
Nru. 116

28. 02. 2020

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Aaron Farrugia, M.P., Ministru għall-Ambjent, it-Tibdil fil-Klima u l-Ippjanar, f'isem il-Ministru għall-Ekonomija, Investiment u Negozji Żgħar, u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Frar 2020.

A BILL introduced by the Honourable Aaron Farrugia, M.P., Minister for the Environment, Climate Change and Planning, on behalf of the Minister for the Economy, Investment and Small Businesses, and read the First time at the Sitting of the 17th February 2020.

ATT biex jipprovdi għall-inkoraggiment, il-promozzjoni, ir-registrazzjoni u r-regolamentazzjoni tal-artiġjani, tal-imprediture tal-artiġjanat u tal-artiġjanat, partikolarment artiġjanat li jiffirma parti mill-wirt storiku ta' Malta, sabiex jistabbilixxi l-Uffiċċju ta' Registratur u sabiex jipprovdi għal kwistjonijiet anċillari jew incidental magħhom jew konnessi miegħu.

AN ACT to make provision for the encouragement, promotion, registration and regulation of craftspersons, crafts entrepreneurs and crafts, in particular crafts forming part of Malta's historical heritage, to establish the Office of the Registrar and to provide for matters ancillary to or connected therewith.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jipprovdi għall-inkoraġġiment, il-promozzjoni, ir-registrazzjoni u r-regolamentazzjoni tal-artiġjani, tal-imprendituri tal-artiġjanat u tal-artiġjanat, partikolarment artiġjanat li jiffirma parti mill-wirt storiku ta' Malta, sabiex jistabbilixxi l-Uffiċċju ta' Registratur u sabiex jipprovdi għal kwistjonijiet ancillari jew inċidentali magħhom jew konnessi miegħu.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan Att huwa l-Att tal-2020 dwar l-Artiġjanat Malti. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għall-promozzjoni u s-sostenibbiltà tas-settur tal-artiġjanat jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx Tifsir. xort'oħra -

"artiġjan" tfisser persuna li tkun taħdem fl-artiġjanat u li taqla' l-għajxien tagħha minn, jew tkattar il-qliegħ tagħha minn dak l-artiġjanat jew li ġgib prova li tkun kapaċi tipproduċi prodotti tal-artiġjanat u għall-fini ta' dan l-Att din għandha tkun ċittadin ta' Malta jew ċittadin tal-Unjoni Ewropea li jkollha r-residenza formali tagħha f'Malta jew ikollha residenza permanenti maħruġa mill-awtoritajiet rilevanti u jkollha permess taħdem f'Malta fis-settur tal-artiġjanat;

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"artigjanat" tfisser arti, hila jew negozju dikjarati mill-Ministru bhala xi artigjanat taht l-artikolu 3 u mhaddma minn xi persuna jew persuni fil-manifattura ta' prodotti tal-artigjanat mahduma minn artigjani;

"imprenditur tal-artigjanat" tfisser persuna li fin-negozju taghha tkun l-aktar tixtri u tbiegh prodotti tal-artigjanat mahduma f'Malta;

"Ministru" tfisser il-Ministru responsabbli ghall-promozzjoni tas-settur tal-artigjanat u s-sostenibbiltà fih;

"prodotti tal-artigjanat" tinkludi dawk il-prodotti mahduma ghal kollox bl-idejn jew bl-ghajnuna ta' ghodod tal-idejn jew ukoll mezzi mekkaniċi, sakemm il-kontribut dirett bl-idejn tal-artigjan jibqa' l-komponent l-aktar sostanzjali tal-prodott finali u ghall-fini ta' dan l-Att tirreferi ghal artigjanat mahdum f'Malta;

"Registratur" tfisser ir-Registratur tal-Artigjanat mahdum f'Malta, Artigjani u Imprendituri tal-Artigjanat li jbieghu dak l-artigjanat kif stabbilit taht l-artikolu 4;

