

# Question & Answer

on Malta and the European Union

Edition No 9



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## QUESTION & ANSWER ON MALTA AND THE EUROPEAN UNION

Information booklet compiled by the Malta-EU Information Centre answering some of the most frequently-asked questions on Malta and the EU.

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## 1. ARAB COUNTRIES

### After membership, will Malta still remain on good terms with Arab countries?

Yes, we should because the European Union itself already has very good relations with Arab countries. On the Middle East the position of the EU has always shown a great deal of sympathy towards the situation of the Palestinian people, whilst acknowledging the right of the Israeli people to live in peace and security.

On a commercial level, the EU has already concluded several commercial agreements with most Arab countries envisaging free trade. The



EU is already their main trading partner and it is also seeking to establish a Mediterranean-wide free trade area by 2010 under an initiative known as the "Euro-Med Partnership" in which Malta already participates. If Malta joins the EU, we will automatically become part of each of these commercial agreements with our Arab neighbours without having to negotiate them one by one. Finally, EU countries impose a visa requirement on a number of non-EU countries, including Arab countries. On this point see question No. 24.

## 2. BRUSSELS DIKTAT

### Will European institutions dictate to us what we should do?

The EU does not work in that way. Nobody dictates to others what they should do and this is a misconception.

A country joins the EU voluntarily. It is not forced to join. It joins because it wants to be part of the common system in which other European countries

already form part. Joining the EU also means that you adopt a set of common laws that apply equally to all countries, except for those cases where a country has negotiated a specific exemption for itself.

There is a common misunderstanding that EU rules are made by someone in Brussels and imposed against the will of countries or people. This is not so. EU rules are agreed upon by EU countries after a long period of consultation among all interested parties. EU rules normally address problems that are common to all countries and to all citizens, such as standards, citizens' rights and competition. They are not made by the larger countries to be obeyed by the smaller countries or vice versa. As a matter of fact, large countries cannot take decisions on their own and in the same way, small countries cannot decide on their own. Countries need to compromise for the EU to be able to adopt laws. This is what happens with all EU laws.

Of course, once laws are adopted, they have to be enforced. This is done in each country by the national authorities of that country itself and not by the EU. The EU does not have its own enforcement officers. If a country fails to enforce EU laws, it will be held accountable for its actions by its own citizens or by citizens of other member states. The matter can be brought to the attention of EU institutions and the country will be asked to comply with its obligations. If it does not, it can be taken to court and ultimately even face a fine. The European Commission regularly takes action against EU countries for failing to apply EU law adequately. In many cases the Commission acts on the basis of complaints from citizens themselves who want the EU law to be enforced. So far, however, there has only been one case where a country was fined.

### 3. CAR SALES

## What will change with the new EU regulation on cars?

Over the last several years, the way that cars were distributed and sold was not completely free from competition. This explains why you would usually find only one brand of car from one single dealer. Much the same applies with respect to spare parts for your car and to getting it repaired. This situation developed because in Europe, the car-making industry, unlike other industries, was protected from full exposure to competition. This situation has tended to favour the industry, less so consumers.

After lengthy discussions, the Commission has now reviewed this situation and it has come out with a new regulation on the motor vehicle sector

that introduces more competition without, however, going all the way. It did so in order to strike a better balance between industry and consumers without giving full victory to either side.

As a result, we should soon see a change in the competition conditions. For instance, official dealers will be able to import and sell more than one brand of cars from the same showroom. They will also be able to develop further their repair services by becoming official repairers for other brands or share their repair services altogether. Independent mechanics must be given full information on cars and will therefore find it easier to compete with official repairers. Much the same applies to spare parts, including unofficial matching parts. Car prices in the EU still differ widely from one European country to another. The Commission hopes that this new competitive environment will help prices to converge and ultimately to go down.



## 4. CE LABEL

### What does the CE label on products mean?

It stands for "*Communauté Européene*" or "European Community" and means that the product on which it is stuck was manufactured according to the standards of the EU. The label will only be attached on those products that were manufactured according to the criteria established at European level. There are several types of products that are covered by European standards, ranging from machines to toys. For example, in the case of toys, certain information – such as the age of the children for whom the toy is intended – must be included. If at the manufacturing stage, a product does not meet the required standards it does not qualify for the CE mark. And if it does not have a CE mark, it cannot be sold in any EU country.

