

UFFIĊĠJU TAT-TRIBUNAL GĦAL
SERVIZZI FINANZJARJI
ĊENTRU MALTI TA' L-ARBITRAĠĠ
33, TRIQ NOFSINHAR,
VALLETTA VLT 11



OFFICE OF THE FINANCIAL
SERVICES TRIBUNAL
MALTA ARBITRATION CENTRE
33, SOUTH STREET,
VALLETTA VLT 11

Dr Ian Stafrace LL.D. Chairman

Dr. Nicholas Valenzia LL.D Membru

Mr. Joseph Azzopardi FCCA, FIA, CPA, MBA (Warwick) Membru

FST 06/21

Avv. Francesco Trimboli

vs.

MFSA

Today 14th December 2022,

The Tribunal

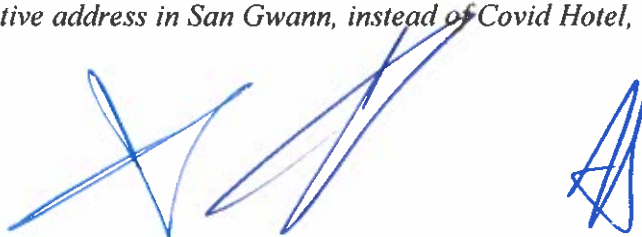
Having seen the appeal application lodged by Dr. Francesco Trimboli on the 16th December 2021 (the Appellant), wherein the Appellant stated:

Respectfully submits

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WHEREAS

- *The applicant Is an Italian citizen who alternates between Malta and Italy;*
- *The applicant had requested, and on the basis of freedom of movement, was given a warrant to provide legal services he has regularly and continuously provided a number of legal services to EU residents according to Law.*
- *Following the introduction of _Company Service Providers (Amendment) Act, 2020 it has become a requirement on all legal professionals to obtain specific authorisation to continue to provide services that were previously provided by the Appellant*
- *Therefore on the 15/05/2021 the Appellant duly filed the Personal Questionnaire (PQ).*
- *Subsequently, on the 14/06/2021, the Appellant submitted the Application to be licensed as a Company Service Provider (CSP); Both of documents were submitted by uploading them on the MFSA portal,*
- *One of the documents needed to complete the PQ was a Police Conduct, which application was submitted via Police Portal on the 21/04/2021 and it was registered with the code: MPF002-119645-21. (Doc. 1)*
- *On the 25/04/2021 the Criminal Records Office (CRO) of the Police, rejected the application because the residence card had expired and was not renewed (Doc.2)*
In order to get the Police Conduct, on the 29/04/2021 the Appellant applied for an Id Card Renewal to the EU-IMA Residence Office (Doc.3) and all the documents were submitted.
- *Given the situation arising from the COVID-19 pandemic, Malta adopted a number of restrictive Covid Regulations including those imposing travel restrictions including Mandatory Quarantine and other restrictions for non-vaccinated persons.*
- *The Appellant is not vaccinated because he suffers from a blood genetical malformation called "Factor V Leiden" which creates certain unknown risks should the applicant be exposed to COVID or the vaccines.*
- *In this sense the Appellant requested a medical exemption from the regulations but it was suggested that possibly he may be able to take Pfizer or Moderna Vaccine instead of Astrazeneca or Johnson one. (Doc.4)*
- *The application for the Exemption was therefore refused and the Health Regulation Office invited the appellant to "work remotely to avoid to travel to Malta" (Sic!) (Doc. 5),*
- *On the 07/Sep/2021 the Appellant has immediately applied to get the authorization to undergo mandatory quarantine at an alternative address in San Gwann, instead of Covid Hotel, despite*



the Appellant would have arrived with a PCR test not older than 72 hours, this request was registered under code TAR-003006. (Doc. 6], which request was rejected on the 09/Oct/2021 on the basis that the applicant's identity card had not been renewed (Doc. 7)

