

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

16 ta' Lulju, 2003

ATT Nru. V ta' l-2003

ATT biex jipprovi dwar l-adeżjoni ta' Malta ma' l-Unjoni Ewropea u sabiex jagħmel provvedimenti konsegwenti u anċillari 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-sehh.

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

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

2. (1) F'dan l-Att kemm-il darba r-rabta tal-kliem ma tkunx tehtieg 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, li kopja elettronika tat-test Malti u Ingliz tiegħu giet imqiegħda fuq il-Mejda tal-Kamra fit-23 ta’ Ġunju, 2003, (u li għandha tiġi ppubblikata f’forma elettronika fit-test Malti u Ingliz tagħha bħala pubblikazzjoni tal-Gvern) u jinkludi kull trattat, ftehim jew protokoll iehor li Malta saret parti fih jew li sar japplika għal Malta bis-saħħa tiegħu stess;

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

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

Izda ebda ordni bhal dik ma tista’ ssir qabel ma abbozz tagħha jkun approvat b’rizoluzzjoni tal-Kamra:

Izda wkoll li rizoluzzjoni għall-approvazzjoni ta’ abbozz bhal dan għandha tiġi sottomessa għall-eżami mill-Kumitat Permanenti għall-Affarijiet Barranin (jew dak il-Kumitat Permanenti li minn żmien għall-iehor jissostitwixxi l-istess) li għandu jiltaqa’ fuq dik il-mozzjoni fi żmien hmistax-il jum minn meta tkun giet intavolata l-mozzjoni f’liema terminu għandu jsir rapport lill-Kamra dwar il-mozzjoni u d-diskussjoni dwarha f’dak il-Kumitat mill-president tiegħu u l-Kamra għandha mal-preżentazzjoni ta’ dak ir-rapport tipproċedi minnufih biex tivvota fuq il-mozzjoni mingħajr diskussjoni.

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

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.

Disposizzjonijiet
ġenerali.

(2) Kull provvediment ta' liġi li mid-data msemmija jkun inkompatibbli ma' l-obbligazzjonijiet ta' Malta taht it-Trattat jew li jidderoga minn xi dritt mogħti 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, ikun bla effett u ma jkunx jista' jiġi infurzat.

4. (1) Dawk id-drittijiet, setghat, 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
ġenerali ta-Trattat.

(2) Sabiex jingħata sehh 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, (għal-liema ordni għandhom japplikaw id-disposizzjonijiet ta' l-artikolu 11 ta' l-Att dwar l-Interpretazzjoni) jagħmlu provvediment:-

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

(b) biex isir dwar kull materja li tohroġ minn jew li tkun relatata ma' kull obbligazzjoni jew dritt bhal dak jew għall-fini tad-dhul fis-seħħ, 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, inkluża kull setgħa li jingħataw direzzjonijiet jew li tillegġisla permezz ta' ordnijiet, regoli, regolamenti jew xi istrument subordinat ieħor, 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 bħal dak (ta' kull estensjoni bħal 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 jsehh minn data li tiġi qabel dik ta' l-ghemil ta' l-istrument li jkun fih il-provvediment; jew

(b) johloq xi reat kriminali ġdid li jkun soġġġett għall-piena ta' priġunerija 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 obbligazzjoni 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-sahħa 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 istrumenti 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 istrumenti li johorġu minnu jew tahtu, għandha tiġi ttrattata bħala punt ta' dritt u jekk ma tkunx riferita lill-Qorti tal-Ġustizzja tal-Komunitajiet Ewropej, tkun għad-deċiżjoni bħala 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) Ghandha 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 tieghu, ta' xi wahda mill-Komunitajiet jew ta' xi istituzzjoni ta' l-Unjoni Ewropea.

(3) Il-prova ta' xi istrument maħruġ 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 iffirmat iċ-ċertifikat.

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

(a) billi tingħeb 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 tingħeb kopja awtentikata f'isem id-dipartiment bhala vera kopja minn uffiċjal tad-dipartiment li jkun b'mod ġeneriku jew speċifiku awtorizzat jaġħmel 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 jaġħmel 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' jaġħmel liġijiet għall-paċi, ordni u gvernar tajjeb

ta' Malta b'mod konformi ma' rispettt shih ghad-drittijiet tal-bniedem, il-principji 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.'".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 24 ta' l-14 ta' Lulju, 2003.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

16th July, 2003

ACT No. V of 2003

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 and 6 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, of which an electronic copy of the Maltese and English texts was laid on the Table of the House on the 23rd day of June, 2003, (and which shall be published in electronic format in the Maltese and English text as a Government publication) 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 no such order shall be made until a draft thereof has been approved by resolution of the House:

Provided further that a resolution for the approval of any such draft shall be submitted for examination by the Standing Committee on Foreign Affairs (or any such Standing Committee from time to time substituting the same) which shall meet on such motion within fifteen days of the tabling of the said motion within which term a report shall

be made to the House on such motion and the debate thereon in the Committee by the chairman and the House shall, upon the presentation of the report of the Standing Committee proceed immediately to vote on the motion without debate.

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

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. General provisions.

(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, (to which order the provisions of article 11 of the Interpretation Act shall apply) 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.

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.

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

(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.

Ratification of
Treaty.
Cap 304.

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

Amendment of
Article 65
of the Constitution.

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

“(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.”.

Passed by the House of Representatives at Sitting No. 24 of the 14th July, 2003.

RICHARD J. CAUCHI
Clerk of the House of Representatives

ANTON TABONE
Speaker

