

CHAPTER 625**EXCLUSIVE ECONOMIC ZONE ACT**

AN ACT to make provision for the establishment of the exclusive economic zone or part thereof, environment protection area and for other ancillary matters thereto.

23rd July, 2021

[ACT XLVII of 2021.](#)

**PART I
PRELIMINARY**

1. The short title of this Act is the Exclusive Economic Zone Act. Short title.
2. In this Act, unless the context otherwise requires: Interpretation.
 - "appropriate action" means the same as the meaning assigned to it by the [Territorial Waters and Contiguous Zone Act](#); Cap. 226.
 - "Area" means an exclusive economic zone area or an environment protection area as defined under article 2;
 - "baselines" means the same as the meaning assigned to it by the [Continental Shelf Act](#); Cap. 535.
 - "continental shelf" means the same as the meaning assigned to it by the [Continental Shelf Act](#); Cap. 535.
 - "environment protection area" means any area designated by the Minister by means of an order published in the Gazette, within which the jurisdiction mentioned in article 3(1)(b)(iii) is exercisable:
 - Provided that such area may not exceed the exclusive economic zone;
 - "exclusive economic zone" means the area beyond and adjacent to the territorial waters, that extends to a limit established in accordance with international law, measured from the baselines from which the breadth of the territorial waters is measured; so however that where in relation to States of which their coast is opposite that of Malta it is necessary to determine a boundary, such boundary shall be determined by agreement between Malta and such other State or States or, in absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and such other State or States is measured:

Provided that until the agreement referred to in the preceding paragraph comes into force, any activities or licenses issued pursuant to this Act shall only apply to the area lying on the Maltese side of the median line between the coast of Malta and the coast belonging to opposite State or States:

Provided also that nothing shall preclude the Government of Malta from entering into any cooperative arrangements, such as joint development agreements, revenue sharing agreements and international unitisation agreements, with neighbouring States for the purpose of exploring, exploiting, conserving and managing the natural resources in the exclusive economic zone:

Provided further that the Government of Malta may extend the exclusive economic zone boundary beyond the median line in accordance with international law;

"exclusive economic zone area" means any area designated by the Minister under article 4, within which the sovereign rights and jurisdiction referred to in article 3 are exercisable;

"Malta" means the same as the meaning assigned to it by article 124 of the Constitution of Malta;

Cap. 226.

"maritime enforcement officer" means the same as the meaning assigned to it by article 2 of the [Territorial Waters and Contiguous Zone Act](#);

"Minister" means the Prime Minister of Malta and includes any other Minister, public officer or authority as may be authorised by him from time to time for any of the purposes of this Act;

"natural resources" means both the living resources and non-living resources, including genetic resources, found within the exclusive economic zone, exclusive economic zone area or environment protection area, as well as all activities for the economic exploration and exploitation of the said Zone or Areas, such as the production of energy from water, currents and winds;

Cap. 535.

"safety zone" means the same as the meaning assigned to it by the [Continental Shelf Act](#);

Cap. 226.

"territorial waters" means the same as the meaning assigned to it by article 3 of the [Territorial Waters and Contiguous Zone Act](#);

"Zone" means an exclusive economic zone as defined under article 2.

PART II
EXCLUSIVE ECONOMIC ZONE

3. (1) The Minister shall be empowered to establish an exclusive economic zone or exclusive economic zone area, wherein Malta has:

Sovereign rights and jurisdiction.

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the Zone or Area, such as the production of energy from the water, currents and winds;

(b) jurisdiction with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

(c) such other rights as are provided for by this Act or any other law, any regulations made thereunder, or recognized under international law.

(2) The rights with respect to the seabed and subsoil of the said Zone or Area shall be exercised in accordance with the [Continental Shelf Act](#).

Cap. 535.

(3) The rights with respect to living resources within the said Zone or Area shall be exercised in accordance with the [Fisheries Conservation and Management Act](#).

Cap. 425.

(4) The rights with respect to the activities for the economic exploration and exploitation of the Zone or Area shall be exercised in accordance with this Act, and any regulations made hereunder, or by any other law and regulations made thereunder, established in order to regulate such activities.

4. The Minister may, from time to time, by order published in the Gazette, designate an exclusive economic zone area adjacent to the territorial waters, within which the rights and jurisdiction referred to in article 3 are exercisable.

Designation of exclusive economic zone by means of Areas.

5. Except where authorized by the Government in accordance with the provisions of this Act, the [Continental Shelf Act](#), the [Fisheries Conservation and Management Act](#), or any regulations made under such Acts, no person shall in the Zone or Area:

Prohibition of activities.
Cap. 535.
Cap. 425.

(a) explore or exploit any natural resources, whether

living or non-living;

(b) carry out any search, excavation or drilling operations;

(c) conduct any economic activity;

(d) construct or authorize and regulate the construction, operation and use of any:

(i) artificial island;

(ii) installation or structure for any of the purposes provided for in article 3 or for any other economic purpose; or

(iii) installation or structure which may interfere with the exercise of the rights of Malta in the said Zone or Area;

(e) conduct marine scientific research or any other type of research.

Environment
protection area.

6. The Minister shall be empowered to establish an environment protection area as defined in article 2. In establishing such an area, the Minister may apply any of the rights and powers granted under this Act or under any regulations made hereunder or under international law.

Protection of
coastline, other
areas and interests.

