



IMO
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AN ACT TO ESTABLISH AN EXCLUSIVE ECONOMIC ZONE

**A Legislation Drafting Project submitted in partial fulfillment of the
requirements for the award of the Degree of Master of Laws (LL.M.) at
the IMO International Maritime Law Institute**

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Explanatory Note

Under the 1982 United Nations Law of the Sea Convention¹, every coastal State is entitled to claim an exclusive economic zone.² The relevant provisions of UNCLOS reflect customary international law.³ In short the EEZ regime entitles the Coastal State, *inter alia*, to exercise “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds”.⁴

Furthermore, it provides for the exercise of coastal jurisdiction with regards 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.*⁵

Geography permitting, Article 57 of UNCLOS states that the maximum limit of the EEZ is established at 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. In semi-enclosed seas, the 200 nautical mile criterion is applicable subject to the geographical position of the coastal State. Thus, for example, in the Mediterranean, there are no

¹ Malta ratified this Convention (hereinafter referred to as UNCLOS) on the 20th May 1993.

² Hereinafter referred to as EEZ.

³ See Attard David, *The Exclusive Economic Zone in International Law*, Oxford: Clarendon Press, 1987, p.308

⁴ UNCLOS, Article 56(1)(a). There also other rights which a coastal State may enjoy in the EEZ such as right of hot pursuit: R.R. Churchill & A.V. Lowe, *The Law of the Sea*, Third Edition, 1999, p.168

⁵ UNCLOS, Article 56(1)(b).

two States that are more than 400 nautical miles apart and therefore one encounters overlapping claims which will have to be delimited.⁶

It is generally held that an EEZ has to be expressly proclaimed if the coastal State is to enjoy the rights and jurisdiction offered by the legal institution.⁷ In fact, the EEZ does not possess the same characteristics of the continental shelf, which exists *ipso facto* and *ab initio* as is reflected under Article 77 of UNCLOS:

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

The aim of this legislative drafting project is to enable Malta to establish an EEZ and to bring Maltese relevant legislation in line with the provision of UNCLOS and customary international law, particularly in the light of contemporary developments relating to the exploration and exploitation, conservation and management of natural resources in maritime areas adjacent to the

⁶ See Attard, David, 'The delimitation of maritime zones: some Mediterranean experiences', 5th International Conference on Traffic Science, Proceedings of the Conference, (Portorož, Slovenia), 2001, p. 1-18.

⁷ See Attard, David, *The Exclusive Economic Zone in International Law*, Clarendon Press, 1987, p. 54 et seq.

Maltese coast. Particular emphasis will be made on the need to protect and preserve of the adjacent marine areas of Malta.

Given the generally accepted view that a State must establish an EEZ in order to enjoy the EEZ rights, it is proposed that an Act entitled the Exclusive Economic Zone Act should be promulgated. The applicable provisions of Part V of UNCLOS will be incorporated into Maltese law. Thus, for example, the EEZ rights over natural resources and economic activities grant Malta the sovereign rights to explore and exploit, conserve and manage the said resources and activities.

Complimenting these rights, the said Act shall envisage the establishment of jurisdiction control within the EEZ with respect to the establishment and use of artificial islands, installations and structures, marine scientific research, and the protection and preservation of the marine environment.⁸

In the light of the growing concerns regarding the ecological protection of the marine environment adjacent to Malta's territorial sea, particular importance is given to enable the Government to assert the environmental jurisdictional rights granted to Malta under the EEZ regime.

Bearing in mind the *Erika* and *Prestige* incidents, the fact that huge quantities of crude oil are transported through sea areas adjacent to Malta's coast, coupled with the increasing bunkering business that has developed, in particular in the North East maritime areas beyond the territorial sea of Malta, a pressing need has arisen for the ecological integrity of these areas to be protected.

⁸ UNCLOS, Article 56(1)(b)

Given this urgency and the complexity of establishing an EEZ (particularly as it involves the seabed and subsoil), the Act empowers the Prime Minister to establish an Ecological Protection Zone⁹ in designated areas.¹⁰

Under UNCLOS and customary international law, the institution of the EEZ co-exists with that of the continental shelf. Both are autonomous but highly interdependent.¹¹ Their relationship is best reflected in Part V and VI of UNCLOS. In fact, Article 56(3) of UNCLOS reflects the drafting effort to harmonize both regimes;

The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

This legislative drafting project also offers the Prime Minister of Malta, the possibility of implementing the EEZ and EPZ, either fully or partially, depending on the geography and overlapping claims of neighboring States. With respect to the inner limits of these regimes, the project adopts the same approach as found in UNCLOS, i.e. the territorial sea baselines.

Finally, a review of the relevant legislation will be undertaken to ensure that the establishment of the EEZ and EPZ harmonize with rules found in other laws. The Oil Pollution (Liability and Compensation) Act¹² - for example – which was enacted in 1993 and later amended in 2003, makes specific reference to the possible establishment of an EEZ in Malta. Article 4(3) of this Act holds:

⁹ Hereinafter referred to as EPZ.

¹⁰ See a similar French approach review in Attard David, 'Legislative Innovation or Mare Nostrum? The Mediterranean Experience', *Mediterranean Perspectives on International Relations*, Mediterranean Academy of Diplomatic Studies, 2009, p. 171.

¹¹ See: Attard David, *The Exclusive Economic Zone in International Law*, Oxford: Clarendon Press, 1987, p. 136-145.

¹² Chapter 412 of the Laws of Malta.

Where pollution damage, resulting from an incident, has been sustained in Malta, including the territorial waters of Malta and any exclusive economic zone of Malta as may be established in accordance with international law or similar area determined by Malta in accordance with international law, including the waters enclosed in Malta's contiguous zone claim and the waters superjacent to Malta's continental shelf claim, or if measures have been taken to prevent or minimise such damage in that area, action for compensation under the provisions of the 1992 Liability Convention shall be brought in Malta before the Civil Court, First Hall, by presenting a claim before such Court. Such a claim shall be instituted in accordance with subtitle III of Title VIII of Part I of Book Second of the Code of Organization and Civil Procedure:

Provided that where any such exclusive economic zone or any such similar area has been established by Malta, the Minister shall by Order in the Gazette prescribe that the provisions of this Act shall also apply to such exclusive economic zone or such similar area as may be established in such Order.

The drafters of the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations,¹³ which were promulgated by virtue of Legal Notice 40 of 2009, adopted a similar approach. Regulation (3)(3) envisages the possibility of Malta adopting an EEZ.

¹³ Subsidiary Legislation 234.46 of the Laws of Malta.

In light of the above, the following legislative drafting project is prepared in the following sequence:

- A) A proposed Exclusive Economic Zone Act as it would appear on the statute books, followed by the same Act footnoted with explanatory notes, and a proposed bill to enact the said Act.

- B) A proposed Designated Area (Exclusive Economic Zone) Order and the proposed Designated Ecological Area Order, as they would appear in the statute books

- C) A proposed bill to amend the Oil Pollution (Liability and Compensation) Act, followed by the proposed Oil Pollution (Liability and Compensation Act, Exclusive Economic Zone Order and the proposed Oil Pollution (Liability and Compensation Act, Exclusive Ecological Protection Order.

