

L.N. 341 of 2016

**DEVELOPMENT PLANNING ACT
(Cap. 552)**

Maritime Spatial Planning Regulations, 2016

BY VIRTUE of the powers conferred by articles 84 and 85 of the Development Planning Act, the Prime Minister, after consultation with the Planning Authority, has made the following Regulations:-

1. (1) The title of these regulations is the Maritime Spatial Planning Regulations, 2016. Citation and objective.

(2) These regulations establish a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources.

(3) The regulations transpose the provisions of Directive 2014/89/EU of the European Parliament and of the Council.

2. (1) These regulations shall apply to the marine waters as defined in regulation 3. Applicability.

(2) These regulations shall not apply to activities the sole purpose of which is defence or national security.

(3) The Competent Authority for different provisions and purposes of these regulations shall be the Planning Authority.

3. (1) In these regulations, unless the context otherwise requires:- Interpretation.

"Act" means the Development Planning Act; Cap. 552.

"marine region" means the Mediterranean region as referred to in the Marine Policy Framework Regulations; S.L. 549.62

"marine waters" means coastal and marine waters as defined by the Marine Policy Framework Regulations and the Water Policy Framework Regulations including waters, the seabed and subsoil extending to the outmost reach of the area where Malta has and, or exercises jurisdictional rights, in accordance with the United Nations Convention on the Law of the Sea and general international law; S.L. 549.62
S.L. 549.100

"maritime spatial planning" means a process by which the

relevant Member State's authorities analyse and organise human activities in marine regions to achieve ecological, economic and social objectives.

Implementation.

4. (1) In implementing maritime spatial planning the Competent Authority shall:

(a) have due regard to the particularities of the marine region, relevant existing and future activities and uses and their impacts on the environment, as well as to natural resources, and shall also take into account land-sea interactions;

(b) consider economic, social and environmental aspects as well as safety aspects to support sustainable development and growth in the maritime sector, applying an ecosystem-based approach, and to promote the coexistence of relevant activities and uses.

Scope.

5. (1) Further to the provisions of article 44 of the Act and for the scope of these regulations, the Strategic Plan for Environment and Development or any replacement spatial strategy shall constitute the Maritime Spatial Plan.

(2) The Maritime Spatial Plan shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, of the fisheries and aquaculture sectors, tourism and to the preservation, protection and improvement of the environment, including resilience to climate change impacts.

(3) The Maritime Spatial Plan shall identify the spatial and temporal distribution of relevant existing and future activities and uses in their marine waters, in order to contribute to the objectives set out in regulation 4 and in sub-regulation (2). Relevant activities, uses and interest may include:

(i) aquaculture areas;

(ii) fishing areas;

(iii) installations and infrastructures for the exploration, exploitation and extraction of oil, of gas and other energy resources, of minerals and aggregates, and for the production of energy from renewable sources;

(iv) maritime transport routes and traffic flows;

(v) military training areas;

- (vi) nature and species conservation sites and protected areas;
- (vii) raw material extraction areas;
- (viii) scientific research;
- (ix) submarine cable and pipeline routes;
- (x) tourism; and
- (xi) underwater cultural heritage.

(4) The Maritime Spatial Plan shall be reviewed at least once every ten years.

6. (1) The Competent Authority shall:

Functions of the
Competent
Authority.

(a) establish procedural steps to contribute towards the implementation of Maritime Spatial Planning to achieve the objectives set out in regulation 4 and in regulation 5(2);

(b) aim to promote coherence between maritime spatial planning and the resulting plan and other processes, such as integrated coastal management or equivalent formal or informal practices in procedure adopted;

(c) aim to promote coherence of the resulting maritime spatial plan with other relevant processes through maritime spatial planning;

(d) undertake consultations with all interested parties, including relevant stakeholders, authorities and the public concerned in the preparation of the Maritime Spatial Plan, in accordance with articles 44 and 45 of the Act;

(e) organise the use of the best available data, and decide how to organise the sharing of information, necessary for the Maritime Spatial Plan with the use of relevant instruments and tools.

7. (1) As part of the planning and management process, the Competent Authority shall cooperate with Member States bordering Malta's marine waters with the aim of ensuring that maritime spatial plans are coherent and coordinated across the marine region concerned. Such cooperation shall take into account, in particular, issues of a transnational nature.

Cooperation
with Member
States.

(2) The cooperation referred to in sub-regulation (1), shall be

pursued through:

(a) existing regional institutional cooperation structures, such as Regional Sea Conventions; and/or

(b) networks or structures of Member States' competent authorities; and/or

(c) any other method that meets the requirements of sub-regulation (1).

Cooperation
with third
countries.

8. The Competent Authority shall endeavour, where possible, to cooperate with third countries on their actions with regard to maritime spatial planning in the Mediterranean region and in accordance with international law and conventions, such as by using existing international forums or regional institutional cooperation.

