

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

1st January, 2008*

LEGAL NOTICE 422 of 2007.

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

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

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"the Act" means the Mutual Recognition of Qualifications Act; Cap. 451.

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

"aptitude test" means a test limited to the professional knowledge of the applicant, made by the designated authority with the aim of assessing the ability of the applicant to pursue a regulated profession in Malta. The detailed application of the aptitude test and the status, in the home Member State, of the applicant who wishes to undergo an aptitude test is determined by the designated authority concerned;

"common platforms" means a set of criteria of professional qualifications, suitable for the compensation of identified substantial differences between the training requirements existing in the various Member States for a given profession. These substantial differences shall be identified by comparison between the duration and contents of the training in at least two-thirds of the Member States, including all Member States, which regulate this profession. The differences in the contents of the training may result from substantial differences in the scope of the professional activities;

"evidence of formal qualifications" means, without prejudice to specific arrangements for recognition established in separate instruments of the European Union which shall also be treated as evidence of formal qualifications, any diploma, certificate and other evidence issued by an authority in a Member State designated

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

by legislative, regulatory or administrative provisions of that Member State and certifying full completion of professional training obtained mainly in the European Union< furthermore, evidence of formal qualifications issued by a third country shall be regarded as evidence of formal qualifications if the holder has three years professional experience in the profession concerned on the territory of the Member State which recognized that evidence of formal qualifications in accordance with regulation 4(2), certified by that Member State;

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

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

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

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

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

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

"professional experience" means the actual and lawful pursuit of the profession or professional activity concerned in a Member State;

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

"regulated education and training" means any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate,

by professional training and, or professional practice. The structure and level of the professional training, probationary and, or professional practice shall be determined by the laws, regulations or administrative provisions of the Member State concerned and, or approved by the authority designated for that purpose;

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

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

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

"substantially different matters" means matters of which knowledge is essential for pursuing the profession and with regard to which the training received by the migrant shows important differences in terms of duration or content from the training required by the host Member State.

PART I

General Provisions

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

Scope.

4.(1) (a) Nationals of Member States in possession of evidence of professional qualifications obtained in another Member State shall be permitted to pursue a regulated profession in the Maltese territory in accordance with the national rules and regulations.

Permission to pursue a regulated profession.

(b) In the case of professions covered by Section III of Part III, initial recognition shall respect the minimum training conditions laid out in the relevant national legislation.

Minimum training conditions.

(2) For the purpose of these regulations the profession which the applicant may pursue in Malta shall be the same as that for which he is qualified in his home Member State if the activities covered are comparable.

Comparable professional activities.

(3) The recognition of professional qualifications allows the migrant to gain access to, and pursue in Malta the same profession as that for which he is qualified in the home Member State under the same conditions as nationals.

Effects of recognition.

(4) These regulations shall also apply to a third country citizen in possession of the status of long term resident within a Member State or on being a family member of a citizen of a Member State exercising the right to free movement within Member States.

Third country citizens.

(5) Any person benefiting from the recognition of professional qualifications shall have the knowledge of languages necessary for

Knowledge of language.

	practising the profession in Malta.
Award or receive evidence of formal qualifications, receive applications and take decisions.	5. (1) There shall be designated authorities to award and, or receive evidence of formal qualifications and other documents or information, competent to receive applications and to decide on matters referred to in article 4 of the Act.
Collaboration between Member States.	(2) The designated authorities shall work in close collaboration with the relevant counterparts of other Member States and shall provide mutual assistance in order to facilitate application of professional recognition. They shall ensure confidentiality of the information exchanged.
Exchange of information.	(3) (a) The designated authorities shall exchange information with counterparts of the other Member States regarding any disciplinary action or criminal sanctions taken, or any other serious, specific circumstances which are likely to have consequences on the pursuit of activities under these regulations in full respect of the legislation and agreements concerning the protection of individuals with regard to the processing and free movement of personal data, the processing of personal data and the protection of privacy in the electronic communications sector.
Investigations by Home Member State.	(b) The appropriate authorities in the home Member State shall examine the veracity of the circumstances and shall decide on the nature and scope of the investigations which need to be carried out and shall inform the host Member State of the conclusions which it draws from the information available to it.
Host Member State informed.	
National Contact Point.	6. There shall be a National Contact Point whose functions shall be:
Inform citizens and contact points of Member States.	(a) to provide the citizens and contact points of other Member States with such information as is necessary concerning the recognition of professional qualifications provided for in Directive 2005/36/EC, including information on the national legislation governing the professions and the pursuit of those professions, including social legislation, and where appropriate the rules of ethics;
Assist citizens in realising rights.	(b) to assist citizens in realising the rights conferred on them by the Act, in cooperation, where appropriate, with the other contact points and the competent authorities in the host Member States;
Inform.	(c) to inform the European Commission, if so requested, of the result of enquiries dealt with pursuant to the provisions of paragraphs (a) and (b), within two months of receiving them.

PART II

Free Provisions of Services

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

- (a) if the service provider is legally established in a Member State for the purpose of pursuing the same profession in that Member State; Legal establishment.
- (b) if he has pursued that profession in the Member State of establishment for at least two years during the ten years preceding the provision of services when the profession is not regulated in that Member State. This condition shall not apply when either the profession or the education and training leading to the profession is regulated. Two years in the last ten years.

(2) The provisions of these regulations shall only apply where the service provider moves to the territory of Malta to pursue, on a temporary and occasional basis, the profession referred to in regulation 4(1). The temporary and occasional nature of the provision of services shall be assessed case by case in relation to its duration, its frequency, its regularity and its continuity. Temporary and occasional basis.

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

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

- (a) authorisation by registration with, or membership of, a national professional organisation or body; Membership in national professional organisations.
 - (i) for the purpose of the application of disciplinary provisions in force in Malta the relevant professional body may provide either for automatic temporary registration or pro-forma membership, provided that such registration or membership does not delay or complicate in any way the provision of services and does not entail any additional costs for the service provider; Automatic temporary registration or proforma membership.
 - (ii) a copy of the declaration and, where applicable, of the renewal referred to in regulation 9(1), and in the case of professions with health and safety implications or that benefit from automatic recognition, accompanied by documents referred to in regulation 9(4), shall be sent by the designated authority to the relevant professional Registration with public social security body.

	organisation or body and this shall constitute automatic temporary registration or pro-forma membership for this purpose;
Declaration including insurance cover details.	(b) registration with a public social security body for the purpose of settling accounts with an insurance relating to activities pursued for the benefit of insured persons.
Declaration on first provision or material change.	9. (1) Where the designated authority regulating a profession so requires, the service provider, when first moving from a Member State to Malta in order to provide services, shall inform the designated authority concerned in a written declaration to be made in advance including the details of an insurance cover or other means of personal or collective protection with regard to professional liability. Such declaration shall be renewed once a year if the service provider intends to provide temporary or occasional services during that year. The service provider may communicate the declaration by any means.
First provision or material change.	(2) Moreover, for the first provision of services or if there is a material change in the situation substantiated by the documents, the designated authority may require that the declaration be accompanied by the following documents:
Additional documents.	(a) proof of the nationality of the service provider;
Proof of nationality.	(b) an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestations;
Legal establishment.	(c) evidence of professional qualifications;
Professional qualifications.	(d) for cases referred to before, any means of proof that the service provider has pursued the activity concerned for at least two years during the previous ten years;
Two years provision.	(e) for professions in the security sector where the Member States so requires for its own nationals, evidence of no criminal conviction.
Criminal record.	(3) (a) The service shall be provided under the professional title of the Member State of establishment, insofar as such a title exists in that Member State for that professional activity. The title shall be indicated in the official language or one of the official languages of the Member State of establishment in such a way as to avoid confusion with the professional title used in Malta.
Maltese professional title.	(b) Where no such title exists in the Member State of establishment, the service provider shall indicate his formal qualification in the official language or one of the official languages of that Member State.
	(c) By way of exception, in cases referred to in Section III of Part III, Freedom of Establishment shall be provided under the Maltese professional title.

- (4) (a) For the first provision of services, in the case of regulated professions having public health or safety implications, and which do not benefit from automatic recognition under Part III, Section III, the designated authority may check the professional qualifications of the service provider prior to the first provision of services. Such a prior check shall be possible only where the purpose of the check is to avoid serious damage to the health or safety of the service recipient due to the a lack of professional qualifications of the service provider and where this is not beyond what is necessary for that purpose. Health or safety implications.
- (b) Within a maximum of one month of the receipt of the declaration and accompanying documents, the designated authority shall endeavour to inform the service provider either of its decision not to check his qualifications or the outcome of such check. Where there is a difficulty, which would result in delay, the competent authority shall notify the service provider within the first month of the reason for the delay and the timescale for a decision, which must be finalised within the second month of receipt of completed documentations. Inform within one month.
- (c) Where there is a substantial difference between the professional qualifications of the service provider and the training required in the host Member State, to the extent that the difference is such as to be harmful to public health or safety, the host Member State shall give the service provider the opportunity to show, in particular by means of an aptitude test, that he has acquired the knowledge or competence lacking. In any case it must be possible to provide the service within one month of a decision being taken in accordance with the preceding paragraphs. Substantial difference.
- (d) In the absence of a reaction of the designated authority within the deadlines set in the preceding paragraphs, the service may be provided. Absence of reaction.
- (e) In cases where qualifications have been verified under this regulation, the service shall be provided under the relevant national professional title. National professional title.

10. (1) Designated authorities may ask the competent authorities of the Member State of establishment, for each provision of services, to provide any information relevant to the legality of the service provider's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature. The designated authorities shall provide this information to competent authorities in the Member States in accordance with the provisions of regulation 5. Information exchange between Member States.

Information regarding complaints of recipient of service.	(2) The designated authorities shall ensure the exchange of all information necessary for complaints by a recipient of a service against a service provider to be correctly pursued. Recipients shall be informed of the outcome of the complaint.
Services provided under professional title of other Member State.	11. In cases where the service is provided under the professional title of the Member State of establishment or under the formal qualification of the service provider, in addition to the other requirements relating to information contained in Community law, the relevant authorities may require the service provider to furnish the recipient of the service with any or all of the following information:
Commercial or public registration.	(a) the register in which he is registered, his registration number, or equivalent means of identification contained in that register, if the service provider is registered in a commercial register or similar public register;
Competent supervisory authority.	(b) the name and address of the competent supervisory authority, if the activity is subject to authorisation in the Member State of establishment;
Professional association.	(c) any professional association or similar body with which the service provider is registered;
Professional title or formal qualification.	(d) the professional title or, where no such title exists, the formal qualification of the service provider and the Member State in which it was awarded;
VAT identification.	(e) the VAT identification number referred to in Council Directive 77/388/EEC, if the service provider performs an activity which is subject to Value Added Tax;
Insurance cover.	(f) details of any insurance cover or other means of personal or collective protection related to professional liability.

