the designated authority has no other means of obtaining such information.

Information
exchange between
Member States.
Amended by:
L.N. 270 of 2016.

10. (1) Designated authorities may ask the competent authorities of the Member State of establishment, in the event of justified doubts, to provide any information relevant to the legality of the service provider's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. In the event that the designated authorities decide to check the service provider's professional qualifications, they may ask the competent authorities of the Member State of establishment for information about the service provider's training courses to the extent necessary to assess substantial differences likely to be harmful to public health or safety.

Information
regarding
complaints of
recipient of
service.

(2) The designated authorities shall ensure the exchange of all information necessary for complaints by a recipient of a service against a service provider to be correctly pursued. Recipients shall be informed of the outcome of the complaint.

Services provided
under professional
title of other
Member State.

11. In cases where the service is provided under the professional title of the Member State of establishment or under the formal qualification of the service provider, in addition to the other requirements relating to information contained in Community law, the relevant authorities may require the service provider to furnish the recipient of the service with any or all of the following information:

Commercial or
public registration.

- (a) the register in which he is registered, his registration number, or equivalent means of identification contained in that register, if the service provider is registered in a commercial register or similar public register;

Competent
supervisory
authority.

- (b) the name and address of the competent supervisory authority, if the activity is subject to authorisation in the Member State of establishment;

- | | |
|--|---|
| (c) any professional association or similar body with which the service provider is registered; | Professional association. |
| (d) the professional title or, where no such title exists, the formal qualification of the service provider and the Member State in which it was awarded; | Professional title or formal qualification. |
| (e) the VAT identification number referred to in Council Directive 77/388/EEC, if the service provider performs an activity which is subject to Value Added Tax; | VAT identification. |
| (f) details of any insurance cover or other means of personal or collective protection related to professional liability. | Insurance cover. |

PART III

Freedom of Establishment

Section 1

General System for the Evidence of Training

12. This section applies to all professions not covered by Sections 2 and 3 of this Part and in the following cases in which the applicant, for specific and exceptional reasons, does not satisfy the conditions laid down in those sections:

- | | |
|---|---|
| (a) for activities listed in Schedule II, when the applicant does not meet the requirements set out in regulations 18, 19 and 20; | Activities listed in Schedule IV. |
| (b) for doctors with basic training, specialised doctors, nurses responsible for general care, dental practitioners, specialized dental practitioners, veterinary surgeons, midwives, pharmacists and architects, when the applicant does not meet the requirements of effective and lawful professional practice referred to in regulation 21 and the relative sectoral legislation; | Not meeting normal requirements. |
| (c) for architects, when the applicant holds evidence of formal qualification not listed in the Second Schedule to the Mutual Recognition of Qualifications of Periti Regulations; | Second Schedule.
S.L. 390.05 |
| (d) without prejudice to regulation 22, the provisions for automatic recognition in the relevant sectoral legislation, and the acquired rights of specialised doctors in Part IX of the Health Care Professions Act, for doctors, nurses, dental practitioners, midwives, pharmacists, veterinary surgeons, and architects holding evidence of formal qualifications as a specialist, which must follow the training leading to the possession of a title referred to in the Health Care Professions Act, the Second Schedule to the Mutual Recognition of Qualifications of Perit Regulations, and Schedule I to the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations, and solely for the purpose of the recognition of the | Cap. 464.

S.L. 390.05
S.L. 437.43 |

	relevant speciality;
Specialized nurses without training as general care nurse. Cap. 464.	(e) for nurses responsible for general care and specialized nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of a title referred to in the Health Care Professions Act, when the applicant seeks recognition where the relevant professional activities are pursued by specialized nurses without training as general care nurse;
Cap. 464.	(f) for specialised nurses without training as general care nurse, when the applicant seeks recognition where the relevant professional activities are pursued by nurses responsible for general care, specialized nurses without training as general care nurse or specialized nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles referred to in the Health Care Professions Act;
Regulation 2.	(g) for migrants meeting the requirements set out in regulation 2.
Levels of professional qualifications. Amended by: L.N. 270 of 2016; L.N. 135 of 2019. Level a.	13. For the purpose of regulations 15 and 16, the professional qualifications are grouped under the following levels as described below: (a) an attestation of competence issued by a competent authority in the home Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State on the basis of: (i) a training course not forming part of a certificate or diploma within the meaning of paragraphs (b), (c), (d) or (e), or a specific examination without prior training or full time pursuit of the profession in a Member State for three consecutive years or for an equivalent duration on a part time basis during the previous ten years; or (ii) general primary or secondary education, attesting that the holder has acquired general knowledge;
Level b.	(b) a certificate attesting to a successful completion of a secondary course: (i) general in character, supplemented by a course of study or professional training other than those referred to in paragraph (c) and, or by the probationary or professional practice required in addition to that course; or (ii) technical or professional in character, supplemented where appropriate by a course of study or professional training as aforementioned or by the probationary or professional practice required in addition to that course;

- (c) a diploma certifying successful completion of: Level c.
- (i) training at post secondary level other than that referred to in paragraphs (d) and (e) of a duration of at least one year or of an equivalent duration on a part time basis, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education or the completion of equivalent school education of the higher secondary level as well as the professional training which may be required in addition to that post secondary course; or
 - (ii) regulated education and training or, in the case of regulated professions, vocational training with a special structure, with competences going beyond what is provided for in paragraph (b), equivalent to the level of training provided for under sub-paragraph (i), if such training provides a comparable professional standard and prepares the trainee for a comparable level of responsibilities and functions provided that the diploma is accompanied by a certificate from the home Member State;
- (d) a diploma certifying that the holder has successfully completed training at post-secondary level of at least three and not more than four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post- secondary course; Level d.
- (e) a diploma certifying that the holder has successfully completed a post-secondary course of at least four years' duration, or of an equivalent duration on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits, at a university or establishment of higher education or another establishment of equivalent level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course. Level e.

