

# Il-Ġurnal Uffiċjali

## ta' l-Unjoni Ewropea

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## I

(Atti li l-pubblikazzjoni tagħhom hija obbligatorja)

**DEĊIŻJONI NRU 1364/2006/KE TAL-PARLAMENT EWROPEW U TAL-KUNSILL**

**tas-6 ta' Settembru 2006**

**li tistabbilixxi linji gwida għal networks ta' l-enerġija trans-Ewropej u li thassar id-Deciżjoni Nru 96/391/KE u d-Deciżjoni Nru 1229/2003/KE**

IL-PARLAMENT EWROPEW U L-KUNSILL TA' L-UNJONI EWROPEA,

Wara li kkunsidraw it-Trattat li jstabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikolu 156 tiegħu,

Wara li kkunsidraw il-proposta mill-Kummissjoni,

Wara li kkunsidraw l-opinjoni tal-Kumitat Ekonomiku u Soċjali Ewropew <sup>(1)</sup>,

Wara li kkonsultaw lill-Kumitat tar-Regġuni,

Filwaqt li jaġixxu skond il-proċedura stabbilita fl-Artikolu 251 tat-Trattat <sup>(2)</sup>,

Billi:

(1) Wara l-adozzjoni tad-Deciżjoni Nru 1229/2003/KE tal-Parlament Ewropew u tal-Kunsill tas-26 ta' Ġunju 2003 li tistabbilixxi serje ta' linji gwida għan-networks trans-Ewropej ta' enerġija <sup>(3)</sup>, inholoq il-bżonn li l-Istati Membri godda, u l-pajjiżi aderenti u l-pajjiżi kandidati jkunu integrati bi shih f'dawk il-linji gwida u li l-linji gwida jkomplu jkunu adattati, kif xieraq, għall-politika ġdida ta' vicinanza ta' l-Unjoni Ewropea.

(2) Il-prijoritajiet għan-networks trans-Ewropej ta' l-enerġija jemanaw mill-holqien ta' suq intern fl-enerġija aktar miftuh u aktar kompetittiv b'riżultat ta' l-implimentazzjoni tad-Direttiva 2003/54/KE tal-Parlament Ewropew u tal-Kunsill tas-26 ta' Ġunju 2003 dwar regoli komuni għas-suq intern fil-qasam ta' l-elettriku <sup>(4)</sup> u tad-Direttiva 2003/55/KE tal-Parlament Ewropew u tal-Kunsill tas-26 ta' Ġunju 2003 dwar regoli komuni għas-suq intern fil-gass naturali <sup>(5)</sup>. Dawk il-prijoritajiet jirriflettu l-konkluzjonijiet tal-Kunsill Ewropew ta' Stokkolma tat-23 u l-24 ta' Marzu 2001 dwar l-iżvilupp ta' l-infrastruttura meħtieġa għall-funzjonament tas-suq fl-enerġija. Għandu jsir sforz speċjali sabiex jintlaħaq l-għan li jintużaw aktar sorsi ta' enerġija rinnovabbli bħala kontribuzzjoni għat-tiġib ta' politika ta' żvilupp sostenibbli. Madanakollu,

dan l-għan għandu jintlaħaq mingħajr ma jinholoq tfixkil sproporzjonat fil-bilanċ normali tas-suq. Għandhom jit-qiesu bis-shih wkoll l-għanijiet tal-politika tal-Komunità rigward it-trasport u b'mod speċifiku l-possibbiltà li jtnaqqas it-traffiku fuq it-toroq permezz ta' sistemi ta' pipelines.

(3) Din id-Deciżjoni sservi sabiex jitqarreb l-għan tal-livell ta' interkonnessjoni fl-elettriku bejn Stati Membri li kien miftiehem fil-Kunsill Ewropew ta' Barċellona tal-15 u s-16 ta' Marzu 2002, u għalhekk sabiex tittejjeb il-kredibilità u l-integrità tan-network u tiżgura s-sigurtà tal-provvista u l-funzjonament tajjeb tas-suq intern.

(4) Bħala regola, l-bini u l-manutenzjoni ta' l-infrastruttura ta' l-enerġija għandhom ikunu suġġetti għall-prinċipji tas-suq. Dan huwa wkoll konformement mar-regoli komuni għall-ikkompletar tas-suq intern fl-enerġija u r-regoli komuni dwar il-ligi tal-kompetizzjoni li l-għan tagħhom huwa li jinholoq suq intern fl-enerġija dejjem aktar miftuh u kompetittiv. Għaldaqstant, l-għajnuna finanzjarja mill-Komunità għall-bini u l-manutenzjoni għandha tibqa' xi haġa eċċezzjonali ħafna, u tali eċċezzjonijiet għandhom ikunu ġustifikati kif dovut.

(5) L-infrastruttura ta' l-enerġija għandha tinbena u tinzamm b'mod tali li tippermetti li s-suq intern ta' l-enerġija jif-funzjona b'mod effiċjenti, u dan b'rispett xieraq tal-proċeduri eżistenti għall-konsultazzjoni mal-persuni mil-quta, mingħajr ma jnaqqas mill-kriterji ta' servizz strateġiċi u, fejn meħtieġa, universali u mill-obbligi ta' servizz pubbliku.

(6) Fid-dawl tas-sinerġiji potenzjali bejn in-networks tal-gass naturali u n-networks ta' l-olefin, għandha tingħata l-importanza dovuta għall-iżvilupp u l-integrizzjoni ta' networks ta' l-olefin sabiex ikunu sodisfatti l-bżonnijiet tal-konsum tal-gass ta' l-olefin mill-industriji fil-Komunità.

<sup>(1)</sup> ĠU C 241, 28.9.2004, p. 17.

<sup>(2)</sup> Opinjoni tal-Parlament Ewropew tas-7 ta' Ġunju 2005 (ĠU C 124 E, 25.5.2006, p. 68), Pożizzjoni Komuni tal-Kunsill ta' l-1 ta' Diċembru 2005 (ĠU C 80 E, 4.4.2006, p. 1). Pożizzjoni tal-Parlament Ewropew ta' l-4 ta' April 2006 (għadha mhijiex pubblika fil-Ġurnal Uffiċjali), u d-Deciżjoni tal-Kunsill ta' l-24 ta' Lulju 2006.

<sup>(3)</sup> ĠU L 176, 15.7.2003, p. 11.

<sup>(4)</sup> ĠU L 176, 15.7.2003, p. 37. Direttiva kif emendata bid-Direttiva tal-Kunsill 2004/85/KE (ĠU L 236, 7.7.2004, p. 10).

<sup>(5)</sup> ĠU L 176, 15.7.2003, p. 57.

- (7) Il-prijoritajiet għan-*networks* trans-Ewropej ta' l-enerġija jemanaw ukoll mill-importanza, li dejjem qiegħda tikber, tan-*networks* trans-Ewropej ta' l-enerġija għas-sigurtà u għad-diversifikazzjoni tal-provvisti ta' enerġija tal-Komunità, għall-inkorporazzjoni tan-*networks* ta' l-enerġija ta' l-Istati Membri l-godda u tal-pajjiżi aderenti u kandidati, u għall-assigurazzjoni ta' l-operazzjoni koordinata tan-*networks* ta' l-enerġija fil-Komunità u fil-pajjiżi ġirien wara konsultazzjoni ma' l-Istati Membri konċernati. Fil-fatt, il-pajjiżi ġirien tal-Komunità għandhom rwol vitali fil-politika dwar l-enerġija tagħha. Huma jfornu l-parti l-kbira tal-htigiet tal-Komunità għal gass naturali, huma sieħba kruċjali għat-tranzitu ta' enerġija primarja lejn il-Komunità u, b'mod progressiv se jsiru atturi aktar importanti fis-swieq interni tal-gass u l-elettriku.
- (8) Fost il-proġetti li jirrelataw ma' *networks* ta' l-enerġija trans-Ewropej, huwa neċessarju li jiġu enfasizzati l-proġetti prijoritarji, li huma importanti ħafna għall-funzjonament tas-suq intern ta' l-enerġija jew għas-sigurtà tal-provvista ta' l-enerġija. Minbarra dan, huwa kunsiljabbli li tiġi stabbilita dikjarazzjoni ta' Interess Ewropew għal dawk il-proġetti li jingħataw l-ogħla prijorità, kif ukoll aktar koordinazzjoni, fejn ikun il-każ.
- (9) Għall-iskop tal-ġbir ta' informazzjoni meħtieġa skond din id-Deċiżjoni, il-Kummissjoni u l-Istati Membri għandhom, safejn ikun possibbli, jużaw informazzjoni, li hija diġà disponibbli, dwar proġetti li jiġu dikjarati bhala proġetti ta' interess Ewropew, sabiex jevitaw id-duplikazzjoni ta' l-isforzi. Per eżempju, din l-informazzjoni tista' tkun diġà disponibbli fil-kuntest tar-Regolament tal-Kunsill (KE) Nru 2236/95 tat-18 ta' Settembru 1995 li jistabbilixxi regoli ġenerali għall-ġħoti ta' għajjnuna finanzjarja tal-Komunità fil-qasam tan-*Networks* trans-Ewropej <sup>(1)</sup>, fil-kuntest ta' leġizlazzjoni Komunitarja ohra li tista' tipprovdi kofinanzjament ta' proġetti ta' *networks* trans-Ewropej u tad-deċiżjonijiet li japprovaw proġetti individwali skond tali leġizlazzjoni, jew fil-kuntest tad-Direttivi 2003/54/KE u 2003/55/KE.
- (10) Il-proċedura għall-identifikazzjoni ta' proġetti ta' interess komuni fil-kuntest ta' *networks* ta' l-enerġija trans-Ewropej għandha tiżgura l-applikazzjoni bla ostakli tar-Regolament (KE) Nru 2236/95. Dik il-proċedura għandha tid-distingwi bejn żewġ livelli: l-ewwel livell li jistabbilixxi numru ristrett ta' kriterji għall-identifikazzjoni ta' tali proġetti, u t-tieni livell li jiddeskrivi l-proġetti fid-dettal, imsejha "speċifikazzjonijiet".
- (11) Għandha tingħata prijorità xierqa lill-finanzjament taht ir-Regolament (KE) Nru 2236/95 fir-rigward ta' proġetti dikjarati bhala proġetti ta' interess Ewropew. L-Istati Membri, meta jipprezentaw proġetti taht strumenti finanzjarji Komunitarji ohra, għandhom jagħtu attenzjoni partikulari lill-proġetti dikjarati bhala proġetti ta' interess Ewropew.
- (12) Għall-biċċa l-kbira mill-proġetti dikjarati bhala proġetti ta' interess Ewropew, dak li huwa meqjus bhala dewmien sinifikattiv attwali jew prospettiv jista' jkun dewmien mistenni li jestendi minn sena sa sentejn.
- (13) Ladarba l-ispeċifikazzjonijiet tal-proġetti jistgħu jinbidlu, jistgħu jingħataw biss b'mod indikattiv. Għaldaqstant, il-Kummissjoni għandha jkollha s-setgħa li taġġornahom. Billi l-proġetti jista' jkollhom implikazzjonijiet politici, ambjentali u ekonomiċi konsiderevoli, huwa importanti li jinstab bilanċ xieraq bejn sorveljanza leġislattiva u flessibilità fl-identifikazzjoni ta' proġetti li jisthoqqilhom sostenn Komunitarju potenzjali.
- (14) Fejn proġetti li jiġu dikjarati bhala proġetti ta' interess Ewropew, taqsimiet ta' tali proġetti, jew gruppi ta' tali proġetti jiltaqgħu ma' diffikultajiet ta' implementazzjoni, koordinatur Ewropew jista' jagħmilha ta' medjatur billi jinkoraggixxi l-koperazzjoni bejn il-partijiet kollha konċernati, u billi jiżgura li jsir monitoraġġ xieraq sabiex il-Komunità tinzamm informata dwar il-progress. Is-servizzi ta' koordinatur Ewropew għandhom isiru disponibbli wkoll għal proġetti ohra, fuq talba mill-Istati Membri konċernati.
- (15) Jeħtieġ li l-Istati Membri jkun mistiedna li jikkordinaw l-implementazzjoni ta' ċerti proġetti, b'mod partikolari l-proġetti trans-konfinali jew taqsimiet ta' proġetti trans-konfinali.
- (16) Għandu jinholoq kuntest aktar favorevoli għall-iżvilupp u l-bini ta' *networks* trans-Ewropej ta' l-enerġija, prinċipalment billi jkun provdut stimulu għal koperazzjoni teknika bejn l-entitajiet responsabbli għan-*networks*, permezz tal-facilitazzjoni ta' l-implementazzjoni ta' proċeduri ta' awtorizzazzjoni applikati għal proġetti ta' *networks* fl-Istati Membri sabiex jitnaqqas id-dewmien u permezz ta' użu xieraq ta' dawk il-fondi, strumenti u programmi finanzjarji tal-Komunità disponibbli għal proġetti ta' *networks*. Jeħtieġ li l-Komunità tappoġġa l-miżuri mehuda mill-Istati Membri sabiex jintlaħaq dak il-għan.
- (17) Minhabba li l-baġit allokat għan-*networks* trans-Ewropej ta' l-enerġija huwa mahsub prinċipalment sabiex jiffinanzza studji ta' fattibilità, ikunu l-Fondi Strutturali, programmi u strumenti finanzjarji tal-Komunità li jippermettu, jekk ikun meħtieġ, li jkun provduti fondi għal tali *networks* ta' interkonnessjoni, b'mod partikolari għan-*networks* interreġjonali.
- (18) L-identifikazzjoni ta' proġetti ta' interess komuni, l-ispeċifikazzjonijiet tagħhom u proġetti prijoritarji, b'mod partikolari dawk ta' interess Ewropew, m'għandhiex tippreġudika r-riżultati ta' l-istima ta' l-impatt fuq l-ambjent tal-proġetti, tal-pjanijiet jew programmi.

<sup>(1)</sup> ĠU L 228, 23.9.1995, p. 1. Regolament kif emendat l-aħħar bir-Regolament (KE) Nru 1159/2005 tal-Parlament Ewropew u tal-Kunsill (ĠU L 191, 22.7.2005, p. 16).

- (19) Il-miżuri meħtieġa għall-implementazzjoni ta' din id-Deciżjoni għandhom jiġu adottati skond id-Deciżjoni tal-Kunsill 1999/468/KE tat-28 ta' Ġunju 1999 li tistabbilixxi l-proċeduri għall-eżerċizzju tas-setgħat ta' implementazzjoni konferiti lill-Kummissjoni<sup>(1)</sup>.
- (20) Il-Kummissjoni għandha perġodikament theggi rapporti dwar l-implementazzjoni ta' din id-Deciżjoni.
- (21) L-informazzjoni li tiġi skambjata jew mogħtija lill-Kummissjoni skond id-dispożizzjonijiet ta' din id-Deciżjoni aktarx tinżamm, fil-parti l-kbira tagħha, minn kumpanniji. Għalhekk, jista' jkun il-każ li l-Istati Membri jkollhom jikkoperaw ma' dawn il-kumpanniji sabiex tinkiseb dik l-informazzjoni.
- (22) Ladarba din id-Deciżjoni tkopri l-istess suġġett u l-istess ambitu bħad-Deciżjoni tal-Kunsill 96/391/KE tat-28 ta' Marzu 1996 li tippreskrivi serje ta' miżuri għall-ħolqien ta' kuntest aktar favorevoli għall-iżvilupp ta' *networks* trans-Ewropej fis-settur ta' l-enerġija<sup>(2)</sup>, u d-Deciżjoni Nru 1229/2003/KE, dawk iż-żewġ Deciżjonijiet għandhom jiġu mhassra,

ADOTTAW DIN ID-DECIŻJONI:

#### Artikolu 1

##### Suġġett

Din id-Deciżjoni tiddefinixxi n-natura u l-ambitu ta' l-azzjoni Komunitarja sabiex tistabbilixxi linji gwida għal *networks* trans-Ewropej ta' l-enerġija. Hija tistabbilixxi serje ta' linji gwida li jkopru l-għanijiet, il-prijoritajiet u l-linji ġenerali ta' azzjoni mill-Komunità fir-rigward ta' *networks* trans-Ewropej ta' l-enerġija. Dawn il-linji gwida jidentifikaw proġetti ta' interess komuni u proġetti prijoritarji, inklużi dawk ta' interess Ewropew, fost *networks* trans-Ewropej ta' l-elettriku u tal-gass.

#### Artikolu 2

##### Kamp ta' applikazzjoni

Din id-Deciżjoni għandha tapplika:

- (1) fir-rigward ta' *networks* ta' l-elettriku, għal:
- (a) linji kollha ta' vultaġġ għoli, minbarra dawk ta' n-*networks* ta' distribuzzjoni, u għall-konnessjonijiet ta' taħt il-baħar, bil-kundizzjoni li din l-infrastruttura tkun użata għal trażmissjoni jew konnessjoni inter-reġjonali jew internazzjonali;
- (b) kull tagħmir jew installazzjoni meħtieġa sabiex is-sistema konċernata tkun tista' topera b'mod tajjeb, inklużi s-sistemi ta' protezzjoni, monitoraġġ u kontroll;
- (2) fir-rigward ta' *networks* tal-gass (trasport ta' gass naturali jew ta' gassijiet olefin), għal:
- (a) *pipelines* bi pressjoni għolja ta' gass, minbarra dawk tan-*networks* ta' distribuzzjoni, li jagħmluha possibbli li reġjuni tal-Komunità jkunu furnuti minn sorsi interni jew esterni;

- (b) impjanti ta' hażna taħt l-art konnessi mal-*pipelines* bi pressjoni għolja ta' gass imsemmija hawn fuq;
- (c) impjanti ta' riċeviment, ta' hażna u ta' rigassifikazzjoni għall-gass naturali fi stat likwidu (LNG) u wkoll għat-trasportaturi ta' l-LNG skond l-ammonti li jkollhom jiġu furnuti;
- (d) kull tagħmir jew installazzjoni meħtieġa sabiex is-sistema in kwistjoni topera b'mod tajjeb, inklużi s-sistemi ta' protezzjoni, monitoraġġ u kontroll.

#### Artikolu 3

##### Għanijiet

Il-Komunità għandha tippromwovi l-interkonnessjoni, l-interoperabbiltà u l-iżvilupp ta' *networks* trans-Ewropej ta' l-enerġija kif ukoll l-aċċess għal tali *networks* skond il-liġi Komunitarja fis-seħh, bil-għan li:

- (a) tinkoraġġixxi l-funzjonament effettiv u l-iżvilupp tas-suq intern b'mod ġenerali u tas-suq intern ta' l-enerġija b'mod partikolari, filwaqt li tinkoraġġixxi l-produzzjoni, it-trasportazzjoni, id-distribuzzjoni u l-użu tar-riżorsi ta' l-enerġija b'mod razzjonali u l-iżvilupp u l-konnessjoni ta' riżorsi ta' enerġija rinnovabbli, sabiex titnaqqas l-ispiża ta' l-enerġija għall-konsumatur u jsir kontribut għad-diversifikazzjoni tas-sorsi ta' l-enerġija;
- (b) tiffacilita l-iżvilupp u tnaqqas l-iżolament ta' reġjuni żvan-tagġati u ta' reġjuni ta' gzejjer tal-Komunità, u b'hekk issaħħaħ il-koeżjoni ekonomika u soċjali;
- (c) issaħħaħ is-sigurtà tal-provvisti ta' enerġija, per eżempju billi ssaħħaħ ir-relazzjonijiet ma' pajjiżi terzi fis-settur ta' l-enerġija fl-interess reċiproku tal-partijiet kollha konċernati, b'mod partikolari fil-qafas tat-Trattat tal-Karta dwar l-Enerġija u ta' ftehim ta' koperazzjoni konklużi mill-Komunità;
- (d) tikkontribwixxi għall-iżvilupp sostenibbli u għall-protezzjoni ta' l-ambjent, *inter alia* billi tinvolvi s-sorsi rinnovabbli ta' l-enerġija u billi tnaqqas r-riskji ambjentali marbuta mat-trasportazzjoni u t-trażmissjoni ta' enerġija.

#### Artikolu 4

##### Prijoritajiet għall-azzjoni

Il-prijoritajiet għal azzjoni mill-Komunità fil-qasam tan-*networks* trans-Ewropej ta' l-enerġija għandhom ikunu kompatibbli ma' l-iżvilupp sostenibbli u għandhom ikunu kif ġej:

- 1) kemm għan-*network* ta' l-elettriku kif ukoll għan-*network* tal-gass:
- (a) tadatta u tiżviluppa n-*networks* ta' l-enerġija bħala appoġġ għall-funzjonament tas-suq intern ta' l-enerġija u, b'mod partikolari, fis-soluzzjoni ta' problemi ta' imblukkar, b'mod speċjali dak trans-konfinali, ta' kongestjoni u ta' nuqqas ta' konnessjonijiet, u fil-kunsideazzjoni tal-htigijiet li jirriżultaw mill-funzjonament tas-suq intern għall-elettriku u għall-gass naturali u mit-tkabbir ta' l-Unjoni Ewropea;

<sup>(1)</sup> ĠU L 184, 17.7.1999, p. 23. Deciżjoni kif emendata bid-Deciżjoni 2006/512/KE (ĠU L 200, 22.7.2006, p. 11).

<sup>(2)</sup> ĠU L 161, 29.6.1996, p. 154.