- D) A proposed bill to amend the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations, followed by the proposed Merchant Shipping (Liability For Bunker Oil Pollution Damage) Regulations, Exclusive Economic Zone Order and the proposed Merchant Shipping (Liability For Bunker Oil Pollution Damage) Regulations, Ecological Protection Zone Order.

An Act to Establish an Exclusive Economic Zone

CHAPTER ____
EXCLUSIVE ECONOMIC ZONE ACT

*To make provision for the establishment of the exclusive economic zone
and for other related matters.*

[Date]

ACT __ of ____

PART I
PRELIMINARY

- | | |
|--|---|
| <p>1. The short title of this Act is the Exclusive Economic Zone Act.</p> | <p>Short Title.</p> |
| <p>2. In this Act unless the context otherwise requires:</p> <p>“appropriate action” has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;</p> <p>“baselines” has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;</p> <p>“designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights referred to in article 3 of this Act, or part thereof, are exercisable;</p> <p>“designated ecological area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights referred to in article 3(1)(b)(iii) of this Act are exercisable;</p> <p>"dumping" means:</p> <p style="margin-left: 40px;">(a) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; or</p> <p style="margin-left: 40px;">(b) any deliberate disposal of vessels, aircraft or other man-made structures at sea, but "dumping" does not include:</p> <p style="margin-left: 80px;">(i) the disposal of wastes or other matter incidental to, or derived from, the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or</p> | <p>Interpretation.</p> <p>Cap.226</p> <p>Cap. 226</p> |

derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Act, any applicable written law or international law;

“ecological protection zone” means a designated ecological area established by the Prime Minister in accordance with article 3(1)(b)(iii) of this Act; provided that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective ecological protection zone, the boundary of the ecological protection zone 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 in 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;

“exclusive economic zone” means a designated 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 the coast is opposite that of Malta it is necessary to determine the boundaries of the respective exclusive economic zone, the boundary of the exclusive economic zone 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 in 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;

“Malta” has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

“maritime casualty” means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo;

“maritime enforcement officer” has the same meaning as is assigned to it by Article 2 of the Territorial Waters and Contiguous Zone Act;

Cap. 226

"mixture containing oil" means:

- (a) a mixture with an oil content of one hundred parts or more in one million parts of the mixture; or
- (b) a mixture with such oil content as is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a mixture containing oil for the purposes of this Act;

"oil" means:

- (a) crude oil, diesel oil, fuel oil or lubricating oil; or
- (b) any other description of oil which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be oil for the purposes of this Act;

"pollutant" means any substance which, if introduced into the sea, is liable to create hazards to human health or to harm living resources in the sea or other marine life, or to damage amenities or interfere with other legitimate uses of the sea and, without limiting the generality of the foregoing, includes any substance that is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a pollutant for the purposes of this Act;

“natural resources” means the living and non-living resources found within the exclusive economic zone, and activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

“territorial waters” has the same meaning assigned to it by Article 3 to it by the Territorial Waters and Contiguous Zone Act;

Cap. 226

"waste" includes:

- a) any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted, deposited or dumped in the marine environment in such volume, composition or manner as to cause an alteration of the environment; or
- b) any matter which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be waste for the purposes of this Act.

**PART II
EXCLUSIVE ECONOMIC ZONE**

3. (1) The Prime Minister is empowered to establish an exclusive economic zone, wherein Malta has: Sovereign rights and jurisdiction.
- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources;
 - (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 by this Act and international law.
- (2) The rights with respect to living resources shall be exercised in accordance with the Fisheries Conservation and Management Act. Cap. 425
- (3) The rights with respect to the seabed and subsoil of the exclusive economic zone shall be exercised in accordance with the Continental Shelf Act. Rights of seabed and subsoil.
Cap. 194
4. The Prime Minister is empowered to establish an ecological protection zone for the purpose of article 3(1)(b)(iii) of this Act; in establishing such a zone, he may apply any of the rights and powers granted under this Act and in particular Part III. Ecological protection zone.
5. Except where authorized in accordance with the provisions of this Act or any applicable written law, no person shall in the exclusive economic zone: Prohibition of Activities.
- (a) explore or exploit any natural resources;
 - (b) carry out any search, excavation or drilling operations;
 - (c) conduct any marine scientific research: or
 - (d) construct or authorize and regulate the construction, operation and use of:

- (i) any artificial island:
- (ii) any installation or structure for any of the purpose provided for in article 3 or for any other economic purpose; or
- (iii) any installation or structure which may interfere with the exercise of the rights of Malta in the zone.

PART III
PROTECTION AND PRESERVATION OF THE MARINE
ENVIRONMENT

6. Malta has the sovereign right to exploit the natural resources in the exclusive economic zone pursuant to its environmental policies. Exploitation of natural resources.
7. If any oil, mixture containing oil or pollutant is discharged or leaks into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, from or through the atmosphere or by dumping: Discharge or leakage.
- (a) the owner or master of the vessel, if the discharge or leak is from a vessel;
 - (b) the owner or occupier of the place on land, if the discharge or leak is from land;
 - (c) the owner or person in charge of the installation or device, if the discharge or leak is from an installation or a device; or
 - (d) the owner or pilot of the aircraft, if the discharge or leak is from an aircraft, shall each be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
- (2) Where the act or omission of a person other than any of the persons referred to in sub-article (1) caused the discharge or leak referred to in that sub-article, then such other person shall also be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
- (3) Sub-article (2) shall not operate to absolve or relieve the persons referred to in sub-article (1) from liability for an offence under sub-article (1).

- (4) Notwithstanding the provisions of this article, dumping of wastes or other matter may be carried out under a licence issued by the Minister responsible for the environment and subject to such conditions as he may impose.
8. Where a person is charged with an offence under article 7, it shall be a defence to prove that the discharge or leak of the substance referred to in sub-article (1) of that article was caused for the purpose of securing the safety of the vessel, the place on land, the installation, device or aircraft concerned, or for the purpose of saving life but a defence under this article shall not operate if the court is satisfied that the discharge or leak was not necessary for the alleged purpose or was not a reasonable step to take in the circumstances.
9. (1) If any oil, mixture containing oil or pollutant is discharged or leaks into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, the owner or master of the vessel, the owner or occupier of the place on land, the owner or person in charge of the installation or device or the owner or pilot of the aircraft, as the case may be, shall immediately report the occurrence of such discharge or leak to the Minister responsible for the environment.
- (2) Any person who fails to comply with this article shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
10. (1) The Government of Malta may specify measures in relation to the exclusive economic zone which are necessary to protect Malta's coastline or any segment or element of the environment or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such casualty, which may reasonably be expected to result in major harmful consequences.
- (2) The measures referred to in sub-article (1) shall be proportionate to the actual or threatened damage to the coastline or segment or element of the environment or related interests, including fishing.
11. (1) Where Malta's coastline or any segment or element of the environment or related interests, including fishing in the exclusive economic

Defence of charge under Article 7.

Obligation to report discharge or leak.

Measures relating to any maritime casualty.