- The Applicant replied to the Health Regulation Office by means of an email on the 10/Oct/2021 (Doc. 8] copying them with the invitation to the EU-IMA Office Residence to renew the ID Card as well as a copy of the registration of his residential lease agreement (See attachment to Doc. 8), however this was definitely refused and the authorisation to undergo the quarantine at an alternative address was denied on the 11/Oct/2021. (Doc. 9)

- In the meantime the EU IMA Residence Office completed the Identity card renewal procedure and on the 22/Oct/2021 he was invited to their office to take the photo and the biometric details to release the new Id Card (Doc12). However despite informing the Health Regulation Office by email on the 04/Oct/2021 (Doc.13), no reply was given and the applicant had to renounce to the appointment to renew the Id Card by email on the 11/Oct/2021 (Doc. 14).

- Later on that the Applicant on the 20/Oct/2021 reported the unfair and unjust behaviour to the Ministry of Health and to the Superintendent of health (Doc.10), by attaching all of the documents that showed that the applicant is regularly resident and working in Malta (Legal Warrant, Tax Return and Tax Payment receipt, Vat Certificate, Residential renew email, and many other documents, including flight booking to return in Malta after holidays]. but no substantial response has arrived, except a mail on the 24/Oct/2021 that seemed to be positive, but unfortunately it was negative once again, because they were still asking for the new ID Card /Residence permit (Doc. 11) ignoring that the Applicant cannot renew the ID Card unless authorised to enter Malta.

- The applicant has informed Maltese Embassy as well as all of the Maltese Consulates in Italy, with the hope they could help him to renew the Id Card / Residence Permit, but once again received no reply.

- The Applicant also tried to contact all of the officers of the Minister of Health, together with Ms Amanda Camilleri at the MFSA (Doc. 15).

- On the 30/Oct/2021 Ms Amanda Camilleri, officer of the MFSA, requested the appellant to provide his Police Conduct certificate, and immediately on the next day, the appellant explained the difficulties he was facing in the particular circumstances to obtain the conduct certificate.

- Despite the above, on the 16/Nov/2021 the appellant was surprised to receive a formal letter from the MFSA informing him that his CSP Application (Doc. 16) was withdrawn, together with an order to inform all the clients to look for another company service provider.

- The appellant was aggrieved by this and replied explaining that the situation was unjust given that the Police Conduct certificate was not issued simply within the timeframe simply because of the difficulties arising from the COVID pandemic. (Doc. 17)

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- Always on the same day the appellant complained to the Commissioner of Police (Doc. 18) who provided the appellant with two options either to apply for Police Conduct as a foreigner or to delegate somebody to withdraw the Police Conduct at their office (Doc. 19).

- Both suggestions were accomplished. However it must be noted that the application for a police conduct certificate as a foreign resident (Doc. 20) was refused because the police considered the appellant to be resident in Malta. So in April the appellant's application for a certificate was refused because he was wrongly considered not resident in Malta, but in November he was considered resident.

- The Appellant also gave a proxy to Dr. Giuseppe Capone (Doc. 21) who has gone to the CRO office and the police conduct certificate was released (Doc. 22) in his hands and immediately submitted to the MFSA (Doc. 22) on the 19/Nov/2021.


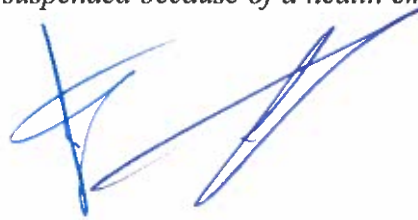
- On receipt by the MFSA the Appellant was invited to a Video Conference to "discuss the way forward" (Doc. 23) and a meeting was held on the 02/Dec/2021. Unfortunately during this meeting and despite being given full overview of the situation the MFSA repeated that given that the Police Conduct was submitted late, the CSP application could not be processed.

- No transcript has been given to the appellant of this meeting and neither has he been given a formal minute of the same meeting, despite numerous requests by the appellant.

- A copy of the police conduct certificate is attached hereto for the better information of this Tribunal (Doc.22).