"tradizzjonali" tfisser l-użu li jsir sa limitu sinifikanti ta' taghquda tal-istess materjal jew ta' materjal simili u tekniċi abitwali, gharfien espert, hiliet u prattici li gew żviluppati u ngħaddew 'il quddiem fil-pajjiż minn nisel għall-iehor;

"Uffiċċju" tfisser l-Uffiċċju tar-Registratur tal-Artigjanat, Artigjani u Imprendituri tal-Artigjanat stabbilit taht l-artikolu 5;

"villagġi tal-artigjanat" tfisser il-Villagġ tal-Artigjanat gewwa Ta' Qali u l-Villagġ tal-Artigjanat gewwa Ta' Dbiegi u kull villagġ iehor jew zona oħra li l-Ministru jista' b'regolamenti jordna.

Dikjarazzjoni ta' artigjanat.

3. Il-Ministru jista', wara li jikkonsulta mal-Uffiċċju, b'ordni taht dan l-Att, jiddikjara lil xi sengha, hila jew negozju tisseejjah artigjanat għall-finijiet ta' dan l-Att u jista' b'ordni simili jemenda, jirrevoka jew jissostitwixxi ordni li tkun hekk saret.

Twaqqif tal-Uffiċċju tar-Registratur tal-Artigjanat, Artigjani u Imprendituri tal-Artigjanat.

4. Ghandu jitwaqqaf Uffiċċju tar-Registratur tal-Artigjanat, Artigjani u Imprendituri tal-Artigjanat li ghandu jkun l-entità pubblika mogħtija r-responsabbiltajiet imsemmija fl-artikolu 5 hawn taht

Funzjonijiet tal-Uffiċċju.

5. L-Uffiċċju għandu jkollu dawn il-funzjonijiet li ġejjin:

(a) li jzomm registru tal-artigjanat, l-artigjani u l-

imprendituri tal-artiġjanat li jkunu reġistrati skont il-kriterji li jistgħu jiġu ordnati minn żmien għal żmien:

Iżda meta jinholoq dan ir-reġistru, għandu jittiehed kont tal-artiġjani u imprendituri tal-artiġjanat li qabel kienu reġistrati taht l-Att dwar il-Kunsill Malti għall-Artiġjanat, u d-
deċiżjoni dwar min minnhom għandu jiġi awtomatikament reġistrat, min ma għandux jibqa' jitqies reġistrat u min se jintalab japplika mill-ġdid għar-reġistrazzjoni: Kap. 421.

Iżda wkoll l-Uffiċċju jista' jagħmel kategoriji ta' reġistrazzjoni differenti dwar il-qasam tal-artiġjanat;

(b) li jimponi tkeċċijiet u dereġistrazzjoni li jistgħu jsiru ta' artiġjani reġistrati kif ukoll ta' persuni oħra li jiksru dan l-Att;

(ċ) li jistabbilixxi u jżomm sistema ta' ċertifikazzjoni volontarja ta' prodotti artiġjanali li jkunu konformi mat-tifsira ta' artiġjanat kif provdut f'dan l-Att;

(d) li jistabbilixxi regolamenti speċifiċi fir-rigward tar-Reġistru tal-Artiġjanat u avvenimenti organizzati mir-Reġistratur, inklużi sanzjonijiet infurzabbli li jirriżultaw kieku dawk ir-regolamenti ma jiġux rispettati minn xi artiġjan jew artiġjani reġistrati;

(e) li jikkoopera mal-Fondazzjoni Artiġjanat Malta filwaqt li jesplora metodi, flimkien mal-Fondazzjoni, kif jittiehdu inizjattivi għal benefiċċju ta' artiġjani lokali;

(f) li jżomm ruħu aġġornat ma' żviluppi Ewropej u internazzjonali fil-qasam tal-artiġjanat u li jipparteċipa fil-fora rilevanti kif ikun meħtieġ;

(g) li jirrapporta lill-awtoritajiet xierqa, kull kontravvenzjoni possibbli li tingieb għall-attenzjoni tiegħu u jikkummissjona investigazzjonijiet, sorveljanza u spezzjonijiet t fir-rigward tal-awtenticità ta' prodotti tal-artiġjanat;

(h) li jwettaq u jipproponi azzjonijiet immirati biex jgħollu l-livell u l-profil tas-settur tal-artiġjanat f'Malta;

(i) li jikkontribwixxi kif meħtieġ fl-abbozzar ta' leġiżlazzjoni u fil-formulazzjoni ta' politika nazzjonali dwar l-artiġjanat; u

(j) li jassumi kompiti oħra li jistgħu jkunu meħtieġa fir-rigward tal-qasam tal-artiġjanat.

