

## **Nru. 4**

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6. 6. 2003

### **MALTA**

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**KAMRA TAD-DEPUTATI**

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**HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tas-26 ta' Mejju, 2003.

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, and read the First time at the Sitting of the 26th May, 2003.

**ATT biex jipprovdi dwar l-adezzjoni ta' Malta ma' l-Unjoni Ewropea u sabiex jagħmel provvedimenti konsegwenti u anċillari għall-istess.**

**AN ACT to provide for Malta's accession to the European Union and to make provision consequent and ancillary thereto.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

## ABBOZZ TA' LIĠI msejjaħ

*ATT biex jipprovdni dwar l-adeżjoni ta' Malta ma' l-Unjoni Ewropea u sabiex jagħmel provvedimenti konsegwenti u ancillari għall-istess.*

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.** (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2003 dwar l-Unjoni Ewropea. Titolu fil-qosor u bidu fis-seħh.

(2) Id-disposizzjonijiet ta' dan l-Att, minbarra d-disposizzjonijiet ta' dan l-artikolu u ta' l-artikoli 2,3,6 u 8 għandhom jidhlu fis-seħħ fl-1 ta' Mejju, 2004:

Iżda qabel l-1 ta' Mejju 2004 jistgħu jsiru provvedimenti taħt is-subartikoli (2), (3) u (4) ta' l-artikolu 4 għall-finijiet hemm fih indikati, iżda kull provvediment li hekk isir ma għandux jibda jseħħ qabel l-1 ta' Mejju, 2004.

**2.** (1) F'dan l-Att kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra: Tifsir.

“il-Komunitajiet” tfisser il- Komunità Ewropea, u l-Komunità dwar l-Energija Atomika Ewropea;

“it-Trattat” tfisser it-Trattat bejn ir-Renju tal-Belġju, ir-Renju tad-Danimarka, ir-Repubblika Federali tal-Ġermanja, ir-Repubblika Ellenika, ir-Renju ta’ Spanja, ir-Repubblika Franċiża, l-Irlanda, ir-Repubblika Taljana, il-Gran Dukat tal-Lussemburgu, ir-Renju ta’ l-Olanda, ir-Repubblika ta’ l-Awstrija, ir-Repubblika Portugiża, ir-Repubblika tal-Finlandja, ir-Renju ta’ l-Isvezja, ir-Renju Unit tal-Gran Brittanja u l-Irlanda ta’ Fuq (Stati Membri ta’ l-Unjoni Ewropea) u r-Repubblika Ċeka, ir-Repubblika ta’ l-Estonja, ir-Repubblika ta’ Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta’ l-Ungerija, ir-Repubblika ta’ Malta, ir-Repubblika tal-Polonja, ir-Repubblika tas-Slovenja u r-Repubblika Slovakka, dwar l-adeżjoni tar-Repubblika Ċeka, ir-Repubblika ta’ l-Estonja, ir-Repubblika ta’ Ċipru, ir-Repubblika tal-Latvja, ir-Repubblika tal-Litwanja, ir-Repubblika ta’ l-Ungerija, ir-Repubblika ta’ Malta, ir-Repubblika tal-Polonja, ir-Repubblika tas-Slovenja u r-Repubblika Slovakka ma’ l-Unjoni Ewropea, iffirmit f’Ateni fis-16 ta’ April, 2003, u jinkludi kull trattat, ftehim jew protokoll iehor li Malta saret parti fih jew li sar japplika ghal Malta bis-sahha tieghu stess;

“l-Unjoni Ewropea” tfisser l-Unjoni Ewropea kif jirreferi ghalha t-Trattat.

(2) Meta l-Prim Ministru b’ordni jiddikjara li trattat speċifikat fl-ordni, li jkun trattat li tkun dahlet ghalih Malta wara s-16 ta’ April, 2003 għandu jitqies bhala haġa wahda mat-Trattat kif hawn iżjed qabel imfisser, l-ordni għandu jkun konklużiv u hekk għandu jitqies:

Izda meta trattat ikun jemenda jew jissostitwixxi t-trattat dwar l-Unjoni Ewropea jew xi emendi sussegwenti ghalih, dak it-Trattat għandu jiġi ratifikat b’Att tal-Parlament:

Izda wkoll meta trattat bhal dak ikun ġie hekk ratifikat wara awtorizzazzjoni b’Att tal-Parlament, il-Prim Ministru jista’ b’ordni jstendi s-setgħat ta’ dan l-artikolu ghal dak it-trattat.

