EMPLOYMENT (EEA CERTIFICATES OF EXPERIENCE) ACT

Principal Act

<table>
<thead>
<tr>
<th>Act. No. 1998-03</th>
<th>Commencement</th>
<th>Assent</th>
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<td>26.1.1998</td>
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<table>
<thead>
<tr>
<th>Amending enactments</th>
<th>Relevant current provisions</th>
<th>Commencement date</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
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**EU Legislation/International Agreements involved:**

Directives 63/607/EEC
Directive 64/222/EEC
Directive 64/223/EEC
Directive 64/224/EEC
Directive 64/427/EEC
Directive 64/428/EEC
Directive 64/429/EEC
Directive 65/264/EEC
Directive 66/162/EEC
Directive 67/43/EEC
Directive 68/363/EEC
Directive 68/364/EEC
Directive 68/365/EEC
Directive 68/366/EEC
Directive 68/367/EEC
Directive 68/369/EEC
Directive 69/82/EEC
Directive 70/451/EEC
Directive 70/522/EEC
Directive 70/523/EEC
Directive 74/556/EEC
Directive 74/557/EEC
Directive 75/369/EEC
Directive 82/470/EEC
Directive 82/489/EEC.

**English sources:**

None
Employment (EEA Certificates of Experience)
EMPLOYMENT (EEA CERTIFICATES OF EXPERIENCE) ACT 1997.

ARRANGEMENT OF SECTIONS.

Section
1. Title and commencement.
2. Interpretation.
3. Certificates of experience.
4. Fees.
5. Offences.

SCHEDULE 1.
Listed professions to which directives apply.

SCHEDULE 2.
Form of certificate of experience.

Title and commencement.

1. This Act may be cited as the Employment (EEA Certificates of Experience) Act, 1997 and shall come into force 21 days after the Governor’s Assent.

Interpretation.

2. In this Act–

“EEA State” means a State which is a contracting party to the Agreement of the European Economic Area signed at Oporto on 2nd May, 1992 as adjusted by the Protocol signed at Brussels on 17th March, 1993;

“listed profession” means a profession in respect of which a Directive listed in Schedule 1 applies;

“the Minister” means the Minister charged under the constitution with responsibility for employment;

“qualifying person” is a person who–

(a) before making an application under this Act pursued a listed profession in Gibraltar for the requisite number of years under the relevant Directive;

(b) is a person who has a right under Community law to seek work or to establish himself in an EEA State; and

(c) intends to exercise either of those rights;

“relevant Directive” means that Directive which refers to the listed profession to which the qualified person’s application relates.
Certificates of experience.

3. (1) A qualifying person may apply to the Minister for a certificate of experience.

   (2) A qualifying person who applies under subsection (1) shall furnish such information about his professional experience as shall be required by the Minister under the relevant Directive for the purpose of issuing the certificate.

   (3) The Minister shall on his approval of such application issue a qualifying person a certificate of experience.

   (4) A certificate of experience shall be in the form set out in Schedule 2.

Fees.

4. The Minister may charge such fees as may be prescribed for the issue of certificates of experience.

Offences.

5. A person who makes a false declaration in his application for a certificate of experience shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.
LISTED PROFESSIONS TO WHICH DIRECTIVES APPLY


4. 64/224/EEC: Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries.


9. 66/162/EEC: Council Directive of 28 February 1966 concerning the attainment of freedom of establishment and freedom to provide services in
respect of activities of self-employed persons engaging in the provision of electricity, gas, water and sanitary services.


(a) Matters of “real estate” (excluding 640) (ISIC Group ex 640).

(b) The provision of certain business services not elsewhere classified (ISIC Group 839).


15. 68/367/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85)—

(a) Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852).

(b) Hotels, rooming houses, camps and other lodging places (ISIC Group 853).


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(prospecting and drilling) for petroleum and natural gas (ISIC ex Major Group 13).


23. 75/369/EEC: Council Directive of 16 June 1975 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of itinerant activities and, in particular, transitional measures in respect of those activities.

24. 82/470/EEC: Council Directive of 29 June 1982 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720).

### FORM OF CERTIFICATE OF EXPERIENCE

<table>
<thead>
<tr>
<th>Department of Employment</th>
<th>Certificate No.</th>
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<tbody>
<tr>
<td>Certificate of Experience</td>
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(With reference to the Directives adopted by the Council of the European Community in the field of freedom of establishment and freedom to provide services in respect of activities of self-employed and employed persons in industry, small craft industries, commerce and the services sector)

**It is certified that**

Surname (Mr/Mrs/Ms/Miss)

Forenames _____________________________

Date of birth ____________________________

Place of birth ___________________________

Nationality _____________________________

Permanent address ________________________________

______________________________________

______________________________________

______________________________________

has produced evidence that he/she has worked in an independent capacity as a _________________ for _______ years and _______ months as detailed below, and therefore satisfies the conditions laid down in Council Directive _________.

<table>
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<th>years</th>
<th>months</th>
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This certificate is only valid for the purposes for which it is issued

This certificate may be submitted in support of an application to the competent authorities of an EEA State for any authorisation required under the law of that country (as host country) to pursue the activities of self-employed and employed persons covered by the EEC Directives. It provides evidence to the authorities concerned of the training received and/or the activities pursued.

Date ______________________
Signature ___________________
Name _______________________

Minister for Employment