

## ABBOZZ TA' LIĠI msejjah

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

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

Titolu fil-qosor u bidu fis-sehħ.

1. (1) It-titolu fil-qosor ta' dan Att huwa Att tal-2019 dwar l-Artiġjanat Malti.

(2) Dan l-Att għandu jibda jsehħ f' dik id-data li l-Ministru responsabbli għall-promozzjoni u s-sostenibbiltà tas-settur tal-artiġjanat jista' jappunta b'avviż fil-Gazzetta u jistgħu jigu hekk appuntati dati differenti dwar dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra -

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

"artiġjanat" tfisser arti, ħila jew negozju dikjarati mill-Ministru bħala xi artiġjanat taħt l-artikolu 3 u mhaddma minn xi persuna jew persuni fil-manifattura ta' prodotti tal-artiġjanat maħduma minn artiġjani;

"imprenditur tal-artiġjanat" tfisser persuna li fin-negozju tagħha tkun l-aktar tixtri u tbiegħ prodotti tal-artiġjanat maħduma f'Malta;

"Ministru" tfisser il-Ministru responsabbli għall-promozzjoni tas-settur tal-artiġjanat u s-sostenibbiltà fih;

"prodotti tal-artiġjanat" tinkludi dawk il-prodotti maħduma għal kollox bl-idejn jew bl-

għajnuna ta' għodod tal-idejn jew ukoll mezz mekkaniċi, sakemm il-kontribut dirett bl-idejn tal-artiġjan jibqa' l-komponent l-aktar sostanzjali tal-prodott finali u għall-fini ta' dan l-Att tirreferi għal artiġjanat maħdum f'Malta;

"Registratur" tfisser ir-registratur tal-artiġjanat maħdum f'Malta, artiġjani u imprendituri li jbiegħu dak l-artiġjanat kif stabbilit taħt l-artikolu 4;

"tradizzjonali" tfisser l-użu li jsir sa limitu sinifikanti ta' tagħqida tal-istess materjal jew ta' materjal simili u tekniċi abitwali, għarfien espert, ħiliet u prattiċi li ġew żviluppati u ngħaddew 'il quddiem fil-pajjiż minn nisel għall-ieħor;

"Uffiċċju" tfisser l-Uffiċċju tar-Registratur tal-artiġjanat, Artiġjani u Imprendituri stabbilit taħt l-artikolu 5;

"villagġi tal-artiġjanat" tfisser il-Villagġ tal-Artiġjanat ġewwa Ta' Qali u l-Villagġ tal-Artiġjanat ' ġewwa Ta' Dbiegi u kull villagġ ieħor jew zona oħra li l-Ministru jista' b'regolamenti jordna.

Dikjarazzjoni ta' artiġjanat.

**3.** Il-Ministru jista', wara li jikkonsulta mal-Uffiċċju, b'ordni taħt dan l-Att, jiddikjara lil xi sengħa, ħila jew negozju tissejjaħ artiġjanat għall-finijiet ta' dan l-Att u jista' b'ordni simili jemenda, jirrevoka jew jissostitwixxi ordni li tkun hekk saret.

Twaqqif tal-Uffiċċju tar-Registratur ta l-artiġjanat, Artiġjani u Imprendituri tal-artiġjanat.

**4.** Għandu jitwaqqaf Uffiċċju tar-Registratur tal-Artiġjanat, Artiġjani u Imprendituri tal-artiġjanat li jkun l-entità pubblika mogħtija r-responsabbiltajiet imsemmija fl-artikolu 5 hawn aktar 'l isfel.

Funzjonijiet tal-Uffiċċju.

