



THE PROFESSIONAL CENTRE
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K A M R A T A L - P E R I T I

To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community

DIRECTIVE 01/2020

2nd March 2020

RE: Advertising and Marketing of Professional Services

The *Kamra's Directive 01/19* provides a brief background to the issue of advertising of professional services pursuant to the removal of Paragraph 3 of the Code of Professional Conduce in 2010, and to the requirements of Article 24(2) of the Services in the Internal Market Directive (2006/123/EC) which stipulates that:

"Member States shall ensure that commercial communications by the regulated professions comply with professional rules, in conformity with Community law, which relate, in particular, to the independence, dignity and integrity of the profession, as well as to professional secrecy, in a manner consistent with the specific nature of each profession. Professional rules on commercial communications must be non-discriminatory, justified by an overriding reason relating to the public interest and proportionate."

Commercial communication may therefore be subject to compliance with professional rules concerning the independence, dignity and honour of the profession, professional secrecy and fairness towards clients and other members of that profession.

Since a prohibition to advertise a certain professional activity could restrict possibilities for professionals to make themselves known and to promote their services, it would constitute a restriction on the freedom to provide services. Professional rules therefore cannot impose a general and absolute prohibition of any form of advertising. Rather, a balance is to be sought between the objective of protecting the public and the profession itself, often the impetus behind such restrictions, with the rights of professionals to freely provide their services to the public.

All Warrant Holders authorised under the provisions of the Periti Act (Chapter 390 of the Laws of Malta) to provide architectural and engineering services shall abide by this Directive.

General Principles

- 1) Warrant Holders shall not communicate or promote or represent themselves or their professional services in a false or deceptive manner; nor shall they allow others to do so, whether or not acting on their behalf.
- 2) The Council of the *Kamra tal-Periti* will investigate alleged breaches in line with the aforementioned principles, and with the guidelines published concurrently with this Directive.
- 3) Any actions by Warrant Holders which are found to be in breach of this Directive will be considered as conduct which is discreditable to the profession, as provided for in the Periti Act.

Perit Simone Vella Lenicker
President