

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,579, 24 ta' Mejju, 2016

Taqsimha C

Nru. 158

24. 05. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Evarist Bartolo, M.P., Ministru għall-Edukazzjoni u x-Xogħol, u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Mejju, 2016.

A BILL introduced by the Honourable Evarist Bartolo, M.P., Minister for Education and Employment, and read the First time at the Sitting of the 23rd May, 2016.

ATT biex jemenda diversi liġijiet sabiex tiġi trasposta d-Direttiva 2013/55/KE.

AN ACT to amend various laws for the purposes of transposing Directive 2013/55/EU.

JOSANNE PARIS
Agent Skrivan tal-Kamra tad-Deputati

JOSANNE PARIS
Acting Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

ATT biex jemenda diversi liġijiet sabiex tiġi trasposta d-Direttiva 2013/55/KE.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2016 biex jemenda Diversi Liġijiet (Implimentazzjoni tad-Direttiva 2013/55/KE). Titolu fil-qosor.

Taqsimi I

Emendi għall-Att dwar l-Edukazzjoni

2. Din it-Taqsimi temenda l-Att dwar l-Edukazzjoni u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Edukazzjoni, hawnhekk iżjed 'il quddiem f'din it-Taqsimi msejjaħ "l-Att prinċipali". Emendi għall-Att dwar l-Edukazzjoni. Kap. 327.

3. Fis-subartikolu (2) tal-artikolu 24 tal-Att prinċipali, minflok il-kliem "Persuna tikkwalifika għal *warrant*" għandhom jidhlu l-kliem "Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u regolamenti magħmula taht l-istess Att, persuna tikkwalifika għal *warrant*".

C 378

Taqsimha II

Emendi għall-Att dwar Servizzi tal-Ivvjaġġar u tat-Turiżmu għal Malta

Emendi għall-Att dwar Servizzi tal-Ivvjaġġar u tat-Turiżmu għal Malta. Kap. 409.

4. Din it-Taqsimha temenda l-Att dwar Servizzi tal-Ivvjaġġar u tat-Turiżmu għal Malta u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Servizzi tal-Ivvjaġġar u tat-Turiżmu għal Malta, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 28 tal-Att prinċipali.

5. Fl-artikolu 28 tal-Att prinċipali, minflok il-kliem "Ma għandha tinħareġ jew tiġġedded" għandhom jidhlu l-kliem "Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki u regolamenti magħmula taħt l-istess Att, ma għandha tinħareġ jew tiġġedded".

Taqsimha III

Emendi għall-Att dwar is-Servizzi Veterinarji

Emendi għall-Att dwar is-Servizzi Veterinarji. Kap. 437.

6. Din it-Taqsimha temenda l-Att dwar is-Servizzi Veterinarji u għandha tinqara u tinftiehem haġa waħda mal-Att dwar is-Servizzi Veterinarji, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

7. Fl-artikolu 2 tal-Att prinċipali, minnufih wara t-tifsira "sieheb fil-kummerċ", għandha tiżdied it-tifsira ġdida li ġejja:

"tagħlim tul il-ħajja" tfisser l-edukazzjoni ġenerali, l-edukazzjoni u t-taħriġ vokazzjonali, l-edukazzjoni mhux formali u t-tagħlim informali kollha li ttieħdu tul il-ħajja, li jirriżultaw f'titjib fl-għarfien, fil-ħiliet u l-kompetenzi, li jista' jinkludi l-etika professjonali;"

Emenda tal-artikolu 43 tal-Att prinċipali.

8. L-artikolu 43 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subartikolu (5) tiegħu, minflok il-kelma "sentejn" għandha tidhol il-kelma "sena";

(b) is-subparagrafu (ii) tal-paragrafu (b) tas-subartikolu (6) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(ii) Il-Kunsill għandu, mhux aktar tard minn xahar wara li jkun għarraf lil applikant li jkun rċieva d-dikjarazzjoni u d-dokumenti li jakkumpanjawha, jinforma lill-applikant bid-deċizzjoni tiegħu li ma jivverifikax il-kwalifiki professjonali tiegħu jew, wara li jkun ivverifika

il-kwalifiki professjonali tiegħu, li jitlob lill-applikant jagħmel test ta' kapaċità jew li jippermetti l-forniment tas-servizzi.";

(ċ) minnufih wara is-subparagrafu (iv) tal-paragrafu (b) tas-subartikolu (6) tiegħu għandhom jiżdiedu s-subparagrafi godda li ġejjin:

"(v) Fejn ikun hemm differenza sostanzjali bejn il-kwalifiki professjonali tal-applikant u t-taħriġ meħtieġ f'Malta, tant li d-differenza tkun ta' dannu għas-saħħa jew is-sikurezza pubblika, u ma tistax tiġi kkompensata minn esperjenza professjonali jew mill-għarfien, ħiliet u kompetenzi miksuba permezz tat-tagħlim tul il-ħajja tal-fornitur tas-servizz, ivvalidati formalment għal dak il-għan minn korp rilevanti, il-Kunsill għandu jagħti lil dak il-fornitur tas-servizz l-oportunità li juri, permezz ta' test ta' kapaċità, li jkun kiseb l-għarfien, il-ħiliet jew il-kompetenza li kienu neqsin. Il-Kunsill għandu jieħu deċiżjoni abbażi ta' dak dwar jekk jippermettix il-forniment ta' servizzi. Fi kwalunkwe każ, għandu jkun possibbli li jiġi pprovdut is-servizz fi żmien xahar mid-deċiżjoni meħuda skont is-subparagrafu (ii).

(vi) Kull test ta' kapaċità għandu jiġi provdut direttament mill-Kunsill jew kuntrattat lil entità, organizzazzjoni jew istitut magħżul mill-Kunsill.

(vii) L-ispejjeż konnessi mat-teħid ta' test ta' kapaċità għandhom jithallsu mill-applikant."; u

(d) minnufih wara s-subartikolu (6) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(7) (a) Kirurgi veterinarji li jibbenefikaw mir-rikonossiment ta' kwalifiki professjonali għandu jkollhom għarfien ta' lingwi neċessarju għall-ipprattikar tal-professjoni f'Malta.

(b) Il-Kunsill għandu jiżgura li kwalunkwe verifika mwettqa sabiex tiġi kontrollata l-konformità mal-obbligu taht il-paragrafu (a) tkun limitata għall-għarfien ta' lingwa ufficjali waħda ta' Malta.

(ċ) Il-verifiki mwettqa fis-sens tal-paragrafu (b) jistgħu jiġu imposti fejn ikun hemm dubju serju u konkret dwar is-sufficjenza tal-għarfien tal-lingwa

professjonali fir-rigward tal-attivitajiet professjonali li dak il-kirurgu veterinarju għandu l-ħsieb iwettaq.

(d) Il-verifiki jistgħu jitwettqu biss wara r-rikonoxximent ta' kwalifika professjonali.

(e) Kull verifika tal-għarfien lingwistiku għandha tkun proporzjonata mal-attività li għandha titwettaq, u hija soġġetta għal appell."

Taqsimha IV

Emendi għall-Att dwar il-Patrimonju Kulturali

Emendi għall-Att dwar il-Patrimonju Kulturali. Kap. 445.

9. Din it-Taqsimha temenda l-Att dwar il-Patrimonju Kulturali u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Patrimonju Kulturali, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 33A tal-Att prinċipali.

10. L-artikolu 33A tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kelma "sentejn" għandha tidhol il-kelma "sena";

(b) fil-paragrafu (e) tas-subartikolu (2) tiegħu, minflok il-kelma "sentejn" għandha tidhol il-kelma "sena";

(ċ) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(3) Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u minkejja id-dispożizzjonijiet tal-artikolu 31 ta' dan l-Att, il-prezentazzjoni ta' dikjarazzjoni skont is-subartikolu (2) għandha tintitola lil dik il-persuna biex ikollha aċċess għall-professjoni ta' ristawratur jew li teżerċita dik l-attività fit-territorju kollu ta' Malta."; u

(d) is-subartikoli (5) u (6) tiegħu għandhom jiġu mħassra u s-subartikolu (7) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (5).

Taqsimha V

Emendi għall-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki

11. Din it-Taqsimha temenda l-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki u għandha tinqara u tinftiehem haġa waħda mal-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki. Kap. 451.

12. Fl-artikolu 2 tal-Att prinċipali t-tifsira "esperjenza professjonali", għandha tiġi sostitwita b'dan li ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

" "esperjenza professjonali" tfisser it-twertiq attwali u legali *full-time* jew *part-time* ekwivalenti tal-professjoni kkonċernata fi Stat Membru;"

13. Minnufih wara s-subartikolu (2) tal-artikolu 5 tal-Att prinċipali għandu jiżded is-subartikolu ġdid li ġej:

Emenda tal-artikolu 5 tal-Att prinċipali.

"(3) Il-Koordinatur għal Rikonossiment Reċiproku huwa ukoll responsabbli li:

(a) jiġbor l-informazzjoni kollha li hija relevanti għall-applikazzjoni tad-Direttiva 2005/36/UE;

(b) jeżamina suggerimenti għall-oqsfa ta' taħriġ komuni u testijiet ta' taħriġ komuni;

(ċ) jiskambja informazzjoni u l-aħjar prattika sabiex jottimizza l-iżvilupp professjonali kontinwu fl-Istati Membri;

(d) jiskambja informazzjoni u l-aħjar prattika dwar l-applikazzjoni ta' miżuri ta' kumpens imsemmija f'dan l-Att."

Taqsimha VI

Emendi għall-Att dwar il-Professjonijiet tas-Saħħa

14. Din it-Taqsimha temenda l-Att dwar il-Professjonijiet tas-Saħħa u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjonijiet tas-Saħħa, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Professjonijiet tas-Saħħa. Kap. 464.

15. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) it-tifsira "esperjenza professjonali" għandha tiġi sostitwita kif ġej:

C 382

" "esperjenza professjonali" tfisser it-twettiq attwali u legali *full-time* jew *part-time* ekwivalenti tal-professjoni kkonċernata fi Stat Membru;"

(b) minnufih wara t-tifsira "esperjenza professjonali" għandha tiżdied it-tifsira ġdida li ġejja:

" "Karta Professjonali Ewropea" tfisser ċertifikat elettroniku li juri li l-professjonist issodisfa l-kondizzjonijiet meħtieġa kollha sabiex jipprovdi s-servizzi fi Stat Membru ospitanti fuq bażi temporanja u okkażjonali jew ir-rikonoxximent tal-kwalifiki professjonali għall-istabbiliment fi Stat Membru ospitanti;"

(ċ) minnufih wara t-tifsira "Karta Professjonali Ewropea" għandha tiżdied it-tifsira ġdida li ġejja:

" "kreditu ECTS" tfisser is-sistema ta' kreditu għall-edukazzjoni għolja użata fiż-Żona Ewropea ta' Edukazzjoni Għolja;"

(d) minnufih wara t-tifsira "prova ta' kwalifiki formali" għandha tiżdied it-tifsira ġdida li ġejja:

" "raġunijiet prevalenti ta' interess ġenerali" tfisser raġunijiet rikonoxxuti bħala tali fil-ġurisprudenza tal-Qorti tal-Ġustizzja tal-Unjoni Ewropea;"

(e) minnufih wara t-tifsira "Stat Membru" għandha tiżdied it-tifsira ġdida li ġejja:

" "tagħlim tul il-ħajja" tfisser l-edukazzjoni ġenerali, l-edukazzjoni u t-taħriġ vokazzjonali, l-edukazzjoni mhux formali u t-tagħlim informali kollha li ttieħdu tul il-ħajja, li jirrizultaw f'titjib fl-għarfien, fil-ħiliet u l-kompetenzi, li jista' jinkludi l-etika professjonali;"

(f) minnufih wara t-tifsira "Stat Membru" għandha tiżdied it-tifsira ġdida li ġejja:

" "taħriġ prattiku professjonali" tfisser perjodu ta' prattika professjonali mwettqa taħt supervizjoni sakemm jikkostitwixxi kondizzjoni għall-aċċess għal professjoni regolata, u li jista' jseħħ jew matul jew wara t-tlestija ta' kors li jwassal għal diploma;" u

(g) it-tifsira "test ta' ħila" għandha tiġi sostitwita b'dan

li ġej:

" "test ta' hila" tfiffer test tal-gharfien, il-hiliet u l-kompetenzi professjonali tal-applikant, mwettaq jew rikonoxxut mill-Kunsilli rilevanti bl-ghan li jivvaluta l-abilita' tal-applikant li jezerċita professjoni regolata f'Malta;"

16. Is-subartikolu (3) tal-artikolu 13 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 13 tal-Att prinċipali.

(a) fil-paragrafu (e) tiegħu, minflok il-kliem "il-preparazzjoni, ittestjar, hżin u provvista ta' prodotti mediċinali" għandhom jidhlu l-kliem "il-provvista, il-preparazzjoni, ittestjar, hżin, it-tqassim u l-ġhoti ta' prodotti mediċinali sikuri u effikaċi tal-kwalità meħtieġa";

(b) fil-paragrafu (f) tiegħu, minflok il-kliem "prodotti mediċinali fl-isptarijiet" għandhom jidhlu l-kliem "prodotti mediċinali sikuri u effikaċi tal-kwalità meħtieġa fl-isptarijiet";

(ċ) fil-paragrafu (g) tiegħu, minflok il-kliem "prodotti mediċinali" għandhom jidhlu l-kliem "prodotti mediċinali bħala tali, inkluż dwar l-użu xieraq tagħhom"; u

(d) minnufih wara l-paragrafu (g) tiegħu għandhom jidhlu l-paragrafi ġodda li ġejjin:

"(h) ir-rappurtar tar-reazzjonijiet avversi tal-prodotti farmaċewtiċi lill-awtoritajiet kompetenti;

(i) appoġġ personalizzat lill-pazjenti li jimmedikaw lilhom infushom;

(j) kontribut għall-kampanji ta' saħħa pubblika lokali jew nazzjonali."