As such, the CE mark is not a quality mark. But it serves to put consumers' minds at rest that only products that have passed certain tests and that are generally safe to use are on sale in their country and in other EU countries.

If you already own and use a product, such as equipment or machinery, that does not have a CE mark you can still use it legally in Malta after membership. You do not have to discard it and buy a new one. And you can also still sell it. The requirement for the CE marking applies when a product is put on the market for the first time and not for products that are already on the market or used in Malta when the country joins the EU.

## 5. CHILDREN'S ALLOWANCE

### Will I still get the children's allowance if we join the EU?

Yes. If your children are entitled to the children's allowance you will continue to receive it. The European Union does not interfere in issues concerning social benefits, children's allowance being one of them. This, together with other social benefits will not be affected by membership. Every country keeps its own system and does not have to change it because there is no common European social security system. There are EU countries that have very high welfare benefits and others that do not.



## 6. CUSTOMS CHECKS

### Will Customs Officers still stop us when travelling to and from other countries?

Yes. If Malta joins the EU, it would be part of a single customs area with other EU countries. As a result, when entering or leaving Malta to another EU country, customs officers cannot stop you and check you as they do now. Customs checks will still apply with respect to non-EU countries. The same applies to passport controls with respect to all EU countries, except for the UK and Ireland. However, passport controls may only be removed after some time and not immediately upon membership, in order to give new countries the time to adapt to the EU information and security systems used at borders.

Of course, security checks will still remain. And customs or immigration police may still stop you if they suspect illegal behaviour.

## 7. DIVORCE

### Will Malta have to introduce divorce if we join the EU?

No. It is up to the Maltese authorities to decide whether or not divorce should be legalised in Malta – the EU has no say on such a matter. In practice, however, all EU countries have already introduced divorce, each on their own accord. Ireland was the latest country to introduce divorce following a referendum that was held a few years ago. The EU was not involved in this decision.



On the other hand, the EU has a law that states that if a person obtains a divorce in one EU country, this should be recognized in other countries of the EU. In Malta, we already recognise divorce orders obtained in other countries.

## 8. DUMPING YOUR FRIDGE

### People are still dumping fridges and cookers in our valleys. Would the EU be able to do something about this?

In Malta, it is already illegal to dispose of your fridge out on the roads or in the valleys. There is also an EU law which states that one cannot simply throw a fridge away because it might contain certain dangerous chemicals such as chlorofluorocarbons and CFCs that are used to keep the contents cool. If an old fridge is thrown away haphazardly, these chemicals may seep out into the atmosphere and harm the environment and your health. With this law, however, all fridges must be disposed of in a particular place where the hazardous chemicals may be removed before the fridge is ultimately disposed.

## 9. LANDFILLS

### If the government wants to open a landfill close to where I live, will the EU protect me?

It is up to a country's national authorities to decide the location where a landfill should be opened. Like other countries, Malta follows certain procedures before doing so, including the necessary authorisation required from the Malta Environment and Planning Authority (MEPA). However, on this issue, there are two important EU laws to be taken into account and that should be of interest to you.

First, major projects, such as landfills that are likely to have an impact on the environment cannot proceed before an environmental impact assessment is carried out, involving a process of public consultation. If this does not happen, Malta would be in breach of EU law.

Once the site is chosen, EU law stipulates that landfills must be run according to strict environmental and management standards so that they do not cause any risks or threats to public health.

In our case, everybody knows that the Maghtab landfill is hazardous to public health and a decision has been taken to close it down by the end of 2003. The same applies to the Qortin landfill in Gozo. In the meantime, new sites must be found. Malta is requesting EU funding to help in the cleaning up of Maghtab after it is closed down.

## 10. EU CITIZENSHIP

### If we join the EU, will I become an EU citizen instead of a Maltese citizen?

No. You will remain a Maltese citizen with a Maltese passport. But you will also acquire a "EU citizenship". This will entitle you to a number of additional rights that you do not have today.

For instance, you will be able to travel, reside, study, train or work in any EU country of your choice, altogether in around thirty countries. You will not need any visa, even if your stay exceeds three months.