7. The Government of Malta may adopt measures in relation to the Zone or Area which are necessary to protect Malta's coastline or any segment or element of the marine environment or related interests, including fishing and other economic activities, from pollution or the threat of pollution.

Rights and duties
of other States.

8. (1) Nothing under this Act or regulations made hereunder shall affect the right of other States to enjoy, in the Zone or Area, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and any other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, insofar as the enjoyment of such rights is compatible with international law.

(2) In exercising their rights and performing their duties under international law in the said Zone or Area, other States shall have due regard to the rights and duties of the Government of Malta and shall comply with the provisions of this Act, the [Continental Shelf Act](#), the [Fisheries Conservation and Management Act](#) and any regulations made under such Acts, as well as the applicable rules of international law.

Cap. 535.
Cap. 425.

**PART III
REGULATIONS**

9. (1) The Minister may, from time to time, make regulations with respect to every objective or any one or more of the following objectives: Power to make regulations.

(a) regulating the exploration, exploitation, conservation, management and preservation of the natural resources of any Zone or Area under this Act;

(b) regulating or prohibiting the construction, erection, placing, or use of artificial islands, installations, structures or devices in the said Zone or Area under this Act:

(i) in connection with exploration, exploitation, conservation or management of the natural resources of the Zone or Area or any part thereof;

(ii) in connection with the jurisdiction referred to in article 3(1)(b);

(iii) in places where they could cause interference with the rights of the Government of Malta to explore, exploit, conserve or manage the natural resources of the said Zone or Area;

(iv) in places where they could cause interference with the use of recognised sea lanes essential to international navigation as well as navigation within the territorial waters of Malta;

(c) regulating the establishment of the safety zones around any such artificial islands, installations, structures or devices referred to in paragraph (b);

(d) regulating the laying, maintenance and monitoring of submarine cables and pipelines in the said Zone or Area;

(e) regulating marine scientific research in the said Zone or Area;

(f) prescribing such measures as considered necessary in any such safety zone for the protection of the artificial island, installation, structure or device in the said Zone or Area with respect to which the safety zone is established;

(g) regulating or prohibiting the entry of ships into any such safety zone;

(h) prescribing measures to be taken in any such

safety zone for the protection and the preservation of the marine environment, as well as the protection and preservation of the natural resources of the said Zone or Area;

(i) prescribing the notice to be given of the construction, erection, or placing of artificial islands, installations, structures or devices in the said Zone or Area;

(j) prescribing the permanent means that shall be installed for the purpose of giving warning to shipping and aircraft of the presence of artificial islands, installations, structures or devices in the said Zone or Area;

(k) providing for the removal of artificial islands, installations, structures or devices constructed, erected, or placed in the said Zone or Area which have been abandoned or have fallen into disuse;

(l) prohibiting or restricting any exploration or exploitation of:

(i) any Zone or Area or any specified part thereof; or

(ii) their natural resources;

(m) protecting and preserving the marine environment in the said Zone or Area;

(n) providing for such matters as are necessary, including the prescription of fees and levying of taxes, for giving full effect to this Act and any regulations made hereunder, and for the due administration thereof;

(o) regulating the exploration and exploitation of the said Zone or Area for the production of energy from the water, currents and winds and for any other economic purposes;

(p) regulating licensing procedures with regard to activities carried out in the said Zone or Area;

(q) providing for any other matters as are necessary or expedient for giving full effect to Malta's sovereign rights and jurisdiction in the said Zone or Area;

(r) prescribing the minimum and maximum punishments, whether by way of fine (*multa*) or of imprisonment, that shall be applied in respect of any contravention or non-observance of any regulation made under this article:

Provided that any punishment prescribed in the

regulations made under this paragraph shall not exceed a fine (multa) of two million euro (€2,000,000), and shall not exceed a term of five (5) years imprisonment, or both, in respect of any contravention or non-observance of any such regulation.

(2) By virtue of this article, the Minister shall also be empowered to make any regulations or orders as may be required for the proper implementation and administration of this Act and any of the regulations made hereunder.

PART IV ENFORCEMENT

10. (1) Any act or omission which:

Criminal and civil jurisdiction.

(a) involves or takes place on, under or above an artificial island, installation, structure or device in the Zone or Area or any waters within five hundred metres (500m) of such artificial island, installation, structure or device; and

(b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta,

shall be treated for the purposes of that law and of any other law in force in Malta as taking place in Malta itself.

(2) For the purposes of civil jurisdiction exercisable by the Courts of Malta, any artificial island, installation, structure or device in the Zone or Area and any surrounding waters within five hundred metres (500m) thereof, shall be treated as if they were situated in Malta itself.

(3) Any maritime enforcement officer shall on any artificial island, installation, structure or device in the said Zone or Area have all powers, protection and privileges which he has in Malta.

11. For the purpose of ensuring compliance with this Act, any maritime enforcement officer may, where he has reason to believe that an offence has been committed under this Act and any regulations made hereunder, take any appropriate action necessary.

Appropriate action by maritime enforcement officers.

12. The provisions of sub-articles (2) to (6), both inclusive, and of article 8 of the [Territorial Waters and Contiguous Zone Act](#) shall apply *mutatis mutandis* to any reasonable suspicion of an offence under this Act or any regulations made thereunder.

Right of hot pursuit.
Cap. 226.