17. Il-paragrafu (b) tas-subartikolu (1) tal-artikolu 23 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 23 tal-Att prinċipali.

(a) is-subparagrafu (i) tiegħu għandu jiġi sostitwit kif ġej:

"(i) taħriġ *full-time* ta' mill-inqas tliet snin bħala qabla, li jista' wkoll jiġi espress fi krediti ekwivalenti tal-ECTS, li jinkludu mill-inqas 4 600 siegħa ta' edukazzjoni teoretika u Prattika, li terz tal-perjodu minimu jkun taħriġ kliniku;"

(b) fis-subparagrafu (ii) tiegħu, minflok il-kliem "ta' mill-inqas sentejn jew 3600 siegħa" għandhom jidhlu l-kliem "ta' mill-inqas sentejn li jista' wkoll jiġi espress fi krediti ekwivalenti tal-ECTS, li jikkonsistu f'tal-inqas 3 600 siegħa"; u

(ċ) fis-subparagrafu (iii) tiegħu, minflok il-kliem "mill-inqas 18-il xahar jew 3000 siegħa" għandhom jidhlu l-kliem "mill-inqas 18-il xahar, li jista' wkoll jiġi espress fi krediti ekwivalenti tal-ECTS, li jikkonsisti f'tal-inqas 3 000 siegħa".

Emenda tal-
artikolu 42 tal-
Att prinċipali.

18. L-artikolu 42 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subparagrafi (d) sa (h) tal-paragrafu (iii) tas-subartikolu (1) tiegħu għandhom jiġu enumerati mill-ġdid bhala s-subparagrafi (e) sa (i) rispettivament;

(b) minnufih wara s-subparagrafu (ċ) tal-paragrafu (iii) tas-subartikolu (1) tiegħu għandu jizdied dan li ġej:

"(d) jekk l-applikant huwiex sospiż jew projbit milli jwettaq il-professjoni minhabba kondotta professjonali ħażina u serja jew kundanna għal offiżi relatati mat-twettiq ta' waħda mill-attivitàjiet tiegħu;"

(ċ) fis-subparagrafu (i), kif enumerat mill-ġdid, tal-paragrafu (iii) tas-subartikolu (1) tiegħu minnufih wara l-kliem "tal-professjoni f'Malta." għandhom jidhlu l-kliem "Il-Kunsill rilevanti għandu jiżgura li kwalunkwe verifika mwettqa minnu sabiex tiġi kontrollata l-konformità ma' dan l-obbligu tkun limitata għall-għarfien ta' lingwa uffiċjali waħda ta' Malta, jew lingwa amministrattiva waħda ta' Malta sakemm tkun wkoll lingwa uffiċjali tal-Unjoni, u illi l-verifiki mwettqa jiġu imposti biss jekk il-professjoni li ser tiġi eżerċitata għandha implikazzjonijiet ta' sikurezza għall-pazjent jew f'każijiet fejn ikun hemm dubju serju u konkret dwar is-suffiċjenza tal-għarfien tal-lingwa professjonali fir-rigward tal-attivitàjiet professjonali li dak il-professjonist għandu l-ħsieb iwettaq. Kull verifika tal-għarfien lingwistiku għandha tkun proporzjonata mal-attività li għandha titwettaq, u soġġetta għal appell skont l-artikolu 49;"

(d) minnufih wara s-subparagrafu (i), kif enumerat mill-ġdid, tal-paragrafu (iii) tas-subartikolu (1) tiegħu għandu jizdied il-proviso li ġej:

"Izda, il-verifiki jistgħu jitwettqu biss wara l-ħruġ

ta' Karta Professjonali Ewropea b'mod konformi mal-artikolu 42F jew wara r-rikonoxximent ta' kwalifika professjonali, skont il-kaz.";

(e) fis-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (4) tiegħu minflok il-kliem "fl-Istat Membru ta' stabbiliment għal mill-inqas sentejn" għandhom jidhlu l-kliem "fi Stat Membru wiehed jew aktar għal minimu ta' sena"; u minflok il-kliem "f'dak l-Istat Membru" għandhom jidhlu l-kliem "fl-Istat Membru ta' stabbiliment";

(f) fil-paragrafu (a) tas-subartikolu (6) tiegħu, minnufih wara l-kliem "b'kull mezz li jrid." għandhom jidhlu l-kliem "Il-prezentazzjoni ta' dikjarazzjoni meħtieġa mill-fornitur ta' servizz tintitola lil dak il-fornitur ta' servizz biex ikollu aċċess għall-attività tas-servizz jew li jeżerċita dik l-attività fit-territorju kollu ta' Malta.";

(g) minnufih wara s-subparagrafu (iii) tal-paragrafu (b) taS-subartikolu (6) tiegħu, għandhom jizdiedu s-subparagrafi godda li ġejjin:

"(iv) għall-kazijiet imsemmija fis-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (4), kull mezz ta' prova li l-fornitur ta' servizz eżerċita l-attività konċernata għal tal-anqas sena matul l-għaxar snin preċedenti;

(v) fejn il-Kunsill rilevanti jkun jeħtieġ dan għaċ-ċittadini tiegħu, attestazzjoni li tikkonferma l-assenza ta' sospensjoni temporanja jew finali mit-twettiq tal-professjoni jew ta' kundanna penali;

(vi) għall-professjonijiet li għandhom implikazzjonijiet marbuta mas-sikurezza tal-pazjenti, dikjarazzjoni dwar l-għarfien tal-lingwa neċessarja għall-eżerċitar tal-professjoni f'Malta."; u

(h) il-paragrafu (e) tas-subartikolu (6) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(e) Mhux aktar tard minn xahar wara li jkun rċieva d-dikjarazzjoni u d-dokumenti li jakkumpanjawha, il-Kunsill rilevanti għandu jgħarraf lill-fornitur ta' servizz bid-deċizjoni tiegħu:

(a) li ma jivverifikax il-kwalifiki professjonali tiegħu;

(b) wara li jkun ivverifika l-kwalifiki professjonali tiegħu, li jitolbu jagħmel test ta' hila jew li jippermetti l-forniment tas-servizzi.

Fejn ikun hemm diffikultà li tkun ser tirrizulta f'dewmien fit-teħid ta' deċiżjoni, il-Kunsill rilevanti għandu jinnotifika lill-fornitur ta' servizz bir-raġuni għad-dewmien sa l-istess skadenza. Id-diffikultà għandha tiġi solvuta fi żmien xahar minn dik in-notifika u d-deċiżjoni tiġi finalizzata fi żmien xahrejn mir-riżoluzzjoni tad-diffikultà.";

(i) il-paragrafu (f) tas-subartikolu (6) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(f) Fejn ikun hemm differenza sostanzjali bejn il-kwalifiki professjonali tal-fornitur tas-servizz u t-taħriġ meħtieġ, tant li d-differenza tkun ta' dannu għas-saħħa jew is-sikurezza pubblika, u ma tistax tiġi kkompensata minn esperjenza professjonali jew mill-għarfien, hiliet u kompetenzi miksuba permezz tat-tagħlim tul il-ħajja tal-fornitur tas-servizz, ivvalidati formalment għal dak il-għan minn korps rilevanti, il-Kunsill rilevanti għandu jagħti lil dak il-fornitur tas-servizz l-opportunità li juri, permezz ta' test ta' hila li jkun kiseb l-għarfien, il-hiliet jew il-kompetenza li kienu neqsin. Il-Kunsill rilevanti għandu jieħu deċiżjoni abbażi ta' dak dwar jekk jippermettix il-forniment ta' servizzi. Fi kwalunkwe każ, għandu jkun possibbli li jiġi pprovdut is-servizz fi żmien xahar mid-deċiżjoni meħuda skont il-paragrafu preċedenti.";

(j) fil-paragrafu (a) tas-subartikolu (7) tiegħu, minflok il-kliem "tal-Istat Membru ta' stabbiliment" għandhom jidhlu l-kliem "tal-Istat Membru ta' stabbiliment, f'każ ta' dubju ġustifikat"; u minnufih wara l-kliem "kriminali li jkollha xorta professjonali." għandhom jidhlu il-kliem "Fil-każ li l-Kunsill rilevanti jiddeċiedi li jivverifika l-kwalifiki professjonali tal-fornitur tas-servizz, jista' jitlob lill-awtoritajiet kompetenti tal-Istat Membru ta' stabbiliment informazzjoni dwar il-korsijiet ta' taħriġ tal-fornitur tas-servizz sa fejn dan ikun meħtieġ sabiex jiġu valutati d-differenzi sostanzjali li x'aktarx ikunu ta' dannu għas-saħħa jew is-sikurezza pubblika."; u

(k) minnufih wara l-paragrafu (b) tas-subartikolu (8) tiegħu, għandu jizdied dan li ġej:

"(ċ) Aċċess parzjali għal professjoni għandu

jingħata skont il-kondizzjonijiet stabbiliti fl-artikolu 42H."

19. L-artikolu 42A tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 42A tal-Att prinċipali.

(a) il-paragrafu (a) tas-subartikolu (2) tiegħu għandu jiġi mħassar;

(b) il-paragrafu (b) tas-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (a);

(ċ) il-paragrafu (ċ) tas-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (b), u minflok il-kliem "u dik id-differenza tkun tikkonsisti f'taħriġ speċifiku li jkun meħtieġ f'Malta u li" għandhom jidhlu l-kliem "u t-taħriġ meħtieġ f'Malta";

(d) minnufih wara l-paragrafu (d) tas-subartikolu (3) tiegħu, għandu jżied il-paragrafu ġdid li ġej:

"(e) Minkejja d-dritt tal-applikant li jagħzel, kif stabbilit fil-paragrafu (a), il-Kunsill rilevanti jista' jistipula jew perjodu ta' adattament jew test ta' ħila fil-każ ta':

(i) detentur ta' kwalifika professjonali msemmi fis-subartikolu (5)(a), li japplika għal rikonoxximent tal-kwalifiki professjonali tiegħu fejn il-kwalifika professjonali nazzjonali meħtieġa tkun klassifikata taħt is-subartikolu (5)(ċ); jew

(ii) detentur ta' kwalifika professjonali msemmi fis-subartikolu (5)(b), li japplika għal rikonoxximent tal-kwalifiki professjonali tiegħu fejn il-kwalifika professjonali nazzjonali meħtieġa tkun klassifikata taħt is-subartikolu (5)(d) jew (e).

Fil-każ ta' detentur ta' kwalifika professjonali msemmi fis-subartikolu (5)(a) li japplika għal rikonoxximent tal-kwalifiki professjonali tiegħu fejn il-kwalifika professjonali nazzjonali meħtieġa tkun klassifikata taħt is-subartikolu (5)(d), il-Kunsill rilevanti jista' jimponi kemm perjodu ta' adattament kif ukoll test ta' ħila.";

(e) fis-subartikolu (3) tiegħu, minflok il-kliem "l-għarfien tagħhom" għandhom jidhlu l-kliem "l-għarfien, il-ħiliet u l-kompetenzi miksuba dwarhom"; u l-kliem "għal kemm

zmien idum jew" għandhom jiġu mħassra;

(f) is-subartikolu (4) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (4)(a); minflok il-kliem "għarfien miksub" għandhom jidhlu l-kliem "għarfien, il-ħiliet u l-kompetenzi miksuba"; u minflok il-kliem "tal-esperjenza professjonali" għandhom jidhlu l-kliem "tal-esperjenza professjonali tiegħu jew waqt it-tagħlim tul il-ħajja, u vvalidati formalment għal dak il-għan minn korp rilevanti";

(g) minnufih wara s-subartikolu (4)(a) tiegħu, kif enumerat mill-ġdid, għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(b) Id-deċiżjoni ta' Kunsill rilevanti li timponi perjodu ta' adattament jew test ta' ħila għandha tkun ġustifikata kif xieraq u l-applikant għandu jingħata informazzjoni dwar il-livell tal-kwalifika professjonali meħtieġa f'Malta u l-livell ta' kwalifika professjonali miżmum mill-applikant skont il-klassifika stabbilita fis-subartikolu (5), u d-differenzi sostanzjali msemmija fis-subartikolu (3) u r-raġunijiet li għalihom dawk id-differenzi ma jistgħux jiġu kkompensati bl-għarfien, il-ħiliet u l-kompetenzi miksuba matul l-esperjenza professjonali jew matul it-tagħlim tul il-ħajja, ivvalidati formalment għal dak il-għan minn korp rilevanti.