- The Appellant is aggrieved by the decision of the 16th November 2021 as confirmed (/ or taken) during the meeting of the 2nd December 2021 and is therefore filing his humble appeal therefrom according to law.

- From the above it is clear that the Appellant's grievances are clear and manifest at law and in fact and include the following: (a) firstly the Appellant should not have been penalised for the delay in obtaining one certificate, confirming his good conduct, when the delay was caused through no fault of his own but solely as a result of an emergency situation over which he had no control over, the more so when this certificate has indeed been obtained; (b) secondly and without prejudice to the above the Authority could not and should not have considered the Appellant's application withdrawn but rather had to process the application according to law; (c) thirdly the Appellant has been providing the services in question in terms of his warrant for a number of years without any problems or difficulties and using a simple, administrative delay (caused by a force majeure situation) to deprive a person of the authority given to him in terms of a warrant breaches his acquired rights; (d) fourthly the Appellant is an Italian Citizen resident in Malta who exercises his profession in Malta in terms of his rights to the freedom of movement as well as freedom of establishment under the EU treaty, using an exceptional circumstance in which the freedom to travel freely was suspended because of a health emergency to refuse the



application to recognise the profession already regularly carried out by the Appellant in Malta is in breach of the Appellant's rights under the EU Treaty and the appellant reserves the right to request a reference in this regard. The appellant reserves to make such further submissions and produce such further evidence as this Tribunal may allow.

REQUEST

Now therefore the appellant humbly requests that this Tribunal, saving all such declarations and orders it deems necessary or opportune, orders

- 1) As an interim measure provides that the order to invite Applicant's clients to look for another provider will be suspended until this Tribunal with decide the case.
- 2) Declares that in the particular and exceptional circumstances of this case there were sufficient and valid reasons for the delay in producing the relative police conduct certificate which certificate should therefore have been considered by the Authority;
- 3) That therefore the letter and/or decisions of the 16th November 2021 and/or the 2nd December 2021 are revoked and cancelled such that the Appellant's CSP Application will be regularly processed according to law;
- 4) That therefore orders the Authority to issue the Appellant a CSP Application according to law.

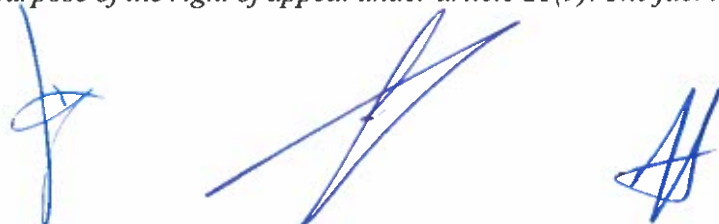
Having seen the reply of the Authority of the 21st January 2022 wherein the Authority stated:

Without prejudice to the merits, the appeal can be disposed of due to procedural issues:

1. *The first request made in the appeal is the application of a provisional measure to "provide that the order to invite Applicant's clients to look for another provider will be suspended until this Tribunal decides its case;"*

This request goes directly against the content of article 21(17) which makes it very clear that except in the case of a revocation of a licence, any decision or directive from which an appeal is made, is not suspended by the filing of an appeal. Thus the request itself is legally unsustainable and should, on this ground only, be rejected. This is being said without prejudice to the following points being raised.

2. *The second request and the third request — go together in that the third request is dependent on the second request. However the second request is a prayer to this Tribunal to find that there were particular and exceptional circumstances, that justified the delay on the part of the appellant to produce the Police Conduct Certificate. With all due respect this is not the purpose of the right of appeal under article 21(9). The fact that*



an application could not be processed since it did not contain all the documents that had to be contained therein, cannot be said to be a decision of the Authority. This is a factual matter as to whether an application had all the elements or not, and hence in this respect there is no right of appeal on the part of the appellant, if the same appellant did not properly complete an application form. However, even if one were to come to the conclusion that a decision was taken by the Authority, then even in that situation, this is the typical case where the proviso to article 21(9) is applicable. There is no doubt that the discretion was exercised properly — in point of fact, appellant is saying that here there are exceptional circumstances in virtue of which the Authority is being asked to depart from the content of the law — something that the Authority is precluded from doing, and so is this Tribunal.