Wherever you go in the EU you cannot be treated like a foreigner but in the same way as a citizen of that country. In other words, your citizenship rights will extend from Maltese territory to the entire EU territory. While your rights as a Maltese citizen will still apply in Malta, your rights as an EU citizen will apply in Malta but also in all other EU countries.

Of course, with rights you also get obligations. For instance, if you travel or are living in another country you must respect the laws of that country, including laws on taxation. Moreover, you cannot simply go to another country and expect to become a financial burden on that country. You must either provide for your own financial means or find a job. If you do not, after some time, you may be asked to leave.

In terms of political rights, you will have the right to vote in local and European Parliament elections in the EU country where you live, although you can only vote in national elections in your own country if you are eligible. If you lose your passport or find yourself in difficulty in any country in the world where Malta has no embassy, you will be able to go to an embassy of any EU country and you will be entitled to help there just as if you were a national of that country.

## 11. FISHERIES

### What did Malta negotiate in the area of fisheries?

The EU acknowledged Malta's efforts over the past 30 years to conserve fish stocks in a 25-mile zone around the country. It accepted that Malta's membership should not lead to a decline in this protection. Agreement was therefore reached on the management of a 25-mile zone by the Maltese authorities for conservation purposes. This agreement will be incorporated into EU law.

In the 25 mile zone the level of fishing will not increase because today we are already fishing to maximum capacity. A list of all fishing vessels that have fished in the area will be drawn up. Only fishing boats registered on this list would be allowed to fish in the zone after membership. And there can be no increase in their numbers. This means that the Maltese authorities will not be granting any new licenses for fishing boats. Whoever wants to start fishing in our zone, whether a Maltese or EU citizen, must purchase an existing licence or will not be able to fish at all.



## 12. GENDER EQUALITY

### I went for an interview and I think that I was not chosen simply because I am female. Can I get redress?

The fact that you are a female should not hinder you from being selected for a job. Likewise, if you already have a job, your employer should not treat you dif-

ferently from other employees on the basis of your gender. You should have the right to the same working hours, overtime, leave as well as sick leave, bonuses and other benefits. You are also entitled to receive the same amount of money as a male employee if you are doing the same kind of work. The same applies to the way you dress, working time flexibility and to the conditions for laying off employees. If training is available while you are working, you should have the same opportunity to receive the same training as male employees.

If you feel that you have suffered discrimination, you have a right to redress, including taking legal action against the employer. In this case it will not be up to you to prove that there was discrimination, but the employer must prove that there was no discrimination. In other words, the burden of proof shifts from you on to the employer.

There are strict EU regulations on all these issues and these are currently being incorporated into Maltese law.



### 13. ILLEGAL IMMIGRANTS

## If we join the EU, will the number of illegal immigrants increase?

As an island surrounded by the sea, Malta is already targeted by illegal immigrants who travel here by boat sometimes in very difficult conditions and at the risk of their lives. More often than not, we only get those immigrants who actually fail to get to their original destination, usually Italy.

Immigrants should not increase unless they actually want to land here. But if

in time Malta is perceived as an economically advanced EU country, it may start to attract illegal immigrants in its own right.

Membership of the EU will certainly put on Malta a greater responsibility to police its coastal borders and this is included among the obligations of membership. Since the EU territory has no internal borders between EU countries it is more important for all countries that have an external border to control them well. Greater co-operation with EU countries will be necessary with respect to security checks at our ports and airport as well as with respect to coastal border controls.

Upon membership Malta will also introduce visa requirements on countries that are usually among the countries of origin of illegal immigration.

#### 14. DISMISSAL FROM WORK

### **If the company that I work for changes ownership, can the new owners just throw me out?**

No. If there is a change in the ownership of the company the new owners cannot just lay you and other workers off. There is a specific EU law on this issue which states that employees cannot be laid off simply because there is a change in a company's ownership. When this happens employees keep the same rights that they had before the change in a company's ownership. They also have the right to be informed and to consult with the old as well as the new owners. If this does not happen, it would be a breach of the law.

