

## Nru. 249

9. 10. 90

### MALTA

#### KAMRA TAD-DEPUTATI

#### HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru f'isem l-Onor. Guido De Marco, M.P., Viċi Prim Ministru u Ministru ta' l-Affarijiet Barranin u Gustizzja, u moqri ghall-Ewwel darba fis-Seduta tat-8 ta' Ottubru, 1990.

ATT biex jipprovdi ghar-ratifika tal-Ftehim bejn il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej dwar it-Twaqqif tad-Delegazzjoni tal-Komunitajiet Ewropej u l-Privileggi u Immunitajiet tad-Delegazzjoni f'Malta, u biex jipprovdi dwar dak kollu li ghandu x'jaqsam ma' dan.

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, on behalf of the Hon. Guido de Marco, M.P., Deputy Prime Minister and Minister of Foreign Affairs and Justice, and read the First time at the Sitting of the 8th October, 1990.

AN ACT to make provision for the ratification of the Agreement between the Government of Malta and the Commission of the European Communities on the Establishment and the Privileges and Immunities of the Delegation of the European Communities in Malta, and to make provisions consequential thereto.

P. MUSCAT TERRIBILE  
*Skrivan tal-Kamra tad-Deputati*

P. MUSCAT TERRIBILE  
*Clerk to the House of Representatives*

**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT biex jipprovdi għar-ratifika tal-Ftehim bejn il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej dwar it-Twaqqif tad-Delegazzjoni tal-Komunitajiet Ewropej u l-Privileġġi u Immunitajiet tad-Delegazzjoni f' Malta, u biex jipprovdi dwar dak kollu li għandu x'jaqsam ma' dan.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1990 dwar it-Twaqqif ta' Delegazzjoni tal-Komunitajiet Ewropej. Titolu fil-qosor.

2. F'dan l-Att u fl-Iskeda li tinsab miegħu, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'ohra: Tifsir.

“territorji ta' Malta” għandha l-istess tifsir kif mogħti lilha bis-subartikolu (2) ta' l-artikolu 1 tal-Kostituzzjoni;

“Malta” għandha l-istess tifsir kif mogħti lilha fl-artikolu 124 tal-Kostituzzjoni; u

“il-Komunitajiet Ewropej” tfisser il-Komunità Ewropeja dwar il-Faham u l-Azzar, il-Komunità Ekonomika Ewropeja, u l-Komunità Ewropeja dwar l-Energija Atomika.

3. Il-Gvern huwa b'dan awtorizzat li jirratifika l-Ftehim bejn il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej magħmul fit-28 ta' Ġunju, 1990 u liema Ftehim jinsab riprodott fl-Iskeda li tinsab ma' dan l-Att.

Ratifika  
tal-Ftehim.

Il-Ftehim ikollu  
sahha ta' ligi  
ta' Malta.

Kap. 191

4. (1) Mad-dhul fis-sehh tal-Ftehim bejn il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej, dak il-Ftehim, kif jinsab riprodott fl-Iskeda li tinsab ma' dan l-Att, ghandu jaghmel parti u jkollu sahha bhala parti mil-ligijiet ta' Malta, u minghajr preġudizzju għall-generalità ta' dak imsemmi qabel, l-Att dwar l-Immunitajiet u l-Privileġġi Diplomatici ghandu jiftiehem u jiġi nterpretat skond dak il-Ftehim.

(2) Il-Ministru responsabbli għall-Affarijiet Barranin ghandu b'avviż fil-Gazzetta jistabbilixxi d-data minn meta d-dispożizzjonijiet tal-imsemmi Ftehim ikunu bdew isehhu.

(3) Minghajr preġudizzju għas-subartikolu (1) ta' dan l-artikolu d-dispożizzjonijiet ta' l-artikoli 8, 9, 10, 11 u 12 ta' l-Att dwar l-Immunitajiet u l-Privileġġi Diplomatici għandhom japplikaw għall-immunitajiet u għall-privileġġi mogħtija bis-sahha ta' dan l-Att daqslikieku dawk l-immunitajiet u privileġġi ingħataw bis-sahha ta' l-Att dwar l-Immunitajiet u l-Privileġġi Diplomatici.

## SKEDA

(Artikoli 3 u 4)

### **Ftehim bejn il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej dwar it-Twaqqif tad-Delegazzjoni tal-Komunitajiet Ewropej u l-Privileġġi u Immunitajiet tad-Delegazzjoni f'Malta**

Il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej, filwaqt li jixtiequ li jkomplu jsahhu u jizviluppaw ir-rapporti ta' hbiberija u ko-operazzjoni bejn Malta u l-Komunitajiet Ewropej, filwaqt li jixtiequ jistipulaw kondizzjonijiet dwar it-twaqqif fit-territorji ta' Malta ta' Delegazzjoni tal-Kummissjoni u dwar il-privileġġi u immunitajiet ta' dik id-Delegazzjoni, qablu kif ġej:

#### **Artiklu 1**

Il-Gvern ta' Malta b'dan jaqbel li titwaqqaf Delegazzjoni tal-Kummissjoni fit-territorji ta' Malta.