14. (1) Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying completion of training in the Member States, on a full or part-time basis, within or outside formal programmes which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications

Acquired rights.
Amended by:
L.N. 270 of 2016.

of the type referred to in regulation 13, including the level in question.

(2) Any professional qualification which, although not satisfying the requirements contained in the legislative, regulatory or administrative provisions in force in the home Member State for access to or the pursuit of a profession, confers on the holder acquired rights by virtue of these provisions, shall also be treated as such evidence of formal qualifications under the same conditions as set out in sub-regulation (1). This applies in particular if the home Member State raises the level of training required for admission to a profession and for its exercise, and if an individual who has undergone former training, which does not meet the requirements of the new qualification, benefits from acquired rights by virtue of national legislative, regulatory or administrative provisions; in such case this former training is considered by the host Member State, for the purposes of the application of regulation 15, as corresponding to the level of the new training.

Access contingent
to specific
professional
qualifications.
*Substituted by:
L.N. 270 of 2016.*

15. (1) If access to or pursuit of a regulated profession in Malta is contingent upon possession of specific professional qualifications, the relative designated authority shall permit applicants to access and pursue that profession, under the same conditions as apply to its nationals, if they possess an attestation of competence or evidence of formal qualifications referred to in regulation 13, required by another Member State in order to gain access to and pursue that profession on its territory:

Provided that the attestations of competence or evidence of formal qualifications must satisfy the condition of having been issued by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of that Member State.

(2) Access to, and pursuit of, a profession as described in sub-regulation (1) shall also be granted to applicants who have pursued the profession in question on a full-time basis for one year or for an equivalent overall duration on a part-time basis during the previous ten years in another Member State which does not regulate that profession, and who possess one or more attestations of competence or evidence of formal qualifications issued by another Member State which does not regulate the profession. Attestations of competence and evidence of formal qualifications shall satisfy the following conditions:

- (a) they shall have been issued by the competent authority in a Member State, designated in accordance with the legislative, regulatory or administrative provisions of that Member State;
- (b) they shall attest that the holder has been prepared for the pursuit of the profession in question.

(3) The one year of professional experience referred to in sub-regulation (2) may not, however, be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training.

(4) Designated authorities shall accept the level attested under regulation 13 by the home Member State, as well as the certificate by which the home Member State certifies that regulated education and training or vocational training with a special structure referred to in regulation 13(c)(ii) is equivalent to the level provided for in regulation 13(c)(i).

(5) Notwithstanding the provisions of sub-regulations (1) and (2) and regulation 16, a designated authority may refuse access to, and pursuit of, the profession to holders of an attestation of competence classified under regulation 13(a) where the professional qualification required to exercise the profession in Malta is classified under regulation 13(e).

16. (1) Regulation 15 shall not preclude the designated authority from requiring the applicant to complete an adaptation period of up to three years or to take an aptitude test if:

Compensation measures.
Amended by:
L.N. 270 of 2016;
L.N. 135 of 2019.

(a) the training he has received covers substantially different matters than those covered by the evidence of formal qualifications required in Malta;

Substantially different matters.

(b) the regulated profession comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State, and the training required in Malta covers substantially different matters from those covered by the applicant's attestation of competence or evidence of formal qualifications.

Range of professional activities.

(2) If the designated authority makes use of the option provided for in sub-regulation (1), it must offer the applicant the choice between an adaptation period and an aptitude test: provided that in the case where the designated authority finds it necessary not to offer the choice, it shall inform the other Member States and the Commission in advance and provide sufficient justification.

Offer of choice between aptitude test and adaptation period.

(3) (a) The detailed rules governing the adaptation period and its assessment as well as the status of a migrant under supervision shall be laid out by the designated authority.

Derogation.

Rules governing adaptation period.

(b) The status enjoyed by the person undergoing the period of supervised practice shall be established by the designated authority in conformity with national and Community law.

Status of person undergoing supervised practice.

(4) By way of derogation from the principle of the right of the applicant to choose, as laid down in sub-regulation (2), the designated authority may stipulate either an adaptation period or an aptitude test:

Derogation from right of applicant's choice.

(a) in the case of professions whose pursuit requires precise knowledge of national law and in respect of which the provision of advice and, or assistance concerning national law is an essential and constant aspect of the professional activity;

Professions requiring knowledge of national law.

Regulations 12(b) and (c) and 12(d) for doctors and dental practitioners.

- (b) in the cases provided for in regulation 12(b) and (c), and for doctors and dental practitioners in paragraph (d) of the same regulation;

Regulation 12(f).

- (c) in the case of regulation 12(f) when the migrant seeks recognition where the relevant professional activities are pursued by nurses responsible for general care or specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles referred to in the Health Care Professions Act, and in regulation 12(g);

Cap. 464
Regulation 12(g).

Regulation 12(a).
Self-employed or manager of an undertaking.

- (d) in the cases covered by regulation 12(a), if the migrant envisages pursuing professional activities in a self-employed capacity or as a manager of an undertaking which requires the knowledge and the application of the specific national rules in force, provided that knowledge and application of those rules are required by the designated authorities for access to such activities by its own nationals.

Principle of proportionality.

- (5) By way of derogation from the principle of the right of the applicant to choose, as laid down in sub-regulation (2), the designated authority may stipulate either an adaptation period or an aptitude test in the case of:

- (a) a holder of a professional qualification referred to in regulation 13(a), who applies for recognition of his professional qualifications where the national professional qualification required is classified under regulation 13(c); or
- (b) a holder of a professional qualification referred to in regulation 13(b), who applies for recognition of his professional qualifications where the national professional qualification required is classified under regulation 13(d) or (e).

In the case of a holder of a professional qualification referred to in regulation 13(a) who applies for recognition of his professional qualifications where the national professional qualification required is classified under regulation 13(d), the designated authority may impose both an adaptation period and an aptitude test.