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Rapport
annwali.

6. Ir-Registratur għandu jipprezenta lill-Ministru rapport annwali dwar l-attivitajiet tas-sena ta' qabel.

Konsultazzjoni
regolari mal-
artigjani.

7. Ir-Registratur għandu jara li l-artigjani għandhom jiġu konsultati regolarment dwar kwistjonijiet settorjali, tematiċi jew ġenerali, direttament jew permezz ta' laqgħat ta' konsultazzjoni, konferenzi u, jew sessjonijiet ta' ħidma.

Rizorsi u
faċilitajiet.

8. Il-Ministru għandu jipprovdi lir-Registratur b'dawk ir-rizorsi u faċilitajiet bħal ma jistgħu fl-opinjoni tiegħu jkunu meħtieġa għat-tweqqif xieraq tal-funzjonijiet tiegħu.

Il-Ministru jista'
jagħmel
regolamenti.

9. Il-Ministru jista' jagħmel regolamenti biex id-dispożizzjonijiet ta' dan l-Att ikunu jistgħu jitwettqu aħjar u jista' partikolarment permezz ta' regolamenti bħal dawk:

(a) jirregola r-registrazzjoni ta' artigjani u imprendituri tal-artigjanat fis-settur tal-artigjanat sakemm ir-registrazzjoni ta' artigjani tkun tinkludi kemm artigjani li jaħdmu bħala passatemp kif ukoll artigjani professjonali ta' artigjanat kontemporanju u tradizzjonali;

(b) jipprovdi għal sistema taħt is-superviżjoni tar-Registratur għaċ-ċertifikazzjoni tal-ġenwinità ta' prodotti artigjanali u l-materjali wżati fil-produzzjoni tagħhom;

(c) jistabbilixxi liema kwalifiki li artigjani registrati li jkunu qegħdin jipproduċu l-prodotti artigjanali għandu jkollhom;

(d) jipprovdi għaċ-ċertifikazzjoni ta' artigjani registrati li jipproduċu l-prodotti artigjanali;

(e) b'mod ġenerali jirregola l-attivitajiet ta' artigjani u imprendituri tal-artigjanat;

(f) jistabbilixxi regoli dwar l-indikazzjoni ta' oriġini u indikazzjonijiet ġeografiċi fejn ikunu involuti prodotti artigjanali;

(g) jistabbilixxi s-sanzjonijiet, il-pieni amministrattivi u l-proċedura għall-appelli minn tali sanzjonijiet u pieni;

(h) jinkoraġġixxi l-użu sostenibbli ta' prodotti u materjali u proċessi favur l-ambjent;

(i) jindika żoni bħala villaġġi tal-artigjanat filwaqt li jiġu rispettati regolamenti dwar l-iżvilupp u regolamenti oħra kif applikabbli;

(j) jindika zoni pubbliċi, minbarra villaġġi tal-artiġjanat, għaż-żamma ta' swieq tal-artiġjanat u attivitajiet simili konnessi mal-artiġjanat; u

(k) jordna kwalunkwe kwistjoni oħra li skont dan l-Att għandha tiġi ordnata.

10. (1) L-Att dwar il-Kunsill Malti għall-Artiġjanat, hawn iżjed 'il quddiem imsejjaħ "l-Att imħassar", qiegħed jiġi mħassar, u kull referenza f'xi liġi għall-Att imħassar għandha tinftiehem bħala referenza għal dan l-Att.

