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Taqsima B

L.N. 250 of 2023

EXCLUSIVE ECONOMIC ZONE ACT (CAP. 625)

Exclusive Economic Zone Regulations, 2023

IN EXERCISE of the powers conferred by article 9 of the Exclusive Economic Zone Act, the Prime Minister has made the following regulations:-

Citation, scope and applicability.

1. (1) The title of these regulations is the Exclusive Economic Zone Regulations, 2023.

(2) The scope of these regulations is to regulate activities in an Area, to protect and preserve the marine environment, to regulate safety zones in the exclusive economic zone and to provide for such matters ancillary or incidental thereto or connected therewith.

(3) These regulations shall apply to the exclusive economic zone of Malta.

Interpretation.

2. (1) Unless otherwise defined in these regulations, words and expressions used herein shall have the same meaning assigned to them in the Act.

(2) In these regulations, unless the context otherwise requires:

"the Act" means the Exclusive Economic Zone Act; Cap. 625.

"administrative charge" means any fee payable to the Minister in relation to the application, processing and granting of a licence in terms of the Act and the regulations made thereunder;

"research entity" means any person, State, educational institution, commercial partnership, consortium, association, body of persons or competent international organisation involved in marine scientific research.

Prohibition of ships in a safety zone.

3. (1) The Minister may, pursuant to paragraphs (h), (i) and (j) of sub-article (1) of article 9 of the Act, and for the purposes set out therein, by order published in the Gazette, prohibit ships from entering a safety zone without his consent, subject to any exceptions, as may be specified in that order.

(2) If any ship enters a safety zone in contravention of an order

under this regulation, its owner, charterer, manager or master shall be liable, on conviction, to a fine (multa) not exceeding one million euro (€1,000,000) or to imprisonment for a term not exceeding one (1) year or to both such fine and imprisonment.

Submarine cables and pipelines.

4. (1) No person shall conduct a survey for the laying of a submarine cable or pipeline or lay or maintain any submarine cable or pipeline in an Area without a licence for such purpose, granted by the Minister, giving the consent of the Minister for the said surveying and specifying the delineation of the course for the laying of such cables and pipelines. An application for a licence shall be made in writing and addressed to the Minister and shall include the following information:

(a) a signed application letter addressed to the Minister requesting a licence for the purposes specified in this regulation;

(b) background information on the project;

(c) background information on the owner or operator;

(d) the precise geographical areas in which the project is to be conducted and the proposed dates of the planned operations;

(e) description of any data planned to be acquired;

(f) technical specifications of the vessel and the technical equipment;

(g) qualifications of the key personnel; and

(h) any other information as may be requested by the Minister.

(2) Without prejudice to sub-regulation (1), the Minister may impose on such licence any condition as he may consider necessary for the laying or maintenance of such cables and pipelines, in the exercise of his right to take reasonable measures for exploration in the exclusive economic zone, the exploitation, conservation and management of natural resources, protection and preservation of the marine environment and the prevention, reduction and control of pollution from such cables or pipelines.

(3) There shall be payable to the Minister an administrative charge as established in the Schedule for the surveying or laying of submarine cables and for the granting of a licence in accordance with sub-regulations (1) and (2):

Provided that, where an administrative charge for a licence is due under this regulation and under regulation 5 of the Continental Shelf Regulations, only the administrative charge of the latter shall apply. S.L. 535.02.

(4) In case of submarine pipelines any administrative charges or other fees shall be agreed to between the Minister and the applicant on a case-by-case basis.

(5) Any charges or fees that have been paid prior to the entry in force of these regulations shall not be reimbursable.

(6) The owner or operator of any submarine cable or pipeline which has fallen into disuse or is beyond repair shall forthwith inform the Minister thereof and shall, if so ordered by the Minister, remove such cable or pipeline within such period of time as the Minister may order and in accordance with any conditions which the Minister may so establish, at the sole expense of the owner or operator.

