

## SUBSIDIARY LEGISLATION 535.02

### CONTINENTAL SHELF REGULATIONS

31st July, 2015

*LEGAL NOTICE 235 of 2015.*

1. (1) The title of these regulations is the Continental Shelf Regulations. Citation, scope and purpose.

(2) These regulations apply to the continental shelf of Malta.

(3) The purpose of these regulations is to regulate activities on the continental shelf and to establish and regulate safety zones therein.

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

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

"the Act" means the Continental Shelf Act; Cap. 535.

"administrative charge" means any fee payable to the Government to cover the cost of expenses incurred in relation to the application, processing and granting of a licence under these regulations;

"the competent authority" means the Office of the Prime Minister, and such other body or person as the Prime Minister may prescribe and designate as the competent authority for different purposes in terms of different provisions of these regulations;

"dumping" means:

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

but 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;
- (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of these

regulations;

"internal waters" means the waters on the landward side of the baselines from which the breadth of the territorial waters are measured;

"licence" means any agreement or document evidencing authorisation and consent granted by the Government under these regulations;

"Prime Minister" includes any other person designated by the Prime Minister as a competent authority in terms of article 5 of the Act;

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

Protection of installations in designated areas.

3. (1) The Prime Minister may, for the purpose of protecting any installation or other device in a designated area by order published in the Gazette, prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in that order.

(2) If any ship enters any part of a designated area in contravention of an order under this regulation, its owner, charterer, manager or master shall be liable, on conviction, to a fine (*multa*) not exceeding one million euro (€1,000,000) or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, unless it is proven by the master that the prohibition imposed by the order was not, and could not on reasonable inquiry have become known to him.

Discharges.

4. (1) If any oil or any mixture containing oil is discharged into any part of the sea -

(a) from a pipeline; or

(b) as a result of any operations for the exploration of the seabed and subsoil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Act, the owner of the pipeline or, as the case may be, the person carrying on the operations shall be guilty of an offence unless the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his permission (express or implied).

(2) A person guilty of an offence under this regulation shall be liable, on conviction, to a fine (*multa*) of not less than five thousand euro (€5,000) and not exceeding two million euro (€2,000,000).

Submarine cables and pipelines.

5. (1) No person shall conduct a survey for the laying of a submarine cable or pipeline or lay or maintain any submarine cable or pipeline on the continental shelf without a licence for such purpose, granted by the Prime Minister, evidencing the consent of the Government for the said surveying and the delineation of the

course for the laying of such cables and pipelines.

(2) Without prejudice to sub-regulation (1), the Prime Minister may impose in such licence any condition as he may consider necessary for the laying or maintenance of such cables and pipelines in the exercise of its right to take reasonable measures for the exploration of the continental shelf, the exploitation of natural resources and the prevention, reduction and control of pollution from such cables or pipelines.

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

Provided that in case of submarine pipelines any charges or fees shall be agreed between the Government and the applicant on a case by case basis:

Provided further that any charges or fees that have been paid to Government prior to the entry in force of these regulations shall not be reimbursable from Government.

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

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

6. (1) The right to regulate, authorise and conduct marine scientific research on the continental shelf is vested in the Government.

Marine scientific research.

(2) No research entity shall conduct marine scientific research on the continental shelf unless in terms of a licence granted by the Prime Minister issued under these regulations, and in accordance with any requirement or condition of such licence.

(3) The Prime Minister may, without prejudice to the generality of his discretion under the preceding sub-regulations, withhold his consent to grant such licence for the conduct of a marine scientific research project on the continental shelf of Malta if that project:

- (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living; or
- (b) involves drilling or coring into, or sampling from, the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment; or
- (c) involves the construction, operation or use of artificial islands, installations, structures and devices; or

(d) relates to any information communicated pursuant to sub-regulation (4) regarding the nature and objectives of the project which is inaccurate or if the research entity has outstanding obligations to the Government from a prior research project.

(4) Any research entity intending to undertake marine scientific research on the continental shelf of Malta shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government with an application for consent, in a format provided by Government, giving 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 the Government should be able to participate or to be represented in the project.