(ċ) Il-Kunsill rilevanti għandu jiżgura li l-applikant ikollu l-possibbiltà li jagħmel t-test ta' ħila msemmi fis-subartikolu (2) sa mhux aktar tard minn sitt xhur wara d-deċiżjoni inizjali li timponi test ta' ħila fuq l-applikant.";

(h) is-subparagrafu (ii) tal-paragrafu (ċ) tas-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(ii) l-edukazzjoni u t-taħriġ regolati jew, fil-każ ta' professjonijiet regolati, taħriġ vokazzjonali bi struttura speċjali, b'kompetenzi li jmorru lil hinn minn dak li huwa speċifikat fil-paragrafu (b), ekwivalenti għal-livell ta' taħriġ speċifikat fis-subparagrafu (i), jekk dan it-taħriġ jipprovdi *standard* professjonali komparabbli u jipprepara lill-apprendist għal livell komparabbli ta' responsabbiltajiet u funzjonijiet, dejjem jekk id-diploma tkun akkumpanjata minn ċertifikat mill-Istat Membru ta' orijini;"

(i) il-paragrafu (d) tas-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(d) diploma li tiċċertifika tlestija b'suċċess tat-taħriġ fil-livell postsekondarju ta' mill-inqas tliet snin u mhux aktar minn erbgħa, jew tul ta' żmien ekwivalenti fuq bażi *part-time*, li, barra minn hekk tista' tiġi espressa b'numru ekwivalenti ta' krediti ECTS, f'università jew stabbiliment ta' edukazzjoni għolja jew stabbiliment ieħor ta' livell ekwivalenti u, fejn dan ikun xieraq, li hu lesta b'suċċess it-taħriġ professjonali flimkien mal-kors postsekondarju;"

(j) fil-paragrafu (e) tas-subartikolu (5) tiegħu minflok il-kliem "fuq bażi *part-time*" għandhom jidhlu l-kliem "fuq bażi *part-time*, li, barra minn hekk, tista' tiġi espressa b'numru ekwivalenti ta' krediti ECTS,"

(k) fil-paragrafu (a) tas-subartikolu (6) tiegħu minflok il-kliem "jiċċertifika li jkun intemm b'suċċess it-taħriġ fil-Komunità" għandhom jidhlu l-kliem "jiċċertifikaw it-tlestija b'suċċess ta' taħriġ fl-Unjoni, fuq bażi *full-time* jew *part-time*, fi hdan jew barra l-programmi formali";

(l) fis-subartikolu (8) tiegħu l-kliem "jew attestazzjoni ta' livell ta' kwalifika professjonali millinqas ekwivalenti għal livell li jiġi minnufih qabel dak li jkun meħtieġ kif provdut b'dan l-Att" għandhom jiġu mħassra;

(m) fis-subartikolu (9) tiegħu:

(i) minflok il-kelma "sentejn" għandhom jidhlu l-kliem "sena jew għal perjodu globali ekwivalenti fuq bażi *part-time*";

(ii) il-kliem "dokumenti li jipprovdu" għandhom jiġu mħassra;

(iii) il-paragrafu (b) tiegħu għandu jiġi mħassar;

(iv) il-paragrafu (ċ) tiegħu għandu jiġi enumerat mill-ġdid bhala l-paragrafu (b);

(v) il-proviso tiegħu għandu jiġi sostitwit b'dan li ġej:

"Iżda, is-sena ta' esperjenza professjonali ma tistax, madankollu, tkun meħtieġa jekk il-prova ta'

kwalifiki formali li jippossjedi l-applikant tiċċertifika edukazzjoni u tahrig regolati.";

(n) is-subartikolu (10) għandu jiġi enumerat mill-ġdid bħala s-subartikolu (11);

(o) minnufih wara s-subartikolu (9) għandu jizjed is-subartikolu ġdid li ġej:

"(10) Il-Kunsill rilevanti għandu jaċċetta l-livell attestat skont is-subartikolu (5) mill-Istat Membru ta' oriġini, kif ukoll iċ-ċertifikat li permezz tiegħu l-Istat Membru ta' oriġini jiċċertifika li l-edukazzjoni jew it-tahrig vokazzjonali bi struttura speċjali msemmi fis-subartikolu (5)(ċ)(ii) huwa ekwivalenti għal-livell previst fis-subartikolu (5)(ċ)(i).";

(p) is-subartikolu (11) tiegħu, kif enumerat mill-ġdid, għandu jiġi sostitwit b'dan li ġej:

"(11) Minkejja dak previst fis-subartikoli (8) u (9) u fl-artikolu 42B, il-Kunsill rilevanti jista' jirrifjuta l-aċċess għal u l-eżerċitar tal-professjoni għal detenturi ta' attestazzjoni ta' livell ta' kompetenza klassifikata taht is-subartikolu (5)(a) fejn il-kwalifika professjonali nazzjonali meħtieġa għat-twettiq tal-professjoni f'Malta tkun klassifikata fis-subartikolu (5)(e).";

Emenda tal-artikolu 42B tal-Att prinċipali.

20. L-artikolu 42B tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (a) tas-subartikolu (1) tiegħu għandu jiġi mħassar;

(b) il-paragrafu (b) tas-subartikolu (1) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (a);

(ċ) il-paragrafu (ċ) tas-subartikolu (1) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (b); u minflok il-kliem "u dik id-differenza tkun tikkonsisti f'tahrig speċifiku li jkun meħtieġ f'Malta u li" għandhom jidhlu l-kliem "u t-tahrig li jkun meħtieġ f'Malta";

(d) fil-paragrafu (a) tas-subartikolu (5) tiegħu, minflok il-kelma "l-għarfien" għandhom jidhlu l-kliem "l-għarfien, il-ħiliet u l-kompetenzi"; u minflok il-kliem "esperjenza professjonali tiegħu" għandhom jidhlu l-kliem "esperjenza professjonali jew mit-tagħlim tul il-ħajja tiegħu, ivvalidati

formalment għal dak il-għan minn korp rilevanti,";

(e) fil-paragrafu (b) tas-subartikolu (5) tiegħu minflok il-kelma "l-għarfien" għandhom jidhlu l-kliem "l-għarfien, il-hiliet u l-kompetenzi"; u l-kliem "għal kemm żmien idum jew" għandhom jiġu mħassra; u

(f) minnufih wara s-subartikolu (5) tiegħu, għandhom jiżiedu s-subartikoli godda li gejjin:

"(6) Id-deċiżjoni ta' Kunsill rilevanti li timponi perjodu ta' adattament jew test ta' ħila għandha tkun ġustifikata kif xieraq u l-applikant għandu jingħata informazzjoni dwar il-livell tal-kwalifika professjonali meħtieġa f'Malta u l-livell ta' kwalifika professjonali miżmum mill-applikant skont il-klassifika stabbilita fl-artikolu 42A(5), u d-differenzi sostanzjali msemmija fis-subartikolu (5) u r-raġunijiet li għalihom dawk id-differenzi ma jistgħux jiġu kkompensati bl-għarfien, il-hiliet u l-kompetenzi miksuba matul l-esperjenza professjonali jew matul it-tagħlim tul il-ħajja, ivvalidati formalment għal dak il-għan minn korp rilevanti.

(7) Il-Kunsill rilevanti għandu jiżgura li l-applikant ikollu l-possibbiltà li jagħmel t-test ta' ħila msemmi f'dan l-artikolu sa mhux aktar tard minn sitt xhur wara d-deċiżjoni inizjali li timponi test ta' ħila fuq l-applikant."

21. Minnufih wara l-artikolu 42B tal-Att prinċipali għandu jiżied l-artikolu ġdid li gej:

Zieda ta' artikolu ġdid mal-Att prinċipali.

"Karta
Professjonali
Ewropea.

42Ċ. (1) Kemm il-darba l-Kummissjoni Ewropea tkun adottat atti ta' implimentazzjoni kif speċifikat fid-Direttiva 2005/36/UE, il-Kunsill rilevanti għandu joħroġ għad-detenturi ta' kwalifika professjonali Karta Professjonali Ewropea fuq talba tagħhom.

(2) Meta Karta Professjonali Ewropea tkun ġiet introdotta għal professjoni partikolari permezz tal-atti ta' implimentazzjoni rilevanti msemmija fis-subartikolu (1), id-detentur ta' kwalifika professjonali konċernata jista' jagħzel li japplika għal tali Karta jew li juża l-proċeduri previsti fit-Titoli II u III tad-Direttiva 2005/36/UE.

(3) Detentur ta' Karta Professjonali Ewropea għandu jibbenefika mid-drittijiet kollha mogħtija bl-artikoli 42D sa 42G.

(4) Fejn id-detentur ta' kwalifika professjonali jkun beħsiebu jipprovdi servizzi taħt it-Titolu II tad-Direttiva 2005/36/UE għajr dawk koperti bl-Artikolu 7(4) tal-istess Direttiva, il-Kunsill rilevanti għandu jorog il-Karta Professjonali Ewropea skont l-artikoli 42D u 42E.

(5) Il-Kunsill rilevanti għandu ukoll, f'każijiet fejn Malta tkun l-Istat Membru ospitanti, jirrikonoxxi Karta Professjonali Ewropea bħala dikjarazzjoni magħmula skont l-artikolu 42.

(6) Fejn id-detentur ta' kwalifika professjonali jkun beħsiebu jistabilixxi ruħu fi Stat Membru ieħor skont il-Kapitoli I sa IIIa tat-Titolu III tad-Direttiva 2005/36/UE jew li jipprovdi servizzi skont l-Artikolu 7(4) tad-Direttiva 2005/36/UE, il-Kunsill rilevanti għandu jikkompleta l-passi preparatorji kollha fir-rigward tad-*dossier* individwali tal-applikant maħluq fi hdan is-Sistema ta' Informazzjoni tas-Suq Intern (IMI) ('*dossier* tal-IMI') kif previst fl-artikoli 42D u 42F. Il-Kunsill rilevanti għandu jorog l-Karta Professjonali Ewropea skont l-artikoli 42D u 42F. Għall-fini tal-istabbiliment, il-ħruġ ta' Karta Professjonali Ewropea m'għandux jipprovdi dritt awtomatiku li tiġi eżerċitata professjoni partikolari jekk ikun hemm rekwiżiti ta' registrazzjoni jew proċeduri oħra ta' kontroll diġà fis-seħħ f'Malta qabel ma tiġi introdotta Karta Professjonali Ewropea għal dik il-professjoni.

(7) Il-Kunsill rilevanti għandu jkun responsabbli għall-ġestjoni tad-*dossiers* tal-IMI u għall-ħruġ ta' Karti Professjonali Ewropej. Il-Kunsill rilevanti għandu jiżgura pproċessar imparzjali, oġġettiv u tempestiv tal-applikazzjonijiet għal Karti Professjonali Ewropej. Il-Kunsilli rilevanti għandhom jgħarrfu liċ-ċittadini, inklużi lill-applikanti prospettivi, dwar il-funzjonament u l-valur miżjud ta' Karta Professjonali Ewropea għall-professjonijiet li għalihom tkun disponibbli.

(8) Il-Kunsilli rilevanti jistgħu jeżiġu l-ħlas ta' tariffa sabiex tinhareġ Karta Professjonali Ewropea, sakemm it-tariffa tkun raġonevoli u proporzjonata meta mqabbla mal-ispejjeż imgarrba mill-Kunsilli rilevanti, u ma għandhiex taġixxi bħala disinċentiv għal min irid japplika għal Karta Professjonali Ewropea."

22. Minnufih wara l-artikolu 42Ċ tal-Att prinċipali għandu jizzied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-Att prinċipali.

"Applikazzjonijiet għal Karta Professjonali Ewropea.

42D. (1) F'każijiet fejn Malta hija l-Istat Membru tal-origini, il-Kunsill rilevanti għandu jippermetti lil detentur ta' kwalifika professjonali japplika għal Karta Professjonali Ewropea permezz ta' għodda *online* li toħloq awtomatikament *dossier* tal-IMI għall-applikant partikolari. Applikazzjonijiet bil-miktub m'għandhomx ikunu permessi.

(2) L-applikazzjonijiet għandhom jiġu appoġġati mid-dokumenti meħtieġa fl-atti ta' implimentazzjoni li għandhom jiġu adottati mill-Kummissjoni Ewropea skont id-Direttiva 2005/36/KE.

(3) Fi żmien ġimgha minn meta jirċievi l-applikazzjoni, il-Kunsill rilevanti għandu jikkonferma li rċieva l-applikazzjoni u jgħarraf lill-applikant dwar kwalunkwe dokument nieqes. Fejn applikabbi, il-Kunsill rilevanti għandu joħroġ kwalunkwe ċertifikat ta' prova meħtieġ taht dan l-Att jew id-Direttiva 2005/36/KE. Il-Kunsill rilevanti għandu jivverifika jekk l-applikant huwiex stabbilit legalment f'Malta u jekk id-dokumenti meħtieġa kollha li nħarġu f'Malta humiex validi u awtentiċi. Fil-każ ta' dubji debitament ġustifikati, il-Kunsill rilevanti għandu jikkonsulta lil korp rilevanti u jista' jitlob mill-applikant kopji ċertifikati tad-dokumenti. Fil-każ ta' applikazzjonijiet sussegwenti mill-istess applikant, il-Kunsill rilevanti ma jistax jitlob l-preżentazzjoni mill-ġdid tad-dokumenti li diġà jinsabu fid-*dossier* tal-IMI u li jkunu għadhom validi.

(4) F'każijiet fejn Malta hija l-Istat Membru ospitanti, il-Kunsill rilevanti ma jistax jitlob l-preżentazzjoni mill-ġdid tad-dokumenti li diġà jinsabu fid-*dossier* tal-IMI u li jkunu għadhom validi."

Żieda ta' artikolu ġdid mal-Att prinċipali.

23. Minnufih wara l-artikolu 42D tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Verifika tal-applikazzjoni u tad-dokumenti ta' prova.

42E. (1) F'każijiet fejn Malta hija l-Istat Membru tal-orġini, il-Kunsill rilevanti għandu jivverifika l-applikazzjoni u d-dokumenti ta' prova fid-*dossier* tal-IMI u joħroġ il-Karta Professjonali Ewropea għall-forniment temporanju u okkażjonali ta' servizzi għajr dawk koperti bl-Artikolu 7(4) tad-Direttiva 2005/36/UE fi żmien tliet ġimghat. Dak il-perjodu ta' żmien għandu jibda malli jaslu d-dokumenti li kienu neqsin imsemmijin fis-subartikolu 42D jew, jekk ma ntabx dokumenti oħra, malli jiskadi l-perjodu ta' żmien ta' ġimgha msemmi f'dak is-subartikolu. Wara dan, il-Kunsill rilevanti għandu jittrasmetti l-Karta Professjonali Ewropea minnufih lill-awtorità kompetenti ta' kull Stat Membru ospitanti kkonċernat u għandu jgħarraf lill-applikant kif xieraq.

(2) F'kazijiet fejn Malta hija l-Istat Membru ospitanti, il-Kunsill rilevanti ma jistax jehtieg dikjarazzjoni oħra skont l-artikolu 42 għat-tmintax-il xahar ta' wara.

