

**THE MARITIME SPATIAL PLANNING AND OTHER RELATED MATTERS LAWS OF  
2017-2021<sup>1</sup>**

(LAW 144(I)/2017 AS AMENDED BY LAW 34(I)/2021)

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<sup>1</sup> Consolidation Note: This Law was published in the Greek language in the Official Gazette of the Republic of Cyprus No. 4622, Supplement I(I), dated 13.10.2017 as amended by **Law 34(I)/2021**. This is an “unofficial” translation into English prepared by the Shipping Deputy Ministry to the President (SDM) and does not intend to replace any translation prepared by the Law Commissioner’s Office.

*According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is **not the authentic version**. The authentic and therefore legally binding version, is the Greek version of this Law.*

**Disclaimer: Consolidation entails the integration of basic instruments of Cyprus merchant shipping / maritime legislation, their amendments and corrections in single, non-official documents. Each document is intended for use as a documentation tool and the Shipping Deputy Ministry of the Republic of Cyprus does not assume any liability for its content.**

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THE MARITIME SPATIAL PLANNING AND RELATED MATERS LAWS OF 2017-2021  
(LAW 144(I)/2017 AS AMENDED BY LAW 34(I)/2021)

*Preamble.* For the purposes of harmonisation with the Community Act of the European Union with the title –

*Official Journal of the European Union: L 257, 28.8.2014, p. 135.* «Directive 2014/89/EE of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning»,

The House of Representatives enacts as follows:

**PART I: INTRODUCTORY PROVISIONS**

*Short title.* 1. These Laws shall be cited as the Maritime Spatial Planning and Related Matters Laws of 2017 to 2021.

*Interpretation.* 2. In this Law, unless the context otherwise requires –

*153(I) of 2003  
131(I) of 2006  
113(I) of 2012  
67(I) of 2015.*

*Official Gazette,  
Suppl. III (I):  
21.9.2007.*

*Official Gazette,  
Suppl. III (I):  
14.2.2014.*

“appropriate assessment” means the assessment provided in section 16 of *the Nature and Wildlife Protection and Management Law*, as further amended by *the Amendment of the Schedules of the Nature and Wildlife Protection and Management Laws Order of 2007* and by *the Amendment of Schedules I, II and IV of the Nature and Wildlife Protection and Management Laws of 2003 to 2012 Order of 2014*;

“Barcelona Convention” means the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols, ratified by *the*

51 of 1979  
20(III) of 2001  
35(III) of 2007  
2(III) of 2013.

*Convention for the Protection of the Mediterranean Sea Against Pollution and Related Protocols (Ratification) Law;*

“Certificate” means the Certificate of Compliance with the Maritime Spatial Plan or the Certificate of Compatibility with the Maritime Spatial Plan as provided for in section 22;

13(I) of 2004  
67(I) of 2009  
113(I) of 2010  
122(I) of 2012  
159(I) of 2015.

“coastal waters” has the meaning assigned to this term by section 2 of *the Water Protection and Management Law*, as well as the seabed and subsoil thereof;

“Competent Authority” means the Competent Authority as defined in section 5;

3(a) of 34(I)/2021.

“Competent Institutions” means the Council of Ministers, the Interministerial Committee, the Competent Authority, the Shipping Deputy Minister to the President, and the Maritime Spatial Planning Committee;

90 of 1972  
56 of 1982  
7 of 1990  
28 of 1991  
91(I) of 1992  
55(I) of 1993  
72(I) of 1998  
59(I) of 1999  
142(I) of 1999  
241(I) of 2002  
29(I) of 2005  
135(I) of 2006  
11(I) of 2007  
46(I) of 2011  
76(I) of 2011  
130(I) of 2011  
164(I) of 2011  
33(I) of 2012  
110(I) of 2012  
150(I) of 2012  
20(I) of 2013  
65(I) of 2013  
120(I) of 2014  
39(I) of 2015  
134(I) of 2015

“development plan” has the meaning assigned to this term by section 2 of *the Town and Spatial Planning Law*;

24(I) of 2016.

“ecosystem-based approach” has the meaning assigned to this term by section 3 of *the Marine Strategy Law*;

18(I) of 2011  
159(I) of 2014.

“Environmental Impact Assessment Report” means the Environmental Impact Assessment Study prepared in accordance with the provisions of *the Environmental Impact Assessment of Certain Projects Law*;

140(I) of 2005  
42(I) of 2007  
47(I) of 2008  
80(I) of 2009  
137(I) of 2012  
51(I) of 2014  
169(I) of 2014.

