No. 443

MINISTRY OF TOURISM AND PUBLIC CLEANLINESS

Explanatory Notes

1. Introduction

Title of Legal Notice	Tourism and Hospitality Skills Pass Regulations, 2024
Activity to be regulated	Employees who will be working in the tourism and hospitality industry require specific certification as described in the said regulations
Responsible entities	Institute for Tourism Studies shall be responsible for issuing certification

2. Summary and background

The Ministry of Tourism and Public Cleanliness, through the Institute of Tourism Studies, shall be introducing a Skills Pass, which shall be a mandatory quality assessment procedure phased in two (2) stages. Initially it shall be applicable to applicants seeking VISA and, or work permits so that they may work in the hospitality and tourism industry. Eventually this will be extended to also cover European Union and Maltese citizens.

In the hospitality and tourism industry the provision of exceptional quality service delivered by skilled employees is required which goes beyond merely acknowledging and validating the knowledge, skills and attitudes of the workforce. This is the strategic direction in the Malta Tourism Strategy 2021-2030: Recover, Rethink, Revitalise (MFT, 2021).

The Institute of Tourism Studies held numerous meetings with a wide spectrum of stakeholders including hotels, unions, associations, as well as other NGOs and individuals having an interest in the hospitality industry.

A public consultation was also carried out of the document titled "Gateway to Better Quality Employment in the Hospitality and Tourism Industry", which explained the aims and procedures for the issuance of the Skills Pass in detail. Following such public consultation, the legal notice was drafted to reflect the outcome of the consultation process and feedback received from all stakeholders.

The regulations are issued under the Malta Travel and Tourism Services Act (Chapter 409 of the Laws of Malta).

3. Overview of the structure of the instrument

The regulations consist of six (6) regulations as per below, and two (2) Schedules:

Regulation 1: Title, scope and commencement.

Regulation 2: Interpretation.

Regulation 3: Applicability.

Regulation 4: Skills Pass.

Regulation 5: Obligations of tourism and hospitality operators.

Regulation 6: Enforcement.

4. Commentary on Operative Parts of the Amending Regulations

These regulations provide that those persons who work within the tourism and hospitality industry in Malta shall be required to have a Skills Pass. Without such certification, third country nationals (hereinafter 'TCNs') will not be able to apply for the single work permit as this will be one of the required documents by the relevant Government entity in order to issue the permit.

Regulation 3 specifies the dates of applicability of these regulations:

- TCNs who have not yet commenced working within a tourism and hospitality establishment in Malta will need to obtain a Skills Pass within two (2) months from the date of the publication of these regulations.
- From 1st January 2025, these regulations shall be applicable to those persons seeking to renew their work permits.
- From 1st January 2026, these regulations shall be applicable to all other persons working in the hospitality and tourism industry as defined in the said regulations.

Regulation 4 specifies how a Skills Pass can be obtained.

Regulation 5 provides for the obligations of hospitality and tourism operators to ensure that their employees have the necessary Skills Pass and to retain certain documentation as specified in the said regulation.

Regulation 6 provides that any competent authorities and government entities may request to be provided with any relative information and documentation to carry out any necessary checks.

A list of the courses that are to be undertaken by applicants with ITS is provided for the First Schedule.

The Second Schedule provides for a list of persons which are either given a temporary Skills Pass for six (6) consecutive months or a Skills Pass without the need to undergo relative courses and assessments as referred to in the said regulations.

5. Concluding Section

These regulations shall come into force within two (2) months from their date of publication in the Gazette.

28th March, 2024