

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,984, 27 ta' April, 2018*

*Taqsim A*

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MALTA

**ATT Nru XII tal-2018**

ATT maħruġ b'ligi mill-Parlament ta' Malta.

**ATT biex jipprovdi protezzjoni konsulari lil ċittadini mhux rappreżentati.**

**ACT No. XII of 2018**

AN ACT enacted by the Parliament of Malta.

**AN ACT to make provision for consular protection to unrepresented citizens.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

27 ta' April, 2018

**ATT Nru XII tal-2018**

*ATT biex jipprovdi protezzjoni konsulari lil ċittadini mhux rappreżentati.*

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

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 dwar il-Protezzjoni Konsulari lil Ċittadini Mhux Rappreżentati. Titolu fil-qosor.

**2.** F'dan l-Att sakemm il-kuntest ma jeħtieġx xort'oħra: Tifsir.

"ċittadin mhux rappreżentat" tfisser ċittadin li jkollu ċ-ċittadinanza ta' Stat Membru li ma jkunx rappreżentat f'pajjiż terz permezz ta' ambaxxata jew konsolat stabbilit fuq bażi permanenti jew jekk huwa ma jkollux ambaxxata, konsolat jew konslu onorarju hemmhekk li ma jkunux effettivament f'pożizzjoni li jagħtu protezzjoni konsulari f'każ partikolari;

"ċittadin Malti mhux rappreżentat" tfisser ċittadin ta' Malta li ma jkunx rappreżentat f'pajjiż terz permezz ta' ambaxxata jew konsolat stabbilit fuq bażi permanenti jew jekk huwa ma jkollux ambaxxata, konsolat jew konslu onorarju tal-Gvern ta' Malta li ma jkunux effettivament f'pożizzjoni li jagħtu protezzjoni konsulari f'każ partikolari;

"pajjiż terz" tfisser pajjiż li mhuwiex Stat Membru tal-Unjoni

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Ewropea;

"Stat mexxej" tfisser Stat Membru wiehed jew aktar rappreżentat f'pajjiż terz partikolari u li jkun responsabbli biex jikkordina u jmexxi l-għajnuna għal ċittadini mhux rappreżentati waqt krizijiet.

Protezzjoni konsulari lil ċittadini mhux rappreżentati u ċittadini ta' Malta mhux rappreżentati.

3. (1) L-ambaxxati u l-konsolati li jirrapreżentaw lill-Gvern ta' Malta f'pajjiż terz għandhom jipprovdu protezzjoni konsulari lil ċittadin mhux rappreżentat daqslikieku kien ċittadin Malti.

(2) Ċittadin Malti mhux rappreżentat għandu d-dritt li jitlob għal protezzjoni konsulari mill-ambaxxata jew mill-konsolat ta' kwalunkwe Stat Membru f'dak il-pajjiż terz.

(3) Il-protezzjoni konsulari msemmija fis-subartikolu (1) tista' tinkludi għajnuna, fost l-oħrajn, fis-sitwazzjonijiet li ġejjin:

- (a) arrest jew detenzjoni;
- (b) meta wiehed jisfa vittma ta' reat kriminali;
- (ċ) inċident serju jew mard serju;
- (d) mewt;
- (e) sokkors u ripatrijazzjoni f'każ ta' emergenza;
- (f) ħtieġa ta' dokumenti proviżorji tal-ivvjagġar.

Talba għal trasferiment ta' protezzjoni konsulari.

4. (1) Il-Gvern ta' Malta jista', meta Stat Membru jinformat li ċittadin Malti mhux rappreżentat qed ifittex jew qed jingħata protezzjoni konsulari mill-ambaxxata jew konsolat tiegħu f'pajjiż terz, jitlob lill-imsemmi Stat Membru sabiex jittrasferixxilu l-applikazzjoni jew il-każ ta' ċittadin Malti mhux rappreżentat.

(2) Meta l-Gvern ta' Malta qed jagħti protezzjoni konsulari lil ċittadin mhux rappreżentat, hu għandu jinforma lill-Istat Membru tan-nazzjonalità tiegħu:

Iżda meta l-Gvern ta' Malta jigi mitlub sabiex jgħaddi l-applikazzjoni jew il-każ ta' ċittadin mhux rappreżentat f'pajjiż terz mill-Istat Membru tan-nazzjonalità tiegħu, il-Gvern ta' Malta għandu jirtira mill-każ malli l-Istat Membru jikkonferma li ċ-ċittadin mhux rappreżentat qed jingħata protezzjoni konsulari.