3. *The fourth request is also legally unsustainable. Without prejudice to the aforesaid, even if the above arguments were not to be accepted, at best the decision of this Tribunal would lead to the application being validly filed, and at that stage it will be assessed by the Authority, and not automatically leading to appellant being issued with a licence.*

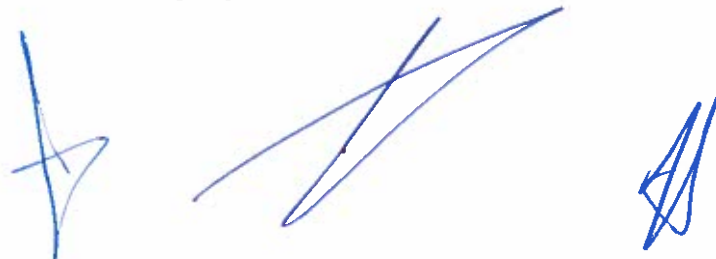
4. *The content of the Appellant's appeal is more a complaint regarding the manner in which Maltese Authorities have handled immigration and health matters and hence the real complaint of the Appellant is more of an administrative nature whereby the appellants seeks an action under article 469A of Chapter 12 against the Health / Immigration Authorities or Commissioner of Police, rather than propose this appeal.*

Merits

5. *The arguments raised by Dr Trimboli., to try and exonerate himself from his default in complying with the applicable legal requirements can never lead to any reversal of the position taken by the Authority not to accept the application of the same applicant in view of the fact that this was not compliant.*

Act L of 2020 amending the Corporate Services Providers Act (hereinafter the CSP Act) , came into force on the 16th March 2021. In terms of the act as amended those corporate service providers who were previously exempted from obtaining authorisation in terms of the CSP Act (namely warrant holders and those operating under the DeMinimis Rule) were required to submit an application to the Authority, during the transitory period, if they wished to continue operating. The applications had to reach the Authority within 2 months, i.e. by the 16th May 2021

It is worth noting that the initial consultation about the changes to the CSP regime started in October 2019, Parliament approved Act L of 2020 in November 2020 and on the 1st December 2020 the MFSA issued the Rule Book for CSP for consultation. Thus the industry was fully aware of the changes that were being introduced. In addition as from the beginning of 2021, the Authority embarked on an extensive outreach programme about the amendments that were

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coming into force. A number of Guidance Papers were issued and published on the MFSA website to provide the necessary information to applicants and facilitate the application process.

Dr Trimboli originally submitted an application on the 14th May 2021. This application submitted was incorrect and he was duly informed on 2nd June 2021, requesting that the correct application should be uploaded through the Licence Holder Portal by the next day. He indicated that he required time to complete this and was allowed till the 7th June 2021 to submit. The application (incomplete) was only submitted on the 14th June 2021 thus missing the deadline, which had already been extended.

As explained in the Authority's letter dated 16th November 2021...

"As noted in Rule R2-5.11 of the CSP Rule Book it is imperative for the Authority to receive a duly completed Personal Questionnaire in order for the Authority to carry out its assessment on whether an applicant is 'fit and proper'. In Section Five of the Personal Questionnaire, applicants are requested to ensure that specific documentation is attached to their PQ and this includes an original Police Conduct Certificate. In the Declarations made in Section Six of the PQ you also confirmed in declaration (c) that you had read and understood the Guidelines to the Personal Questionnaire which also specify that an original Police Conduct Certificate must be submitted with the Personal Questionnaire. while in declaration (1) you certified that the information/documentation provided was complete and correct to the best of your knowledge and belief"

Dr Trimboli was fully aware, or should have been aware, that the Police Conduct Certificate is one of the requirements which had to be submitted with the Personal Questionnaire (PQ) before the 16th May 2021. — the Rule Book for CSPs and the Guidance notes were all published or available on the MFSA website by March 2021.