PART III

Freedom of Establishment

Section 1

General System for the Evidence of Training

General system.	12. This section applies to all professions not covered by Sections 2 and 3 of this Part and in the following cases in which the applicant, for specific and exceptional reasons, does not satisfy the conditions laid down in those sections:
Activities listed in Schedule IV.	(a) for activities listed in Schedule IV, when the applicant does not meet the requirements set out in regulations 18, 19 and 20;
Not meeting normal requirements.	(b) for doctors with basic training, specialised doctors, nurses responsible for general care, dental practitioners, specialized dental practitioners, veterinary surgeons, midwives, pharmacists and architects, when the applicant does not meet the

requirements of effective and lawful professional practice referred to in regulation 21 and the relative sectoral legislation;

- (c) for architects, when the applicant holds evidence of formal qualification not listed in the Second Schedule to the Mutual Recognition of Qualifications of Periti Regulations; Second Schedule.
S.L. 390.05
- (d) without prejudice to regulation 22, the provisions for automatic recognition in the relevant sectoral legislation, and the acquired rights of specialised doctors in Part IX of the Health Care Professions Act, for doctors, nurses, dental practitioners, midwives, pharmacists, veterinary surgeons, and architects holding evidence of formal qualifications as a specialist, which must follow the training leading to the possession of a title referred to in the Health Care Professions Act, the Second Schedule to the Mutual Recognition of Qualifications of Perit Regulations, and Schedule I to the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations, and solely for the purpose of the recognition of the relevant speciality; Cap. 464.

S.L. 390.05
S.L. 437.43
- (e) for nurses responsible for general care and specialized nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of a title referred to in the Health Care Professions Act, when the applicant seeks recognition where the relevant professional activities are pursued by specialized nurses without training as general care nurse; Specialized nurses without training as general care nurse.
Cap. 464.
- (f) for specialised nurses without training as general care nurse, when the applicant seeks recognition where the relevant professional activities are pursued by nurses responsible for general care, specialized nurses without training as general care nurse or specialized nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles referred to in the Health Care Professions Act; Cap. 464.
- (g) for migrants meeting the requirements set out in regulation 2. Regulation 2.

13. For the purpose of regulation 12, the professional qualifications are grouped under the following levels as described below: Levels of professional qualifications.

- (a) an attestation of competence issued by a competent authority in the home Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State on the basis of: Level a.
 - (i) a training course not forming part of a certificate or diploma within the meaning of paragraphs

- (b), (c), (d) or (e), or a specific examination without prior training or full time pursuit of the profession in a Member State for three consecutive years or for an equivalent duration on a part time basis during the previous ten years; or
- (ii) general primary or secondary education, attesting that the holder has acquired general knowledge;
- Level b. (b) a certificate attesting to a successful completion of a secondary course:
- (i) general in character, supplemented by a course of study or professional training other than those referred to in paragraph (c) and, or by the probationary or professional practice required in addition to that course; or
- (ii) technical or professional in character, supplemented where appropriate by a course of study or professional training as aforementioned or by the probationary or professional practice required in addition to that course;
- Level c. (c) a diploma certifying successful completion of:
- (i) training at post secondary level other than that referred to in paragraphs (d) and (e) of a duration of at least one year or of an equivalent duration on a part time basis, one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education or the completion of equivalent school education of the higher secondary level as well as the professional training which may be required in addition to that post secondary course; or
- (ii) in the case of a regulated profession, training with a special structure included in Schedule II, equivalent to the level of training referred to in sub-paragraph (i), which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions;
- Level d. (d) a diploma certifying successful completion of training at post secondary level of at least three and not more than four years or of an equivalent duration on a part time basis 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 that post secondary course;
- Level e. (e) a diploma certifying that the holder has successfully completed a post secondary level of at least four years

or of an equivalent duration on a part time basis, at a university or establishment of higher education or another establishment of equivalent level and where appropriate that he has successfully completed that professional training required in addition to that post secondary course.

14. (1) Any evidence of formal qualifications or set of evidence of formal qualifications issued by a competent authority in a Member State, certifying successful completion of training in the Member States which is recognised by that Member State as being of an equivalent level and which confers on the holder the same rights of access to or pursuit of a profession or prepares for the pursuit of that profession, shall be treated as evidence of formal qualifications of the type referred to in regulation 13, including the level in question.

Acquired rights.

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

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

Access contingent to specific professional qualifications.

Provided that attestations of competence or evidence of formal qualifications must satisfy the following conditions:

Attestation of competence.

- (a) they shall have been issued by the competent authority in a Member State, designated in accordance with the legislative, regulatory or administrative provisions of that Member State;
- (b) they shall attest a level of professional qualifications at least equivalent to the level immediately prior to that required in Malta as described in regulation 13.

(2) Access to and pursuit of the profession, as described in sub-regulation (1), shall also be granted to applicants who have pursued the profession referred to in that sub-regulation on a full-time basis

for two years during the previous ten years in another Member State which does not regulate that profession, provided they possess one or more attestations of competence or documents providing evidence of formal qualifications. Attestations of competence or evidence of formal qualifications must satisfy the following conditions:

- (a) they shall have been issued by the competent authority in a Member State, designated in accordance with the legislative, regulatory or administrative provisions of that Member State;
- (b) they shall attest a level of professional qualifications at least equivalent to the level immediately prior to that required in Malta as described in regulation 13;
- (c) they shall attest that the holder has been prepared for the pursuit of the profession in question.

(3) The two years' professional experience referred to in sub-regulation (2) may not, however, be required if the evidence of formal qualifications which the applicant possesses certifies regulated education and training within the meaning of regulation 2 at the levels of qualifications described in regulation 13(b), (d), or (e).

Schedule III.

(4) The regulated professions listed in Schedule III shall be considered as such regulated education and training at the level described in regulation 13(c). The list in Schedule III may be amended in accordance with article 8 of the Act in order to take into account regulated education and training which provides a comparable professional standard and which prepares the trainee for a comparable level of responsibilities and functions.

(5) Notwithstanding the provisions of sub-regulations (1)(b) and (2)(a)(ii), the designated authority shall permit access, and the pursuit of a regulated profession where access to such profession is contingent upon possession of a qualification certifying successful completion of higher or university education of four years' duration or a qualification referred to in regulation 13(c).

Compensation measures.

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

At least one year shorter.

(a) the duration of the training of which he provides evidence under the terms of regulation 15(1) or (2) is at least one year shorter than that required in Malta;

Substantially different matters.

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

Range of professional activities.

(c) the regulated profession comprises one or more regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State within the meaning of regulation 4(3) and that difference consists in specific training which is required in Malta and which covers substantially different matters from those covered by the applicant's

<p style="text-align: center;">attestation of competence or evidence of formal qualifications.</p>	
<p>(2) If the designated authority makes use of the option provided for in sub-regulation (1), it must offer the applicant the choice between an adaptation period and an aptitude test: provided that in the case where the designated authority finds it necessary not to offer the choice, derogation may be sought in advance, providing sufficient justification.</p>	<p>Offer of choice between aptitude test and adaptation period.</p> <p>Derogation.</p>
<p>(3) (a) The detailed rules governing the adaptation period and its assessment as well as the status of a migrant under supervision shall be laid out by the designated authority.</p>	<p>Rules governing adaptation period.</p>
<p>(b) The status enjoyed by the person undergoing the period of supervised practice shall be established by the designated authority in conformity with national and Community law.</p>	<p>Status of person undergoing supervised practice.</p>
<p>(4) By way of derogation from the principle of the right of the applicant to choose, as laid down in sub-regulation (2), the designated authority may stipulate either an adaptation period or an aptitude test:</p>	<p>Derogation from right of applicant's choice.</p>
<p>(a) in the case of professions whose pursuit requires precise knowledge of national law and in respect of which the provision of advice and, or assistance concerning national law is an essential and constant aspect of the professional activity;</p>	<p>Professions requiring knowledge of national law.</p>
<p>(b) in the cases provided for in regulation 12(b) and (c), and for doctors and dental practitioners in paragraph (d) of the same regulation;</p>	<p>Regulations 12(b) and (c) and 12(d) for doctors and dental practitioners.</p>
<p>(c) in the case of regulation 12(f) when the migrant seeks recognition where the relevant professional activities are pursued by nurses responsible for general care or specialised nurses holding evidence of formal qualifications as a specialist which follows the training leading to the possession of the titles referred to in the Health Care Professions Act, and in regulation 12(g);</p>	<p>Regulation 12(f).</p> <p>Cap. 464 Regulation 12(g).</p>
<p>(d) in the cases covered by regulation 12(a), if the migrant envisages pursuing professional activities in a self-employed capacity or as a manager of an undertaking which requires the knowledge and the application of the specific national rules in force, provided that knowledge and application of those rules are required by the designated authorities for access to such activities by its own nationals.</p>	<p>Regulation 12(a). Self-employed or manager of an undertaking.</p>
<p>(5) Sub-regulation (1) shall be applied with due regard to the principle of proportionality. In particular, if the applicant is required to complete an adaptation period or take an aptitude test, it must first be ascertained whether the knowledge acquired by the migrant in the course of his professional experience in a Member State or in a third country, is of a nature to cover, in full or in part,</p>	<p>Principle of proportionality.</p>

the substantial difference referred to in this regulation and in regulation 2.

Common platforms.

17. (1) The common platforms may be submitted to the European Commission by Member States or by professional associations or organisations, which are representative at national and European level.

Waiving of compensation measures.

(2) Where the applicant's professional qualifications satisfy the criteria established in the measure adopted in accordance with sub-regulation (1), the designated authority shall waive the application of compensation measures under regulation 16.

Designated authority's competence unaffected.

(3) Sub-regulations (1) and (2) shall not affect the competence of designated authorities to decide the professional qualifications required for the pursuit of professions in their territory as well as the contents and the organisation of their systems of education and professional training.

(4) If it is considered that the criteria established in a measure adopted in accordance with sub-regulation (1) no longer offers adequate guarantees with regard to professional qualifications, the competent authority shall inform the Commission accordingly, which shall, if appropriate, present a draft measure in accordance with the procedure.

Section II

Recognition of Professional Experience

Recognition of professional experience.

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

Activities listed in Schedule IV.

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

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

activity in question on an employed basis for at least five years; or

- (e) for five consecutive years in an executive position, of which at least three years involved technical duties and responsibility for at least one department of the company, if the beneficiary can prove that he has received, for the activity in question, previous training of at least three years' duration, as attested by a certificate recognized by the Member State or judged by a competent professional body to be fully valid.

