

Public Authority	COMMERCE DEPARTMENT
Description of the Department's structure	<p>The Commerce Department is headed by Director General Commerce and comprises two directorates namely the Industrial Property Registrations Directorate and the Trade Services Directorate. The Information and Public Relations Unit and the Small Businesses and Crafts Unit also form part of the Commerce Department. These Directorates and Units are assisted by Support Services, Secretariat, Registry and Reception services.</p>
Description of Directorate/Units functions and responsibilities	<p><u>Industrial Property Registrations Directorate</u></p> <p>Responsible for the registration of trademarks, certification marks, collective marks and designs; patenting of inventions; issuing of supplementary protection certificates in respect of medicinals and plant protection products; Recording of transfers, cancellations, amendments and renewals regarding trademarks, patents and designs; providing support to the Copyright Board; and Coordinating the drafting of legislation relating to intellectual property; Providing input on related EU directives and regulations as well as international treaties; Participating in international and EU meetings as required.</p> <p><u>Trade Services Directorate</u></p> <p>Responsible for the issuing of Trade Licences in respect of Street Hawkers; Market Hawkers; Auctioneers; Car Boot Sales; Door-to-Door Sales; Marketing Agents; and Commercial Fairs & Exhibitions.</p> <p>Within the same directorate there also is the Import/Export Unit responsible for the issuing of trade related licences.</p>

Licences concerning imports can be of two kinds. Import Licences for goods listed in Schedules I and II of the Import Control Regulation SL117.14. Other licences known as Surveillance Documents are used for imports into the European Union of aluminium or iron and steel products by importers established in Malta.

Export licences can be fall under three categories. Those arising entirely from local legislation S.L.117.02, and there are also S.L.365.12 and S.L.365.13 which deal with dual-use items and military equipment export and transshipment.

The Unit also endorses what is known as 'Costings applications' which concern clearances of pharmaceutical products transiting Malta for onward forwarding to other countries.

The Unit has recently been appointed as Competent Authority on Conflict Minerals.

Small Businesses and Crafts Unit

This Unit organises activities related to crafts (such as fairs, exhibitions, competitions etc.). It is also responsible for the organisation of the National Enterprise Support Awards (NESA) and the Malta SOLVIT Centre and National IMI Coordinator for Malta.

Information and Public Relations Unit

The main responsibilities of this Unit are to assist in the management and the implementation of activities relating to the promotion of the initiatives and measures being undertaken by the Commerce Department. The Unit coordinates the promotion activities and the events of the Department in such a way as to ensure the synergy and complementarity in the various initiatives taken throughout the year by the department. Assistance in the formulation and implementation of office policy, work practices and information technology systems to support the operations of the Commerce

	<p>Department. The Unit also carries out the necessary market research and draws up as required the tender documents for any promotional activities to be carried out. Monitoring the developments, both locally and at EU level for the better promotion of the department and the implementation of such promotional and communication activities.</p> <p>Within same Unit falls the general registry and reception area of the Commerce Department.</p> <p><u>Secretariat</u></p> <p>This section assists in the running of the Director General's Office. This involves the setting up of meetings, taking minutes when necessary and following up on issues as indicated by the Director General.</p> <p><u>Support Services</u></p> <p>Falling within the DG Directorate, Support Services is responsible to monitor daily attendances and absences from work. In addition, it liaises continuously with the Procurement Department at the office of the Permanent Secretary in order to be able to supply staff with its requirements. This Unit also handles the general day to day administration and facilities such as security, maintenance and transportation to meet the general requirements of the Department.</p>
<p>General description of the categories of documents the department/directorate/entity holds (including exempt documents)</p>	<p><u>Industrial Property Registrations Directorate</u></p> <p>Application and registration documents related to Trademarks, Patents and Designs.</p> <p><u>Trade Services Directorate</u></p> <p>General correspondence files with all Licensees and application forms and containing</p>

the application form proper, correspondence exchanged with the applicants, and proof of payment.

The Import and Exports Unit holds records on all applications for dual-use and military licences issued in the past.

With regards to records on import and export licences emanating out of Regulations SL117.02 and SL117.14 only the records of the last 3 years are retained. Records of all Costings applications are also retained.

Small Businesses and Crafts Unit

Information about Crafts Persons registered with the Malta Crafts Council; information about participants in competitions such as the Premju Ġieħ l-Artiġjanat Malti and NESAs; SOLVIT Cases and information about Public Officers registered in IMI.

Information and Public Relations Unit

The Commerce Registry mainly holds the Trade Directorate's files plus the General Files. As for the I&PR Unit per se, contact details of service providers are kept.

Secretariat

The Secretariat Office keeps, depending on the exigencies, files relating to the running of the Commerce Department. These files relate mainly to legislation, EU proposals and ongoing projects.