“good environmental status” has the meaning assigned to this term by section 2 of *the Marine Strategy Law*;

3(a) of 34(I)/2021.

“Interministerial Committee” means the eight-member Interministerial Committee composed of the Minister of Transport, Communications and Works, the Minister of Agriculture, Rural Development and Environment, the Minister of Energy, Commerce and Industry, the Minister of the Interior, the Minister of Foreign Affairs, the Minister of Defence, the Shipping Deputy Minister to the President and the Deputy Minister of Tourism to the President;

“marine area” means the marine area of the Mediterranean Sea and in particular the Aegean-Eastern Mediterranean sub region, in accordance with the provisions of section 6 of *the Marine Strategy Law*;

“marine waters” has the meaning assigned to this term by section 2 of *the Marine Strategy Law*;

“Maritime Spatial Plan” means the National Plan or Plans set up, adopted and published as a result of the maritime spatial planning process in accordance with the provisions of section 17;

“maritime spatial planning” means the process by which the Competent Institutions analyse and organise human activities in the marine waters of the Republic in order to achieve ecological, economic and social objectives;

“Maritime Spatial Planning Committee” means the Committee established and operating under section 7;

“Member State” means the Member State of the European Union;

“National Strategy for Integrated Maritime Policy” means the Cyprus's national strategy for an integrated maritime policy, as approved from time to time by the Council of Ministers;

“Natura 2000 network sites” means sites of community importance, special areas of conservation and special protection areas;

3(c) of 34(I)/2021.

“Permanent Secretary ” means the Permanent Secretary of the Shipping Deputy Ministry and includes the person who acts as acting Permanent Secretary of the Shipping Deputy Ministry and the officers of the Shipping Deputy Ministry who are authorised by the Permanent Secretary;

“Policy Statement” means the Policy Statement on National Maritime Spatial Planning, as adopted from time to time by the Council of Ministers, in accordance with the provisions of section 8;

“Republic” means the Republic of Cyprus;

“site of community importance” has the meaning assigned to this term by section 2 of *the Nature and Wildlife Protection and Management Law*, as further amended by the *Amendment of the Schedules of the Nature and*

*Wildlife Protection and Management Laws, Order of 2007 and by the Amendment of Schedules I, II and IV of the Nature and Wildlife Protection and Management Laws of 2003 to 2012 Order of 2014;*

3(c) of 34(I)/2021. “Shipping Deputy Minister” or “Deputy Minister” means the Shipping Deputy Minister to the President, appointed and exercising the powers and duties assigned to him, in accordance with the provisions of *the Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law;*

123(I)/2017.

2(f) of 34(I)/2021. “Shipping Deputy Ministry” means the Shipping Deputy Ministry , established and operating pursuant to the provisions of *the Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law;*

“special conservation area” has the meaning assigned to this term by section 2 of *the Nature and Wildlife Protection and Management Law*, as further amended *by the Amendment of the Schedules of the Nature and Wildlife Protection and Management Laws Order of 2007 and by the Amendment of Schedules I, II and IV of the Nature and Wildlife Protection and Management Laws of 2003 to 2012 Order of 2014;*

“special protection area” has the meaning assigned to this term by section 2 of the *Protection and Management of Wild Birds and Game Law;*

152(I) of 2003  
256(I) of 2004  
81(I) of 2005  
151(I) of 2006  
15(I) of 2008  
5(I) of 2009

129(I) of 2012  
52(I) of 2014  
104(I) of 2014  
165(I) of 2014  
68(I) of 2015  
99(I) of 2017.

203 of 1988.

“UNCLOS Convention” means the United Nations Convention on the Law of the Sea of 1982, ratified by *the United Nations Convention on the Law of the Sea (Ratification) Law*.

*Purpose.*

**3.**-(1) The present Law establishes a framework for the maritime spatial planning aimed at promoting the sustainable growth of the Republic’s maritime economy, the sustainable growth in its marine waters and the sustainable use of its marine resources.

(2) (a) For the purposes of the present subsection, "integrated maritime policy of the European Union" means the European Union's policy whose aim is to foster coordinated and coherent decision-making to maximize the sustainable development, economic growth and social cohesion of Member States, and notably the coastal, insular and outermost regions in the Union, as well as its maritime sectors, through coherent and maritime-related policies and through international cooperation.

(b) Within the integrated maritime policy of the European Union, this framework provides for the establishment and implementation of maritime spatial planning, contributing to the achievement of the objectives pursuant to the provisions of section 14, taking into account land-sea interactions and enhanced cross-border cooperation, in accordance with the provisions of the UNCLOS Convention.