#### **Artiklu 2**

1. Kull waħda mill-Komunitajiet Ewropej — il-Komunità Ewropeja dwar il-Faħam u l-Azzar, il-Komunità Ekonomika Ewropeja, u l-Komunità Ewropeja dwar l-Energija Atomika — ghandu jkollha personalità ġuridika fit-territorji ta' Malta.

2. Il-Komunitajiet għandu jkollhom il-kapaċità li jagħmlu kuntratti, li jakkwistaw u jiddisponu minn proprjetà immobbli u mobbli kif ikun meħtieġ għall-aħjar twettiq tad-dmirijiet tagħhom u li jmxxu proċedimenti legali u għal dak il-għan għandhom ikunu rappreżentati mill-Kummissjoni, li għandha l-obbligu, madankollu, li twettaq il-ħtiġijiet proċedurali u amministrattivi meħtieġa mil-ligijiet ta' Malta fit-twettiq tal-fakoltajiet imsemmija qabel.

### Artiklu 3

1. Id-Delegazzjoni tal-Kummissjoni, il-kap u l-membri tagħha, kif ukoll il-membri tal-familji tagħhom li rispettivament joqogħdu f'dar waħda flimkien magħhom, għandu jkollhom, fit-territorji ta' Malta, dawk id-drittijiet u privileġġi u immunitajiet u jkunu soġġetti għal dawk l-obbligazzjonijiet li jkunu jaqblu ma' dawk stipulati fil-Konvenzjoni ta' Vienna tat-18 ta' April, 1961 dwar Relazzjonijiet Diplomatici u li rispettivament jingħataw lil, u jintlaqgħu minn Missjonijiet Diplomatici akkreditati għal Malta, il-kapijiet u membri ta' dawk il-Missjonijiet, kif ukoll il-membri tal-familji tagħhom li rispettivament joqogħdu f'dar waħda flimkien magħhom.

2. Id-dispożizzjonijiet l-oħrajn tal-Konvenzjoni ta' Vienna tat-18 ta' April, 1961, dwar Relazzjonijiet Diplomatici għandhom japplikaw *mutatis mutandis*.

3. Dawk id-drittijiet u privileġġi u immunitajiet għandhom jingħataw bil-kondizzjoni li, b'mod konformi mad-dispożizzjonijiet ta' l-artiklu 17 tal-Protokoll dwar il-privileġġi u immunitajiet tal-Komunitajiet Ewropej li tinsab annessa mat-Trattat li jstabilixxi Kunsill uniku u Kummissjoni unika tal-Komunitajiet Ewropej magħmula fi Brussels fit-8 ta' April, 1965, l-Istati Membri tal-Komunitajiet Ewropej jagħtu l-istess drittijiet u privileġġi u immunitajiet lill-Missjoni ta' Malta, lill-kap tagħha u lill-membri tagħha, kif ukoll lill-membri tal-familji tagħhom li rispettivament joqogħdu f'dar waħda flimkien magħhom.

### Artiklu 4

Il-Gvern ta' Malta jirrikonoxxi l-*laissez-passer* mahruġ mill-Komunitajiet Ewropej lill-uffiċjali u impjegati oħrajn tal-istituzzjonijiet tagħha bhala dokumenti tal-ivvjaġġar validi.

### Artiklu 5

Kull tilwima dwar it-tifsir jew l-applikazzjoni ta' dan il-Ftehim għandha tiġi solvuta wara li ż-żewġ partijiet jikkonsultaw lil xulxin bil-għan li jaslu f'konċiljazzjoni.

### Artiklu 6

Kull Parti Kontraenti ghandha tavza lill-Parti l-ohra bit-twettiq tal-proċeduri rispettivi meħtieġa għall-approvazzjoni ta' dan il-Ftehim li ghandu jidhol fis-seħħ fid-data meta jiġi riċevut it-tieni avviż.

B'xiehda ta' dan is-sottoskritti, li huma debitament awtorizzati li jagħmlu dan, iffirmaw dan il-Ftehim.

Magħmul fi Brussels fit-28 ta' Ġunju, 1990 bid-duplikat bil-lingwa Ingliża, iż-żewġ testi huma awtentiċi indaqs.

JOSEPH LICARI  
*Għall-Gvern ta' Malta*

ABEL MATUTES JUAN  
*Għall-Kummissjoni  
tal-Komunitajiet Ewropej*

---

### Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa sabiex jawtorizza r-ratifika tal-Ftehim bejn il-Gvern ta' Malta u l-Kummissjoni tal-Komunitajiet Ewropej dwar it-Twaqqif tad-Delegazzjoni tal-Komunitajiet Ewropej u l-Privileġġi u Immunitajiet tad-Delegazzjoni f'Malta, u biex jagħti seħħ lil dan il-Ftehim billi jagħmlu parti mil-ligijiet ta' Malta.