- (b) tistabbilixxi *networks* ta' l-enerġija f'reġjuni ta' gzejjer, iżolati, periferiċi u ultraperiferiċi, filwaqt li thegġeg id-diversifikazzjoni tas-sorsi ta' enerġija u l-użu ta' sorsi rinnovabbli ta' l-enerġija, flimkien mal-konnessjoni ta' dawk in-*networks*, fejn meħtieġ;
- (2) għan-*networks* ta' l-elettriku:
- (a) tadatta u tiżviluppa *networks* sabiex jiffaċilitaw l-integrazzjoni u l-konnessjoni tal-produzzjoni ta' l-enerġija rinnovabbli;
- (b) tiżgura l-interoperabbiltà ta' *networks* ta' l-elettriku fi hdan il-Komunità, u flimkien ma' dawk tal-pajjiżi aderenti u tal-pajjiżi kandidati, u f'pajjiżi oħra fl-Ewropa u fil-baċiri tal-baħar Mediterranju u tal-Baħar l-Iswed;
- (3) għan-*networks* tal-gass:
- (a) tiżviluppa *networks* ta' gass naturali sabiex ilaħħqu mal-ħtiġijiet ta' konsum ta' gass naturali fil-Komunità u sabiex jikkontrollaw is-sistemi tal-provvista tal-gass naturali tagħha;
- (b) tiżgura l-interoperabbiltà ta' *networks* ta' gass naturali fi hdan il-Komunità u ma' dawk tal-pajjiżi aderenti u tal-pajjiżi kandidati u pajjiżi oħra fl-Ewropa, fil-baċiri tal-Baħar Mediterran, tal-Baħar l-Iswed u tal-Baħar Kaspju, kif ukoll fir-reġjuni tal-Lvant Nofsani u tal-Golf, u d-diversifikazzjoni ta' sorsi ta' gass naturali u tar-rotot tal-provvista.

#### Artikolu 5

##### Linji ta' azzjoni

Il-linji ġenerali ta' azzjoni mill-Komunità fir-rigward tan-*networks* trans-Ewropej ta' l-enerġija għandhom ikunu:

- (a) l-identifikazzjoni ta' proġetti b'interess komuni u ta' proġetti prijoritarji, inklużi dawk ta' interess Ewropew;
- (b) il-holqien ta' kuntest aktar favorevoli għall-iżvilupp ta' dawk in-*networks*.

#### Artikolu 6

##### Proġetti ta' interess komuni

1. Il-kriterji ġeneriċi li għandhom ikunu applikati meta tittied decizjoni dwar l-identifikazzjoni, il-modifika, jew l-ispeċifikazzjonijiet jew applikazzjonijiet għall-aġġornament ta' proġetti ta' interess komuni għandhom ikunu dawn li ġejjin:

- (a) il-proġett ikun jinsab fl-ambitu ta' l-Artikolu 2;
- (b) il-proġett ikun jissodisfa l-għanijiet u l-prijoritajiet għall-azzjoni stipulati fl-Artikoli 3 u 4 rispettivament;
- (c) il-proġett ikun juri potenzjal ta' vijabbiltà ekonomika.

L-istima tal-vijabbiltà ekonomika ser tkun ibbażata fuq analiżi spejjeż-benefiċċji li tqis l-ispejjeż u l-benefiċċji kollha, inklużi dawk li jirriżultaw fuq perjodu ta' żmien medju u/jew twil, b'konnessjoni ma' aspetti ambjentali, mas-sigurtà tal-provvista u mal-kontribut li jsir għal koeżjoni ekonomika u soċjali. Il-proġetti ta' interess komuni marbuta mat-territorju ta' Stat Membru

għandhom jeħtieġu l-approvazzjoni ta' l-Istat Membru konċernat.

2. Fl-Anness II hemm disposti kriterji addizzjonali għall-identifikazzjoni ta' proġetti ta' interess komuni. Kwalunkwe bidla fil-kriterji addizzjonali għall-identifikazzjoni ta' proġetti ta' interess komuni stipulati fl-Anness II għandha tkun decizja skond il-proċedura stabbilita fl-Artikolu 251 tat-Trattat.

3. Dawk il-proġetti elenkati fl-Anness III li jissodisfaw il-kriterji stabbiliti fil-paragrafu 1 u dawk stipulati fl-Anness II biss għandhom ikunu eliġibbli għall-għajjnuna finanzjarja mill-Komunità taħt ir-Regolament (KE) Nru 2236/95.

4. L-ispeċifikazzjonijiet indikattivi tal-proġett, inkluża d-deskrizzjoni dettaljata tal-proġetti u, fejn xieraq, id-deskrizzjoni ġeografika tagħhom, huma stipulati fl-Anness III. Dawn l-ispeċifikazzjonijiet għandhom ikunu aġġornati skond il-proċedura msemmija fl-Artikolu 14(2). L-aġġornamenti għandhom ikunu ta' natura teknika u għandhom ikunu limitati fil-każ ta' tibdiliet tekniċi ta' proġetti, jew fil-każ ta' modifika ta' parti mir-rotta speċifikata, jew fil-każ ta' adattament limitat tal-lok tal-proġett.

5. L-Istati Membri għandhom jiehdu kwalunkwe miżura li jikkunsidraw li tkun meħtieġa sabiex jiffaċilitaw u jhaffu t-tlestija ta' proġetti ta' interess komuni u sabiex inaqqsu d-dewmien, filwaqt li jikkonformaw mal-liġi Komunitarja u ma' konvenzjonijiet internazzjonali dwar l-ambjent speċjalment fir-rigward ta' proġetti dikjarati bhala proġetti ta' interess Ewropew. B'mod partikolari, il-proċeduri neċessarji għall-awtorizzazzjoni għandhom jitlestew malajr.

6. Fejn partijiet mill-proġetti ta' interess komuni jinsabu fi hdan it-territorju ta' pajjiżi terzi, il-Kummissjoni tista', wara li tkun intlaħqet ftehim ma' l-Istati Membri konċernati, tressaq proposti, fejn xieraq fil-qafas tal-ġestjoni tal-ftehim bejn il-Komunità u dawk il-pajjiżi terzi u skond it-Trattat tal-Karta dwar l-Enerġija u ta' ftehim multilaterali oħra ma' pajjiżi terzi li jkunu partijiet għat-Trattat, għall-proġetti li għandhom ukoll ikunu rikonoxxuti bhala proġetti ta' interess reċiproku mill-pajjiżi terzi konċernati, sabiex tkun faċilitata l-implementazzjoni tagħhom.

#### Artikolu 7

##### Proġetti prijoritarji

1. Il-proġetti ta' interess komuni msemmija fl-Artikolu 6(3) u koperti mill-assi għall-proġetti prijoritarji esposti fl-Anness I għandhom ikollhom prijorità għall-ghoti ta' għajjnuna finanzjarja mill-Komunità taħt ir-Regolament (KE) Nru 2236/95. L-emendi fl-Anness I għandhom jiġu decizji skond il-proċedura stabbilita fl-Artikolu 251 tat-Trattat.

2. Fir-rigward ta' proġetti ta' investiment trans-konfinali, l-Istati Membri għandhom jiehdu l-passi meħtieġa sabiex jiżguraw li, fil-kuntest tal-proċeduri nazzjonali ta' awtorizzazzjoni, il-fatt li proġetti bhal dawn iżidu l-kapaċità għall-interkonnessjoni ta' żewġ Stati Membri jew aktar u konsegwentement isahhu s-sigurtà tal-provvista fl-Ewropa kollha jitqies bhala kri-terju fl-istima ta' l-awtoritajiet nazzjonali kompetenti.

3. L-Istati Membri konċernati u l-Kummissjoni għandhom jagħmlu hilitom, kull wiehed fl-isfera ta' kompetenza tiegħu, flimkien mal-kumpanniji responsabbli, sabiex ikomplu t-tweġġi ta' proġetti prijoritarji, b'mod speċjali proġetti trans-konfinali.

4. Il-proġetti prijoritarji għandhom ikunu kompatibbli ma' l-iżvilupp sostenibbli u għandhom jissodisfaw il-kriterji li ġejjin:

- (a) għandhom ikollhom impatt sinifikattiv fuq il-funzjonament kompetittiv tas-suq intern; u/jew
- (b) għandhom isahħu s-sigurtà tal-provvista fil-Komunità; u/jew
- (ċ) għandhom jirriżultaw f'żieda fl-użu ta' enerġiji rinnovabbli.

#### Artikolu 8

### Proġetti ta' Interess Ewropew

1. Numru ta' proġetti fuq l-assi għall-proġetti prijoritarji msemmija fl-Artikolu 7 li jkollhom dimensjoni trans-konfinali jew li jkollhom impatt sinifikattiv fuq il-kapaċità ta' trażmissjoni trans-konfinali jiġu dikjarati bhala proġetti ta' Interess Ewropew. Dawk il-proġetti huma stabbiliti fl-Anness I.

2. Meta l-proġetti jkunu magħzula fl-ambitu tal-baġit għal *networks* trans-Ewropej, skond l-Artikolu 10 tar-Regolament (KE) Nru 2236/95, għandha tinghata prijorità xierqa lil proġetti dikjarati bhala proġetti ta' Interess Ewropew.

3. Meta proġetti jkunu magħzula taht fondi Komunitarji ta' kofinanzjament, għandha tinghata attenzjoni partikulari lil proġetti dikjarati bhala proġetti ta' interess Ewropew.

4. Fil-każ ta' dewmien sinifikattiv attwali jew prospettiv fuq progress ta' proġett dikjarat bhala proġett ta' interess Ewropew, il-Kummissjoni tista' titlob lill-Istati Membri konċernati sabiex, fi żmien tliet xhur, jagħtu r-raġunijiet għal dan id-dewmien.

Għal proġetti li jiġu dikjarati bhala proġetti ta' interess Ewropew li għalihom ikun ġie mahtur koordinatur Ewropew, il-koordinatur Ewropew għandu jinkludi r-raġunijiet għad-dewmien fir-rapport tiegħu.

5. Hames snin wara t-tlestija ta' proġett dikjarat bhala proġett ta' interess Ewropew jew ta' wahda mit-taqsimiet tiegħu, il-Kummissjoni, megħjuna mill-Kumitat imsemmi fl-Artikolu 14(1), għandha tagħmel valutazzjoni ta' dak il-proġett li tinkludi l-impatt soċjo-ekonomiku tiegħu, l-impatt fuq l-ambjent, l-impatt fuq il-kummerċ bejn l-Istati Membri u l-impatt fuq il-koeżjoni territorjali u l-iżvilupp sostenibbli. Il-Kummissjoni għandha tinforma lill-Kumitat imsemmi fl-Artikolu 14(1) bir-riżultat ta' dik il-valutazzjoni.

6. Għal kull proġett dikjarat bhala proġett ta' interess Ewropew, u b'mod partikulari għat-taqsimiet trans-konfinali tiegħu, l-Istati Membri konċernati għandhom jieħdu l-passi xierqa sabiex jiġi żgurat li:

- jsir skambju regolari ta' l-informazzjoni rilevanti; u
- jiġu organizzati laqgħat kongunti ta' koordinazzjoni skond kif ikun xieraq.

Il-laqgħat kongunti ta' koordinazzjoni għandhom jiġu organizzati kif mehtieg fl-isfond tal-htigijiet partikulari tal-proġett, bhall-fazi ta' l-iżvilupp tal-proġett, u d-diffikultajiet antiċipati jew riskontrati. Il-laqgħat kongunti ta' koordinazzjoni għandhom jindirizzaw b'mod partikulari l-proċeduri ta' valutazzjoni u ta' konsultazzjoni pubblika. L-Istati Membri konċernati għandhom jiżguraw li l-Kummissjoni tkun infurmata dwar il-laqgħat kongunti ta' koordinazzjoni u dwar l-iskambju ta' informazzjoni.

#### Artikolu 9

### L-implementazzjoni ta' proġetti ta' interess Ewropew

1. Il-proġetti ta' interess Ewropew għandhom jiġu implementati malajr.

Mhux aktar tard mit-12 ta' April 2007, l-Istati Membri għandhom jipprezentaw lill-Kummissjoni, billi jużaw bhala bażi abbozz ta' skeda ta' żmien provduta għal dak il-ghan mill-Kummissjoni, skeda ta' żmien aġġornata u indikattiva għat-tlestija ta' dawk il-proġetti inklużi, sa fejn ikunu disponibbli, dettalji dwar:

- (a) kif il-proġett ikun previst li jgħaddi mill-proċess ta' approvazzjoni ta' l-ippjanar;
- (b) l-iskeda ta' żmien tal-fazi tal-fattibbiltà u ta' tffasil;
- (ċ) il-bini tal-proġett; u
- (d) id-dhul fis-servizz tal-proġett.

2. Il-Kummissjoni, b'kollaborazzjoni mill-qrib mal-Kumitat imsemmi fl-Artikolu 14(1), għandha tippreżenta rapport kull sentejn dwar il-progress tal-proġetti msemmija fil-paragrafu 1.

Għal proġetti li jiġu dikjarati bhala proġetti ta' interess Ewropew li għalihom ikun ġie mahtur koordinatur Ewropew, ir-rapporti annwali preżentati mill-koordinatur Ewropew għandhom jissostitwixxu dawn il-rapporti bijennali.

#### Artikolu 10

### Koordinatur Ewropew

1. Meta proġett dikjarat bhala proġett ta' interess Ewropew jiltaqa' ma' dewmien sinifikattiv jew diffikultajiet ta' implementazzjoni, anke f'sitwazzjonijiet li jinvolvu pajjiżi terzi, il-Kummissjoni tista', bi qbil ma' l-Istati Membri konċernati u wara li tkun ikkonsultat lill-Parlament Ewropew, tahtar koordinatur Ewropew. Fejn ikun neċessarju, l-Istati Membri jistgħu ukoll jitolbu li l-Kummissjoni tahtar koordinatur Ewropew għal proġetti oħra fir-rigward tan-*networks* trans-Ewropej ta' l-Enerġija.

2. Il-koordinatur Ewropew għandu jintgħażel, b'mod partikolari, fuq il-baži ta' l-esperjenza tiegħu ta' l-istituzzjonijiet Ewropej u tal-konozzenza tiegħu ta' kwistjonijiet relatati mal-politika ta' l-enerġija u mal-finanzjament u l-valutazzjoni soċjo-ekonomika u ambjentali ta' proġetti maġġuri.

3. Id-deċizzjoni tal-hatra ta' koordinatur Ewropew għandha tispeċifika l-mod kif il-koordinatur għandu jwettaq il-kompiti tiegħu.

## 4. Il-koordinatur Ewropew għandu:

Artikolu 12

- (a) jippromwovi d-dimensjoni Ewropea tal-proġett, kif ukoll id-djalogu trans-konfinali bejn il-promoturi tal-proġett u l-persuni konċernati;
  - (b) jagħti kontribut għall-koordinazzjoni tal-proċeduri nazzjonali sabiex jiġu konsultati l-persuni konċernati; u
  - (ċ) jipprezenta rapport kull sena lill-Kummissjoni dwar il-progress tal-proġett jew proġetti li għalihom ikun għe maħtur bhala koordinatur Ewropew, u dwar kwalunkwe diffikultajiet u ostakli li aktarx iwasslu għal dewmien sinifikattiv. Il-Kummissjoni għandha tgħaddi dan ir-rapport lill-Istati Membri konċernati.
5. L-Istati Membri konċernati għandhom jikkoperaw mal-koordinatur Ewropew fl-eżekuzzjoni tiegħu tal-kompiti msemmija fil-paragrafu 4.
6. Il-Kummissjoni tista' titlob l-opinjoni tal-koordinatur Ewropew meta teżamina l-applikazzjonijiet għall-finanzjament Komunitarju għal proġetti jew gruppi ta' proġetti li għalihom kien maħtur.
7. Biex jiġi evitat piż amministrattiv bla bżonn, il-livell ta' koordinazzjoni għandu jkun proporzjonat ma' l-ispejjeż tal-proġett.

## Artikolu 11

**Kuntest aktar favorevoli**

1. Sabiex tikkontribwixxi lejn il-holqien ta' kuntest aktar favorevoli għall-iżvilupp ta' *networks* trans-Ewropej ta' l-enerġija u ta' l-interoperabbiltà tagħhom, il-Komunità għandha tqis l-isforzi ta' l-Istati Membri magħmulin skond dak il-għan, għandha tagħti l-akbar importanza lil, u tippromwovi kif meh-tieg, il-miżuri li ġejjin:
- (a) koperazzjoni teknika bejn l-entitajiet responsabbli min-*networks* trans-Ewropej ta' l-enerġija, b'mod partikolari għall-funzjonament tajjeb tal-konnessjonijiet imsemmija fil-punti 1, 2 u 7 ta' l-Anness II;
  - (b) faċilitazzjoni ta' l-implementazzjoni tal-proċeduri ta' awtorizzazzjoni għal proġetti relatati ma' *networks* trans-Ewropej ta' l-enerġija sabiex jitnaqqas id-dewmien, speċjalment fir-rigward ta' proġetti dikjarati bhala proġetti ta' interess Ewropew;
  - (ċ) l-ghoti ta' assistenza lil proġetti ta' interess komuni mill-Fondi tal-Komunità, mill-istrumenti u mill-programmi finanzjarji applikabbli għal dawg in-*networks*.
2. Il-Kummissjoni għandha, f'kollaborazzjoni mill-qrib ma' l-Istati Membri konċernati, tiehu l-inizjattivi kollha sabiex tippromwovi l-koordinament ta' l-attivitajiet imsemmija fil-paragrafu 1.
3. Il-miżuri meħtieġa għall-implementazzjoni ta' l-attivitajiet imsemmija fil-punti (a) u (b) tal-paragrafu 1 għandhom jiġu deċiżi mill-Kummissjoni skond il-proċedura msemmija fl-Artikolu 14(2).

**Effetti fuq il-kompetizzjoni**

Meta jkunu meqjusa proġetti, għandhom jitqiesu l-effetti tagħhom fuq il-kompetizzjoni u fuq is-sigurtà tal-provvista. Il-finanzjament privat jew il-finanzjament mill-operaturi ekonomiċi għandhom ikunu s-sorsi ewlenija ta' finanzjament u għandhom ikunu imhegġa. Għandha tkun evitata kwalunkwe distorsjoni tal-kompetizzjoni bejn l-operaturi fis-suq, konformement mad-dispożizzjonijiet tat-Trattat.

Artikolu 13

**Restrizzjonijiet**

1. Din id-Deciżjoni għandha tapplika mingħajr preġudizzju għall-impenji finanzjarji assunti minn Stat Membru jew mill-Komunità.
2. Din id-Deciżjoni għandha tapplika mingħajr preġudizzju għar-riżultati ta' l-istima ta' l-impatt ambjentali tal-proġetti, tal-pjanijiet jew tal-programmi li jiddefinixxu l-qafas futur ta' awtorizzazzjonijiet għal tali proġetti. Ir-riżultati ta' l-istimi ta' l-impatt ambjentali, fejn tali stima tintalab skond il-leġislazzjoni Komunitarja rilevanti, għandhom ikunu meqjusa qabel ma tit-tiehed deċiżjoni dwar it-twertiq tal-proġetti skond il-leġislazzjoni Komunitarja rilevanti.

Artikolu 14

**Proċedura tal-Kumitat**

1. Il-Kummissjoni għandha tkun assistita minn Kumitat.
2. Fejn issir referenza għal dan il-paragrafu, għandhom japplikaw l-Artikoli 5 u 7 tad-Deciżjoni 1999/468/KE, wara li jiġu kkunsidrati d-dispożizzjonijiet ta' l-Artikolu 8 tagħha.

Il-perjodu ta' żmien stipulat fl-Artikolu 5(6) tad-Deciżjoni 1999/468/KE għandu jkun ta' tliet xhur.

3. Il-Kumitat għandu jadotta r-regoli ta' proċedura tiegħu.

Artikolu 15

**Rapport**

Kull sentejn il-Kummissjoni għandha tfassal rapport dwar l-implementazzjoni ta' din id-Deciżjoni, li għandha tippreżenta lill-Parlament Ewropew, lill-Kunsill, lill-Kumitat Ekonomiku u Soċjali Ewropew u lill-Kumitat tar-Reġjuni.

F'dak ir-rapport, għandha tingħata attenzjoni lill-implementazzjoni u lill-progress magħmula fit-twertiq ta' proġetti prijoritarji li jikkonċernaw il-konnessjonijiet trans-konfinali kif imsemmi fil-punti 2, 4 u 7 ta' l-Anness II, kif ukoll l-arranġamenti dettaljati għall-finanzjament tagħhom, b'mod speċjali lill-kontribuzzjoni mill-fondi Komunitarji.



*Artikolu 16***Thassir**

Id-Deciżjoni Nru 96/391/KE u d-Deciżjoni Nru 1229/2003/KE huma b'dan imhassra.

*Artikolu 17***Dhul fis-sehh**

Din id-Deciżjoni għandha tidhol fis-sehh fl-ghoxrin jum wara dik tal-pubblikazzjoni tagħha fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

*Artikolu 18***Indirizzati**

Din id-Deciżjoni hija indirizzata lill-Istati Membri.

Magħmula fi Strasburgu, is-6 ta' Settembru 2006.

*Għall-Parlament Ewropew*

*Il-President*

J. BORRELL FONTELLES

*Għall-Kunsill*

*Il-President*

P. LEHTOMÄKI

## ANNEX I

## NETWORKS TRANS-EWROPEJ TA' L-ENERĠIJA

**Assi għall-proġetti prijoritarji, inklużi s-siti ta' proġetti ta' interess Ewropew, kif definiti fl-Artikoli 7 u 8**

Il-proġetti prijoritarji, inklużi proġetti ta' interess Ewropew, li għandhom jitwettqu fuq kull assi għall-proġetti prijoritarji, huma elenkati hawn taht.