(3) Id-deċiżjoni tal-Kunsill rilevanti, jew in-nuqqas ta' deċiżjoni fi żmien il-perjodu ta' tliet gimgħat imsemmi fis-subartikolu (1), huma soġġetti għal appell skont l-artikolu 49.

(4) Jekk detentur ta' Karta Professjonali Ewropea jixtieq jipprovdi servizzi fi Stati Membri għajr dawk imsemmija inizzjalment fl-applikazzjoni msemmija fis-subartikolu (1), dak id-detentur jista' japplika għal tali estensjoni. Jekk id-detentur jixtieq ikompli jipprovdi s-servizzi wara l-perjodu ta' tmintax-il xahar imsemmi fis-artikolu (1), dak id-detentur għandu jinforma lill-Kunsill rilevanti kif xieraq. Fi kwalunkwe każ, dak id-detentur għandu jipprovdi wkoll kwalunkwe informazzjoni dwar bidliet materjali fis-sitwazzjoni ssostanzjata fid-*dossier* tal-IMI li tista' tkun meħtieġa mill-Kunsill rilevanti skont l-atti ta' implimentazzjoni li għandhom jiġu adottati mill-Kummissjoni Ewropea. Il-Kunsill rilevanti għandu jittrasmetti l-Karta Professjonali Ewropea aġġornata lill-Istati Membri ospitanti kkonċernati.

(5) Karta Professjonali Ewropea maħruġa minn awtorità kompetenti ta' Stat Membru iehor għandha tkun valida fit-territorju sħiħ ta' Malta sakemm id-detentur jibqa' jkollu d-dritt li jipprattika fuq il-bażi tad-dokumenti u l-informazzjoni li tinstab fid-*dossier* tal-IMI."

24. Minnufih wara l-artikolu 42E tal-Att prinċipali għandu jizdied l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid mal-Att prinċipali.

"Verifika tal-awtenticità u l-validità tad-dokumenti ta' prova.

42F. (1) F'kazijiet fejn Malta hija l-Istat Membru tal-orìgini, il-Kunsill rilevanti għandu, fi żmien xahar, jivverifika l-awtenticità u l-validità tad-dokumenti ta' prova fid-*dossier* tal-IMI għall-fini tal-ħruġ ta' Karta Professjonali Ewropea għall-istabbiliment jew għall-forniment temporanju u okkażjonali tas-servizzi taħt l-Artikolu 7(4) tad-Direttiva 2005/36/UE. Dak il-perjodu ta' żmien għandu jibda minn meta jiġu riċevuti d-dokumenti li kienu neqsin imsemmijin fl-artikolu 42D(3) jew, jekk ma ntabx dokumenti oħra, malli jiskadi l-perjodu ta' żmien ta' ġimgħa msemmi f'dak l-artikolu. Imbagħad, għandu jittrasmetti l-applikazzjoni minnufih lill-awtorità kompetenti tal-Istat Membru ospitanti. Il-Kunsill rilevanti għandu jinforma lill-applikant dwar l-istatus tal-applikazzjoni fl-istess hin li jittrasmetti l-applikazzjoni lill-Istat Membru ospitanti.

(2) F'kazijiet fejn Malta hija l-Istat Membru ospitanti, fil-każijiet imsemmija fl-Artikolu 21 tad-Direttiva 2005/36/UE, il-Kunsill rilevanti għandu jiddeċiedi jekk johroġx Karta Professjonali Ewropea skont is-subartikolu (1) fi żmien xahar minn meta jirċievi l-applikazzjoni trasmessa mill-Istat Membru ta' orìgini. F'każ ta' dubji debitament ġustifikati, il-Kunsill rilevanti jista' jitlob informazzjoni addizzjonali, jew l-inklużjoni ta' kopja ċertifikata ta' dokument, mill-Istat Membru ta' orìgini, li dan tal-aħħar għandu jipprovdi mhux aktar tard minn ġimagħtejn wara l-prezentazzjoni tat-talba. Bla ħsara għas-subartikolu (5), il-perijodu ta' xahar għandu japplika minkejja kwalunkwe tali talba:

Iżda, f'kazijiet fejn Malta hija l-Istat Membru tal-orìgini, minn meta jirċievi t-talba għal informazzjoni addizzjonali jew l-inklużjoni ta' kopja ċertifikata ta' dokument mingħand l-Istat Membru ospitanti, il-Kunsill rilevanti għandu jipprovdi l-istess sa mhux aktar minn ġimagħtejn wara l-prezentazzjoni tat-talba.

(3) F'kazijiet fejn Malta hija l-Istat Membru ospitanti, fil-kazijiet imsemmija fl-artikolu 42(6), 42A(2) u 42B, il-Kunsill rilevanti għandu jiddeċiedi jekk johroġx Karta Professjonali Ewropea jew jekk id-detentur ta' kwalifika professjonali għandux jiġi soġġett għal miżuri ta' kumpens fi żmien xahrejn minn meta jirċievi l-applikazzjoni trasmessa mill-Istat Membru ta' oriġini. F'każ ta' dubji debitament ġustifikati, il-Kunsill rilevanti jista' jitlob informazzjoni addizzjonali, jew l-inkluzjoni ta' kopja ċertifikata ta' dokument, mill-Istat Membru ta' oriġini, li dan tal-aħħar għandu jipprovdi mhux aktar tard minn ġimagħtejn wara li tiġi pprezentata t-talba. Bla ħsara għas-subartikolu (5), il-perijodu ta' xahrejn għandu japplika, minkejja kwalunkwe tali talba:

Izda, f'kazijiet fejn Malta hija l-Istat Membru tal-oriġini, minn meta jirċievi t-talba għal informazzjoni addizzjonali jew l-inkluzjoni ta' dokument minghand l-Istat Membru ospitanti, il-Kunsill rilevanti għandu jipprovdi l-istess sa mhux aktar minn ġimagħtejn wara l-prezentazzjoni tat-talba.

(4) F'kazijiet fejn Malta hija l-Istat Membru ospitanti, f'każ li l-Kunsill rilevanti ma jirċevix l-informazzjoni neċessarja li jista' jeħtieġ skont dan l-artikolu biex jieħu deċiżjoni dwar il-ħruġ tal-Karta Professjonali Ewropea jew mill-Istat Membru ta' oriġini jew mill-applikant, jista' jirrifjuta li johroġ il-Karta. Tali rifjut għandu jkun debitament ġustifikat.

(5) F'kazijiet fejn Malta hija l-Istat Membru ospitanti, fejn il-Kunsill rilevanti jonqos milli jieħu deċiżjoni fil-limiti ta' żmien stabbiliti fis-subartikoli (2) u (3) jew jonqos milli jorganizza test ta' ħila skont l-artikolu 42(6), il-Karta Professjonali Ewropea għandha titqies li nħarġet u għandha tintbagħat awtomatikament, permezz ta' IMI, lid-detentur ta' kwalifika professjonali.

Il-Kunsill rilevanti għandu jkollu l-possibbiltà li jestendi b'gimmagħtejn l-iskadenzi stabbiliti fis-subartikoli (2) u (3) għall-ħruġ awtomatiku tal-Karta Professjonali Ewropea. Għandu jispjega r-raġuni għall-estensjoni u jinforma lill-applikant kif xieraq. Tali estensjoni tista' tiġi ripetuta darba u biss fejn tkun strettament meħtieġa, b'mod partikolari għal raġunijiet relatati mas-saħħa pubblika jew mas-sikurezza tar-riċevituri tas-servizz.

(6) F'każijiet fejn Malta hija l-Istat Membru ospitanti, l-azzjonijiet meħuda mill-Istat Membru ta' oriġini skont is-subartikolu (1) għandhom jieħdu post kull applikazzjoni għar-rikonoxximent tal-kwalifiki professjonali skont il-liġi nazzjonali ta' Malta.

(7) Id-deċiżjonijiet ta' Kunsill rilevanti meħuda taħt is-subartikoli (1) sa (5) jew in-nuqqas ta' deċiżjoni għandhom ikunu soġġetti għal appell taħt l-artikolu 49."

25. Minnufih wara l-artikolu 42F tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-Att prinċipali.

"Aġġornar tad-*dossier* tal-IMI.

42G. (1) Mingħajr preġudizzju għall-preżunzjoni ta' innoċenza, il-Kunsill rilevanti għandu jaġġorna fil-ħin id-*dossier* tal-IMI korrispondenti bl-informazzjoni li tikkonċerna l-azzjonijiet dixxiplinari jew is-sanzjonijiet penali li jikkonċernaw projbizzjoni jew restrizzjoni u li għandhom konsegwenzi għat-twettiq tal-attivitajiet mid-detentur ta' Karta Professjonali Ewropea skont dan l-Att jew id-Direttiva 2005/36/UE. Meta jagħmel dan, huwa għandu jirrispetta r-regoli dwar il-protezzjoni tad-dejta personali previsti fid-Direttiva 95/46/KE u fid-Direttiva 2002/58/KE. Dawn l-aġġornamenti għandhom jinkludu t-tħassir ta' informazzjoni li ma tkunx għadha meħtieġa. Id-detentur tal-Karta Professjonali Ewropea u l-Kunsilli rilevanti li għandhom aċċess għad-*dossier* tal-IMI korrispondenti għandhom jiġu mġarrfa minnufih bi kwalunkwe aġġornar.

(2) Il-kontenut tal-aġġornar tal-informazzjoni msemmija fis-subartikolu (1) għandu jkun limitat għal dan li ġej:

- (a) l-identità tal-professjonist;
- (b) il-professjoni kkoncernata;
- (ċ) informazzjoni dwar l-awtorità nazzjonali jew il-qorti li adottat id-deċiżjoni dwar ir-restrizzjoni jew il-projbizzjoni;
- (d) l-iskop tar-restrizzjoni jew tal-projbizzjoni; u
- (e) il-perjodu li għalih tapplika r-restrizzjoni jew il-projbizzjoni.

(3) L-aċċess għall-informazzjoni fid-*dossier* tal-IMI għandu jkun limitat għall-Kunsill rilevanti, skont id-Direttiva 95/46/KE. Il-Kunsill rilevanti għandu jinforma lid-detentur tal-Karta Professjonali Ewropea dwar il-kontenut tad-*dossier* tal-IMI fuq talba ta' dak id-detentur.

(4) L-informazzjoni inkluża fil-Karta Professjonali Ewropea għandha tkun limitata għall-informazzjoni meħtieġa biex jiġi aċċertat id-dritt tad-detentur li jeżerċita l-professjoni li nħarġet għaliha, jiġifieri l-isem, il-kunjom, id-data u l-post tat-twelid, il-professjoni, il-kwalifiki formali tad-detentur u r-reġim applikabbli, l-awtoritajiet nominati jew kompetenti involuti, in-numru tal-karta, il-karatteristiċi marbuta mas-sigurtà u r-referenza għal prova valida ta' identità. L-informazzjoni relatata mal-esperjenza professjonali miksuba, jew il-miżuri ta' kumpens li ġew sodisfatti, mid-detentur tal-Karta Professjonali Ewropea għandha tiġi inkluża fid-*dossier* tal-IMI.

(5) Id-dejta personali inkluża fid-*dossier* tal-IMI tista' tiġi pproċessata għal kemm tkun meħtieġa għall-fini tal-proċedura ta' rikonoxximent bħala tali u bħala evidenza tar-rikonoxximent jew tat-trasmissjoni tad-dikjarazzjoni meħtieġa skont l-Artikolu 7 tad-Direttiva 2005/36/EU jew l-artikolu 42. Id-detentur ta' Karta Professjonali Ewropea għandu d-dritt li jitlob ir-rettifika ta' dejta inezatta jew inkompleta, jew it-thassir jew l-imblukkar tad-*dossier* tal-IMI kkonċernat. Id-detentur għandu jiġi infurmat dwar dan id-dritt meta tinhareg il-Karta Professjonali Ewropea, u għandu jiġi mfakkar dwaru kull sentejn wara. It-tfakkira għandha tintbagħat awtomatikament permezz ta' IMI fejn l-applikazzjoni inizjali għall-Karta Professjonali Ewropea tkun tressqet *online*.

F'każ ta' talba għat-thassir ta' *dossier* tal-IMI marbut ma' Karta Professjonali Ewropea maħruġa għall-fini tal-istabbiliment jew tal-forniment temporanju u okkażjonali tas-servizzi skont l-Artikolu 7(4) tad-Direttiva 2005/36/EC jew l-artikolu 42(6), il-Kunsill rilevanti għandu jagħti lid-detentur tal-kwalifiki professjonali evidenza li tafferma r-rikonoxximent tal-kwalifiki professjonali tiegħu.

(6) Fir-rigward tal-ipproċessar tad-dejta personali fil-Karta Professjonali Ewropea u d-*dossiers* kollha tal-IMI, il-Kunsill rilevanti għandu jitqies bħala kontrolluri fit-tifsira tal-punt (d) tal-Artikolu 2 tad-Direttiva 95/46/KE.

(7) Mingħajr preġudizzju għas-subartikolu (3), il-Kunsilli rilevanti għandhom jispeċifikaw li l-prinċipali, il-klijenti, il-pazjenti, l-awtoritajiet pubbliċi u partijiet interessati oħrajn jistgħu jivverifikaw l-awtenticietà u l-validità ta' Karta Professjonali Ewropea pprezentata lilhom mid-detentur tal-Karta."

Żieda ta' artikolu ġdid mal-Att prinċipali.

26. Minnufih wara l-artikolu 42G tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Access ghal
attività
professionali.