(3) It-talbiet għal trasferiment ta' protezzjoni konsulari għandhom isegwu l-proċedura prevista fl-artikolu 8.

5. Il-Gvern ta' Malta għandu jipprovi protezzjoni konsulari lil membri tal-familja ta' ċittadini mhux rappreżentati li, minkejja li mhumiex ċittadini ta' Stat Membru, qed jakkumpanjaw ċittadini mhux rappreżentati f'pajjiż terz. Tali protezzjoni għandha tkun provduta bl-istess mod u fuq l-istess konċessjonijiet daqslikieku dawk il-membri tal-familja kienu membri tal-familja ta' ċittadin Malti.

Protezzjoni konsulari għal membri tal-familja ta' ċittadini mhux rappreżentati.

6. (1) Il-Gvern ta' Malta jista' jirrappreżenta jew ikun rappreżentat minn Stat Membru ieħor fuq bażi permanenti.

Rappreżentanza minn Stati Membri.

(2) Ambaxxati jew il-konsolati tal-Gvern ta' Malta jistgħu, kull meta jidhrilhom li jkun meħtieġ, jiftiehm u dwar arrangamenti prattiċi ma' Stati Membri oħra dwar it-tqassim ta' responsabbiltajiet għall-ġħoti ta' protezzjoni konsulari lil ċittadini mhux rappreżentati.

(3) Bla ħsara għad-dispożizzjonijiet tal-artikolu 3, meta ċittadin mhux rappreżentat ifittex protezzjoni konsulari minn ambaxxata jew konsolat tal-Gvern ta' Malta li, skont il-ftehim prattiku msemmi fis-subartikolu (2) mhuwiex meqjus bħala kompetenti, f'dak il-każ l-ambaxxata jew il-konsolat għandhom jittrasferixxu dik l-applikazzjoni lill-ambaxxata jew lill-konsolat rilevanti:

Izda d-dispożizzjonijiet ta' dan is-subartikolu ma japplikawx jekk l-urġenza tal-każ tirrikjedi azzjoni immedjata.

7. (1) Ċittadini mhux rappreżentati li qegħdin ifittxu protezzjoni konsulari mill-Gvern ta' Malta għandhom jistabbilixxu li huma ċittadini tal-Unjoni Ewropea billi jipprezentaw il-passaport jew il-karta tal-identità tagħhom:

Identifikazzjoni ta' ċittadini mhux rappreżentati.

Izda jekk iċ-ċittadin mhux rappreżentat ma jipprezentax xi forma ta' identifikazzjoni, in-nazzjonalità tista' tiġi vverifikata bi kwalunkwe mezz ieħor, inkluż b'verifika mal-awtoritajiet diplomatiċi jew konsulari tal-Istat Membru li tiegħu l-applikant isostni li huwa ċittadin.

(2) Fir-rigward tal-membri tal-familja msemmija fl-artikolu 5, tista' tingħata prova tal-identità u tal-eżistenza tar-rabta familjari bi kwalunkwe mezz, inkluża l-verifika mill-Gvern ta' Malta mal-awtoritajiet diplomatiċi jew konsulari tal-Istat Membru taċ-ċittadin kif imsemmi fis-subartikolu (1).

8. (1) L-awtoritajiet diplomatiċi u konsulari tal-Gvern ta' Malta għandhom jikkoperaw mill-qrib u mal-ambaxxati u, jew, konsolati ta' Stati Membri oħra sabiex tiġi żgurata l-protezzjoni ta' ċittadini mhux rappreżentati.

Kooperazzjoni bejn l-awtoritajiet diplomatiċi u konsulari.

