

MEMORANDUM FOR CABINET BY THE HON. MINISTER OF  
COMMONWEALTH AND FOREIGN AFFAIRS

European Agreement on Regulations  
Governing the Movement of Persons between  
Member States of the Council of Europe

The attached Agreement is one of the treaties of the Council of Europe to which Malta is eligible to become a party. The aim of the Agreement is to facilitate personal travel between the countries of the Council of Europe.

The Agreement has to date been ratified by Austria, Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Switzerland and Turkey. The Convention provides for nationals of Contracting Parties to enter the territory of another Party without a visa for visits of not more than three months' duration on presentation of a passport, or an official identity card. Contracting Parties reserve the right to forbid nationals of another party who are considered undesirable to enter or stay in its territory and the right is also reserved to suspend the operation of the Agreement on grounds of public health, public order or security.

The provisions of the Agreement are similar to those of the Bilateral Agreements for the Abolition of Visas already entered into separately between Malta and each of the signatories of the European Agreement (with the exception of the Federal Republic of Germany). These bilateral agreements however cover travel solely by valid passport, whilst the European Agreement covers also travel on such other documents, including in some cases passports which have expired within the last five years, as may be specified by each contracting party.

Maltese nationals proceeding to Germany at present still have to obtain visas and are put to inconvenience and expense as a result. The German Government has been pressed for nearly two years to abolish visas for Maltese, but has stated that whilst willing to do so she can only give effect to this decision by means of action in the Federal Parliament. Because of internal political troubles and other delays such action has not yet been taken, and it may be some time before it is. Ratification of the European Agreement by Malta will automatically mean that the Federal Republic of Germany will accept Malta's nationals without a visa for visits of up to three months duration.

The Crown Advocate General has stated that there is no legal objection to Malta acceding to the European Agreement. Such a step would be consistent with the Government's policy of becoming more closely associated

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with the countries and peoples of Europe and consistent with the Government's drive to encourage tourism. The Crown Advocate General confirms that the Agreement affords sufficient safeguards on the plane of public policy.

The Immigration Officer on the other hand considers that the Agreement offers no advantage to the Maltese tourist industry nor to Malta generally. The Immigration Officer does not consider that it would be in the national interest to afford Maltese citizens the facilities of the Agreement to enable them to proceed overseas. His view in this respect is not quite understood by the Ministry since under existing bilateral agreements for visa abolition, Maltese nationals already enjoy the privileges of the Agreement when they travel on a passport (and also on an Identity Card in the case of Italy).

The Immigration Officer further states that he is convinced that as regards visitors to Malta the facility to travel on identity cards, on expired passports, on tourist cards and on children's travel papers, will bring in dubious characters, adventurers and destitute types - hardly the right type of tourist in his view.

The Ministry's view is that doubtful characters can just as easily arrive in Malta on a Passport as on an identity card, and in any case article 6 of the Agreement gives full powers to the Immigration Officer to forbid entry or to remove any nationals of another party whom he considers undesirable. In view of Government's policy for the closer association of Malta with the continent of Europe and the need to lower obstacles, economic, commercial, and otherwise between Malta and European countries, the Ministry of Commonwealth and Foreign Affairs does not regard the Immigration Officer's objections to be justified.

Ministers are invited to agree to Malta becoming a party to the European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe.

14th April, 1967.

EUROPEAN AGREEMENT ON REGULATIONS GOVERNING  
THE MOVEMENT OF PERSONS BETWEEN MEMBER STATES OF  
THE COUNCIL OF EUROPE

The Governments signatory hereto, being Members  
of the Council of Europe,

Desirous of facilitating personal travel between  
their countries,

Have agreed as follows:

Article 1

(1) Nationals of the Contracting Parties, whatever  
their country of residence, may enter or leave the  
territory of another Party by all frontiers of presentation  
of one of the documents listed in the Appendix to this  
Agreement, which is an integral part thereof.

(2) The facilities mentioned in paragraph (1) above  
shall be available only for visits of not more than  
three months' duration.

(3) Valid passports and visas may be required for  
all visits of more than three months' duration or whenever  
the territory of another Party is entered for the purpose  
of pursuing a gainful activity.

(4) For the purposes of this Agreement, the term  
"territory" of a Contracting Party shall have the meaning  
assigned to it by such a Party in a declaration addressed  
to the Secretary-General of the Council of Europe for  
communication to all other Contracting Parties.

Article 2

To the extent that one or more Contracting  
Parties deem necessary, the frontier shall be crossed only  
at authorised points.

Article 3

The foregoing provisions shall in no way  
prejudice the laws and regulations governing visits by  
aliens to the territory of any Contracting Party.

Article 4

This Agreement shall not prejudice the  
provisions of any domestic law and bilateral or  
multilateral treaties, conventions or agreements now in  
force or which may hereafter enter into force, whereby  
more favourable terms are applied to the nationals of  
other Contracting Parties in respect of the crossing of  
frontiers.

Article 5

Each Contracting Party shall allow the holder of any of the documents mentioned in the list drawn up by it and embodied in the Appendix to this Agreement to re-enter its territory without formality even if his nationality is under dispute.