Thassir u
riżervi.
Kap. 421.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1):

(a) l-Att imħassar għandu jibqa' fis-seħħ għall-finijiet ta' kull att, deċiżjoni, kawża jew proċedimenti li jsiru dwar xi ksur tal-Att imħassar li jkunu graw jew inbdew qabel il-bidu fis-seħħ ta' dan l-Att;

(b) kull leġislazzjoni sussidjarja magħmula taħt id-dispożizzjonijiet tal-Att imħassar għandha, sakemm ma jiġix provdut xort'oħra taħt jew bis-saħħa ta' dan l-Att, tibqa' fis-seħħ u jkollha effett bhallikieku saret taħt dan l-Att; u

(ċ) l-Uffiċċju għandu jieħu fuqu l-personalitá ġuridika li kellu qabel il-Kunsill Malti għall-Artiġjanat u jassumi responsabbiltá għal kull attiv, passiv u kull obligazzjoni li tkun ġiet kuntrattata qabel mill-Kunsill jew minn korpi oħra f'isem il-Kunsill.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jipprovdi għall-inkoraġġiment, il-promozzjoni, ir-registrazzjoni u r-regolamentazzjoni tal-artiġjani, tal-imprendituri tal-artiġjanat u tal-artiġjanat, partikolarment artiġjanat li jiffirma parti mill-wirt storiku ta' Malta, sabiex jistabbilixxi l-Uffiċċju ta' Registratur u biex jipprovdi għal affarijiet anċillari għal dawn jew li għandhom x'jaqsmu ma' dawn.

**A BILL
entitled**

An ACT to make provision for the encouragement, promotion, registration and regulation of craftspersons, crafts entrepreneurs and crafts, in particular crafts forming part of Malta's historical heritage, to establish the Office of the Registrar and to provide for matters ancillary to or connected therewith.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and commencement.

1. (1) The short title of this Act is the Malta Crafts Act, 2020.

(2) This Act shall come into force on such date as the Minister for the promotion and sustainability of the crafts sector may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or different purposes of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

"craft" means an art, skill or trade declared by the Minister to be a craft under article 3 which is practised by a person or persons in the manufacture of craft products made by craftspersons;

"craft products" include products made completely by hand or with the help of hand tools or even mechanical means, as long as the direct manual contribution of the crafts-person remains the most substantial component of the finished product and for the purpose of this act refers to crafts made in Malta;

"craftsperson" means a person who practices a craft and earns his living by or supplements his income by that craft or

who proves that he possesses the ability to produce craft products and for the purpose of this Act must be a citizen of Malta or a European Union national who has formal residence in Malta or has a permanent residence issued by the relevant authorities and is allowed to work in Malta in the crafts sector;

"crafts villages" means the Ta' Qali Crafts Village and the Ta' Dbiegi Crafts Village and any other villages or areas which the Minister may prescribe by regulations;

"crafts entrepreneur" means a person who by way of trade predominantly deals in craft products made in Malta;

"Minister" means the Minister responsible for the promotion and sustainability of the crafts sector;

"Office" means the Office of the Registrar of Crafts, Craftspersons and Crafts Entrepreneurs established under article 5;

"Registrar" means the Registrar of Crafts made in Malta, Craftspersons and Crafts Entrepreneurs selling such crafts established under article 4;

"traditional" means using to significant extent a combination of the same or similar materials and customary techniques, know-how, skills and practices that were developed and passed on locally from generation to generation.

3. The Minister, after consultation with the Office may by order under this Act, declare an art, skill or trade to be a craft for the purposes of this Act and may by similar order amend, revoke or substitute an order so made.

Declaration of a craft.

4. There shall be an Office of the Registrar of Crafts, Craftspersons and Crafts Entrepreneurs which shall be the public entity designated with the responsibilities outlined in article 5 hereunder.

Establishment of the Office of the Registrar of Crafts, Craftspersons and Crafts Entrepreneurs.

5. The Office shall have the following functions:

Functions of the Office.