(2) Meta ambaxxata jew konsolat tal-Gvern ta' Malta jirċievu talba għall-protezzjoni konsulari minn persuna li ssostni li hija ċittadin mhux rappreżentat, jew jiġu infurmati b'sitwazzjoni ta' emerġenza individwali ta' ċittadin mhux rappreżentat, il-Gvern ta' Malta għandu minnufih jikkonsulta mal-Ministeru tal-Affarijiet Barranin tal-Istat Membru li tiegħu l-persuna ssostni li hija ċittadin jew, fejn ikun xieraq, l-ambaxxata jew il-konsolat kompetenti ta' Stat Membru u jipprovdilhom l-informazzjoni kollha rilevanti għad-dispożizzjoni tiegħu, inkluż iżda mhux limitat għal:

- (a) l-identità tal-persuna kkonċernata;
- (b) l-ispejjeż possibbli tal-protezzjoni konsulari; u
- (ċ) xi membri tal-familja li għalihom jeħtieġ li tingħata protezzjoni konsulari:

Iżda, qabel ma tingħata kwalunkwe forma ta' protezzjoni konsulari, iċ-ċittadin mhux rappreżentat għandu jiffirma formola ta' kunsens fejn jobbliga lilu nnifsu li jirrimborża lill-Gvern ta' Malta għal kwalunkwe spejjeż raġonevoli li jkun saru sabiex tingħatalu protezzjoni konsulari sakemm daww l-ispejjeż ma jkun esklużi taħt dan l-Att.

(3) Il-Gvern ta' Malta għandu wkoll jiffacilita l-iskambju ta' informazzjoni bejn iċ-ċittadin ikkonċernat u l-awtoritajiet tal-Istat Membru tan-nazzjonalità ta' iċ-ċittadin.

Talbiet għal protezzjoni konsulari minn ċittadini ta' Malta mhux rappreżentati.

**9.** Meta tkun saret talba minn ċittadin Malti mhux rappreżentat lil ambaxxata jew konsolat ta' Stat Membru, il-Gvern ta' Malta għandu, jekk mitlub mill-awtoritajiet rilevanti ta' dak l-Istat Membru, jipprovdi lill-Ministeru tal-Affarijiet Barranin rilevanti jew lill-ambaxxata jew konsolat kompetenti l-informazzjoni rilevanti kollha kif imsemmi fl-artikolu 8(2) u għandu jkun responsabbli għal kwalunkwe kuntatt neċessarju mal-membri tal-familja jew ma' persuni jew awtoritajiet rilevanti oħra.

Pjanijiet ta' kontinġenza lokali f' pajjiż terz.

**10.** (1) Il-Gvern ta' Malta għandu, bla ħsara għal kwalunkwe pjanijiet ta' kontinġenza lokali eżistenti, flimkien ma' Stati Membri oħra, ifassal pjanijiet ta' kontinġenza lokali f' pajjiżi terzi li fihom hu rappreżentat sabiex jiżgura li ċittadini mhux rappreżentati jkun assistiti b'mod sħiħ f'każ ta' kriżi u, fejn hu xieraq, għandu jinvolvi l-ambaxxata jew il-konsolat rilevanti.

(2) F'każ ta' kriżi l-Gvern ta' Malta għandu, fejn hu possibbli, jinforma lil Stati Membri oħra dwar kapacitajiet ta' evakwazzjoni disponibbli f'hin opportun u jista' wkoll jitlob għall-għajnuna, bhal esperti konsulari, minn Stati Membri mhux rappreżentati.

(3) Il-Gvern ta' Malta għandu jipprovdi lill-Istat mexxej jew Stati Membri oħra għajnuna kkordinata bl-informazzjoni kollha rilevanti dwar iċ-ċittadini tiegħu mhux rappreżentati li jkunu qegħdin preżenti f'sitwazzjoni ta' kriżi jekk il-Gvern ta' Malta, waħdu jew flimkien ma' Stati Membri oħra, ikun qed jikkordina għajnuna lil ċittadini mhux rappreżentati, u jista' jitlob, fejn ikun xieraq, appoġġ mill-istrumenti tal-Unjoni Ewropea.

**11.** (1) Ċittadini ta' Malta mhux rappreżentati għandhom jirrifondu lill-Gvern ta' Malta l-ispejjeż li jkunu saru sabiex tingħatalhom protezzjoni konsulari u fuq l-istess kundizzjonijiet bħal ċittadini ta' Stat Membru li jagħti l-għajnuna kif previst fl-Iskeda I.