Article 6

Each Contracting Party reserves the right to forbid nationals of another Party whom it considers undesirable to enter or stay in its territory.

Article 7

Each Contracting Party reserves the option, on grounds relating to ordre public, security or public health, to delay the entry into force of this Agreement or order the temporary suspension thereof in respect of all or some of the other Parties, except insofar as the provisions of Article 5 are concerned. This measure shall immediately be notified to the Secretary-General of the Council of Europe, who shall inform the other Parties. The same procedure shall apply as soon as this measure ceases to be operative.

A Contracting Party which avails itself of either of the options mentioned in the preceding paragraph may not claim the application of this Agreement by another Party save insofar as it also applies it in respect of that Party.

Article 8

This Agreement shall be open to the signature of the Members of the Council of Europe, who may become Parties to it either by:

- (a) signature without reservation in respect of ratification;
- (b) signature with reservation in respect of ratification followed by ratification.

Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

Article 9

This Agreement shall enter into force on the first day of the month following the date on which three Members of the Council shall, in accordance with Article 8, have signed the Agreement without reservation in respect of ratification or shall have ratified it.

In the case of any Member who shall subsequently

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sign the Agreement without reservation in respect of ratification or shall ratify it, the Agreement shall enter into force on the first day of the month following such signature or the deposit of the instrument of ratification.

#### Article 10

After entry into force of this Agreement, the Committee of Ministers of the Council of Europe may invite any non-Member State to accede to it. Such accession shall take effect on the first day of the month following the deposit of the instrument of accession with the Secretary-General of the Council of Europe.

#### Article 11

Any Government wishing to sign or accede to this Agreement which has not yet drawn up its list of the documents mentioned in Article 1, paragraph 1, and appearing in the Appendix, shall submit a list of such documents to the Contracting Parties through the Secretary-General of the Council of Europe. This list shall be considered to be approved by all the Contracting Parties and shall be added to the Appendix to this Agreement if no objection is raised within two months of its transmission by the Secretary-General.

The same procedure shall apply if a signatory Government wishes to alter the list of documents drawn up by it and embodied in the Appendix.

#### Article 12

The Secretary-General of the Council of Europe shall notify Members of the Council and acceding States:

- (a) of the date of entry into force of this Agreement and the names of any Members who have signed without reservation in respect of ratification or who have ratified it;
- (b) of the deposit of any instrument of accession in accordance with Article 10;
- (c) of any notification received in accordance with Article 13 and of its effective date.

#### Article 13

Any Contracting Party may terminate its own application of the Agreement by giving three months' notice to that effect to the Secretary-General of the Council of Europe.

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In witness whereof the under-signed, being duly authorised thereto, have signed this Agreement.

Done at Paris,

this 13th day of December 1957, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary-General of the Council of Europe shall transmit certified copies to the signatory Governments.

L-ARKIVI NAZZJONALI TA' MALTA

APPENDIX

- Austria: Valid passport or expired within the last five years  
Official identity card  
Child's travel certificate.
- Belgium: Belgian passport, valid or expired within the last 5 years  
Official identity card  
Official identity and registration of immatriculation card, issued by a Belgian diplomatic or consular agent abroad  
Identity certificate with photograph issued by a Belgian Local Authority to a child under 12 years of age  
Identity paper without photograph issued by a Belgian Local Authority to a child under 12 years of age. This document will only be accepted in the case of children travelling with their parents  
Valid alien's identity card, issued by the competent authorities of the country of residence, for Belgians lawfully residing in France, Luxembourg and Switzerland, and stating that the bearer is of Belgian nationality.
- France: French passport, valid or expired within the last five years  
Valid French identity card  
Valid alien's identity card, issued by the competent authority in the country of residence, for French nationals lawfully residing in Belgium, Luxembourg and Switzerland; the card must indicate the holder's nationality.
- Federal Republic of Germany: Valid German passport or child's travel certificate  
Valid German identity card  
Valid West Berlin provisional identity card and child's certificate bearing a photograph.
- Greece: Valid Greek passport  
Touristic identity card

Italy/.....

Italy: Valid passport of the Italian Republic  
Official identity card of the Italian Republic stamped by the police authorities  
For children: birth certificate with photograph, stamped by the police.

Luxembourg: Luxembourg passport, valid or expired within the last 5 years  
Official identity card  
Identity and travel papers issued to a child of under 15 years of age by a Luxembourg local authority  
Valid alien's identity card, issued by the competent authorities of the country of residence, for nationals of Luxembourg lawfully residing in Belgium, France, Switzerland and Liechtenstein, stating that the holder is of Luxembourg nationality.

Netherlands: Passport of the Kingdom of the Netherlands, valid or expired within the last five years  
Valid tourist card  
Valid alien's identity card, issued by the Belgian authorities, stating that the bearer is of Netherlands nationality  
Valid alien's identity card, issued by the Luxembourg authorities, stating that the bearer is of Netherlands nationality.

L-ARKIVJI NAZZJONALI TA' MALTA