Action to mitigate damage.

zone is damaged or threatened to be damaged as a result of any discharge or leak of any substance referred to in article 7, the Minister responsible for the environment may issue such regulations or take any action as is necessary to remove, disperse, destroy or mitigate the damage or threat of damage.

(2) Any person who fails to comply with any regulation given by the Minister responsible for the Environment under sub-article (1) shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(3) The owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft, as the case may be, from which the substance referred to in article 7 was discharged or leaked shall be liable jointly and severally for all costs and expenses incurred in carrying out all or any of the work required under sub-article (1) to remove, disperse, destroy or mitigate the damage or the damage, and such costs and expenses shall be a first charge on any property or interest held by such person.

12. (1) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a Malta has, in the said exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of Malta conforming and giving effect to such rules and standards, Malta may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

Violations.

(2) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of Malta has, in the said exclusive economic zone, committed a violation referred to in sub-article (1) resulting in a substantial discharge causing or threatening significant pollution in the exclusive economic zone or territorial sea of Malta, it may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

(3) Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of Malta has, in the exclusive economic zone, committed a violation referred to in sub-article (1) resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of Malta such as a discharge from which the oil, mixture containing oil or pollutant leaked or was discharged in the circumstances referred to in sub-article (1) of article 11, or to any resources of its territorial sea or exclusive economic zone, Malta may, subject to section 12(4), provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

(4) The Minister responsible for the environment may release any vessel detained under sub-article (1) upon the owner depositing with the Government of Malta such sum of money or furnishing such security as, in the opinion of the Minister responsible for the environment, would be adequate to meet all costs and expenses incurred in carrying out the work required to remove, disperse, destroy or mitigate the damage or threat of damage caused by such leak or discharge.

(5) If any vessel which has been detained proceeds to sea without being released under sub-article (2), the owner or master of the vessel or any other person who causes the vessel to proceed to sea shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(6) Where the owner or master of such vessel or any other person found guilty of an offence under this article is unable to pay the fine or the costs and expenses incurred in carrying out the work required under sub-article (1) of article 11, the court may, on the application of the Minister responsible for the environment, order the sale of such vessel and the application of the proceeds of the sale towards the payment of the fine and the costs and expenses incurred.

PART IV MARINE SCIENTIFIC RESEARCH

13. (1) No marine scientific research may be conducted in the exclusive economic zone without the express consent of and subject to conditions imposed by the Government of Malta by means of a license granted by the

Consent required for marine research.

Prime Minister, or in contravention of any requirement or condition contained in any such license.

14. The Prime Minister may however, in his discretion, withhold his consent to grant a license for the conduct of a marine scientific research project by any person, State or competent international organization in the exclusive economic zone, if he has reason to believe that the project:
- Right to withhold consent.
- (a) is of direct significance to the exploration and exploitation of natural resources;
 - (b) involves drilling into the seabed or subsoil of the exclusive economic zone, the use of explosives or the introduction of pollutants into the marine environment;
 - (c) involves the construction, operation or use of artificial islands, installations or structures;
 - (d) contains information communicated pursuant to article 15 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to Malta from a prior research project; or
 - (e) might interfere with activities undertaken by Malta in the exercise of its sovereign rights and jurisdiction provided for under this Act or international law.
15. Any person, State or competent international organization which intends to undertake marine scientific research in the exclusive economic zone shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government of Malta with a full description of:
- Duty to provide certain information.
- (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 Malta should be able to participate or to be represented in the project.
16. (1) Every State or competent international organization undertaking marine scientific research in the exclusive economic zone shall comply with the following conditions; Duty to comply with certain conditions.
- (a) ensure the right of the Government of Malta, if it so desires, to participate or to be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, and without obligation to contribute towards the costs of the project;
- (b) provide the Government of Malta with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) undertake to provide access for the Government of Malta, at its request, to all data and samples derived from the project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the Government of Malta with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, unless otherwise specified by the Government of Malta, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the Government of Malta immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed
17. (1) The Government of Malta may order the suspension of any marine scientific research activities in progress within the exclusive economic zone if: Suspension or cessation of marine research.

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- (a) the research activities are not being conducted in accordance with the information provided under article 15 upon which the consent of the Government of Malta was based; or
- (b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 16
- (2) The Government of Malta may order the cessation of any marine scientific research activities:
- (a) which in deviating from the information provided under article 16 have amounted to a major change in the research project or the research activities; or
- (b) if any of the situations contemplated in sub-article (1) are not rectified within a reasonable period of time, as determined by the Government of Malta.
- (3) Following notification by the Government of Malta of the order of suspension or cessation, the State or competent international organization shall immediately terminate all or any of the marine scientific research activities that are the subject of such a notification.
- (4) An order of suspension under sub-article (1) may be lifted by the Government of Malta and the marine scientific research activities allowed to continue if the researching State or competent international organization complies with the conditions required under articles 15 and 16 within a reasonable period of time, as determined by the Government of Malta.
18. For the purposes of article 16, the Government of Malta shall have the exclusive discretion to determine what amounts to a “major change” in any project. Discretion of Government.
19. Any person who fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
- Fine.

PART V
ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES

20. (1) No person shall construct, operate or use any artificial island, installation or structure in the exclusive economic zone or except with the authorization of the Government of Malta and subject to such conditions as it may impose. Authorization of the Government.

(2) The Government of Malta shall have exclusive jurisdiction over artificial islands, installations and structures in the zone, including jurisdiction with regard to customs, fiscal matters, immigration and sanitation including pollution.

(3) The Government of Malta may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

(4) The breadth of the safety zones shall be determined by the Government of Malta, taking into account navigation and of the artificial islands, installations and structures applicable international standards, due notice shall be given of the extent of the safety zones.

(5) All vessels must respect these safety zones and shall comply with any regulations which the Government of Malta may give in accordance with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

(6) Any person who fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

PART VI
ENFORCEMENT

21. 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, take any appropriate action necessary. Enforcement powers.

22. The provisions of sub-articles (2) to (6), both inclusive, 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 to hot pursuit.

**PART VII
IMPLEMENTATION OF THE PROVISIONS OF THIS ACT**

23. Without prejudice to the generality abovementioned, the Prime Minister may make regulations to implement, partially or wholly, provisions of this Act. Implementation.

An Act to Establish an
Exclusive Economic
Zone – Explanatory
Notes

CHAPTER ____
EXCLUSIVE ECONOMIC ZONE ACT

*To make provision for the establishment of the exclusive economic zone
and for other related matters.*

[Date]

ACT __ of ____

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” has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;¹ Cap.226
 - “baselines” has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;² Cap. 226
 - “designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights referred to in article 3 of this Act, or part thereof, are exercisable;
 - “designated ecological area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights referred to in article 3(1)(b)(iii) of this Act are exercisable;³
 - "dumping" means:

¹ The actions envisaged apply *mutatis mutandis* to the zones established by this Act.

² Malta has established baselines using basepoints which include the island of Filfla. The use of such baselines is in line with UNCLOS.

³ This definition allows the Prime Minister to apply, in whole or in part, the EEZ regime to maritime areas adjacent to the Maltese coastline. In view of Malta geographic position, it may not be practical or prudent to claim a full EEZ and therefore in light of the urgency explained above.