*Scope of application.*

**4.**-(1)(a) The provisions of this Law shall apply to the marine waters of the Republic, without prejudice to other Union legislation, other harmonising legislation and/or the UNCLOS Convention.

(b) The provisions of this Law, apply to maritime spatial planning in relation to uses or activities that take place:

45 of 1964  
95(I) of 2014.

(i) In the territorial sea of the Republic, pursuant to the provisions of *the Territorial Sea Law*;

63(I) of 2004.  
Cap. 31.  
48 of 1964  
32 of 1973  
92(I) of 1995  
4(I) of 1996  
33(I) of 1997  
120(I) of 2005  
41(I) of 2006  
103(I) of 2012  
200(I) of 2014.

(ii) in the contiguous zone of the Republic, in respect of antiquities, pursuant to the provisions of *the Contiguous Zone Law* and *the Antiquities Law*; and/or,

64(I) of 2004  
97(I) of 2014.

(iii) in the EEZ or the continental shelf of the Republic, whereas uses or activities fall under the sovereign rights or jurisdiction of the Republic in accordance with the provisions of sections 4 and 5B of *the Exclusive Economic Zone and the Continental Shelf Law* or the *Antiquities Law*.

(2) The provisions of this Law do not apply to:

(a) Land on which a development plan or the provisions of *the Town and Spatial Planning Law* in general, are implemented.

(b) activities aimed solely at the defence or national security of the Republic, which are duly taken into consideration when establishing maritime spatial planning.

(3) The implementation of the provisions of this Law shall not affect the drawing and delimitation by the Republic of its maritime zones in accordance with the provisions of the UNCLOS Convention.

## PART II : COMPETENT INSTITUTIONS OF MARITIME SPATIAL PLANNING

*Competent  
Authority.  
2(b) of 34(I)/2021.*

**5.-(1)** For the purposes of this Law, the Shipping Deputy Minister is designated as the Competent Authority.

*2(b) of 34 (I)/2021.*

(2) The Shipping Deputy Minister shall be responsible for coordinating the necessary actions for maritime spatial planning, without prejudice to the powers exercised by other Ministers, the Council of Ministers or other bodies in the Republic, in accordance with the applicable legislation.

*2(b) of 34(I)/2021.*

(3) The Shipping Deputy Minister shall be responsible for providing the Maritime Spatial Planning Committee with the necessary means and with sufficient and adequate resources to enable it to effectively exercise its responsibilities as referred to in the provisions of section 7.

*Delegation of  
powers  
by the  
Shipping Deputy  
Minister.*

*4 of 34(I)/2021.*

**6.-(1)(a)** The Shipping Deputy Minister may delegate, in writing, the exercise of any power, to any of the following, except for the power to issue decisions and to submit proposals or reports to the Council of Ministers or to the Interministerial Committee or to the House of Representatives, and to carry out any duty, this Law or the Regulations issued there under shall grant or entrust, respectively to the Competent Authority:

- (i) to the Permanent Secretary,
- (ii) to any other person serving in the Shipping Deputy Ministry.

*2(b) of 34 (I)/2021.*

(b) In the event of such a delegation, the Shipping Deputy Minister retains the power to exercise that delegated power and to carry out that delegated duty, from and during that delegation, subject to the provisions of subsection (4).

2(b) of 34 (I)/2021.

(2) A person entrusted with the exercise of a mandate or with the performance of a duty pursuant to the provisions of subsection (1) shall have the obligation to exercise the power and carry out the duty, in accordance with any instructions given by the Shipping Deputy Minister.

2(b) of 34 (I)/2021.

(3) The Shipping Deputy Minister has the power to amend and withdraw a delegation made pursuant to subsection (1) by written notice to the person to whom the delegation was made.

(4) Where, by virtue of this section, two or more persons simultaneously exercise the same power or carry out the same duty, the hierarchically subordinate of said persons shall take the appropriate measures to refrain from exercising the power or carrying out the duty in the same real facts as his hierarchically superior, unless the latter allows it, and in accordance with any instructions of the latter.

(5) Where, pursuant to this section, a person exercises power or carries out a duty, which this Law or Regulations issued pursuant thereto, grant or assign, respectively, to another person, this Law and the Regulations adopted pursuant thereto, shall apply as if they had expressly granted that power to that person and have explicitly entrusted that duty to that person.

Maritime Spatial  
Planning  
Committee.