## NETWORKS TA' L-ELETTRIKU

- EL.1. Franza — il-Belġju — l-Olanda — il-Ġermanja:  
tishih fin-network ta' l-elettriku sabiex tiġi rizoġta kongestjoni fiċ-ċirkolazzjoni ta' l-elettriku mill-pajjiżi tal-Benelux.  
Inklużi l-proġetti ta' interess Ewropew li ġejjin:  
Linja Avelin (FR) — Avelgem (BE)  
Linja Moulaine (FR) — Aubange (BE)
- EL.2. Fruntieri ta' l-Italja ma' Franza, l-Awstrija, is-Slovenja u l-Iżvizzera:  
tiżjid tal-kapaċitajiet ta' interkonnessjoni ta' l-elettriku  
Inklużi l-proġetti ta' interess Ewropew li ġejjin:  
Linja Lienz (AT) — Cordignano (IT)  
Interkonnessjoni ġdida bejn l-Italja u s-Slovenja  
Linja Udine Ovest (IT) — Okroglo (SI)  
Linja S. Fiorano (IT) — Nave (IT) — Gorlago (IT)  
Linja Venezia Nord (IT) — Cordignano (IT)  
Linja St. Peter (AT) — Tauern (AT)  
Linja Südburgenland (AT) — Kainachtal (AT)  
Interkonnessjoni bejn l-Awstrija u l-Italja (Thaur-Brixen) li tgħaddi mill-mina tal-ferrovija ta' Brenner
- EL.3. Franza — Spanja — il-Portugall:  
tiżjid fil-kapaċitajiet ta' interkonnessjoni ta' l-elettriku bejn dawn il-pajjiżi u għall-peniżola Iberika u żvilupp ta' networks f'reġjuni ta' gzejjer.  
Inklużi l-proġetti ta' interess Ewropew li ġejjin:  
Linja Sentmenat (ES) — Bescanó (ES) — Baixas (FR)  
Linja Valdigem (PT) — Douro Internacional (PT) — Aldeadávila (ES) u l-impjanti ta' "Douro Internacional"
- EL.4. Il-Greċja — il-pajjiżi tal-Balkani — is-Sistema UCTE:  
żvilupp ta' infrastruttura ta' l-elettriku sabiex tgħaqqad il-Greċja mas-sistema UCTE u sabiex tippermetti l-iżvilupp tas-suq fl-elettriku fl-Ewropa tan-Nofsinar-Lvant  
Inkluż il-proġett ta' interess Ewropew li ġej:  
Linja Philippi (EL) — Hamidabad (TR)
- EL.5. Ir-Renju Unit — l-Ewropa Kontinentali u l-Ewropa tat-Tramuntana:  
stabbiliment/tiżjid fil-kapaċitajiet ta' interkonnessjoni ta' l-elettriku u l-integrazzjoni possibli ta' enerġija ġenerata mir-riħ f'impjanti fuq il-baħar.  
Inkluż il-proġett ta' interess Ewropew li ġej:  
Kejbil taht il-baħar sabiex jgħaqqad l-Ingilterra (UK) u l-Olanda
- EL.6. L-Irlanda — ir-Renju Unit:  
tiżjid fil-kapaċitajiet ta' interkonnessjoni ta' l-elettriku u l-integrazzjoni possibli ta' enerġija ġenerata mir-riħ f'impjanti fuq il-baħar.  
Inkluż il-proġett ta' interess Ewropew li ġej:  
Kejbil taht il-baħar sabiex jgħaqqad l-Irlanda u Wales (UK)

- EL.7. Id-Danimarka — il-Ġermanja — Ċirkwit tal-Baltiku (inklużi n-Norveġja — l-Iżvezja — il-Finlandja — id-Danimarka — il-Ġermanja — il-Polonja — l-Istati Baltiċi — ir-Russja):
- tizjid fil-kapaċitajiet ta' interkonnessjoni ta' l-elettriku u l-integrazzjoni possibli ta' enerġija generata mir-riħ f'impjanti fuq il-baħar.
- Inklużi l-proġetti ta' interess Ewropew li ġejjin:
- Linja Kasso (DK) — Hamburg/Dollern (DE)
- Linja Hamburg/Krümmel (DE) — Schwerin (DE)
- Linja Kasso (DK) — Revsing (DK) — Tjele (DK)
- Linja Vester Hassing (DK) — Trige (DK)
- Kejbil taht l-ilma Skagerrak 4: bejn id-Danimarka u n-Norveġja
- Konnessjoni bejn il-Polonja u l-Litwanja, inkluż it-tishih necessarju tan-network ta' l-elettriku Pollakk u tal-profil Pollakk-Ġermaniż sabiex tiġi aġevolata l-partecipazzjoni fis-suq intern ta' l-enerġija
- Kejbil taht il-baħar bejn il-Finlandja u l-Estonja (Estlink)
- Kejbil Fennoscan taht il-baħar bejn il-Finlandja u l-Iżvezja
- Halle/Saale (DE) — Schweinfurt (DE)
- EL.8. Il-Ġermanja — il-Polonja — ir-Repubblika Ċeka — is-Slovakkja — l-Awstrija — l-Ungerija — is-Slovenja:
- tizjid fil-kapaċitajiet ta' interkonnessjoni ta' l-elettriku
- Inklużi l-proġetti ta' interess Ewropew li ġejjin:
- Linja Neuenhagen (DE) — Vierraden (DE) — Krajnik (PL)
- Linja Dürnröhr (AT) — Slavětice (CZ)
- Interkonnessjoni ġdida bejn il-Ġermanja u l-Polonja
- Linja Velké Kapušany (SK) — Lemešany (SK) — Moldava (SK) — Sajóivánka (HU),
- Linja Gabčíkovo (SK) — Velký Ďur (SK)
- Linja Stupava (SK) — l-parti fin-nofsinar-lvant ta' Vienna (AT)
- EL.9. Stati Membri tal-Mediterran — Ċirku ta' l-Elettriku tal-Mediterran
- tizjid fil-kapaċitajiet ta' interkonnessjoni ta' l-elettriku bejn l-Istati Membri tal-Mediterran u l-Marokk — l-Alġerija — it-Tuneżija — il-Libja — l-Eġittu — il-pajjiżi tal-Lvant Qarib — it-Turkija.
- Inkluż il-proġett ta' interess Ewropew li ġej:
- Konnessjoni ta' l-elettriku sabiex tgħaqqad it-Tuneżija u l-Italja

#### NETWORKS TAL-GASS

- NG.1. ir-Renju Unit — l-Ewropa Kontinentali tat-Tramuntana, inklużi l-Olanda, il-Belġju, id-Danimarka, l-Iżvezja u l-Ġermanja — il-Polonja — il-Litwanja — il-Latvja — l-Estonja — il-Finlandja — ir-Russja:
- Pipelines* ta' gass sabiex jgħaqqdu uħud mis-sorsi prinċipali tal-fornitura ta' gass fl-Ewropa, sabiex itejbu l-interoperabbiltà tan-networks, u tizjid tas-sigurtà tal-provvista, inklużi *l-pipelines* ta' gass naturali permezz tar-rota minn fuq il-baħar mir-Russja għall-UE u r-rotta fuq l-art mir-Russja għall-Polonja u l-Ġermanja, bini ta' *pipeline* ġdid, u zidiet fil-kapaċità tan-network ġo u bejn il-Ġermanja, id-Danimarka, u l-Iżvezja, u ġewwa u bejn il-Polonja, ir-Repubblika Ċeka, is-Slovakkja, il-Ġermanja, u l-Awstrija.
- Inklużi l-proġetti ta' interess Ewropew li ġejjin:
- Pipeline* tal-gass fit-Tramuntana ta' l-Ewropa
- Pipeline* tal-gass Yamal — Ewropa
- Pipeline* ta' gass naturali li jgħaqqad id-Danimarka, l-Ġermanja u l-Iżvezja
- Tizjid fil-kapaċità ta' trażmissjoni fuq l-assi bejn il-Ġermanja — il-Belġju — ir-Renju Unit
- NG.2. l-Alġerija — Spanja — l-Italja — Franza — l-Ewropa Kontinentali tat-Tramuntana:
- bini ta' *pipelines* ta' gass naturali ġodda mill-Alġerija sa Spanja, Franza u l-Italja, u tizjid fil-kapaċitajiet tan-network ġo u bejn Spanja, Franza u l-Italja.
- Inklużi l-proġetti ta' interess Ewropew li ġejjin:
- Pipeline* tal-gass bejn l-Alġerija — it-Tuneżija — l-Italja
- Pipeline* tal-gass bejn l-Alġerija — l-Italja li jgħaddi minn Sardinja u Korsika, b'fergħa għal Franza
- Pipeline* tal-gass ta' Medgas (Alġerija — Spanja — Franza — Ewropa Kontinentali)

- NG.3. Pajjizi tal-Baħar Kaspju — Lvant Nofsani — Unjoni Ewropea:  
*networks* ta' *pipelines* ta' gass naturali ġodda lejn l-Unjoni Ewropea minn sorsi ġodda, inklużi l-*pipelines* ta' gass naturali bejn it-Turkija u l-Greċja, bejn il-Greċja u l-Italja, bejn it-Turkija u l-Awstrija, u bejn il-Greċja, is-Slovenja u l-Awstrija (li tghaddi mill-Balkani tal-punent).  
Inklużi l-proġetti ta' interess Ewropew li ġejjin:  
*Pipeline* tal-gass bejn it-Turkija — il-Greċja — l-Italja  
*Pipeline* tal-gass Turkija — Awstrija
- NG.4. *Terminals* ta' gass naturali fil-forma likwida (LNG) fil-Belġju, Franza, Spanja, il-Portugall, l-Italja, il-Greċja, Ċipru u il-Polonja:  
diversifikazzjoni ta' sorsi ta' provvista u tal-punti tad-dhul, inklużi il-*pipelines* tat-*terminals* ta' l-LNG man-*network* ta' trażmissjoni
- NG.5. Hażna ta' gass naturali taħt l-art fi Spanja, l-Portugall, Franza, l-Italja, l-Greċja u r-reġjun tal-Baħar Baltiku:  
tizżid fil-kapaċità fi Spanja, Franza, l-Italja u r-reġjun tal-Baħar Baltiku u bini ta' l-ewwel impjanti fil-Portugall, il-Greċja u il-Litwanja
- NG.6. Stati Membri tal-Mediterran — Ċirku ta' Gass fil-Mediterran tal-Lvant:  
Twaqqif u tizżid fil-kapaċitajiet tal-*pipelines* ta' gass naturali bejn l-Istati Membri tal-Mediterran u l-Libja — l-Egittu — il-Ġordan — is-Sirja — it-Turkija.  
Inkluż il-proġett ta' interess Ewropew li ġej:  
*Pipeline* tal-gass bejn il-Libja — l-Italja
-

## ANNEX II

## NETWORKS TRANS-EWROPEJ TA' ENERĠIJA

**Kriterji addizzjonali għall-identifikazzjoni ta' proġetti ta' interess komuni kif imsemmija fl-Artikolu 6(2)**

## NETWORKS TA' L-ELETTRIKU

1. Żvilupp ta' *networks* ta' l-elettriku f'reġjuni ta' gżejjer, izolati, periferiċi u ultraperiferiċi waqt li tkun promossa d-diversifikazzjoni ta' sorsi ta' enerġija u jissahhaħ l-użu ta' enerġija rinnovabbli, u konnessjoni tan-*networks* ta' l-elettriku ta' dawk ir-reġjuni, jekk ikun il-każ:
  - L-Irlanda — ir-Renju Unit (Wales)
  - Il-Greċja (Gżejjer)
  - L-Italja (Sardinja) — Franza (Korsika) — l-Italja (kontinentali)
  - Konnessjonijiet f'reġjuni ta' gżejjer, inkluzi konnessjonijiet mal-kontinent
  - Konnessjonijiet ma' reġjuni ultraperiferiċi fi Franza, fi Spanja, fil-Portugall
2. L-iżvilupp ta' konnessjonijiet ta' l-elettriku, bejn l-Istati Membri li jkunu neċessarji għall-funzjonament tas-suq intern u sabiex ikunu żgurati l-fiduċja u l-effiċenza ta' l-operazzjoni tan-*networks* ta' l-elettriku:
  - Franza — Belġju — Olanda — Ġermanja
  - Franza — Ġermanja
  - Franza — Italja
  - Franza — Spanja
  - Portugall — Spanja
  - Finlandja — Żvezja
  - Finlandja — Estonja — Latvja — Litwanja
  - Awstrija — Italja
  - Italja — Slovenja
  - Awstrija — Italja — Slovenja — Ungerija
  - Ġermanja — Polonja
  - Ġermanja — Polonja — Repubblika Ċeka — Awstrija — Slovakkja — Ungerija
  - Ungerija — Slovakkja
  - Ungerija — Awstrija
  - Polonja — Litwanja
  - Irlanda — Renju Unit (Irlanda ta' Fuq)
  - Awstrija — Ġermanja — Slovenja — Ungerija
  - Olanda — Renju Unit
  - Ġermanja — Danimarka — Żvezja
  - Greċja — Italja
  - Ungerija — Slovenja
  - Malta — Italja
  - Finlandja — Estonja
  - Italja — Slovenja
3. Żvilupp ta' konnessjonijiet ta' l-elettriku fl-Istati Membri fejn dan ikun meħtieġ sabiex jintużaw bl-aħjar mod il-konnessjonijiet bejn l-Istati Membri, il-funzjonament tas-suq intern jew il-konnessjoni ta' sorsi rinnovabbli ta' enerġija:
  - L-Istati Membri kollha



4. Żvilupp ta' konnessjonijiet ta' l-elettriku ma' Stati li mhumiex membri, u b'mod partikolari mal-pajjiżi kandidati, sabiex dan jikkontribwixxi għall-interoperabbiltà, l-affidabbiltà u l-effiċjenza operattiva tan-*networks* ta' l-elettriku jew tal-provvista ta' elettriku fil-Komunità Ewropea:
- Il-Ġermanja — in-Norveġja
  - L-Olanda — in-Norveġja
  - L-Iżvezja — in-Norveġja
  - Ir-Renju Unit — in-Norveġja
  - Iċ-Ċirkwit ta' l-Elettriku tal-Baltiku: Il-Ġermanja — il-Polonja — il-Belarus — ir-Russja — il-Litwanja — il-Latvja — l-Estonja — il-Finlandja — l-Iżvezja — in-Norveġja — id-Danimarka
  - In-Norveġja — l-Iżvezja — il-Finlandja — ir-Russja
  - Iċ-Ċirkwit ta' l-Elettriku tal-Mediterran: Franza — Spanja — il-Marokk — l-Alġerija — it-Tuneżija — il-Libja — l-Eġittu — il-Pajjiżi tal-Lvant Qrib — it-Turkija — il-Greċja — l-Italja
  - Il-Greċja — it-Turkija
  - L-Italja — l-Iżvizzera
  - l-Awstrija — l-Iżvizzera
  - l-Ungerija — ir-Rumanija
  - l-Ungerija — Is-Serbja
  - l-Ungerija — Il-Kroazja
  - l-Italja — it-Tuneżija
  - Il-Greċja — il-Pajjiżi tal-Balkani
  - Spanja — il-Marokk
  - Spanja — l-Andorra — Franza
  - L-UE — il-Pajjiżi tal-Balkani — il-Belarus — ir-Russja — l-Ukrajna
  - Iċ-Ċirkwit ta' l-Elettriku tal-Baħar l-Iswed: Ir-Russja — l-Ukrajna — ir-Rumanija — il-Bulgarija — it-Turkija — il-Ġeorgja
  - Bulgarija — l-Ex Repubblika Jugożlava tal-Maċedonja/Greċja — Albanija — Italja jew Bulgarija — Greċja — Italja
5. Azzjonijiet li jtejbu l-operazzjoni tan-*networks* ta' l-elettriku interkonnessi fis-suq intern, b'mod partikolari, li jidentifikaw punti ta' kongestjoni u konnessjonijiet neqsin, li jiżviluppaw soluzzjonijiet sabiex tissolva l-kongestjoni u li jadattaw l-metodi ta' previzjoni u ta' l-operazzjoni ta' *networks* ta' l-elettriku:
- Identifikazzjoni ta' punti ta' kongestjoni u konnessjonijiet neqsin, b'mod partikolari trans-konfinali, fin-*networks* ta' l-elettriku
  - Żvilupp ta' soluzzjonijiet għall-ġestjoni tal-fluss ta' l-elettriku sabiex jiġu trattati problemi ta' kongestjoni fin-*networks* ta' l-elettriku
  - Adattament tal-metodi ta' previzjoni u ta' l-operazzjoni ta' *networks* ta' l-elettriku kif mehtieg għall-funzjonament tajjeb tas-suq intern u l-użu ta' perċentwali għolja ta' sorsi rinnovabbli ta' enerġija.

#### NETWORKS TAL-GASS

6. L-introduzzjoni ta' gass naturali f'reġjuni godda, prinċipalment gzejjer, reġjuni iżolati, periferiċi u ultraperiferiċi u l-iżvilupp ta' *networks* tal-gass naturali f'dawn ir-reġjuni:
- Ir-Renju Unit (l-Irlanda ta' Fuq)
  - L-Irlanda
  - Spanja
  - Il-Portugall
  - Il-Greċja
  - L-Iżvezja
  - Id-Danimarka
  - L-Italja (Sardinja)
  - Franza (Korsika)
  - Ċipru
  - Malta
  - Reġjuni ultraperiferiċi fi Franza, Spanja u l-Portugall

7. Żvilupp ta' konnessjonijiet ta' gass naturali sabiex jintlaqgħu l-htigiet tas-suq intern jew sabiex tissahħah is-sigurtà tal-provvista, inkluża l-konnessjoni ta' *networks* separati għal gass naturali u għal gass olefin:
- L-Irlanda — ir-Renju Unit
  - Franza — Spanja
  - Franza — l-Iżvizzera
  - Il-Portugall — Spanja
  - L-Awstrija — il-Ġermanja
  - L-Awstrija — l-Ungerija
  - L-Awstrija — l-Ungerija — is-Slovakkja — il-Polonja
  - Polonja — Repubblika Ċeka
  - Is-Slovakkja — Repubblika Ċeka — Ġermanja — Awstrija
  - L-Awstrija — l-Italja
  - Il-Greċja — Pajjiżi tal-Balkani
  - L-Awstrija — l-Ungerija — ir-Rumanija — il-Bulgarija — il-Greċja — it-Turkija
  - Franza — l-Italja
  - Il-Greċja — l-Italja
  - L-Awstrija — ir-Repubblika Ċeka
  - Il-Ġermanja — ir-Repubblika Ċeka — l-Awstrija — l-Italja
  - L-Awstrija — is-Slovenja — il-Kroazja
  - L-Ungerija — il-Kroazja
  - L-Ungerija — ir-Rumanija
  - L-Ungerija — is-Slovakkja
  - L-Ungerija — l-Ukrajna
  - Is-Slovenja — il-Pajjiżi Balkani
  - Il-Belġju — l-Olanda — il-Ġermanja
  - Ir-Renju Unit — l-Olanda — il-Ġermanja
  - Il-Ġermanja — il-Polonja
  - Id-Danimarka — ir-Renju Unit
  - Id-Danimarka — il-Ġermanja — l-Iżvizzera
  - Id-Danimarka — l-Olanda
8. Żvilupp tal-kapaċitajiet sabiex jiġi riċevut LNG u sabiex jinħażen gass naturali meħtieġ sabiex tintlaqa' t-talba għalihom u sabiex ikunu kontrollati s-sistemi ta' provvista tal-gass, u sabiex ikunu diversifikati s-sorsi u r-rotot ta' provvista:
- L-Istati Membri kollha
9. Żvilupp tal-kapaċità ta' trasport ta' gass naturali (*pipelines* għall-provvista tal-gass) meħtieġa sabiex tintlaqa' d-domanda u sabiex ikunu diversifikati l-provvisti minn sorsi interni u esterni, kif ukoll ir-rotti tal-provvista:
- Network tal-Gass Nordiku: In-Norveġja — id-Danimarka — il-Ġermanja — l-Iżvezja — il-Finlandja — ir-Russja — l-Istati tal-Baltiku — il-Polonja
  - L-Alġerija — Spanja — Franza
  - Ir-Russja — l-Ukrajna — l-UE
  - Ir-Russja — il-Belarus — l-Ukrajna — l-UE
  - Ir-Russja — il-Belarus — l-UE
  - Ir-Russja — il-Baħar Baltiku — il-Ġermanja
  - Ir-Russja — l-Istati Baltiċi — il-Polonja — il-Ġermanja
  - Il-Ġermanja — ir-Repubblika Ċeka — il-Polonja — il-Ġermanja — l-Istati Membri oħra
  - Il-Libja — l-Italja
  - It-Tuneżija — il-Libja — l-Italja
  - Il-Pajjiżi tal-Baħar Kaspju — l-UE

- Ir-Russja — l-Ukrajna — il-Moldova — ir-Rumanija — il-Bulgarija — il-Greċja — is-Slovenja — il-Pajjiżi Balkani oħra
  - Ir-Russja — l-Ukrajna — is-Slovakkja — l-Ungerija — is-Slovenja — l-Italja
  - L-Olanda — il-Ġermanja — l-Iżvizzera — l-Italja
  - Il-Belġju — Franza — l-Iżvizzera — l-Italja
  - Id-Danimarka — l-Iżvezja — il-Polonja
  - In-Norveġja — ir-Russja — l-UE
  - L-Irlanda
  - L-Alġerija — l-Italja — Franza
  - L-Algerija — it-Tuneżija — l-Italja
  - Il-Lvant Nofsani — Iċ-Ċirkwit tal-Gass fil-Mediterran tal-Lvant — l-UE
  - Stazzjoni ta' tahlit f'Winksele (BE) fuq assi tramuntana-nofsinar (tahlit ta' gass H ma' nitroġenu)
  - Tiżjid fil-kapaċità fuq l-assi lvant-punent: Zeebrugge (BE) — Eynatten (BE)
10. Azzjonijiet li jtejbju l-operazzjoni tan-*networks* ta' gass naturali interkonnessi fis-suq intern u f'pajjiżi ta' transitu, b'mod partikolari, li jidentifikaw punti ta' kongestjoni u konnessjonijiet neqsin, li jiżviluppaw soluzzjonijiet sabiex tissolva l-kongestjoni u li jadattaw l-metodi tal-previżjoni u ta' l-operazzjoni *networks* ta' gass naturali b'mod effiċjenti u mingħajr periklu:
- Identifikazzjoni tal-punti ta' kongestjoni u ta' konnessjonijiet neqsin, b'mod partikolari trans-konfinali, fin-*networks* ta' gass naturali.
  - Żvilupp ta' soluzzjonijiet għall-ġestjoni tal-fluss ta' gas naturali sabiex ikunu trattati problemi ta' kongestjoni fin-*networks* tal-gass.
  - Addattament tal-metodi ta' previżjoni u ta' l-operazzjoni tan-*networks* tal-gass naturali meħtieġa għall-funzjonament tas-suq intern.
  - Tiżjid fil-prestazzjoni u fis-sigurtà ġenerali tan-*networks* ta' gass naturali f'pajjiżi ta' transitu.
11. Żvilupp u integrazzjoni tal-kapaċità ta' trasport tal-gassijiet olefini sabiex tintlaqa' d-domanda fis-suq intern:
- L-Istati Membri kollha.
-