(5) Any research entity when undertaking marine scientific research on the continental shelf of Malta shall comply with the following conditions:

- (a) ensure the right of the Government, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the Government and without Government's obligation to contribute towards the costs of the project;
- (b) provide the Government, at its request, a daily position report of the research vessel or other craft or scientific research installations;
- (c) provide the Government, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (d) comply with all applicable health, safety and environmental regulations and guidelines;
- (e) provide access for the Government, at its request, to all data and samples derived from the marine scientific research project and likewise furnish it with data which may be copied and samples which may be

divided without detriment to their scientific value;

- (f) if requested, provide the Government with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (g) ensure that, as soon as practicable, the research results are made internationally available through appropriate national or international channels, provided that if the research results of a project are of direct significance for the exploration and exploitation of natural resources, then such results shall not be made available in accordance with this sub-regulation without the prior consent in writing of the Government;
- (h) inform the Government immediately of any major change in the research programme;
- (i) unless otherwise agreed with the Government, remove the scientific research installations or equipment once the research is completed; and
- (j) comply with any other condition which Government may reasonably impose.

(6) Nothing in sub-regulation (5) shall be construed as limiting the discretion of the Prime Minister to grant or withhold consent pursuant to sub-regulation (3).

(7) The Government shall have the right to require the suspension of any marine scientific research activities in progress on its continental shelf if:

- (a) the research activities are not being conducted in accordance with the information communicated as provided under sub-regulation (4) upon which the consent of the Government was based; or
- (b) the research entity conducting the research activities fails to comply with the provisions of sub-regulation (5) concerning the rights of the Government with respect to the marine scientific research project.

(8) The Government shall have the right to issue an order requiring the suspension or cessation of any marine scientific research activities in case of any non-compliance with the provisions of sub-regulations (4) and (5) which amounts to a major change in the research project or the research activities.

(9) The Government shall also have the right to issue an order requiring suspension or cessation of marine scientific research activities if any of the situations contemplated in sub-regulation (8) are not rectified within a reasonable period of time.

(10) Following notification by the Government of its decision to order suspension or cessation, such research entity authorised to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

(11) An order of suspension or cessation under sub-regulation

(8) may be lifted by the Government and the marine scientific research activities allowed to continue once the research entity has complied with the conditions required under sub-regulations (4) and (5).

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

(13) For the purposes of the preceding sub-regulations, the Government shall, subject to its obligation to act reasonably, have the exclusive competence to determine what amounts to a major change in any given project.

(14) There shall be payable to the Government a non-refundable administrative charge of three hundred euro (€300) for any application for marine scientific research submitted to Government in accordance with sub-regulation (4).

Artificial islands,  
installations,  
structures and  
devices.

7. (1) The Government shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of artificial islands, installations, structures and devices on the continental shelf.

(2) No person shall construct, operate or use any artificial island, or any installation, structure or device on the continental shelf without a licence for such purpose granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence.

(3) The Government may impose charges as specified in the licence conditions issued in accordance with sub-regulation (2) for the construction, operation and use of artificial islands, installations, structures and devices on the continental shelf.

(4) The owner or operator of any artificial island, installation, structure or device which has fallen into disuse or is beyond repair shall forthwith inform the Government thereof and shall, if so directed by the Government, remove such artificial island, installation, structure or device within such period of time as the Government may order and in accordance with any conditions which the Government may so establish.

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

Dumping.

8. (1) Dumping onto the continental shelf shall not be carried out without the express prior approval of the Government, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.

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

imprisonment.

**9.** The following regulations shall apply *mutatis mutandis* on the continental shelf: Offshore safety.

- (a) the Offshore Safety (Oil and Gas) Regulations; and S.L. 156.02
- (b) the Offshore (Oil and Gas) External Emergency Response Regulations. S.L. 499.64

**10.** Any communications or payments required to be made to the Government under these regulations shall be made to the competent authority. Communications to Government.

**11.** In these regulations, the term "continental shelf" includes the sea bed and subsoil of the submarine areas within the limits of the internal waters and the territorial waters of Malta: Applicability to internal and territorial waters.

Provided that nothing in these regulations shall affect any obligation to obtain a permit or other authorisation which may be required under any other laws or regulations in respect of any activity provided for in these regulations.

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SCHEDULE

Regulation 5(3)

Administrative Charge for submarine cables

Description	Administrative Charge
Surveying or laying of submarine cables in the internal waters and/or territorial waters and/or continental shelf of Malta.	A one-time administrative charge of ten thousand euro (€10,000).

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