7.-(1) For the purposes of this Law, a fifteen- member Maritime Spatial Planning Committee is established, which consists of the following members:

5(a)(i) of 34  
(I)/2021.

- (i) the Permanent Secretary of the Shipping Deputy Ministry;
- (ii) the Permanent Secretary of the Ministry of Foreign Affairs or his representative;
- (iii) the Permanent Secretary of the Ministry of Defence or his representative;
- (iv) the General Manager of the Cyprus Port Authority or his representative;

5(a)(ii) of 34  
(I)/2020.

(v) the Director of the Energy Service of the Ministry of Energy, Trade and Industry or his representative;

5(a)(iii) of 34  
(I)/2021.

(vi) the Director of the Hydrocarbons Service of the Ministry of Energy, Trade and Industry or his representative;

5(a)(iv) of  
34(I)/2021.  
5(a)(v) of  
34(I)/2021.

(vii) the Permanent Secretary of the Deputy Ministry of Tourism or his Representative;

(viii) the Director of the Department of Public Works or his representative;

(ix) the Director of the Department of Antiquities or his representative;

(x) the Director of the Department of Fisheries and Marine Research or his representative;

(xi) the Director of the Department of the Environment or his representative;

(xii) the Director of the Department of Town Planning and Housing or his representative;

5(a)(vi) of  
34(I)/2021.

(xiii) the Director of the Department of Lands and Surveys or his representative;

(xiv) the Director of the Department of Geological Survey or his representative.

5(a)(vii) of  
34(I)/2021.

(xv) The president of the Cyprus Scientific and Technical Chamber (ETEK) or his representative.

5(b) of 34(I)/2021.

(2) The Permanent Secretary of the Shipping Deputy Ministry or his representative shall be appointed as Chairman of the Committee and shall have the following responsibilities:

(a) to convene the meetings and direct the works of the Committee ·  
and

(b) to draw up the agenda for the meetings of the Committee, which shall be notified to each member of the Committee at least seven (7) days before the scheduled date of the meeting.

(3) The Committee shall be in quorum when the chairman or his representative and at least eight (8) members attend the meeting.

(4) Any matter concerning the internal functioning of the Committee shall be regulated by a relevant decision, which shall be taken by an absolute majority.

(5) The Committee has the following competences:

*2(b) of 34 (I)/2021.  
5(c)(i) of 34(I)/2021.*

(a) Sets-up a draft Policy Statement, which shall be submitted to the Shipping Deputy Minister, having previously conducted a relevant public consultation;

*5(c)(ii) of 34  
(I)/2020.*

(b) Sets-up a draft Marine Spatial Plan pursuant to the provisions of sections 12 to 19, which shall be submitted to the Competent Authority, having previously conducted a relevant public consultation;

(c) issues a Certificate of Compliance or a Certificate of Compatibility pursuant to the provisions of section 22;

(d) examines the content of any application for the issuance of a licence in respect of an activity falling within the provisions of section 24 and recommends the rejection or the issuance of such a licence, setting the necessary terms and conditions:

Provided that the applicant is required, upon submitting the application to submit to the Competent Authority an Environmental Impact Assessment Report and, for projects likely to affect the Natura 2000 network sites, an Appropriate Assessment Report;

It is further provided, that the Competent Authority forwards the

above mentioned Reports to the environmental authority, for consideration and issuance or not of an environmental approval where applicable;

It is furthermore provided, that no licence in respect of an activity falling within the provisions of section 24 may be issued, in the event that the abovementioned environmental approval or its terms are rejected;

- (e) conducts hearings on the content of an application for the issuance of a licence for an activity falling within the provisions of section 24 and consults with the applicant;
- (f) adopts the agenda and the minutes of its meetings;
- (g) invites to any meeting and / or consults any governmental officer or body governed by public or private law and any person whose views or expert knowledge on a particular subject may be deemed useful or necessary for its works;
- (h) ensures the preparation of a report for the Maritime Spatial Plan pursuant to the provisions of *the Environmental Impact Assessment of Certain Plans and /or Programmes Law*, and an Appropriate Assessment Report for this Plan, if it affects the Natura 2000 network sites;

102(l) of 2005.

Provided, that the Competent Authority transmits the abovementioned Reports to the environmental authority, for examination and where appropriate, for issuing or not the environmental approval;

It is furthermore provided, that no licence in respect of an activity falling within the provisions of section 24 may be issued, in the event that the abovementioned environmental approval or its terms are

rejected.