- (a) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; or
- (b) any deliberate disposal of vessels, aircraft or other man-made structures at sea, but "dumping" does not include:
 - (i) the disposal of wastes or other matter incidental to, or derived from, the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Act, any applicable written law or international law;⁴

“ecological protection zone” means a designated ecological area established by the Prime Minister in accordance with article 3(1)(b)(iii) of this Act; provided that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective ecological protection zone, the boundary of the ecological protection zone 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 in 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;

“exclusive economic zone” means a designated 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 the coast is opposite that of Malta it is necessary to determine the boundaries of the respective exclusive economic zone, the boundary of the exclusive economic zone 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

⁴ This definition is based on that found in Article 1(5)(a) and 1(5)(b) of UNCLOS.

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 in 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;⁵

“Malta” has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo;

“maritime enforcement officer” has the same meaning as is assigned to it by Article 2 of the Territorial Waters and Contiguous Zone Act;

Cap. 226

"mixture containing oil" means:

(a) a mixture with an oil content of one hundred parts or more in one million parts of the mixture;⁶ or

(b) a mixture with such oil content as is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a mixture containing oil for the purposes of this Act;

"oil" means:

⁵ Malta adhered to the 1958 Geneva Convention on the Continental Shelf and established its continental shelf claim through the Continental Shelf Act of 1966. Indeed, the said Act reflects the limits of the legal continental shelf found in Article 1 of the said Convention. It is suggested that the 1958 criteria should be discarded, in the light of the obligation under UNCLOS, which requires its provisions to prevail over the 1958 Convention in Malta’s relations with other States. Such a revision would also create better legal harmony between the Continental Shelf and the EEZ regime. Furthermore, such an amendment would bring the definition found under the Continental Shelf Act in line with UNCLOS and general international law which requires the two maritime zones to co-exist.

⁶ Under Annex I, Regulation 15 of MARPOL 73/78, the oil content ratio is set at 15 parts per million. However, this oil content ratio is in line with that found in Article 7(1) of the Continental Shelf Act of 1966. The said Act was enacted prior to the adoption of MARPOL 73/78 and thus suggested that a revision of the oil content ratio, under Maltese legislation, is undertaken.

(a) crude oil, diesel oil, fuel oil or lubricating oil; or

(b) any other description of oil which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be oil for the purposes of this Act;

"pollutant" means any substance which, if introduced into the sea, is liable to create hazards to human health or to harm living resources in the sea or other marine life, or to damage amenities or interfere with other legitimate uses of the sea and, without limiting the generality of the foregoing, includes any substance that is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a pollutant for the purposes of this Act;

"natural resources" means the living and non-living resources found within the exclusive economic zone, and activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;⁷

"territorial waters" has the same meaning assigned to it by Article 3 to it by the Territorial Waters and Contiguous Zone Act;⁸

Cap. 226

"waste" includes:

a) any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted, deposited or dumped in the marine environment in such volume, composition or manner as to cause an alteration of the environment; or

b) any matter which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be waste for the purposes of this Act.

⁷ This definition is based on the provisions of Article 56 of UNCLOS.

⁸ Although UNCLOS uses the term 'territorial sea', Maltese legislation retained the phrase 'territorial waters'.

PART II
EXCLUSIVE ECONOMIC ZONE⁹

3. (1) The Prime Minister is empowered to establish an exclusive economic zone, wherein Malta has: Sovereign rights and jurisdiction.
- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources;
- (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 by this Act and international law.
- (2) The rights with respect to living resources shall be exercised in accordance with the Fisheries Conservation and Management Act.¹⁰ Cap. 425
- (3) The rights with respect to the seabed and subsoil of the exclusive economic zone shall be exercised in accordance with the Continental Shelf Act.¹¹ Rights of seabed and subsoil. Cap. 194
4. The Prime Minister is empowered to establish an ecological protection zone for the purpose of article 3(1)(b)(iii) of this Act; in establishing such a zone, he may apply any of the rights and powers granted under this Act and Ecological protection zone.

⁹ This Part of the Act incorporates Article 56 of UNCLOS into Maltese legislation.

¹⁰ This cross reference to the Fish Conservation and Management Act was deemed appropriate for two reasons: a) in order not to overlap or conflict with the provisions of the same Act and b) due to the fact that the provisions of the said Act are substantially based on the corresponding articles found in UNCLOS.

¹¹ This cross reference is consistent with Article 56(3) of UNCLOS. As has been noted, the Continental Shelf Act is being amended to ensure its harmonization with the EEZ regime.

in particular Part III.¹²

5. Except where authorized in accordance with the provisions of this Act or any applicable written law, no person shall in the exclusive economic zone: Prohibition of Activities.
- (a) explore or exploit any natural resources;
 - (b) carry out any search, excavation or drilling operations;
 - (c) conduct any marine scientific research: or
 - (d) construct or authorize and regulate the construction, operation and use of:
 - (i) any artificial island;
 - (ii) any installation or structure for any of the purpose provided for in article 3 or for any other economic purpose; or
 - (iii) any installation or structure which may interfere with the exercise of the rights of Malta in the zone.

**PART III
PROTECTION AND PRESERVATION OF THE MARINE
ENVIRONMENT**

6. Malta has the sovereign right to exploit the natural resources in the exclusive economic zone pursuant to its environmental policies.¹³ Exploitation of natural resources.
7. If any oil, mixture containing oil or pollutant is discharged or leaks into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, from or through the atmosphere or by Discharge or leakage.

¹² See footnote 3 above. This zone although not specifically found in the UNCLOS text, can be found in State Practice. See for example, in the Mediterranean, the French law number 2003-346 of 15th April 2003, implemented through decree number 2004-33 of 8th January 2004.

¹³ This is in line with Article 193 of UNCLOS.

dumping:

- (a) the owner or master of the vessel, if the discharge or leak is from a vessel;
- (b) the owner or occupier of the place on land, if the discharge or leak is from land;
- (c) the owner or person in charge of the installation or device, if the discharge or leak is from an installation or a device; or
- (d) the owner or pilot of the aircraft, if the discharge or leak is from an aircraft, shall each be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(2) Where the act or omission of a person other than any of the persons referred to in sub-article (1) caused the discharge or leak referred to in that sub-article, then such other person shall also be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(3) Sub-article (2) shall not operate to absolve or relieve the persons referred to in sub-article (1) from liability for an offence under sub-article (1).

(4) Notwithstanding the provisions of this article, dumping of wastes or other matter may be carried out under a licence issued by the Minister responsible for the environment and subject to such conditions as he may impose.

8. Where a person is charged with an offence under article 7, it shall be a defence to prove that the discharge or leak of the substance referred to in sub-article (1) of that article was caused for the purpose of securing the safety of the vessel, the place on land, the installation, device or aircraft concerned, or for the purpose of saving life but a defence under this article shall not operate if the court is satisfied that the discharge or leak was not necessary for the alleged purpose or was not a reasonable step to take in the circumstances. Defence of charge under Article 7.
9. (1) If any oil, mixture containing oil or pollutant is discharged or leaks into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, the owner or master of the vessel, the owner or occupier of the place on land, the owner or person in charge of the installation or device or the owner or pilot of the aircraft, as the case may Obligation to report discharge or leak.

be, shall immediately report the occurrence of such discharge or leak to the Minister responsible for the environment.