(6) Sub-regulation (1) shall be applied with due regard to the principle of proportionality. In particular, if the designated authority intends to require the applicant to complete an adaptation period or take an aptitude test, it must first ascertain whether the knowledge, skills and competences acquired by the applicant in the course of his professional experience or through lifelong learning, and formally validated to that end by a relevant body, in any Member State or in a third country, is of such nature as to cover, in full or in part, substantially different matters.

(7) The decision imposing an adaptation period or an aptitude test shall be duly justified. In particular, the applicant shall be

provided with the following information:

- (a) the level of the professional qualification required by the designated authority and the level of the professional qualification held by the applicant in accordance with the classification set out in regulation 13; and
- (b) the substantially different matters and the reasons for which those differences cannot be compensated by knowledge, skills and competences acquired in the course of professional experience or through lifelong learning formally validated to that end by a relevant body.

(8) Designated authorities shall ensure that an applicant has the possibility of taking the aptitude test referred to in sub-regulation (1) not later than six months after the initial decision imposing an aptitude test on the applicant.

17. (*Deleted by Legal Notice 270 of 2016*).

Common
platforms.

Section II

Recognition of Professional Experience

18. If access to or pursuit of one of the activities listed in Schedule II is contingent upon possession of general, commercial or professional knowledge and aptitudes, the previous pursuit of the activity in another Member State shall be recognized as sufficient proof of such knowledge and aptitudes. The activity must have been pursued in accordance with regulations 19, 20 and 21.

Recognition of
professional
experience.
Amended by:
L.N. 270 of 2016.

19. (1) For the activities in list I of Schedule II, the activity in question must have been previously pursued:

Activities listed in
Schedule II.
Amended by:
L.N. 270 of 2016.

- (a) for six consecutive years on a self-employed basis or as a manager of an undertaking; or
- (b) for three consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary proves that he has received previous training of at least three years or the activity in question, evidenced by a certificate recognized by the Member State or judged by a competent professional body to be fully valid; or
- (c) for four consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary can prove that he has received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid; or
- (d) for three consecutive years on a self-employed basis, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least five years; or
- (e) for five consecutive years in an executive position, of which at least three years involved technical duties and

responsibility for at least one department of the company, if the beneficiary can prove that he has received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognized by the Member State or judged by a competent professional body to be fully valid.

(2) In cases in sub-regulation (1)(a) and (d), the activity must not have finished more than ten years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in article 4 of the Act.

Not applicable to
hairdressing
establishments.

(3) Sub-regulation (1)(e) shall not apply to activities listed in Group ex 855, hairdressing establishments, of the ISIC Nomenclature in 3, list I, of Schedule II.

Activities listed in
Schedule II.
Amended by:
L.N. 270 of 2016.

20. (1) For the activities in list II of Schedule II, the activity in question must have been previously pursued:

- (a) for five consecutive years on a self-employed basis or as a manager of an undertaking; or
- (b) for three consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary proves that he has received previous training of at least three years for the activity in question, evidenced by a certificate recognized by the Member State or judged by a competent professional body to be fully valid; or
- (c) for four consecutive years on a self-employed basis or as a manager of an undertaking, where the beneficiary can prove that he has received, for the activity in question, previous training of at least two years' duration, attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid; or
- (d) for three consecutive years on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least five years; or
- (e) for five consecutive years on an employed basis, if the beneficiary can prove that he has received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid; or
- (f) for six consecutive years on an employed basis, if the beneficiary can prove that he has received previous training in the activity in question of at least two years' duration, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid.

(2) In cases referred to in sub-regulation (1)(a) and (d), the activity must not have been finished more than ten years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in article 4

of Act.

21. (1) For the activities in ISIC Nomenclature in list III, of Schedule II, the activity in question must have been previously pursued:

Activities listed in List III, Schedule II.
Amended by:
L.N. 270 of 2016.

- (a) for three consecutive years, either on a self-employed basis or as a manager of an undertaking; or
- (b) for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid; or
- (c) for two consecutive years, either on a self-employed basis or as a manager of an undertaking, if the beneficiary can prove that he has pursued the activity in question on an employed basis for at least three years; or
- (d) for three consecutive years, on an employed basis, if the beneficiary can prove that he has received previous training for the activity in question, as attested by a certificate recognised by the Member State or judged by a competent professional body to be fully valid.

(2) In cases referred to in of sub-regulation (1)(a) and (c), the activity must not have finished more than 10 years before the date on which the complete application was submitted by the person concerned to the competent authority referred to in article 4 of the Act.

Section III

Recognition on the basis of coordination of minimum training conditions

22. (1) There shall be recognition of evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as pharmacist and as architect, referred to in the Health Care Professions Act, and listed in the Second Schedule to the Mutual Recognition of Qualifications of Perit Regulations, and in Schedule I to the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations, respectively, which satisfy the minimum training conditions referred to in the relevant articles of the Health Care Professions Act, the Periti Act and the Veterinary Services Act, respectively, and shall for the purpose of access to, and pursuit of the professional activity, give such evidence the same effect on its territory as the evidence of formal qualifications which it itself issues.

Principle of automatic recognition.
Amended by:
L.N. 270 of 2016.

Recognition on the basis of coordination of minimum training condition.
S.L. 390.05
S.L. 437.43

Cap. 464.
Cap. 390.
Cap. 437.

(2) With regard to the training referred to in the respective Acts mentioned in sub-regulation (1):

- (a) part-time training may be authorised under conditions laid down by the designated authorities; those

Authorized part-time training.

