

Leaflet for the Competent Authorities in relation to the Point of Single Contact (PSC) from the Professional Qualifications Directive 2005/36/EC

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Introduction

A Point of Single Contact (PSC) is an online portal specifically intended to enable consumers, service providers and entrepreneurs at large to access key information and electronic administrative procedures in each EU Member State. Anyone after specific information can access the PSC in each of the EU Member States and seek the desired information. https://ec.europa.eu/growth/single-market/services/services-directive/in-practice/contact_en

PSCs are part of the efforts made by Member States to cut red tape and modernise national administrations. They are a major step towards more efficient public online services and are part of Member States' e-government agendas. Member States have invested time, effort and resources in their PSCs which are now up and running in all Member States.

The aim of the PSCs is to facilitate service sector entrepreneurs to start and expand businesses not only within their own Member State but across the EU. On the PSC portals entrepreneurs in the service area may find information that is complete, accurate and up-to-date. The main role of the PSC is to provide general information on the procedures required for Maltese and EU businesses who intend operating in Malta.

In overall, Points of Single Contact:

- act as a one stop shop for business by promoting seamless holistic processes;
- support start-ups and individuals that aspire to become entrepreneurs;
- facilitate business registration and compliance with Government regulations;
- provide information on all incentives offered by Government; and
- promote simplification and reduction of bureaucracy.

From a Professional Qualifications Directive all the Competent Authorities are expected to contribute to facilitate the cross-border provision of services by making life easier for professionals. The use of the latest technological tools coupled with the availability of correct and complete information will certainly contribute towards a more dynamic services economy. There is, therefore, a number of implements elements stemming from the Professional Qualifications Directive which need to statutorily feature on the websites/portals of the Competent Authorities in charge of a specific regulated profession.

Essential elements

Complying by the listed requirements is a statutory requirement of the PQD and is also in the direct interest of the Competent Authorities themselves since they contribute to make use of efficient tools whilst doing away with time consuming and obsolete practices, such as paper or downloadable application forms. At the same time, consumers, professionals and business at large can access at ease and exploit the vast potential of the internal Market through the facilitated access for information. Through its structures, the PSC enhances efficiency and facilitates ways of doing business and providing services both for the Competent Authorities and for the end users. Consequently, it is essential to make sure that the following items are fully available on the respective website and correctly linked to the Business First portal.

1. A functioning e-form/Application relevant to the warrant/licence necessary to practice the profession accessible not exclusively by means of e-Id but through other alternative and safe authentication methods easily accessible for non-Maltese nationals.

Each EU citizen seeking the recognition of his/her professional qualification shall be enabled to submit an application for the necessary authorisation scheme being a warrant or a licence online. It is not acceptable to rely on a paper-based process for a plain application. All prospective applicants shall be enabled to fill-in and submit their requests at a distance electronically through a fully functioning e-form. Paper based applications, downloadable PDF or Word Document formats which need to be printed, filled in, scanned and sent online or physically posted shall cease to be. All applications forms shall be fully e-form. Alternatively, there are no obligations about back office processing mechanisms, each Competent Authority can manage and organise such process as it deems fit.

It is equally important that any authentication system attached to the application form provides unlimited access and does not discriminate between Maltese and non-Maltese Nationals. The use of e-ID enables all Maltese nationals and holders of Maltese identification card to access the e-form. However, non-Maltese citizens or residents shall be provided with the means to access the specific service with no distinction or discrimination. Thus, alternative registration/authentication systems shall be put in place to ensure the widest access.

2. A list of regulated education and training with a special structure as the case may be for each regulated profession covered by your authority (Directive 2013/55/EU Article 11)

All the Competent Authorities responsible for a specific regulated profession shall clearly list on their websites/online portals the education requirements and training with a special structure. This shall enable professionals, service providers and businesses to access the necessary information to enable them free access to the necessary education requirements.

3. A list of declaration to be made in advance if the service provider moves to another country (Directive 2013/55/EU Article 7)

Member States may require that, where the service provider first moves from one Member State to another in order to provide services, s/he shall inform the respective Competent Authority in the host Member State in a written declaration to be made in advance including the details of any 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 in that Member State during that year. The service provider may supply the declaration by any means.

For more information please refer to our full guidelines.

4. A list of documentation and formalities required from applicants to access the regulated profession (Directive 2013/55/EU Article 50 (1))

All the Competent Authorities shall clearly provide a clear and exhaustive list of documentation required from applicants to access a specific regulated profession or for the renewal of their licence or warrant. This shall enable service providers including professional to be made aware beforehand of all the necessary documentation to process their requests. Article 50 of the PQD together with Annex VII clearly list the documents which can be requested. No additional documents can be requested beyond the ones contained in Article 50 and Annex VII or else the rights of the service provider will be infringed.

5. A clear description listing timeframes of the procedure for the mutual recognition of professional qualification (Directive 2013/55/EU Article 51)

It is of utmost importance that all the Competent Authorities clearly list the timeframes for the respective procedure for the mutual recognition of professional qualifications on their websites/online portals. This shall enable all applicant to have all the necessary information about relevant timeframes thus provide a degree of certainty.

In line with Art 51 of the PQD, such information by the Competent Authority shall also include acknowledgement of receipt of the application within one month of receipt and inform the applicant of any missing document.

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 Competent Authority in the relevant Member State 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 Chapters I and II of Title. 3 of the PQD. The decision, or failure to reach a decision within the deadline, shall be subject to appeal under national law.

6. Information about any requirements with respect to knowledge of specific language/s (Directive 2013/55/EU Article 53)

It is essential for all the Competent Authorities to provide information on their websites/online portals concerning language requirement or knowledge of a specific language/s. Professionals benefiting from the recognition of professional qualifications shall be made aware of any knowledge of languages necessary for practising the profession in the specific Member State. It is crucial that any language requirements fully abide by the requirements as contained in Article 53 of the PQD¹.

7. Information about any fees to be paid by applicants to competent authorities

It is mandatory for all the Competent Authorities to provide information on their websites/online portals concerning the fee structure pertinent to the particular application for recognition processes or other services. In case there are no fees attached, it is advisable to list that no fees are charged.

8. Information about the method of redress/appeal procedures from decisions of the Competent Authorities under national laws, regulations and administrative provisions

All the Competent Authorities shall clearly provide information about the method of redress/appeal procedures under national law, regulations and any administrative provisions from the decisions taken. It is important for service providers to be fully aware of all remedies and procedures to follow to ensure that their rights are fully safeguarded.