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

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

Not applicable to hairdressing establishments.

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

Activities listed in Schedule IV.

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

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

Activities listed in List III, Schedule IV.

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

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

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

Section III

Recognition on the basis of coordination of minimum training conditions

Principle of automatic recognition.

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

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

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

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

- (a) part-time training may be authorised under conditions laid down by the designated authorities; those authorities shall ensure that the overall duration, level and quality of such training is not lower than that of continuous full-time training; Authorized part-time training.
- (b) designated authorities shall promote continuing education and training, ensuring that persons who have completed their studies are able to keep abreast of professional developments to the extent necessary to maintain safe and effective practice. Promotion of continuing education and training.

23. (1) Without prejudice to the acquired rights specific to the professions concerned, in cases where the evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist held by Member State nationals does not satisfy all the training requirements stipulated in the specific national sectoral legislation, it shall be recognised as sufficient proof evidence of professional qualifications issued by those Member States insofar as such evidence attests successful completion of training which began before the reference dates laid down in the Health Care Professions Act, and in Schedule I of the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations, and is accompanied by a certificate stating that the holder has been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate. Acquired rights.

Evidence of successful completion of training.

Certificate attesting three years practice in the last five years. Cap. 464. S.L. 437.43

(2) The same provisions shall apply to evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife and as pharmacist, obtained in the territory of the former German Democratic Republic, which does not satisfy all the minimum training requirements laid down in the specific national sectoral legislation if such evidence certifies successful completion of training which began before:

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

Cap. 464. S.L. 437.43	<p>(3) The evidence of formal qualifications referred to in subregulation (1) confers on the holder the right to pursue professional activities throughout German territory under the same conditions as evidence of formal qualifications issued by the competent German authorities referred to in the Health Care Professions Act, and in Schedule I of the Mutual Recognition of Qualifications of Veterinary Surgeons Regulations.</p> <p>(4) (a) Bulgaria may authorise the holders of the qualification of "Фелдшер" (feldsher) awarded in Bulgaria before 31 December 1999 and exercising this profession under the Bulgarian national social security scheme on 1 January 2000 to continue to exercise this profession, even if parts of their activities fall under the provisions concerning doctors of medicine and nurses responsible for general care respectively.</p> <p>(b) The holders of the above Bulgarian qualification are not entitled to obtain professional recognition in Malta as doctors of medicine or as nurses (general care).</p>
Authorities listed in Schedule V.	<p>24. (1) Where the designated authorities decide on an application for authorisation to pursue the regulated profession in question by virtue of these regulations, those authorities may demand the documents and certificates listed in Schedule V of these regulations.</p>
Documents not more than three months old.	<p>(2) The documents referred to in Schedule V, paragraphs (d), (e), and (f), shall not be more than three months old by the date on which they are submitted. The authorities and other legal persons shall guarantee the confidentiality of the information, which they receive.</p>
Confirmation of authenticity.	<p>(3) In case of justified doubts, the designated authority may require from the competent authorities of a Member State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other Member State, as well as, where applicable, confirmation of the fact that the beneficiary fulfils, for the professions referred to in Part III, Section III of these regulations, the minimum training conditions set out respectively in the respective sectoral legislation.</p>
Verification with the Member State of origin.	<p>(4) In cases of justified doubt, where evidence of formal qualifications, as defined in regulation 2, has been issued by a competent authority in a Member State and includes training received in whole or in part in an establishment legally established in the territory of another Member State, the designated authority shall be entitled to verify with the competent body in the Member State of origin of the award:</p> <p>(a) whether the training course at the establishment which gave the training has been formally certified by the educational establishment based in the Member State of origin of the award;</p> <p>(b) whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed entirely in the Member State</p>

of origin of the award; and, or

- (c) whether the evidence of formal qualifications confers the same professional rights in the territory of the Member State of origin of the award.

(5) Where it is required of nationals to swear a solemn oath or make a sworn statement in order to gain access to a regulated profession, and where the wording of that oath or statement cannot be used by citizens of the other Member States, it shall be ensured that the persons concerned can use an appropriate equivalent wording. Solemn oath or sworn statement.

25. (1) The designated authority shall acknowledge receipt of an application within a month of receipt and inform the applicant of any missing document. Acknowledgement within one month.

(2) The procedure for examining an application for authorisation to practise a regulated profession must be completed as quickly as possible and lead to a duly substantiated decision by the designated authority in any case within three months after the date on which the applicant's complete file was submitted. However, this deadline may be extended by one month in cases falling under Sections I and II in Part III. Decision within three months.

26. (1) A profession practised by the members of a professional association or organisation referred to in regulation 2 and listed in Schedule I shall be treated as a regulated profession. Members of professional association.

(2) The Minister responsible for education may authorise a professional association or organisation fulfilling the conditions and functions referred to in regulation 2 to award evidence of formal qualifications and confer titles to its members.

27. If the use of a professional title relating to one of the activities of the profession is regulated, nationals of other Member States who are authorised to practise a regulated profession on the basis of these regulations shall use the Maltese professional title which corresponds to that profession and make use of any associated initials. Use of professional title.

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

SCHEDULE I

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

IRELAND (*)

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

UNITED KINGDOM

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

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

Institute of Chartered Accountants in England and Wales
 Institute of Chartered Accountants of Scotland
 Institute of Actuaries
 Faculty of Actuaries
 The Chartered Institute of Management Accountants
 Institute of Chartered Secretaries and Administrators
 Royal Town Planning Institute
 Royal Institution of Chartered Surveyors
 Chartered Institute of Building.
 †Only for the activity of auditing accounts

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

SCHEDULE II

List of courses having a special structure referred to in regulation 13(c)(ii)

1. Paramedical and childcare training courses

Training for the following:

in Austria:

- special basic training for nurses specialising in the care of children and young people (spezielle Grundausbildung in der Kinder-und Jugendlichenpflege),

which represents education and training courses of a total duration of at least thirteen years, including at least ten years' general school education and three years' professional education in a nursing school, culminating in an examination which must be passed in order to obtain the diploma;

- special basic training for psychiatric nurses (spezielle Grundausbildung in der psychiatrischen Gesundheits-und Krankenpflege),

which represents education and training courses of a total duration of at least thirteen years, including at least ten years' general school education and three years' professional education in a nursing school, culminating in an examination which must be passed in order to obtain the diploma;

- contact lens optician (Kontaktlinsenoptiker),
- pedicurist (Fußpfleger)
- acoustic-aid technician (Hörgeräteakustiker),

- druggist (Drogist),

which represent education and training courses of a total duration of at least fourteen years, including at least five years' training followed within a structured training framework, divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training, culminating in a professional examination conferring the right to exercise the profession and to train apprentices;

- masseur (Masseur),

which represents education and training courses of a total duration of fourteen years, including five years' training within a structured training framework, comprising an apprenticeship of two years' duration, a period of professional practice and training of two years' duration and a training course of one year culminating in a professional examination conferring the rights to exercise the profession and to train apprentices;

- kindergarten worker (Kindergärtner/in),
- child care worker (Erzieher),

which represent education and training courses of a total duration of thirteen years, including five years of professional training in a specialised school, culminating in an examination.

in Cyprus:

- dental technician (οδοντοτεχνιτης),

which represents education of a total duration of at least fourteen years, comprising at least six years of elementary education, six years of secondary education and two years of post-secondary vocational education, followed by one year of professional experience;

- optician (τεχνικός οπτικός)

which represents education of a total duration of at least fourteen years, comprising at least six years of elementary education, six years of secondary education and two years of post-secondary education, followed by one year of professional experience.

in the Czech Republic:

- health care assistant (zdravotnický asistent),

which represents education of a total duration of at least thirteen years, comprising at least eight years of elementary education and four years of vocational secondary education at a secondary medical school, completed by the 'maturitní zkouška' exam;

- assistant in nutrition (nutricní asistent),

which represents education of a total duration of at least thirteen years, comprising at least eight years of elementary education and four years of vocational secondary education at a secondary medical school, completed by the 'maturitní zkouška' exam.

in Germany:

- healthcare and paediatric nurse (Gesundheits-und Kinderkrankenpfleger(in));
- physiotherapist (Krankengymnast(in)/Physiotherapeut(in))*
- occupational therapist/ergotherapist (Beschäftigungs-un

- Arbeitstherapeut/Ergotherapeut),
- speech therapist (Logopäde/Logopädin),
 - orthoptist (Orthoptist(in)),
 - State-recognised childcare worker (Staatlich anerkannte(r) Erzieher(in)),
 - State-recognised remedial teacher (Staatlich anerkannte(r) Heilpädagog(-in)),
 - medical laboratory technician (medizinisch-technische(r) Laboratoriums-Assistent(in)),
 - medical X-ray technician (medizinisch-technische(r) Radiologie-Assistent(in)),
 - medical functional diagnostics technician (medizinisch-technische(r) Assistent(in) für Funktionsdiagnostik),
 - veterinary technician (veterinärmedizinisch-technische(r) Assistent(in)),
 - dietitian (Diätassistent(in)),
 - pharmacy technician (Pharmazieingenieur) training received prior to 31 March 1994 in the former German Democratic Republic or in the territory of the new Länder,
 - speech therapist (Sprachtherapeut(in)),
 - geriatric nurse (Altenpflegerin und Altenpfleger),

which represent education and training courses of a total duration of at least thirteen years, comprising:

either at least three years of vocational training in a specialised school culminating in an examination, in some cases supplemented by a one or two-year specialisation course culminating in an examination,

or at least two and a half years in a specialised school culminating in an examination and supplemented by work experience of at least six months or by a traineeship of at least six months in an approved establishment,

or at least two years in a specialised school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment.

in Italy:

- dental technician (odontotecnico)
- optician (ottico)

which represent education and training courses of a total duration of at least thirteen years, comprising:

either at least three years of vocational training in a specialised school culminating in an examination, in some cases supplemented by a one or two-year specialisation course culminating in an examination,

or at least two and a half years in a specialised school culminating in an

*As from 1 June 1994, the professional title 'Krankengymnast(in)' was replaced by that of 'Physiotherapeut(in)'. Nevertheless, the members of the profession who obtained their diplomas before that date may, if they wish, continue to use the earlier title of 'Krankengymnast(in)'.

examination and supplemented by work experience of at least six months or by a traineeship of at least six months in an approved establishment,

or at least two years in a specialised school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment.

in Latvia:

- dental nurse (zobārstniecības masa),

which represents education of a total duration of at least thirteen years, comprising at least ten years of general school education and two years of professional education in medical school, followed by three years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

- biomedical laboratory assistant (biomedicīnas laboranti),

which represents education of a total duration of at least twelve years, comprising at least ten years of general school education and two years of professional education in medical school, followed by two years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