(3) Għall-finijiet ta’ dan l-artikolu “Trattat” u “trattat” jinkludu kull protokoll jew anness miegħu; “trattat” tinkludi kull ftehim internazzjonali.

Disposizzjonijiet  
generali.

**3.** (1) Mill-Ewwel ta’ Mejju 2004, it-Trattat u attijiet eżistenti u futuri adottati mill-Unjoni Ewropea għandhom jorbtu lil Malta u għandhom ikunu parti mil-liġi domestika tagħha taht il-kondizzjonijiet stipulati fit-Trattat.

(2) Kull provvediment ta' liġi li mid-data imsemmija jkun inkompatibbli ma' l-obbligazzjonijiet ta' Malta taht it-Trattat jew li jidderoga minn xi dritt moghti lil xi persuna bit-Trattat jew tahtu għandu, safejn dik il-liġi tkun inkompatibbli ma' dawk l-obbligazzjonijiet jew safejn tkun tidderoga minn dawk id-drittijiet, jkun bla effett u ma jkunx jista' jiġi infurzat.

4. (1) Dawk id-drittijiet, setgħat, responsabbiltajiet, obbligazzjonijiet u restrizzjonijiet li minn żmien għal żmien jinholqu jew johorġu minn jew taht it-Trattat, u dawk ir-rimedji u proċeduri kollha li minn żmien għal żmien ikun hemm provdut dwarhom bi jew taht it-Trattat, li skond it-Trattat għandhom, mingħajr ebda hteġa oħra ta' għemil ta' liġi, jingħataw effett legali jew jintużaw f'Malta, għandhom jiġu rikonoxxuti u jkunu legalment invokabbli, u jiġu infurzati, permessi u mharsa bhala tali.

Implimentazzjoni  
generali tat-Trattat.

(2) Sabiex jingħata seħh lid-disposizzjonijiet ta' l-artikolu 3 hawn qabel u bla hsara għad-disposizzjonijiet tas-subartikolu (4) ta' dan l-artikolu, il-Prim Ministru jew, u, kull Ministru jew Awtorità imsemmija jistgħu, b'ordni, jagħmlu provvediment:-

(a) għall-fini li tiġi implimentata kull obbligazzjoni ta' Malta, jew li tkun tista' tiġi implimentata kull obbligazzjoni bħal dik, jew biex ikun jista' jiġi eżerċitat kull dritt gawdut jew li għandu jiġi gawdut minn Malta taht jew bis-saħħa tat-Trattat; jew

(b) biex isir dwar kull materja li tohroġ minn jew li tkun relatata ma' kull obbligazzjoni jew dritt bħal dak jew għall-fini tad-dhul fis-seħh, jew it-thaddim minn żmien għal żmien, tas-subartikolu (1) ta' dan l-artikolu;

u fl-eżerċizzju ta' kull setgħa jew dmir taht xi liġi, inkluza kull setgħa li jingħataw direzzjonijiet jew li tillegisla permezz ta' ordnijiet, regoli, regolamenti jew xi istrument subordinat iehor, min ikollu dik is-setgħa jew dak id-dmir jista' jagħti kas ta' l-għanijiet ta' l-Unjoni Ewropea u tal-Komunitajiet u dawk l-obbligazzjonijiet jew drittijiet kif hawn qabel imsemmija.

F'dan is-subartikolu "Ministru jew Awtorità msemmija" tfisser dak il-Ministru jew Awtorità governattiva li jistgħu minn żmien għal żmien ikunu hekk imsemmija b'ordni tal-Prim Ministru fir-rigward ta' kull materja jew għal kull għan li jkun, iżda bla hsara għal dawk ir-restrizzjonijiet jew kondizzjonijiet (jekk ikun hemm) li jistgħu jiġu speċifikati fl-ordni.