*5(d) of 34(I)/2021.*

(6) A member of the Committee, who has a personal interest in any matter raised before the Committee, shall disclose any such interest to the Committee by signing a declaration disclosing the existence of any economic or other link with the matter and shall not take part or be present in any meeting of the Committee in which the matter is discussed.

*Policy Statement.  
2(b) of 34(I)/2021.*

**8.**-(1) The Policy Statement is adopted by the Council of Ministers upon the Shipping Deputy Minister's proposal, after examination and preliminary approval by the Interministerial Committee, upon the recommendation of the Maritime Spatial Planning Committee, taking into account the National Strategy for Integrated Maritime Policy.

(2) The Policy Statement identifies the main priorities, goals and strategic guidelines for the marine waters aiming to sustainable growth.

*6 of 34 (I)/2021.*

(3) The Competent Authority shall ensure, through the Committee, the conduct of public consultation with the interested parties, the authorities and the public during the preparation of the Policy Statement and the interested parties, the authorities, as well as the public, have access to the Policy Statement, once it has been finalised.

*2(b) of 34(I)/2021.*

(4) (a) The Policy Statement may be revised following a relevant recommendation of the Maritime Spatial Planning Committee and the previous preliminary approval of the Interministerial Committee and is submitted together with an explanatory report by the Shipping Deputy Minister to the Council of Ministers.

(b) The Policy Statement shall be revised as the Council of Ministers may decide every ten years pursuant to the procedure provided by the provisions of subsection (3) of this section.

*Approval of the Maritime Spatial Plan by the Council of Ministers.*

**9.**-(1) The Maritime Spatial Plan is prepared in a draft form by the Maritime Spatial Planning Committee and is submitted to the Interministerial Committee for the purpose of obtaining its preliminary approval.

*2(b) of 34(I)/2021.*

(2) Following implementation of the provisions of subsection (1), the Shipping Deputy Minister shall ensure that the Maritime Spatial Plan is submitted to the Council of Ministers for final approval.

(3) The provisions of section 7 (5)(h) and of sections 12 to 19 shall be taken into account when the draft of the Maritime Spatial Plan is preliminary approved by the Interministerial Committee and is thereafter finally approved by the Council of Ministers.

*2(b) of 34(I)/2021.*

(4) Upon the approval of the Maritime Spatial Plan by the Council of Ministers, the Minister shall publish a Notification in the Official Gazette of the Republic, announcing that the Maritime Spatial Plan has been approved, taking effect from the date of publication of the Notification and that is available for inspection in such a manner as the Shipping Deputy Minister may determine in the Notification.

*2(b) of 34 (I)/2021.*

(5) Upon the publication of the Notification in the Official Gazette of the Republic in accordance with the provisions of subsection (4), the Shipping Deputy Minister shall submit to the House of Representatives an information report.

*Revision of Maritime Spatial Plan.*

*2(b) of 34 (I)/2021.*

**10.**-(1) The Maritime Spatial Plan may be revised following a recommendation of the Maritime Spatial Planning Committee and with the previous preliminary approval by the Interministerial Committee and is the subject of an explanatory report submitted by the Shipping Deputy Minister to the Council of Ministers, taking into account the provisions of sections 7(5)(h) and 12 to 19.

(2) The Maritime Spatial Plan is revised as the Council of Ministers may decide from time to time, according to the provisions of section 15(3).

*2(b) of 34(I)/2021.*

(3) Any revision of the Maritime Spatial Plan, made by a decision of the Council of Ministers, is published in the form of a Notification by the Shipping Deputy Minister in the Official Gazette of the Republic and takes effect according to the provisions of section 9(4) and 9(5).

*Suspension of  
Maritime  
Spatial Plan.  
2(b) of 34(I)/2021.*

*7(a) of 34 (I)/2021.*

**11.** Upon a relevant proposal made by the Shipping Deputy Minister and a prior preliminary approval by the Interministerial Committee and only for reasons of public interest, the Maritime Spatial Plan may be partially or wholly suspended for a maximum period of one year, by virtue of a decision of the Council of Ministers and under conditions that may be determined by Regulations issued pursuant to this Law:

*7(b) of 34 (I)/2021.*

Provided that prior to the submission of a relevant proposal by the Shipping Deputy Minister and prior to the preliminary approval by the Interministerial Committee for the suspension of the Maritime Spatial Plan, the House of Representatives shall be consulted.