42H. (1) Il-Kunsilli rilevanti għandhom jagħtu aċċess parzjali, abbażi ta' kull każ għalih, għal attività professjonali biss fejn jiġu sodisfatti l-kondizzjonijiet kollha li ġejjin:

(a) il-professjonist ikun kompletament ikkwalifikat biex jeżerċita fl-Istat Membru ta' oriġini l-attività professjonali li għaliha jitlob aċċess parzjali f'Malta;

(b) id-differenzi bejn l-attività professjonali mwettqa fl-Istat Membru ta' oriġini u l-professjoni regolata f'Malta tant huma kbar li l-applikazzjoni tal-miżuri ta' kumpens ikunu jirriżultaw fi htieġa li l-applikant ilesti l-programm sħiħ ta' edukazzjoni u taħriġ f'Malta sabiex ikollu aċċess għall-professjoni regolata sħiħa f'Malta;

(ċ) l-attività professjonali tista' tiġi separata b'mod oġġettiv minn attivitajiet oħra li jaqgħu taħt il-professjoni regolata f'Malta; iżda, għal dan il-għan il-Kunsill rilevanti għandu jqis jekk l-attività professjonali tistax issir b'mod awtonomu f'Malta.

(2) L-aċċess parzjali jista' jiġi rifjutat jekk tali rifjut ikun ġustifikat minn raġunijiet prevalenti ta' interess ġenerali, xierqa biex jiġi żgurat li jintlaħaq l-oġġettiv mixtieq u ma jmurx lil hinn minn dak li huwa meħtieġ biex jintlaħaq dak l-oġġettiv.

(3) L-applikazzjonijiet għall-fini tal-forniment ta' servizzi temporanji u okkażjonali f'Malta li jikkonċernaw attivitajiet professjonali b'implikazzjonijiet marbuta mas-saħħa u s-sikurezza pubblika għandhom jiġu eżaminati skont l-artikolu 42.

(4) Minkejja dak previst fl-artikolu 42(6) u l-paragrafi 1(8)(a), (b) u (c) tas-Sitt Skeda, l-attività professjonali għandha titwettaq bit-titlu professjonali tal-Istat Membru ta' oriġini ladarba jingħata aċċess parzjali. Il-Kunsill rilevanti jista' jeżiġi l-użu ta' dak it-titlu professjonali fil-lingwi ta' Malta. Il-professjonisti li jibbenefikaw minn aċċess parzjali għandhom jindikaw b'mod ċar lir-riċevituri tas-servizzi l-ambitu tal-attivitàjiet professjonali tagħhom.

(5) Dan l-artikolu m'għandux japplika għall-professjonisti li jibbenefikaw minn rikonoxximent awtomatiku tal-kwalifiki professjonali tagħhom."

Żieda ta' artikolu ġdid mal-Att prinċipali.

27. Minnufih wara l-artikolu 42H tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Il-Kunsilli għandhom jiżguraw li r-rekwiżiti, il-proċeduri u l-formalitajiet kollha jiġu faċilment kompletati..

42I. (1) Il-Kunsilli rilevanti għandhom jiżguraw li r-rekwiżiti, il-proċeduri u l-formalitajiet kollha relatati ma' kwistjonijiet koperti mit-Taqsima VIII jkunu jistgħu jiġu faċilment kompletati, mill-bogħod u b'mezzi elettronici. Il-Kunsilli rilevanti jistgħu jirrikjedu kopji awtentikati fi stadju ulterjuri f'każ ta' dubji ġustifikati u fejn strettament neċessarju:

Izda dan ma għandux japplika għat-twettiq ta' perjodu ta' adattament jew test tal-hila.

(2) Fejn ikun ġustifikat li Kunsill rilevanti jitlob għal firem elettronici avvanzati, kif definit fil-punt 2 tal-Artikolu 2 tad-Direttiva 1999/93/KE, għat-tlestija tal-proċeduri msemmija fis-subartikolu (1), il-Kunsill rilevanti għandu jaċċetta firem elettronici b'konformità mad-Deciżjoni tal-Kummissjoni 2009/767/KE tas-16 ta' Ottubru 2009 u jipprovdi għal miżuri tekniċi sabiex jipproċessa dokumenti b'firem elettronici avvanzati f'formati definiti mid-Deciżjoni tal-Kummissjoni 2011/130/UE tal-25 ta' Frar 2011.

Kap. 500.

(3) Il-proċeduri kollha għandhom jitwettqu skont l-artikolu 4(d) tal-Att dwar Servizzi li jingħataw fis-Suq Intern rigward il-punti ta' kuntatt waħdieni. L-iskadenzi proċedurali stabbiliti fl-artikoli 42(1)(f), (g) u (h) u 42(6) għandhom jibdew jiddekorru minn meta applikazzjoni jew kwalunkwe dokument nieqes ikunu ġew preżentati minn ċittadin lil punt ta' kuntatt waħdieni jew direttament lill-Kunsill rilevanti. Kwalunkwe talba għal kopji awtentikati msemija fil-subartikolu (1) ma għandhiex tiġi kkunsidrata talba għal dokumenti nieqsa."

28. Minnufih wara l-artikolu 42I tal-Att prinċipali għandu jizdied l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid mal-Att prinċipali.

"Tahriġ prattiku professjonali.

42J. (1) Jekk l-aċċess għal professjoni regolata f'Malta jiddependi fuq it-tlestija ta' tahriġ prattiku professjonali, il-Kunsill rilevanti għandu, meta jkun qed jikkunsidra rikjesta għal awtorizzazzjoni sabiex tiġi eżerċitata l-professjoni regolata, jirrikonoxxi t-tahriġ prattiku mwettaq fi Stat Membru ieħor sakemm it-tahriġ prattiku huwa konformi mal-linji gwida ppubblikati msemija fis-subartikolu (2), u għandu jqis t-tahriġ prattiku mwettaq f'pajjiż terz, soġġett għal limiti raġonevoli, stabbiliti mill-liġi, fuq it-tul ta' żmien ta' parti mit-tahriġ prattiku professjonali li jista' jitwettaq barra mill-pajjiż.

(2) Ir-rikonoxximent ta' tahriġ prattiku professjonist ma għandux jissostitwixxi xi rekwiżiti fis-sehħ sabiex wiehed jgħaddi minn eżami sabiex jgawdi minn aċċess għall-professjoni inkwistjoni. Il-Kunsilli rilevanti għandhom jippubblikaw linji gwida dwar l-organizzazzjoni u r-rikonoxximent ta' tahriġ prattiku professjonali mwettaq fi Stat Membru ieħor jew f'pajjiż terz, b'mod partikolari dwar ir-rwol ta' superviżur tat-tahriġ prattiku professjonali."

29. Fil-paragrafu (ċ) tas-subartikolu (3) tal-artikolu 49 tal-Att prinċipali, minflok il-kliem "fl-artikolu 42" għandhom jidhlu l-kliem "fl-artikolu 42, jew li tħoss ruħha aggravata minn deċiżjoni ta' Kunsill rilevanti meta appell minn tali deċiżjoni huwa permess taht it-

Emenda tal-artikolu 49 tal-Att prinċipali.

C 404

Taqsim VIII".

Emenda tas-Sitt
Skeda li tinsab
mal-Att
prinċipali.

30. Is-Sitt Skeda li tinsab mal-Att prinċipali għandha tiġi emendata kif ġej:

(a) minnufih wara s-subparagrafu (b) tal-paragrafu 1(8) tiegħu għandu jiżdied is-subparagrafu ġdid li ġej:

"(ċ) Il-Kunsill Mediku għandu jirrikonoxxi l-kwalifiki ta' tobbja speċjalizzati miksuba fl-Italja, u elenkati fit-taqsimiet 1b u 1ċ tat-Tieni Skeda, lil tobbja li bdew it-taħriġ speċjalizzat tagħhom wara l-31 ta' Diċembru 1983 u qabel l-1 ta' Jannar 1991, minkejja li t-taħriġ ikkonċernat ma jissodisfax ir-rekwiziti ta' taħriġ kollha stabbiliti fid-Direttiva 2005/36/UE, jekk il-kwalifika tkun akkompanjata minn ċertifikat maħruġ mill-awtoritajiet kompetenti Taljani li jiddikjara li t-tabib ikkonċernat kien effettivament u legalment qed jeżerċita, fl-Italja, attivitajiet ta' speċjalista mediku fl-istess qasam speċjalizzat ikkonċernat, għal tal-anqas seba' snin konsekuttivi matul l-għaxar snin li jippreċedu l-għoti ta' ċertifikat.";

(b) il-paragrafu (a) taħt it-titolu 'Drittijiet akkwiziti li huma speċifiċi għal infermiera' tiegħu għandu jiġi mħassar;

(ċ) il-paragrafu (b) taħt it-titolu 'Drittijiet akkwiziti li huma speċifiċi għal infermiera' għandu jiġi enumerat mill-ġdid bħala l-paragrafu (a) u jiġi sostitwit b'dan li ġej:

"(a) Meta r-regoli ġenerali ta' drittijiet akkwiziti japplikaw għal infirmiera responsabbli għall-kura ġenerali, l-attivitajiet imsemmija fl-Artikolu 23 tad-Direttiva 2005/36/UE għandhom ikunu inkludew it-teħid ta' responsabbiltà shiha għall-ippjanar, l-organizzazzjoni u l-amministrazzjoni ta' kura li tingħata mill-infirmiera lill-pazjent.";

(d) il-paragrafu (ċ) taħt it-titolu 'Drittijiet akkwiziti li huma speċifiċi għal infermiera' għandu jiġi enumerat mill-ġdid bħala l-paragrafu (b) u jiġi sostitwit b'dan li ġej:

"(b) Il-Kunsill rilevanti għandu jirrikonoxxu provi ta' kwalifiki formali ta' infirmiera li:

(i) ngħataw fil-Polonja, lil infirmiera li lestew it-taħriġ qabel l-1 ta' Mejju 2004, li ma kkonformawx mar-rekwiziti minimi ta' taħriġ

stabbiliti fl-Artikolu 31 tad-Direttiva 2005/36/KE;
u

(ii) li ġew attestati bid-diploma ta' 'baċċelerat' li kienet nkisbet fuq il-bażi ta' programm speċjali ta' titjib li jinstab:

- fl-Artikolu 11 tal-Att tal-20 ta' April 2004 dwar l-emenda tal-Att dwar il-professjonijiet ta' infirmiera u qwiebel u dwar xi atti legali oħrajn (Il-Ġurnal Uffiċjali tar-Repubblika tal-Polonja tat-30 ta' April 2004 Nru 92, pos. 885 u tal-2007, Nru 176, pos. 1237), u r-Regolament tal-Ministru tas-Saħħa tal-11 ta' Mejju 2004 dwar il-kondizzjonijiet dettaljati tal-għoti ta' studji għal infirmiera u qwiebel, li għandhom ċertifikat ta' skola sekondarja (eżami finali - imsejjaħ 'matura') u li ggradwaw minn liċeo mediku u skejjel vokazzjonali mediċi li jgħallmu dwar il-professjoni ta' infirmiera u qwiebel (Il-Ġurnal Uffiċjali tar-Repubblika tal-Polonja tal-2004 Nru 110, pos 1170 u tal-2010 Nru 65, pos. 420), jew

- fl-Artikolu 52.3 punt 2 tal-Att tal-15 ta' Lulju 2011 dwar il-professjonijiet ta' infirmiera u qwiebel (Il-Ġurnal Uffiċjali tar-Repubblika tal-Polonja tat-23 ta' April 2011 No 174, pos. 1039); u r-Regolament tal-Ministru tas-saħħa tal-14 ta' Ġunju 2012 dwar il-kondizzjonijiet dettaljati tal-għoti ta' studji għal infirmiera u qwiebel, li għandhom ċertifikat ta' skola sekondarja (eżami finali - imsejjaħ 'matura') u li ggradwaw minn skola sekondarja medika jew post-sekondarja medika li jgħallmu dwar il-professjoni ta' infirmiera u qwiebel (Il-Ġurnal Uffiċjali tar-Repubblika tal-Polonja tal-2012, pos. 770), bil-għan li jiġi verifikat li l-infermier ikkonċernat għandu livell ta' għarfien u kompetenza komparabbli għal dak tal-infirmiera li għandhom kwalifiki elenkati għall-Polonja, huma definiti fit-Tieni Skeda.

Fir-rigward tal-kwalifika Rumena ta' infirmiera responsabbli għall-kura ġenerali, id-dispożizzjonijiet tad-

drittijiet miksubin li ġejjin biss għandhom japplikaw: fil-każ ta' ċittadini ta' Stati Membri li kienu mharrġa bhala infermiera responsabbli għall-kura ġenerali fir-Rumanija u li t-taħriġ tagħhom ma jissodisfax ir-rekwiżiti minimi ta' taħriġ stabbiliti fl-Artikolu 31 tad-Direttiva 2005/36/UE, il-Kunsill rilevanti għandu jirrikonoxxi l-evidenza li ġejja ta' kwalifiki professjonali bhala infermier responsabbli għall-kura ġenerali bhala prova suffiċjenti, bil-kondizzjoni li l-evidenza hija akkumpanjata minn ċertifikat li jiddikjara li dawn iċ-ċittadini tal-Istat Membru kienu effettivament u legalment qed jeżerċitaw attivitatiet ta' infermier responsabbli għall-kura ġenerali fir-Rumanija, inkluż it-tehid ta' responsabbiltà sħiħa għall-ippjanar, l-organizzazzjoni u l-ghoti ta' kura ta' infermier lill-pazjenti, għal perjodu ta' tal-anqas tliet snin konsekuttivi matul il-hames snin li jiġu qabel il-hruġ ta' ċertifikat:

(i) Certificat de competențe profesionale de asistent medical generalist b'edukazzjoni post-sekondarja miksuba minn școală postliceală, li jattesta taħriġ li beda qabel l-1 ta' Jannar 2007;

(ii) Diplomă de absolvire de asistent medical generalist bi studji ta' edukazzjoni oghla fi żmien qasir, li tattesta taħriġ li beda qabel l-1 ta' Ottubru 2003;

(iii) Diplomă de licență de asistent medical generalist bi studji ta' edukazzjoni oghla fi żmien twil, li tattesta taħriġ li beda qabel l-1 ta' Ottubru 2003.";

(e) minnufih wara s-subparagrafu (e) taht it-titolu 'Drittijiet akkwiziżiti li huma speċifiċi għal dentisti' għandhom jizdiedu l-paragrafi ġodda li ġejjin:

"(f) Fir-rigward tal-evidenza ta' kwalifiki formali tal-professjonisti tad-dentistrija, il-Kunsill rilevanti għandu jirrikonoxxi tali evidenza b'mod konformi mal-Artikolu 21 tad-Direttiva 2005/36/UE fil-każijiet fejn l-applikanti jkunu bdew it-taħriġ tagħhom fit-18 ta' Jannar 2016 jew qabel din id-data.