## ANNEX III

## NETWORKS TRANS-EWROPEJ TA' L-ENERĠIJA

**Proġetti ta' interess komuni u l-ispeċifikazzjonijiet tagħhom, attwalment identifikati skond il-kriterji stabbiliti fl-Anness II**

## NETWORKS TA' L-ELETTRIKU

1. *Żvilupp ta' networks ta' l-elettriku f'regżuni iżolati*
  - 1.1. Cable taht l-ilma bejn l-Irlanda uWales (UK)
  - 1.2. Konnessjoni tas-Cyclades tan-Nofsinhar (EL)(mas-Sistema Interkonnessa)
  - 1.3. Konnessjoni ta' 30kV permezz ta' cable taht l-ilma bejn il-gżejjer ta' Faial, Pico u S. Jorge (Azores, PT)
  - 1.4. Konnessjoni u tishih tan-network f'Terceira, Faial u S Miguel (Azores, PT)
  - 1.5. Konnessjoni u tishih tan-network f'Madeira (PT)
  - 1.6. Cable taht il-baħar bejn Sardenja (IT) u l-peninsula ta' l-Italja
  - 1.7. Cable taht il-baħar bejn Korsika (FR) u l-Italja
  - 1.8. Konnessjoni bejn il-peninsula ta' l-Italja u Sqallija (IT): irduppar tal-konnessjoni bejn Sorgente (IT) u Rizziconi (IT)
  - 1.9. Konnessjonijiet ġodda bejn il-Gżejjer Baleariċi u l-Kanari (ES)
2. *Żvilupp tal-konnessjonijiet ta' l-elettriku bejn l-Istati Membri*
  - 2.1. Il-linja Moulain (FR) — Aubange (BE)
  - 2.2. Il-linja Avelin (FR) — Avelgem (il-BE)
  - 2.3. Interkonnessjoni bejn il-Ġermanja u l-Belġju
  - 2.4. Il-linja Vigy(FR) — Marlenheim (FR)
  - 2.5. Il-linja Vigy(FR) — Uchtelfangen (DE)
  - 2.6. Phase transformer La Praz (FR)
  - 2.7. Aktar tiżjid fil-kapaċità permezz ta' l-interkonnessjoni eżistenti bejn Franza u l-Italja
  - 2.8. Interkonnessjoni ġdida bejn Franza u l-Italja
  - 2.9. Interkonnessjoni ġdida fil-Pirinej bejn Franza u Spanja
  - 2.10. Konnessjoni fil-Lvant tal-Pirinej bejn Franza u Spanja
  - 2.11. Konnessjonijiet bejn it-tramuntana tal-Portugall u l-Majjistral ta' Spanja
  - 2.12. Il-linja Sines (PT) — Alqueva (PT) — Bilbao (ES)
  - 2.13. Konnessjoni bejn in-nofsinhar tal-Portugal u l-lbiċ ta' Spanja
  - 2.14. Il-linja Valdigem (PT) — Douro Internacional (PT) — Aldeadávila (ES) u l-impjanti ta' "Douro Internacional"
  - 2.15. Konnessjonijiet fit-tramuntana tal-Golf ta' Bothnia u l-cable Fennoscan taht il-baħar bejn il-Finlandja u l-Isvetja
  - 2.16. Il-linja Lienz (AT) — Cordignano (IT)
  - 2.17. Interkonnessjoni Somplago (IT) — Würmbach (AT)
  - 2.18. Interkonnessjoni bejn l-Awstrija u l-Italja (Thaur-Brixen) li tghaddi mill-mina tal-ferrovija ta' Brenner
  - 2.19. Konnessjoni bejn l-Irlanda u l-Irlanda ta' Fuq
  - 2.20. Il-linja St Peter (AT) — Isar (DE)
  - 2.21. Cable taht il-baħar bejn ix-Xlokk ta' l-Ingilterra u l-Olanda ċentrali
  - 2.22. Tishih tal-konnessjonijiet bejn id-Danimarka u l-Ġermanja, eż. il-linja Kasso-Hamburg

- 2.23. Tishih tal-konnessjonijiet bejn id-Danimarka u l-Iżvezja
  - 2.24. Interkonnessjoni ġdida bejn is-Slovenja u l-Ungerija: Cirkovce (SI) — Hévíz (HU)
  - 2.25. Sajóivánka (HU) — Rimavska Sobota (SK)
  - 2.26. Moldava (SK) — Sajóivánka (HU)
  - 2.27. Stupava (SK) — in-nofsinar-lvant ta' Vienna (AT)
  - 2.28. Linja Polonja — Ġermanja (Neuenhagen (DE) — Vierraden (DE) — Krajnik (PL)
  - 2.29. Konnessjoni Polonja — Litwanja (Elk — Alytus)
  - 2.30. Cable taht il-baħar sabiex jgħaqqad il-Finlandja ma' l-Estonja
  - 2.31. Installazzjoni ta' sistemi flessibbli ta' trażmissjoni ta' kurrent alternanti sabiex jgħaqqdu l-Italja u s-Slovenja
  - 2.32. Konnessjonijiet ġodda sabiex jgħaqqdu s-sistemi UCTE u CENTREL
  - 2.33. Dürnröhr (AT) — Slavětice (CZ)
  - 2.34. Konnessjoni ta' l-elettriku taht il-baħar sabiex tgħaqqad lil Malta (MT) u Sqallija (IT)
  - 2.35. Interkonnessjonijiet ġodda bejn l-Italja u s-Slovenja
  - 2.36. Linja Udine Ovest (IT) — Okroglo (SI)
3. *Żvilupp tal-konnessjonijiet ta' l-elettriku fi ħdan l-Istati Membri*
    - 3.1. Konnessjonijiet fuq l-assi Daniża bejn il-Lvant u l-Punent: konnessjoni bejn in-networks tad-Danimarka tal-Punent (UCTE) u tal-Lvant (NORDEL)
    - 3.2. Konnessjoni fl-assi bejn it-tramuntana u n-nofsinar tad-Danimarka
    - 3.3. Konnessjonijiet ġodda fit-tramuntana ta' Franza
    - 3.4. Konnessjonijiet ġodda fil-lbiċ ta' Franza
    - 3.5. Il-linja Trino Vercellese (IT) — Lacchiarella (IT)
    - 3.6. Il-linja Turbigio (IT) — Rho (IT) — Bovisio (IT)
    - 3.7. Il-linja Voghera (IT) — La Casella (IT)
    - 3.8. Il-linja S. Fiorano (IT) — Nave (IT) — Gorlago (IT)
    - 3.9. Il-linja Venezia Nord (IT) — Cordignano (IT)
    - 3.10. Il-linja Redipuglia (IT) — Udine Ovest (IT)
    - 3.11. Konnessjonijiet ġodda fuq l-assi bejn il-lvant u l-punent ta' l-Italja
    - 3.12. Il-linja Tavarnuzze (IT) — Casallina (IT)
    - 3.13. Il-linja Tavarnuzze (IT) — S.Barbara (IT)
    - 3.14. Il-linja Rizziconi (IT) — Feroletto (IT) — Laino (IT)
    - 3.15. Konnessjonijiet ġodda fuq l-assi bejn it-tramuntana u n-nofsinar ta' l-Italja
    - 3.16. Modifiki tan-network għall-facilitazzjoni ta' konnessjonijiet tar-rinnovabbli fl-Italja
    - 3.17. Konnessjonijiet ġodda għall-enerġija mir-riħ fl-Italja
    - 3.18. Konnessjonijiet ġodda fuq l-assi tat-Tramuntana ta' Spanja
    - 3.19. Konnessjonijiet ġodda fuq l-assi tan-naħa tal-Mediterran ta' Spanja
    - 3.20. Konnessjonijiet ġodda fuq l-assi bejn Galicia (ES) u Centro (ES)
    - 3.21. Konnessjonijiet ġodda fuq l-assi bejn Centro (ES) u Aragón (ES)
    - 3.22. Konnessjonijiet ġodda fuq l-assi bejn Aragón (ES) u Levante (ES)
    - 3.23. Konnessjonijiet ġodda fuq l-assi bejn in-nofsinar u ċ-ċentru ta' Spanja (ES)
    - 3.24. Konnessjonijiet ġodda fuq l-assi bejn il-Lvant u ċ-ċentru ta' Spanja (ES)



- 3.25. Konnessjonijiet ġodda fl-Andalucía (ES)
- 3.26. Il-linja Pedralva (PT) — Riba d'Ave (PT) u l-impjanti ta' Pedralva
- 3.27. Il-linja Recarei (PT) — Valdigem (PT)
- 3.28. Il-linja Picote (PT) — Pocinho (PT) (aġġornar)
- 3.29. Modifika tal-linja preżenti Pego (PT) — Cedillo (ES)/Falagueira (PT) u ta' l-impjanti ta' Falagueira
- 3.30. Il-linja Pego (PT) — Batalha (PT) u l-impjanti fil-Batalha
- 3.31. Il-linja I Sines (PT) — Ferreira do Alentejo (PT) (aġġornar)
- 3.32. Konnessjonijiet ġodda għall-enerġija mir-riħ fil-Portugall
- 3.33. Il-linji Pereiros (PT) — Zêzere (PT) — Santarém (PT) u l-impjanti ta' Zêzere
- 3.34. Il-linji I u II Batalha (PT) — Rio Maior (PT) (aġġornar)
- 3.35. Il-linja Carrapateiro (PT) — Mourisca (PT) (aġġornar)
- 3.36. Il-linja Valdigem (PT) — Viseu (PT) — Anadia (PT)
- 3.37. Devjazzjoni tal-linja preżenti Rio Maior (PT) — Palmela (PT) għal Ribatejo (PT) u għall-impjanti ta' Ribatejo
- 3.38. Substations u linji ta' konnessjoni ta' Thessaloniki (EL), ta' Lamia (EL) u ta' Patras (EL)
- 3.39. Konnessjonijiet tar-reġjuni ta' Evia (EL), ta' Lakonia (EL) u ta' Thrace (EL)
- 3.40. Tishih tal-konnessjonijiet eżistenti ta' reġjuni periferiċi ma' l-art prinċipali fil-Greċja
- 3.41. Il-linja Tynagh (IE) — Cashla (IE)
- 3.42. Il-linja Flagford (IE) — East Sligo (IE)
- 3.43. Konnessjonijiet fil-Grigal u fil-Punent ta' Spanja, b'mod partikulari sabiex ikun hemm konnessjoni man-network tal-kapaċitajiet tal-ġenerazzjoni ta' l-enerġija mir-riħ
- 3.44. Konnessjonijiet fil-pajjiż Bask (ES), f'Aragón (ES) u f'Navarra (ES)
- 3.45. Konnessjonijiet f'Galicia (ES)
- 3.46. Konnessjonijiet fl-Iżvezja Ċentrali
- 3.47. Konnessjonijiet fin-Nofsinhar ta' l-Iżvezja
- 3.48. Linja Hamburg (DE) — reġjun ta' Schwerin (DE)
- 3.49. Linja reġjun ta' Halle/Saale (DE) — reġjun ta' Scheinfurt (DE)
- 3.50. Konnessjonijiet ġodda ta' enerġija ġġenerata mir-riħ f'impjanti fil-Ġermanja, kemm dawk fuq l-art u kemm dawk fuq il-baħar
- 3.51. Titjib tan-network ta' 380 kV fil-Ġermanja sabiex titqabba ma' impjanti fuq il-baħar fejn tkun ġenerata l-enerġija mir-riħ
- 3.52. Konnessjonijiet fl-Irlanda ta' Fuq, f'relazzjoni ma' l-interkonnessjonijiet ma' l-Irlanda
- 3.53. Konnessjonijiet fil-Majjistral tar-Renju Unit
- 3.54. Konnessjonijiet fl-Iskozja u fl-Ingilterra, bil-hsieb ta' użu akbar ta' sorsi rinnovabbli fil-produzzjoni ta' l-elettriku
- 3.55. Konnessjonijiet ġodda għall-impjanti fuq il-baħar fejn tkun ġenerata l-enerġija mir-riħ fil-Belġju, inkluż titjib tan-network ta' 380 kV
- 3.56. Substation f'Borssele (NL)
- 3.57. Implementazzjoni ta' tagħmir għal kumpens ta' l-enerġija reattiva (NL)
- 3.58. Installazzjoni ta' phase shifters u/jew batteriji capacitor fil-Belġju
- 3.59. Titjib tan-network ta' 380 kV fil-Belġju sabiex titjeb il-kapaċità għall-importazzjoni
- 3.60. Il-linja St Peter (AT) — Tauern (AT)
- 3.61. Linja Süd-Burgenland (AT) — Kainachtal (AT)
- 3.62. Dunowo (PL) — Żydowo (PL) — Krzewina (PL) — Plewiska (PL)

- 3.63. Pątnów (PL) — Grudziądz (PL)
- 3.64. Ostrów (PL) — Plewiska (PL)
- 3.65. Ostrów (PL) — Trębaczew (Rogowiec) (PL)
- 3.66. Plewiska (PL) — Pątnów (PL)
- 3.67. Tarnów (PL) — Krosno (PL)
- 3.68. Elk (PL) — Olsztyn Matki (PL)
- 3.69. Elk (PL) — Narew (PL)
- 3.70. Mikułowa (PL) — Świebodzice — Dobrzeń (Groszowice) (PL)
- 3.71. Pątnów (PL) — Sochaczew (PL) — Warszawa (PL)
- 3.72. Krsko (SI) — Bericevo (SI)
- 3.73. Titjib tas-sistema ta' trażmissjoni Slovenia minn 220 kV għal 400 kV
- 3.74. Medzibrod (SK) — Liptovská Mara (SK)
- 3.75. Lemešany (SK) — Moldava (SK)
- 3.76. Lemešany (SK) — Velké Kapušany (SK)
- 3.77. Gabčíkovo (SK) — Velký Ďur (SK)
- 3.78. Konnessjonijiet fit-tramuntana ta' l-Isvezja
- 3.79. Trasferiment tal-provvista f'Saaremaa (EE) għal 110 kV
- 3.80. Titjib fil-provvista ta' enerġija f'Tartu (EE)
- 3.81. Rinnovament tas-substation f'Eesti (EE) (330 kV)
- 3.82. Rinnovament tas-substations f'Kiisa (EE), Pussi (EE), u Viljandi (EE) (110 kV)
- 3.83. Nošovice (CZ) — Prosenice (CZ): bini mill-ġdid tal-linja wahda ta' 400 kV bhala linja b'ċirkwitu doppju ta' 400 kV
- 3.84. Krasikov (CZ) — Horní Životice (CZ): linja wahda ġdida ta' 400 kV
- 3.85. Konnessjonijiet ġodda għall-ġenerazzjoni ta' enerġija mir-riħ f'Malta (MT)
4. *Żvilupp tal-konnessjonijiet ta' l-elettriku mal-pajjiżi li m'humiex Stati Membri*
- 4.1. Interkonnessjoni ġdida bejn l-Italja u l-Isvizzera
- 4.2. Il-linja Philippi (EL) — Maritsa 3 (il-Bulgarija)
- 4.3. Il-linja Amintaio (EL) — Bitola (l-Ex Repubblika Jugoslava tal-Maċedonja)
- 4.4. Il-linja Kardja (EL) — Elbasan (l-Albanija)
- 4.5. Il-linja Elbasan (l-Albanija) — Podgorica (il-Montenegro)
- 4.6. Is-substation u l-linji ta' konnessjoni ta' Mostar (Bożnija–Herzegovina)
- 4.7. Is-substation u l-linji ta' konnessjoni ta' Ernestinovo (il-Kroazja)
- 4.8. Konnessjonijiet ġodda bejn il-Greċja u l-Albanija, il-Bulgarija u l-Ex Repubblika Jugoslava tal-Maċedonja
- 4.9. Il-linja Philippi (EL) — Hamidabad (TR)
- 4.10. Cable taħt il-baħar bejn il-grigal u l-Ivant ta' l-Ingilterra u n-Norveġja tan-nofsinar
- 4.11. Il-konnessjoni Eemshaven (NL) — Fedaa (NO)
- 4.12. Cable taħt il-baħar bejn in-nofsinar ta' Spanja u l-Marokk (tishiħ tal-konnessjoni eżistenti)
- 4.13. Konnessjonijiet għaċ-Ċirkwit ta' l-Elettriku tal-Baltiku: Il-Ġermanja — il-Polonja — ir-Russja — l-Estonja — il-Latvja — il-Litwanja — l-Isvezja — il-Finlandja — id-Danimarka — il-Belarus
- 4.14. Il-konnessjonijiet tal-Finlandja tan-nofsinar u tar-Russja

- 4.15. Konnessjonijiet godda bejn l-Isvezja tat-tramuntana u n-Norveġja tat-tramuntana
  - 4.16. Konnessjonijiet godda bejn l-Isvezja ċentrali u n-Norveġja ċentrali
  - 4.17. Il-linja Borgvik (S) – Hoesle (NO) — ir-reġjun ta' Oslo (NO)
  - 4.18. Konnessjonijiet godda bejn is-sistema UCTE/CENTREL u l-pajjiżi tal-Balkani
  - 4.19. Konnessjonijiet u interface bejn is-sistema ta' l-UCTE u l-Belarus, ir-Russja u l-Ukrajna, inkluż iċ-ċaqliq ta' l-istazzjonijiet ta' konverżjoni HVDC li kienu joperaw bejn l-Awstrija u l-Ungerija, bejn l-Awstrija u r-Repubblika Ċeka, u bejn il-Ġermanja u r-Repubblika Ċeka
  - 4.20. Konnessjonijiet fiċ-Ċirkwit ta' l-Elettriku tal-Baħar l-Iswed: Ir-Russja — l-Ukrajna — ir-Rumanija — il-Bulgarija — it-Turkija — il-Ġeorgja
  - 4.21. Konnessjonijiet godda fiż-żona tal-Baħar l-Iswed bil-hsieb ta' l-interoperabbiltà tas-sistema UCTE man-networks fil-pajjiżi koperti
  - 4.22. Konnessjonijiet godda fiċ-Ċirkwit ta' l-Elettriku tal-Mediterran: Franza — Spanja — il-Marokk — l-Alġerija — it-Tuneżija — il-Libja — l-Eġittu — il-Pajjiżi tal-Lvant Qarib — it-Turkija — il-Greċja — l-Italja
  - 4.23. Cable taħt il-baħar bejn Spanja tan-Nofsinhar u l-Majjistral ta' l-Alġerija
  - 4.24. Cable taħt il-baħar bejn l-Italja u l-Afrika ta' Fuq (Alġerija, Tuneżija, Libja)
  - 4.25. Konnessjoni ta' l-elettriku bejn it-Tuneżija u l-Italja
  - 4.26. Konnessjonijiet godda fiż-żona/fir-reġjun tal-Barents
  - 4.27. Titjib tal-konnessjonijiet bejn id-Danimarka u n-Norveġja
  - 4.28. Obermoorweiler (DE) — Meiningen (AT) — Bonaduz (CH): aktar tiżjid fil-kapaċità
  - 4.29. Békéscsaba (HU) — Oradea (RO)
  - 4.30. Pécs (HU) — Sombor (Serbia)
  - 4.31. Pécs (HU) — Ernestinovo (HR)
  - 4.32. Velke Kapušany (SK) — fruntiera ta' l-Ukrajna
  - 4.33. Andrall (ES) — Encamp (AND): tiżjid fil-kapaċità għal 220 kV
  - 4.34. Spanja — Andorra –Franza: titjib tal-konnessjonijiet
5. *Azzjonijiet li jtejbu l-funzjonament tan-networks ta' l-elettriku interkonnessi fi hdan is-suq intern*  
(L-ebda speċifikazzjonijiet s'issa)

#### NETWORKS TAL-GASS

6. *Introduzzjoni tal-gass naturali f'reġjuni godda*
- 6.1. Żvilupp tan-network tal-gass minn Belfast lejn ir-reġjun fil-Majjistral ta' l-Irlanda ta' Fuq (UK) u, jekk japplika, lejn il-kosta tal-punent ta' l-Irlanda
- 6.2. LNG f'Santa Cruz de Tenerife, fil-Gżejjer Kanari (ES)
- 6.3. LNG f'Las Palmas, fil-Gran Kanarja (ES)
- 6.4. LNG f' Madeira (PT)
- 6.5. Żvilupp ta' network tal-gass fl-Isvezja
- 6.6. Konnessjoni bejn il-Gżejjer Baleariċi (ES) u l-art prinċipali ta' Spanja
- 6.7. Diramazzjoni ta' pressjoni għolja lejn Thrace (EL)
- 6.8. Diramazzjoni ta' pressjoni għolja lejn Korintu (EL)
- 6.9. Diramazzjoni ta' pressjoni għolja lejn il-Greċja tal-Majjistral (EL)
- 6.10. Konnessjoni tal-gżejjer ta' Lolland (DK) u ta' Falster (DK)
- 6.11. LNG fuq il-gżira ta' Ċipru, Ċentru ta' Energija ta' Vasilikos