### **PART III: GENERAL RULES OF MARITIME SPATIAL PLANNING**

*Establishment  
and implementation  
of maritime  
spatial  
planning.*

**12.**-(1) The Republic shall implement maritime spatial planning in the context of which it develops a Maritime Spatial Plan according to the provisions of this Law and in particular, according to the Policy Statement.

(2) During the process of establishing a framework and implementing maritime spatial planning, the Competent Institutions shall take into account the land-sea interactions.

(3) The maritime spatial planning aims to contribute to the achievement of

the objectives listed in section 14 and must fulfil the requirements of sections 15 and 17.

(4) Subject to the provisions of subsection (2), during the process of establishing the maritime spatial planning, the Competent Institutions shall have due regard to the particularities of the marine region in which the Republic is located, to the relevant existing and future activities therein and related uses and their impacts on their marine environment, as well as on the natural resources of the Republic.

*Conflict of uses or activities.*

**13.** Where there is a conflict between uses or activities when establishing and implementing maritime spatial planning, the benefits and impacts on a cultural, social, economic and environmental level are taken into account (resulting from an impact assessment made based on scientific methods), as well as the maximum coexistence of uses or activities aiming to a viable and sustainable development.

*Objectives of maritime spatial planning.*

**14.-(1)** Pursuant to the provisions of section 13, when establishing and implementing maritime spatial planning, the Competent Institutions shall take into account:

- (a) The economic, social, environmental and cultural aspects to support and promote sustainable growth at sea by applying an ecosystem-based approach and ensuring the good environmental status of the marine environment; and
- (b) the promotion of the coexistence of relevant activities and uses.

(2) Pursuant to the provisions of section 13, the Republic, through the Maritime Spatial Plan, shall aim to contribute to the sustainable development of the energy sectors at sea, of maritime transport and of the fisheries and aquaculture sectors, as well as to the preservation, protection and improvement of the environment, including resilience to

climate change impacts, while in addition, the Republic may pursue other objectives including, inter alia, the promotion of sustainable tourism, the sustainable extraction of raw materials and the protection of marine antiquities.

*Minimum requirements for the maritime spatial planning.*

**15.**-(1) The Competent Institutions establish procedural steps to contribute to the objectives listed in section 14, taking into account relevant activities and uses in the marine waters of the Republic.

(2) In doing so, the Competent Institutions shall:

- (a) Take into account land-sea interactions;
- (b) take into account environmental, economic and social aspects as well as safety aspects;
- (c) aim to promote coherence between maritime spatial planning and the relevant resulting Plan and other processes such as integrated coastal zone management or equivalent formal or informal practices;
- (d) ensure the involvement of stakeholders pursuant to the provisions of section 18;
- (e) organise the use of the best available data pursuant to the provisions of section 19;
- (f) ensure transboundary cooperation with Member States pursuant to the provisions of section 20; and
- (g) promote cooperation with third countries pursuant to the provisions of section 21.

(3) The Maritime Spatial Plan shall be revised at least every ten years pursuant to the provisions of section 10.

*Land-sea interactions.*

**16.**-(1) The Competent Institutions may use other existing institutional procedures, such as the Development Plans which also apply to coastal areas and Integrated Coastal Zone Management, in order to take into account the land-sea interactions, pursuant to the provisions of section 12(2).

Provided that the outcome of these procedures shall be taken into account in the Maritime Spatial Plan by the Competent Institutions.

(2) Without prejudice to the provisions of section 4(2)(a), maritime spatial planning, promotes the coherence of the Maritime Spatial Plan with other relevant procedures, such as those referred to in subsection (1).

*Setting-up of Maritime Spatial Plan.*

**17.**-(1) When establishing and implementing maritime spatial planning, the Competent Institutions shall set up a Maritime Spatial Plan which identifies the spatial and temporal distribution of relevant existing and future activities and uses in the marine waters of the Republic, in order to contribute to the objectives, set out in section 14.

(2) The establishment of the aforementioned Maritime Spatial Plan shall be set up as soon as possible and by 31 March 2021 at the latest.

(3) (a) In the context of the above actions, and subject to the provisions of section 4(2)(a), the Competent Institutions shall take into account the interactions of activities and uses.

(b) The activities, uses and interests may include, inter alia, the following:

(i) the aquaculture areas,

- (ii) the fishing areas,
- (iii) the installations and infrastructures for the exploration, exploitation and extraction of oil, natural gas and other energy resources, minerals and aggregates, and for the production of energy from renewable sources,
- (iv) the maritime transport routes, the traffic flows, and the port areas,
- (v) the military training areas or other restricted areas for military purposes,
- (vi) the sites of community importance, Natura 2000 network sites, and other protected areas,
- (vii) the raw material extraction areas,
- (viii) the scientific research,
- (ix) the submarine cables and pipeline routes,
- (x) the tourism, as well as sporting and recreational activities, and
- (xi) the marine antiquities.