Pagamenti għal protezzjoni konsulari.

(2) Ċittadini mhux rappreżentati għandhom jirrifondu direttament lill-Istat Membru li tiegħu huma ċittadini meta jkunu ġew mitluba direttament sabiex jagħmlu dan kif previst fl-Iskeda I:

Iżda meta ċittadin ta' Malta mhux rappreżentat jonqos milli jirrimborża l-ispejjeż li jkunu saru skont l-Iskeda I, il-Gvern ta' Malta jista' jeżerċita kwalunkwe dritt ta' rimborżar kontra dak iċ-ċittadin ta' Malta mhux rappreżentat.

**12.** (1) Il-Gvern ta' Malta għandu jitlob għal rimborżar għal kwalunkwe spejjeż li jkunu saru sabiex tingħata protezzjoni konsulari lil ċittadini mhux rappreżentati mill-Istat Membru tan-nazzjonalità tagħhom kif previst fl-Iskeda II.

Rimburżar ta' spejjeż minn Stati Membri.

(2) Meta l-ispejjeż għall-protezzjoni konsulari li jkunu saru għal ċittadin mhux rappreżentat ikunu jikkonsistu fi spejjeż eċċezzjonalment għolja iżda essenzjali bħal spejjeż ta' vjaġġar, akkomodazzjoni jew traduzzjoni għall-awtoritajiet diplomatiċi jew konsulari f'każ ta' arrest jew detenzjoni, il-Gvern ta' Malta jista' jitlob għar-rimburżar ta' dawk l-ispejjeż mill-Istat Membru tan-nazzjonalità taċ-ċittadin mhux rappreżentat:

Iżda meta l-Gvern ta' Malta jintalab sabiex iħallas għal dawk l-ispejjeż minn Stat Membru, hu għandu jirrimborża lill-Istat Membru li qed jitlob dawk l-ispejjeż f'perjodu ta' mhux aktar minn tnax-il xahar.

**13.** (1) Il-Gvern ta' Malta għandu, meta jkun qed jitlob ir-rimburżar għal kwalunkwe protezzjoni konsulari li tkun ingħatat lil ċittadin mhux rappreżentat f'sitwazzjonijiet ta' kriżi, jissottometti kwalunkwe talba lill-Ministeru tal-Affarijiet Barranin tal-Istat Membru tan-nazzjonalità taċ-ċittadin mhux rappreżentat:

Spejjeż li jkunu saru f'sitwazzjonijiet ta' kriżi.

Iżda dak id-dritt għandu jibqa' fis-seħh sakemm dak iċ-ċittadin mhux rappreżentat ma jkunx iffirma dokument fejn qed

jimpenja ruħu sabiex jirrimborża l-flus.

(2) Il-Gvern ta' Malta jista' jitlob lill-Istat Membru taç-çittadinanza taç-çittadin mhux rappreżentat sabiex jirrimborża dawk l-ispejjeż fuq bażi *pro rata*, billi jiġi diviż il-valur sħiħ tal-ispejjeż attwalment imġarrba bin-numru ta' çittadini meġhuna.

(3) Meta l-Gvern ta' Malta jkun ġie appoġġjat finanzjarjament permezz ta' ġhajnuna mill-mekkanizmu tal-Unjoni Ewropea ġhall-protezzjoni çivili, kull kontribuzzjoni mill-Istat Membru tan-nazzjonalità taç-çittadin mhux rappreżentat ġhandha tiġi determinata wara li titnaqqas il-kontribuzzjoni tal-Unjoni Ewropea.

Drittijiet ta'  
çittadini ta'  
Malta mhux  
rappreżentati.

**14.** Meta çittadini ta' Malta mhux rappreżentati qed ifittxu protezzjoni konsulari minn ambaxxata jew konsolat ta' Stat Membru f'pajjiż terz huma ġhandhom igawdu mill-istess drittijiet bħalma jgawdu çittadini ta' dak l-Istat Membru minkejja l-fatt li dawk id-drittijiet jistġħu jkunu inqas minn dawk provduti minn ambaxxata jew konsolat tal-Gvern ta' Malta f'pajjiż terz.