- 6.12. Konnessjoni bejn l-impjant ta' LNG f'Vasilikos (CY) u l-power station f'Moni (CY)
- 6.13. LNG fuq il-gżira ta' Kreta (EL)
- 6.14. Fergħa ta' pressjoni għolja lejn Patra (EL)
- 6.15. LNG f'Malta
7. *L-iżvilupp ta' konnessjonijiet ta' gass sabiex ilaħħqu mad-domanda tas-suq intern jew sabiex tissaħħaħ is-sigurtà fil-provvista, inkluża l-konnessjoni ta' networks separati ta' gass naturali*
- 7.1. Interkonnessjoni addizzjonali tal-gass bejn l-Irlanda u l-Iskozja
- 7.2. Interkonnessjoni bejn it-Tramuntana u n-Nofsinhar, inkluż il-pipeline Dublin-Belfast
- 7.3. Stazzjoni ta' kompressjoni fuq il-pipeline ta' bejn Lacq (FR) u Calahorra (ES)
- 7.4. Pipeline bejn Lussagnet (FR) u Bilbao (ES)
- 7.5. Pipeline bejn Perpignan (FR) u Barcellona (ES)
- 7.6. Tiżjid fil-kapaċità tat-trasport tal-pipelines tal-gass li jipprovdu l-gass lill-Portugall minn Spanja tan-Nofsinhar u l-Galicia u l-Asturias mill-Portugall
- 7.7. Pipeline bejn Puchkirchen (AT) u Burghausen (DE)
- 7.8. Pipeline bejn Andorf (AT) u Simbach (DE)
- 7.9. Pipeline bejn Wiener Neustadt (AT) u Sopron (HU)
- 7.10. Pipeline bejn Bad Leonfelden (AT) u Linz (AT)
- 7.11. Pipeline tal-Greċja tal-Majjistral — Elbasan (AL)
- 7.12. Pipeline ta' interkonnessjoni bejn il-Greċja u l-Italja
- 7.13. Stazzjon ta' kompressjoni fil-pipeline prinċipali fil-Greċja
- 7.14. Konnessjoni bejn in-networks ta' l-Awstrija u tar-Repubblika Ċeka
- 7.15. Passaġġ ta' trasport tal-gass fix-Xlokk ta' l-Ewropa li jgħaddi mill-Greċja, mill-Ex Repubblika Jugozłava tal-Maċedonja, mis-Serbja, mill-Montenegro, mill-Bożnija Herzegovina, mill-Kroazja, mis-Slovenja u mill-Awstrija
- 7.16. Passaġġ ta' trasport tal-gass bejn l-Awstrija u t-Turkija li jgħaddi mill-Ungerija, mir-Rumanija u mill-Bulgarija
- 7.17. Pipelines interkonnessi li jgħaddu bejn ir-Renju Unit, l-Olanda u l-Ġermanja, li jgħaqqdu s-sorsi prinċipali u s-swieq ta' l-Ewropa tal-Majjistral
- 7.18. Konnessjonijiet bejn il-Ġermanja tal-Grigal (iz-zona ta' Berlin) u l-Majjistral tal-Polonja (iz-zona ta' Szczecin) ma' fergħa minn Schmölln sa Lubmin (DE, iz-zona ta' Greifswald)
- 7.19. Pipeline bejn Cieszyn (PL) u Ostrava (CZ)
- 7.20. Görlitz (DE) — Zgorzelec (PL): estenzjoni u interkonnessjoni ta' networks ta' gass naturali
- 7.21. Estenzjoni bejn Bernau (DE) u Szczecin (PL)
- 7.22. Konnessjoni bejn impjanti 'il barra mill-kosta fil-Baħar tat-Tramuntana, jew mill-impjanti Daniżi 'il barra mill-kosta għal impjanti tar-Renju Unit 'il gewwa mill-kosta.
- 7.23. Tishih tal-kapaċità tat-trasport bejn Franza u l-Italja
- 7.24. L-interkonnnettura tal-gass Baltiku bejn id-Danimarka — il-Ġermanja — l-Isvetja
- 7.25. Stazzjoni ta' fużjoni f'Winksele (BE) fuq l-assi tramuntana-nofsinhar
- 7.26. Zeebrugge (BE) — Eynatten (BE) titjib fil-kapaċità
- 7.27. Titjib fil-kapaċità fuq l-assi mit-Tramuntana għall-Punent: Zelzate (BE) — Zeebrugge (BE)
- 7.28. Bini ta' pipeline tal-gass bejn id-Danimarka u l-Olanda u li tgħaqqad impjanti ta' produzzjoni eżistenti fil-Baħar tat-Tramuntana

8. *Żvilupp tal-kapaċitajiet ta' riċeviment tal-LNG u sabiex jinħażen il-gass naturali*
- 8.1. LNG f'Le Verdon-sur-mer (FR, terminal ġdid) u pipeline għal hażna lejn Lussagnet (FR)
- 8.2. LNG f'Fos-sur-mer (FR)
- 8.3. LNG f'Huelva (ES), estensjoni tat-terminal eżistenti
- 8.4. LNG f'Cartagena (ES), estensjoni tat-terminal eżistenti
- 8.5. LNG f'Galicia (ES), terminal ġdid
- 8.6. LNG f'Bilbao (ES), terminal ġdid
- 8.7. LNG fir-reġjun ta' Valencia (ES), terminal ġdid
- 8.8. LNG f'Barcellona (ES), estensjoni tat-terminal eżistenti
- 8.9. LNG f'Sines (PT), terminal ġdid
- 8.10. LNG f'Revithoussa (EL), estensjoni tat-terminal eżistenti
- 8.11. LNG fil-Kosta ta' l-Adrijatiku tat-Tramuntana (IT)
- 8.12. LNG 'il barra mill-kosta fil-Kosta ta' l-Adrijatiku tat-Tramuntana (IT)
- 8.13. LNG fil-Kosta ta' l-Adrijatiku tan-Nofsinhar (IT)
- 8.14. LNG fil-Kosta Jonja (IT)
- 8.15. LNG fil-Kosta tat-Tirrenu (IT)
- 8.16. LNG fil-Kosta tal-Ligurja (IT)
- 8.17. LNG f'Zeebrugge (BE, it-tieni fażi tat-tkabbir tal-kapaċità)
- 8.18. LNG fl-Isle of Grain, Kent (ir-Renju Unit)
- 8.19. Kostruzzjoni tat-tieni terminal tal-LNG fil-Greċja kontinentali
- 8.20. Żvilupp ta' l-impjanti tal-hażna tal-gass taht l-art fl-Irlanda
- 8.21. Hażna f'Kavala tan-Nofsinhar (EL), konverżjoni ta' faċilità tal-gass żvujtata 'il barra mill-kosta
- 8.22. Hażna f'Lussagnet (FR), estensjoni tas-sit preżenti
- 8.23. Hażna f'Pecorade (FR), konverżjoni ta' faċilità taż-żejt żvujtata
- 8.24. Hażna fir-reġjun ta' Alsace (FR), żvilupp ta' hażniet tal-melħ
- 8.25. Hażna fir-reġjun taċ-Ċentru (FR), żvilupp tal-water table
- 8.26. Hażna fuq l-assi tat-Tramuntana u n-Nofsinhar ta' Spanja (siti ġodda) fil-Cantabria, Aragon, Castilla y León, Castilla — f'La Mancha u Andalucía
- 8.27. Hażna fiċ-ċentru tal-Mediterran ta' Spanja (siti ġodda) f'Catalonia, f'Valencia u f'Murcia
- 8.28. Hażna f'Carriço (PT), sit ġdid
- 8.29. Hażna f'Loenhout (BG), estensjoni tas-sit preżenti
- 8.30. Hażna f'Stenlille (DK) u f'Lille Torup (DK), estensjoni tas-sit preżenti
- 8.31. Hażna f'Tønder (DK), sit ġdid
- 8.32. Hażna f'Puchkirchen (AT), estensjoni tas-sit preżenti, inkluż il-pipeline lejn is-sistema Penta West qrib ta' Andorf (l-AT)
- 8.33. Hażna f'Baumgarten (AT), sit ġdid
- 8.34. Hażna f'Haidach (AT), sit ġdid, inkluż pipeline għan-network Ewropew tal-gass
- 8.35. Żvilupp ta' l-impjanti tal-hażna tal-gass taht l-art fl-Italja



- 8.36. Hażna f' Wierchowice (PL), tkabbir tas-sit eżistenti
- 8.37. Hażna f'Kossakowo (PL), żvilupp ta' mahżen taht l-art
- 8.38. Pipeline tal-gass bejn Malta (MT) u Sqallija (IT)
- 8.39. Hażna fil-Litwanja (sit ġdid)
9. *Żvilupp tal-kapaċità tat-trasport tal-gass (pipelines tal-provvista tal-gass)*
- 9.1. Il-ħolqien u l-iżvilupp ta' konnessjonijiet tan-Network tal-Gass Nordika: in-Norveġja — id-Danimarka — il-Ġermanja — l-Iżvezja — il-Finlandja — ir-Russja — l-Istati Baltiċi — il-Polonja
- 9.2. Il-pipeline tal-gass taċ-Ċentru Nordiku: In-Norveġja, l-Iżvezja, il-Finlandja
- 9.3. Il-pipeline tal-gass ta' l-Ewropa tat-Tramuntana: Ir-Russja, il-Baħar Baltiku, il-Ġermanja
- 9.4. Pipeline tal-gass bejn ir-Russja u l-Ġermanja li tgħaddi mil-Latvja, mil-Litwanja u mill-Polonja, inkluż l-iżvilupp ta' impjanti għall-ħażna tal-gass taht l-art (Proġett "Amber")
- 9.5. Il-pipeline tal-gass Finlandja — Estonja
- 9.6. Pipelines tal-gass ġodda mill-Alġerija lejn Spanja u Franza u tiżjid fil-kapaċità relatata tan-networks interni f'dawn il-pajjiżi
- 9.7. Tiżjid fil-kapaċità tat-trasport fil-pipeline l-Alġerija — il-Marokk — Spanja (lejn Córdoba)
- 9.8. Il-pipeline Córdoba (ES) — Ciudad Real (ES)
- 9.9. Il-pipeline Ciudad Real (ES) — Madrid (ES)
- 9.10. Il-pipeline Ciudad Real (ES) — il-kosta tal-Mediterran (ES)
- 9.11. Fergħat f'Castilla (ES) — La Mancha (ES)
- 9.12. Estensjoni lejn il-Majjistral ta' Spanja
- 9.13. Il-pipeline taht il-baħar bejn l-Alġerija u Spanja u l-pipelines għall-konnessjoni ma' Franza
- 9.14. Tiżjid fil-kapaċità tat-trasport tar-riżorsi Russi lejn l-Unjoni Ewropea li jgħaddi mill-Ukrajna, mis-Slovakkja u mir-Repubblika Ċeka
- 9.15. Tiżjid fil-kapaċità tat-trasport tar-riżorsi Russi lejn l-Unjoni Ewropea li jgħaddi mill-Belarus u mill-Polonja
- 9.16. Il-pipeline ta' gass naturali bejn Yamal u l-Ewropa II
- 9.17. Il-pipeline tal-gass Yagal Sud (bejn il-pipeline STEGAL li jwassal għat-triangolu DE, FR, CH)
- 9.18. l-pipeline tal-gass tal-Lvant SUDAL (bejn il-pipeline MIDAL qrib il-pipeline Heppenheim sa Burghausen mal-pipeline PENTA fl-Awstrija)
- 9.19. Tiżjid fil-kapaċità ta' trasport tal-pipeline tal-gass STEGAL għat-trasport ta' aktar gass mill-fruntiera bejn ir-Repubblika Ċeka u l-Ġermanja u mill-fruntiera bejn il-Polonja u l-Ġermanja lejn Stati Membri oħra permezz tal-Ġermanja
- 9.20. Pipeline tal-gass mir-riżorsi Libjani sa l-Italja
- 9.21. Pipeline tal-gass mir-riżorsi fil-Pajjiżi tal-Baħar Kaspju sa l-Unjoni Ewropea
- 9.22. Pipeline tal-gass bejn il-Greċja u t-Turkija
- 9.23. Tiżjid fil-kapaċità tat-trasport mir-riżorsi Russi sal-Greċja u sa pajjiżi fil-Balkani oħra, li jgħaddi mill-Ukrajna, mill-Moldavja, mir-Rumanija u mill-Bulgarija
- 9.24. Pipeline tal-gass St. Zagora (BG) — Ihtiman (BG)
- 9.25. Pipeline li jaqsm il-Baħar Adrijatiku — pipeline ta' gass naturali sabiex jittrasporta l-gass naturali impurtat mir-reġjun tal-Baħar Kaspjan, mir-Russja, jew mil-Lvant Nofsani, li torbot l-Italja u l-iswieq ta' enerġija fin-Nofsinar u l-Lvant ta' l-Ewropa
- 9.26. Pipelines ta' konnessjoni bejn in-networks tal-gass Ġermaniżi, Ċeki, Awstrijaċi u Taljani
- 9.27. Pipeline tal-gass minn riżorsi Russi lejn l-Italja, li jgħaddi mill-Ukrajna, mis-Slovakkja, mill-Ungerija u mis-Slovenja

- 9.28. Tiżġid fil-kapaċità tat-trasport tal-pipeline tal-gass TENP li jestendi mill-Olanda lejn l-Italja permezz tal-Ġermanja,
  - 9.29. Pipeline tal-gass Taisnieres (FR) — Oltingue (CH)
  - 9.30. Pipeline tal-gass li jgħaddi mid-Danimarka sal-Polonja, possibilmment permezz ta' l-Isvezja
  - 9.31. Pipeline tal-gass Nybro (DK) — Dragør (DK), inkluż il-pipeline ta' konnessjoni mal-ħażna fi Stenlille (DK)
  - 9.32. Network tal-gass mir-riżorsi tal-Baħar Barents sa l-Unjoni Ewropea li jgħaddi mill-Isvezja u mill-Finlandja
  - 9.33. Pipeline tal-gass mill-faċilità ta' Corrib (IE), 'il barra mill-kosta
  - 9.34. Pipeline tal-gass mir-riżorsi ta' l-Alġerija sa l-Italja li jgħaddi minn Sardenja u b'fergħa li twassal sa Korsika.
  - 9.35. Network tal-gass minn riżorsi fil-Lvant Nofsani sa l-Unjoni Ewropea
  - 9.36. Pipeline tal-gass min-Norveġja sar-Renju Unit
  - 9.37. Konnessjoni bejn Pécs (HU) u l-Kroazja
  - 9.38. Konnessjoni bejn Szeged (HU) u Oradea (RO)
  - 9.39. Konnessjoni bejn Vecsés (HU) u s-Slovakkja
  - 9.40. Tiżġid fil-kapaċità bejn Beregdaróc (HU) u l-Ukrajna
10. *Azzjonijiet li jtejbju l-funzjonament tan-networks interkonnessi tal-gass fi ħdan is-suq intern*  
(L-ebda speċifikazzjonijiet m'hi definita s'issa)
-

## II

(Atti li l-pubblikazzjoni tagħhom mhijiex obligatorja)

## KUNSILL

## DEĊIŻJONI TAL-KUNSILL

ta' l-24 ta' Lulju 2006

**dwar il-konkluzjoni, fisem il-Komunità Ewropea, tal-Protokoll Kontra t-Traffikar ta' Migranti bl-Art, bil-Bahar u bl-Ajru, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata Transnazzjonali li tikkonċerna d-dispożizzjonijiet tal-Protokoll, safejn id-dispożizzjonijiet ta' dan il-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u l-Artikolu 181a tat-Trattat li jstabbilixxi l-Komunità Ewropea**

(2006/616/KE)

IL-KUNSILL TA' L-UNJONI EWROPEA,

(4) Xi Stati Membri huma partijiet għall-Protokoll filwaqt li fi Stati Membri oħrajn għaddej il-proċess ta' ratifika.

Wara li kkunsidra t-Trattat li jstabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikoli 179 u 181a flimkien ma' l-ewwel subparagrafu ta' l-Artikolu 300(2), u l-ewwel subparagrafu ta' l-Artikolu 300(3) tiegħu,

(5) Il-konkluzjoni tal-Konvenzjoni giet approvata fisem il-Komunità bid-Deciżjoni tal-Kunsill 2004/579/KE tad-29 ta' April 2004 <sup>(1)</sup> li hija kondizzjoni għall-Komunità sabiex issir Parti għall-Protokoll, skond l-Artikolu 37(2) tal-Konvenzjoni.

Wara li kkunsidra l-proposta mill-Kummissjoni,

(6) Il-kondizzjonijiet l-oħra li jippermettu lill-Komunità sabiex tiddepożita l-istrument ta' approvazzjoni previst fl-Artikolu 36(3) tal-Konvenzjoni u l-Artikolu 21(3) tal-Protokoll ġew imwettqa.

Wara li kkunsidra l-opinjoni tal-Parlament Ewropew <sup>(1)</sup>,

Billi:

(7) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat, il-konkluzjoni tal-Protokoll għandha tiġi approvata fisem il-Komunità.

(1) L-elementi tal-Protokoll li huma suġġetti għall-kompetenza tal-Komunità ġew negozjati mill-Kummissjoni, bl-approvazzjoni tal-Kunsill, fisem il-Komunità.

(8) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat, il-konkluzjoni tal-Protokoll fisem il-Komunità għandha tiġi approvata permezz ta' deciżjoni separata tal-Kunsill <sup>(4)</sup>.

(2) Il-Kunsill ta istruzzjoni lill-Kummissjoni sabiex tinnegozja l-ażiżjoni tal-Komunità għall-ftehim internazzjonali in kwistjoni.

(3) In-negozjati ġew konkluzi b'suċċess u l-istrument li rriżulta ġie ffirmat mill-Komunità fit-12 ta' Diċembru 2000 skond id-Deciżjoni tal-Kunsill 2001/87/KE tat-8 ta' Diċembru 2000 <sup>(2)</sup>.

(9) Meta tiddepożita l-istrument ta' approvazzjoni, il-Komunità għandha tiddepożita wkoll dikjarazzjoni dwar l-ambitu ta' l-ambitu ta' kompetenza tal-Komunità fir-rigward ta' kwistjonijiet regolati mill-Protokoll taht l-Artikolu 21(3) tal-Protokoll dwar it-Traffikar ta' Migranti,

<sup>(1)</sup> Għadha mhux ippubblikata fil-Ġurnal Uffiċjali.

<sup>(2)</sup> ĠU L 30, 1.2.2001, p. 44.

<sup>(3)</sup> ĠU L 261, 6.8.2004, p. 11.

<sup>(4)</sup> Ara paġna 34 ta' dan il-Ġurnal Uffiċjali.

IDDEĊIEDA KIF ĠEJ:

*Artikolu 3*

*Artikolu 1*

Il-Protokoll kontra t-traffikar ta' migranti bl-art, bl-ajru jew bil-baħar, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti kontra l-kriminalità organizzata transnazzjonali, kif espost fl-Anness I, huwa b'dan approvat f'isem il-Komunità Ewropea.

L-istrument tal-konferma formali tal-Komunità għandu jkun fih dikjarazzjoni ta' kompetenza skond l-Artikolu 21(3) tal-Protokoll kif espost fl-Anness II.

*Artikolu 2*

Din id-Deciżjoni għandha tapplika safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat.

Il-President tal-Kunsill huwa awtorizzat li jahtar il-persuna li jkollha s-setgħa li tiddepożita l-konferma formali sabiex b'hekk torbot lill-Komunità.

Din id-Deciżjoni għandha tiġi pubblikata fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

Magħmula fi Brussell, nhar l-24 ta' Lulju 2006.

*Għall-Kunsill*

*Il-President*

K. RAJAMÄKI

## ANNEX I

## PROTOCOL

**against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime**

## PREAMBLE

THE STATES PARTIES TO THIS PROTOCOL,

DECLARING that effective action to prevent and combat the smuggling of migrants by land, sea and air requires a comprehensive international approach, including cooperation, the exchange of information and other appropriate measures, including socio-economic measures, at the national, regional and international levels,

RECALLING General Assembly resolution 54/212 of 22 December 1999, in which the Assembly urged Member States and the United Nations system to strengthen international cooperation in the area of international migration and development in order to address the root causes of migration, especially those related to poverty, and to maximize the benefits of international migration to those concerned, and encouraged, where relevant, interregional, regional and subregional mechanisms to continue to address the question of migration and development,

CONVINCED of the need to provide migrants with humane treatment and full protection of their rights,

TAKING INTO ACCOUNT the fact that, despite work undertaken in other international forums, there is no universal instrument that addresses all aspects of smuggling of migrants and other related issues,

CONCERNED at the significant increase in the activities of organised criminal groups in smuggling of migrants and other related criminal activities set forth in this Protocol, which bring great harm to the States concerned,

ALSO CONCERNED that the smuggling of migrants can endanger the lives or security of the migrants involved,

RECALLING General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organised crime and of discussing the elaboration of, *inter alia*, an international instrument addressing illegal trafficking in and transporting of migrants, including by sea,

CONVINCED that supplementing the United Nations Convention against Transnational Organised Crime with an international instrument against the smuggling of migrants by land, sea and air will be useful in preventing and combating that crime,

HAVE AGREED AS FOLLOWS:

## I. GENERAL PROVISIONS

## Article 2

**Statement of purpose**

## Article 1

**Relation with the United Nations Convention against Transnational Organised Crime**

1. This Protocol supplements the United Nations Convention against Transnational Organised Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 6 of this Protocol shall be regarded as offences established in accordance with the Convention.

The purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants.

## Article 3

**Use of terms**

For the purposes of this Protocol:

- (a) 'smuggling of migrants' shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) 'illegal entry' shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;



- (c) 'fraudulent travel or identity document' shall mean any travel or identity document:
- (i) that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorised to make or issue the travel or identity document on behalf of a State; or
  - (ii) that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
  - (iii) that is being used by a person other than the rightful holder;
- (d) 'vessel' shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

#### Article 4

##### Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 6 of this Protocol, where the offences are transnational in nature and involve an organised criminal group, as well as to the protection of the rights of persons who have been the object of such offences.

#### Article 5

##### Criminal liability of migrants

Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol.