The Police Conduct Certificate had to be submitted to the MFSA before the 16th May 2021 in terms of the Rule indicated above.

It is worth noting that between March and May 2021, there were no specific requirements that the quarantine had to be done at a hotel. Health Authorities approved the Covid Hotel on the 9th June 2021 (see <https://timesofmalta.com/articles/view/4-star-hotel-approved-for-tourists-quarantine.877832>). Dr Trimboli should have started the process of obtaining the Police conduct in March 2021, if not before. Dr Trimboli could also have tried to come to Malta before it became mandatory to do the quarantine at a Hotel, i.e. before the 9th June 2021. In fact the requirement to undergo the quarantine in a hotel was introduced well after Dr Trimboli had to submit the Police Conduct to the Authority.

The Health Authorities on the 11th September 2021 confirmed to Dr Trimboli that their decision about where he needs to quarantine was final. if Dr Trimboli acted immediately following this final decision by the Health Authorities, he would have had sufficient time to do the mandatory quarantine in the Hotel (as determined by the Health Authorities) before the 16th November 2021

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In terms of the Article 19 (1) (b) of the CSP Act the Authority had to finalise the processing of all the applications received in terms of the transitory provisions before the 16th November 2021 so that a decision is taken in terms of the applicable legislative requirements. With respect to the Application of Dr Trimboli, the Authority was not able to process the application and carry out its assessment before this date due to incomplete documentation.

Article 5(2)(2A)(4) of the Company Service Providers Act, required that the Authority was to notify the applicant of its decision whether to grant or refuse authorisation applied for, within six months from the receipt of a complete application made in accordance with the applicable provisions of the Act and any regulations or rules made thereunder. As Dr Trimboli failed to provide a complete application, this application was considered withdrawn.

The Police Conduct Certificate was only uploaded through the Licence Holder Portal on the 19th November 2021 (<https://finhub.mfisa.madator/Editor?appId=16145&isPQ=True>) after the legal deadline within which the MFSA was required to process the transitory applications and after the deadline as per Article 5(2)(2A)(4).

Naturally Dr Trimboli is not even considering that the Authority requires time to process applications and to conduct the fitness and properness test notwithstanding that this was duly communicated to him.

The Authority was not required to follow up with Dr Trimboli to submit the Police Conduct Certificate. This notwithstanding, an email was sent on the 30th October 2021 to follow up on this document which was still missing more than 5 months after it was due to be submitted. It was Dr Trimboli's obligation to provide the documentation in a timely manner.

During the meeting of the 2nd December 2021 all the above was explained to Dr Trimboli, who had said that he did not want to do the mandatory quarantine in the hotel due to expenses.


The Authority guided Dr Trimboli to the application process required if he wished to apply once again for a CSP Authorisation in terms of Article 3 of the CSP Act. It was also explained that a new application will have to be submitted since the transitory provisions could not be availed of after the 16th November 2021. An email was sent to him with all the details.

IN view of the above, the Authority acted in the most correct manner and no grounds under article 21 (9) of the Act can be found to exist, to justify any change from the position adopted by the Authority.

In the circumstances, the appeal should be rejected with costs.

Having seen all other acts and documents of the proceedings;

Having heard the submissions of the parties following which the appeal was deferred for a decision for the 14th December 2022.

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Considers:

