CHAPTER 344

EUROPEAN COMMUNITIES (ESTABLISHMENT OF DELEGATION) 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.

(2nd November, 1990)*

Enacted by ACT XXXII of 1990.

Short title.

1. This Act may be cited as the European Communities (Establishment of Delegation) Act.

Interpretation.

2. In this Act and in the Schedule thereto, unless the context otherwise requires:

"the European Communities" means the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community;

"Malta" has the same meaning as is assigned to it in article 124 of the Constitution; and

"territories of Malta" has the same meaning as is assigned to it in article 1(2) of the Constitution.

Ratification of Agreement.

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 June, 1990, which Agreement is contained in the Schedule to this Act.

Agreement to be enforceable as law of Malta.

4. (1) Upon the coming into force of the Agreement between the Government of Malta and the Commission of the European Communities, 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.

Cap. 191.

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

(3) Without prejudice to subarticle (1) the provisions of articles 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.

Cap. 191.

**See* Government Notice No. 690 of 2nd November, 1990.

SCHEDULE

[ARTICLES 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 fulfil 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 immunites 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 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