Of course, if after acquiring the company the new owners need to restructure

it, this could obviously affect the number of employees working there. Restructuring can be carried out by the new owners in the same way as it could have been carried out by the previous owners. But here too, workers have the right to be informed and consulted.

## 15. MALTESE BREAD

### Will Maltese bread be affected if we join the EU?

Local bread does not need to change in terms of quality or presentation. The main changes that will be necessary in the case of bakeries relates to cleanliness and hygiene. Many bakeries have already come a long way in this respect.

More important is the issue of the price. Currently, the wheat that is used in our bread is imported from outside the EU at international prices. This type of wheat is different to the one used in the EU and it is also cheaper. If we join the EU, we would have to pay a new tariff on the wheat that we import from outside the EU, making it more expensive. In turn, this might have an impact on the price of bread.

For this reason, during negotiations, Malta is requesting to continue to buy wheat at international market prices even after membership. This request was made so that the price of local Maltese bread would not be affected by membership.

## 16. MALTA'S PARTICIPATION IN EU PROGRAMMES

### If we do not join the EU, will we still be able to participate in EU programmes?

Yes, but not in the way that we participate today. Today, Malta participates in EU educational programmes because it is a candidate country. Over the past couple of years since Malta started participating in these programmes, well over 1000 Maltese youths have taken part. Malta's participation fee is paid to a large extent through EU funding that was made available to Malta before membership.

If we do not join the EU, this arrangement will cease to exist because the conditions of our participation would have changed.

Countries that are not members of the EU do not normally participate fully in EU programmes. By way of exception, Norway, Iceland and Liechtenstein which are part of the EU's European Economic Area are allowed to participate. But they contribute to the EU budget to help finance the EU's Structural Funds for EU members. Switzerland has long been seeking to gain full participation in EU programmes and is currently engaged in discussions to do so. So far, it has only been able to participate as a "silent partner", that is, it cannot start its own projects but only participate in projects that have been initiated by others. It also has to pay the full costs involved, rather than simply an entry ticket.

On the other hand, if Malta does not join, it will still be able to participate in those parts of the programmes that are open to non-EU countries. Recently, the EU also announced that it would open up part of its educational programme to non-EU countries. This initiative is known as TEMPUS.

## 17. PRICE OF PETROL

### If we join the EU, will the price of petrol go up or down?

According to EU law, the importation of fuel – including petrol – must be liberalised. In Malta, so far, the Enemalta Corporation has a monopoly over the importation of petrol. This will have to end. This means that there can be more than one company that imports petrol and there can be competition. Liberalisation will also mean that the price of petrol and of diesel will reflect international prices more closely, both if they go down as well as if they go up. When compared to the international price, the price of petrol in Malta has so far been higher while the price of diesel lower. During negotiations, Malta requested a transitional period in order to have more time to adapt to the changes necessary as a result of liberalisation in this sector.

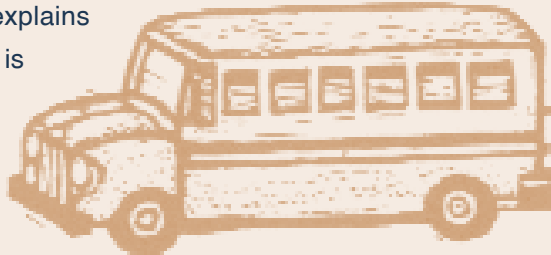


## 18. PUBLIC TRANSPORT

### Will the public bus transport service improve if we join the EU?

The EU does not specify that the service has to be of a certain level. There are, however, a number of EU rules that can affect the public bus transport service. For example, the EU has a law on the Vehicle Road-worthiness Test (VRT) and this also applies to buses. If buses fail the test, they will have to be taken

off the roads. This also explains why the government is currently operating a scheme to help bus owners buy new buses.



A new EU law has been introduced to make make new buses more accessible to individuals with special needs, the elderly and people with pushchairs. Your bus fare can continue to be subsidised as long as the subsidy is paid to guarantee a public transport that serves the routes and charges the prices that are established by the Maltese Government. But not beyond.

## 19. RABBIT BREEDING

### If we join the EU, will I still be able to breed rabbits at home?

Yes. The EU does not affect individuals who breed rabbits at home. You can still breed your rabbits at home if Malta joins the EU. And you can also sell the rabbits that you breed. This issue is not regulated by the EU because rabbit-breeding of this kind is considered as a cottage industry and therefore, no specific rules apply.