(g) Il-Kunsill rilevanti għandu jirrikonoxxi l-provi ta' kwalifiki formali bhala tabib maħruġa fi Spanja lil professjonisti li bdew it-taħriġ mediku universitarju tagħhom bejn l-1 ta' Jannar 1986 sal-31 ta' Diċembru 1997, akkumpanjati minn ċertifikat maħruġ mill-awtoritajiet kompetenti Spanjoli, kemm il-darba ċ-

ċertifikat jikkonferma li l-kondizzjonijiet li ġejjin huma sodisfatti:

(i) il-professjonist inkwistjoni kkompleta b'suċċess tal-anqas tliet snin ta' studju, ċertifikati mill-awtoritajiet kompetenti Spanjoli bħala ekwivalenti għat-taħriġ imsemmi fl-Artikolu 34 tad-Direttiva 2005/36/UE;

(ii) il-professjonist inkwistjoni kien jeżerċita l-attivitajiet imsemmija fl-Artikolu 36 tad-Direttiva 2005/36/UE effettivament, legalment u prinċipalment fi Spanja għal mhux inqas minn tliet snin konsekuttivi matul il-ħames snin li jippreċedu l-ġhoti taċ-ċertifikat;

(iii) il-professjonist inkwistjoni huwa awtorizzat li jeżerċita jew li effettivament, legalment u prinċipalment jeżerċita l-attivitajiet imsemmija fl-Artikolu 36 tad-Direttiva 2005/36/UE, taħt l-istess kondizzjonijiet bħad-detenturi ta' provi ta' kwalifiki formali elenkati għal Spanja fit-Taqsima IIa tat-Tieni Skeda.";

(f) minflok is-subparagrafu 1(ċ) taħt it-titolu 'Drittijiet akkwiziti li huma speċifiċi għal qwiebel' għandu jidhol il-paragrafu li ġej:

"(ċ) Fir-rigward ta' provi ta' kwalifiki formali ta' qwiebel, il-Kunsill rilevanti għandu jirrikonoxxi dawk il-kwalifiki b'mod awtomatiku fejn l-applikant ikun beda t-taħriġ qabel it-18 ta' Jannar 2016 u r-rekwiżit ta' ammissjoni għal dan it-taħriġ ikun ta' 10 snin ta' edukazzjoni ġenerali jew ta' livell ekwivalenti għar-rotta I, jew taħriġ komplet bħala infirmiera responsabbli għal kura ġenerali kif attestat mill-evidenza ta' kwalifika formali msemija fit-Taqsima V tat-Tieni Skeda qabel ma jibda t-taħriġ għall-qwiebel li jaqa' taħt ir-rotta II."; u

(g) minflok is-subparagrafu 1(d) taħt it-titolu 'Drittijiet akkwiziti li huma speċifiċi għal qwiebel' għandu jidhol il-paragrafu li ġej:

"(d) Il-Kunsill rilevanti għandu jirrikonoxxi l-provi ta' kwalifiki formali bħala qabla li:

(i) ngħataw fil-Polonja, lil infirmiera li

temmew it-taħriġ tagħhom qabel l-1 ta' Mejju 2004, imma ma jikkonformawx mar-rekwiziti minimi tat-taħriġ stabbiliti fl-Artikolu 40 tad-Direttiva 2005/36/UE; u

(ii) huma attestati b'diploma ta' baċċelerat li kienet inkisbet abbażi ta' programm ta' aġġornament speċjali li jinsab:

- fl-Artikolu 11 tal-Att tal-20 ta' April 2004 dwar l-emendi għall-Att dwar il-professjonijiet ta' infermiera u qwiebel u dwar xi atti legali oħra (Ġurnal Uffiċjali tar-Repubblika Pollakka tat-30 ta' April 2004 Nru 92, pos. 885 u tal- 2007 Nru 176, pos. 1237); u r-Regolament tal-Ministru tas-Saħħa tal-11 ta' Mejju 2004 dwar il-kondizzjonijiet dettaljati għal taħriġ lill-infermiera u qwiebel, li għandhom ċertifikat ta' skola sekondarja (eżami finali - matura) u huma gradwati minn liċeo mediku u skejjel mediċi vokazzjonali li jipprovdu tagħlim fil-professjoni ta' infermiera u qwiebel (Ġurnal Uffiċjali tar-Repubblika Pollakka tat-13 ta' Mejju 2004 Nru. 110, pos. 1170 u tal-2010 Nru 65, pos. 420); jew

- fl-Artikolu 53.3 punt 3 tal-Att tal-15 ta' Lulju 2011 dwar il-professjonijiet tal-infermiera u l-qwiebel (il-Ġurnali Uffiċjali tar-Repubblika tal-Polonja tat-23 ta' Awwissu 2011 Nru 174, pos. 1039), u r-Regolament tal-Ministru tas-Saħħa tal-14 ta' Ġunju 2012 dwar il-kondizzjonijiet dettaljati tal-ġhoti ta' korsijiet ta' edukazzjoni oġġla għall-infirmiera u l-qwiebel li għandhom ċertifikat ta' skola sekondarja (eżami finali - imsejjaħ matura) u li ggradwaw minn skola sekondarja medika jew skola post-sekondarja li jgħallmu dwar il-professjoni ta' infermiera u qwiebel (Ġurnal Uffiċjali tal-Polonja tal-2012, pos. 770), bil-għan li jkun verifikat li l-professjonist ikkonċernat għandu livell ta' għarfien u kompetenza komparabbli ma' dik tal-qwiebel li għandhom il-kwalifiki li, fil-każ tal-Polonja, huma stabbiliti fit-Tieni Skeda."

31. Fis-Seba' Skeda tal-Att prinċipali, minnufih wara l-paragrafu (f) għandu jiżdied il-paragrafu ġdid li ġej:

Emenda tas-Seba' Skeda li tinsab mal-Att prinċipali.

"(g) Fejn il-Kunsill rilevanti jehtieg dan miċ-ċittadini tiegħu stess, attestazzjoni li tikkonferma l-assenza ta' sospensjonijiet temporanji jew finali mill-eżerċizzju ta' professjoni jew ta' kundanni penali."

Taqsimha VII

Emendi għall-Att dwar il-Professjoni tal-Psikoloġija

32. Din it-Taqsimha temenda l-Att dwar il-Professjoni tal-Psikoloġija u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni tal-Psikoloġija, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Professjoni tal-Psikoloġija . Kap. 471.

33. Fis-subartikolu (3) tal-artikolu 3 tal-Att prinċipali minflok il-kliem "Persuna ma tikkwalifikax" għandhom jidhlu l-kliem "Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki u regolamenti magħmula taht l-istess Att, persuna ma tikkwalifikax".

Emenda tal-artikolu 3 tal-Att prinċipali.

Taqsimha VIII

Emendi għall-Att dwar il-Professjoni tax-Xogħol maż-Żgħażaġh

34. Din it-Taqsimha temenda l-Att dwar il-Professjoni tax-Xogħol maż-Żgħażaġh u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni tax-Xogħol maż-Żgħażaġh, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Professjoni tax-Xogħol maż-Żgħażaġh. Kap. 533.

35. Fis-subartikolu (3) tal-artikolu 3 tal-Att prinċipali minflok il-kliem "Persuna ma tikkwalifikax" għandhom jidhlu l-kliem "Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki u regolamenti magħmula taht l-istess Att, persuna ma tikkwalifikax".

Emenda tal-artikolu 3 tal-Att prinċipali.

Taqsimha IX

Emendi għall-Att dwar il-Professjoni tal-Counselling

36. Din it-Taqsimha temenda l-Att dwar il-Professjoni tal-Counselling u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni tal-Counselling, hawnhekk iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Professjoni tal-Counselling. Kap. 538

37. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

C 410

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "Persuna tikkwalifika għal" għandhom jidhlu l-kliem "Minghajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u regolamenti magħmula taht l-istess Att, persuna tikkwalifika għal"; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "Persuna tikkwalifika għal" għandhom jidhlu l-kliem "Minghajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u regolamenti magħmula taht l-istess Att, persuna tikkwalifika għal".

Taqsim X

Setgħa għall-għemil ta' regolamenti

Setgħa għall-għemil ta' regolamenti biex tiġi implimentata d-Direttiva 2013/55/UE.

38. Il-Ministru responsabbli għall-Edukazzjoni jista' jagħmel regolamenti biex jemenda leġislazzjoni sussidjarja biex jiġu kompletament implimentati d-dispożizzjonijiet tad-Direttiva 2013/55/UE.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu sabiex jemenda diversi liġijiet li għandhom x'jaqsmu mar-rikonoxximent ta' kwalifiki sabiex jiġu implimentati d-dispożizzjonijiet tad-Direttiva 2013/55/UE.

**A Bill
entitled**

*AN ACT to amend various laws for the purposes of transposing
Directive 2013/55/EU.*

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:-

1. The short title of this Act is the Various Laws Short title.
(Transposition of Directive 2013/55/EU) (Amendment) Act, 2016.

Part I

Amendments to the Education Act

2. This Part amends the Education Act, and it shall be read and construed as one with the Education Act, hereinafter in this Part referred to as "the principal Act".

Amendments to
the Education
Act.
Cap. 327.

3. In sub-article (2) of article 24 of the principal Act, for the words "A person shall not qualify" there shall be substituted the words "Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act and regulations made thereunder, a person shall not qualify".

Amendment of
article 24 of the
principal Act.

Part II

Amendments to the Malta Travel and Tourism Act

C 412

Amendments to the Malta Travel and Tourism Act. Cap. 409.

4. This Part amends the Malta Travel and Tourism Act, and it shall be read and construed as one with the Malta Travel and Tourism Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 24 of the principal Act.

5. In article 28 of the principal Act, for the words "A license shall not be granted" there shall be substituted the words "Without prejudice to the provisions of the Mutual Recognition of Qualifications Act and regulations made thereunder, a license shall not be granted".

Part III

Amendments to the Veterinary Services Act

Amendments to the Veterinary Services Act. Cap. 437.

6. This Part amends the Veterinary Services Act, and it shall be read and construed as one with the Veterinary Services Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 2 of the principal Act.

7. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "animal" there shall be added the following new definition:

" "aptitude test" means a test of the professional knowledge, skills and competences of the applicant, made by the Council with the aim of assessing the ability of the applicant to pursue a regulated profession in Malta;" and

(b) immediately after the definition "importation" 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;"

Amendment of article 43 of the principal Act.

8. Article 43 of the principal Act shall be amended as follows:

(a) in paragraph (b) of sub-article (5) thereof, for the words "two years" there shall be substituted the words "one year"; and

(b) sub-paragraph (ii) of paragraph (b) of sub-article (6) thereof shall be substituted by the following:

"(ii) The Council shall, within a maximum of one month from the date of an acknowledged receipt of a

completed declaration and all necessary accompanying documents, inform the applicant of its decision not to check his professional qualifications or, having checked his professional qualifications, to either require the applicant to take an aptitude test or to allow the provision of services."; and

(c) immediately after sub-paragraph (iv) of paragraph (b) of sub-article (6) thereof, there shall be added the following new sub-paragraphs:

"(v) Where there is a substantial difference between the professional qualifications of the applicant and the training required in Malta, to the extent which that difference is such as to be harmful to public health or safety, and that it cannot be compensated by the applicant's professional experience or by knowledge, skills and competences acquired through lifelong learning formally validated to that end by a relevant body, the Council shall give that applicant the opportunity to show, by means of an aptitude test, that he has acquired the knowledge, skills or competence that were lacking. The Council 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 the sub-paragraph (ii).

(vi) All aptitude tests shall be provided directly by the Council or sub-contracted to any other authority, organisation or institute as chosen by the Council.

(vii) All expenses in taking aptitude tests shall be borne by the applicant.";

(d) immediately after sub-article (6) thereof, there shall be added the following new sub-article:

"(7) (a) Veterinary surgeons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in Malta.

(b) The Council shall ensure that any controls carried out to ensure compliance with the obligation under paragraph (a) shall be limited to the knowledge of one official language of Malta.

C 414

(c) Controls carried out in accordance with paragraph (b) may be imposed in cases where there is a serious and concrete doubt about the sufficiency of the veterinary surgeon's language knowledge in respect of the professional activities which that veterinary surgeon intends to pursue.

(d) Controls may be carried out only after the recognition of a professional qualification.

(e) Any language controls shall be proportionate to the activity to be pursued, and shall be subject to appeal."

Part IV

Amendments to the Cultural Heritage Act

Amendments to the Cultural Heritage Act. Cap. 445.

9. This Part amends the Cultural Heritage Act, and it shall be read and construed as one with the Cultural Heritage Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 33A of the principal Act.

10. Article 33A of the principal Act shall be amended as follows:

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

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

(c) for sub-article (3) thereof there shall be substituted the following:

"(3) Without prejudice to the Mutual Recognition of Qualifications Act and notwithstanding the provisions of article 31 of this Act, submission of the required declaration in accordance with sub-article (2) shall entitle that person to have access to the profession of a restorer or to exercise that activity in the entire territory of Malta."; and

(d) sub-articles (5) and (6) thereof shall be deleted, and sub-article (7) shall be renumbered to sub-article (5).

Part V

Amendments to the Mutual Recognition of Qualifications Act

11. This Part amends the Mutual Recognition of Qualifications Act, and it shall be read and construed as one with the Mutual Recognition of Qualifications Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Mutual Recognition of Qualifications Act. Cap. 451.

