

CHAPTER 625**EXCLUSIVE ECONOMIC ZONE ACT**

AN ACT to make provision for the establishment of the exclusive economic zone or part thereof, environment protection area and for other ancillary matters thereto and to make provision for the exercise by Malta of its rights and powers in relation to the exclusive economic zone pursuant to international law.

*Amended by:
XXXV.2023.97.*

23rd July, 2021

[ACT XLVII of 2021](#), as amended by Act [XXXV of 2023](#).

**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:
 - "appropriate action" means the same as the meaning assigned to it by the [Territorial Waters and Contiguous Zone Act](#); Interpretation.
*Amended by:
XXXV.2023.98.* Cap. 226.
 - "Area" means an exclusive economic zone area or an environment protection area as defined under article 2;
 - "baselines" means the same as the meaning assigned to it by the [Continental Shelf Act](#); Cap. 535.
 - "competent authority" means the Office of the Prime Minister of Malta, or such other body or person as the Minister may prescribe and designate as the competent authority for different purposes in terms of different provisions of this Act;
 - "continental shelf" means the same as the meaning assigned to it by the [Continental Shelf Act](#); Cap. 535.
 - "dumping" means:
 - (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea,but does not include:
 - (i) the disposal of wastes or any 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 any 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;

(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, international law and, or any other applicable law;

"environment protection area" means any area designated by the Minister by means of an order published in the Gazette, within which the jurisdiction mentioned in article 3(1)(b)(iii) is exercisable:

Provided that such area may not exceed the exclusive economic zone;

"exclusive economic zone" means the area beyond and adjacent to the territorial waters, that extends to a limit established in accordance with international law, measured from the baselines from which the breadth of the territorial waters is measured; so however that where in relation to States of which their coast is opposite that of Malta it is necessary to determine a boundary, such boundary shall be determined by agreement between Malta and such other State or States or, in absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and such other State or States is measured:

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

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

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

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

"licence" means any agreement or document evidencing authorisation, consent and approval granted by the Minister in terms of this Act;

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

"maritime enforcement officer" means the same as the meaning assigned to it by article 2 of the [Territorial Waters and Contiguous Zone Act](#); Cap. 226.

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

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

"safety zone" means an area established by the Minister in terms of article 9(1)(d), for the purpose of ensuring the safety both of navigation and of the artificial island, installation, structure, equipment or device with respect to which such area is established and which shall not exceed a distance of five hundred (500) metres around the artificial island, installation, structure, equipment or device concerned, measured from each point of its outer edge;

"ship" has the same meaning as assigned to it by the [Merchant Shipping Act](#); Cap. 234.

"territorial waters" means the same as the meaning assigned to it by article 3 of the [Territorial Waters and Contiguous Zone Act](#). Cap. 226.

PART II EXCLUSIVE ECONOMIC ZONE

3. (1) The Minister shall be empowered to establish an Sovereign rights and jurisdiction.

exclusive economic zone or exclusive economic zone area, wherein Malta has:

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

(b) jurisdiction with regard to:

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

(ii) marine scientific research;

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

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

Cap. 535. (2) The rights with respect to the seabed and subsoil of any Area shall be exercised in accordance with the [Continental Shelf Act](#) and any regulations made thereunder.

Cap. 425. (3) The rights with respect to living resources within any Area shall be exercised in accordance with the [Fisheries Conservation and Management Act](#) and any regulations made thereunder.

(4) The rights with respect to the activities for the economic exploration and, or exploitation of any Area shall be exercised in accordance with this Act, and any regulations made thereunder, or by any other law and regulations made thereunder, as may be made in order to regulate such activities and, in each case, subject to the requirements and, or conditions contained in the relevant licence granting such rights.

Designation of exclusive economic zone by means of Areas.
Substituted by: XXXV.2023.100.

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

Prohibition of activities.
Substituted by: XXXV.2023.101.

5. (1) Except where authorised in accordance with the provisions of this Act and any regulations made thereunder, and subject to the requirements and, or conditions contained in the relevant licence granting such rights, no person shall in the exclusive economic

zone or any Area:

- (a) explore or exploit any natural resources;
- (b) carry out any search, excavation or drilling operations;
- (c) construct, erect, place or use, or authorise and regulate the construction, operation and use of any:
 - (i) artificial island; or
 - (ii) installation, structure, equipment or device for any of the purposes provided for in article 3 or for any other economic purpose; or
 - (iii) installation, structure, equipment or device which may interfere with the exercise of the rights of Malta in the exclusive economic zone or any Area;
- (d) conduct marine scientific research or any other type of research;
- (e) deploy and, or use any type of scientific research installations or equipment;
- (f) conduct a survey for the laying of a submarine cable or pipeline or lay or maintain any submarine cable or pipeline;
- (g) carry out any dumping.

(2) Except where authorised in accordance with the provisions of this Act and any regulations made thereunder, and subject to the requirements and, or conditions contained in the relevant licence granting such rights, no person shall conduct any economic activity relating to the matters, rights and activities contemplated in article 3, in any Area.

(3) Any service, supply, importation, export, trade and, or profession, which if carried out or exercised in or from Malta would require a licence, authorisation, permit, or warrant and, or the fulfilment of conditions, requirements or criteria in terms of the laws in force in Malta, shall not be carried out in any Area unless directly related to a licence granted under this Act and pursuant to such licence, authorisation, permit or warrant, as applicable and, or in accordance with the relevant conditions, requirements or criteria.