If on the other hand, you want to set up a company for breeding and processing rabbit meat, you would have to register with the Department of Veterinary Services and you would need to satisfy certain standards related to the food industry.

## 20. RUBBLE WALLS

### Will the EU help us to save our rubble walls?

The EU has special funds to support rural development, that is to say, the countryside and those people involved in agricultural activities. Among other things, this fund finances projects to improve the countryside, irrigation systems and to train young people who want to work in the agricultural sector. Financial aid can also support projects intended to protect rubble walls. According to the European Commission, during the first three years of membership, Malta should expect to receive around Lm10 million in EU funds for rural development. However, the exact amount of money is still being negotiated.

## 21. SELF-EMPLOYED

### What was negotiated on self-employed persons?

During negotiations, Malta agreed to apply EU rules on self-employed which would allow a Maltese person to operate as a self-employed individual in another country but at the same time also allows an EU citizen to set up on a self-employed basis in Malta. For a person to have a self-employed status, he or she must register in that country and must also register for the



purposes of VAT, income tax and the necessary trade licence. Malta did not feel the need to negotiate any transitional period or other special arrangement in this area.

However, if the need arises, our national authorities may limit the number of businesses operating in specific areas. In Malta, we already limit the number of pharmacies, taxis, mini-vans, buses and petrol stations because it is generally felt that the market should be more closely regulated in these areas. These restrictions can be kept even after membership.

## 22. SMOKING IN RESTAURANTS

### Will smoking in restaurants be prohibited if Malta joins the EU?

The EU does not have a law which prohibits smoking in restaurants, although it encourages member states to do so. This does not apply only to restaurants, but more importantly to public places such as hospitals, schools, cinemas, ports, and airports. In such places smoking should either be totally forbidden or allowed only in designated areas. Although this EU recommendation is not legally binding, many member states have taken the initiative to prohibit smoking in public places.

In Malta, smoking in most public places is already prohibited, but so far we do not prohibit smoking in restaurants.



## 23. STRIKES

### Will I still be able to strike if we join the EU?

Yes. The EU does not affect the right to strike – whether a normal strike or a sympathy strike. There are no specific EU laws on strikes because these have long been regulated in individual European countries, including Malta. On the other hand, there are a number of EU rules that affect industrial relations and work conditions. For example, EU law makes the need to inform and consult workers compulsory.



## 24. VISAS

### Is it true that Malta will impose a visa on Libyan citizens?

Yes. Upon membership, Malta will adopt the same visa system that is used in all other EU countries. These eliminated their internal border controls and at the same time agreed on a list of countries that would require a visa for their citizens to enter the EU from whichever country.

For us, this means that we would need to impose a visa on countries, such as Libya. Nationals from these countries will not be able to enter Malta without a visa. Visas are normally issued for a period of three months but they entitle the holder to visit any EU country, not just Malta. This issue has caused some

concern among the Maltese business community with interests in Libya. However, in order to ensure that the visa requirement does not affect business travel negatively, the Maltese authorities will be introducing facilities that will issue visas promptly. Moreover, visas can also be issued on a long-term basis. Of course, a country on whose nationals we impose a visa is likely to reciprocate by introducing a visa requirement for Maltese nationals travelling there.

## 25. WASTE WATER

### If a beach is polluted with waste water, does the EU protect me?

This is one of the Malta's worst environmental problems because we still dispose waste water into the sea without treating it. Waste water treatment requires a heavy investment in the installation of special plants which are very costly.

During negotiations, Malta obtained extra time until 2007 to build the necessary plants and infrastructure to collect, treat, and dispose of the waste water. Malta is also requesting financial support from the EU to carry out this plan.

If Malta continues to dispose untreated waste water in the sea after this transitional period, it would be in breach of EU law and you will have the right to complain to the EU about your Government's failure to comply with its EU obligations.

Even before membership, the EU has agreed to give Malta financial assistance for the building of a waste water plant in Gozo. The EU is paying €3 million out of a total cost of around €8 million (or Lm3.3 million).