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## SKEDA I

A. Mudell komuni għad-dikjarazzjoni ta' impenn ta' rimborż tal-ispejjeż ta' protezzjoni konsulari fil-każ ta' għajjnuna finanzjarja

DIKJARAZZJONI TA' IMPENN TA' RIMBORŻ  
TAL-ISPEJJEŻ TA' PROTEZZJONI KONSULARI

Jien, (is-Sur/Sinjura) (isem sħiħ b'ittri kapitali) .....

detentur tal-passaport bin-Nru ..... maħruġ fi .....

b'dan nirrikonoxxi li rċevejt mill-Ambaxxata/Konsolat ta'

..... fi .....

is-somma ta' .....

bħala avvanz għall-fini ta' .....

(inkluża kwalunkwe tariffa applikabbli)

u/jew nintrabat u nwiegħed li meta nintalab inħallas lura lill-Ministeru għall-Affarijiet Barranin/il-Gvern ta' [Stat Membru taċ-ċittadinanza]

.....

f'konformità mal-liġi nazzjonali ta' dak l-Istat Membru l-ekwivalenti ta' dik is-somma jew l-ekwivalenti tal-ispejjeż kollha kif imħallsa f'ismi jew mgħoddija lili, inklużi l-ispejjeż imġarrba mill-membri(i) tal-familja tiegħi li qegħdin jakkumpanjawni, f'(munita) .....

bir-rata tal-kambju prevalenti fil-ġurnata li fiha sar l-avvanz jew thallsu l-ispejjeż.

L-indirizz tiegħi (\*) (b'ittri kapitali) (pajjiż) .....

huwa: .....

DATA ..... FIRMA .....

(\*) jekk m'għandekx indirizz permanenti, jekk jogħġbok indika indirizz ta' kuntatt.

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B. Mudell komuni għad-dikjarazzjoni ta' impenn ta' rimborż tal-ispejjeż ta' protezzjoni konsulari fil-każ tar-ripatrijazzjoni

DIKJARAZZJONI TA' IMPENN TA' RIMBORŻ  
TAL-ISPEJJEŻ TA' PROTEZZJONI KONSULARI

Jien, (is-Sur/Sinjura) (isem sħiħ b'ittri kapitali) .....

imwieled/imwielda fi (belt) ..... fi (pajjiż) .....

fi (data) .....

detentur tal-passaport bin-Nru ..... maħruġ fi .....

fi ..... u tal-Karta tal-Identità bin-Nru .....

u n-Nru tas-Sigurtà Soċjali u l-awtorità kompetenti (jekk applikabbli/fejn rilevanti) .....

b'dan nintrabat li nħallas lura meta nintalab lill-Gvern ta'

.....

skont il-liġi nazzjonali ta' dak l-Istat Membru l-ekwivalenti tal-ispejjeż kollha mħallsa f'ismi jew mgħoddija lili mill-uffiċjal konsulari tal-

..... Gvern fi .....

għall-fini tar-ripatrijazzjoni jew b'rabta magħha lejn

.....

tiegħi u l-membri tal-familja tiegħi li qegħdin jakkumpanjawni, u li nħallas il-miżati konsulari adatti kollha fir-rigward tar-ripatrijazzjoni.

Dawn huma:

(i)(\*) Nollijiet

Sussistenza

Spejjeż oħrajn

LI MINNHOM GĦANDHA TITNAQQAS il-kontribuzzjoni magħmula minni

MIŻATI KONSULARI:

Tariffa għar-ripatrijazzjoni

Tariffa tal-attenzenza

Tariffi għall-Passaport/emergenza

(..... sigħat bi ..... kull siegħa .....

(ii)(\*) Is-somom kollha f'ismi għall-fini tar-ripatrijazzjoni tiegħi u tal-membri tal-familja tiegħi li qegħdin jakkumpanjawni jew b'rabta magħha, li ma jistgħux jiġu determinati fil-ħin li din id-dikjarazzjoni ta' impenn ta' rimborż qed tiġi ffirmata minni.

L-indirizz tiegħi (\*\*) (b'ittri kapitali) (pajjiż) .....

huwa: .....

.....

DATA ..... FIRMA .....