(4) Where both a licence under this Act, including the regulations made thereunder and a licence under the [Continental Shelf Act](#) including the regulations made thereunder is required for the same purpose, these licences shall be incorporated in one (1) licence.

Environment
protection area.

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

Protection of
coastline, other
areas and interests.
Substituted by:
XXXV.2023.102.

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

Rights and duties
of other States.
Substituted by:
XXXV.2023.103.

8. In exercising their rights and performing their duties under international law in the exclusive economic zone or any Area, other States shall have due regard to the rights and duties of Malta and shall comply with the laws adopted by Malta pursuant to international law in respect of the exclusive economic zone and, or the relevant Area, and with applicable international law.

PART III REGULATIONS

Power to make
regulations.
Substituted by:
XXXV.2023.104.

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

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

(b) regulating or prohibiting the construction, erection, placing, operation, use and, or removal of artificial islands, installations, structures, equipment or devices in any Area under this Act:

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

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

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

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

- (c) regulating the deployment and use of any type of scientific research installations or equipment in any Area;
- (d) establishing safety zones around any artificial islands, installations, structures, equipment or devices, the construction, erection, placing or use of which in any Area has been authorised in terms of this Act or regulations thereunder, at a location and extending to a distance determined by the Minister;
- (e) regulating the laying, maintenance and monitoring of submarine cables and pipelines in any Area;
- (f) regulating marine scientific research in any Area;
- (g) regulating dumping in any Area;
- (h) prescribing such measures as considered necessary in any safety zone for both the safety of navigation and for the protection of the artificial island, installation, structure, equipment or device in any Area with respect to which the safety zone is established;
- (i) regulating or prohibiting the entry of ships into any safety zone;
- (j) prescribing measures that shall be taken in any safety zone for the protection and the preservation of the marine environment, as well as the protection and preservation of the natural resources of any Area;
- (k) prescribing the notice that shall be given for the construction, erection, or placing of artificial islands, installations, structures, equipment or devices in any Area;
- (l) prescribing those permanent means that shall be installed for the purpose of giving warning to shipping and aircraft of the presence of artificial islands, installations, structures, equipment or devices in any Area;
- (m) prescribing the appropriate means for publicity about the depth, position and dimensions of any installations or structures which are not entirely removed from any Area;
- (n) providing for the removal of artificial islands, installations, structures, equipment or devices constructed, erected, or placed in any Area which have been abandoned or have fallen into disuse;
- (o) providing for the removal of submarine cables and, or pipelines laid or maintained in any Area which have fallen into disuse or are beyond repair;

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

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

(ii) its natural resources;

(q) protecting and preserving the marine environment in any Area;

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

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

(t) regulating licensing procedures with regard to activities carried out in any Area;

(u) providing for any other matters as are necessary or expedient for giving full effect to Malta's sovereign rights and jurisdiction in the exclusive economic zone, including an Area;

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

Provided that any punishment prescribed in the regulations made under this paragraph shall not exceed a fine (*multa*) of two million euro (€2,000,000), and shall not exceed a term of five (5) years imprisonment, or both, in respect of any contravention or non-observance of any regulation made under this article:

Provided further that notwithstanding the preceding proviso, in the case of offences resulting in serious injuries and, or death, the punishment prescribed in the regulations made under this paragraph may exceed a term of five (5) years imprisonment.

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

(3) Regulations and orders made under any of the provisions of this Act may be made in the English language only.

PART IV ENFORCEMENT

10. (1) Any act or omission which:

Jurisdiction.
Substituted by:
XXXV.2023.105.

(a) involves or takes place on, under or above an artificial island, installation, structure, equipment or device in any Area or in a safety zone established by the Minister; and

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

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

(2) For the purposes of civil jurisdiction exercisable by any court, tribunal or board of Malta, any artificial island, installation, structure, equipment or device in any Area and, or in a safety zone established by the Minister, shall be treated as if they were situated in Malta itself.

(3) Any maritime enforcement officer shall in any Area, including on any artificial island, installation, structure, equipment or device therein, and, or in a safety zone as may be established by the Minister, have all powers, protection and privileges which he has under any law in force in Malta.

(4) The Minister may, by regulations or orders made in terms of article 9(2), limit the powers, competences and, or functions, of any authority, organ or body established under the laws of Malta with respect to any activities taking place in any Area, including on any artificial island, installation or structure therein and, or in a safety zone established by the Minister, in terms of and for the purposes of this Act.

(5) Where the jurisdiction of any authority, organ or body established under the laws of Malta does not extend to any Area and, or a safety zone established by the Minister, the Minister may, by regulations or orders made in terms of article 9(2), extend the applicability of those powers, competences and, or functions which such authority, organ or body has in terms of the laws of Malta to activities taking place in any Area and, or a safety zone established by the Minister, as if such activities had taken place in Malta.

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

Appropriate action
by maritime
enforcement
officers.

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

Right of hot
pursuit.
Cap. 226.

offence under this Act or any regulations made thereunder.

Designation of
competent
authorities.
Added by:
XXXV.2023.106.

13. For the purposes of the implementation of the provisions of this Act and regulations made thereunder, the Minister may designate any person as a competent authority for the purposes of the implementation and for the exercise of any rights and duties therein.