- dental technician (zobu tehnikis),

which represents education of a total duration of at least twelve years, comprising at least ten years of general school education and two years of professional education in medical school, followed by two years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality;

- physiotherapist's assistant (fizioterapeita asistenti),

which represents education of a total duration of at least thirteen years, comprising at least ten years of general school education and three years of professional education in medical school, followed by two years of professional experience at the end of which a certification exam must be passed to obtain a certificate in the speciality.

in Luxembourg:

- medical X-ray technician (assistant(e) technique médical(e) en radiologie),
- medical laboratory technician (assistant(e) technique médical(e) de laboratoire),
- psychiatric nurse (infirmier/ière psychiatrique),
- medical technician - surgery (assistant(e) technique médical(e) en chirurgie),
- paediatric nurse, ('infirmier/ière en pédiatrie'),
- nurse - anaesthetics and intensive care, ('infirmier/ière en anesthésie et en réanimation'),
- masseur, ('masseur'),
- childcare worker (éducateur/trice);

which represent education and training courses of a total duration of at least thirteen years, comprising:

either at least three years of vocational training in a specialised school culminating in an examination, in some cases supplemented by a one or

two-year specialisation course culminating in an examination,

or at least two and a half years in a specialised school culminating in an examination and supplemented by work experience of at least six months or by a traineeship of at least six months in an approved establishment,

or at least two years in a specialised school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment.

in the Netherlands:

- veterinary assistant (dierenartsassistent),

which represent education and training courses of a total duration of at least thirteen years, comprising three years of vocational training in a specialised school (MBO-scheme) or alternatively three years of vocational training in the dual apprenticeship system (LLW), both of which culminate in an examination.

in Slovakia:

- teacher in the field of dance at basic schools of art (ucitel v tanecnom odbore na základných umeleckých školách),

which represents education of a total duration of at least fourteen point five years, comprising eight years of basic education, four years of education at the secondary specialised school and a five-semester course of dance pedagogy;

- educator at special educating facilities and at social service facilities (vychovávateľ v špeciálnych výchovných zariadeniach a v zariadeniach sociálnych služieb),

which represents education of a total duration of at least fourteen years, comprising eight/nine years of basic education, four years of study at secondary pedagogical school or at another secondary school and two years of supplementary part-time pedagogical study.

2. Master craftsman sector (Mester/Meister/Maître), which represents education and training courses concerning skills not covered by Part II, Section II of these regulations.

Training for the following:

in Austria:

- surgical truss maker (Bandagist),
- corset maker (Miederwarenerzeuger),
- optician (Optiker)
- orthopaedic shoemaker (Orthopädienschuhmacher)
- orthopaedic technician (Orthopädietechniker)
- dental technician (Zahntechniker),
- gardener (Gärtner),

which represent education and training of a total duration of at least fourteen years, including at least five years' training within a structured training framework, divided into apprenticeship of at least three years' duration, comprising training received partly in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training of at least two years' duration culminating in a mastership examination conferring the rights to exercise the

profession, to train apprentices and to use the title ‘Meister’;

Training for master craftsmen in the field of agriculture and forestry, namely:

- master in agriculture (Meister in der Landwirtschaft),
- master in rural home economics (Meister in der ländlichen Hauswirtschaft),
- master in horticulture (Meister im Gartenbau),
- master in market gardening (Meister im Feldgemüsebau),
- master in pomology and fruit-processing (Meister im Obstbau und in der Obstverwertung),
- master in viticulture and wine-production (Meister im Weinbau und in der Kellerwirtschaft),
- master in dairy farming (Meister in der Molkerei-und Käsewirtschaft),
- master in horse husbandry (Meister in der Pferdewirtschaft),
- master in fishery (Meister in der Fischereiwirtschaft),
- master in poultry farming (Meister in der Geflügelwirtschaft),
- master in apiculture (Meister in der Bienenwirtschaft),
- master in forestry (Meister in der Forstwirtschaft),
- master in forestry plantation and forest management (Meister in der Forstgarten-und Forstpflgewirtschaft),
- master in agricultural warehousing (Meister in der landwirtschaftlichen Lagerhaltung),

which represent education and training of a total duration of at least fifteen years, including at least six years’ training followed within a structured training framework divided into an apprenticeship of at least three years’ duration, comprising training partly received in the business and partly provided by a vocational training establishment, and a period of three years of professional practice culminating in a mastership examination relating to the profession and conferring the rights to train apprentices and to use the title ‘Meister’;

in Denmark:

- optician (optometrist),

this course is of a total duration of fourteen years, including five years’ vocational training divided into two and a half years’ theoretical training provided by the vocational training establishment and two and a half years’ practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title ‘Mester’;

- orthopaedic technician (ortopædimekaniker),

this course is of a total duration of twelve and a half years, including three and a half years’ vocational training divided into six months’ theoretical training provided by the vocational training establishment and three years’ practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title ‘Mester’;

- orthopaedic boot and shoemaker (ortopædiskomager),

this course is of a total duration of thirteen and a half years, including four and a half years’ vocational training divided into two years’ theoretical training provided by

the vocational training establishment and two and a half years' practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title 'Mester';

in Germany:

- optician (Augenoptiker),
- dental technician (Zahntechniker),
- orthopaedic technician ("Orthopädietechniker"),
- hearing-aid maker (Hörgeräte-Akustiker),
- orthopaedic bootmaker (Orthopädienschuhmacher)

in Luxembourg:

- dispensing optician (opticien),
- dental technician (mécanicien dentaire),
- hearing-aid maker (audioprothésiste),
- orthopaedic technician/surgical truss maker (mécanicien orthopédiste/bandagiste),
- orthopaedic bootmaker (orthopédiste-cordonnier),

these courses are of a total duration of fourteen years, including at least five years' training followed within a structured training framework, partly received in the workplace and partly provided by the vocational training establishment, and culminating in an examination which must be passed in order to be able to practise any activity considered as skilled, either independently or as an employee with a comparable level of responsibility;

in Poland:

- teacher for practical vocational training (Nauczyciel praktycznej nauki zawodu),

which represents education of a duration of:

- (i) eight years of elementary education and five years of vocational secondary education or equivalent secondary education in a relevant field followed by the course in pedagogy of a total duration of at least one hundred and fifty hours, the course in work safety and work hygiene, and two years of professional experience in the profession one is going to teach; or
- (ii) eight years of elementary education and five years of vocational secondary education and diploma of graduation from a post-secondary pedagogical technical school; or
- (iii) eight years of elementary education and two to three years of basic vocational secondary education and at least three years of professional experience certified by a degree of master in the particular profession followed by a course in pedagogy of a total duration of at least one hundred and fifty hours;

in Slovakia:

- master in vocational education (majster odbornej výchovy),

which represents education of a total duration of at least twelve years, comprising eight years of basic education, four years of vocational education (complete vocational secondary education and/or apprenticeship in the relevant (similar)

vocational training or apprenticeship course), professional experience of a total duration of at least three years in the field of the person's completed education or apprenticeship and supplementary pedagogical study at the faculty of pedagogy or at the technical universities, or complete secondary education and apprenticeship in the relevant (similar) vocational training or apprenticeship course, professional experience of a total duration of at least three years in the field of the person's completed education or apprenticeship, and additional study of pedagogy at the faculty of pedagogy, or by 1 September 2005 specialised education in the field of special pedagogy provided for in the methodology centres for masters in vocational education at the special schools without supplementary pedagogical study.

2a. Meister/Maître (education and professional training leading to the title of Meister/Maître) in the following professions:

in Germany:

- metal worker ("Metallbauer"),
- surgical instrument maker ("Chirurgiemechaniker"),
- coachbuilder ("Karosserie-und Fahrzeugbauer"),
- automotive mechatronics technician ("Kraftfahrzeugtechniker"),
- motorbike and bicycle mechanic ("Zweiradmechaniker"),
- refrigeration mechanic ("Kälteanlagenbauer"),
- communication technician ("Informationstechniker"),
- mechanic for agricultural and construction machinery ("Landmaschinenmechaniker"),
- gunsmith ("Büchsenmacher"),
- plumber ("Klempner"),
- installer and heating fitter ("Installateur und Heizungsbauer"),
- electrical engineer ("Elektrotechniker"),
- electrical machine engineer ("Elektromaschinenbauer"),
- boat and ship builder ("Boots-und Schiffbauer"),
- bricklayer and concrete worker ("Maurer und Betonbauer"),
- stove and air heating mechanic ("Ofen-und Luftheizungsbauer"),
- carpenter ("Zimmerer"),
- roofer ("Dachdecker"),
- road construction worker ("Straßenbauer"),
- thermal and acoustic insulation fitter ("Wärme-, Kälte-und Schallschutzisolierer"),
- well-sinker ("Brunnenbauer"),
- stonemason ("Steinmetz und Steinbildhauer"),
- plasterer ("Stuckateur"),
- painter and varnisher ("Maler und Lackierer"),
- scaffolder ("Gerüstbauer"),
- chimney sweep ("Schornsteinfeger"),
- precision engineer ("Feinwerkmechaniker"),
- joiner ("Tischler"),

- ropemaker ("Seiler"),
- baker ("Bäcker"),
- pastry chef ("Konditor"),
- butcher ("Fleischer"),
- hairdresser ("Frisör"),
- glazier ("Glaser"),
- glassblower and glass apparatus maker ("Glasbläser und Glasapparatebauer"),
- mechanic for tyres and vulcanisation ("Vulkaniseur und Reifenmechaniker");

in Luxembourg:

- baker/pastry chef ("boulangier-pâtissier"),
- pastry, chocolate and ice cream maker/confectioner ("pâtissier-chocolatier-confiseur-glacier"),
- butcher ("boucher-charcutier"),
- horsemeat butcher ("boucher-charcutier-chevalin"),
- caterer ("traiteur"),
- miller ("meunier"),
- tailor/dressmaker ("tailleur-couturier"),
- fashion designer/milliner ("modiste-chapelier"),
- furrier ("fourreur"),
- boot/shoemaker ("bottier-cordonnier"),
- clock/watchmaker ("horloger"),
- jeweller/goldsmith ("bijoutier-orfèvre"),
- hairdresser ("coiffeur"),
- beautician ("esthéticien"),
- general mechanical engineer ("mécanicien en mécanique générale"),
- lift/hoist/escalator/handling equipment engineer ("installateur d'ascenseurs, de monte-charges, d'escaliers mécaniques et de matériel de manutention"),
- gunsmith ("armurier"),
- blacksmith ("forgeron"),
- machinery, industrial and construction equipment mechanic/engineer ("mécanicien de machines et de matériels industriels et de la construction"),
- car and motorcycle mechanic and automotive electronics technician ("mécanicien-électronicien d'autos et de motos"),
- car bodywork maker/repairman ("constructeur réparateur de carrosseries"),
- car bodywork repairman/painter ("débosselaar-peintre de véhicules automoteurs"),
- winder ("bobineur"),

