



**Fenech
& Fenech**
ADVOCATES

19th October 2015

The Hon. Minister Edward Zammit Lewis
Minister for Tourism
Ministry for Tourism
233 Republic Street
Valletta.

Minister,

Last Friday 16th October on Xarabank you chose to mention my name no less than 8 times in the context of a discussion on "Jobs for the boys". Ironically, I was at the time delivering a paper on "EU Legal Instruments in the context of International Maritime Disputes" as a guest of the University of Zagreb in Croatia.

I object to your comments in my regard for the following reasons:

1. When PN deputy leader Dr. Beppe Fenech Adami made reference to the "consultancies" which are being given out to totally unqualified persons and therefore given out solely on the basis of their political beliefs, you immediately and out of the blue referred to "Ann Fenech," the "President tal-Ezekuttiv", as having received Euro 600,000 worth of consultancies during the last legislature. Later when you mentioned my name again, you added the words "U l-law firm taghha."
2. This gave your audience the incorrect impression that either I or "my" firm were awarded similar "consultancy posts" for which I was paid a salary or a retainer; it also gave the incorrect impression that I pocketed Euro 600,000 as is the case with a number of persons whom your government has appointed as "consultants" in spite of the fact that they lack any shred of expertise or knowledge in the respective sector.
3. You also gave the impression that these "consultancies" for which I pocketed Euro 600,000 were given because I was the President of the Executive Committee of the Nationalist Party and not on the basis of qualification.

In speaking in this irresponsible manner you have misled and misinformed the general public and furthermore you have attempted to tarnish my reputation. This is unacceptable behaviour in a supposedly civilised country a full member of the European Union.

Contrary to the false impression you tried to give, the facts are as follows:

1. I have never been given any consultancy with any ministry through which I was paid, granted or given a monthly or annual salary.
2. Fenech and Fenech Advocates is not "my" law firm. I am a partner together with others and I am currently the Managing Partner. In 2008, when the government of the day decided to embark on the privatisation of the Malta Drydocks, Mr. Emmanuel Ellul, then the head of the privatisation unit, came personally to my



office and informed me that he had come to ask me to accept instructions on a brief related to the privatisation of the Malta Drydocks because he was concerned that the moment news of the privatisation would come out, I would be asked to act for interested bidders and he wished that I would lead the brief for the Privatisation Unit given my extensive experience in the maritime sector.

3. During 2008 2009, 2010, 2011, 2012, Fenech and Fenech Advocates was instructed to assist the Privatisation Unit with the following:
 - a. The Privatisation of Docks 4,5,6
 - b. The Privatisation of The Superyacht Facilities in Dock 3
 - c. The Privatisation of Malta Ship building
 - d. The Privatisation of Ricasoli Tank Cleaning Farm
 - e. The Privatisation of the Msida marina

I was the Partner in charge and the lead advocate. The above mentioned five briefs entailed the entire due diligence of what was previously “the Malta Drydocks” and the coverage of every possible legal aspect related to the above complex entities.

- f. During 2007 through to 2010 Fenech and Fenech Advocates was instructed to assist the Attorney General in the defence of the case before the European Court of Justice brought by the European Commission against Malta on the granting of the Public Service Obligation Contract to Gozo Channel in 2004 prior to accession which they had alleged breached Treaty rules.

Malta won hands down with costs and the European Commission lost the case.

- g. During 2008 through to 2011 Fenech and Fenech Advocates was instructed to assist with the drafting and the legalities involved in the issuing of a tender for the granting of a public service obligation contract in line with treaty rules for the provision of a ferry service between Malta and Gozo post accession.

I was again the Partner in charge and the lead advocate on this matter.

- h. During 2008 I was appointed to conduct the informal maritime investigation on the casualty relating to the vessel Simshar resulting in the death of four persons.
4. Your intentional use of the word “consultancy” instead of the proper explanation of the above, and your insinuation that the work was given to me or to the firm of which I am a partner “because I was the President of the Executive of the Nationalist Party” is a lie because I was only elected to the post of President of the Executive Committee of the Nationalist Party in June 2013. During the period in question I held absolutely no post whatsoever within the Nationalist Party, official or otherwise, I was neither a candidate nor an MP.
5. Furthermore, in your totally capricious statements in my regard, you failed to inform your audience that the fees charged were not paid to me but were paid to the firm for services rendered on a fully accounted hourly basis by no less than 12 lawyers each with an area of expertise required by these very complex cases. Clearly this was done purely to place me in a bad light.



6. You also misinformed the audience when you spoke of the figure of Euro 600,000 when in fact the total amount of fees charged for the services above mentioned given by 12 lawyers from the firm, on 7 separate and distinct cases all with their own complexities over a period of 6 years was a total of **Euro 464,144 not Euro 600,000.**
7. Your insinuation during the programme that the undersigned was given "consultancies" because of political allegiance rather than competence is as preposterous as it is insulting.
8. For the record, I have been practicing maritime law exclusively for the past 30 years during which period I have worked with one of the best shipping law firms in the United Kingdom and one of the best shipping law firms in the United States. In Malta I have worked and represented the largest and most important ship owners worldwide, their Hull and Machinery Insurers, and Protection and Indemnity Clubs. I have represented yacht owners, tug operators, international ship builders and financial institutions as well as the largest oil majors. I am a member of the International Salvage Union, a Council Member of the European Maritime Law Organisation, President of the Malta Maritime Law Association, a Consociate of the Institute of Naval architects and Marine Engineers and one of 13 Executive Councillors of the Comité Maritime International (CMI) – the international body entrusted with the drafting of international maritime conventions. As far as the latter is concerned I was voted in by the maritime law associations members of CMI and this was the first time since the inception of CMI in 1897 that a Maltese person was elected as Executive Councillor. In addition I have been teaching maritime law at the University of Malta since 1994, at the International Maritime Law Institute and have authored a number of international publications on the subject and address international maritime seminars all over the world.

Most disappointing is the fact that you are a lawyer yourself and as lawyers we are all fully aware of each other's credentials, areas of expertise or the lack of them and yet you chose to attack me personally and cynically attempting to tarnish my reputation, both locally and internationally, both politically and professionally, which behaviour I will not tolerate and therefore I expect from you an unreserved apology.

Given the fact that you made your declarations during Xarabank, I am going to copy this letter to the media.

Yours sincerely

Ann Fenech