1. The Appellant has a warrant to provide legal services in Malta and further to the enactment of Act L of 2020 amending the Company Services Providers Act ¹ (the Act), the Appellant was required to obtain an authorisation under the said Act to continue offering services regulated under the Act.
2. In accordance with the provisions of sub-article 1A of Article 3 of the Act, a warranted advocate was exempted from the requirement to obtain such an authorisation for a period of 8 months from the date of the coming into force of Act L of 2020.
3. The said Act L of 2020 came into force on the 16th March 2021, and hence the exemption lapsed on the 16th November 2021.
4. In accordance with the provisions of Article 19 of the Act, for a person who provided such services before the 16th March 2021, and who is exempt from the requirement of an authorisation until the 16th November 2021, may continue to offer such services after the 16th November 2021 if he has submitted an authorisation application in accordance with Article 4 of the Act by the 16th May 2021. In either case, the Authority must have issued an authorisation (permanent in the case of Article 19(1)(a) and provisional in the case of Article 19(1)(b)) by the 16th November 2021.
5. The Appellate Authority also issued a Rule Book in March 2021 and carried out an extensive campaign to direct service providers to comply with the new legislative requirements ².
6. The Appellant submitted an application and the Personal Questionnaire (the PQ) on the 15th May 2021. It seems that the application that was submitted was wrong and the Appellant was requested to re-submit the correct application ³. The revised Application was submitted within the extended deadline, i.e. on the 14th June 2021.
7. A requirement of the PQ was the submission of a Police Conduct Certificate. The PQ submitted on the 15th May 2021 did not include the said Police Conduct Certificate even though the Appellant, in the checklist, declared that all the required documentation was included in the PQ ⁴.
8. It is clear that the Appellant was encountering problems in sourcing the Police Conduct Certificate. He made a request to the Police for the said Certificate on the 21st April 2021, which request was rejected because his residency card had expired. The Appellant then started the process of renewing his residency card and could not travel to Malta because of a number of issues related to the Covid19 pandemic and travel restrictions ⁵. When the residency card renewal process was ready on the 22nd October 2021, the Appellant was

¹ Chapter 529 Laws of Malta

² Refer to affidavit of Alison Cortis para. 4

³ Refer to affidavit of Alison Cortis para. 7

⁴ Refer to affidavit of Alison Cortis para. 8

⁵ Refer to Appeal application

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requested to travel to Malta to take a photo and biometric details. The Appellant was trying to request an exemption from the local health authorities in relation to the fact that he could not travel because he was not vaccinated. It seems that this exemption was not issued.

9. On the 30th October 2021 the Authority reminded the Appellant that it was still missing the Police Conduct Certificate and the Appellant immediately replied and explained the logistical problems he was facing to travel to Malta.
10. The Authority noted that it could not extend any assessment beyond the 16th November 2021 since this term was a peremptory term established by law. The Authority was still missing the Police Conduct Certificate and hence could not complete the assessment of the application of the Appellant.
11. On the 16th November 2021 the Authority informed the Appellant that his application was being considered as withdrawn ⁶ (the Decision).
12. In the meantime the Appellant, through exchanges with the Police, managed to source his Police Conduct Certificate on the 19th November 2021 and submitted same to the Authority.
13. A meeting was held between the Appellant and the Authority on the 2nd December 2021 wherein the Appellant was informed to submit an application under the Act (as a new licensee). An email explaining this process was sent on the same day ⁷.
14. The Appellant refused to submit a new application and proceeded to file the Appeal before this Tribunal.

Considerations on the First Ground of Appeal:

15. The Appellant argues that he could not obtain the Police Conduct Certificate because of circumstances that went beyond his control.
16. The Authority argues that it required a Police Conduct Certificate, amongst other documents and information, for it to be in a position to carry out a fit and proper test on the Appellant. It also argues that the difficulties encountered by the Appellant in sourcing this Certificate were not attributable to it and that the Appellant knew well before the 16th March 2021 that this Certificate was a requirement for the application.
17. The Tribunal does understand that the Appellant got caught up in a sequence of events that lead to him not being in a position to obtain a Police Conduct Certificate for nearly 8 months. The Tribunal cannot pronounce itself on the presumed systematic, procedural and bureaucratic failures listed by the Appellant which made it impossible for him to obtain a Police Conduct Certificate, firstly because it does not have the jurisdiction to do so and secondly because it has no proof or evidence in its possession to do so properly.