12. In article 2 of the principal Act, for the definition of "professional experience" there shall be substituted the following:

Amendment of article 2 of the principal Act.

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

13. Immediately after sub-article (2) of article 5 of the principal Act, there shall be added the following new sub-article:

Amendment of article 5 of the principal Act.

"(3) The Mutual Recognition Coordinator shall also be responsible for:

(a) collecting all information which is relevant for the application of Directive 2005/36/EC;

(b) examining suggestions for common training frameworks and common training tests;

(c) exchanging information and best practice for the purpose of optimising continuous professional development in Member States; and

(d) exchanging information and best practice on the application of compensation measures provided for under this Act."

Part VI

Amendments to the Health Care Professions Act

14. This Part amends the Health Care Professions Act, and it shall be read and construed as one with the Health Care Professions Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Health Care Professions Act. Cap. 464.

15. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) for the definition "aptitude test" there shall be substituted the following:

" "aptitude test" means a test of the professional knowledge, skills and competences of the applicant, made

C 416

by the relevant Councils with the aim of assessing the ability of the applicant to pursue a regulated profession in Malta;"

(b) immediately after the definition "Councils for the Professions Complementary to Medicine" there shall be added the following new definition:

" "ECTS credits" means the credit system for higher education used in the European Higher Education Area;"

(c) immediately after the definition "European Economic Area" there shall be added the following new definition:

" "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 qualifications for establishment in a host Member State;"

(d) immediately after the definition "legal practitioner" there shall be added the following new definition:

" "lifelong learning" means 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;"

(e) immediately after the definition "Minister" there shall be added the following new definition:

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

(f) for the definition "professional experience" there shall be substituted the following:

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

(g) immediately after the definition "professional experience" there shall be added the following new definition:

" "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;"

16. Sub-article (3) of article 13 of the principal Act shall be amended as follows: Amendment of article 13 of the principal Act.

(a) in paragraph (e) thereof, for the words "preparation, testing storage and supply of medicinal products" there shall be substituted the words "supply, preparation, testing, storage, distribution and dispensing of safe and efficacious medicinal products of the required quality";

(b) in paragraph (f) thereof, for the words "of medicinal products in hospitals;" there shall be substituted the words "of safe and efficacious medicinal products of the required quality in hospitals;"

(c) in paragraph (g) thereof, for the words "medicinal products" there shall be substituted the words "medicinal products as such, including on their appropriate use;" and

(d) immediately after paragraph (g) thereof, there shall be added the following new paragraphs:

"(h) reporting of adverse reactions of pharmaceutical products to the competent authorities;

(i) personalised support for patients who administer their medication;

(j) contribution to local or national public health campaigns."

17. Paragraph (b) of sub-article (1) of article 23 of the principal Act shall be amended as follows: Amendment of article 23 of the principal Act.

(a) for sub-paragraph (i) thereof there shall be substituted the following:

"(i) full-time training of at least three years as a midwife, which may in addition be expressed with the equivalent ECTS credits, consisting of at least 4,600 hours of theoretical and practical training, with at least one third of the minimum duration representing clinical training;"

C 418

(b) in sub-paragraph (ii) thereof, for the words "at least two years or 3600 hours" there shall be substituted the words "at least two years, which may be expressed with the equivalent ECTS credits, consisting of at least 3 600 hours"; and

(c) in sub-paragraph (iii) thereof, for the words "at least 18 months or 3 000 hours" there shall be substituted the words "at least 18 months, which may in addition be expressed with the equivalent ECTS credits, consisting of at least 3 000 hours".

Amendment of
article 42 of the
principal Act.

18. Article 42 of the principal Act shall be amended as follows:

(a) sub-paragraphs (d) to (h) of paragraph (iii) of sub-article (1) thereof shall be re-numbered as paragraphs (e) to (i) respectively;

(b) immediately after sub-paragraph (c) of paragraph (iii) of sub-article (1) thereof there shall be added the following:

"(d) whether the applicant is 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;"

(c) in sub-paragraph (i), as re-numbered, of paragraph (iii) of sub-article (1) thereof, immediately after the words "profession in Malta." there shall be added the words "The relevant Council shall ensure that any controls carried out to ensure compliance with this requirement shall be limited to the knowledge of one official language of Malta, or one administrative language of Malta provided it is also an official language of the European Union, and that controls shall be carried out only if the profession to be practiced has patient safety implications or 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. Any language controls shall be proportionate to the activity to be pursued and subject to appeal in terms of article 49;"

(d) immediately after sub-paragraph (i), as re-numbered, of paragraph (iii) of sub-article (1) thereof there shall be added the following proviso:

"Provided that controls may be carried out only after the issuance of a European Professional Card in

accordance with article 42F or after the recognition of a professional qualification, as the case may be.";

(e) in sub-paragraph (iii) of paragraph (a) of sub-article (4) thereof, for the words "in the Member State of establishment for at least two years" there shall be substituted the words "in one or several Member States for at least one year"; and for the words "in that Member State" there shall be substituted the words "in the Member State of establishment";

(f) in paragraph (a) of sub-article (6) thereof, immediately after the words "by any means.", there shall be added the words "Submission of the required declaration by the service provider shall entitle that service provider to have access to the service activity or to exercise that activity in the entire territory Malta.";

(g) immediately after sub-paragraph (iii) of paragraph (b) of sub-article (6) thereof, there shall be added the following new sub-paragraphs:

"(iv) for cases referred to in sub-article (4)(a)(iii), any means of proof that the service provider has pursued the activity concerned for at least one year during the previous ten years;

(v) where the relevant Council so requires for its own nationals, an attestation confirming the absence of temporary or final suspensions from exercising the profession or of criminal convictions;

(vi) for professions that have patient safety implications, a declaration about the applicant's knowledge of the language necessary for practicing the profession in Malta.";

(h) for paragraph (e) of sub-article (6) thereof, there shall be substituted the following:

"(e) No later than one month after receipt of the declaration and accompanying documents, the relevant Council shall inform the service provider of its decision:

(i) not to check his professional qualifications;

(ii) having checked his professional qualifications to require him either to take an

C 420

aptitude test or to allow him to provide the services.

Where there is a difficulty which would result in delay in taking a decision, the relevant Council 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.";

(i) for paragraph (f) of sub-article (6) thereof, there shall be substituted the following:

"(f) Where there is a substantial difference between the professional qualifications of the service provider and the training required, 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 relevant Council 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 relevant Council 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 the previous paragraph.";

(j) in paragraph (a) of sub-article (7) thereof, for the words "Member State of establishment" there shall be substituted the words "Member State of establishment, in the event of justified doubts,"; and immediately after the words "criminal sanctions of a professional nature." there shall be added the words "In the event that the relevant Council decides to check the service provider's professional qualifications, it 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."; and

(k) immediately after paragraph (b) of sub-article (8) thereof, there shall be added the following:

"(c) Partial access to a profession shall be granted under the conditions laid down in article 42H.".

19. Article 42A of the principal Act shall be amended as follows:

Amendment of article 42A of the principal Act.

(a) paragraph (a) of sub-article (2) thereof shall be deleted;

(b) paragraph (b) of sub-article (2) thereof shall be re-numbered as paragraph (a);

(c) paragraph (c) of sub-article (2) thereof shall be re-numbered as paragraph (b), and for the words "and that difference consists in specific training which is required in Malta and which" there shall be substituted the words "and the training required in Malta";

(d) immediately after paragraph (d) of sub-article (3) thereof, there shall be added the following new paragraph:

"(e) Notwithstanding the right of the applicant to choose, as laid down in paragraph (a), the relevant Council may stipulate either an adaptation period or an aptitude test in the case of:

(i) a holder of a professional qualification referred to in sub-article (5)(a), who applies for recognition of his professional qualifications where the professional qualification required in Malta is classified under sub-article (5)(c); or

(ii) a holder of a professional qualification referred to in sub-article (5)(b), who applies for recognition of his professional qualifications where the professional qualification required in Malta is classified under sub-article (5)(d) or (e).

In the case of a holder of a professional qualification referred to in sub-article (5)(a) who applies for recognition of his professional qualifications where the professional qualification required in Malta is classified under sub-article (5)(d), the relevant Council may impose both an adaptation period and an aptitude test.";

(e) in sub-article (3) thereof, for the words "knowledge is" there shall be substituted the words "knowledge, skills and competences are"; and the words "duration or" shall be deleted;

(f) sub-article (4) thereof shall be re-numbered as sub-article (4)(a); for the word "knowledge" there shall be

C 422

substituted the words "knowledge, skills and competences"; and for the words "professional experience" there shall be substituted the words "professional experience or through lifelong learning, and formally validated to that end by a relevant body,";

(g) immediately after sub-article (4)(a), as renumbered, thereof, there shall be added the following new paragraphs:

(b) The decision by any relevant Council imposing an adaptation or an aptitude test period shall be duly justified and shall provide the applicant with information on the level of the professional qualification required in Malta and the level of professional qualification held by the applicant in accordance with sub-article (5), and the substantial differences referred to in sub-article (3) 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.

(c) The relevant Council shall ensure that an applicant has the possibility of taking the aptitude test referred to in sub-article (2) not later than six months after the initial decision imposing an aptitude test on the applicant.";

(h) for sub-paragraph (ii) of paragraph (c) of sub-article (5) thereof there shall be substituted the following:

"(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;"

(i) for paragraph (d) of sub-article (5) thereof there shall be substituted the following:

"(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;"

(j) in paragraph (e) of sub-article (5) thereof, for the words "on a part-time basis," there shall be substituted the words "on a part-time basis, which may in addition be expressed with an equivalent number of ECTS credits,"

(k) in paragraph (a) of sub-article (6) thereof, for the words "successful completion of training in the Community" there shall be substituted the words "successful completion of training in the Union, on a full or part-time basis, within or outside formal programmes,"

(l) in sub-article (8) thereof, the words "or an attestation of a level of professional qualification at least equivalent to the level immediately prior to that which is required as provided by this Act" shall be deleted; and

(m) in sub-article (9) thereof:

(i) for the words "for two years" there shall be substituted the words "for one year or for an equivalent duration on a part-time basis";

(ii) the words "documents providing" shall be deleted;

(iii) paragraph (b) thereof shall be deleted;

(iv) paragraph (c) thereof shall be re-numbered as paragraph (b); and

(v) for the proviso thereof there shall be substituted the following:

"Provided that the one year professional experience may not, however, be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training.";

C 424

(n) sub-article (10) thereof shall be re-numbered as sub-article (11);

(o) immediately after sub-article (9) thereof there shall be added the following new sub-article:

"(10) The relevant Council shall accept the level attested under sub-article (5) 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 as referred to in sub-article (5)(c)(ii) is equivalent to the level provided for in sub-article (5)(c)(i)."; and

(p) sub-article (11) thereof, as re-numbered, shall be substituted by the following:

"(11) Notwithstanding the provisions of sub-articles (8) and (9) and article 42B, the relevant Council may refuse access to, and pursuit of, the profession to holders of an attestation of competence classified under sub-article (5)(a), where the national professional qualification to exercise the profession in Malta is classified sub-article (5)(e).".

Amendment of
article 42B of
the principal
Act.

20. Article 42B of the principal Act shall be amended as follows:

(a) paragraph (a) of sub-article (1) thereof shall be deleted;

(b) paragraph (b) of sub-article (1) thereof shall be re-numbered as paragraph (a);

(c) paragraph (c) of sub-article (1) thereof shall be re-numbered as paragraph (b); and for the words "and that difference consists in specific training which is required in Malta and which" there shall be substituted the words "and the training required in Malta";

(d) in sub-paragraph (a) of sub-article (5) thereof, for the word "knowledge" there shall be substituted the words "knowledge, skills and competences"; and for the words "professional experience" there shall be substituted the words "professional experience or through lifelong learning, and formally validated to that end by a relevant body,";

(e) in sub-paragraph (b) of sub-article (5) thereof, for

the words "knowledge is" there shall be substituted the words "knowledge, skills and competences are"; and the words "duration or" shall be deleted; and

(f) immediately after sub-article (5) thereof, there shall be added the following new sub-articles:

"(6) The decision by any relevant Council imposing an adaptation or an aptitude test period shall be duly justified and shall provide the applicant with information on the level of the professional qualification required in Malta and the level of professional qualification held by the applicant in accordance with article 42A(5), and the substantial differences referred to in sub-article (5) 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.

(7) The relevant Council shall ensure that an applicant has the possibility of taking the aptitude test referred in this article not later than six months after the initial decision imposing an aptitude test on the applicant."

21. Immediately after article 42B of the principal Act, there shall be added the following new article:

Addition of new article to the principal Act.

"European Professional Card.

42C. (1) Subject to the European Commission having adopted implementing acts as specified in Directive 2005/36/EC, the relevant Council 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 profession regulated by this Act by means of relevant implementing acts referred to in sub-article (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 articles 42D to 42G.

(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 Council shall issue the European Professional Card in accordance with articles 42D and 42E.

(5) The relevant Council shall also, in cases when Malta is the host Member State, recognise a European Professional Card as a declaration under article 42.

(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 Council 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 Articles 42D and 42F. The relevant Council shall issue the European Professional Card in accordance with articles 42D and 42F. 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 Malta before a European Professional Card is introduced for that profession.

(7) The relevant Council shall be responsible for dealing with IMI files and issuing European Professional Cards. The relevant Council shall ensure an impartial, objective and timely processing of applications for European Professional Cards. The relevant Council 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) The relevant Council may charge fees to issue a European Professional Card, provided such fees shall be reasonable, proportionate and commensurate with the costs incurred by the relevant Council and shall not act as a disincentive to apply for a European Professional Card."

22. Immediately after article 42C of the principal Act, there shall be added the following new article:

Addition of new article to the principal Act.

"Applications for a European Professional Card.