(\*) Hassar kif meħtieġ: L-Uffiċjal Konsulari u l-applikant għandhom jinizjalaw kull tħassir fil-marġni.

(\*\*) Jekk m'għandekx indirizz permanenti, jekk jogħġbok indika indirizz ta' kuntatt.

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SKEDA II  
Formola tat-talba għal rimborż

1. L-ambaxxata jew il-konsolat tal-Istat Membru li qed jagħmel it-talba
2. L-ambaxxata jew il-konsolat kompetenti jew il-Ministeru għall-Affarjiet Barranin tal-Istat Membru taç-çittadinanza
3. Identifikazzjoni tal-fatti  
(data, post)
4. Informazzjoni dwar iċ-çittadin(i) meghjun(a) (għandha tigi mehmuża separatament)

Isem shih	Post u data tat-twelid	Isem u numru tad-dokument tal-ivvjagġar	Tip ta' għajnuna mogħtija	Spejjeż
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5. Spejjeż totali
6. Kont bankarju għar-rimborż
7. Mehmuża: dikjarazzjoni ta' impenn ta' rimborż (jekk applikabbli)

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 103 tat-23 ta' April, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

27th April, 2018

**ACT No. XII of 2018**

*AN ACT to make provision for consular protection to unrepresented citizens.*

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. The short title of this Act is the Consular Protection (Unrepresented Citizens) Act, 2018. Short title.

2. In this Act, unless the context otherwise requires: Interpretation.

"lead State" means one or more Member States represented in a given third country and in charge of coordinating and leading the assistance of unrepresented citizens during crises;

"third country" means a country which is not a Member State of the European Union;

"unrepresented citizen" means a citizen holding the nationality of a Member State who is not represented in a third country through an embassy or a consulate established therein on a permanent basis or, if it has no embassy, consulate or honorary consul there which is effectively in a position to provide consular protection in a given case;

"unrepresented citizen of Malta" means a citizen of Malta who is not represented in a third country through an embassy or a consulate established therein on a permanent basis or, if it has no embassy, consulate or honorary consul of the Government of Malta which is effectively in a position to provide consular protection in a given case.

Consular protection to unrepresented citizens and unrepresented citizens of Malta.

**3.** (1) Embassies or consulates representing the Government of Malta in a third country shall provide consular protection to an unrepresented citizen as if he was a citizen of Malta.

(2) An unrepresented citizen of Malta is entitled to seek consular protection from the embassy or consulate of any Member State in that third country.

(3) The consular protection referred to in sub-article (1) may, *inter alia*, include assistance in the following situations:

- (a) arrest or detention;
- (b) being a victim of crime;
- (c) a serious accident or serious illness;
- (d) death;
- (e) relief and repatriation in case of an emergency;
- (f) a need for emergency travel documents.

Request for redirection of consular protection.

**4.** (1) The Government of Malta may, when a Member State informs it that an unrepresented citizen of Malta is seeking or receiving consular protection from its embassy or consulate in a third country, request such Member State to redirect the unrepresented citizen of Malta's application or case to it.

(2) Where the Government of Malta is providing consular protection to an unrepresented citizen it shall inform the Member State of his nationality:

Provided that where the Government of Malta is requested to hand over the application or case of an unrepresented citizen in a third country by the Member State of his nationality, the Government of Malta shall relinquish the case as soon as the requesting Member State confirms that the unrepresented citizen is being provided with consular protection.

(3) Requests for redirection of consular protection shall follow

the procedure provided for under article 8.

5. The Government of Malta shall provide consular protection to family members of unrepresented citizens who, though not being citizens of a Member State, are accompanying unrepresented citizens in a third country. Such protection shall be provided to the same extent and on the same concessions as if the family members were family members of a citizen of Malta.

Consular protection to family members of unrepresented citizens.

6. (1) The Government of Malta may represent or be represented by another Member State on a permanent basis.

Representation by Member States.

(2) Embassies or consulates of the Government of Malta may, whenever they deem necessary, conclude practical agreements with other Member States on sharing responsibilities for providing consular protection to unrepresented citizens.