Promotion of continuing education and training.	authorities shall ensure that the overall duration, level and quality of such training is not lower than that of continuous full-time training; (b) designated authorities shall ensure, by encouraging continuous professional development, that professionals whose professional qualification is covered by Section III of Part III of these regulations are able to update their knowledge, skills and competences in order to maintain a safe and effective practice and keep abreast of professional developments.
Notification to the Commission. Added by: L.N. 270 of 2016. Cap. 390. S.L. 390.05	22A. (1) The designated authorities responsible for the professions referred to in regulation 22(1) shall notify the Commission of the laws, regulations and administrative provisions which are adopted with regard to the issuing of evidence of formal qualifications in relation to the professions referred to in regulation 22(1). In the case of evidence of formal qualifications referred to in the <i>Periti</i> Act and Mutual Recognition of Qualifications of <i>Perit</i> Regulations, notification shall also be addressed to the other Member States. (2) The notification referred to in sub-regulation (1) shall include information about the duration and content of the training programmes and shall be transmitted via IML.
Acquired rights. Evidence of successful completion of training. Certificate attesting three years practice in the last five years. Cap. 464. S.L. 437.43	23. (1) Without prejudice to the acquired rights specific to the professions concerned, in cases where the evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist held by Member State nationals does not satisfy all the training requirements stipulated in the specific national sectoral legislation, it shall be recognised as sufficient proof evidence of professional qualifications issued by those Member States insofar as such evidence attests successful completion of training which began before the reference dates laid down in the Health Care Professions Act, and in Schedule I of the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations, and is accompanied by a certificate stating that the holder has been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate. (2) The same provisions shall apply to evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist, obtained in the territory of the former German Democratic Republic, which does not satisfy all the minimum training requirements laid down in the specific national sectoral legislation if such evidence certifies successful completion of training which began before:

- (a) the 3rd October 1990 for doctors with basic training, nurses responsible for general care, dental practitioners with basic training, specialised dental practitioners, veterinary surgeons, midwives and pharmacists; and
- (b) the 3rd April 1992 for specialised doctors.

(3) The evidence of formal qualifications referred to in subregulation (1) confers on the holder the right to pursue professional activities throughout German territory under the same conditions as evidence of formal qualifications issued by the competent German authorities referred to in the Health Care Professions Act, and in Schedule I of the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations.

Cap. 464.
S.L. 437.43

- (4) (a) Bulgaria may authorise the holders of the qualification of "Фелдшер" (feldsher) awarded in Bulgaria before 31 December 1999 and exercising this profession under the Bulgarian national social security scheme on 1 January 2000 to continue to exercise this profession, even if parts of their activities fall under the provisions concerning doctors of medicine and nurses responsible for general care respectively.
- (b) The holders of the above Bulgarian qualification are not entitled to obtain professional recognition in Malta as doctors of medicine or as nurses (general care).

24. (1) Where the designated authorities decide on an application for authorisation to pursue the regulated profession in question by virtue of these regulations, those authorities may demand the documents and certificates listed in Schedule III of these regulations.

Authorities listed
in Schedule III.
Amended by:
L.N. 270 of 2016.

(2) The documents referred to in Schedule III, paragraphs (d), (e), and (f), shall not be more than three months old by the date on which they are submitted. The authorities and other legal persons shall guarantee the confidentiality of the information, which they receive.

Documents not
more than three
months old.

(3) In case of justified doubts, the designated authority may require from the competent authorities of a Member State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other Member State, as well as, where applicable, confirmation of the fact that the beneficiary fulfils, for the professions referred to in Part III, Section III of these regulations, the minimum training conditions set out respectively in the respective sectoral legislation.

Confirmation of
authenticity.

(4) In the event of justified doubts, the designated authorities may require from the competent authorities of a Member State confirmation of the fact that the applicant is not suspended or prohibited from the pursuit of the profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of his professional activities.

(5) Exchange of information between designated authorities and competent authorities of different Member States under this

	regulation shall take place by means of the IMI.
Verification with the Member State of origin.	(6) In cases of justified doubt, where evidence of formal qualifications, as defined in regulation 2, has been issued by a competent authority in a Member State and includes training received in whole or in part in an establishment legally established in the territory of another Member State, the designated authority shall be entitled to verify with the competent body in the Member State of origin of the award: (a) whether the training course at the establishment which gave the training has been formally certified by the educational establishment based in the Member State of origin of the award; (b) whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed entirely in the Member State of origin of the award; and, or (c) whether the evidence of formal qualifications confers the same professional rights in the territory of the Member State of origin of the award.
Solemn oath or sworn statement.	(7) Where it is required of nationals to swear a solemn oath or make a sworn statement in order to gain access to a regulated profession, and where the wording of that oath or statement cannot be used by citizens of the other Member States, it shall be ensured that the persons concerned can use an appropriate equivalent wording.
Acknowledgement within one month.	25. (1) The designated authority shall acknowledge receipt of an application within a month of receipt and inform the applicant of any missing document.
Decision within three months.	(2) The procedure for examining an application for authorisation to practise a regulated profession must be completed as quickly as possible and lead to a duly substantiated decision by the designated authority in any case within three months after the date on which the applicant's complete file was submitted. However, this deadline may be extended by one month in cases falling under Sections I and II in Part III.
Members of professional association.	26. (1) A profession practised by the members of a professional association or organisation referred to in regulation 2 and listed in Schedule I shall be treated as a regulated profession. (2) The Minister responsible for education may authorise a professional association or organisation fulfilling the conditions and functions referred to in regulation 2 to award evidence of formal qualifications and confer titles to its members.
Use of professional title.	27. If the use of a professional title relating to one of the activities of the profession is regulated, nationals of other Member States who are authorised to practise a regulated profession on the basis of these regulations shall use the Maltese professional title which corresponds to that profession and make use of any associated initials.

28. Without prejudice to regulation 27 and to Part II, it shall be ensured that a person be given the right to use the academic titles conferred on him in the home Member State and possibly an abbreviated form thereof in the language of the home Member State. The appropriate authority may require that the title be followed by the name and address of the awarding establishment or examining board. Where an academic title of the home Member State is liable to be confused with a title which requires supplementary training not acquired by the beneficiary, the beneficiary may be required to use the academic title of the home Member State in an appropriate form to be laid down by the appropriate authority.