(2) Any person who fails to comply with this article shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

10. (1) The Government of Malta may specify measures in relation to the exclusive economic zone which are necessary to protect Malta's coastline or any segment or element of the environment or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such casualty, which may reasonably be expected to result in major harmful consequences.

Measures relating to any maritime casualty.

(2) The measures referred to in sub-article (1) shall be proportionate to the actual or threatened damage to the coastline or segment or element of the environment or related interests, including fishing.

11. (1) Where Malta's coastline or any segment or element of the environment or related interests, including fishing in the exclusive economic zone is damaged or threatened to be damaged as a result of any discharge or leak of any substance referred to in article 7, the Minister responsible for the environment may issue such regulations or take any action as is necessary to remove, disperse, destroy or mitigate the damage or threat of damage.

Action to mitigate damage.

(2) Any person who fails to comply with any regulation given by the Minister responsible for the Environment under sub-article (1) shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(3) The owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft, as the case may be, from which the substance referred to in article 7 was discharged or leaked shall be liable jointly and severally for all costs and expenses incurred in carrying out all or any of the work required under sub-article (1) to remove, disperse, destroy or mitigate the damage or the damage, and such costs and expenses shall be a first charge on any property or interest held by

such person.

12. (1) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a Malta has, in the said exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of Malta conforming and giving effect to such rules and standards, Malta may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.¹⁴ Violations.

(2) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of Malta has, in the said exclusive economic zone, committed a violation referred to in sub-article (1) resulting in a substantial discharge causing or threatening significant pollution in the exclusive economic zone or territorial sea of Malta, it may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

(3) Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of Malta has, in the exclusive economic zone, committed a violation referred to in sub-article (1) resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of Malta such as a discharge from which the oil, mixture containing oil or pollutant leaked or was discharged in the circumstances referred to in sub-article (1) of article 11, or to any resources of its territorial sea or exclusive economic zone, Malta may, subject to section 12(4), provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

(4) The Minister responsible for the environment may release any vessel detained under sub-article (1) upon the owner depositing with the

¹⁴Article 12 incorporates Article 220 of UNCLOS into Maltese legislation, in particular sub-Articles (3) to (7).

Government of Malta such sum of money or furnishing such security as, in the opinion of the Minister responsible for the environment, would be adequate to meet all costs and expenses incurred in carrying out the work required to remove, disperse, destroy or mitigate the damage or threat of damage caused by such leak or discharge.

(5) If any vessel which has been detained proceeds to sea without being released under sub-article (2), the owner or master of the vessel or any other person who causes the vessel to proceed to sea shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(6) Where the owner or master of such vessel or any other person found guilty of an offence under this article is unable to pay the fine or the costs and expenses incurred in carrying out the work required under sub-article (1) of article 11, the court may, on the application of the Minister responsible for the environment, order the sale of such vessel and the application of the proceeds of the sale towards the payment of the fine and the costs and expenses incurred.

PART IV MARINE SCIENTIFIC RESEARCH¹⁵

13. (1) No marine scientific research may be conducted in the exclusive economic zone without the express consent of and subject to conditions imposed by the Government of Malta by means of a license granted by the Prime Minister, or in contravention of any requirement or condition contained in any such license.

Consent required for marine research.

14. The Prime Minister may however, in his discretion, withhold his consent to grant a license for the conduct of a marine scientific research project by any person, State or competent international organization in the exclusive economic zone, if he has reason to believe that the project:

Right to withhold consent.

(a) is of direct significance to the exploration and exploitation of natural resources;

¹⁵ The provisions of this Part based on the relevant provisions of Part XIII of UNCLOS are designed to implement Article 3(1)(b)(ii) of this Act.

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- (b) involves drilling into the seabed or subsoil of the exclusive economic zone, the use of explosives or the introduction of pollutants into the marine environment;
 - (c) involves the construction, operation or use of artificial islands, installations or structures;
 - (d) contains information communicated pursuant to article 15 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to Malta from a prior research project; or
 - (e) might interfere with activities undertaken by Malta in the exercise of its sovereign rights and jurisdiction provided for under this Act or international law.
15. Any person, State or competent international organization which intends to undertake marine scientific research in the exclusive economic zone shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government of Malta with a full description of:
- (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 Malta should be able to participate or to be represented in the project.
16. (1) Every State or competent international organization undertaking marine scientific research in the exclusive economic zone shall comply with
- Duty to provide certain information.
- Duty to comply with certain conditions.

the following conditions;

- (a) ensure the right of the Government of Malta, if it so desires, to participate or to be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, and without obligation to contribute towards the costs of the project;
- (b) provide the Government of Malta with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) undertake to provide access for the Government of Malta, at its request, to all data and samples derived from the project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the Government of Malta with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, unless otherwise specified by the Government of Malta, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the Government of Malta immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed

17. (1) The Government of Malta may order the suspension of any marine scientific research activities in progress within the exclusive economic zone if:
- (a) the research activities are not being conducted in accordance with the information provided under article 15 upon which the consent of the Government of Malta was based; or
 - (b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 16
- (2) The Government of Malta may order the cessation of any marine scientific research activities:
- Suspension or cessation of marine research.

- (a) which in deviating from the information provided under article 16 have amounted to a major change in the research project or the research activities; or
- (b) if any of the situations contemplated in sub-article (1) are not rectified within a reasonable period of time, as determined by the Government of Malta.
- (3) Following notification by the Government of Malta of the order of suspension or cessation, the State or competent international organization shall immediately terminate all or any of the marine scientific research activities that are the subject of such a notification.
- (4) An order of suspension under sub-article (1) may be lifted by the Government of Malta and the marine scientific research activities allowed to continue if the researching State or competent international organization complies with the conditions required under articles 15 and 16 within a reasonable period of time, as determined by the Government of Malta.
18. For the purposes of article 16, the Government of Malta shall have the exclusive discretion to determine what amounts to a “major change” in any project. Discretion of Government.
19. Any person who fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

PART V
ARTIFICIAL ISLANDS, INSTALLATIONS AND
STRUCTURES¹⁶

20. (1) No person shall construct, operate or use any artificial island, installation or structure in the exclusive economic zone or except with the authorization of the Government of Malta and subject to such conditions as it may impose. Authorization of the Government.
- (2) The Government of Malta shall have exclusive jurisdiction over

¹⁶ The provisions of this Part are in line with the corresponding provisions of UNCLOS, in particular Article 60.

artificial islands, installations and structures in the zone, including jurisdiction with regard to customs, fiscal matters, immigration and sanitation including pollution.

(3) The Government of Malta may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

(4) The breadth of the safety zones shall be determined by the Government of Malta, taking into account navigation and of the artificial islands, installations and structures applicable international standards, due notice shall be given of the extent of the safety zones.

(5) All vessels must respect these safety zones and shall comply with any regulations which the Government of Malta may give in accordance with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

(6) Any person who fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

PART VI ENFORCEMENT

21. 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, take any appropriate action necessary. Enforcement powers.
22. The provisions of sub-articles (2) to (6), both inclusive, 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 to hot pursuit.

