

No. 45701

**Malta
and
Parliamentary Assembly of the Mediterranean**

Agreement between the Parliamentary Assembly of the Mediterranean and the Government of Malta on the juridical status of the Parliamentary Assembly of the Mediterranean in Malta (with annexes). Valletta, 22 November 2007

Entry into force: *22 November 2007 by signature, in accordance with article 28*

Authentic text: *English*

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**Malte
et
Assemblée parlementaire de la Méditerranée**

Accord entre l'Assemblée parlementaire de la Méditerranée et le Gouvernement de Malte relatif au statut juridique de l'Assemblée parlementaire de la Méditerranée à Malte (avec annexes). La Valette, 22 novembre 2007

Entrée en vigueur : *22 novembre 2007 par signature, conformément à l'article 28*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF MALTA
AND THE PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN ON THE
JURIDICAL STATUS OF THE PARLIAMENTARY ASSEMBLY IN MALTA.**

By virtue of the decision taken on the 11th September 2006, by the Parliamentary Assembly of the Mediterranean, hereinafter in the agreement referred to as 'the Assembly', in its Inaugural meeting held in Amman, Jordan, The Parliamentary Assembly of the Mediterranean and the Government of Malta have agreed as follows:

**I. STATUS, FUNCTIONING, PRIVILEGES AND IMMUNITIES OF THE
ASSEMBLY**

Article 1

Personality

1. The Government of Malta recognizes the international legal personality and capacity of the Parliamentary Assembly of the Mediterranean, vested in it by the Statutes setting up the Assembly adopted by consensus on 7th February 2005 at Nafplion, Greece and on the 11th September 2006 in Amman, Jordan and as amended on 26 June 2007 in Rabat, Morocco, due to it by virtue of its status.

Article 2

Freedom of Action

1. The Government of Malta guarantees to the Parliamentary Assembly of the Mediterranean the independence and freedom of action belonging to it as an international institution.
2. More especially, it recognizes that the Parliamentary Assembly of the Mediterranean and its members in their relations with the Government of Malta enjoy freedom to hold meetings, including freedom of discussion, decision and publication.

Article 3

General Provisions on Privileges and Immunities

1. The Assembly shall enjoy privileges and immunities in accordance with this Agreement.
2. The delegates and officials of Member states, Associate Members, the officials of the Assembly and the Secretariat General, hereinafter referred to as the Secretariat, Observers and experts on mission shall enjoy privileges and immunities in accordance with this Agreement.

Article 4

Inviolability of the Premises and of the Archives

1. The buildings and premises of the Assembly shall be inviolable. No agent of the Maltese public authority may enter therein without the express consent of the Secretary General of the Assembly, or in the event of his being prevented from attending his duties, his replacement or the person designated by him.
2. The buildings or part of buildings used by the Assembly shall be immune from any form of search, requisition, and confiscation.
3. The archives of the Assembly and, in general, all documents and any data media belonging to it or in its possession shall be inviolable at all times and in all places.
4. Upon the request of the Secretary General and following consultations the competent Maltese authorities shall take the necessary measures and deploy security forces as necessary to maintain order inside these buildings and premises in accordance with the requirements set by the Secretary General.

Article 5

Immunity from Jurisdiction and Execution

The Assembly and its Secretariat shall be immune from suit and legal process, save to the extent that such immunity is, in individual cases, formally waived by the Assembly.

Article 6

Fiscal Status

The Parliamentary Assembly of the Mediterranean and its Secretariat shall:

1. Subject to para 3 of this article, enjoy the like exemption or relief from taxes, duties, rates and fees other than duties on the importation of goods, as is accorded to resident diplomatic missions and international organizations. With regard to immovable property, however, such exemption shall apply only to that which is owned by the Parliamentary Assembly of the Mediterranean and which is occupied by the Secretariat, and
2. enjoy the exemption from duties on the importation of goods directly imported by the Assembly for its official use in Malta or for exportation, or on the importation of any publications of the Assembly directly imported by it, such exemption to be subject to compliance with such conditions as the Minister responsible for Finance or any public officer delegated by him in that behalf may prescribe for the protection of the revenue, including conditions granted in accordance with Article 133.1 (b) of Council Regulations (EEC) No. 918/83 of 28th March 1983, and

3. be entitled to a refund of Value Added Tax on production of a valid fiscal receipt, which shall be accompanied by the respective invoice. The refund would apply only to purchases intended for the Secretariat's official use and provided that the amount for one and the same purchase exceeds Fifty Maltese liri, and under the same conditions specified in Annex A and other applicable laws that may come into effect from time to time, and

4. be exempt from all taxes except that which represents charges for specific services rendered.

Article 7

Publications

The import and exportation of publications intended for the Assembly shall not be subject to any restrictive measures.

Article 8

Free Disposal of Funds

Without being restricted by financial controls, regulations or financial moratoria of any kind, the Secretariat, on behalf of the Assembly, may receive, hold, convert and transfer all funds, currency, cash and other transferable securities and dispose freely thereof, both within Malta and in its relations with foreign countries.

Article 9

Communications

1. The Assembly and Secretariat shall enjoy in respect of its official communications, treatment at least as favorable as that which is granted to resident diplomatic missions of foreign countries and international organizations in Malta.

2. No censorship shall be applied to the duly identified official correspondence and other official communications of the Assembly and its Secretariat in Malta.

3. The Secretariat shall be required to obtain approval from the Maltese authorities for user wire facilities (wire-based and wireless communications), which it operates exclusively within its premises.

Article 10

Vehicle Registration

Subject to Maltese law, vehicles, boats and aircraft belonging to the Assembly, which are admitted in international traffic, shall be registered in Malta in the same way as

vehicles, boats and aircraft belonging to resident diplomatic missions and approved organizations.

Article 11

Social Security

The Secretariat, in its capacity as an employer, in the case of employment of foreign nationals and of persons who are not ordinarily resident in Malta, shall not be subject to Maltese legislation regarding pension fund, old age and surviving-dependants insurance, disability insurance, unemployment insurance, the compensation of loss of income scheme, occupational pension schemes for old age, surviving relatives and disability, and sickness insurance, as long as they are covered by an insurance in another country.

In the case of officials and staff members of Maltese nationality and persons who are ordinarily resident in Malta the provisions of Social Security Act (Cap 318) shall apply.

Article 12

Official Calendar and Working hours

The Secretariat, in its capacity as an employer, and its employed staff, shall not be subject to Maltese labor legislation regarding contractual arrangements, official calendar and working hours.

II. PRIVILEGES AND IMMUNITIES GRANTED TO PERSONS WHO ARE TO ATTEND THE ASSEMBLY IN AN OFFICIAL CAPACITY

Article 13

Freedom of Access and of Residence

The Ministry of Foreign Affairs and the Commissioner of Police as the Principal Immigration Officer shall take all necessary measures to facilitate the entry into Malta, the stay and departure there from of all persons in the following categories, subject to the prior identification of the persons to which reference is made in this article:

- Delegates and officials of Member States and Associate Members of the Parliamentary Assembly, Observers and Special Guests of the Assembly
- The Secretary General and staff of the Secretariat;
- Experts on Mission;
- Any other persons, irrespective of their nationality, traveling to Malta to attend to official business and activities of the Parliamentary Assembly of the Mediterranean and its subsidiary organs.