Use of academic titles.

29. (1) For the purpose of this regulation, "common training framework" means a common set of minimum knowledge, skills and competences necessary for the pursuit of a specific profession. A common training framework shall not replace national training programmes unless otherwise stated by law. For the purpose of access to and pursuit of a profession in Malta which is regulated, the designated authorities shall give evidence of professional qualifications acquired on the basis of such a framework the same effect in Malta as the evidence of formal qualifications which are issued by competent authorities in Malta, on condition that such framework is adopted by means of a delegated act issued by the European Commission in terms of Directive 2005/36/EC.

Common training framework.
Added by:
L.N. 270 of 2016.

(2) In the event that the European Commission establishes a common training framework for a given profession by means of a delegated act adopted in accordance with Directive 2005/36/EC, the designated authority responsible for that profession shall be exempted from the obligation of introducing the common training framework and from the obligation of granting automatic recognition to the professional qualifications acquired under that common training framework if one of the following conditions is fulfilled:

- (a) there are no education or training institutions available in Malta to offer such training for the profession concerned;
- (b) the introduction of the common training framework would adversely affect the organisation of the system of education and professional training in Malta;
- (c) there are substantial differences between the common training framework and the training required in Malta, which entail serious risks for public policy, public security, public health or for the safety of the service recipients or the protection of the environment.

(3) The relevant designated authority shall, within six months of the entry into force of the delegated act referred to in sub-regulation (2), notify to the Commission and to the other Member States:

- (a) the national qualifications, and where applicable the national professional titles, that comply with the common training framework; or

- (b) any use of the exemption referred to in sub-regulation (2), along with a justification of which conditions under sub-regulation were fulfilled. In the event that the Commission requests further clarification, the designated authority shall reply within three months of any such request.

Common training test.
Added by:
L.N. 270 of 2016.

30. (1) For the purpose of this regulation, a "common training test" means a standardised aptitude test available across participating Member States and reserved to holders of a particular professional qualification. Passing such a test in a Member State shall entitle the holder of a particular professional qualification to pursue the profession in Malta under the same conditions as the holders of professional qualifications in Malta.

(2) In the event that the European Commission establishes a common training test for a given profession by means of a delegated act adopted in accordance with Directive 2005/36/EC, the designated authority responsible for that profession shall be exempted from the obligation of organising the common training test in Malta and from the obligation of granting automatic recognition to professionals who have passed the common training test if one of the following conditions is fulfilled:

- (a) the profession concerned is not regulated in Malta;
- (b) the contents of the common training test will not sufficiently mitigate serious risks for public health or the safety of the service recipients, which are relevant in Malta;
- (c) the contents of the common training test would render access to the profession significantly less attractive compared to national requirements.

(3) The relevant designated authority shall, within six months of the entry into force of the delegated act referred to in sub-regulation (2), notify to the Commission and to the other Member States:

- (a) the available capacity for organising such tests; or
- (b) any use of the exemption referred to in sub-regulation (2), along with the justification of which conditions under that sub-regulation were fulfilled. In the event that the Commission requests further clarification, the designated authority shall reply within three months of any such request.

Professional traineeship.
Added by:
L.N. 270 of 2016.

31. (1) If access to a regulated profession in Malta is contingent upon completion of a professional traineeship, the relevant designated authority shall, when considering a request for authorisation to exercise the regulated profession, recognise professional traineeships carried out in another Member State provided the traineeship is in accordance with the published guidelines referred to in sub-regulation (2), and shall take into account professional traineeships carried out in a third country, subject to any reasonable limits, established by national law, on the duration of the part of the professional traineeship which can be carried out abroad.

(2) Recognition of the professional traineeship shall not replace any requirements in place to pass an examination in order to gain access to the profession in question. The designated authorities shall publish guidelines on the organisation and recognition of professional traineeships carried out in another Member State or in a third country, in particular on the role of the supervisor of the professional traineeship.

SCHEDULE I

List of professional associations or organisations fulfilling the conditions
in regulation 22

IRELAND (*)

1. The Institute of Chartered Accountants in Ireland (†)
2. The Institute of Certified Public Accountants in Ireland (†)
3. The Association of Certified Accountants (†)
4. Institution of Engineers of Ireland
5. Irish Planning Institute

UNITED KINGDOM

1. Institute of Chartered Accountants in England and Wales
2. Institute of Chartered Accountants of Scotland
3. Institute of Chartered Accountants in Ireland
4. Chartered Association of Certified Accountants
5. Chartered Institute of Loss Adjusters
6. Chartered Institute of Management Accountants
7. Institute of Chartered Secretaries and Administrators
8. Chartered Insurance Institute
9. Institute of Actuaries
10. Faculty of Actuaries
11. Chartered Institute of Bankers
12. Institute of Bankers in Scotland
13. Royal Institution of Chartered Surveyors
14. Royal Town Planning Institute
15. Chartered Society of Physiotherapy
16. Royal Society of Chemistry
17. British Psychological Society
18. Library Association
19. Institute of Chartered Foresters
20. Chartered Institute of Building
21. Engineering Council

*Irish nationals are also members of the following associations or organisations in the United Kingdom:

Institute of Chartered Accountants in England and Wales

Institute of Chartered Accountants of Scotland

Institute of Actuaries

Faculty of Actuaries

The Chartered Institute of Management Accountants

Institute of Chartered Secretaries and Administrators

Royal Town Planning Institute

Royal Institution of Chartered Surveyors

Chartered Institute of Building.