(4) Copies of the Maritime Spatial Plan, including relevant explanatory material on the implementation of the provisions of this Law and any subsequent revised version, shall be forwarded to the European Commission and to any Member State concerned, within three (3) months from their publication.

*Public consultation and public participation.*

**18.**-(1) The Council of Ministers, by virtue of Regulations issued pursuant to this Law, establishes means of public participation, for the information and consultation with all interested parties, the authorities and the public, at an early stage in the development and revision of the Maritime Spatial Plan.

(2) The Competent Authority ensures also that the said interested parties and the authorities, as well as the public, have access to the Maritime Spatial Plan, once it is finalised.

*Data use and sharing.*

**19.**-(1) The Maritime Spatial Planning Committee organises the use of the best available data, and decides how to organise the sharing of the information necessary for the setting-up of the Maritime Spatial Plan.

(2) The data referred to in subsection (1) may include, inter alia,

(a) Environmental, social and economic data collected in accordance with Union legislation, pertaining to the activities referred to in section 17 and

(b) marine physical data about marine waters.

(3) For the purposes of implementation of subsection (1), inter alia, data included in the National Hydrographic Database of the Department of Lands and Surveys and any other instruments and tools, including those already provided for in *the Establishing an Infrastructure on Special Data (INSPIRE) Law*, may be used.

*43(I) of 2010.*

*Cooperation among Member States.*

**20.**-(1) In the context of the maritime spatial planning, the Competent Authority and/or the members of the Interministerial Committee, as the case may be, shall cooperate with the Member States bordering the marine waters of the Republic, aiming to ensure that the Maritime Spatial Plan of the Republic and the plans of other Member States, are

coordinated and coherent throughout the marine region.

(2) The cooperation referred to in subsection (1), takes into account, in particular, issues of transnational nature and can be pursued through:

- (a) Existing regional institutional cooperation structures, such as regional sea conventions, including the mechanisms and structures provided by the Barcelona Convention, and/or
- (b) networks or structures of the Member States' competent authorities, and/or
- (c) any other method that meets the requirements of subsection (1), including the context of the Mediterranean sea-basin strategies.

*Regional cooperation with third countries.*

**21.** The Competent Authority and/or the members of the Interministerial Committee, as the case may be, shall endeavor, where possible, to cooperate with third countries when the Republic develops actions with regard to maritime spatial planning in the relevant marine region and in accordance with international law and conventions, such as by using existing international forums or regional institutional cooperation, including the mechanisms and structures provided by the Barcelona Convention.

#### **PART IV : FINAL PROVISIONS**

*Certificate of Compliance and Certificate of Compatibility of uses or activities with the Maritime Spatial Plan.*

**22.**-(1)(a) Notwithstanding the provisions set out in sections 23 and 24, the exercise of a use or activity in the marine waters when such use or activity is already provided for in the Maritime Spatial Plan, requires the prior obtainment of a relevant Certificate of Compliance with the Maritime Spatial Plan, issued by the Maritime Spatial Planning Committee.

(b) The Certificate of Compliance attests that the requested use or activity in the marine waters is actually provided for in the specific marine

space by the Maritime Spatial Plan in force.

8(a) of 34(I)/2021. (2)(a) Notwithstanding the provisions set out in sections 23 and 24, the exercise of a use or activity in the marine waters which has a significant economic and/or social and/or cultural and/or environmental added value and which occupies a large area or volume of the marine waters, when such use or activity is not foreseen in the Maritime Spatial Plan, requires the obtainment of a relevant Certificate of Compatibility with the Maritime Spatial Plan issued by the Maritime Spatial Planning Committee.

(b) The Certificate of Compatibility, attests that the requested use or activity in the marine waters, although not provided at the time of application for that marine space by the Maritime Spatial Plan in force, is in fact compatible with the Policy Statement and the general philosophy of the Maritime Spatial Plan, and in any case, it is issued taking into account the provisions of section 12(1) and of section 15(2)(a) and 15(2)(b).

8(b) of 34(I)/2021. (3) The procedure and the fees for the issuance of the Certificate of Compliance or the Certificate of Compatibility shall be determined by a decision of the Shipping Deputy Minister, published in the Official Gazette of the Republic.