(7) Any person who contravenes any of the provisions of this regulation shall be liable, on conviction, to a fine (multa) not exceeding two million euro (€2,000,000) or to a term of imprisonment not exceeding two (2) years or to both such fine and imprisonment.

Marine scientific research.

5. (1) No person or research entity shall conduct marine scientific research in an Area unless authorised in terms of a licence for such purpose granted by the Minister, and in any case said marine scientific research shall be conducted in accordance with any requirement or condition contained in any such licence and in conformity with international law. An application for a licence shall be made in writing in the form as specified in sub-regulation (3).

(2) The Minister may, without prejudice to the generality of his discretion under sub-regulation (1), withhold his consent to grant the said licence for the conduct of a marine scientific research project in an Area if that project:

(a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;

(b) involves drilling, or coring into, or sampling from, or involves the use of explosives or the introduction of harmful substances into the marine environment;

(c) involves the construction, operation or use of artificial islands, installations, structures, equipment and devices referred to in regulations 6 and 7;

(d) relates to any information communicated pursuant to sub-regulation (3) regarding the nature and objectives of the project which is inaccurate or if the research entity has outstanding obligations with the Government from a prior research project; or

(e) might interfere, in an unjustifiable manner, with activities undertaken by Government in the exercise of its sovereign rights and jurisdiction provided for under the Act or international law.

(3) Any research entity intending to undertake marine scientific research in an Area shall, not less than six (6) months in advance of the expected starting date of the marine scientific research project, provide the Minister with an application for consent, accompanied by the appropriate fee specified in sub-regulation (12) and by such information and evidence in support thereof, as is required by the Minister. In the application the research entity shall give full details of the following:

(a) the nature and objectives of the project;

(b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;

(c) the precise geographical areas in which the project is to be conducted;

(d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;

(e) the name of the sponsoring institution, its director, and the person in charge of the project; and

(f) the extent to which it is considered that the Government should be able to participate or be represented on the project.

(4) When undertaking marine scientific research in an Area, any research entity shall comply with the following conditions:

(a) ensure the right of the Government, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the Government

and without any obligation for the Government to contribute towards the costs of the project;

(b) provide the Minister, at his request, a daily position report of the research vessel or other craft or scientific research installations;

(c) provide the Minister, at his request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research and in accordance with the conditions of the licence;

(d) comply with all applicable health, safety and environmental regulations and guidelines;

(e) provide access for the Minister, at his request, to all data and samples derived from the marine scientific research project and furnish him with data which may be copied and samples which may be divided without detriment to their scientific value;

(f) if requested, provide the Minister with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;

(g) ensure that, as soon as practicable, the research results are made internationally available through appropriate national or international channels:

Provided that if the research results of a project are of direct significance for the exploration and exploitation of natural resources, then such results shall not be made available in accordance with this sub-regulation without the prior consent in writing of the Minister;

(h) inform the Minister immediately of any major change in the research programme;

(i) unless otherwise agreed with the Minister, remove the scientific research installations or equipment once the research is completed or otherwise discontinued by not later than sixty (60) days from the date of completion or otherwise discontinuity of the said research; and

(j) comply with any other condition which the Minister may reasonably impose.

(5) Nothing in sub-regulations (3) and (4) shall be construed as

limiting the discretion of the Minister to grant or withhold his consent to grant a licence for the conduct of a marine scientific research project in an Area, pursuant to sub-regulation (2).

(6) The Minister shall have the right to issue an order requiring the suspension of any marine scientific research activities in progress within an Area if:

(a) the research activities are not being conducted in accordance with the information communicated as provided under sub-regulation (3) upon which the consent of the Minister was based; or

(b) the research entity conducting the research activities fails to comply with the provisions of sub-regulation (4) concerning the rights of the Minister and, or the Government with respect to the marine scientific research project.

(7) The Minister shall have the right to issue an order requiring the immediate suspension or cessation of any marine scientific research activities in case of any non-compliance with the provisions of sub-regulations (3) and (4) which amounts to a major change in the research project or the research activities.