- audiovisual (electronics) engineer ("électronicien d'installations et d'appareils audiovisuels"),
- cable network builder/repairman ("constructeur réparateur de réseaux de télédistribution"),
- office equipment and information technology engineer ("électronicien en bureautique et en informatique"),
- agricultural/winegrowing equipment engineer ("mécanicien de machines et de matériel agricoles et viticoles"),
- coppersmith ("chaudronnier"),
- galvaniser ("galvaniseur"),
- motor vehicle assessor ("expert en automobiles"),
- building contractor ("entrepreneur de construction"),
- road/paving contractor ("entrepreneur de voirie et de pavage"),
- concrete flooring specialist ("confectionneur de chapes"),
- heat insulation, soundproofing and waterproofing engineer ("entrepreneur d'isolations thermiques, acoustiques et d'étanchéité"),
- heating and plumbing engineer ("installateur de chauffage-sanitaire"),
- refrigeration engineer ("installateur frigoriste"),
- electrician ("électricien"),
- neon sign fitter ("installateur d'enseignes lumineuses"),
- electronics engineer specialising in communication and information technology ("électronicien en communication et en informatique"),
- security and alarm system engineer ("installateur de systèmes d'alarmes et de sécurité"),
- carpenter/cabinet maker ("menuisier-ébéniste"),
- parquet flooring fitter ("parqueteur"),
- prefabricated unit fitter ("poseur d'éléments préfabriqués"),
- manufacturer/fitter of blinds, sun blinds, shutters and awnings ("fabricant poseur de volets, de jalousies, de marquises et de store"),
- metal worker ("entrepreneur de constructions métalliques"),
- furnace/oven/kiln manufacturer ("constructeur de fours"),
- tinsmith/roofer ("couvreur-ferblantier"),
- carpenter ("charpentier"),
- stonemason/cutter ("marbrier-tailleur de pierres"),
- tiler ("carreleur"),
- plasterer/builder specialising in ceilings and outer walls ("plafonneur-façadier"),
- painter and decorator ("peintre-décorateur"),
- glazing and mirror specialist ("vitrier-miroitier"),
- upholsterer and decorator ("tapissier-décorateur"),
- manufacturer/fitter of hearths and earthenware stoves ("constructeur poseur de cheminées et de poêles en faïence"),
- printer ("imprimeur"),

- media operator ("opérateur média"),
- screen printer ("sérigraphie"),
- bookbinder ("relieur"),
- medical and surgical equipment technician ("mécanicien de matériel médico-chirurgical"),
- driving instructor ("instructeur de conducteurs de véhicules automoteurs"),
- manufacturer/fitter of metal boarding and roofs ("fabricant poseur de bardages et toitures métalliques"),
- photographer ("photographe"),
- musical instrument maker/repairer ("fabricant réparateur d'instruments de musique"),
- swimming instructor ("instructeur de natation");

in Austria:

- master builder ("Baumeister hinsichtl. der ausführenden Tätigkeiten"),
- baker ("Bäcker"),
- well-sinker ("Brunnenmeister"),
- roofer ("Dachdecker"),
- electrical engineer ("Elektrotechniker"),
- butcher ("Fleischer"),
- hairdresser and wig-maker (stylist) ("Friseur und Perückenmacher (Stylist)"),
- gas and sanitation installations engineering ("Gas-und Sanitärtechnik"),
- glazier ("Glaser"),
- glass-facing work and plate-glass polishing ("Glasbeleger und Flachglasschleifer"),
- glassblower and glass apparatus maker ("Glasbläser und Glasapparatebauer"),
- polishing and shaping of hollow glass (linked craft) ("Hohlglasschleifer und Hohlglasveredler (verbundenes Handwerk)"),
- stove-maker ("Hafner"),
- heating engineering ("Heizungstechnik"),
- ventilation engineer (linked craft) ("Lüftungstechnik (verbundenes Handwerk)"),
- refrigeration and air-conditioning ("Kälte-und Klimatechnik"),
- communications electronics ("Kommunikationselektronik"),
- pastry chef (confectioner), including makers of gingerbread, candied fruit, ice-cream and chocolate ("Konditor (Zuckerbäcker) einschl. der Lebzelter und der Kanditen-Gefrorenes und - Schokoladewarenerzeugung"),
- automotive mechatronics technician ("Kraftfahrzeugtechnik"),
- manufacture of bodywork, including panel beating and painting (linked craft) ("Karosseriebauer einschl. Karosseriespengler u. -lackierer

- (verbundenes Handwerk")),
- processing of plastic materials ("Kunststoffverarbeitung"),
 - painter and decorator ("Maler und Anstreicher"),
 - varnisher ("Lackierer"),
 - gold-plating and decorating ("Vergolder und Staffierer"),
 - manufacture of signs (linked craft) ("Schilderherstellung (verbundenes Handwerk")),
 - mechatronics for electrical engineering and automation ("Mechatroniker f. Elektromaschinenbau u. Automatisierung"),
 - mechatronics for electronics ("Mechatroniker f. Elektronik"),
 - office automation and IT systems ("Büro-und EDV-Systemtechnik"),
 - mechatronics for machinery and manufacturing technology ("Mechatroniker f. Maschinen-und Fertigungstechnik"),
 - mechatronics for medical equipment (linked craft) ("Mechatroniker f. Medizingerätetechnik (verbundenes Handwerk")),
 - surface engineering ("Oberflächentechnik"),
 - metal design (linked craft) ("Metalldesign (verbundenes Handwerk")),
 - locksmith ("Schlosser"),
 - blacksmith ("Schmied"),
 - agricultural machinery technician ("Landmaschinentechnik"),
 - plumber ("Spengler"),
 - coppersmith (linked craft) ("Kupferschmied (verbundenes Handwerk")),
 - master stonemason, including the manufacture of artificial stones and terrazzo ("Steinmetzmeister einschl. Kunststeinerzeugung und Terrazzomacher"),
 - plasterer ("Stukkateur und Trockenausbauer"),
 - joiner ("Tischler"),
 - layout designer ("Modellbauer"),
 - cooper ("Binder"),
 - wood-turner ("Drechsler"),
 - boat builder ("Bootsbauer"),
 - sculptor (linked craft) ("Bildhauer (verbundenes Handwerk")),
 - vulcaniser ("Vulkaniseur"),
 - gunsmith (including trade in arms) ("Waffengewerbe (Büchsenmacher) einschl. Des Waffenhandels"),
 - thermal, acoustic and fire insulation ("Wärme-Kälte-Schall-und Branddämmung"),
 - master carpenter ("Baumeister hinsichtl. der ausführenden Tätigkeiten"),

which represent education and training courses of a total duration of at least thirteen years, including at least three years' training followed within a structured training framework, partly received in the workplace and partly provided by a vocational training establishment, and culminating in an examination, in addition to at least one

year's theoretical and practical training as a master craftsman. Passing the master craftsman examination confers the right to exercise the profession in a self-employed capacity, train apprentices and use the title of Master ("Meister/Maître").

3. *Seafaring sector*

(a) *Sea transport*

Training for the following:

in the Czech Republic:

- deck assistant (palubní asistent)
- officer in charge of a navigational watch (námorní poručík)
- chief mate (první palubní důstojník),
- master (kapitán),
- engine assistant (strojný asistent)
- officer in charge of an engineering watch (strojný důstojník)
- second engineer officer (druhý strojný důstojník),
- chief engineer officer (první strojný důstojník),
- electrician (elektrotechnik),
- chief electric officer (elektrodůstojník)

in Denmark:

- ship's captain (skibsfører),
- first mate (overstyrmand),
- quartermaster, deck officer (enestyrmand, vagthavende styrmand),
- deck officer (vagthavende styrmand),
- engineer (maskinchef),
- first engineer (1. maskinmester),
- first engineer/duty engineer (1. maskinmester/vagthavende maskinmester)

in Germany:

- captain, large coastal vessel (Kapitän AM),
- captain, coastal vessel (Kapitän AK),
- deck officer, large coastal vessel (Nautischer Schiffsoffizier AMW),
- deck officer, coastal vessel (Nautischer Schiffsoffizier AKW),
- chief engineer, grade C (Schiffsbetriebstechniker CT -Leiter von Maschinenanlagen),
- ship's mechanic, grade C (Schiffsmaschinist CMA -Leiter von Maschinenanlagen),
- ship's engineer, grade C (Schiffsbetriebstechniker CTW),
- ship's mechanic, grade C-solo engineer officer (Schiffsmaschinist CMAW -Technischer Alleinoffizier).

in Italy:

- deck officer (ufficiale di coperta),
- engineer officer (ufficiale di macchina).

in Latvia:

- electrical engineer officer on ships (kugu elektromehānikis),
- operator of refrigeration machinery (kuga saldešanas iekārtu mašīnists).

in the Netherlands:

- first mate (coastal vessel) (with supplementary training) (stuurman kleine handelsvaart (met aanvulling)),
- coaster engineer (with diploma) (diploma motordrijver),
- VTS-official (VTS-functionaris).

in Romania:

Training for:

- maritime helmsman II/4 ST CW ("timonier maritim"):

which represent training:

in the Czech Republic:

- (i) for deck assistant (palubní asistent),
 1. a person not less than 20 years of age.
 2. (a) maritime academy or maritime college - department of navigation, both courses having to be completed by the 'maturitní zkouška' exam, and approved seagoing service of not less than six months on ships during studies; or
 - (b) approved seagoing service of not less than two years as rating, forming part of a navigational watch at the support level on ships, and completion of an approved course which meets the standard of competence specified in section A-II/1 of the STCW (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers) Code dispensed by a maritime academy or college of a Party to the STCW Convention, and passing the examination before the Examining Board recognised by the MTC (Maritime Transport Committee of the Czech Republic);
- (ii) for officer in charge of a navigational watch (námorní poručík),
 1. approved seagoing service in the capacity of deck assistant on ships of 500 gross tonnage or more for not less than six months in the case of a graduate of a maritime college or academy, or one year in the case of a graduate of an approved course, including not less than six months in the capacity of a rating forming a part of a navigational watch;
 2. duly completed and endorsed On Board Training Record Book for Deck Cadets;
- (iii) for chief mate (první palubní důstojník),

certificate of competence of officer in charge of a navigational watch on ships of 500 gross tonnage or more and not less than 12 months of approved seagoing service in that capacity;
- (iv) for master (kapitán),

certificate for service as master on ships of between 500 and 3000 gross tonnage,

certificate of competence of chief mate on ships of 3000 gross tonnage

or more and not less than six months of approved seagoing service in the capacity of chief mate on ships of 500 gross tonnage or more and not less than six months of approved seagoing service in the capacity of chief mate on ships of 3000 gross tonnage or more;