(3) Without prejudice to the provisions of article 3, where an unrepresented citizen seeks consular protection from an embassy or consulate of the Government of Malta which, according to the practical agreement referred to in sub-article (2), is not deemed competent, then the embassy or consulate shall redirect the application to the relevant embassy or consulate:

Provided that the provisions of this sub-article shall not apply if the urgency of the matter requires immediate action.

7. (1) Unrepresented citizens seeking consular protection from the Government of Malta shall establish that they are citizens of the European Union by producing their passport or the identity card:

Identification of unrepresented citizens.

Provided that if the unrepresented citizen is unable to produce such means of identification, nationality may be proven by any other means, including verification with the diplomatic and consular authorities of the Member State of which the unrepresented citizen claims to be a national.

(2) With regard to family members referred to in article 5, the identity and existence of the family relationship may be proven by any means, including verification by the Government of Malta with the diplomatic consular authorities of the Member State of the citizen as referred to in sub-article (1).

8. (1) Diplomatic and consular authorities of the Government of Malta shall closely cooperate with the embassies and, or, consulates of other Member States to ensure protection of unrepresented citizens.

Cooperation between diplomatic and consular authorities.

(2) When an embassy or consulate of the Government of Malta receives a request for consular protection from a person who claims to be an unrepresented citizen, or is informed of an individual emergency situation of an unrepresented citizen, the Government of Malta shall without delay consult with the Ministry of Foreign Affairs of the Member State of which the person claims to be a national or, where appropriate, the competent embassy or consulate of a Member State and provide it with all the relevant information at its disposal, including but not limited to:

- (a) the identity of the person concerned;
- (b) the possible cost of consular protection; and
- (c) any family members to whom consular protection may also need to be provided:

Provided that, before the provision of any form of consular protection, the unrepresented citizen shall sign a consent form whereby he obliges himself to reimburse the Government of Malta for any reasonable costs incurred in the provision of consular protection unless such costs are excluded under this Act.

(3) The Government of Malta shall also facilitate the exchange of information between the citizen concerned and the authorities of the Member State of the citizen's nationality.

Requests for consular protection by unrepresented citizens of Malta.

**9.** Where a claim is made by an unrepresented citizen of Malta to an embassy or consulate of a Member State, the Government of Malta shall, if requested by the relevant authorities of such Member State, provide the relevant Ministry of Foreign Affairs or competent embassy or consulate with all the relevant information referred to in article 8(2) and be responsible for any necessary contact with the family members or other relevant persons or authorities.

Local contingency plans in a third country.

**10. (1)** The Government of Malta shall, without prejudice to any existing local contingency plans, together with other Member States, draw up local contingency plans in third countries in which it is represented in order to ensure that unrepresented citizens are fully assisted in the event of a crisis and, where appropriate, it shall involve the relevant embassy or consulate.

(2) In the event of a crisis the Government of Malta shall, where possible, inform other Member States of available evacuation capacities in a timely manner and may also request aid, such as consular experts, from unrepresented Member States.

(3) The Government of Malta shall provide the lead State or



other Member States coordinating assistance with all relevant information regarding its unrepresented citizens present in a crisis situation if the Government of Malta, alone or together with other Member States, is coordinating assistance for unrepresented citizens and it may seek, where appropriate, support from European Union instruments.

**11.** (1) Unrepresented citizens of Malta shall reimburse the Government of Malta for costs incurred in providing consular protection and on the same conditions as the nationals of the assisting Member State as provided for under Schedule I.

Payment for consular protection.

(2) Unrepresented citizens shall directly reimburse their Member State of nationality when directly requested to do so as provided under Schedule I:

Provided that where an unrepresented citizen of Malta fails to reimburse for costs incurred in accordance with Schedule I, the Government of Malta may claim any right of reimbursement which it may hold against that unrepresented citizen of Malta.

**12.** (1) The Government of Malta shall seek reimbursement for any costs incurred in providing consular protection to unrepresented citizens from the Member State of their nationality as provided for under Schedule II.

Reimbursement of costs from Member States.

(2) Where the costs of consular protection provided for unrepresented citizens consist in unusually high but essential costs such as to travel, accommodation or translation for the diplomatic or consular authorities in the case of arrest or detention, the Government of Malta may request the reimbursement of such costs from the unrepresented citizen's Member State of nationality:

Provided that where the Government of Malta is requested to pay such costs from a Member State it shall reimburse the requesting Member State within a period of twelve months.