42D. (1) In cases where Malta is the home Member State, the relevant Council 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.

(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 Council shall acknowledge receipt of the application and inform the applicant of any missing document. Where applicable, the relevant Council shall issue any supporting certificate required under this Act or Directive 2005/36/EC. The relevant Council 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 relevant Council 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 relevant Council 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 relevant Council may not request the re-submission of documents which are already contained in the IMI file of the applicant and which are still valid."

C 428

Addition of new
article to the
principal Act.

23. Immediately after article 42D of the principal Act, there shall be added the following new article:

"Verification of
application and
supporting
documents.

42E. (1) In cases where Malta is the home Member State, the relevant Council 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-article 42D(3) or, if no further documents were requested, upon the expiry of the one-week period referred to in that sub-article. The relevant Council 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 Council may not require any further declaration under article 42 for the following eighteen months.

(3) The decision of the relevant Council or the absence of a decision within the period of three weeks referred to in sub-article (1) shall be subject to appeal in terms of article 49.

(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-article (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-article (1), that holder shall inform the relevant Council 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 Council in accordance with the implementing acts to be adopted by the European Commission. The relevant Council 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."

24. Immediately after article 42E of the principal Act, there shall be added the following new article 42F:

Addition of new article to the principal Act.

"Verification of authenticity and validity of the supporting documents.

42F. (1) In cases where Malta is the home Member State, the relevant Council 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 article 42D(3) or, if no further documents were requested, upon the expiry of the one-week period referred to in that article. It shall then transmit the application immediately to the competent authority of the host Member State. The relevant Council 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 Article 21 of Directive 2005/36/EC, the relevant Council shall decide whether to issue a European Professional Card under sub-article (1) within one month of receipt of the application transmitted by the home Member State. In the event of duly justified doubts, the relevant Council 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 sub-article (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 certified copy of a document, from the host Member State, the relevant Council 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 articles 42(6), 42A(2) and 42B, the relevant Council 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 Council 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 sub-article (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 Council 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 Council does not receive the necessary information which it may require in accordance with this Act 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 Council fails to take a decision within the time limits set out in sub-articles (2) and (3) or fails to organise an aptitude test in accordance with article 42(6), the European Professional Card shall be deemed to be issued and shall be sent automatically, through IMI, to the holder of a professional qualification.

C 432

The relevant Council shall have the possibility to extend by two weeks the deadlines set out in sub-articles (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-article (1) shall replace any application for recognition of professional qualifications under the national law of Malta.

(7) The decisions of a relevant Council under sub-articles (1) to (5) or the absence of decision shall be subject to appeal in accordance with article 49."

Addition of new article to the principal Act.

25. Immediately after article 42F of the principal Act, there shall be added the following new article:

"Updating of IMI file.

42G. (1) Without prejudice to the presumption of innocence, the relevant Council 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 this Act or Directive 2005/36/EC. In so doing it 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 competent authorities that have access to the corresponding IMI file shall be informed immediately of any updates.

(2) The content of the information updates referred to in sub-article (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 Council, in accordance with Directive 95/46/EC. The relevant Council 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.

C 434

(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 article 42. 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 article 42(6), the relevant Council 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 Council shall be regarded as controllers within the meaning of point (d) of Article 2 of Directive 95/46/EC.

(7) Without prejudice to sub-article (3), relevant Councils 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."

Addition of new article to the principal Act.

26. Immediately after article 42G of the principal Act, there shall be added the following new article:

"Access to a professional activity.

42H. (1) Relevant Councils 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 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 relevant Council shall take into account whether the professional activity can be pursued autonomously in Malta.

(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 providing temporary and occasional services in Malta concerning professional activities that have public health or safety implications shall be examined in accordance with article 42.

C 436

(4) Notwithstanding the provisions of article 42(6) and paragraphs 1(8)(a), (b) and (c) of the Sixth Schedule, the professional activity shall be exercised under the professional title of the home Member State once partial access has been granted. The relevant Council 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.

(5) This article shall not apply to professionals benefiting from automatic recognition of their professional qualifications."

Addition of new article to the principal Act.

27. Immediately after article 42H of the principal Act there shall be added the following new article:

"Councils to ensure that all requirements, procedures and formalities may be easily completed.

42I. (1) The relevant Councils shall ensure that all requirements, procedures and formalities relating to matters covered by Part VIII may be easily completed, remotely and by electronic means. The relevant Councils shall be permitted to request certified copies at a later stage in the event of justified doubts and where strictly necessary:

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 relevant Council 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-article (1), the relevant Council 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 articles 42(1)(f), (g) and (h) and 42(6) 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 Council. Any request for certified copies referred to in sub-article (1) shall not be considered as a request for missing documents."

28. Immediately after article 42I there shall be added the following new article:

Addition of new article to the principal Act.

"Professional traineeship.

42J. (1) If access to a regulated profession in Malta is contingent upon completion of a professional traineeship, the relevant Council 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-article (2), and shall take into account professional traineeships carried out in a third country, subject to any reasonable limits, established by 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 relevant Council 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."

29. In paragraph (c) of sub-article (3) of article 49 of the principal Act, for the words "article 42" there shall be substituted the words "article 42, or otherwise aggrieved by a decision of the relevant Council when an appeal against such a decision is permitted accordance with Part VIII".

Amendment of article 49 of the principal Act.

C 438

Amendment of
the Sixth
Schedule to the
principal Act.

30. The Sixth Schedule to the principal Act shall be amended as follows:

(a) immediately after sub-paragraph (b) of paragraph 1(8) thereof there shall be added the following new sub-paragraph:

"(c) The Medical Council shall recognise the qualifications of specialised doctors awarded in Italy, and listed in parts 1b and 1c of Schedule 2, to doctors who started their specialist training after 31 December 1983 and before 1 January 1991, even if the training concerned does not satisfy all the training requirements set out in Directive 2005/36/EC, in so far as the qualification is accompanied by a certificate issued by the competent Italian authorities stating that the doctor concerned has effectively and lawfully been engaged, in Italy, in the activities of a medical specialist in the same specialist area concerned, for at least seven consecutive years during the ten years preceding the award of the certificate.";

(b) paragraph (a) under the heading 'Acquired rights specific to nurses' shall be deleted;

(c) paragraph (b) under the heading 'Acquired rights specific to nurses' shall be re-numbered as paragraph (a), and shall be substituted by the following:

"(a) Where the general rules of acquired rights apply to nurses responsible for general care, the activities referred to in Article 23 of Directive 2005/36/EC must have included full responsibility for the planning, organisation and administration of nursing care delivered to the patient.";

(d) paragraph (c) under the heading 'Acquired rights specific to nurses' shall be re-numbered as paragraph (b), and shall be substituted by the following:

"(b) The relevant Council shall recognise evidence of formal qualifications in nursing that:

(i) were awarded in Poland, to nurses who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 31 of Directive 2005/36/EC; and

(ii) are attested by the diploma 'bachelor' which was obtained on the basis of a special upgrading programme contained in:

- Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 2004 No 92, pos. 885 and of 2007, No 176, pos. 1237) and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination - matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2004 No 110, pos. 1170 and of 2010 No 65, pos. 420); or

- Article 52.3 point 2 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 2011 No 174, pos. 1039) and the Regulation of the Minister of Health of 14 June 2012 on the detailed conditions of delivering higher education courses for nurses and midwives who hold a certificate of secondary school (final examination - matura) and are graduates of a medical secondary school or a post-secondary school teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2012, pos. 770), for the purpose of verifying that the nurse concerned has a level of knowledge and competence comparable to that of nurses holding the qualifications listed for Poland in the Second Schedule.

As regards the Romanian qualification of nurse responsible for general care, only the following acquired rights provisions shall apply: in the case of nationals of Member States who were trained as a nurse responsible for general care in Romania and whose training does not satisfy the minimum training requirements laid down in Article 31 Directive 2005/36/EC, the relevant Council

C 440

shall recognise the following evidence of formal qualifications as a nurse responsible for general care as being sufficient proof, provided that that evidence is accompanied by a certificate stating that those Member State nationals have effectively and lawfully been engaged in the activities of a nurse responsible for general care in Romania, including taking full responsibility for the planning, organisation and carrying out of the nursing care of patients, for a period of at least three consecutive years during the five years prior to the date of issue of the certificate:

(i) Certificat de competențe profesionale de asistent medical generalist with post-secondary education obtained from a școală postliceală, attesting to training started before 1 January 2007;

(ii) Diplomă de absolvire de asistent medical generalist with short-time higher education studies, attesting to training started before 1 October 2003;

(iii) Diplomă de licență de asistent medical generalist with long-time higher education studies, attesting to training started before 1 October 2003.";

(e) immediately after sub-paragraph (e) under the heading 'Acquired rights specific to dental practitioners' there shall be added the following new sub-paragraphs:

"(f) As regards evidence of formal qualifications of dental practitioners, the relevant Council shall recognise such evidence pursuant to Article 21 of Directive 2005/36/EC in cases where the applicants began their training on or before 18 January 2016.

(g) The relevant Council shall recognise evidence of formal qualifications as a doctor issued in Spain to professionals who began their university medical training between 1 January 1986 and 31 December 1997, accompanied by a certificate issued by the Spanish competent authorities, provided the certificate confirms that the following conditions have been met:

(i) the professional in question has successfully completed at least three years of study,

certified by the Spanish competent authorities as being equivalent to the training referred to in Article 34 of Directive 2005/36/EC;

(ii) the professional in question was effectively, lawfully and principally engaged in the activities referred to in Article 36 of Directive 2005/36/EC in Spain for at least three consecutive years during the five years preceding the award of the certificate;

(iii) the professional in question is authorised to engage in or is effectively, lawfully and principally engaged in the activities referred to in Article 36 Directive 2005/36/EC, under the same conditions as the holders of evidence of formal qualifications listed for Spain in Part IIa of the Second Schedule."; and

(f) for sub-paragraph 1(c) under the heading 'Acquired rights specific to midwives' there shall be substituted the following:

"(c) As regards evidence of formal qualifications of midwives, the relevant Council shall recognise automatically those qualifications where the applicant started the training before 18 January 2016, and the admission requirement for such training was 10 years of general education or an equivalent level for route I, or completed training as a nurse responsible for general care as attested by evidence of formal qualification referred to in Part V of the Second Schedule before starting a midwifery training falling under route II."; and

(g) for sub-paragraph 1(d) under the heading 'Acquired rights specific to midwives' there shall be substituted the following:

"(d) The relevant Council shall recognise evidence of formal qualifications in midwifery that:

(i) were awarded in Poland, to midwives who completed training before 1 May 2004, which did not comply with the minimum training requirements laid down in Article 40 of Directive 2005/36/EC; and

C 442

(ii) are attested by the diploma 'bachelor' which was obtained on the basis of a special upgrading programme contained in:

- Article 11 of the Act of 20 April 2004 on the amendment of the Act on professions of nurse and midwife and on some other legal acts (Official Journal of the Republic of Poland of 2004 No 92, pos. 885 and of 2007 No 176, pos. 1237) and the Regulation of the Minister of Health of 11 May 2004 on the detailed conditions of delivering studies for nurses and midwives, who hold a certificate of secondary school (final examination - matura) and are graduates of medical lyceum and medical vocational schools teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2004 No 110, pos. 1170 and of 2010 No 65, pos. 420); or

- Article 53.3 point 3 of the Act of 15 July 2011 on professions of nurse and midwife (Official Journal of the Republic of Poland of 2011 No 174, pos. 1039) and the Regulation of the Minister of Health of 14 June 2012 on the detailed conditions of delivering higher education courses for nurses and midwives who hold a certificate of secondary school (final examination - matura) and are graduates of a medical secondary school or a post-secondary school teaching in a profession of a nurse and a midwife (Official Journal of the Republic of Poland of 2012, pos. 770), for the purpose of verifying that the midwife concerned has a level of knowledge and competence comparable to that of midwives holding the qualifications listed for Poland in part IV of the Second Schedule."

Amendment of the Seventh Schedule to the principal Act.

31. Immediately after paragraph (f) of the Seventh Schedule to the principal Act, there shall be added the following new paragraph:

"(g) Where the relevant Council so requires for its own nationals, an attestation confirming the absence of temporary or final suspensions from exercising the profession or of criminal

convictions."

Part VII

Amendments to the Psychology Profession Act

32. This Part amends the Psychology Profession Act, and it shall be read and construed as one with the Psychology Profession Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Psychology Profession Act. Cap. 471.

33. In sub-article (3) of article 3 of the principal Act, for the words "A person shall not qualify" there shall be substituted the words "Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, a person shall not qualify".

Amendment of article 3 of the principal Act.

Part VIII

Amendments to the Youth Work Profession Act

34. This Part amends the Youth Work Profession Act, and it shall be read and construed as one with the Youth Work Profession Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Youth Work Profession Act. Cap. 533.

35. In sub-article (3) of article 3 of the principal Act, for the words "A person shall not qualify" there shall be substituted the words "Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, a person shall not qualify".

Amendment of article 3 of the principal Act.

Part IX

Amendments to the Counselling Profession Act

36. This Part amends the Counselling Profession Act, and it shall be read and construed as one with the Counselling Profession Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Counselling Profession Act. Cap. 538

37. Article 3 of the principal Act shall be amended as follows:

Amendment of article 3 of the principal Act.

(a) in sub-article (3) thereof, for the words "A person shall qualify" there shall be substituted the words "Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, a person shall qualify"; and

(b) in sub-article (4) thereof, for the words "A person shall qualify" there shall be substituted the words "Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, a person shall qualify".

C 444

Part X

Power to make regulations

Power to make
regulations to
implement
Directive 2013/
55/EU.

38. The Minister responsible for Education may make regulations for the purpose of amending subsidiary legislation in order to implement fully the provisions of Directive 2013/55/EU.

Objects and Reasons

The object of this Bill is to amend various laws related to the recognition of qualifications in order to implement the provisions of Directive 2013/55/EU.