**A BILL**  
**entitled**

*AN ACT to make provision for the ratification of the Agreement between the Government of Malta and the Commission of the European Communities on the Establishment and the Privileges and Immunities of the Delegation of the European Communities in Malta, and to make provisions consequential thereto.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the European Communities (Establishment of Delegation) Act, 1990. Short title.
  
2. In this Act and in the Schedule thereto, unless the context otherwise requires: Interpretation.
  - “territories of Malta” has the same meaning as is assigned to it in subsection (2) of section 1 of the Constitution;
  - “Malta” has the same meaning as is assigned to it in section 124 of the Constitution; and
  - “the European Communities” means the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community.
  
3. The Government is hereby authorised to ratify the Agreement between the Government of Malta and the Commission of the European Communities entered into on the 28th of June, 1990, which Agreement is contained in the Schedule in this Act. Ratification of Agreement.
  
4. (1) Upon the coming into force of the Agreement between the Government of Malta and the Commission of the European Agreement to be enforceable as law of Malta.

Communities and that Agreement, as contained in the Schedule to this Act, shall form part and be enforceable as part of the laws of Malta, and without prejudice to the generality of the foregoing, the Diplomatic Immunities and Privileges Act shall be construed and interpreted accordingly.

(2) The Minister responsible for Foreign Affairs shall by notice in the Gazette establish the date on which the provisions of the said Agreement shall have come into force.

(3) Without prejudice to subsection (1) of this section the provisions of sections 8, 9, 10, 11 and 12 of the Diplomatic Immunities and Privileges Act shall apply to the immunities and privileges granted under this Act as if such immunities and privileges were granted under the said Diplomatic Immunities and Privileges Act.

## SCHEDULE

(Sections 3 and 4)

### **Agreement between the Government of Malta and the Commission of the European Communities on the Establishment and the Privileges and Immunities of the Delegation of the European Communities in Malta**

The Government of Malta and the Commission of the European Communities, desirous of further strengthening and developing the friendly relations and cooperation between Malta and the European Communities, wishing to lay down terms concerning the establishment on the territories of Malta of a Delegation of the Commission and concerning the privileges and immunities of that Delegation, have agreed as follows:

#### **Article 1**

The Government of Malta hereby agrees to the establishment on the territories of Malta of a Delegation of the Commission.

#### **Article 2**

1. The European Communities — the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community — shall each have legal personality on the territories of Malta.

2. The Communities shall have the capacity to conclude contracts, to acquire and dispose of immovable and movable property as necessary for the effective fulfilment of their duties and to conduct legal proceedings and shall be represented for that purpose by the Commission, which shall, however, be obliged to fulfill the procedural and administrative requirements imposed by Maltese law in the execution of the above faculties.

### Article 3

1. The Delegation of the Commission, its head and its members, as well as the members of their families forming part of their respective households, shall, on the territories of Malta, enjoy such rights and privileges and immunities and be subject to such obligations as correspond to those laid down in the Vienna Convention of 18 April 1961 on Diplomatic Relations and respectively accorded to and assumed by Diplomatic Missions accredited to Malta, the heads and members of those Missions as well as the members of their families forming part of their respective households.

2. The other provisions of the Vienna Convention of 18 April 1961 on Diplomatic Relations shall be applicable *mutatis mutandis*.

3. Those rights and privileges and immunities shall be accorded on condition that, in conformity with the provisions of article 17 of the Protocol on the privileges and immunities of the European Communities annexed to the Treaty establishing a single Council and a single Commission of the European Communities done at Brussels on 8 April 1965, the Member States of the European Communities accord the same rights and privileges and immunities to the Mission of Malta, to its head and to its members, as well as to the members of their families forming part of their respective households.

### Article 4

The Government of Malta recognizes the *laissez-passer* issued by the European Communities to officials and other servants of its institutions as valid travel documents.

### Article 5

Any dispute concerning the interpretation or application of this Agreement shall be settled by consultation between the two parties with the aim of arriving at a conciliation.

### Article 6

Each Contracting Party will notify the other of the completion of the respective procedures necessary for the approval of the present Agreement, which will enter into force on the date of reception of the second notification.

In witness whereof the undersigned, duly authorised to this effect, have signed this Agreement.

Done at Brussels on the 28th of June, 1990, in duplicate in the English language, both texts being equally authentic.

JOSEPH LICARI  
*For the Government of Malta*

ABEL MATUTES JUAN  
*For the Commission of  
the European Communities*

---

### Objects and Reasons

The Object of the Bill is to authorise the ratification of the Agreement between the Government of Malta and the Commission of the European Communities on the Establishment and the Privileges and Immunities of the Delegation of the European Communities in Malta, and to give effect thereto as part of the laws of Malta.