

L.N. 71 of 2017**VARIOUS LAWS (TRANSPOSITION OF DIRECTIVE
2013/55/EU) (AMENDMENT) ACT, 2016
(ACT NO. XXXIV of 2016)****Subsidiary Legislation (Transposition of Directive 2013/55/EU)
(Amendment) Regulations, 2017**

IN exercise of the powers conferred by article 38 of the Various Laws (Transposition of Directive 2013/55/EU) (Amendment) Act, 2016, the Minister for Education and Employment has made the following regulations:-

Citation.

1. The title of these regulations is the Subsidiary Legislation (Transposition of Directive 2013/55/EU) (Amendment) Regulations, 2017.

Part I**Amendments to the Periti Warrant Regulations**

Amendments to
the Periti
Warrant
Regulations.
S.L. 390.03

2. (1) This Part amends the Periti Warrant Regulations, and it shall be read and construed as one with the Periti Warrant Regulations hereinafter in this Part referred to as "the principal regulations".

(2) The regulations included in this Part implement certain provisions of Commission Directive 2013/55/EU, and they are made by virtue of the powers conferred by article 38 of the Various Laws (Transposition of Directive 2013/55/EU) (Amendment) Act, 2016, on the Minister for Education and Employment, in consultation with the Minister for Transport and Infrastructure (in consultation with the *Kamra tal-Periti*) in pursuance of the powers conferred by article 20 of the Periti Act.

Amends
regulation 2 of
the principal
regulations.

3. In regulation 2 of the principal regulations, immediately after the definition "Experience Record Book" there shall be added the following new definition:

" "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;"

4. Regulation 2E of the principal regulations shall be amended as follows:

Amends
regulation 2E of
the principal
regulations.

(a) in paragraph (b) of sub-regulation (1) thereof, for the words "two years" there shall be substituted the words "one year";

(b) in paragraph (e) of sub-regulation (2) thereof, for the words "two years" there shall be substituted the words "one year";

(c) in sub-regulation (3) thereof, for the words "public health, safety and security" there shall be substituted the words "public health or safety, and that it cannot be compensated by the applicant's professional experience or knowledge, skills and competences acquired through lifelong learning formally validated to that end by a relevant body"; and

(d) for sub-regulation (5) thereof shall be substituted the following:

"(5) No later than one month after receipt of the declaration and accompanying documents, referred to in sub-regulation (2), the Board shall inform the applicant of its decision:

(a) not to check his professional qualifications; or

(b) having checked his professional qualifications, to either require the applicant to take an aptitude test or to allow the provision of services.

Where there is a difficulty which would result in delay in taking a decision under paragraph (b), the Board shall notify the applicant 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. In the absence of a decision by the Board within the said deadlines, the services falling under this regulation may be provided."

Part II

Amendments to the Mutual Recognition of Qualifications
of Periti Regulations

Amendments to
the Mutual
Recognition of
Qualifications
of Periti
Regulations.
S.L. 390.05

5. (1) This Part amends the Mutual Recognition of Qualifications of Periti Regulations and it shall be read and construed as one with the Mutual Recognition of Qualifications of Periti Regulations, hereinafter in this Part referred to as "the principal regulations".

(2) The regulations included in this Part implement certain provisions of Commission Directive 2013/55/EU, and they are made by virtue of the powers conferred by article 38 of the Various Laws (Transposition of Directive 2013/55/EU) (Amendment) Act, 2016, on the Minister for Education and Employment, in consultation with the Minister for Transport and Infrastructure (in consultation with the *Kamra tal-Periti*) in pursuance of the powers conferred by article 20 of the Periti Act.

Amends
regulation 2 of
the principal
regulations.

6. Immediately after the definition "application" in regulation 2 of the principal regulations, there shall be added the following new definitions:

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

"professional traineeship" means a period of professional practice carried out under supervision."

Amends
regulation 4 of
the principal
regulations.

7. Sub-regulation (2) of regulation 4 of the principal regulations shall be amended as follows:

(a) for the words "acquisition of:" there shall be substituted the words "acquisition of the following knowledge, skills and competences:" and

(b) in paragraph (i) thereof, for the words "against the climate;" there shall be substituted the words "against the climate, in the framework of sustainable development;"

Amends
regulation 5 of
the principal
regulations.

8. Sub-regulation (1) of regulation 5 of the principal regulations shall be amended as follows:

(a) for paragraph (a) thereof, there shall be substituted the following:

"(a) the total length of education and training shall consist of a minimum of either five years of full-time studies at a university or comparable educational establishment, or at least four years of full-time study at a university or comparable educational establishment, accompanied by a certificate attesting to the completion of two years professional traineeship, which traineeship shall take place only after completion of the first three years of study. At least one year of the professional traineeship shall build upon knowledge, skills and competences acquired during the study referred to in regulation 4(2). To that end, the professional traineeship shall be carried out under the supervision of a person or body that has been authorised by the competent authority of the home Member State. Such supervised traineeship may take place in any country. The professional traineeship shall be evaluated by the competent authority of the home Member State;" and

(b) for paragraph (b) thereof, there shall be substituted the following:

"(b) such education and training shall lead to successful completion of a university-level examination."

9. Immediately after sub-regulation (3) of regulation 9 of the principal regulations, there shall be added the following new sub-regulation:

Amends
regulation 9 of
the principal
regulations.

"(4) Sub-regulation (1) shall also apply to evidence of formal qualifications as an architect and civil engineer listed in the Second Schedule, where the training started before 18 January 2016."

10. Immediately after sub-regulation (4) of regulation 9A of the principal regulations, there shall be added the following new sub-regulation:

Amends
regulation 9A of
the principal
regulations.

"(5) The Board shall give the following evidence the same effect in Malta as evidence of formal qualifications it itself issues for the purposes of access to and pursuit of the professional activities of perit: evidence of completion of training existing as of 5 August 1985 and commenced no later than 17 January 2014, provided by 'Fachhochschulen' in the Federal Republic of Germany over a period of three years, satisfying the requirements set out in Article 46(2) of Directive 2005/36/EC and giving access to the activities referred to in

Article 48 of Directive 2005/36/EC in that Member State under the professional title of ‘architect’, in so far as the training was followed by a four-year period of professional experience in the Federal Republic of Germany, as attested by a certificate issued by the competent authority in whose roll the name of the architect wishing to benefit from the provisions of Directive 2005/36/EC appears.".