- (v) for engine assistant (strojn  asistent),
 - 1. a person not less than 20 years of age;
 - 2. maritime academy or maritime college department of maritime engineering, and approved seagoing service of not less than six months on ships during the studies;
- (vi) for officer in charge of an engineering watch (strojn  dustojn k),

approved seagoing service in the capacity of engine assistant of not less than six months as a graduate from a maritime academy or college;
- (vii) for second engineer officer (druh  strojn  dustojn k),

approved seagoing service of not less than 12 months in the capacity of third engineer officer on ships powered by main propulsion machinery of 750 kW propulsion power and more;
- (viii) for chief engineer officer (prvn  strojn  dustojn k),

appropriate certificate for service as second engineer officer on ships powered by main propulsion machinery of 3000 kW propulsion power or more and having not less than six months of approved seagoing service in that capacity;
- (ix) for electrician (elektrotechnik),
 - 1. a person not less than 18 years of age.
 - 2. maritime or other academy, faculty of electrical engineering, or technical school or college of electrotechnical engineering, all courses having to be completed by the ‘maturitn  zkouška’ exam, and not less than 12 months of approved practice in the field of electrical engineering;
- (x) for chief electric officer (elektrodustojn k),
 - 1. maritime academy or college, faculty of maritime electrical engineering or other academy or secondary school in the field of electrical engineering, all courses having to be completed by the ‘maturitn  zkouška’ or a State exam;
 - 2. approved seagoing service in the capacity of electrician for a period of not less than 12 months in the case of a graduate of an academy or college, or 24 months in the case of a graduate of a secondary school.

in Denmark,

- of nine years’ primary schooling followed by a course of basic training and/or service at sea of between 17 and 36 months, supplemented by:
 - (i) for the deck officer, one year of specialised vocational training,
 - (ii) for the others, three years of specialised vocational training.

in Germany,

- of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year’s service at sea, followed by one or two years of specialised vocational training

supplemented, where appropriate, by two year's work experience in navigation.

in Latvia:

- (i) for electrical engineer officer on ships (kugu elektromehānikis),
 1. a person of not less than 18 years of age;
 2. represents an education of a total duration of at least 12.5 years, comprising at least nine years of elementary education and at least three years of vocational education.

In addition, seagoing service of not less than six months as a ship's electrician or as assistant to the electrical engineer on ships with generator power more than 750 kW is required. Vocational training is completed by a special examination by the competent authority in accordance with the training programme as approved by the Ministry of Transport;

- (ii) for operator of refrigeration machinery (kuga saldešanas iekārtu mašīnists),
 1. a person of not less than 18 years of age;
 2. represents an education of a total duration of at least 13 years, comprising at least nine years of elementary education and at least three years of vocational education. In addition, seagoing service of not less than 12 months as assistant to the refrigeration engineer is required. Vocational training is completed by a special examination by the competent authority in accordance with the training programme as approved by the Ministry of Transport;

in Italy:

- of a total duration of 13 years, of which at least five years consist of professional training culminating in an examination and are supplemented, where appropriate, by a traineeship.

in the Netherlands:

- (i) for first mate (coastal vessel) (with supplementary training) (stuurman kleine handelsvaart (met aanvulling)), and coaster engineer (with diploma) (diploma motordrijver), involving a course of 14 years, at least two years of which take place in a specialised vocational training establishment, supplemented by a 12-month traineeship,
- (ii) for the VTS-official (VTS-functionaris) of a total duration of at least 15 years, comprising at least three years of higher vocational education (HBO) or intermediate vocational training (MBO), which are followed by national and regional specialisation courses, comprising at least 12 weeks of theoretical training each and each culminating in an examination and which are recognised under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978).

in Romania:

for maritime helmsman II/4 ST CW "timonier maritim"):

1. a person not less than 18 years of age;
2. (a) holds an appropriate certificate of competence of seaman (secondary school maritime studies); has completed a period of seagoing service of 24 months as seaman out of which at least 12 months have been performed within the last five years; has

attended an approved course for promotion to execution level (7 days);

- (b) or, holds an appropriate certificate of competence of seaman (secondary school maritime studies) and holds a certificate of competence of radio operator, techno-operator in the maritime mobile service; has completed a period of seagoing service of 24 months as seaman and as radio operator, techno-operator in the maritime mobile service, or GMDSS-GOC operator; has attended an approved course for promotion to execution level (7 days)

(b) Sea fishing

Training for the following:

in Germany:

- captain, deep-sea fishing (Kapitän BG/Fischerei),
- captain, coastal fishing (Kapitän BLK/Fischerei),
- deck officer, deep-sea vessel (Nautischer Schiffsoffizier BGW/Fischerei),
- deck officer, coastal vessel (Nautischer Schiffsoffizier BK/Fischerei).

in the Netherlands:

- first mate/engineer V (stuurman werktuigkundige V),
- engineer IV (fishing vessel) (werktuigkundige IV visvaart),
- first mate IV (fishing vessel) (stuurman IV visvaart),
- first mate/engineer VI (stuurman werktuigkundige VI).

which represent training:

- in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year's service at sea, followed by one or two years of specialised vocational training supplemented, where appropriate, by two year's work experience in navigation,
- in the Netherlands, involving a course varying in duration between 13 and 15 years, at least two years of which are provided in a specialised vocational school, supplemented by a 12-month period of work experience, and are recognised under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).

4. Technical sector

Training for the following:

in Austria:

- forester (Förster),
- technical consulting (Technisches Büro),
- labour leasing (Überlassung von Arbeitskräften -Arbeitsleihe),
- employment agent (Arbeitsvermittlung),
- investment adviser (Vermögensberater),
- private investigator (Berufsdetektiv),
- security guard (Bewachungsgewerbe),

- real estate agent (Immobilienmakler),
- real estate manager (Immobilienverwalter),
- building project organiser (Bauträger, Bauorganisator, Baubetreuer),
- debt-collecting institute (Inkassobüro/Inkassoinstitut),

which represent education and training of a total duration of at least 15 years, comprising eight years' compulsory schooling followed by a minimum of five years' secondary technical or commercial study, culminating in a technical or commercial mature level qualifying examination, supplemented by at least two years' workplace education and training culminating in a professional examination;

- insurance consultant (Berater in Versicherungsangelegenheiten),

which represents education and training of a total duration of 15 years, including six years' training followed within a structured training framework, divided into an apprenticeship of three years' duration and a three-year period of professional practice and training, culminating in an examination;

- master builder/planning and technical calculation (Planender Baumeister),
- master woodbuilder/planning and technical calculation (Planender Zimmermeister),

which represent education and training of a total duration of at least 18 years, including at least nine years' vocational training divided into four years' secondary technical study and five years' professional practice and training culminating in a professional examination conferring the rights to exercise the profession and to train apprentices, in so far as this training relates to the right to plan buildings, to make technical calculations and to supervise construction work (the Maria Theresian privilege);

- commercial bookkeeper (Gewerblicher Buchhalter), under the 1994 Gewerbeordnung (1994 law on trade, crafts and industry);
- self-employed bookkeeper (Selbständiger Buchhalter), under the 1999 Bundesgesetz über die Wirtschaftstreuhandberufe (1999 law on the public accounting professions);

in the Czech Republic:

- authorised technician, authorised builder (autorizovaný technik, autorizovaný stavitel),

which represents vocational training of a duration of at least nine years, comprising four years of technical secondary education, completed by the 'maturitní zkouška' exam (secondary technical school) and five years of professional experience, concluded by the professional qualification test for pursuit of selected professional activities in construction (pursuant to Act No 50/1976 Sb. (the Building Act) and Act No 360/1992 Sb.);

- track vehicle driver (fyzická osoba řídící drážní vozidlo),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam and concluded by the State exam on the motive power of vehicles;

- track revision technician (drážní revizní technik),

which represents education of a total duration of at least 12 years, comprising at

least eight years of elementary education and at least four years of vocational secondary education at a secondary machinery or electronics school completed by the 'maturitní zkouška' exam;

- road driving instructor (ucitel autoškoly),

a person not less than 24 years of age; represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education focused on traffic or machinery completed by the 'maturitní zkouška' exam;

- State technician for the control of motor vehicle roadworthiness (kontrolní technik STK),

a person not less than 21 years of age; represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam, followed by at least two years of technical practice; the person concerned must have a driving licence and a clean criminal record and must have completed the special training for State technicians of at least 120 hours' duration as well as successfully passing the exam;

- mechanic for control of car emissions (mechanik měření emisí),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the 'maturitní zkouška' exam; furthermore an applicant has to complete at least three years' technical practice and the special training for 'mechanic for the control of car emissions' of eight hours' duration as well as successfully passing the exam;

- boat master Class I (kapitán I. třídy),

which represents education of a total duration of at least 15 years, comprising eight years of elementary education and three years of vocational education completed by the 'maturitní zkouška' exam and culminating in an examination confirmed by a certificate of aptitude. This vocational education has to be followed by four years' vocational practice completed by an exam;

- restorer of monuments that are works of art crafts (restaurátor památek, které jsou díly umeleckých řemesel),

which represents education of a total duration of 12 years if involving full secondary technical education in the restoration course, or 10 to 12 years of study in a related course, plus five years of professional experience in the case of full secondary technical education completed by the 'maturitní zkouška' exam, or eight years of professional experience in the case of secondary technical education ending with the final apprenticeship exam;

- restorer of works of art that are not monuments and are held in the collections of museums and galleries, and of other objects of cultural value (restaurátor děl výtvarných umění, která nejsou památkami a jsou uložena ve sbírkách muzeí a galerií, a ostatních předmětů kulturní hodnoty),

which represents education of a total duration of 12 years plus five years of professional experience in the case of full secondary technical education in the restoration course completed by the 'maturitní zkouška' exam;

- waste manager (odpadový hospodář),

which represents education of a total duration of at least 12 years, comprising at

least eight years of elementary education and at least four years of secondary vocational education completed by the ‘maturitní zkouška’ exam and a minimum of five years of experience in the waste management sector within the last 10 years;

- blasting technical manager (technický vedoucí odstrelu),

which represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational secondary education completed by the ‘maturitní zkouška’ exam, and followed by:

two years as a shotfirer underground (for underground activity) or one year on surface (for surface activity), including six months as an assistant shotfirer;

training course of 100 hours of theoretical and practical training followed by an examination before the relevant District Mining Authority;

professional experience of six months or more in planning and carrying out major blasting works;

training course of 32 hours of theoretical and practical training followed by an examination before the Czech Mining Authority;

in Latvia:

- engine-railway sector driver’s assistant (vilces lidzekla vaditaja (mašinista) paligs),

a person not less than 18 years of age; represents education of a total duration of at least 12 years, comprising at least eight years of elementary education and at least four years of vocational education; vocational training completed by the employer’s special examination; certificate of competence issued by a competent authority for five years;

in the Netherlands:

- bailiff (gerechtsdeurwaarder),
- dental-prosthesis maker (tandprotheticus),

which represent a course of study and vocational training:

- (i) in the case of the bailiff (gerechtsdeurwaarder), totalling 19 years, comprising eight years’ compulsory schooling followed by eight years’ secondary education including four years’ technical education culminating in a State examination and supplemented by three years’ theoretical and practical vocational training;
- (ii) in the case of the dental-prosthesis maker (tandprotheticus) totalling at least 15 years of full time training and three years of part time training, comprising eight years of primary education, four years of general secondary education, completion of three years of vocational training, involving theoretical and practical training as a dental technician, supplemented by three years of part-time training as a dental prothesismaker, culminating in an examination;

in Poland:

- diagnostician executing motor vehicle roadworthiness tests at a vehicle control station at basic level (diagnosta przeprowadzający badania techniczne w stacji kontroli pojazdów o podstawowym zakresie badań),

which represents eight years of elementary education and five years of secondary

technical education in the field of motor vehicles and three years' practice in a vehicle service station or in a garage, covering 51 hours of basic training in controlling motor vehicles roadworthiness and passing the qualification examination,

- diagnostician executing motor vehicle roadworthiness tests at a district vehicle control station (diagnosta przeprowadzający badania techniczne pojazdu w okregowej stacji kontroli pojazdów),

which represents eight years of elementary education and five years of technical secondary education in the field of motor vehicles and four years' practice in a vehicle service station or in a garage, covering 51 hours of basic course in controlling motor vehicle roadworthiness and passing the qualification examination;

- diagnostician executing motor vehicle roadworthiness tests at a vehicle control station (diagnosta wykonujący badania techniczne pojazdów w stacji kontroli pojazdów),

which represents:

- (i) eight years of elementary education and five years of secondary technical education in the field of motor vehicles and four years' proven practice in a vehicle service station or in a garage, or
- (ii) eight years of elementary education and five years of secondary technical education in a field other than motor vehicle specialisation and eight years' proven practice in a vehicle service station or in a garage, covering a total of 113 hours of complete training including basic and specialist training, with exams after every stage.

The duration in hours and the general scope of the particular courses in the framework of the complete training for diagnostician are separately specified in the Ministry of Infrastructure's Regulation of 28 November 2002 on detailed requirements regarding diagnosticians (OJ 2002, No 208, pos. 1769);

- train dispatcher (dorzurny ruchu),

which represents eight years of elementary education and four years of secondary vocational education, with rail transport specialisation, as well as a course preparing for work as a train dispatcher of 45 days and passing the qualification examination, or which represents eight years of elementary education and five years of secondary vocational education with rail transport specialisation, as well as a course preparing for work as a train dispatcher of 63 days and passing the qualification examination.

5. United Kingdom courses accredited as national vocational qualifications or Scottish vocational qualifications

Training for:

- listed veterinary nurse,
- mine electrical engineer,
- mine mechanical engineer,
- dental therapist,
- dental hygienist,
- dispensing optician,
- mine deputy,
- insolvency practitioner,

- licensed conveyancer,
- first mate - freight/passenger ships - unrestricted,
- second mate - freight/passenger ships - unrestricted,
- third mate - freight/passenger ships unrestricted,
- deck officer - freight/passenger ships - unrestricted,
- engineer officer - freight/passenger ships - unlimited trading area,
- certified technically competent person in waste management,

leading to qualifications accredited as national vocational qualifications (NVQs) or, in Scotland, accredited as Scottish vocational qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows:

- level 3: Competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required,
- level 4: Competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

SCHEDULE III

List of regulated education and training referred to in regulation 15(4)

In Austria:

- Courses at higher vocational schools (Berufsbildende Höhere Schulen) and higher education establishments for agriculture and forestry (Höhere Land-und Forstwirtschaftliche Lehranstalten), including special types (einschließlich der Sonderformen), the structure and level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years and comprise five years of vocational training, which culminate in a final examination, the passing of which is a proof of professional competence.

- Courses at master schools (Meisterschulen), master classes (Meisterklassen), industrial master schools (Werkmeisterschulen) or building craftsmen schools (Bauhandwerkerschulen), the structure and level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years, comprising nine years of compulsory education, followed by either at least three years of vocational training at a specialized school or at least three years of training in a firm and in parallel at a vocational training school (Berufsschule), both of which culminate in an examination, and are supplemented by successful completion of at least a one-year training

course at a master school (Meisterschule), master classes (Meisterklassen), industrial master school (Werkmeisterschule) or a building craftsmen school (Bauhandwerkerschule). In most cases the total duration is at least 15 years, comprising periods of work experience, which either precede the training courses at these establishments or are accompanied by part-time courses (at least 960 hours).

In Germany:

The following regulated courses:

- Regulated courses preparatory to the pursuit of the professions of technical assistant (technische(r) Assistent(in)), commercial assistant (kaufmännische(r) Assistent(in)), social professions (soziale Berufe) and the profession of State-certified respiration and elocution instructor (staatlich geprüfte(r) Atem-, Sprech-und Stimmlehrer(in)), of a total duration of at least 13 years, which require successful completion of the secondary course of education (mittlerer Bildungsabschluss) and which comprise:
 - (i) at least three years* of vocational training at a specialised school (Fachschule) culminating in an examination and, where applicable, supplemented by a one-or two-year specialisation course also culminating in an examination; or
 - (ii) at least two and a half years at a specialised school (Fachschule) culminating in an examination and supplemented by work experience of a duration of not less than six months or a traineeship of not less than six months in an approved establishment; or
 - (iii) at least two years at a specialised school (Fachschule) culminating in an examination and supplemented by work experience of a duration of not less than one year or a traineeship of not less than one year in an approved establishment.
- Regulated courses for the professions of State-certified (staatlich geprüfte(r)) technician (Techniker(in)), business economist (Betriebswirt(in)), designer (Gestalter(in)) and family assistant (Familienpfleger(in)), of a total duration of not less than 16 years, a prerequisite of which is successful completion of compulsory schooling or equivalent education and training (of a duration of not less than nine years) and successful completion of a course at a trade school (Berufsschule) of a duration of not less than three years and comprising, upon completion of at least two years of work experience, full-time education and training of a duration of not less than two years or part-time education and training of equivalent duration. Regulated courses and regulated in-service training, of a total duration of not less than 15 years, a prerequisite of which is, generally speaking, successful completion of compulsory schooling (of a duration of not less than nine years) and of vocational training (normally three years) and which generally comprise at least two years of work experience (three years in most cases) and an examination in the context of in service training

*The minimum duration may be reduced from three years to two years if the person concerned has the qualification required to enter university ('Abitur'), i.e. thirteen years of prior education and training, or the qualification needed to enter a 'Fachhochschule' ('Fachhochschulreife'), i.e. 12 years of prior education and training.

preparation for which generally comprises a training course which is either concurrent with the work experience (at least 1 000 hours) or is attended on a full-time basis (at least one year).

In the Netherlands:

Regulated training courses which correspond to qualification level 3 or 4 of the national register of professional training courses, established by the Act on education and professional training, or older training courses of an equivalent level.

Levels 3 and 4 of the qualification structure are described as follows:

- Level 3: Responsibility for the application and combination of standardised procedures. Combining or designing procedures according to work organisation and preparation activities. Ability to justify these activities to one's colleagues (no hierarchical link). Hierarchical responsibility for monitoring and supporting the application using other routine standardised or automated procedures. This level relates mainly to professional competence and knowledge.
- Level 4: Responsibility for performing the assigned tasks and also for combining or designing new procedures. Ability to justify these activities to one's colleagues (no hierarchical link). Explicit hierarchical responsibility for planning and / or administration and/or the organisation and / or development of the entire production cycle. This level relates to competence and knowledge which is specialised and / or not inherent to the profession.

The two levels correspond to regulated courses of study of a total duration of at least 15 years which require the successful completion of eight years of elementary education followed by four years of intermediate preparatory vocational education (VMBO), and which require at least three years' level 3 or 4 training at a college for intermediate vocational training (MBO), culminating in an examination. (The average duration of vocational training may be reduced from three to two years where the student has a qualification required to enter university (14 years of prior training) or to enter higher vocational education (13 years of prior training)).

In the United Kingdom:

Regulated courses leading to qualifications accredited as National Vocational Qualifications (NVQs) or, in Scotland, accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows:

- Level 3: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required.
 - Level 4: competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.
-

SCHEDULE IV

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

List I

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

1

Directive 64/427/EEC

(liberalisation Directive 64/429/EEC)

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

Major group	23	Manufacture of textiles
	232	Manufacturing and processing of textile materials on woollen machinery
	233	Manufacturing and processing of textile materials on cotton machinery
	234	Manufacturing and processing of textile materials on silk machinery
	235	Manufacturing and processing of textile materials on flax and hemp machinery
	236	Other textile fibre industries (jute, hard fibres, etc.), cordage
	237	Manufacture of knitted and crocheted goods
	238	Textile finishing
	239	Other textile industries
Major group	24	Manufacture of footwear, other wearing apparel and bedding
	241	Machine manufacture of footwear (except from rubber or wood)
	242	Manufacture by hand and repair of footwear
	243	Manufacture of wearing apparel (except furs)
	244	Manufacture of mattresses and bedding
	245	Skin and fur industries
Major group	25	Manufactures of wood and cork, except manufacture of furniture
	251	Sawing and industrial preparation of wood
	252	Manufacture of semi-finished wood products
	253	Series production of wooden building components including flooring
	254	Manufacture of wooden containers
	255	Manufacture of other wooden products (except furniture)
	259	Manufacture of straw, cork, basketware, wicker-work and

		rattan products; brush-making
Major group	26	260 Manufacture of wooden furniture
Major group	27	Manufacture of paper and paper products
	271	Manufacture of pulp, paper and paperboard
	272	Processing of paper and paperboard, and manufacture of articles of pulp
Major group	28	280 Printing, publishing and allied industries
Major group	29	Leather industry
	291	Tanneries and leather finishing plants
	292	Manufacture of leather products
ex major group	30	Manufacture of rubber and plastic products, man-made fibres and starch products
	301	Processing of rubber and asbestos
	302	Processing of plastic materials
	303	Production of man-made fibres
ex major group	31	Chemical industry
	311	Manufacture of chemical base materials and further processing of such materials
	312	Specialised manufacture of chemical products principally for industrial and agricultural purposes (including the manufacture for industrial use of fats and oils of vegetable or animal origin falling within ISIC group 312)
	313	Specialised manufacture of chemical products principally for domestic or office use [excluding the manufacture of medicinal and pharmaceutical products (ex ISIC group 319)]
Major group	32	320 Petroleum industry
Major group	33	Manufacture of non-metallic mineral products
	331	Manufacture of structural clay products
	332	Manufacture of glass and glass products
	333	Manufacture of ceramic products, including refractory goods
	334	Manufacture of cement, lime and plaster
	335	Manufacture of structural material, in concrete, cement and plaster
	339	Stone working and manufacture of other non-metallic mineral products
Major group	34	Production and primary transformation of ferrous and non-ferrous metals
	341	Iron and steel industry (as defined in the ECSC treaty, including integrated steel works-owned coking plants)
	342	Manufacture of steel tubes