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

(a) li jzomm reġistru tal-artiġjanat, l-artiġjani u l-imprendituri tal-artiġjanat li jkunu reġistrati hekk kif ikun hemm fil-kriterji li jistgħu jiġu ordnati minn żmien għal żmien:

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Izda meta jinholq dan ir-reġistru, għandu jittiehed kont tal-artiġjani u imprendituri li jkunu ġew reġistrati qabel taħt l-Att dwar il-Kunsill Malti għall-Artiġjanat, u d-deċiżjoni dwar min minnhom għandu jiġi awtomatikament reġistrat, min m'għandux

jibqa' jitqies registrat u min se jintalab japplika mill-ġdid għar-registrazzjon;

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

(b) li jimponi tkeċċijiet u deregistrazzjoni li jistgħu jsiru ta' artiġjani registrati li jiksru dan l-Att;

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

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

(e) li jikkopera mal-Fondażżjoni Artiġjanat Malta filwaqt li jesplora metodi, flimkien mal-Fondażżjoni, kif jittieħdu inizjattivi għal benefiċċju ta' artiġjani lokali;

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

(g) li jirraporta lill-awtoritajiet xierqa, kull kontravvenzjoni possibbli li tingieb għall-attenzjoni tiegħu u jikkumissjona investigazzjonijiet, sorveljanza u spezzjonijiet fir-rigward tal-awtenticità ta' prodotti tal-artiġjanat;

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

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

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

Rapport annwali.

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

Konsultazzjoni regolari mal-artiġjani.

**7.** Ir-Registratur għandu jara li l-artiġjani għandhom jiġu konsultati regolarment dwar

kwistjonijiet settorjali, tematiċi jew ġenerali, direttament jew permezz ta' laqgħat ta' konsultazzjoni, konferenzi u/jew sessjonijiet ta' hidma.

Riżorsi u faċilitajiet.

**8.** Il-Ministru għandu jipprovdi lir-Registratur b'dawk ir-riżorsi u faċilitajiet bħal ma jistgħu fl-opinjoni tiegħu jkunu meħtieġa għall-prestazzjoni xierqa tal-funzjonijiet tiegħu.

Il-Ministru jista' jagħmel Regolamenti.

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

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

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

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

(d) jipprovdi għaċ-ċertifikazzjoni ta' artiġjani registrati li jipproduċu l-prodotti artiġjanali;

(e) b'mod ġenerali jirregola l-attivitajiet ta' artiġjani u imprendituri;

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

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

(h) jistabbilixxi xi żoni bħala spazji fejn jista' jinħadem l-artiġjanat; u

(i) jordna kull haġ'ohra li kif hawn f'dan l-Att għandha tiġi ordnata.

Thassir u riżervi.

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**10.** (1) L-Att dwar il-Kunsill Malti għall-Artiġjanat, hawn iżjed 'il quddiem imsejjaħ "l-Att imħassar", qiegħed jiġi mħassar, u kull riferenza f'kull liġi għall-Att imħassar għandha

tinftiehem bhala riferenza għal dan l-Att.

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

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

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

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

### **Ghanijiet u Raġunijiet**

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

**A BILL**  
**entitled**

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

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

Short title and commencement.

1. (1) The short title of this Act is the Malta Crafts Act, 2019.

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

Definitions.

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

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

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

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

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

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

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

"the Office" means the office of the Registrar of Crafts, Crafts-persons and Crafts Entrepreneurs established under article 5;

"the Registrar" means the registrar of crafts made in Malta, crafts-persons and crafts entrepreneurs selling such crafts established under article 4;

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

Declaration of a craft.

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

Establishment of the Office of the Registrar of Crafts, Craft Persons and Entrepreneurs.

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

Functions of the Office.

**5.** The Office shall have the following functions:

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

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Provided that when creating such register, there shall be consideration of the crafts-persons and entrepreneurs previously registered under the Malta Crafts Council Act and determination as to who of these are to be automatically registered, who shall no longer be deemed as registered and who will be asked to apply again for registration:

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

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

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

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

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

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

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

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

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

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

Annual report.

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

Regular consultation with crafts-persons.

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

Resources and facilities.

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

Minister may make regulations.

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

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

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

(c) establish any qualifications that registered crafts-persons producing craft products are to possess;

(d) provide for the certification of registered crafts-persons producing craft products;

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

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

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

(h) establish areas as areas for the practice for crafts; and

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

Repeal and savings.

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

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

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

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

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

### **Objects and Reasons**

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