Support Services

Support Services issues attendance sheets and handles sick certificates in addition to

	<p>other formalities related to absences, namely the GP51 and GP70. When required by employees, this Unit also provides the GP47, comprising details in connection with the whole career of the individual in question. Support Services sends the GP53 to OPM, in line with the employment returns.</p>
<p>Description of all manuals and similar types of documents which contain policies, principles, rules or guidelines in accordance with which decisions or recommendations are made in respect of members of the public (including bodies corporate and employees of the public authority in their personal capacity)</p>	<p><u>Industrial Property Registrations Directorate</u></p> <p>The PSMC is used as the guiding document on which decisions or recommendations are made as applicable. National IP legislation namely the Copyright Act (Cap 415), the Trademarks Act (Cap 416) and the Patents and Designs Act (Cap 417), is also referred to accordingly, to take decisions or make recommendations in relation to trademark, patent and design applications and enquiries and in relation to requests for guidance in the area of copyright.</p> <p><u>Trade Services Directorate</u></p> <p>The staff are guided by the provisions that are listed in the Trade Licensing Act and the Subsidiary Regulation 441,07 Trade Licensing Regulations.</p> <p>There are various internal manuals which guide the Imports and Exports Units operations.</p> <p>On imports and exports arising out of local regulations there is a manual listing the licensable items and details as to which authority is required to endorse the application and other notes. Part of this manual is released to the public online.</p> <p>There is a file with approved signatories and specimen signatures organised by entity. The Unit also holds a repository of emails containing decisions on specific HS codes (product groups) which guide processing decisions.</p>

Specific guidelines on the processing of import and export licences of petroleum products in view of the specific permutations related to this product.

Guidelines on processing of surveillance applications were drafted for staff but are mostly published to public on our website.

With regards to dual-use and military licences there are different schemas which guide compulsory information and supporting documentation requests, Guidelines on processing of surveillance applications were drafted for staff but are mostly published to public on our website.

The licences that are granted by the Department are published on the departmental website and includes basic licence details i.e. licence number, licence holder, type and date of issue.

Given the sensitivity of the matter no information is provided by the Imports and Exports Unit, other than the basic numerical data for internal consumption.

Small Businesses and Crafts Unit

No specific manuals apart from the government related manuals such as the PSMC.

Information and Public Relations Unit

For the promotion of activities, the Unit is guided by the Financial Regulations.

Secretariat

Part of the Secretariat Office deals with EU related affairs. This involves preparing

	<p>Malta positions which would be subsequently used in the European Council's Working parties or Council of Ministers.</p> <p><u>Support Services</u></p> <p>The Unit is guided by the regulations established in the PSMC to handle daily and occasional issues, only related to the internal complement of the employees.</p>
<p>Statement of the information that needs to be available to members of the public who wish to obtain access to official documents from the public authority, which statement shall include particulars of the officer or officers to whom requests for such access should be sent.</p>	<p>The FOI officer/s of the Commerce Department may be contacted by e-mail foi.commerce@gov.mt or by telephone 21226688.</p> <p>FOI Requests may be submitted by e-mail to foi.commerce@gov.mt, through the FOI Portal www.foi.gov.mt via the e-ID or through the online form.</p>
<p>Details of Internal Complaints Procedure</p>	<p>An applicant whose request for information is refused or who is otherwise not satisfied with the information provided, its format or the extension of the deadline for the submission of the requested information, may address a complaint to the Director General Commerce. This may be done by submitting an e-mail to foi.commerce@gov.mt, through the FOI portal www.foi.gov.mt via the e-ID or through the online form.</p> <p>Director General Commerce shall reply to the applicant within 10 working days from the receipt of the complaint. The applicant shall also be informed that s/he may appeal the decision or otherwise address a complaint to the Information and Data Protection Commissioner in accordance with the Freedom of Information Act (Cap. 496 of the Laws of Malta).</p>

	<p>Director General Commerce shall inform the applicant of the decision taken with respect to his or her complaint, and in the event of confirmation of a decision not to release the pertinent information, shall explain the reasons thereof. Whenever the applicant's complaint is related to the format of the information provided or to an extension of the deadline for the submission of information by the Ministry, and the original decision is upheld, the applicant shall be given an explanation as to why his or her complaint cannot be positively addressed.</p> <p>An applicant may also make use of the Internal Complaints Procedure to report failure to meet deadlines or to send notifications. In those cases where the request for information can be met, but has not been met within the deadlines specified by the Act the officer responsible shall waive any applicable fees for the submission of information.</p>
Other Information	<p>Working hours: October 1 to June 15: 7:45 – 12.30, 13:15 – 17:15 June 16 to September 30: 7:30 – 13:15</p> <p>Emails received on weekends/public holidays will be replied to on the next working day.</p> <p>Payments can be made in cash at the address indicated below or by cheque payable to Director General Commerce.</p>
Public Authority Contact Details	<p>Commerce Department Lascaris Bastions, Daħlet Ġnien is-Sultan, Valletta VLT 1933</p> <p>Tel : 21 226688 Email : commerce@gov.mt</p>

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