†Only for the activity of auditing accounts

22. Institute of Energy
23. Institution of Structural Engineers
24. Institution of Civil Engineers
25. Institution of Mining Engineers
26. Institution of Mining and Metallurgy
27. Institution of Electrical Engineers
28. Institution of Gas Engineers
29. Institution of Mechanical Engineers
30. Institution of Chemical Engineers
31. Institution of Production Engineers
32. Institution of Marine Engineers
33. Royal Institution of Naval Architects
34. Royal Aeronautical Society
35. Institute of Metals
36. Chartered Institution of Building Services Engineers
37. Institute of Measurement and Control
38. British Computer Society

SCHEDULE II

*Re-numbered by:
L.N. 270 of 2016.*

Activities related to the categories of professional experience referred to
in regulations 18, 19, 20 and 21

List I

Major groups covered by Directive 64/427/EEC, as amended by Directive 69/77/
EEC, and by Directives 68/366/EEC and 82/489/EEC

1

Directive 64/427/EEC

(liberalisation Directive 64/429/EEC)

NICE nomenclature (corresponding to ISIC major groups 23 to 40)

Major group	23	Manufacture of textiles
	232	Manufacturing and processing of textile materials on woollen machinery
	233	Manufacturing and processing of textile materials on cotton machinery
	234	Manufacturing and processing of textile materials on silk machinery
	235	Manufacturing and processing of textile materials on flax

		and hemp machinery
	236	Other textile fibre industries (jute, hard fibres, etc.), cordage
	237	Manufacture of knitted and crocheted goods
	238	Textile finishing
	239	Other textile industries
Major group	24	Manufacture of footwear, other wearing apparel and bedding
	241	Machine manufacture of footwear (except from rubber or wood)
	242	Manufacture by hand and repair of footwear
	243	Manufacture of wearing apparel (except furs)
	244	Manufacture of mattresses and bedding
	245	Skin and fur industries
Major group	25	Manufactures of wood and cork, except manufacture of furniture
	251	Sawing and industrial preparation of wood
	252	Manufacture of semi-finished wood products
	253	Series production of wooden building components including flooring
	254	Manufacture of wooden containers
	255	Manufacture of other wooden products (except furniture)
	259	Manufacture of straw, cork, basketware, wicker-work and rattan products; brush-making
Major group	26	260 Manufacture of wooden furniture
Major group	27	Manufacture of paper and paper products
	271	Manufacture of pulp, paper and paperboard
	272	Processing of paper and paperboard, and manufacture of articles of pulp
Major group	28	280 Printing, publishing and allied industries
Major group	29	Leather industry
	291	Tanneries and leather finishing plants
	292	Manufacture of leather products
ex major group	30	Manufacture of rubber and plastic products, man-made fibres and starch products
	301	Processing of rubber and asbestos
	302	Processing of plastic materials
	303	Production of man-made fibres
ex major group	31	Chemical industry
	311	Manufacture of chemical base materials and further

		processing of such materials
	312	Specialised manufacture of chemical products principally for industrial and agricultural purposes (including the manufacture for industrial use of fats and oils of vegetable or animal origin falling within ISIC group 312)
	313	Specialised manufacture of chemical products principally for domestic or office use [excluding the manufacture of medicinal and pharmaceutical products (ex ISIC group 319)]
Major group	32	320 Petroleum industry
Major group	33	Manufacture of non-metallic mineral products
	331	Manufacture of structural clay products
	332	Manufacture of glass and glass products
	333	Manufacture of ceramic products, including refractory goods
	334	Manufacture of cement, lime and plaster
	335	Manufacture of structural material, in concrete, cement and plaster
	339	Stone working and manufacture of other non-metallic mineral products
Major group	34	Production and primary transformation of ferrous and non-ferrous metals
	341	Iron and steel industry (as defined in the ECSC treaty, including integrated steel works-owned coking plants)
	342	Manufacture of steel tubes
	343	Wire-drawing, cold-drawing, cold-rolling of strip, cold-forming
	344	Production and primary transformation of non-ferrous metals
	345	Ferrous and non-ferrous metal foundries
Major group	35	Manufacture of metal products (except machinery and transport equipment)
	351	Forging, heavy stamping and heavy pressing
	352	Secondary transformation and surface-treatment
	353	Metal structures
	354	Boilermaking, manufacture of industrial hollow-ware
	355	Manufacture of tools and implements and finished articles of metal (except electrical equipment)
	359	Ancillary mechanical engineering activities
Major group	36	Manufacture of machinery other than electrical machinery
	361	Manufacture of agricultural machinery and tractors

	362	Manufacture of office machinery
	363	Manufacture of metal-working and other machine-tools and fixtures and attachments for these and for other powered tools
	364	Manufacture of textile machinery and accessories, manufacture of sewing machines
	365	Manufacture of machinery and equipment for the food-manufacturing and beverage industries and for the chemical and allied industries
	366	Manufacture of plant and equipment for mines, iron and steel works foundries, and for the construction industry; manufacture of mechanical handling equipment
	367	Manufacture of transmission equipment
	368	Manufacture of machinery for other specific industrial purposes
	369	Manufacture of other non-electrical machinery and equipment
Major group	37	Electrical engineering
	371	Manufacture of electric wiring and cables
	372	Manufacture of motors, generators, transformers, switchgear, and other similar equipment for the provision of electric power
	373	Manufacture of electrical equipment for direct commercial use
	374	Manufacture of telecommunications equipment, meters, other measuring appliances and electromedical equipment
	375	Manufacture of electronic equipment, radio and television receivers, audio equipment
	376	Manufacture of electric appliances for domestic use
	377	Manufacture of lamps and lighting equipment
	378	Manufacture of batteries and accumulators
	379	Repair, assembly, and specialist installation of electrical equipment
ex major group	38	Manufacture of transport equipment
	383	Manufacture of motor vehicles and parts thereof
	384	Repair of motor vehicles, motorcycles and cycles
	385	Manufacture of motorcycles, cycles and parts thereof
	389	Manufacture of transport equipment not elsewhere classified
Major group	39	Miscellaneous manufacturing industries
	391	Manufacture of precision instruments, and measuring and controlling instruments