PART VII
IMPLEMENTATION OF THE PROVISIONS OF THIS ACT¹⁷

23. Without prejudice to the generality abovementioned, the Prime Minister may make regulations to implement, partially or wholly, provisions of this Act. Implementation.

¹⁷ This Part of the Act empowers the Prime Minister to implement the provisions of this Act, wholly or in part. In essence, this provision allows the Prime Minister to issues regulations pursuant to Article 4 of this Act.

A Bill to Establish an Exclusive Economic Zone

A BILL
Entitled

*AN ACT to make provision for the establishment of the exclusive economic zone
and for other related matters.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows

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” has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act; Cap.226

 - “baselines” has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act; Cap. 226

 - “designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights referred to in article 3 of this Act, or part thereof, are exercisable;

 - “designated ecological area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights referred to in article 3(1)(b)(iii) of this Act are exercisable;

 - "dumping" means:
 - (a) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; or

 - (b) any deliberate disposal of vessels, aircraft or other man-made structures at sea, but "dumping" does not include:
 - (i) the disposal of wastes or other matter incidental to, or derived from, the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or

derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Act, any applicable written law or international law;

“ecological protection zone” means a designated ecological area established by the Prime Minister in accordance with article 3(1)(b)(iii) of this Act; provided that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective ecological protection zone, the boundary of the ecological protection zone 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 in 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;

“exclusive economic zone” means a designated 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 the coast is opposite that of Malta it is necessary to determine the boundaries of the respective exclusive economic zone, the boundary of the exclusive economic zone 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 in 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;

“Malta” has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo;

“maritime enforcement officer” has the same meaning as is assigned to it by Article 2 of the Territorial Waters and Contiguous Zone Act;

Cap. 226

"mixture containing oil" means:

- (a) a mixture with an oil content of one hundred parts or more in one million parts of the mixture; or
- (b) a mixture with such oil content as is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a mixture containing oil for the purposes of this Act;

"oil" means:

- (a) crude oil, diesel oil, fuel oil or lubricating oil; or
- (b) any other description of oil which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be oil for the purposes of this Act;

"pollutant" means any substance which, if introduced into the sea, is liable to create hazards to human health or to harm living resources in the sea or other marine life, or to damage amenities or interfere with other legitimate uses of the sea and, without limiting the generality of the foregoing, includes any substance that is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a pollutant for the purposes of this Act;

“natural resources” means the living and non-living resources found within the exclusive economic zone, and activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

“territorial waters” has the same meaning assigned to it by Article 3 to it by the Territorial Waters and Contiguous Zone Act;

Cap. 226

"waste" includes:

- a) any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted, deposited or dumped in the marine environment in such volume, composition or manner as to cause an alteration of the environment; or
- b) any matter which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be waste for the purposes of this Act.

PART II
EXCLUSIVE ECONOMIC ZONE

3. (1) The Prime Minister is empowered to establish an exclusive economic zone, wherein Malta has: Sovereign rights and jurisdiction.
- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources;
 - (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 by this Act and international law.
- (2) The rights with respect to living resources shall be exercised in accordance with the Fisheries Conservation and Management Act. Cap. 425
- (3) The rights with respect to the seabed and subsoil of the exclusive economic zone shall be exercised in accordance with the Continental Shelf Act. Rights of seabed and subsoil. Cap. 194
4. The Prime Minister is empowered to establish an ecological protection zone for the purpose of article 3(1)(b)(iii) of this Act; in establishing such a zone, he may apply any of the rights and powers granted under this Act and in particular Part III. Ecological protection zone.
5. Except where authorized in accordance with the provisions of this Act or any applicable written law, no person shall in the exclusive economic zone: Prohibition of Activities.
- (a) explore or exploit any natural resources;
 - (b) carry out any search, excavation or drilling operations;
 - (c) conduct any marine scientific research: or
 - (d) construct or authorize and regulate the construction, operation and use of:

- (i) any artificial island:
- (ii) any installation or structure for any of the purpose provided for in article 3 or for any other economic purpose; or
- (iii) any installation or structure which may interfere with the exercise of the rights of Malta in the zone.

**PART III
PROTECTION AND PRESERVATION OF THE MARINE
ENVIRONMENT**

6. Malta has the sovereign right to exploit the natural resources in the exclusive economic zone pursuant to its environmental policies. Exploitation of natural resources.
7. If any oil, mixture containing oil or pollutant is discharged or leaks into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, from or through the atmosphere or by dumping: Discharge or leakage.
- (a) the owner or master of the vessel, if the discharge or leak is from a vessel;
 - (b) the owner or occupier of the place on land, if the discharge or leak is from land;
 - (c) the owner or person in charge of the installation or device, if the discharge or leak is from an installation or a device; or
 - (d) the owner or pilot of the aircraft, if the discharge or leak is from an aircraft, shall each be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
- (2) Where the act or omission of a person other than any of the persons referred to in sub-article (1) caused the discharge or leak referred to in that sub-article, then such other person shall also be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
- (3) Sub-article (2) shall not operate to absolve or relieve the persons referred to in sub-article (1) from liability for an offence under sub-article (1).

(4) Notwithstanding the provisions of this article, dumping of wastes or other matter may be carried out under a licence issued by the Minister responsible for the environment and subject to such conditions as he may impose.

8. Where a person is charged with an offence under article 7, it shall be a defence to prove that the discharge or leak of the substance referred to in sub-article (1) of that article was caused for the purpose of securing the safety of the vessel, the place on land, the installation, device or aircraft concerned, or for the purpose of saving life but a defence under this article shall not operate if the court is satisfied that the discharge or leak was not necessary for the alleged purpose or was not a reasonable step to take in the circumstances.
9. (1) If any oil, mixture containing oil or pollutant is discharged or leaks into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, the owner or master of the vessel, the owner or occupier of the place on land, the owner or person in charge of the installation or device or the owner or pilot of the aircraft, as the case may be, shall immediately report the occurrence of such discharge or leak to the Minister responsible for the environment.
- (2) Any person who fails to comply with this article shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
10. (1) The Government of Malta may specify measures in relation to the exclusive economic zone which are necessary to protect Malta's coastline or any segment or element of the environment or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such casualty, which may reasonably be expected to result in major harmful consequences.
- (2) The measures referred to in sub-article (1) shall be proportionate to the actual or threatened damage to the coastline or segment or element of the environment or related interests, including fishing.
11. (1) Where Malta's coastline or any segment or element of the environment or related interests, including fishing in the exclusive economic
- Defence of charge under Article 7.
- Obligation to report discharge or leak.
- Measures relating to any maritime casualty.
- Action to mitigate damage.

zone is damaged or threatened to be damaged as a result of any discharge or leak of any substance referred to in article 7, the Minister responsible for the environment may issue such regulations or take any action as is necessary to remove, disperse, destroy or mitigate the damage or threat of damage.

(2) Any person who fails to comply with any regulation given by the Minister responsible for the Environment under sub-article (1) shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(3) The owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft, as the case may be, from which the substance referred to in article 7 was discharged or leaked shall be liable jointly and severally for all costs and expenses incurred in carrying out all or any of the work required under sub-article (1) to remove, disperse, destroy or mitigate the damage or the damage, and such costs and expenses shall be a first charge on any property or interest held by such person.