(a) to maintain a register of crafts, craftspersons and crafts entrepreneurs that shall be registered according to criteria which may be prescribed from time to time:

Provided that when creating such register, there shall be consideration of the craftspersons and crafts entrepreneurs previously registered under the Malta Crafts Council Act and

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determination as to who of these are to be automatically registered, who shall no longer be deemed as registered and who will be asked to apply again for registration:

Provided further that the Office can create different categories of registration in relation to the crafts sector;

(b) to affect possible expulsions and deregistration of registered craftspersons who infringe this Act;

(c) to establish and maintain a voluntary certification system of craft products which are in compliance with the definition of craft provided in this Act;

(d) to enforce specific regulations in relation to the Crafts Register and events organised by the Registrar, including any enforceable sanctions which would result if such regulations are not adhered to by a registered craft person or craft persons;

(e) to co-operate with the Malta Crafts Foundation and explore ways to jointly undertake initiatives to the benefit of local craftspersons;

(f) to keep abreast with European and international developments in the field of crafts and to participate in the relevant fora as necessary;

(g) to report to the appropriate authorities, possible infringements which are brought to its attention and to commission investigations, surveillance and inspections in relation to the authenticity of craft products;

(h) to take and propose actions aimed at raising the standard and profile of the craft sector in Malta;

(i) to contribute as necessary to the drawing up of legislation and in the formulation of a national policy on crafts; and

(j) to undertake other tasks which may be required in relation to the crafts sector.

Annual report.

6. The Registrar shall submit to the Minister an annual report of the activities for the preceding year.

Regular
consultation
with
craftspersons.

7. The Registrar shall ensure that craftspersons be consulted regularly on sectoral, thematic or general matters directly or through consultation meetings, conferences and, or workshops.

8. The Minister shall provide the Registrar with such resources and facilities as in his opinion may be required for the proper performance of its functions.

Resources and facilities.

9. The Minister may make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations:-

Minister may make regulations.

(a) regulate the registration of craftspersons and crafts entrepreneurs in the crafts sector provided that the registration of craftspersons shall include both hobbyist and professional artisans of contemporary and traditional crafts;

(b) provide for a system under the supervision of the Registrar for the certification of the genuineness of craft products and the materials used in their production;

(c) establish any qualifications that registered craftspersons producing craft products are to possess;

(d) provide for the certification of registered craftspersons producing craft products;

(e) generally to regulate the activities of craftspersons and crafts entrepreneurs;

(f) establish rules concerning indication of origin and geographical indications insofar as crafts products are concerned;

(g) establish sanctions, administrative fines and procedure for appeals from such sanctions and fines;

(h) encourage the sustainable use of products and materials and of eco-friendly processes;

(i) designate areas as crafts villages whilst respecting development regulations and other regulations as applicable;

(j) designate public areas other than crafts villages for the holding of crafts markets and similar activities related to crafts; and

(k) prescribe any other matters that in accordance with this Act is to be prescribed.

10. (1) The Malta Crafts Council Act, hereinafter referred to as "the repealed Act", is hereby repealed, and any references in any law to the repealed Act shall be construed as references to this Act.

Repeal and savings.
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C 3864

(2) Notwithstanding the provisions of sub-article (1):

(a) the repealed Act shall remain in force for the purpose of any act, decision, action or proceedings taken in respect of any breach of the repealed Act that occurred or were instituted prior to the coming into force of this Act;

(b) any subsidiary legislation made under the provisions of the repealed Act shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if it was made under this Act; and

(c) the Office shall assume the legal personality previously vested in the Malta Crafts Council and shall assume responsibility for all assets, liabilities and obligations previously entered into by the Malta Crafts Council or by other bodies on its behalf.

Objects and Reasons

The objects and reasons of this Bill are to make provision for the encouragement, promotion, registration and regulation of craftspersons, crafts entrepreneurs and crafts, in particular crafts forming part of Malta's historical heritage, to establish the Office of the Registrar and to make provision for matters ancillary to or connected therewith.