*Uses and activities subject to regulated licensing under existing legislation.*

**23.** Whereas the exercise of a certain use or activity is subject to any form of licensing under the provisions of any other applicable legislation of the Republic, such licensing shall be granted by the Republic's competent authorities, in accordance with the applicable legislation, provided that such competent authorities establish that a relevant Certificate of Compliance or a Certificate of Compatibility has actually been issued previously, in accordance with the provisions of section 22.

*Uses and activities not subject to regulated licensing under existing*

**24.**-(1) (a) When the exercise of a certain use or activity, by its nature, is not regulated by any licensing under the current legislation in force in the Republic, the relevant licensing of the said use or activity shall be granted by the Council of Ministers, following a proposal prepared by the Maritime

*legislation.*  
*2(b) of 34(I)/2021.*

Spatial Planning Committee, and submitted to the Council of Ministers through the Shipping Deputy Minister.

(b) (i) The criteria and terms of the licensing may be determined by Regulations issued and adopted under the provisions of this Law.

(ii) In any case, the relevant licensing complies with or is compatible with the Maritime Spatial Plan and is carried out upon the prior issuance of a relevant Certificate of Compliance or Certificate of Compatibility, in accordance with the provisions of section 22, and provided that the necessary environmental approvals have been issued, where applicable, including those referred to in section 7(5)(d) and 7(5)(h) .

*2(b) of 34 (I)/2021.*

(2) The Shipping Deputy Minister shall inform the House of Representatives with a relevant report on the cases of licensing, under the provisions of subsection (1) of this section, which will be submitted no later than the 31<sup>st</sup> March of each year and shall cover the licences granted in the previous year.

*Information to  
European  
Commission.*  
*2(a) of 34(I)/2021.*

**25.-(1)** The Permanent Secretary shall provide to the European Commission a list of the Competent Institutions, together with the following information:

- (a) Name and address of the Competent Institutions - official name and address of the Competent Institutions identified,
- (b) legal status of the Competent Institutions – a brief description of their legal status,
- (c) responsibilities - a brief description of the legal and administrative

responsibilities of the Competent Institutions and of their role in relation to the marine waters concerned,

- (d) membership - where one or more of the Competent Institutions act(s) as a coordinating body for other Competent Institutions, a list of the latter is required together with a summary of the institutional relationships established, in order to ensure coordination,
- (e) Regional coordination - a summary of the mechanisms established, in order to ensure coordination between Member States whose marine waters are covered by the scope of application of this Law and fall within the same marine region or sub-region.

*2(a) of 34(I)/2021.*

(2) The Permanent Secretary shall inform the European Commission of any changes in the information provided under the provisions of the subsection (1), within six (6) months of the date on which the change enters into force.

*Making of Regulations.*

**26.**-(1) The Council of Ministers may make Regulations, published in the Official Gazette of the Republic, for the better implementation of the provisions of this Law, including for the monitoring and evaluation of marine waters.

(2) Without prejudice to the generality of subsection (1), the said Regulations may provide for the following matters:

- (a) The conditions, for the purposes of implementing the provisions of section 11, and
- (b) the public consultation and public participation procedure for the purposes of implementing the provisions of section 18.

9 of 34(I)/2021.

(3) Regulations issued pursuant to this section and without prejudice to the generality of the subsection (1), may establish offences and define penalties and administrative fines for breach or failure to comply with their provisions.

*Transitional provisions.*

10 of 34 (I)/2021.

**27.**-(1) As from the date of entry into force of the *Maritime Spatial Planning and other Related Matters (Amendment) Law of 2021* and until the approval of the Maritime Spatial Plan, any uses or activities may be licensed pursuant to the provisions of section 23 of this Law, provided that such uses or activities have a significant economic and /or social and/or cultural and /or environmental added value.

(2) For any licensing of uses or activities pursuant to the provisions of subsection (1), the House of Representatives shall be informed.

(3) Following the entry into force of the Maritime Spatial Plan, in the event that any use or activity licensed under subsection (1) does not comply or is not compatible with the Maritime Spatial Plan, the competent authorities of the Republic, as the case may be, shall complete the procedures and actions required for ensuring compliance or compatibility of the use or activity with the Maritime Spatial Plan:

(a) within the timeframe that may be specified in the legislation in force for the completion of the licensing process of the specific use or activity; or

(b) within one year, in the event that no timeframe is specified for the completion of the licensing process of any use or activity in the legislation in force,

as from the date of entry into force of the Maritime Spatial Plan.

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