12. (1) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a Malta has, in the said exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of Malta conforming and giving effect to such rules and standards, Malta may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

Violations.

(2) Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of Malta has, in the said exclusive economic zone, committed a violation referred to in sub-article (1) resulting in a substantial discharge causing or threatening significant pollution in the exclusive economic zone or territorial sea of Malta, it may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such

inspection.

(3) Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of Malta has, in the exclusive economic zone, committed a violation referred to in sub-article (1) resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of Malta such as a discharge from which the oil, mixture containing oil or pollutant leaked or was discharged in the circumstances referred to in sub-article (1) of article 11, or to any resources of its territorial sea or exclusive economic zone, Malta may, subject to section 12(4), provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

(4) The Minister responsible for the environment may release any vessel detained under sub-article (1) upon the owner depositing with the Government of Malta such sum of money or furnishing such security as, in the opinion of the Minister responsible for the environment, would be adequate to meet all costs and expenses incurred in carrying out the work required to remove, disperse, destroy or mitigate the damage or threat of damage caused by such leak or discharge.

(5) If any vessel which has been detained proceeds to sea without being released under sub-article (2), the owner or master of the vessel or any other person who causes the vessel to proceed to sea shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

(6) Where the owner or master of such vessel or any other person found guilty of an offence under this article is unable to pay the fine or the costs and expenses incurred in carrying out the work required under sub-article (1) of article 11, the court may, on the application of the Minister responsible for the environment, order the sale of such vessel and the application of the proceeds of the sale towards the payment of the fine and the costs and expenses incurred.

PART IV
MARINE SCIENTIFIC RESEARCH

13. (1) No marine scientific research may be conducted in the exclusive economic zone without the express consent of and subject to conditions imposed by the Government of Malta by means of a license granted by the Prime Minister, or in contravention of any requirement or condition contained in any such license. Consent required for marine research.
14. The Prime Minister may however, in his discretion, withhold his consent to grant a license for the conduct of a marine scientific research project by any person, State or competent international organization in the exclusive economic zone, if he has reason to believe that the project: Right to withhold consent.
- (a) is of direct significance to the exploration and exploitation of natural resources;
 - (b) involves drilling into the seabed or subsoil of the exclusive economic zone, the use of explosives or the introduction of pollutants into the marine environment;
 - (c) involves the construction, operation or use of artificial islands, installations or structures;
 - (d) contains information communicated pursuant to article 15 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to Malta from a prior research project; or
 - (e) might interfere with activities undertaken by Malta in the exercise of its sovereign rights and jurisdiction provided for under this Act or international law.
15. Any person, State or competent international organization which intends to undertake marine scientific research in the exclusive economic zone shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government of Malta with a full description of: Duty to provide certain information.
- (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 Malta should be able to participate or to be represented in the project.

16. (1) Every State or competent international organization undertaking marine scientific research in the exclusive economic zone shall comply with the following conditions; Duty to comply with certain conditions.

- (a) ensure the right of the Government of Malta, if it so desires, to participate or to be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, and without obligation to contribute towards the costs of the project;
- (b) provide the Government of Malta with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) undertake to provide access for the Government of Malta, at its request, to all data and samples derived from the project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the Government of Malta with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, unless otherwise specified by the Government of Malta, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the Government of Malta immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research

installations or equipment once the research is completed

17. (1) The Government of Malta may order the suspension of any marine scientific research activities in progress within the exclusive economic zone if:
- Suspension or cessation of marine research.
- (a) the research activities are not being conducted in accordance with the information provided under article 15 upon which the consent of the Government of Malta was based; or
 - (b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 16
- (2) The Government of Malta may order the cessation of any marine scientific research activities:
- (a) which in deviating from the information provided under article 16 have amounted to a major change in the research project or the research activities; or
 - (b) if any of the situations contemplated in sub-article (1) are not rectified within a reasonable period of time, as determined by the Government of Malta.
- (3) Following notification by the Government of Malta of the order of suspension or cessation, the State or competent international organization shall immediately terminate all or any of the marine scientific research activities that are the subject of such a notification.
- (4) An order of suspension under sub-article (1) may be lifted by the Government of Malta and the marine scientific research activities allowed to continue if the researching State or competent international organization complies with the conditions required under articles 15 and 16 within a reasonable period of time, as determined by the Government of Malta.
18. For the purposes of article 16, the Government of Malta shall have the exclusive discretion to determine what amounts to a “major change” in any project.
- Discretion of Government.
19. Any person who fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.
- Fine.

PART V
ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES

20. (1) No person shall construct, operate or use any artificial island, installation or structure in the exclusive economic zone or except with the authorization of the Government of Malta and subject to such conditions as it may impose. Authorization of the Government.
- (2) The Government of Malta shall have exclusive jurisdiction over artificial islands, installations and structures in the zone, including jurisdiction with regard to customs, fiscal matters, immigration and sanitation including pollution.
- (3) The Government of Malta may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.
- (4) The breadth of the safety zones shall be determined by the Government of Malta, taking into account navigation and of the artificial islands, installations and structures applicable international standards, due notice shall be given of the extent of the safety zones.
- (5) All vessels must respect these safety zones and shall comply with any regulations which the Government of Malta may give in accordance with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.
- (6) Any person who fails to comply with any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine (*multa*) not less than ____ but not exceeding ____.

PART VI
ENFORCEMENT

21. 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, take any appropriate action necessary. Enforcement powers.
22. The provisions of sub-articles (2) to (6), both inclusive, of article Right to hot pursuit.

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.

PART VII
IMPLEMENTATION OF THE PROVISIONS OF THIS ACT

23. Without prejudice to the generality abovementioned, the Prime Minister may make regulations to implement, partially or wholly, provisions of this Act. Implementation.

Designated Area
(Exclusive Economic
Zone) Order

SUBSIDIARY LEGISLATION __. __

DESIGNATED AREA (EXCLUSIVE ECONOMIC ZONE) ORDER

[Date]

LEGAL NOTICE __ of 2010.

1. The title of this Order is the Designated Area (Exclusive Economic Zone) Order. Short Title.

2. The area described in the Schedule to this Order is by hereby established as a designated area within which the rights referred to in Exclusive Economic Zone Act are to be exercised. Indication of area.
Cap. __

SCHEDULE

1. The area bounded by lines joining the co-ordinates set out hereunder, exclusive of any land and of any internal or territorial waters within those lines. The aforesaid co-ordinates are:

A.	__ ° ' "	__ ° ' "
B.	__ ° ' "	__ ° ' "
C.	__ ° ' "	__ ° ' "
D.	__ ° ' "	__ ° ' "
E.	__ ° ' "	__ ° ' "
F.	__ ° ' "	__ ° ' "
G.	__ ° ' "	__ ° ' "

Designated Area
(Ecological Protection
Zone) Order

SUBSIDIARY LEGISLATION __. __

DESIGNATED AREA (ECOLOGICAL PROTECTION ZONE) ORDER

[Date]

LEGAL NOTICE __ of 2010.

