

(JUST)

**From:** (JUST)  
**Sent:** vendredi 9 janvier 2015 09:11  
**To:** (JUST)  
**Subject:** FW: Flash on meeting DG Francoise Le Bail with Maltese Secretary of State on investor scheme on 24 January in Athens

**From:** " (JUST)"  
**Date:** 24 janvier 2014 10:31:30 HNEC  
**To:** "LE BAIL Francoise (JUST)", "NEMITZ Paul (JUST)" < >, " (JUST)"  
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**Subject:** Flash on meeting DG Francoise Le Bail with Maltese Secretary of State on investor scheme on 24 January in Athens

## Summary

Constructive meeting held in good faith spirit on both sides. Maltese Parliamentary Secretary of State for Justice Dr Bonnici showed willingness to try to solve the issue and to consider slight amendment of the scheme to bring it in line with international law and practice in other MS. Both sides agreed to hold a meeting of experts next week to continue the discussion and to find a solution.

## Details

As a follow-up to other meetings at DG and Head of Cab level earlier this week a bilateral meeting between DG Le Bail and Maltese Parliamentary Secretary of State for Justice Dr Bonnici took place on 24 January in Athens in the margins of the Informal Justice and Home Affairs Council. The Secretary of State was accompanied by Attorney General Dr Grech.

Dr Bonnici stressed that he was surprised about the negative reactions to the investor scheme. He underlined that it was not a Citizenship for cash scheme, that several requirements were attached to it such as the one to acquire or rent a property in Malta and to keep it for 5 years, that due diligence measures would apply to check on the criminal record and security aspects beforehand, that nationality could be taken away again under certain conditions. Safeguards were built in to ensure that it is not used for money laundering or human trafficking

purposes. The scheme was limited to 1800 main applicants. The money would be put in a Fund and serve for social investment in hospitals, schools....

Francoise Le Bail referred to the public reactions, the EP resolution, the international law context and the respective jurisprudence (Nottebohm case of the ICJ and Rottmann case of ECJ). She underlined that a genuine link to the country was at the basis of nationality. She also stressed that granting nationality also means granting EU citizenship and the rights attached to it. She wondered whether a change of the investor scheme could be considered to take the genuine link better into account.

Dr Bonnici underlined the scheme requires applicants to keep the property for 5 years to ensure the link with the country. But he understands that the issue is about ensuring residence status ahead of granting nationality - at least for some time. He said he was open to consider but would have to bring this back to his Prime Minister. He made reference to schemes in CY and AT which also seem to lack the residency status but acknowledged that other MS had schemes where residence status for a certain time was the first step to granting nationality. He also wondered how to effectively enforce residence status - if put in the scheme.

Francoise Le Bail reassured Dr Bonnici that we see merit in attracting investors to Malta, and that we do not want to prescribe a specific system. She suggested an expert meeting to look into the details of other schemes in order to find a solution for the Maltese investor scheme that is in line with international law and ensures the link with the country.

Dr Bonnino agreed with this approach and will be back in the coming days to set up the expert meeting and to give feedback as to whether an amendment of the investor scheme to bring it in line with international law and practise in other MS could be considered. He underlined that he appreciates the Commission efforts to sort this out.

Both sides underlined readiness to work rapidly on finding a solution along those lines.

