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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

February 24, 2010

Dr Christopher Ciantar
Permanent Secretary
Ministry for Resources and Rural Affairs

Dear Dr Ciantar

Amendments to the Tariff of Fees (Tariff K)

May I refer to your letter dated 16th February 2010 addressed to all Warrant Holders in response to the letter-circular of the 11th February 2010 issued by the Kamra tal-Periti.

It seems that the meaning of "consultation", as defined in your letter, is widespread in government circles and that it applies equally well between one Ministry and another. It is opportune for me to advise all Warrant Holders that despite your statement that your Ministry was involved in the process of consultations and drafting of the Services (Internal Market) Act 2009 with the Ministry of Finance, the Economy and Investment (MFEI), and despite the agreement between your Ministry and the Kamra as to the exact wording to be incorporated in the Act, this wording was changed at the very last moment when the Act was being discussed in Parliament, through an amendment made by the MFEI without any consultation either with your Ministry or with the Kamra. Indeed, officials of your Ministry were totally unaware of the deletion of clause 14(2) as had been agreed to with the *Kamra* and its replacement with another clause at the last moment prior to the ratification of the Act.

I wish to confirm that, although, the *Kamra* does not expect to have the last word on all matters that in any way concern the profession, it does, however, expect that its voice as the legally established representative of all Warrant Holders be given due weighting. It is my conviction, and this is shared by all members on Council, that despite a legal obligation to consult with the *Kamra tal-Periti* on all matters concerning the profession, government has completely ignored its commitment to the *Kamra* in this instance, without even informing it of its decision, to allow the *Kamra* to immediately and properly inform its members of the ramifications involved.

This suggests an attitude to the workings of civil society that is at best uncivil, if not downright autocratic. It underscores a belittling of those professions that are more wont to proceed in a civil, professional manner and less likely to scream, throw tantrums or raise controversy.

Whilst respectfully pointing out that your statements as to what was agreed to during the numerous meetings held with MRRA seem to differ somewhat from the positions actually reached during the said meetings, it is useless at this juncture to state what the positions of your Ministry and those of the Kamra were regarding the Tariff of Fees as the scene has now been set by the Services (Internal Market) Act 2009. The agreement regarding the introduction of the

revised Tariff of Fees, whether it should be a fixed 6%, or a flexible tariff of between 4% and 6%, the consensus that there should be a transition period of three years as recommended by the Kamra, or of two years as originally proposed by the Ministry have all been made irrelevant, as the revised Tariff of Fees as approved by the Kamra's EGM is still not in force and the liberalization of fees was introduced without any transition period being put in place, as the provisions of the Act came into force on the very day of the Act's publication on the 29th December 2009 and this "notwithstanding, numerous meetings, discussions, proposals and counter proposals" to use your own words.

Notwithstanding the above, I wish to point out that the position of the MRRA as stated in your letter regarding the scale of fees is merely a reflection of its original proposal as during the discussion stage it was definitely agreed that the Tariff of Fees as revised and agreed to at the EGM of the Kamra was to be retained without any change.

The situation now is that there is neither a fixed or flexible fee, nor a minimum or maximum one, nor a transition period.

As regards the alleged infringement of EU laws, it is opportune to recapture here that the Kamra had on various occasions during the discussion stage drawn your attention to the fact that the architectural profession in Germany was regulated by a fixed Tariff of Fees and that the government of Germany was in consultation with the EU Commission in order to retain such a tariff and that it had succeeded in retaining such a fixed tariff, albeit for a further period of five years.

It would have been appreciated if through your letter you would have informed Warrant Holders that a meeting between your Ministry and KTP, which meeting will be presided over by the Hon George Pullicino, has been set for Tuesday, 2nd March 2010 and that this was instigated by the undersigned in agreement with the Minister in the hope of reaching a decision on the many issues involved. KTP feels that this is the only way that such prolonged discussions that the KTP has had with your Ministry officials will hopefully come to an end for the benefit of all including the public at large who make use of the services provided by periti.

Yours sincerely



Vincent Cassar
President

cc All Warrant Holders