(8) The Minister shall have the right to issue an order requiring the immediate cessation of marine scientific research activities if any of the situations contemplated in sub-regulation (6) are not rectified within a reasonable period of time prescribed in writing by the Minister and served on the relative research entity.

(9) Following notification by the Minister of its decision to order suspension or cessation, the research entity shall terminate the research activities that are the subject of such a notification.

(10) An order of suspension under sub-regulation (7) may be lifted by the Minister and the marine scientific research activities allowed to continue once the research entity has complied with the conditions required under sub-regulations (3) and (4).

(11) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding five hundred thousand euro (€500,000).

(12) The application for a licence submitted to the Minister pursuant to sub regulation (3) shall be subject to a non-refundable administrative charge of three hundred euro (€300), payable to the

Minister:

Provided that, where an administrative charge for a licence is due under this regulation and under regulation 6 of the Continental Shelf Regulations, only the latter administrative charge shall apply. S.L. 535.02.

Artificial islands, installations, structures, equipment and devices.

6. (1) No person shall construct, operate or use any artificial island, installation, structure, equipment or device, in an Area, without a licence for such purpose granted by the Minister or in contravention of any requirement or condition contained in any such licence. An application for a licence in an Area for such purpose, shall only be made following a specific call by the Minister and no applications shall be considered unless through such a call.

(2) The Minister may impose charges as specified in the conditions of the licence issued in accordance with sub-regulation (1) for the construction, operation and use of any artificial islands, installations, structures, equipment and devices in an Area.

(3) The owner or operator of any artificial island, installation, structure, equipment or device in an Area which has fallen into disuse or is beyond repair shall forthwith inform the Minister thereof and shall, if so directed by the Minister, remove such artificial island, installation, structure, equipment or device at the sole expense of the owner or operator and within such period of time as the Minister may establish and in accordance with generally accepted international standards and under such conditions which the Minister may so establish:

Provided that in the case of any installations or structures which have not been entirely removed, the Minister shall ensure that publicity is given by appropriate means in accordance with the applicable national and international law regarding the depth, position and dimensions thereof.

(4) Where a licence has been granted by the Minister in terms of the Act, the Minister shall ensure that notice is given by appropriate means in accordance with the applicable national and international law regarding the construction of any artificial islands, installations or structures in an Area and that permanent means of warning of their presence shall be kept in place for as long as the artificial islands, installations or structures remain present in an Area.

(5) Any person who contravenes any of the provisions of this regulation shall be liable, on conviction, to a fine (*multa*) not exceeding two million euro (€2,000,000) or to a term of imprisonment not exceeding two (2) years, or to both such fine and imprisonment.

Scientific research installations or devices.

7. (1) The conditions prescribed in the regulations 5 and 6 shall also apply to the deployment and use of any type of scientific research installations, equipment or devices in an Area.

(2) The installations or equipment or devices concerned shall bear identification markings indicating the State of registry or the international organisation to which they belong and shall have adequate warning signals to ensure the safety at sea and the safety of air navigation in accordance with the applicable national or international law.

Dumping.

8. (1) Dumping within an Area shall not be carried out without a licence for such purpose granted by the Minister, and said dumping shall be made in accordance with any requirement or condition in any such licence.

(2) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine (multa) not exceeding two million euro (€2,000,000) or to a term of imprisonment not exceeding five (5) years, or to both such fine and imprisonment.

Offshore safety. S.L. 156.02.

9. The Offshore Safety (Oil and Gas) Regulations shall apply *mutatis mutandis* in an Area.

Ship-Source pollution. S.L. 226.01.

10. The Ship-Source Pollution Regulations shall apply *mutadis mutandis* in an Area.

Communicat-ions or payments.

11. Any communications or payments required to be made to the Minister under these regulations shall be made to the competent authority.

SCHEDULE

Regulation 4(3)

Administrative Charge for submarine cables

Description	Administrative Charge
Surveying of submarine cables in an Area.	A one-time administrative charge of ten thousand euro (€10,000).
Laying of submarine cables in an Area.	A one-time administrative charge of ten thousand euro (€10,000).

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