#### Article 6

##### Criminalisation

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit:
- (a) the smuggling of migrants;
  - (b) when committed for the purpose of enabling the smuggling of migrants:
    - (i) producing a fraudulent travel or identity document;
    - (ii) procuring, providing or possessing such a document;
  - (c) enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remain-

ing in the State by the means mentioned in subparagraph (b) of this paragraph or any other illegal means.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
- (a) subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
  - (b) participating as an accomplice in an offence established in accordance with paragraph 1 (a), (b) (i) or (c) of this article and, subject to the basic concepts of its legal system, participating as an accomplice in an offence established in accordance with paragraph 1 (b) (ii) of this article;
  - (c) organising or directing other persons to commit an offence established in accordance with paragraph 1 of this article.
3. Each State Party shall adopt such legislative and other measures as may be necessary to establish as aggravating circumstances to the offences established in accordance with paragraph 1 (a), (b) (i) and (c) of this article and, subject to the basic concepts of its legal system, to the offences established in accordance with paragraph 2 (b) and (c) of this article, circumstances:
- (a) that endanger, or are likely to endanger, the lives or safety of the migrants concerned; or
  - (b) that entail inhuman or degrading treatment, including for exploitation, of such migrants.
4. Nothing in this Protocol shall prevent a State Party from taking measures against a person whose conduct constitutes an offence under its domestic law.

## II. SMUGGLING OF MIGRANTS BY SEA

#### Article 7

##### Cooperation

States Parties shall cooperate to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea.

#### Article 8

##### Measures against the smuggling of migrants by sea

1. A State Party that has reasonable grounds to suspect that a vessel that is flying its flag or claiming its registry, that is without nationality or that, though flying a foreign flag or refusing to show a flag, is in reality of the nationality of the State Party concerned is engaged in the smuggling of migrants by sea may request the assistance of other States Parties in suppressing the use of the vessel for that purpose. The States Parties so requested shall render such assistance to the extent possible within their means.

2. A State Party that has reasonable grounds to suspect that a vessel exercising freedom of navigation in accordance with international law and flying the flag or displaying the marks of registry of another State Party is engaged in the smuggling of migrants by sea may so notify the flag State, request confirmation of registry and, if confirmed, request authorisation from the flag State to take appropriate measures with regard to that vessel. The flag State may authorise the requesting State, *inter alia*:

- (a) to board the vessel;
- (b) to search the vessel; and
- (c) if evidence is found that the vessel is engaged in the smuggling of migrants by sea, to take appropriate measures with respect to the vessel and persons and cargo on board, as authorised by the flag State.

3. A State Party that has taken any measure in accordance with paragraph 2 of this article shall promptly inform the flag State concerned of the results of that measure.

4. A State Party shall respond expeditiously to a request from another State Party to determine whether a vessel that is claiming its registry or flying its flag is entitled to do so and to a request for authorisation made in accordance with paragraph 2 of this article.

5. A flag State may, consistent with article 7 of this Protocol, subject its authorisation to conditions to be agreed by it and the requesting State, including conditions relating to responsibility and the extent of effective measures to be taken. A State Party shall take no additional measures without the express authorisation of the flag State, except those necessary to relieve imminent danger to the lives of persons or those which derive from relevant bilateral or multilateral agreements.

6. Each State Party shall designate an authority or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorisation to take appropriate measures. Such designation shall be notified through the Secretary-General to all other States Parties within one month of the designation.

7. A State Party that has reasonable grounds to suspect that a vessel is engaged in the smuggling of migrants by sea and is without nationality or may be assimilated to a vessel without nationality may board and search the vessel. If evidence confirming the suspicion is found, that State Party shall take appropriate measures in accordance with relevant domestic and international law.

#### Article 9

##### Safeguard clauses

1. Where a State Party takes measures against a vessel in accordance with article 8 of this Protocol, it shall:

- (a) ensure the safety and humane treatment of the persons on board;
- (b) take due account of the need not to endanger the security of the vessel or its cargo;
- (c) take due account of the need not to prejudice the commercial or legal interests of the flag State or any other interested State;
- (d) ensure, within available means, that any measure taken with regard to the vessel is environmentally sound.

2. Where the grounds for measures taken pursuant to article 8 of this Protocol prove to be unfounded, the vessel shall be compensated for any loss or damage that may have been sustained, provided that the vessel has not committed any act justifying the measures taken.

3. Any measure taken, adopted or implemented in accordance with this chapter shall take due account of the need not to interfere with or to affect:

- (a) the rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or
- (b) the authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the vessel.

4. Any measure taken at sea pursuant to this chapter shall be carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorised to that effect.

### III. PREVENTION, COOPERATION AND OTHER MEASURES

#### Article 10

##### Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties, in particular those with common borders or located on routes along which migrants are smuggled, shall, for the purpose of achieving the objectives of this Protocol, exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

- (a) embarkation and destination points, as well as routes, carriers and means of transportation, known to be or suspected of being used by an organised criminal group engaged in conduct set forth in article 6 of this Protocol;
- (b) the identity and methods of organisations or organised criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol;

- (c) the authenticity and proper form of travel documents issued by a State Party and the theft or related misuse of blank travel or identity documents;
- (d) means and methods of concealment and transportation of persons, the unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents used in conduct set forth in article 6 of this Protocol and ways of detecting them;
- (e) legislative experiences and practices and measures to prevent and combat the conduct set forth in article 6 of this Protocol; and
- (f) scientific and technological information useful to law enforcement, so as to enhance each other's ability to prevent, detect and investigate the conduct set forth in article 6 of this Protocol and to prosecute those involved.

2. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### Article 11

##### Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect the smuggling of migrants.
2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of the offence established in accordance with article 6, paragraph 1 (a), of this Protocol.
3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.
4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.
5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.
6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border

control agencies by, inter alia, establishing and maintaining direct channels of communication.

#### Article 12

##### Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

- (a) to ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- (b) to ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### Article 13

##### Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for purposes of conduct set forth in article 6 of this Protocol.

#### Article 14

##### Training and technical cooperation

1. States Parties shall provide or strengthen specialised training for immigration and other relevant officials in preventing the conduct set forth in article 6 of this Protocol and in the humane treatment of migrants who have been the object of such conduct, while respecting their rights as set forth in this Protocol.
2. States Parties shall cooperate with each other and with competent international organisations, non-governmental organisations, other relevant organisations and other elements of civil society as appropriate to ensure that there is adequate personnel training in their territories to prevent, combat and eradicate the conduct set forth in article 6 of this Protocol and to protect the rights of migrants who have been the object of such conduct. Such training shall include:
- (a) improving the security and quality of travel documents;
- (b) recognizing and detecting fraudulent travel or identity documents;

- (c) Gathering criminal intelligence, relating in particular to the identification of organised criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol, the methods used to transport smuggled migrants, the misuse of travel or identity documents for purposes of conduct set forth in article 6 and the means of concealment used in the smuggling of migrants;
- (d) improving procedures for detecting smuggled persons at conventional and non-conventional points of entry and exit; and
- (e) the humane treatment of migrants and the protection of their rights as set forth in this Protocol.

3. States Parties with relevant expertise shall consider providing technical assistance to States that are frequently countries of origin or transit for persons who have been the object of conduct set forth in article 6 of this Protocol. States Parties shall make every effort to provide the necessary resources, such as vehicles, computer systems and document readers, to combat the conduct set forth in article 6.

#### Article 15

#### Other prevention measures

1. Each State Party shall take measures to ensure that it provides or strengthens information programmes to increase public awareness of the fact that the conduct set forth in article 6 of this Protocol is a criminal activity frequently perpetrated by organised criminal groups for profit and that it poses serious risks to the migrants concerned.

2. In accordance with article 31 of the Convention, States Parties shall cooperate in the field of public information for the purpose of preventing potential migrants from falling victim to organised criminal groups.

3. Each State Party shall promote or strengthen, as appropriate, development programmes and cooperation at the national, regional and international levels, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment.

#### Article 16

#### Protection and assistance measures

1. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right

to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

2. Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.

3. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.

4. In applying the provisions of this article, States Parties shall take into account the special needs of women and children.

5. In the case of the detention of a person who has been the object of conduct set forth in article 6 of this Protocol, each State Party shall comply with its obligations under the Vienna Convention on Consular Relations,<sup>(1)</sup> where applicable, including that of informing the person concerned without delay about the provisions concerning notification to and communication with consular officers.

#### Article 17

#### Agreements and arrangements

States Parties shall consider the conclusion of bilateral or regional agreements or operational arrangements or understandings aimed at:

- (a) establishing the most appropriate and effective measures to prevent and combat the conduct set forth in article 6 of this Protocol; or
- (b) enhancing the provisions of this Protocol among themselves.

#### Article 18

#### Return of smuggled migrants

1. Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.

2. Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.

<sup>(1)</sup> Ibid., vol. 596, Nos 8638 to 8640.



3. At the request of the receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who has been the object of conduct set forth in article 6 of this Protocol is its national or has the right of permanent residence in its territory.

4. In order to facilitate the return of a person who has been the object of conduct set forth in article 6 of this Protocol and is without proper documentation, the State Party of which that person is a national or in which he or she has the right of permanent residence shall agree to issue, at the request of the receiving State Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. Each State Party involved with the return of a person who has been the object of conduct set forth in article 6 of this Protocol shall take all appropriate measures to carry out the return in an orderly manner and with due regard for the safety and dignity of the person.

6. States Parties may cooperate with relevant international organisations in the implementation of this article.

7. This article shall be without prejudice to any right afforded to persons who have been the object of conduct set forth in article 6 of this Protocol by any domestic law of the receiving State Party.

8. This article shall not affect the obligations entered into under any other applicable treaty, bilateral or multilateral, or any other applicable operational agreement or arrangement that governs, in whole or in part, the return of persons who have been the object of conduct set forth in article 6 of this Protocol.

#### IV. FINAL PROVISIONS

##### *Article 19*

##### **Saving clause**

1. Nothing in this Protocol shall affect the other rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are the object of conduct set forth in article 6 of this Protocol. The interpretation and application of those measures shall be consistent with internationally recognised principles of non-discrimination.

##### *Article 20*

##### **Settlement of disputes**

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organisation of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

##### *Article 21*

##### **Signature, ratification, acceptance, approval and accession**

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organisations provided that at least one member State of such organisation has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organisation may deposit its instrument of ratification, acceptance or approval if at least one of its Member States has done likewise. In that instrument of ratification, acceptance or approval, such organisation shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organisation of which at least one Member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organisation shall declare the extent of its competence with respect to matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

#### *Article 22*

##### **Entry into force**

1. This Protocol shall enter into force on the 90th day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by member States of such organisation.

2. For each State or regional economic integration organisation ratifying, accepting, approving or acceding to this Protocol after the deposit of the 40th instrument of such action, this Protocol shall enter into force on the 30th day after the date of deposit by such State or organisation of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### *Article 23*

##### **Amendment**

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organisations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their Member States that are Parties to this Protocol. Such organisations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party 90 days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### *Article 24*

##### **Denunciation**

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organisation shall cease to be a Party to this Protocol when all of its member States have denounced it.

#### *Article 25*

##### **Depositary and languages**

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed this Protocol.

## ANNEX II

**Dikjarazzjoni dwar il-kompetenza tal-Komunità Ewropea fir-rigward ta' kwistjonijiet regolati mill-Protokoll Kontra t-Traffikar ta' Migranti bl-Art, bl-Ajru jew bil-Baħar, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata Transnazzjonali**

L-Artikolu 21(3) tal-Protokoll jipprovdi li l-istrument ta' adeżjoni ta' organizzazzjoni ta' integrazzjoni ekonomika u reġjonali għandu jinkludi dikjarazzjoni li tispjefika l-kwistjonijiet regolati mill-Protokoll li fir-rigward tagħhom il-kompetenza giet trasferita lill-organizzazzjoni mill-Istati Membri li huma Partijiet għall-Protokoll.

Il-Protokoll kontra t-traffikar ta' migranti bl-art, bl-ajru jew bil-baħar għandu japplika, fir-rigward tal-kompetenzi trasferiti lill-Komunità Ewropea, għat-territorji li fihom huwa applikat it-Trattat li jstabbilixxi l-Komunità Ewropea, u taht il-kondizzjonijiet stipulati f'dak it-Trattat, b'mod partikolari l-Artikolu 299 tiegħu u l-Protokoll annessi miegħu.

Din id-dikjarazzjoni hi mingħajr preġudizzju għall-pożizzjoni tar-Renju Unit u l-Irlanda taht il-Protokoll li jintegra l-acquis ta' Schengen fil-qafas ta' l-Unjoni Ewropea u taht il-Protokoll dwar il-pożizzjoni tar-Renju Unit u l-Irlanda, annessi mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea.

Din id-dikjarazzjoni hi ugwalment mingħajr preġudizzju għall-pożizzjoni tad-Danimarka taht il-Protokoll dwar il-pożizzjoni tad-Danimarka anness mat-Trattat ta' l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea.

Skond l-Artikolu 299, din id-dikjarazzjoni lanqas ma tapplika għat-territorji ta' l-Istati Membri li għalihom it-Trattat imsemmi ma japplikax u hija mingħajr preġudizzju għal tali atti jew pożizzjonijiet li jistgħu jiġu adottati taht il-Protokoll mill-Istati Membri konċernati f'isem u fl-interessi ta' dawh it-territorji. Skond id-dispożizzjoni msemmija hawn fuq, din id-dikjarazzjoni tindika l-kompetenza li l-Istati Membri jkunu ttrasferixxew lill-Komunità taht it-Trattati fi kwistjonijiet regolati mill-Protokoll. L-ambitu u l-eżerċizzju ta' tali kompetenza Komunitarja huma, fin-natura tagħhom, suġġetti għal żvilupp kontinwu hekk kif il-Komunità tadotta ulterjorment regoli u regolamenti rilevanti, u l-Komunità għandha tikkompleta jew temenda din id-dikjarazzjoni, skond l-Artikolu 21(3) tal-Protokoll.

Il-Komunità tafferma li hija għandha kompetenza fir-rigward tal-qsim tal-fruntieri esterni ta' l-Istati Membri, l-istandards u l-proċeduri regolatorji meta jitwettqu kontrolli fuq persuni f'tali fruntieri u r-regoli dwar il-viżi għal soġġorn ta' mhux aktar minn tliet xhur. Il-Komunità hija kompetenti wkoll li tiegħu miżuri dwar il-politika ta' l-immigrazzjoni fir-rigward tal-kondizzjonijiet tad-dhul u r-residenza u l-miżuri kontra l-immigrazzjoni illegali u r-residenza illegali, inkluża r-ripatriazzjoni tar-residenti illegali. Barra minn hekk, hija tista' tiegħu miżuri sabiex tiżgura li jkun hemm koperazzjoni bejn id-dipartimenti rilevanti ta' l-amministrazzjonijiet ta' l-Istati Membri, kif ukoll bejn dawh id-dipartimenti u l-Kummissjoni, fl-oqsma diġà msemmija. F'dawn l-oqsma l-Komunità adottat regoli u regolamenti u, fejn tkun għamlet hekk, tkun għal-hekk esklussivament il-kompetenza tal-Komunità li tidhol fi ftehim esterni ma' Stati terzi jew ma' organizzazzjonijiet internazzjonali kompetenti.

Barra minn hekk, il-politika tal-Komunità fil-qasam tal-koperazzjoni għall-iżvilupp tikkomplementa l-linji politici segwiti mill-Istati Membri u tinkludi dispożizzjonijiet għall-prevenzjoni u l-ġlieda kontra t-traffikar ta' migranti.



## DEĊIŻJONI TAL-KUNSILL

ta' l-24 ta' Lulju 2006

**dwar il-konklużjoni, fisem il-Komunità Ewropea, tal-Protokoll Kontra t-Traffikar ta' Migranti bl-Art, bil-Bahar u bl-Ajru, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata Transnazzjonali li tikkonċerna d-dispożizzjonijiet tal-Protokoll, safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat li jstabbilixxi l-Komunità Ewropea**

(2006/617/KE)

IL-KUNSILL TA' L-UNJONI EWROPEA,

Wara li kkunsidra t-Trattat li jstabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikolu 62 punt 2, l-Artikolu 63 punt 3, u l-Artikolu 66 flimkien ma' l-ewwel subparagrafu ta' l-Artikolu 300(2) u l-ewwel subparagrafu ta' l-Artikolu 300(3) tiegħu,

Wara li kkunsidra l-proposta mill-Kummissjoni,

Wara li kkunsidra l-opinjoni tal-Parlament Ewropew <sup>(1)</sup>,

Billi:

- (1) L-elementi tal-Protokoll li huma suġġetti għall-kompetenza tal-Komunità ġew negozjati mill-Kummissjoni, bl-approvazzjoni tal-Kunsill, fisem il-Komunità.
- (2) Il-Kunsill ta iSTRUZZJONI lill-Kummissjoni sabiex tinnegozja l-adeżjoni tal-Komunità mal-ftehim internazzjonali in kwistjoni.
- (3) In-negozjati ġew konklużi b'suċċess u l-istrument li rriżulta ġie ffirmat mill-Komunità fit-12 ta' Diċembru 2000 skond id-Deciżjoni tal-Kunsill 2001/87/KE tat-8 ta' Diċembru 2000 <sup>(2)</sup>.
- (4) Xi Stati Membri huma partijiet għall-Protokoll filwaqt li fi Stati Membri oħrajn għaddej il-proċess ta' ratifika.
- (5) Din id-Deciżjoni hi mingħajr preġudizzju għall-pożizzjoni tar-Renju Unit u l-Irlanda taht il-Protokoll li jintegra l-*acquis* ta' Schengen fil-qafas ta' l-Unjoni Ewropea u taht il-Protokoll dwar il-pożizzjoni tar-Renju Unit u l-Irlanda, annessi mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea, u għalhekk ir-Renju Unit u l-Irlanda mhumiex marbuta b'din id-Deciżjoni safejn hi tikkonċerna l-eżerċizzju ta' setgħa esterna mill-Komunità f'oqsma fejn il-legiżlazzjoni interna tagħha ma torbotx lir-Renju Unit u/jew l-Irlanda.
- (6) Din id-Deciżjoni hi mingħajr preġudizzju għall-pożizzjoni tad-Danimarka taht il-Protokoll dwar il-pożizzjoni tad-Danimarka anness mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea, u għalhekk id-Danimarka ma tihux sehem fl-adozzjoni tagħha u mhijiex marbuta biha.

- (7) Il-konklużjoni tal-Konvenzjoni ġiet approvata fisem il-Komunità bid-Deciżjoni tal-Kunsill 2004/579/KE tad-29 ta' April 2004 <sup>(3)</sup> li hija kondizzjoni għall-Komunità sabiex issir Parti għall-Protokoll, skond l-Artikolu 37(2) tal-Konvenzjoni.
- (8) Il-kondizzjonijiet l-oħra li jippermettu lill-Komunità sabiex tiddepożita l-istrument ta' approvazzjoni previst fl-Artikolu 36(3) tal-Konvenzjoni u fl-Artikolu 21(3) tal-Protokoll ġew imwettqa.
- (9) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat, il-konklużjoni tal-Protokoll għandu jiġi approvat fisem il-Komunità.
- (10) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat, il-konklużjoni tal-Protokoll fisem il-Komunità għandha tiġi approvata permezz ta' deciżjoni separata tal-Kunsill <sup>(4)</sup>.
- (11) Meta tiddepożita l-istrument ta' approvazzjoni, il-Komunità għandha tiddepożita wkoll dikjarazzjoni dwar l-ambitu ta' l-ambitu ta' kompetenza tal-Komunità fir-rigward ta' kwistjonijiet regolati mill-Protokoll taht l-Artikolu 21(3) tal-Protokoll dwar it-Traffikar ta' Migranti,

IDDEĊIEDA KIF ĠEJ:

## Artikolu 1

Il-Protokoll kontra t-traffikar ta' migranti bl-art, bl-ajru jew bil-bahar, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti dwar il-kriminalità organizzata transnazzjonali, kif espost fl-Anness I, huwa b'dan approvat fisem il-Komunità Ewropea.

L-istrument tal-konferma formali tal-Komunità għandu jkun fih dikjarazzjoni ta' kompetenza skond l-Artikolu 21(3) tal-Protokoll kif espost fl-Anness II.

<sup>(1)</sup> Għadha mhux ippubblikata fil-Ġurnal Uffiċjali.

<sup>(2)</sup> ĠU L 30, 1.2.2001, p. 44.

<sup>(3)</sup> ĠU L 261, 6.8.2004, p. 11.

<sup>(4)</sup> Ara paġna ta' 24 dan il-Ġurnal Uffiċjali.

*Artikolu 2*

Din id-Deciżjoni għandha tapplika safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat.

Din id-Deciżjoni għandha tiġi pubblikata fil-Ġurnal Uffiċjali ta' l-Unjoni Ewropea.

Magħmula fi Brussell, nhar l-24 ta' Lulju 2006.

*Artikolu 3*

Il-President tal-Kunsill huwa awtorizzat li jahtar il-persuna li jkollha s-setgħa li tiddepożita l-konferma formali sabiex b'hekk torbot lill-Komunità.

*Għall-Kunsill*

*Il-President*

K. RAJAMÄKI

## ANNEX I

## PROTOCOL

**against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime**

## PREAMBLE

THE STATES PARTIES TO THIS PROTOCOL,

DECLARING that effective action to prevent and combat the smuggling of migrants by land, sea and air requires a comprehensive international approach, including cooperation, the exchange of information and other appropriate measures, including socio-economic measures, at the national, regional and international levels,

RECALLING General Assembly resolution 54/212 of 22 December 1999, in which the Assembly urged Member States and the United Nations system to strengthen international cooperation in the area of international migration and development in order to address the root causes of migration, especially those related to poverty, and to maximize the benefits of international migration to those concerned, and encouraged, where relevant, interregional, regional and subregional mechanisms to continue to address the question of migration and development,

CONVINCED of the need to provide migrants with humane treatment and full protection of their rights,

TAKING INTO ACCOUNT the fact that, despite work undertaken in other international forums, there is no universal instrument that addresses all aspects of smuggling of migrants and other related issues,

CONCERNED at the significant increase in the activities of organised criminal groups in smuggling of migrants and other related criminal activities set forth in this Protocol, which bring great harm to the States concerned,

ALSO CONCERNED that the smuggling of migrants can endanger the lives or security of the migrants involved,

RECALLING General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organised crime and of discussing the elaboration of, *inter alia*, an international instrument addressing illegal trafficking in and transporting of migrants, including by sea,

CONVINCED that supplementing the United Nations Convention against Transnational Organised Crime with an international instrument against the smuggling of migrants by land, sea and air will be useful in preventing and combating that crime,

HAVE AGREED AS FOLLOWS:

## I. GENERAL PROVISIONS

## Article 2

**Statement of purpose**

## Article 1

**Relation with the United Nations Convention against Transnational Organised Crime**

1. This Protocol supplements the United Nations Convention against Transnational Organised Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 6 of this Protocol shall be regarded as offences established in accordance with the Convention.

The purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants.

## Article 3

**Use of terms**

For the purposes of this Protocol:

- (a) 'smuggling of migrants' shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) 'illegal entry' shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;

- (c) 'fraudulent travel or identity document' shall mean any travel or identity document:
- (i) that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorised to make or issue the travel or identity document on behalf of a State; or
  - (ii) that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
  - (iii) that is being used by a person other than the rightful holder;
- (d) 'vessel' shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

#### Article 4

##### Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 6 of this Protocol, where the offences are transnational in nature and involve an organised criminal group, as well as to the protection of the rights of persons who have been the object of such offences.

#### Article 5

##### Criminal liability of migrants

Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol.

#### Article 6

##### Criminalisation

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit:
- (a) the smuggling of migrants;
  - (b) when committed for the purpose of enabling the smuggling of migrants:
    - (i) producing a fraudulent travel or identity document;
    - (ii) procuring, providing or possessing such a document;
  - (c) enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remain-

ing in the State by the means mentioned in subparagraph (b) of this paragraph or any other illegal means.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

- (a) subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
- (b) participating as an accomplice in an offence established in accordance with paragraph 1 (a), (b) (i) or (c) of this article and, subject to the basic concepts of its legal system, participating as an accomplice in an offence established in accordance with paragraph 1 (b) (ii) of this article;
- (c) organising or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

3. Each State Party shall adopt such legislative and other measures as may be necessary to establish as aggravating circumstances to the offences established in accordance with paragraph 1 (a), (b) (i) and (c) of this article and, subject to the basic concepts of its legal system, to the offences established in accordance with paragraph 2 (b) and (c) of this article, circumstances:

- (a) that endanger, or are likely to endanger, the lives or safety of the migrants concerned; or
- (b) that entail inhuman or degrading treatment, including for exploitation, of such migrants.

4. Nothing in this Protocol shall prevent a State Party from taking measures against a person whose conduct constitutes an offence under its domestic law.

## II. SMUGGLING OF MIGRANTS BY SEA

#### Article 7

##### Cooperation

States Parties shall cooperate to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea.

#### Article 8

##### Measures against the smuggling of migrants by sea

1. A State Party that has reasonable grounds to suspect that a vessel that is flying its flag or claiming its registry, that is without nationality or that, though flying a foreign flag or refusing to show a flag, is in reality of the nationality of the State Party concerned is engaged in the smuggling of migrants by sea may request the assistance of other States Parties in suppressing the use of the vessel for that purpose. The States Parties so requested shall render such assistance to the extent possible within their means.

2. A State Party that has reasonable grounds to suspect that a vessel exercising freedom of navigation in accordance with international law and flying the flag or displaying the marks of registry of another State Party is engaged in the smuggling of migrants by sea may so notify the flag State, request confirmation of registry and, if confirmed, request authorisation from the flag State to take appropriate measures with regard to that vessel. The flag State may authorise the requesting State, *inter alia*:

- (a) to board the vessel;
- (b) to search the vessel; and
- (c) if evidence is found that the vessel is engaged in the smuggling of migrants by sea, to take appropriate measures with respect to the vessel and persons and cargo on board, as authorised by the flag State.

3. A State Party that has taken any measure in accordance with paragraph 2 of this article shall promptly inform the flag State concerned of the results of that measure.

4. A State Party shall respond expeditiously to a request from another State Party to determine whether a vessel that is claiming its registry or flying its flag is entitled to do so and to a request for authorisation made in accordance with paragraph 2 of this article.

5. A flag State may, consistent with article 7 of this Protocol, subject its authorisation to conditions to be agreed by it and the requesting State, including conditions relating to responsibility and the extent of effective measures to be taken. A State Party shall take no additional measures without the express authorisation of the flag State, except those necessary to relieve imminent danger to the lives of persons or those which derive from relevant bilateral or multilateral agreements.

6. Each State Party shall designate an authority or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorisation to take appropriate measures. Such designation shall be notified through the Secretary-General to all other States Parties within one month of the designation.

7. A State Party that has reasonable grounds to suspect that a vessel is engaged in the smuggling of migrants by sea and is without nationality or may be assimilated to a vessel without nationality may board and search the vessel. If evidence confirming the suspicion is found, that State Party shall take appropriate measures in accordance with relevant domestic and international law.

#### Article 9

#### Safeguard clauses

1. Where a State Party takes measures against a vessel in accordance with article 8 of this Protocol, it shall:

- (a) ensure the safety and humane treatment of the persons on board;
- (b) take due account of the need not to endanger the security of the vessel or its cargo;
- (c) take due account of the need not to prejudice the commercial or legal interests of the flag State or any other interested State;
- (d) ensure, within available means, that any measure taken with regard to the vessel is environmentally sound.

2. Where the grounds for measures taken pursuant to article 8 of this Protocol prove to be unfounded, the vessel shall be compensated for any loss or damage that may have been sustained, provided that the vessel has not committed any act justifying the measures taken.

3. Any measure taken, adopted or implemented in accordance with this chapter shall take due account of the need not to interfere with or to affect:

- (a) the rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or
- (b) the authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the vessel.

4. Any measure taken at sea pursuant to this chapter shall be carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorised to that effect.

### III. PREVENTION, COOPERATION AND OTHER MEASURES

#### Article 10

#### Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties, in particular those with common borders or located on routes along which migrants are smuggled, shall, for the purpose of achieving the objectives of this Protocol, exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

- (a) embarkation and destination points, as well as routes, carriers and means of transportation, known to be or suspected of being used by an organised criminal group engaged in conduct set forth in article 6 of this Protocol;
- (b) the identity and methods of organisations or organised criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol;

- (c) the authenticity and proper form of travel documents issued by a State Party and the theft or related misuse of blank travel or identity documents;
- (d) means and methods of concealment and transportation of persons, the unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents used in conduct set forth in article 6 of this Protocol and ways of detecting them;
- (e) legislative experiences and practices and measures to prevent and combat the conduct set forth in article 6 of this Protocol; and
- (f) scientific and technological information useful to law enforcement, so as to enhance each other's ability to prevent, detect and investigate the conduct set forth in article 6 of this Protocol and to prosecute those involved.

2. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### Article 11

##### Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect the smuggling of migrants.
2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of the offence established in accordance with article 6, paragraph 1 (a), of this Protocol.
3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.
4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.
5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.
6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border

control agencies by, inter alia, establishing and maintaining direct channels of communication.

#### Article 12

##### Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

- (a) to ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- (b) to ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### Article 13

##### Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for purposes of conduct set forth in article 6 of this Protocol.

#### Article 14

##### Training and technical cooperation

1. States Parties shall provide or strengthen specialised training for immigration and other relevant officials in preventing the conduct set forth in article 6 of this Protocol and in the humane treatment of migrants who have been the object of such conduct, while respecting their rights as set forth in this Protocol.
2. States Parties shall cooperate with each other and with competent international organisations, non-governmental organisations, other relevant organisations and other elements of civil society as appropriate to ensure that there is adequate personnel training in their territories to prevent, combat and eradicate the conduct set forth in article 6 of this Protocol and to protect the rights of migrants who have been the object of such conduct. Such training shall include:
  - (a) improving the security and quality of travel documents;
  - (b) recognizing and detecting fraudulent travel or identity documents;



- (c) Gathering criminal intelligence, relating in particular to the identification of organised criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol, the methods used to transport smuggled migrants, the misuse of travel or identity documents for purposes of conduct set forth in article 6 and the means of concealment used in the smuggling of migrants;
- (d) improving procedures for detecting smuggled persons at conventional and non-conventional points of entry and exit; and
- (e) the humane treatment of migrants and the protection of their rights as set forth in this Protocol.

3. States Parties with relevant expertise shall consider providing technical assistance to States that are frequently countries of origin or transit for persons who have been the object of conduct set forth in article 6 of this Protocol. States Parties shall make every effort to provide the necessary resources, such as vehicles, computer systems and document readers, to combat the conduct set forth in article 6.

#### Article 15

#### Other prevention measures

1. Each State Party shall take measures to ensure that it provides or strengthens information programmes to increase public awareness of the fact that the conduct set forth in article 6 of this Protocol is a criminal activity frequently perpetrated by organised criminal groups for profit and that it poses serious risks to the migrants concerned.

2. In accordance with article 31 of the Convention, States Parties shall cooperate in the field of public information for the purpose of preventing potential migrants from falling victim to organised criminal groups.

3. Each State Party shall promote or strengthen, as appropriate, development programmes and cooperation at the national, regional and international levels, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment.

#### Article 16

#### Protection and assistance measures

1. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right

to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

2. Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.

3. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.

4. In applying the provisions of this article, States Parties shall take into account the special needs of women and children.

5. In the case of the detention of a person who has been the object of conduct set forth in article 6 of this Protocol, each State Party shall comply with its obligations under the Vienna Convention on Consular Relations,<sup>(1)</sup> where applicable, including that of informing the person concerned without delay about the provisions concerning notification to and communication with consular officers.

#### Article 17

#### Agreements and arrangements

States Parties shall consider the conclusion of bilateral or regional agreements or operational arrangements or understandings aimed at:

- (a) establishing the most appropriate and effective measures to prevent and combat the conduct set forth in article 6 of this Protocol; or
- (b) enhancing the provisions of this Protocol among themselves.

#### Article 18

#### Return of smuggled migrants

1. Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.

2. Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.

<sup>(1)</sup> Ibid., vol. 596, Nos 8638 to 8640.



3. At the request of the receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who has been the object of conduct set forth in article 6 of this Protocol is its national or has the right of permanent residence in its territory.

4. In order to facilitate the return of a person who has been the object of conduct set forth in article 6 of this Protocol and is without proper documentation, the State Party of which that person is a national or in which he or she has the right of permanent residence shall agree to issue, at the request of the receiving State Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. Each State Party involved with the return of a person who has been the object of conduct set forth in article 6 of this Protocol shall take all appropriate measures to carry out the return in an orderly manner and with due regard for the safety and dignity of the person.

6. States Parties may cooperate with relevant international organisations in the implementation of this article.

7. This article shall be without prejudice to any right afforded to persons who have been the object of conduct set forth in article 6 of this Protocol by any domestic law of the receiving State Party.

8. This article shall not affect the obligations entered into under any other applicable treaty, bilateral or multilateral, or any other applicable operational agreement or arrangement that governs, in whole or in part, the return of persons who have been the object of conduct set forth in article 6 of this Protocol.

#### IV. FINAL PROVISIONS

##### *Article 19*

##### **Saving clause**

1. Nothing in this Protocol shall affect the other rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are the object of conduct set forth in article 6 of this Protocol. The interpretation and application of those measures shall be consistent with internationally recognised principles of non-discrimination.

##### *Article 20*

##### **Settlement of disputes**

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organisation of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

##### *Article 21*

##### **Signature, ratification, acceptance, approval and accession**

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organisations provided that at least one member State of such organisation has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organisation may deposit its instrument of ratification, acceptance or approval if at least one of its Member States has done likewise. In that instrument of ratification, acceptance or approval, such organisation shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organisation of which at least one Member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organisation shall declare the extent of its competence with respect to matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

#### *Article 22*

##### **Entry into force**

1. This Protocol shall enter into force on the 90th day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by member States of such organisation.

2. For each State or regional economic integration organisation ratifying, accepting, approving or acceding to this Protocol after the deposit of the 40th instrument of such action, this Protocol shall enter into force on the 30th day after the date of deposit by such State or organisation of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### *Article 23*

##### **Amendment**

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organisations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their Member States that are Parties to this Protocol. Such organisations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party 90 days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### *Article 24*

##### **Denunciation**

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organisation shall cease to be a Party to this Protocol when all of its member States have denounced it.

#### *Article 25*

##### **Depositary and languages**

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed this Protocol.

## ANNEX II

**Dikjarazzjoni dwar il-kompetenza tal-Komunità Ewropea fir-rigward ta' kwistjonijiet regolati mill-Protokoll Kontra t-Traffikar ta' Migranti bl-Art, bl-Ajru u bil-Baħar, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra il-Kriminalità Organizzata Transnazzjonali**

L-Artikolu 21(3) tal-Protokoll jipprovdi li l-istrument ta' adeżjoni ta' organizzazzjoni ta' integrazzjoni ekonomika u reġjonali għandu jinkludi dikjarazzjoni li tispjega l-kwistjonijiet regolati mill-Protokoll li fir-rigward tagħhom il-kompetenza tkun giet trasferita lill-organizzazzjoni mill-Istati Membri li huma Partijiet għall-Protokoll.

Il-Protokoll kontra t-traffikar ta' migranti bl-art, bl-ajru jew bil-baħar għandu japplika, fir-rigward tal-kompetenzi trasferiti lill-Komunità Ewropea, għat-territorji li fihom huwa applikat it-Trattat li jstabbilixxi l-Komunità Ewropea, u taht il-kondizzjonijiet stipulati f'dak it-Trattat, b'mod partikolari l-Artikolu 299 tiegħu u l-Protokoll annessi miegħu.

Din id-dikjarazzjoni hi mingħajr preġudizzju għall-pożizzjoni tar-Renju Unit u l-Irlanda taht il-Protokoll li jintegra l-acquis ta' Schengen fil-qafas ta' l-Unjoni Ewropea u taht il-Protokoll dwar il-pożizzjoni tar-Renju Unit u l-Irlanda, annessi mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea.

Din id-dikjarazzjoni hi ugwalment mingħajr preġudizzju għall-pożizzjoni tad-Danimarka taht il-Protokoll dwar il-pożizzjoni tad-Danimarka anness mat-Trattat ta' l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea.

Skond l-Artikolu 299, din id-dikjarazzjoni lanqas ma tapplika għat-territorji ta' l-Istati Membri li għalihom it-Trattat imsemmi ma japplikax u hija mingħajr preġudizzju għal tali atti jew pożizzjonijiet li jistgħu jiġu adottati taht il-Protokoll mill-Istati Membri konċernati f'isem u fl-interessi ta' dawh it-territorji. Skond id-dispożizzjoni msemmija hawn fuq, din id-dikjarazzjoni tindika l-kompetenza li l-Istati Membri jkunu ttrasferixxew lill-Komunità taht it-Trattati fi kwistjonijiet regolati mill-Protokoll. L-ambitu u l-eżerċizzju ta' tali kompetenza Komunitarja huma, fin-natura tagħhom, suġġetti għal żvilupp kontinwu hekk kif il-Komunità tadotta ulterjorment regoli u regolamenti rilevanti, u l-Komunità għandha tikkompleta jew temenda din id-dikjarazzjoni, skond l-Artikolu 21(3) tal-Protokoll.

Il-Komunità tafferma li hija għandha kompetenza fir-rigward tal-qsim tal-fruntieri esterni ta' l-Istati Membri, l-istandards u l-proċeduri regolatorji meta jitwettqu kontrolli fuq persuni f'tali fruntieri u r-regoli dwar il-viżi għal soġġorn ta' mhux aktar minn tliet xhur. Il-Komunità hija kompetenti wkoll li tiegħu miżuri dwar il-politika ta' l-immigrazzjoni fir-rigward tal-kondizzjonijiet tad-dhul u r-residenza u l-miżuri kontra l-immigrazzjoni illegali u r-residenza illegali, inkluża r-ripatriazzjoni tar-residenti illegali. Barra minn hekk, hija tista' tiegħu miżuri sabiex tiżgura li jkun hemm koperazzjoni bejn id-dipartimenti rilevanti ta' l-amministrazzjonijiet ta' l-Istati Membri, kif ukoll bejn dawh id-dipartimenti u l-Kummissjoni, fl-oqsma diġà msemmija. F'dawn l-oqsma l-Komunità adottat regoli u regolamenti u, fejn tkun għamlet hekk, tkun għalhekk esklussivament il-kompetenza tal-Komunità li tidhol fi ftehim fi ftehim esterni ma' Stati terzi jew ma' organizzazzjonijiet internazzjonali kompetenti.

Barra minn hekk, il-politika tal-Komunità fil-qasam tal-koperazzjoni għall-iżvilupp tikkomplementa l-linji politici segwiti mill-Istati Membri u tinkludi dispożizzjonijiet għall-prevenzjoni u l-ġlieda kontra t-traffikar ta' migranti.

## DEĊIŻJONI TAL-KUNSILL

ta' l-24 ta' Lulju 2006

**dwar il-konkluzjoni, fisem il-Komunità Ewropea, tal-Protokoll Għall-Prevenzjoni, Soppresjoni u Punizzjoni tat-Traffikar ta' Persuni, Speċjalment ta' Nisa u Tfal, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata Transnazzjonali li tikkonċerna d-dispożizzjonijiet tal-Protokoll, safejn id-dispożizzjonijiet ta' dan il-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat li jistabbilixxi l-Komunità Ewropea**

(2006/618/KE)

IL-KUNSILL TA' L-UNJONI EWROPEA,

Wara li kkunsidra t-Trattat li jistabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikoli 179 u 181a, flimkien ma' l-ewwel subparagrafu ta' l-Artikolu 300(2), u l-ewwel subparagrafu ta' l-Artikolu 300(3) tiegħu,

Wara li kkunsidra l-proposta mill-Kummissjoni,

Wara li kkunsidra l-opinjoni tal-Parlament Ewropew <sup>(1)</sup>,

Billi:

- (1) L-elementi tal-Protokoll li huma suġġetti għall-kompetenza tal-Komunità ġew negozjati mill-Kummissjoni, bl-approvazzjoni tal-Kunsill, fisem il-Komunità.
- (2) Il-Kunsill ta istruzzjoni lill-Kummissjoni sabiex tinnegozja l-adeżjoni tal-Komunità fil-ftehim internazzjonali in kwistjoni.
- (3) In-negozjati ġew konkluzi b'suċċess u l-istrument li rriżulta ġie ffirmat mill-Komunità fit-12 ta' Diċembru 2000 skond id-Deciżjoni tal-Kunsill 2001/87/KE tat-8 ta' Diċembru 2000 <sup>(2)</sup>.
- (4) Xi Stati Membri huma partijiet għall-Protokoll filwaqt li fi Stati Membri oħrajn għaddejj il-proċess ta' ratifika.
- (5) Il-konkluzjoni tal-Konvenzjoni ġiet approvata fisem il-Komunità bid-Deciżjoni tal-Kunsill 2004/579/KE tad-29 ta' April 2004 <sup>(3)</sup> li hija kondizzjoni għall-Komunità sabiex issir Parti għall-Protokoll, skond l-Artikolu 37(2) tal-Konvenzjoni.
- (6) Il-kondizzjonijiet l-oħra li jippermettu lill-Komunità sabiex tiddepożita l-istrument ta' approvazzjoni previst fl-Artikolu 36(3) tal-Konvenzjoni u l-Artikolu 16(3) tal-Protokoll ġew imwettqa.
- (7) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat, il-konkluzjoni tal-Protokoll għandha tiġi approvata fisem il-Komunità.
- (8) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat, il-konkluzjoni tal-Protokoll fisem il-Komunità għandha tiġi approvata permezz ta' deciżjoni separata tal-Kunsill <sup>(4)</sup>.

- (9) Meta tiddepożita l-istrument ta' approvazzjoni, il-Komunità għandha tiddepożita wkoll dikjarazzjoni dwar l-ambitu ta' l-ambitu ta' kompetenza tal-Komunità fir-rigward ta' kwistjonijiet regolati mill-Protokoll taht l-Artikolu 16(3) tal-Protokoll kontra t-traffikar ta' persuni,

IDDEĊIEDA KIF ĠEJ:

*Artikolu 1*

Il-Protokoll għall-prevenzjoni, soppresjoni u punizzjoni tat-traffikar tal-persuni, speċjalment ta' nisa u tfal, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti kontra l-kriminalità organizzata transnazzjonali kif espost fl-Anness I, huwa b'dan approvat fisem il-Komunità Ewropea.

L-istrument ta' konferma formali tal-Komunità għandu jkun fih dikjarazzjoni ta' kompetenza skond l-Artikolu 16(3) tal-Protokoll kif espost fl-Anness II.

*Artikolu 2*

Din id-Deciżjoni għandha tapplika safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat.

*Artikolu 3*

Il-President tal-Kunsill huwa b'dan awtorizzat li jahtar persuna bis-setgħa li tiddepożita l-istrument ta' konferma formali sabiex b'hekk torbot lill-Komunità.

Din id-Deciżjoni għandha tiġi pubblikata fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

Magħmula fi Brussell, nhar l-24 ta' Lulju 2006.

*Għall-Kunsill**Il-President*

K. RAJAMÄKI

<sup>(1)</sup> Għadha mhux ippubblikata fil-*Ġurnal Uffiċjali*.

<sup>(2)</sup> ĠU L 30, 1.2.2001, p. 44.

<sup>(3)</sup> ĠU L 261, 6.8.2004, p. 11.

<sup>(4)</sup> Ara paġna 51 ta' dan il-*Ġurnal Uffiċjali*.

## ANNEX I

## PROTOCOL

**to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**

## PREAMBLE

THE STATES PARTIES TO THIS PROTOCOL,

DECLARING that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognised human rights,

TAKING INTO ACCOUNT the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

CONCERNED that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

RECALLING General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organised crime and of discussing the elaboration of, *inter alia*, an international instrument addressing trafficking in women and children,

CONVINCED that supplementing the United Nations Convention against Transnational Organised Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

HAVE AGREED AS FOLLOWS:

## I. GENERAL PROVISIONS

## Article 3

## Article 1

## Use of terms

**Relation with the United Nations Convention against Transnational Organised Crime**

1. This Protocol supplements the United Nations Convention against Transnational Organised Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

## Article 2

**Statement of purpose**

The purposes of this Protocol are:

- (a) to prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) to promote cooperation among States Parties in order to meet those objectives.