- 1. The title of this Order is the Designated Area (Ecological Protection Zone) Order. Short Title.
- 2. The area described in the Schedule to this Order is by hereby established as a designated ecological area established by the Prime Minister under Article 4 of the Exclusive Economic Zone Act. Indication of area.
Cap. ____

SCHEDULE

- 1. The area bounded by lines joining the co-ordinates set out hereunder, exclusive of any land and of any internal or territorial waters within those lines. The aforesaid co-ordinates are:

A.	_ o _ ' _ "	_ o _ ' _ "	
B.	_ o _ ' _ "	_ o _ ' _ "	
C.	_ o _ ' _ "	_ o _ ' _ "	
D.	_ o _ ' _ "	_ o _ ' _ "	
E.	_ o _ ' _ "	_ o _ ' _ "	
F.	_ o _ ' _ "	_ o _ ' _ "	
G.	_ o _ ' _ "	_ o _ ' _ "	

A Bill to Amend the
Merchant Shipping
(Liability for Bunker
Oil Pollution Damage)
Regulations

**A BILL
Entitled**

AN ACT to amend the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations, S.L. 234.46

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows-

1. The title of this Act is the Merchant Shipping (Liability for Bunker Oil Pollution Damage) (Amendment) Regulations. Short Title.

 2. In paragraph (3) of regulation 3 of the principal regulations, immediately after the words “any exclusive economic zone” there shall be added the words “or ecological protection zone”. Amends regulation 3 of the principal regulations.
S.L. 234.46

 3. In the proviso of paragraph (3) of regulation 3 of the principal regulations, immediately after the words “any such exclusive economic zone” there shall be added the words “or ecological protection zone”. Amends regulation 3 of the principal regulations.
S.L. 234.46
-

Merchant Shipping
(Liability for Bunker
Oil Pollution Damage)
Regulations, Exclusive
Economic Zone Order

SUBSIDIARY LEGISLATION __. __

MERCHANT SHIPPING (LIABILITY FOR BUNKER OIL POLLUTION DAMAGE)
REGULATIONS, EXCLUSIVE ECONOMIC ZONE ORDER¹

[Date]

LEGAL NOTICE __ of 2010.

1. The title of this Order is the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations, Exclusive Economic Zone Order. Short Title.
2. In accordance with regulation 3(3) of the principle regulations, the provisions of the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations shall also apply to the exclusive economic zone of Malta as established under the Exclusive Economic Zone Act. Exclusive Economic zone.
S.L. 234.46

¹This Order is being made in pursuant to Article 3(3) of the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations, as amended by the proposed Bill, which states:

“Provided that where any such exclusive economic zone or any such similar area has been established by Malta, the Minister shall by Order in the Gazette prescribe that the provisions of this Act shall also apply to such exclusive economic zone or such similar area as may be established in such Order.”

It is also being made to take into account the relevant provisions of the Exclusive Economic Zone Act.

Merchant Shipping
(Liability for Bunker
Oil Pollution Damage)
Regulations, Ecological
Protection Zone Order

SUBSIDIARY LEGISLATION __. __

MERCHANT SHIPPING (LIABILITY FOR BUNKER OIL POLLUTION DAMAGE)
REGULATIONS, ECOLOGICAL PROTECTION ZONE ORDER¹

[Date]

LEGAL NOTICE __ of 2010.

1. The title of this Order is the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations, Ecological Protection Zone Order. Short Title.
2. In accordance with regulation 3(3), with the principal regulations, the provisions of the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations shall also apply to the ecological protection zone of Malta as established under the Exclusive Economic Zone Act. Ecological protection zone.
S.L. 234.46

¹This Order is being made in pursuant to Article 3(3) of the Merchant Shipping (Liability for Bunker Oil Pollution Damage) Regulations as amended by the proposed Bill, which states:

“Provided that where any such exclusive economic zone or any such similar area has been established by Malta, the Minister shall by Order in the Gazette prescribe that the provisions of this Act shall also apply to such exclusive economic zone or such similar area as may be established in such Order.”

It is also being made to take into account the relevant provisions of the Exclusive Economic Zone Act.

A Bill to Amend the
Oil Pollution
(Liability and
Compensation)
Regulations

**A BILL
Entitled**

AN ACT to amend the Oil Pollution (Liability and Compensation) Act, Cap. 412

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows-

1. The title of this Act is the Oil Pollution (Liability and Compensation) Act, Short Title.
Exclusive Economic Zone Order.
 2. In sub-article (3) of article 4 of the principal Act, immediately after the words “exclusive economic zone” there shall be added the words “or ecological protection zone”. Amends article 4(3)
Cap. 412
 3. In the proviso of sub-article (3) of article 4 of the principal Act, immediately after the words “any such exclusive economic zone” there shall be added the words “or ecological protection zone”. Amends article 4(3)
Cap. 412
-

**Oil Pollution (Liability
and Compensation)
Act, Exclusive
Economic Zone Order**

SUBSIDIARY LEGISLATION __.__.__

**OIL POLLUTION (LIABILITY AND COMPENSATION) ACT, EXCLUSIVE
ECONOMIC ZONE ORDER¹**

[Date]

LEGAL NOTICE __ of 2010.

1. The title of this Order is the Oil Pollution (Liability and Compensation) Act, Short Title.
Exclusive Economic Zone Order.
2. In accordance with sub-article (3) of article 4 of the principal Act, the Exclusive Economic
provisions of the Oil Pollution (Liability and Compensation) Act shall also zone.
apply to the exclusive economic zone of Malta as established under the Cap. 412
Exclusive Economic Zone Act.

¹ This Order is being made in pursuant to Article 4(3) of the Oil Pollution (Liability and Compensation) Act as amended by the proposed Bill, which states:

“Provided that where any such exclusive economic zone or any such similar area has been established by Malta, the Minister shall by Order in the Gazette prescribe that the provisions of this Act shall also apply to such exclusive economic zone or such similar area as may be established in such Order.”

It is also being made to take into account the relevant provisions of the Exclusive Economic Zone Act.

**Oil Pollution (Liability
and Compensation)
Act, Ecological
Protection Zone Order**

SUBSIDIARY LEGISLATION __. __

OIL POLLUTION (LIABILITY AND COMPENSATION) ACT, ECOLOGICAL
PROTECTION ZONE ORDER¹

[Date]

LEGAL NOTICE __ of 2010.

1. The title of this Order is the Oil Pollution (Liability and Compensation) Act, Short Title.
Ecological Protection Zone Order.
2. In accordance with sub-article (3) of article 4 of the principal Act, the Ecological protection
provisions of the Oil Pollution (Liability and Compensation) Act shall also zone.
apply to the ecological protection zone of Malta as established under the Cap. 412
Exclusive Economic Zone Act.

¹This Order is being made in pursuant to Article 4(3) of the Oil Pollution (Liability and Compensation) Act as amended by the proposed Bill, which states:

“Provided that where any such exclusive economic zone or ecological protection zone, or any such similar area has been established by Malta, the Minister shall by Order in the Gazette prescribe that the provisions of this Act shall also apply to such exclusive economic zone or such similar area as may be established in such Order.”

It is also being made to take into account the relevant provisions of the Exclusive Economic Zone Act.