	392	Manufacture of medico-surgical instruments and equipment and orthopaedic appliances (except orthopaedic footwear)
	393	Manufacture of photographic and optical equipment
	394	Manufacture and repair of watches and clocks
	395	Jewellery and precious metal manufacturing
	396	Manufacture and repair of musical instruments
	397	Manufacture of games, toys, sporting and athletic goods
	399	Other manufacturing industries
Major group	40	Construction
	400	Construction (non-specialised); demolition
	401	Construction of buildings (dwellings or other)
	402	Civil engineering; building of roads, bridges, railways, etc.
	403	Installation work
	404	Decorating and finishing

2

Directive 68/366/EEC

(liberalisation Directive 68/365/EEC)

NICE nomenclature

Major group	20A	200 Industries producing animal and vegetable fats and oils
	20B	Food manufacturing industries (excluding the beverage industry)
	201	Slaughtering, preparation and preserving of meat
	202	Milk and milk products industry
	203	Canning and preserving of fruits and vegetables
	204	Canning and preserving of fish and other sea foods
	205	Manufacture of grain mill products
	206	Manufacture of bakery products, including rusks and biscuits
	207	Sugar industry
	208	Manufacture of cocoa, chocolate and sugar confectionery
	209	Manufacture of miscellaneous food products
Major group	21	Beverage industry
	211	Production of ethyl alcohol by fermentation, production of yeasts and spirits
	212	Production of wine and other unmalted alcoholic beverages
	213	Brewing and malting

- 214 Soft drinks and carbonated water industries
- ex 30 Manufacture of rubber products, plastic materials, artificial and synthetic fibres and starch products
- 304 Manufacture of starch products

3

Directive 82/489/EEC

ISIC nomenclature

- ex 855 hairdressing establishments (excluding chiropodists' activities and beauticians' training schools)

List II

Major groups of Directives 75/368/EEC, 75/369/EEC and 82/470/EEC

1

Directive 75/368/EEC (activities referred to in Article 5(1))

ISIC nomenclature

- ex 04 Fishing
- 043 Inland water fishing
- ex 38 Manufacture of transport equipment
- 381 Shipbuilding and repairing
- 382 Manufacture of railroad equipment
- 386 Manufacture of aircraft (including space equipment)
- ex 71 Activities allied to transport and activities other than transport coming under the following groups:
 - ex 711 Sleeping-and dining-car services; maintenance of railway stock in repair sheds; cleaning of carriages
 - ex 712 Maintenance of stock for urban, suburban and interurban passenger transport
 - ex 713 Maintenance of stock for other passenger land transport (such as motor cars, coaches, taxis)
 - ex 714 Operation and maintenance of services in support of road transport (such as roads, tunnels and toll-bridges, goods depots, car parks, bus and tram depots)
 - ex 716 Activities allied to inland water transport (such as operation and maintenance of waterways, ports and other installations for inland water transport; tug and piloting services in ports, setting of buoys, loading and unloading of vessels and other similar activities, such as salvaging of vessels, towing and the operation of boathouses)
- 73 Communications: postal services and telecommunications
- ex 85 Personal services
- 854 Laundries and laundry services, dry-cleaning and dyeing
- 855 ex 856 Photographic studios: portrait and commercial photography, except journalistic photographers

ex 859 Personal services not elsewhere classified (only maintenance and cleaning of buildings or accommodation)

2

Directive 75/369/EEC (Article 6: where the activity is regarded as being of an industrial or small craft nature)

ISIC nomenclature

The following itinerant activities:

(a) the buying and selling of goods:

- by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612)
- in covered markets other than from permanently fixed installations and in open-air markets;

(b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

3

Directive 82/470/EEC (Article 6(1) and (3))

Groups 718 and 720 of the ISIC nomenclature

The activities comprise in particular:

- organising, offering for sale and selling, outright or on commission, single or collective items (transport, board, lodging, excursions, etc.) for a journey or stay, whatever the reasons for travelling (Article 2(B)(a)) acting as an intermediary between contractors for various methods of transport and persons who dispatch or receive goods, and carrying out related activities:
 - (aa) by concluding contracts with transport contractors, on behalf of principals
 - (bb) by choosing the method of transport, the firm and the route considered most profitable for the principal
 - (cc) by arranging the technical aspects of the transport operation (e.g. packing required for transportation); by carrying out various operations incidental to transport (e.g. ensuring ice supplies for refrigerated wagons)
 - (dd) by completing the formalities connected with the transport such as the drafting of way bills; by assembling and dispersing shipments
 - (ee) by coordinating the various stages of transportation, by ensuring transit, reshipment, transshipment and other termination operations
 - (ff) by arranging both freight and carriers and means of transport for persons dispatching goods or receiving them:
- assessing transport costs and checking the detailed accounts by taking certain temporary or permanent measures in the name of and on behalf of a shipowner or sea transport carrier (with the port authorities, ship's chandlers, etc.). [The activities listed under Article 2(A)(a), (b) and (d)].

List III

Directives 64/222/EEC, 68/364/EEC, 68/368/EEC, 75/368/EEC, 75/369/EEC, 70/523/EEC and 82/470/EEC

1

Directive 64/222/EEC

(liberalisation Directives 64/223/EEC and 64/224/EEC)

1. Activities of self-employed persons in wholesale trade, with the exception of wholesale trade in medicinal and pharmaceutical products, in toxic products and pathogens and in coal (ex Group 611).
2. Professional activities of an intermediary who is empowered and instructed by one or more persons to negotiate or enter into commercial transactions in the name of and on behalf of those persons.
3. Professional activities of an intermediary who, while not being permanently so instructed, brings together persons wishing to contract directly with one another or arranges their commercial transactions or assists in the completion thereof.
4. Professional activities of an intermediary who enters into commercial transactions in his own name on behalf of others.
5. Professional activities of an intermediary who carries out wholesale selling by auction on behalf of others.
6. Professional activities of an intermediary who goes from door to door seeking orders.
7. Provision of services, by way of professional activities, by an intermediary in the employment of one or more commercial, industrial or small craft undertakings.