For the purposes of this Protocol:

- (a) 'trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) 'child' shall mean any person under 18 years of age.



*Article 4***Scope of application**

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organised criminal group, as well as to the protection of victims of such offences.

*Article 5***Criminalisation**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

- (a) subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
- (b) participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
- (c) organising or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

## II. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS

*Article 6***Assistance to and protection of victims of trafficking in persons**

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

- (a) information on relevant court and administrative proceedings;
- (b) assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organisations,

other relevant organisations and other elements of civil society, and, in particular, the provision of:

- (a) appropriate housing;
- (b) counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- (c) medical, psychological and material assistance; and
- (d) employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

*Article 7***Status of victims of trafficking in persons in receiving States**

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

*Article 8***Repatriation of victims of trafficking in persons**

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

### III. PREVENTION, COOPERATION AND OTHER MEASURES

#### Article 9

##### Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) to prevent and combat trafficking in persons; and
- (b) to protect victims of trafficking in persons, especially women and children, from revictimisation.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

#### Article 10

##### Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

- (a) whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;
- (b) the types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and
- (c) the means and methods used by organised criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### Article 11

##### Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.



4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

#### Article 12

##### Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

- (a) to ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- (b) to ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### Article 13

##### Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

#### IV. FINAL PROVISIONS

#### Article 14

##### Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention<sup>(1)</sup> and the 1967 Protocol<sup>(2)</sup> relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be

<sup>(1)</sup> United Nations, *Treaty Series*, vol. 189, No 2545.

<sup>(2)</sup> *Ibid.*, vol. 606, No 8791.

consistent with internationally recognised principles of non-discrimination.

#### Article 15

##### Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organisation of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### Article 16

##### Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organisations provided that at least one member State of such organisation has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organisation may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organisation shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organisation of which at least one Member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organisation shall declare the extent of its competence with respect to matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

#### *Article 17*

##### **Entry into force**

1. This Protocol shall enter into force on the 90th day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by Member States of such organisation.

2. For each State or regional economic integration organisation ratifying, accepting, approving or acceding to this Protocol after the deposit of the 40th instrument of such action, this Protocol shall enter into force on the 30th day after the date of deposit by such State or organisation of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### *Article 18*

##### **Amendment**

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organisations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their Member States that are Parties to this Protocol. Such organisations shall not exercise their right to vote if their Member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party 90 days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### *Article 19*

##### **Denunciation**

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organisation shall cease to be a Party to this Protocol when all of its Member States have denounced it.

#### *Article 20*

##### **Depositary and languages**

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed this Protocol.

## ANNEX II

**Dikjarazzjoni li tikkonċerna l-kompetenza tal-Komunità Ewropea fir-rigward ta' kwistjonijiet regolati mill-Protokoll għall-Prevenzjoni, Soppressjoni u Punizzjoni tat-Traffikar tal-Persuni, Speċjalment ta' Nisa u Tfal, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata Transnazzjonali**

L-Artikolu 16(3) tal-Protokoll għall-prevenzjoni, soppressjoni u punizzjoni tat-traffikar tal-persuni, speċjalment ta' nisa u tfal, jipprovdi li l-istrument ta' ratifika, aċċettazzjoni jew approvazzjoni ta' organizzazzjoni ta' integrazzjoni ekonomika u reġjonali għandu jinkludi dikjarazzjoni li tispeċifika l-kwistjonijiet regolati mill-Protokoll li fir-rigward tagħhom il-kompetenza għet trasferita lill-organizzazzjoni mill-Istati Membri li huma Partijiet għall-Protokoll.

Il-Protokoll għall-prevenzjoni, soppressjoni u punizzjoni tat-traffikar tal-persuni, speċjalment ta' nisa u tfal, għandu japplika, fir-rigward tal-kompetenzi trasferiti lill-Komunità Ewropea, għat-territorji li fihom it-Trattat li jstabilixxi l-Komunità Ewropea, u taht il-kondizzjonijiet stabbiliti f'dak it-Trattat, b'mod partikolari l-Artikolu 299 tiegħu u l-Protokoll annessi miegħu.

Din id-dikjarazzjoni hi mingħajr preġudizzju għall-pożizzjoni tar-Renju Unit u l-Irlanda taht il-Protokoll li jintegra l-*acquis* ta' Schengen fil-qafas ta' l-Unjoni Ewropea u taht il-Protokoll dwar il-pożizzjoni tar-Renju Unit u l-Irlanda, annessi mat-Trattat dwar l-Unjoni Ewropea u t-Trattat.

Din id-dikjarazzjoni hi ugwalment mingħajr preġudizzju għall-pożizzjoni tad-Danimarka taht il-Protokoll dwar il-pożizzjoni tad-Danimarka anness mat-Trattat ta' l-Unjoni Ewropea u t-Trattat.

Skond l-Artikolu 299, din id-dikjarazzjoni lanqas ma tapplika għat-territorji ta' l-Istati Membri li għalihom it-Trattat imsemmi ma japplikax u hija mingħajr preġudizzju għal tali atti jew pożizzjonijiet li jistgħu jiġu adottati taht il-Protokoll mill-Istati Membri konċernati f'isem u fl-interessi ta' dawk it-territorji. Skond id-dispożizzjoni msemmija hawn fuq, din id-dikjarazzjoni tindika l-kompetenza li l-Istati Membri jkunu ttrasferixxew lill-Komunità taht it-Trattati fi kwistjonijiet regolati mill-Protokoll. L-ambitu u l-eżerċizzju ta' tali kompetenza Komunitarja huma, fin-natura tagħhom, suġġetti għal żvilupp kontinwu hekk kif il-Komunità tadotta ulterjorment regoli u regolamenti rilevanti, u l-Komunità għandha tikkompleta jew temenda din id-dikjarazzjoni, skond l-Artikolu 16(3) tal-Protokoll.

Il-Komunità tafferma li hija għandha kompetenza fir-rigward tal-qsim tal-fruntieri esterni ta' l-Istati Membri, l-istandards u l-proċeduri regolatorji meta jitwettqu kontrolli fuq persuni f'tali fruntieri u r-regoli dwar il-viżi għal soġġorn ta' mhux aktar minn tliet xhur.

Il-Komunità hija kompetenti wkoll li tiegħu miżuri dwar il-politika ta' l-immigrazzjoni fir-rigward tal-kondizzjonijiet tad-dhul u r-residenza u l-miżuri kontra l-immigrazzjoni illegali u r-residenza illegali, inkluża r-ripatrijazzjoni tar-residenti illegali. Barra minn hekk, hija tista' tiegħu miżuri sabiex tiżgura li jkun hemm koperazzjoni bejn id-dipartimenti rilevanti ta' l-amministrazzjonijiet ta' l-Istati Membri, kif ukoll bejn dawk id-dipartimenti u l-Kummissjoni, fl-oqsma diġà msemmija. F'dawn l-oqsma l-Komunità adottat regoli u regolamenti u, fejn tkun għamlet hekk, tkun għalhekk esklussivament il-kompetenza tal-Komunità li tidhol fi ftehim esterni ma' Stati terzi jew ma' organizzazzjonijiet internazzjonali kompetenti.

Barra minn hekk, il-politika tal-Komunità fil-qasam tal-koperazzjoni għall-iżvilupp tikkomplementa l-linji politici segwiti mill-Istati Membri u tinkludi dispożizzjonijiet li jipprevjenu u jiġġieldu kontra t-traffikar ta' persuni.

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## DEĊIŻJONI TAL-KUNSILL

ta' l-24 ta' Lulju 2006

**dwar il-konklużjoni, fisem il-Komunità Ewropea, tal-Protokoll għall-Prevenzjoni, Soppresjoni u Punizzjoni tat-Traffikar ta' Persuni, Speċjalment ta' Nisa u Tfal, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata Transnazzjonali li tikkonċerna d-dispożizzjonijiet tal-Protokoll, safejn id-dispożizzjonijiet ta' dan il-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattati jistabbilixxi l-Komunità Ewropea**

(2006/619/KE)

IL-KUNSILL TA' L-UNJONI EWROPEA,

Wara li kkunsidra t-Trattat li jstabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikolu 62 punt 2, l-Artikolu 63 punt 3, u l-Artikolu 66 flimkien ma' l-ewwel subparagrafu ta' l-Artikolu 300(2) u l-ewwel subparagrafu ta' l-Artikolu 300(3) tiegħu,

Wara li kkunsidra l-proposta mill-Kummissjoni,

Wara li kkunsidra l-opinjoni tal-Parlament Ewropew <sup>(1)</sup>,

Billi:

- (1) L-elementi tal-Protokoll li huma suġġetti għall-kompetenza tal-Komunità ġew negozjati mill-Kummissjoni, bl-approvazzjoni tal-Kunsill, fisem il-Komunità.
- (2) Il-Kunsill ta iSTRUZZJONI lill-Kummissjoni sabiex tinnegozja l-adeżjoni tal-Komunità fil-ftehim internazzjonali in kwistjoni.
- (3) In-negozjati ġew konklużi b'suċċess u l-istrument li rriżulta ġie ffirmat mill-Komunità fit-12 ta' Diċembru 2000 skond id-Deciżjoni tal-Kunsill 2001/87/KE tat-8 ta' Diċembru 2000 <sup>(2)</sup>.
- (4) Xi Stati Membri huma partijiet għall-Protokoll filwaqt li fi Stati Membri oħrajn għaddej il-proċess ta' ratifika.
- (5) Din id-Deciżjoni hi mingħajr preġudizzju għall-pożizzjoni tar-Renju Unit u l-Irlanda taht il-Protokoll li jintegra l-*acquis* ta' Schengen fil-qafas ta' l-Unjoni Ewropea u taht il-Protokoll dwar il-pożizzjoni tar-Renju Unit u l-Irlanda, annessi mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea, għalhekk ir-Renju Unit u l-Irlanda mhumiex marbuta b'din id-Deciżjoni safejn hi tikkonċerna l-eżercizzju ta' setgħa esterna mill-Komunità foqasma fejn il-leġiżlazzjoni interna tagħha ma torbotx lir-Renju Unit u/jew l-Irlanda.
- (6) Din id-Deciżjoni hi mingħajr preġudizzju għall-pożizzjoni tad-Danimarka taht il-Protokoll dwar il-pożizzjoni tad-Danimarka anness mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jstabbilixxi l-Komunità Ewropea, għalhekk id-Danimarka ma tihux sehem fl-adozzjoni tagħha u mhix marbuta biha.

- (7) Il-konklużjoni tal-Konvenzjoni ġiet approvata fisem il-Komunità bid-Deciżjoni tal-Kunsill 2004/579/KE tad-29 ta' April 2004 <sup>(3)</sup> li hija kondizzjoni għall-Komunità sabiex issir Parti għall-Protokoll, skond l-Artikolu 37(2) tal-Konvenzjoni.
- (8) Il-kondizzjonijiet l-oħra li jippermettu lill-Komunità sabiex tiddepożita l-istrument ta' approvazzjoni previst fl-Artikolu 36(3) tal-Konvenzjoni u l-Artikolu 16(3) tal-Protokoll ġew imwettqa.
- (9) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat, il-konklużjoni tal-Protokoll għandu jiġi approvat fisem il-Komunità.
- (10) Safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu ta' l-Artikoli 179 u 181a tat-Trattat, il-konklużjoni tal-Protokoll fisem il-Komunità għandha tiġi approvata permezz ta' deciżjoni separata tal-Kunsill <sup>(4)</sup>.
- (11) Meta tiddepożita l-istrument ta' approvazzjoni, il-Komunità għandha tiddepożita wkoll dikjarazzjoni dwar l-ambitu ta' kompetenza tal-Komunità fir-rigward ta' kwistjonijiet regolati mill-Protokoll taht l-Artikolu 16(3) tal-Protokoll kontra t-traffikar ta' persuni,

IDDEĊIEDA KIF ĠEJ:

## Artikolu 1

Il-Protokoll għall-prevenzjoni, soppresjoni u punizzjoni tat-traffikar tal-persuni, speċjalment ta' nisa u tfal, li jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti dwar il-kriminalità organizzata transnazzjonali, kif espost fl-Anness I, huwa b'dan approvat fisem il-Komunità Ewropea.

L-istrument tal-konferma formali tal-Komunità għandu jkun fih dikjarazzjoni ta' kompetenza skond l-Artikolu 16(3) tal-Protokoll kif espost fl-Anness II.

<sup>(1)</sup> Għadha mhux ippubblikata fil-Ġurnal Uffiċjali .<sup>(2)</sup> ĠU L 30, 1.2.2001, p. 44.<sup>(3)</sup> ĠU L 261, 6.8.2004, p. 11.<sup>(4)</sup> Ara paġna 44 ta' dan il-Ġurnal Uffiċjali.

*Artikolu 2*

Din id-Deciżjoni għandha tapplika safejn id-dispożizzjonijiet tal-Protokoll jaqgħu fl-ambitu tal-Parti III, Titolu IV tat-Trattat.

Din id-Deciżjoni għandha tiġi pubblikata fil-Ġurnal Uffiċjali ta' l-Unjoni Ewropea.

Magħmula fi Brussell, nhar il-24 ta' Lulju 2006.

*Artikolu 3*

Il-President tal-Kunsill huwa b'dan awtorizzat li jahtar il-persuna li jkollha s-setgħa li tiddepożita l-konferma formali sabiex b'hekk torbot lill-Komunità.

*Għall-Kunsill*

*Il-President*

K. RAJAMÄKI

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## ANNEX I

## PROTOCOL

**to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime**

## PREAMBLE

THE STATES PARTIES TO THIS PROTOCOL,

DECLARING that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognised human rights,

TAKING INTO ACCOUNT the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

CONCERNED that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

RECALLING General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organised crime and of discussing the elaboration of, *inter alia*, an international instrument addressing trafficking in women and children,

CONVINCED that supplementing the United Nations Convention against Transnational Organised Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

HAVE AGREED AS FOLLOWS:

## I. GENERAL PROVISIONS

## Article 3

## Article 1

## Use of terms

**Relation with the United Nations Convention against Transnational Organised Crime**

1. This Protocol supplements the United Nations Convention against Transnational Organised Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

## Article 2

**Statement of purpose**

The purposes of this Protocol are:

- (a) to prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) to promote cooperation among States Parties in order to meet those objectives.

For the purposes of this Protocol:

- (a) 'trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) 'child' shall mean any person under 18 years of age.



## Article 4

**Scope of application**

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organised criminal group, as well as to the protection of victims of such offences.

## Article 5

**Criminalisation**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
  - (a) subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;
  - (b) participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
  - (c) organising or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

## II. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS

## Article 6

**Assistance to and protection of victims of trafficking in persons**

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
  - (a) information on relevant court and administrative proceedings;
  - (b) assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organisations,

other relevant organisations and other elements of civil society, and, in particular, the provision of:

- (a) appropriate housing;
- (b) counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- (c) medical, psychological and material assistance; and
- (d) employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

## Article 7

**Status of victims of trafficking in persons in receiving States**

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.
2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

## Article 8

**Repatriation of victims of trafficking in persons**

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.
2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.



3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

### III. PREVENTION, COOPERATION AND OTHER MEASURES

#### Article 9

##### Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

- (a) to prevent and combat trafficking in persons; and
- (b) to protect victims of trafficking in persons, especially women and children, from revictimisation.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

#### Article 10

##### Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

- (a) whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;
- (b) the types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and
- (c) the means and methods used by organised criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

#### Article 11

##### Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

#### Article 12

##### Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

- (a) to ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and
- (b) to ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

#### Article 13

##### Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

#### IV. FINAL PROVISIONS

#### Article 14

##### Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention<sup>(1)</sup> and the 1967 Protocol<sup>(2)</sup> relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be

<sup>(1)</sup> United Nations, *Treaty Series*, vol. 189, No 2545.

<sup>(2)</sup> *Ibid.*, vol. 606, No 8791.

consistent with internationally recognised principles of non-discrimination.

#### Article 15

##### Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organisation of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### Article 16

##### Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organisations provided that at least one member State of such organisation has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organisation may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organisation shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organisation of which at least one Member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organisation shall declare the extent of its competence with respect to matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

#### *Article 17*

##### **Entry into force**

1. This Protocol shall enter into force on the 90th day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by Member States of such organisation.

2. For each State or regional economic integration organisation ratifying, accepting, approving or acceding to this Protocol after the deposit of the 40th instrument of such action, this Protocol shall enter into force on the 30th day after the date of deposit by such State or organisation of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

#### *Article 18*

##### **Amendment**

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organisations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their Member States that are Parties to this Protocol. Such organisations shall not exercise their right to vote if their Member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party 90 days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

#### *Article 19*

##### **Denunciation**

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organisation shall cease to be a Party to this Protocol when all of its Member States have denounced it.

#### *Article 20*

##### **Depositary and languages**

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed this Protocol.

## ANNEX II

**Dikjarazzjoni li tikkonċerna l-kompetenza tal-Komunità ewropea fir-kwistjonijiet regolati mill-Protokoll għall-Prevenzjoni, Soppressjoni u Punizzjoni tat-Traffikar ta' Persuni, Speċjalment ta' Nisa u Tfal, li Jissupplementa l-Konvenzjoni tan-Nazzjonijiet Uniti Kontra l-Kriminalità Organizzata transnazzjonali**

L-Artikolu 16(3) tal-Protokoll għall-prevenzjoni, soppressjoni u punizzjoni tat-traffikar tal-persuni, speċjalment ta' nisa u tfal, jipprovdi li l-istrument ta' ratifika, aċċettazzjoni jew approvazzjoni ta' organizzazzjoni ta' integrazzjoni ekonomika u reġjonali għandu jinkludi dikjarazzjoni li tispeċifika l-kwistjonijiet regolati mill-Protokoll li fir-rigward tagħhom il-kompetenza għet trasferita lill-organizzazzjoni mill-Istati Membri li huma Partijiet għall-Protokoll.

Il-Protokoll għall-prevenzjoni, soppressjoni u punizzjoni tat-traffikar tal-persuni, speċjalment ta' nisa u tfal, għandu japplika, fir-rigward tal-kompetenzi trasferiti lill-Komunità Ewropea, għat-territorji li fihom huwa applikat it-Trattat li jistabbilixxi l-Komunità Ewropea, u taht il-kondizzjonijiet stabbiliti f'dan it-Trattat, b'mod partikolari l-Artikolu 299 tiegħu u l-Protokoll annessi miegħu.

Din id-dikjarazzjoni hi mingħajr preġudizzju għall-pożizzjoni tar-Renju Unit u l-Irlanda taht il-Protokoll li jintegra l-*acquis* ta' Schengen fil-qafas ta' l-Unjoni Ewropea u taht il-Protokoll dwar il-pożizzjoni tar-Renju Unit u l-Irlanda, annessi mat-Trattat dwar l-Unjoni Ewropea u t-Trattat li jistabbilixxi l-Komunità Ewropea.

Din id-dikjarazzjoni hi ugwalment mingħajr preġudizzju għall-pożizzjoni tad-Danimarka taht il-Protokoll dwar il-pożizzjoni tad-Danimarka anness mat-Trattat ta' l-Unjoni Ewropea u t-Trattat li jistabbilixxi l-Komunità Ewropea.

Skond l-Artikolu 299, din id-dikjarazzjoni lanqas ma tapplika għat-territorji ta' l-Istati Membri li għalihom it-Trattat imsemmi ma japplikax u hija mingħajr preġudizzju għal tali atti jew pożizzjonijiet li jistgħu jiġu adottati taht il-Protokoll mill-Istati Membri konċernati f'isem u fl-interessi ta' daww it-territorji. Skond id-dispożizzjoni msemmija hawn fuq, din id-dikjarazzjoni tindika l-kompetenza li l-Istati Membri jkunu ttrasferixxew lill-Komunità taht it-Trattati fi kwistjonijiet regolati mill-Protokoll. L-ambitu u l-eżerċizzju ta' tali kompetenza Komunitarja huma, fin-natura tagħhom, suġġetti għal żvilupp kontinwu hekk kif il-Komunità tadotta ulterjorment regoli u regolamenti rilevanti, u l-Komunità għandha tikkompleta jew temenda din id-dikjarazzjoni, skond l-Artikolu 16(3) tal-Protokoll.

Il-Komunità tafferma li hija għandha kompetenza fir-rigward tal-qsim tal-fruntieri esterni ta' l-Istati Membri, l-istandards u l-proċeduri regolatorji meta jitwettqu kontrolli fuq persuni f'tali fruntieri u r-regoli dwar il-viżi għal soġġorn ta' mhux aktar minn tliet xhur.

Il-Komunità hija kompetenti wkoll li tiegħu miżuri dwar il-politika ta' l-immigrazzjoni fir-rigward tal-kondizzjonijiet tad-dhul u r-residenza u l-miżuri kontra l-immigrazzjoni illegali u r-residenza illegali, inkluża r-ripatrijazzjoni tar-residenti illegali. Barra minn hekk, hija tista' tiegħu miżuri sabiex tiżgura li jkun hemm koperazzjoni bejn id-dipartimenti rilevanti ta' l-amministrazzjonijiet ta' l-Istati Membri, kif ukoll bejn daww id-dipartimenti u l-Kummissjoni, fl-oqsma diġà msemmija. F'dawn l-oqsma l-Komunità adottat regoli u regolamenti u, fejn tkun għamlet hekk, tkun għalhekk esklussivament il-kompetenza tal-Komunità li tidhol fi ftehim esterni ma' Stati terzi jew ma' organizzazzjonijiet internazzjonali kompetenti.

Barra minn hekk, il-politika tal-Komunità fil-qasam tal-koperazzjoni għall-iżvilupp tikkomplementa l-linji politici segwiti mill-Istati Membri u tinkludi dispożizzjonijiet li jipprevjenu u jiġġieldu kontra t-traffikar ta' persuni.

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