(3) Il-provvediment li jista' jsir taht is-subartikolu (2) jinkludi, bla hsara għas-subartikolu (4), kull provvediment bhal dak (ta' kull estensjoni bhal dik) li jista' jsir b'Att tal-Parlament.

(4) Is-setgħat mogħtija b'dan l-artikolu biex isiru disposizzjonijiet għall-finijiet imsemmija fis-subartikolu (2) ma jinkludux is-setgħa li -

(a) jsir xi provvediment li jibda jsehħ minn data li tiġi qabel dik ta' l-għemil ta' l-istrument li jkun fih il-provvediment; jew

(b) johloq xi reat kriminali ġdid li jkun soġġġett għall-piena ta' prigunerija għal iżjed minn sentejn jew multa ta' iżjed minn għaxart elef lira (jekk din ma tkunx kalkulata fuq bażi ta' kull gurnata) jew multa ta' iżjed minn mitt lira kuljum.

(5) Għandu jkun addebitat lil u mahruġ mill-Fond Konsolidat jew, jekk ikun hekk determinat mill-Ministru responsabbli għal Finanzi, dak il-fond li jiġi hekk determinat, l-ammonti meħtieġa sabiex titwettaq kull obligazzjoni biex isiru pagamenti li johorġu minn jew taht it-Trattat u, hlief kif xort' ohra provdut bi jew taht xi liġi, kull ammont ta' flus li jiġi riċevut taht jew bis-sahha tat-Trattat jew ta' dan l-Att minn xi Ministru jew Awtorità, hlief għal dawk l-ammonti li jistgħu jkunu meħtieġa għal infieq li jkun permess b'xi liġi ohra, għandhom jiġu depożitati fil-Fond Konsolidat jew f'dak il-fond kif jista' jiġi determinat mill-Ministru responsabbli għal Finanzi.

Deċiżjoni dwar, u prova ta', Trattati u instrumenti li joriġinaw minnhom, eċċ.

**5.** (1) Għall-finijiet ta' kull proċediment quddiem xi qorti jew awtorità ġudikanti ohra, kull kwistjoni dwar it-tifsir jew l-effett tat-Trattat, jew dwar il-validità, tifsir jew effett ta' xi instrumenti li johorġu minnu jew tahtu, għandha tiġi ttrattata bhala punt ta' dritt u jekk ma tkunx riferita lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej, tkun għad-deċiżjoni bhala tali skond il-prinċipji stabbiliti minn, u kull deċiżjoni rilevanti ta', il-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej jew ta' kull qorti marbuta magħha.

(2) Għandha tittiehed konjizzjoni ġudizzjarja tat-Trattat, tal-Ġurnal Uffiċjali ta' l-Unjoni Ewropea u ta' kull deċiżjoni ta', jew espressjoni ta' fehma minn, il-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej jew ta' kull qorti marbuta magħha dwar kull kwistjoni kif hawn qabel imsemmija, u l-Ġurnal Uffiċjali jkun ammissibbli bhala prova ta' kull istrument jew att iehor, komunikat permezz tiegħu, ta' xi wahda mill-Komunitajiet jew ta' xi istituzzjoni ta' l-Unjoni Ewropea.

(3) Il-prova ta' xi istrument mahruġ minn xi istituzzjoni ta' l-Unjoni Ewropea, inkluża kull sentenza jew ordni tal-Qorti tal-

Ġustizzja ta' l-Unjoni Ewropea jew ta' kull qorti marbuta magħha, jew ta' xi dokument li jkun qiegħed fil-kustodja ta' xi istituzzjoni ta' l-Unjoni Ewropea, jew kull kitba fi jew estratt minn dokument bhal dak, tista' tingħata f' kull proċedura legali billi tiġi prodotta kopja li tkun ċertifikata bhala vera kopja minn uffiċjal ta' dik l-istituzzjoni; u kull dokument li jkun jidher li hu kopja bhal dik għandu jiġi ammess bhala prova mingħajr prova tal-pożizzjoni uffiċjali jew tal-kalligrafija tal-persuna li tkun iffirmit iċ-ċertifikat.