⁶ Doc AC03

⁷ Doc AC04

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18. However the requirement for the submission of the said Certificate was clear and the Tribunal fails to understand how the Appellant indicated that the said Certificate was part of the documentation submitted to the Authority together with the PQ when this was not the case.
19. The Tribunal cannot fail the Authority for requesting a Police Conduct Certificate as part of a Fit and Proper assessment, and notes that this matter was clearly explained in the information manuals issued by the Authority to guide applicants throughout their application process. The Authority cannot either be criticised for a procedure (the obtaining of a Police Conduct Certificate) in which it is not involved.
- 20. On the basis of the above, the Tribunal is rejecting the First Ground of Appeal.**

The Second Ground of Appeal:

21. The Appellant maintains that the Authority should not have considered his application as withdrawn, but should have continued assessing the application.
22. As already explained the submission of a Police Conduct Certificate was a requirement and the Authority maintains that without such a Certificate it could not process the application.
23. The Tribunal agrees with the Authority in the sense that the submission of a document is an objective requirement which will then lead to a subjective assessment. The Authority could not pass on to the subjective assessment of an application if one of the required documents was missing.
- 24. On the basis of the above, the Tribunal is rejecting the Second Ground of Appeal.**

The Third Ground of Appeal:

25. The Appellant maintains that he has been offering these services in line with the warrant that he had for a number of years and without any issue. He maintains that he should not be deprived of the right to offer such a service simply because of an “administrative delay”.
26. The Tribunal has already expressed its views on the importance of the submission of a complete application which includes all the mandatory documentation.
27. The Tribunal does note that the circumstances that lead to this delay were quite unfortunate. But as already stated, the Tribunal cannot delve into the reason for this delay.
28. The fact remains that an important document required for the application to be considered as complete was missing. The Authority could not ignore this fact and neither could the Authority waive any such requirement. The fact that the Appellant provided the services in question as a warranted professional is not contested. In actual fact the procedure used by the Appellant was specifically designed for such warranted professionals who provided the service in question before the 16th March 2021. Hence the fact that the

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Appellant provided these services prior to the 16th March 2021 could not serve as a justification or a waiver for a requirement.

29. On the basis of the above, the Tribunal is rejecting the Third Ground of Appeal.

The Fourth Ground of Appeal:

30. The Appellant maintains that he is an Italian Citizen living in Malta is being deprived from offering services in an EU country, and this in breach of his rights.

31. The Act in itself cannot be considered as a hinderance to the Appellant offering his services in Malta, since the said Act applies to any person who intends to provide the regulated service in Malta. There is nothing to suggest that any requirements were imposed on the Appellant which were different from any requirements imposed on any other applicant. The difficulties that the Appellant had in travelling to Malta have been noted. Yet, the said difficulties were not a result of any imposition that the Authority imposed on the Appellant. The Authority merely asked for a Police Conduct Certificate in the same manner that it asked for the said Certificate from any other applicant. The Appellant experienced problems in sourcing this Certificate. But as already explained, the Tribunal finds no fault on the part of the Authority.

32. On the basis of the above, the Tribunal is rejecting the Fourth Ground of Appeal.

33. Decision:

On the basis of the above:

1. The First request of the Appellant is for the Tribunal to order the suspension of the order issued by the Authority for clients of the Appellant to seek the services of a licensed Service Provider, and this until the determination of the case. The Tribunal feels that the said request is, at this stage, no longer valid. The Tribunal also notes that the Authority had every right to inform the clients of the Appellant that the Appellant could not offer the Services regulated by the Act.
2. The Second request is likewise being rejected since the delays were not attributable to the Authority and furthermore the term for the said exemption was a peremptory term established by law, which term could not be extended by the Authority.
3. The Third request is likewise being rejected and the Tribunal confirms that the Authority was correct in issuing the Decision of the 16th November 2021 and was likewise correct in the direction it gave to the Appellant in its communication of the 2nd December 2021.
4. For the reasons listed above, and because of the fact that it considers the Decision of the Authority of the 16th November 2021 as correct and valid, the Fourth request of the Appellant is being rejected.

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5. The Tribunal thus upholds the Reply of the Authority to the said appeal in so far as such a reply is in line with what has been decided.

Costs of this appeal are to be borne by the Appellant.



On 26/01/2011



JOSEFA AZZOPARDI