	343	Wire-drawing, cold-drawing, cold-rolling of strip, cold-forming
	344	Production and primary transformation of non-ferrous metals
	345	Ferrous and non-ferrous metal foundries
Major group	35	Manufacture of metal products (except machinery and transport equipment)
	351	Forging, heavy stamping and heavy pressing
	352	Secondary transformation and surface-treatment
	353	Metal structures
	354	Boilermaking, manufacture of industrial hollow-ware
	355	Manufacture of tools and implements and finished articles of metal (except electrical equipment)
	359	Ancillary mechanical engineering activities
Major group	36	Manufacture of machinery other than electrical machinery
	361	Manufacture of agricultural machinery and tractors
	362	Manufacture of office machinery
	363	Manufacture of metal-working and other machine-tools and fixtures and attachments for these and for other powered tools
	364	Manufacture of textile machinery and accessories, manufacture of sewing machines
	365	Manufacture of machinery and equipment for the food-manufacturing and beverage industries and for the chemical and allied industries
	366	Manufacture of plant and equipment for mines, iron and steel works foundries, and for the construction industry; manufacture of mechanical handling equipment
	367	Manufacture of transmission equipment
	368	Manufacture of machinery for other specific industrial purposes
	369	Manufacture of other non-electrical machinery and equipment
Major group	37	Electrical engineering
	371	Manufacture of electric wiring and cables
	372	Manufacture of motors, generators, transformers, switchgear, and other similar equipment for the provision of electric power
	373	Manufacture of electrical equipment for direct commercial use
	374	Manufacture of telecommunications equipment, meters, other measuring appliances and electromedical

		equipment
	375	Manufacture of electronic equipment, radio and television receivers, audio equipment
	376	Manufacture of electric appliances for domestic use
	377	Manufacture of lamps and lighting equipment
	378	Manufacture of batteries and accumulators
	379	Repair, assembly, and specialist installation of electrical equipment
ex major group	38	Manufacture of transport equipment
	383	Manufacture of motor vehicles and parts thereof
	384	Repair of motor vehicles, motorcycles and cycles
	385	Manufacture of motorcycles, cycles and parts thereof
	389	Manufacture of transport equipment not elsewhere classified
Major group	39	Miscellaneous manufacturing industries
	391	Manufacture of precision instruments, and measuring and controlling instruments
	392	Manufacture of medico-surgical instruments and equipment and orthopaedic appliances (except orthopaedic footwear)
	393	Manufacture of photographic and optical equipment
	394	Manufacture and repair of watches and clocks
	395	Jewellery and precious metal manufacturing
	396	Manufacture and repair of musical instruments
	397	Manufacture of games, toys, sporting and athletic goods
	399	Other manufacturing industries
Major group	40	Construction
	400	Construction (non-specialised); demolition
	401	Construction of buildings (dwellings or other)
	402	Civil engineering; building of roads, bridges, railways, etc.
	403	Installation work
	404	Decorating and finishing
		2
		Directive 68/366/EEC
		(liberalisation Directive 68/365/EEC)
		NICE nomenclature
Major group	20A	200 Industries producing animal and vegetable fats and oils
	20B	Food manufacturing industries (excluding the beverage

	industry)
	201 Slaughtering, preparation and preserving of meat
	202 Milk and milk products industry
	203 Canning and preserving of fruits and vegetables
	204 Canning and preserving of fish and other sea foods
	205 Manufacture of grain mill products
	206 Manufacture of bakery products, including rusks and biscuits
	207 Sugar industry
	208 Manufacture of cocoa, chocolate and sugar confectionery
	209 Manufacture of miscellaneous food products
Major group	21 Beverage industry
	211 Production of ethyl alcohol by fermentation, production of yeasts and spirits
	212 Production of wine and other unmalted alcoholic beverages
	213 Brewing and malting
	214 Soft drinks and carbonated water industries
	ex 30 Manufacture of rubber products, plastic materials, artificial and synthetic fibres and starch products
	304 Manufacture of starch products

3

Directive 82/489/EEC

ISIC nomenclature

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

List II

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

1

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

ISIC nomenclature

	ex 04 Fishing
	043 Inland water fishing
	ex 38 Manufacture of transport equipment
	381 Shipbuilding and repairing
	382 Manufacture of railroad equipment
	386 Manufacture of aircraft (including space equipment)
	ex 71 Activities allied to transport and activities other than transport coming under the following groups:

- ex 711 Sleeping-and dining-car services; maintenance of railway stock in repair sheds; cleaning of carriages
- ex 712 Maintenance of stock for urban, suburban and interurban passenger transport
- ex 713 Maintenance of stock for other passenger land transport (such as motor cars, coaches, taxis)
- ex 714 Operation and maintenance of services in support of road transport (such as roads, tunnels and toll-bridges, goods depots, car parks, bus and tram depots)
- ex 716 Activities allied to inland water transport (such as operation and maintenance of waterways, ports and other installations for inland water transport; tug and piloting services in ports, setting of buoys, loading and unloading of vessels and other similar activities, such as salvaging of vessels, towing and the operation of boathouses)
- 73 Communications: postal services and telecommunications
- ex 85 Personal services
- 854 Laundries and laundry services, dry-cleaning and dyeing
- 855 ex 856 Photographic studios: portrait and commercial photography, except journalistic photographers
- ex 859 Personal services not elsewhere classified (only maintenance and cleaning of buildings or accommodation)

2

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

ISIC nomenclature

The following itinerant activities:

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

3

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

Groups 718 and 720 of the ISIC nomenclature

The activities comprise in particular:

- organising, offering for sale and selling, outright or on commission, single or collective items (transport, board, lodging, excursions, etc.) for a journey or stay, whatever the reasons for travelling (Article 2(B)(a)) acting as an intermediary between contractors for various methods of transport and persons who dispatch or receive goods, and carrying out related activities:

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

List III

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

1

Directive 64/222/EEC

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

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

2

Directive 68/364/EEC
(liberalisation Directive 68/363/EEC)
ISIC ex Group 612: Retail trade

Activities excluded:

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

3

Directive 68/368/EEC
(liberalisation Directive 68/367/EEC)
ISIC nomenclature

ISIC ex major Group 85

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

4

Directive 75/368/EEC (Article 7)

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

ISIC nomenclature

- ex 62 Banks and other financial institutions
- ex 620 Patent buying and licensing companies
- ex 71 Transport
- ex 713 Road passenger transport, excluding transportation by means of motor vehicles
- ex 719 Transportation by pipelines of liquid hydrocarbons and other liquid chemical products
- ex 82 Community services
- 827 Libraries, museums, botanical and zoological gardens
- ex 84 Recreation services

843 Recreation services not elsewhere classified:

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

- Games (racing stables, areas for games, racecourses, etc.)
- Other recreation services (circuses, amusement parks and other entertainment)

ex 85 Personal services

ex 851 Domestic services

ex 855 Beauty parlours and services of manicurists, excluding services of chiropodists and professional beauticians' and hairdressers' training schools

ex 859 Personal services not elsewhere classified, except sports and paramedical masseurs and mountain guides, divided into the following groups:

- Disinfecting and pest control
- Hiring of clothes and storage facilities
- Marriage bureaux and similar services
- Astrology, fortune telling and the like
- Sanitary services and associated activities
- Undertaking and cemetery maintenance
- Couriers and interpreter-guides

5

Directive 75/369/EEC (Article 5)

The following itinerant activities:

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

6

Directive 70/523/EEC

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

7

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

These activities comprise in particular:

- hiring railway cars or wagons for transporting persons or goods
- acting as an intermediary in the sale, purchase or hiring of ships
- arranging, negotiating and concluding contracts for the transport of emigrants receiving all objects and goods deposited, on behalf of the depositor, whether under customs control or not, in warehouses, general

- stores, furniture depots, coldstores, silos, etc.
- supplying the depositor with a receipt for the object or goods deposited providing pens, feed and sales rings for livestock being temporarily accommodated while awaiting sale or while in transit to or from the market
 - carrying out inspection or technical valuation of motor vehicles - measuring, weighing and gauging goods.

SCHEDULE V

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

1. Documents
 - (a) Proof of the nationality of the person concerned.
 - (b) Copies of the attestations of professional competence or of the evidence of formal qualifications giving access to the profession in question, and an attestation of the professional experience of the person concerned where applicable. The designated authority may invite the applicant to provide information concerning his training to the extent necessary in order to determine the existence of potential substantial differences with the required national training, as laid down in regulation 12. Where it is impossible for the applicant to provide this information, the designated authority shall address the contact point, the competent authority or any other relevant body in the home Member State from which the foreign national comes.
 - (c) For the cases referred to in regulation 14, a certificate concerning the nature and duration of the activity issued by the competent authority or body in the home Member State from which the foreign national comes.
 - (d) Where the designated authority requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that designated authority shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in Malta, the production of documents issued by competent authorities in the home Member State or the Member State from which the foreign national comes, showing that those requirements are met. Those authorities must provide the documents required within a period of two months. Where the competent authorities of the home Member State or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath - or, in States where there is no provision for declaration on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the home Member State or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

- (e) Where it is required of Maltese nationals wishing to take up a regulated profession, a document relating to the physical or mental health of the applicant, in the case of a foreign national of an Member States, it shall be accepted as sufficient evidence thereof the presentation of the document required in the home Member State. Where the home Member State does not issue such a document, it shall be accepted a certificate issued by a competent authority in that State. In that case, the competent authorities of the home Member State must provide the document required within a period of two months.
- (f) Where it is required of Maltese nationals wishing to take up a regulated profession to furnish:
- proof of the applicant's financial standing,
 - proof that the applicant is insured against the financial risks arising from their professional liability in accordance with the laws and regulations in force in Malta regarding the terms and extent of cover,

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

2. Certificates

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