(4) Il-prova ta' kull istrument mahruġ minn xi istituzzjoni jew organu ta' l-Unjoni Ewropea tista' wkoll tingħieb f'kull proċedura quddiem xi qorti jew awtorità ġudikanti oħra -

(a) billi tingħieb kopja li tkun tidher bhala li ġiet stampata minn jew f'isem l-Istamperija tal-Gvern;

(b) meta l-istrument ikun fil-kustodja ta' xi dipartiment tal-Gvern billi tingħieb kopja awtentikata f'isem id-dipartiment bhala vera kopja minn uffiċjal tad-dipartiment li jkun b'mod ġeneriku jew speċifiku awtorizzat jagħmel dan;

u kull dokument li jkun jidher li hu kopja bhal dik imsemmija fil-paragrafu (b) ta' istrument fil-kustodja ta' xi dipartiment għandu jiġi ammess bhala prova mingħajr ma tenhtieg prova tal-pożizzjoni uffiċjali jew tal-kalligrafija ta' min ikun qed jiffirma iċ-ċertifikat, jew ta' l-awtorità li huwa jkollu biex jagħmel dan, jew li d-dokumenti jkunu qegħdin fil-kustodja tad-dipartiment.

**6.** Għall-finijiet ta' l-Att dwar ir-Ratifika ta' Trattati, il-Gvern ta' Malta huwa b' dan awtorizzat jirratifika t-Trattat. Ratifika tat-Trattat. Kap. 304.

**7.** Minflok is-subartikolu (1) ta' l-artikolu 65 tal-Kostituzzjoni, għandu jidhol dan li ġej: Emenda ta' l-Artikolu 65 tal-Kostituzzjoni.

“(1) Bla hsara għad-disposizzjonijiet ta' din il-Kostituzzjoni, il-Parlament jista' jagħmel liġijiet għall-paċi, ordni u gvernar tajjeb ta' Malta b'mod konformi ma' rispettt shih għad-drittijiet tal-bniedem, il-prinċipji ġeneralment aċċettati tad-dritt internazzjonali u l-obbligazzjonijiet internazzjonali u reġjonali ta' Malta partikolarment dawk assunti bit-trattat ta' l-adeżjoni ma' l-Unjoni Ewropea iffirmit f'Ateni fis-16 ta' April, 2003.”.

**8.** (1) Il-Prim Ministru jista' mingħajr preġudizzju għal kull setgħa oħra taħt din il-liġi jew xi liġi oħra b'ordni magħmul fi żmien tmax-il xahar wara l-ewwel ta' Mejju, 2004, jagħmel dawk l-emendi f'kull liġi li teżisti skond kif jista' jidhirlu li jkun mehtieg jew spedjenti Disposizzjoni transitorja.

biex dik il-liġi tingieb konformi mad-disposizzjonijiet ta' dan l-Att jew xort' ohra sabiex jinghata effett, jew biex ikun jista' jinghata effett lil dawk id-disposizzjonijiet; u kull ordni bhal dak ghandu jkollu sehh minn dik id-data, li ma tkunx qabel l-ewwel ta' Mejju 2004, skond ma jista' jiġi speċifikat fih.

(2) Bis-sahha tal-funzjonijiet tieghu taht is-subartikolu (1) il-Prim Ministru ghandu jkollu s-setgha:-

(a) li jaghmel kull tibdil, zieda, adattament jew thassir f'kull liġi sabiex inehhi kull inkompatibilita' fiha ma' l-obbligazzjonijiet ta' Malta taht it-Trattat jew mad-drittijiet moghtija lil xi persuna taht it-Trattat, u barra minn hekk li jistabbilixxi proceduri jew inehhi xi restrizzjoni li tkun fis-sehh bis-sahha ta' xi liġi sabiex ikun jista' jsir, jiġi zgurat, ammeljorat u mnehhi kull xkiel ghal, it-twettiq ta' dawk l-obbligazzjonijiet u t-tgawdija ta' dawk id-drittijiet;

(b) li jikkoregi kull zball grammatikali, tipografiku u zbalji simili f' kopji ezistenti ta' liġijiet kif ukoll ghal dak l-ghan u ghall-finijiet tad-disposizzjonijiet li jinsabu hawn aktar qabel f' dan l-artikolu li jaghmel zjidiet, ommissjonijiet jew tibdiliet verbali li ma jkunux jolqtu t-tifsir ta' dawk il-liġijiet aktar minn kif mehtieg ghal dawk il-finijiet.