2

Directive 68/364/EEC

(liberalisation Directive 68/363/EEC)

ISIC ex Group 612: Retail trade

Activities excluded:

- 012 Letting out for hire of farm machinery
- 640 Real estate, letting of property
- 713 Letting out for hire of automobiles, carriages and horses
- 718 Letting out for hire of railway carriages and wagons
- 839 Renting of machinery to commercial undertakings
- 841 Booking of cinema seats and renting of cinematograph films
- 842 Booking of theatre seats and renting of theatrical equipment
- 843 Letting out for hire of boats, bicycles, coin-operated machines for games of skill or chance
- 853 Letting of furnished rooms
- 854 Laundered linen hire
- 859 Garment hire

3

Directive 68/368/EEC

(liberalisation Directive 68/367/EEC)

ISIC nomenclature

ISIC ex major Group 85

1. Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852).
2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853).

4

Directive 75/368/EEC (Article 7)

All the activities in the Annex to Directive 75/368/EEC, except the activities listed in Article 5(1) of this Directive (List II, point 1, of this Schedule.

ISIC nomenclature

- ex 62 Banks and other financial institutions
- ex 620 Patent buying and licensing companies
- ex 71 Transport
- ex 713 Road passenger transport, excluding transportation by means of motor vehicles
- ex 719 Transportation by pipelines of liquid hydrocarbons and other liquid chemical products
- ex 82 Community services
- 827 Libraries, museums, botanical and zoological gardens
- ex 84 Recreation services
- 843 Recreation services not elsewhere classified:

Sporting activities (sports grounds, organising sporting fixtures, etc.), except the activities of sports instructors

- Games (racing stables, areas for games, racecourses, etc.)
- Other recreation services (circuses, amusement parks and other entertainment)
- ex 85 Personal services
- ex 851 Domestic services
- ex 855 Beauty parlours and services of manicurists, excluding services of chiropodists and professional beauticians' and hairdressers' training schools
- ex 859 Personal services not elsewhere classified, except sports and paramedical masseurs and mountain guides, divided into the following groups:
 - Disinfecting and pest control
 - Hiring of clothes and storage facilities
 - Marriage bureaux and similar services
 - Astrology, fortune telling and the like
 - Sanitary services and associated activities
 - Undertaking and cemetery maintenance
 - Couriers and interpreter-guides

5

Directive 75/369/EEC (Article 5)

The following itinerant activities:

- (a) the buying and selling of goods:
 - by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612)
 - in covered markets other than from permanently fixed installations and in open-air markets
- (b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

6

Directive 70/523/EEC

Activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ex Group 6112, ISIC nomenclature)

7

Directive 82/470/EEC (Article 6(2))

These activities comprise in particular:

- hiring railway cars or wagons for transporting persons or goods
- acting as an intermediary in the sale, purchase or hiring of ships
- arranging, negotiating and concluding contracts for the transport of emigrants receiving all objects and goods deposited, on behalf of the depositor, whether under customs control or not, in warehouses, general stores, furniture depots, coldstores, silos, etc.
- supplying the depositor with a receipt for the object or goods deposited providing pens, feed and sales rings for livestock being temporarily accommodated while awaiting sale or while in transit to or from the market
- carrying out inspection or technical valuation of motor vehicles - measuring, weighing and gauging goods.

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SCHEDULE III

Documents and certificates which may be required
in accordance with regulation 24(1)

1. Documents

- (a) Proof of the nationality of the person concerned.
- (b) Copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question, and an attestation of the professional experience of the person concerned where applicable. The designated authority may invite the applicant to provide information concerning his training to the extent necessary in

order to determine the existence of potential substantial differences with the required national training, as laid down in regulation 12. Where it is impossible for the applicant to provide this information, the designated authority shall address the contact point, the competent authority or any other relevant body in the home Member State from which the foreign national comes.

- (c) For the cases referred to in regulation 14, a certificate concerning the nature and duration of the activity issued by the competent authority or body in the home Member State from which the foreign national comes.
- (d) Where the designated authority requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that designated authority shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in Malta, the production of documents issued by competent authorities in the home Member State or the Member State from which the foreign national comes, showing that those requirements are met. Those authorities must provide the documents required within a period of two months. Where the competent authorities of the home Member State or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the home Member State or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.
- (e) Where it is required of Maltese nationals wishing to take up a regulated profession, a document relating to the physical or mental health of the applicant, in the case of a foreign national of an Member States, it shall be accepted as sufficient evidence thereof the presentation of the document required in the home Member State. Where the home Member State does not issue such a document, it shall be accepted a certificate issued by a competent authority in that State. In that case, the competent authorities of the home Member State must provide the document required within a period of two months.
- (f) Where it is required of Maltese nationals wishing to take up a regulated profession to furnish:
 - proof of the applicant's financial standing,
 - proof that the applicant is insured against the financial risks arising from their professional liability in accordance with the laws and regulations in force in Malta regarding the terms and extent of cover,

it shall be accepted as sufficient evidence an attestation to that effect issued by the banks and insurance undertakings of another Member State.

- (g) Where the designated authority so requires for its own nationals, an attestation confirming the absence of temporary or final suspensions from

exercising the profession or of criminal convictions.

2. Certificates

To facilitate the application of Section III, Part III of these regulations, it may be prescribed that, in addition to evidence of formal qualifications, the person who satisfies the conditions of training required must provide a certificate from the competent authorities of his home Member State stating that this evidence of formal qualifications is that covered by European Union Directive 2005/36/EC.