**13.** (1) The Government of Malta shall, where it is seeking reimbursement for any consular protection provided for an unrepresented citizen in crisis situations, submit any requests to the Ministry of Foreign Affairs of the unrepresented citizen's Member State of nationality:

Costs incurred in crisis situations.

Provided that such right shall subsist notwithstanding that the unrepresented citizen has not signed an undertaking to repay.

(2) The Government of Malta may ask the unrepresented citizen's Member State of nationality to reimburse such costs on a *pro*

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*rata* basis, by dividing the full value of the actual costs incurred by the number of citizens assisted.

(3) Where the Government of Malta was financially supported by way of assistance from the European Union civil protection mechanism, any contribution from the unrepresented citizen's Member State of nationality shall be determined after deduction of the European Union's contribution.

Rights of  
unrepresented  
citizens of  
Malta.

**14.** When unrepresented citizens of Malta are seeking consular protection from an embassy or consulate of a Member State in a third country they shall enjoy the same rights as enjoyed by the nationals of that Member State notwithstanding the fact that such rights may be less than those provided for by an embassy or consulate of the Government of Malta in a third country.

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SCHEDULE I

A. Common format for undertaking to repay costs of consular protection in case of financial assistance

UNDERTAKING TO REPAY COSTS OF CONSULAR PROTECTION

I, (Mr/Ms) (full name in block capitals) .....

holder of passport No. .... issued at .....

hereby acknowledge receipt from the Embassy/Consulate of  
..... at .....

of the sum of .....

as an advance for the purpose of .....  
(including any applicable fee)

and/or undertake and promise to repay on demand to the Ministry for Foreign Affairs/Government of [Member State of nationality]

.....

in accordance with the national law of that Member State the equivalent of that sum or the equivalent of all costs as paid on my account or advanced to me, including costs incurred by the member(s) of my family accompanying me, in (currency) .....

at the rate of exchange prevailing on the day on which the advance was made or the costs were paid.

My address (\*) (in block capitals) (country) .....

is: .....

DATE ..... SIGNATURE .....

(\*) if you have no permanent address, please indicate a contact address.

B. Common format for undertaking to repay costs of consular protection in case of repatriation

UNDERTAKING TO REPAY COSTS OF CONSULAR PROTECTION

I, (Mr/Ms) (full name in block capitals) .....

born at (town) ..... in (country) .....

on (date) .....

holder of passport No. .... issued at .....  
on ..... and ID No. ....  
and Social Security No. and competent authority (if applicable/where relevant) .....

hereby undertake to repay on demand to the Government of

.....

in accordance with the national law of that Member State the equivalent of all costs as paid on my account or advanced to me by the consular officer

of the ..... Government at .....

for the purpose of, or in connection with, the repatriation to .....

of myself and the members of my family accompanying me, and to pay all appropriate consular fees in respect of the repatriation.

These are:

(i)(\*) Fares

Subsistence

Miscellaneous costs

LESS the contribution made by me

CONSULAR FEES:

Repatriation fee

Attendance fee

Passport/emergency fees

(..... hours at ..... per hour .....

(ii)(\*) All sums on my account for the purpose of, or in connection with, the repatriation of myself and the members of my family accompanying me which cannot be determined at the time this undertaking to repay is signed by me.

My address (\*\*) (in block capitals) (country) .....

is: .....

.....

DATE ..... SIGNATURE .....

(\*) Delete as appropriate: The Consular Officer and the applicant should initial each deletion in the margin.

(\*\*) If you have no permanent address, please indicate a contact address.

## SCHEDULE II

## Form of the request for reimbursement

1. Requesting Member State's embassy or consulate
2. Competent embassy or consulate or Ministry of Foreign Affairs of assisted citizen's Member State of nationality
3. Identification of the event  
(date, place)
4. Data of assisted citizen(s) (to be attached separately)

Full name	Place and date of birth	Name and number of the travel document	Kind of assistance provided	Costs

5. Total costs
6. Bank account for the reimbursement
7. Attachment: undertaking to repay (if applicable)

Passed by the House of Representatives at Sitting No. 103 of the 23rd April, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*