(3) Is-setghat moghtija b'dan l-artikolu ma jinkludux is-setgha -

(a) li tiġi imposta xi taxxa;

(b) li jinholoq xi reat kriminali gdid jew li titgholla xi piena fir-rigward ta' xi reat kriminali ezistenti.

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### **Għanijiet u Raġunijiet**

L-ghan ta' l-Abbozz hu li jaghmel disposizzjonijiet biex tiġi implimentata d-deċiżjoni ta' Malta li ssir membru ta' l-Unjoni Ewropea fl-1 ta' Mejju 2004.

**A BILL  
entitled**

*AN ACT to provide for Malta's accession to the European Union and to make provision consequent and ancillary 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.** (1) The short title of this Act is the European Union Act 2003. Short title  
and  
commencement.

(2) The provisions of this Act, other than the provisions of this article and of articles 2,3,6 and 8 shall come into force on the 1st day of May, 2004:

Provided that before the 1st day of May 2004 provision may be made under subarticles (2), (3) and (4) of article 4 for the purposes therein indicated, provided that provision so made shall not come into force before the 1st May 2004.

**2.** (1) In this Act unless the context otherwise requires: Interpretation.

“the Communities” means the European Community, and the European Atomic Energy Community;

“the European Union” means the European Union as referred to in the Treaty;



“the Treaty” means the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed in Athens on the 16th day of April, 2003, and includes any other treaty, agreement or protocol to which Malta became a party or which became applicable to Malta in virtue thereof.

(2) If the Prime Minister by order declares that a treaty specified in the order being a treaty entered into by Malta after the 16th April, 2003 is to be regarded as one with the Treaty as herein defined, the order shall be conclusive that it is to be so regarded.

Provided that where a treaty amends or substitutes the treaty on European Union or any subsequent amendments thereto, that treaty must be ratified by Act of Parliament:

Provided further that where such treaty has been so ratified after authorisation by Act of Parliament, the Prime Minister may by order extend the powers of this article thereto.

(3) For the purposes of this article “Treaty” and “treaty” include any protocol or annex thereto; a “treaty” includes any international agreement.

General provisions.

**3.** (1) From the First day of May 2004, the Treaty and existing and future acts adopted by the European Union shall be binding on Malta and shall be part of the domestic law thereof under the conditions laid down in the Treaty.

(2) Any provision of any law which from the said date is incompatible with Malta’s obligations under the Treaty or which derogates from any right given to any person by or under the Treaty

shall to the extent that such law is incompatible with such obligations or to the extent that it derogates from such rights be without effect and unenforceable.

4. (1) All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaty, and all such remedies and procedures from time to time provided for by or under the Treaty, that in accordance with the Treaty are without further enactment to be given legal effect or used in Malta, shall be recognised and available in Law, and be enforced, allowed and followed accordingly.

General  
implementation  
of Treaty.

(2) To give effect to the provisions of article 3 above and subject to the provisions of subarticle (4) hereof, the Prime Minister or, and, any designated Minister or Authority may by order, make provision:-

(a) for the purpose of implementing any obligation of Malta, or enabling any such obligations to be implemented, or of enabling any rights enjoyed or to be enjoyed by Malta under or by virtue of the Treaty to be exercised; or

(b) for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subarticle (1) above;

and in the exercise of any power or duty under any law, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the objects of the European Union and of the Communities and to any such obligation or rights as aforesaid.

In this subarticle “designated Minister or Authority” means such Minister or government authority as may from time to time be designated by order of the Prime Minister in relation to any matter or for any purpose, but subject to such restrictions or conditions (if any) as may be specified in the order.

(3) The provision that may be made under subarticle (2) includes, subject to subarticle (4), any such provision (of any such extent) as might be made by Act of Parliament.

(4) The powers conferred by this article to make provisions for the purposes mentioned in subarticle (2) shall not include power -

(a) to make any provision taking effect from a date earlier than that of the making of the instrument containing the provision; or

(b) to create any new criminal offence punishable with imprisonment for more than two years or with a fine of more than ten thousand liri (if not calculated on a daily basis) or with a fine of more than one hundred liri a day.

(5) There shall be charged on and issued out of the Consolidated Fund or, if so determined by the Minister responsible for Finance, such fund as so determined, the amounts required to meet any obligation to make payments arising out of or under the Treaty and, except as otherwise provided by or under any enactment, any sums received under or by virtue of the Treaty or this Act by any Minister or Authority, save for such sums as may be required for disbursements permitted by any other enactment, shall be paid into the Consolidated Fund or such fund as may be determined by the Minister responsible for Finance.

Decision on, and proof of, Treaties and instruments arising therefrom, etc.

**5.** (1) For the purposes of any proceedings before any court or other adjudicating authority, any question as to the meaning or effect of the Treaty, or as to the validity, meaning or effect of any instruments arising therefrom or thereunder, shall be treated as a question of law and if not referred to the Court of Justice of the European Communities, be for determination as such in accordance with the principles laid down by, and any relevant decision of, the Court of Justice of the European Communities or any court attached thereto.

(2) Judicial notice shall be taken of the Treaty, of the Official Journal of the European Union and of any decision of, or expression of opinion by, the Court of Justice of the European Communities or any court attached thereto on any such question as aforesaid, and the Official Journal shall be admissible as evidence of any instrument or any other act thereby communicated of any of the Communities or of any institution of the European Union.

(3) Evidence of any instrument issued by an institution of the European Union, including any judgement or order of the Court of Justice of the European Union or any court attached thereto, or of any document in the custody of an institution of the European Union, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.

(4) Evidence of any instrument issued by an institution or organ of the European Union may also be given in any proceeding before a court or other adjudicating authority -

(a) by the production of a copy purporting to be printed by or on behalf of the Government Printing Press;

(b) where the instrument is in the custody of a Government department by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised so to do;

and any document purporting to be such a copy as is mentioned in paragraph (b) of an instrument in the custody of a department shall be received in evidence without proof of the official position or handwriting of the person signing the certificate, or of his authority to do so, or of the documents being in the custody of the department.

**6.** For the purposes of the ratification of Treaties Act the Government of Malta is hereby authorised to ratify the Treaty.

Ratification of Treaty.  
Cap 304.

**7.** For subarticle (1) of article 65 of the Constitution, there shall be substituted the following:

Amendment of Article 65 of the Constitution.

“(1) Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Malta in conformity with full respect for human rights, generally accepted principles of international law and Malta’s international and regional obligations in particular those assumed by the treaty of accession to the European Union signed in Athens on the 16th April, 2003.”.

**8.** (1) The Prime Minister may without prejudice to any other power under this or any other law by order made at any time within twelve months after the first day of May, 2004, make such amendments to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Act or otherwise for giving effect or enabling effect to be given to those provisions; and any such order shall have effect from such date, not earlier than the first day of May 2004, as may be specified therein.

Transitory provision.

(2) In exercise of his functions under subarticle (1) the Prime Minister shall have power:-

(a) to make such alteration, addition, adaptation or deletion in any law so as to remove any incompatibility therein with Malta’s

obligations under the Treaty or with the rights given to any person under the Treaty, and may moreover establish procedures or remove any restriction in force in virtue of any law so as to enable, ensure, enhance and remove any obstacle to, the fulfilment of such obligations and the enjoyment of those rights;

(b) to correct any grammatical, typographical and similar mistakes in any existing copies of laws and also for such purpose and for the purposes of the foregoing provisions of this article to make verbal additions, omissions or alterations not effecting the meaning of such laws beyond what is necessary for the said purposes.

(3) The powers conferred by this article shall not include the power –

(a) to impose any tax;

(b) to create any new criminal offence or to raise any penalty in respect of any existing criminal offence.

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### **Objects and Reasons**

The object of the Bill is to make provision implementing Malta's decision to become a member of the European Union on the 1st day of May 2004.