



Rome, 26th April 2023
N. 71240

Ministero degli Affari Esteri
e della Cooperazione Internazionale

NOTE VERBALE

The Ministry of Foreign Affairs and International Cooperation of the Italian Republic presents its compliments to the Embassy of Malta and has the honour to refer to the latter's Note Verbale 31/2023-IT of 28th March 2023.

The Ministry would like to reiterate what follows.

1. Since the establishment of diplomatic relations between Italy and Malta in 1964, the maritime borders between the two countries have remained undefined.

In 1970, Italy and Malta exchanged Notes Verbales stating the partial delimitations, on a provisional nature, of the seabed within the bathymetric of 200 meters by means of the line of equidistance between the southern coasts of Sicily and the northern coasts of Malta.

Ever since, Italy has consistently stated that the so-called 1970 "modus vivendi" is a mere provisional arrangement, without prejudice to the legitimate rights of Italy in those maritime areas.

Italy has repeatedly stated that a conclusive solution to the dispute can be attained only through a comprehensive bilateral agreement between Italy and Malta. In reiterating its consistent commitment to reaching an agreement, Italy has also consistently invited Malta to refrain from any unilateral act, which might infringe the legitimate rights of Italy in the Central Mediterranean Sea.

Italy regrets to note that over the years Malta has issued unilateral acts, most importantly: the issuance of permits for survey in contested waters (NV 186206 of the Italian MFA); the Continental Shelf Act of 2014 and the Economic Zone Act of 2021, in which Malta claimed to resort on the line of equidistance if an agreement is not reached.

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Italy has contested, formally, promptly and regularly, Maltese claims over maritime areas, whose jurisdiction has not been delimited yet.

2. As per the legal basis, Italy seizes the opportunity to note that any reference to the criterion of equidistance mentioned in Art. 1 of the Italian law n. 613 of 21st July 1967 is not appropriate, taking into account the entry into force, in 1994, of the United Nations Convention of the Law of the Seas (UNCLOS) codifying that the delimitation of both the continental shelf and the Exclusive Economic Zone shall be effected by agreement in order to achieve an equitable solution.

The Ministry recalls that, according to the Italian law n. 91 of 14th June 2021 concerning the establishment of an Exclusive Economic Zone, “Until the date of entry into force of the such delimitation agreements, the outer limits of the Exclusive Economic Zone are established in such a way as not to jeopardize or hinder the final agreement” (Art. 1.3 of law 91/2021).

Therefore, Italy strongly denies any wrongful unilateral approach and stands firm that articles 74 and 83 UNCLOS must be applied.

3. Italy recalls that the last meeting of the bilateral technical table between Italy and Malta took place in Rome on 11th November 2021. On that occasion, both parties did not manage to find an agreement over the principles of the negotiation. Both parties agreed that Malta would convene a session of the bilateral technical table in the first half of 2022.

Italy reiterates its willingness to resume negotiations at the earliest occasion and looks forward to proposals from Malta on the possible date and venue for a new technical bilateral table.

The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to express to the Embassy of Malta in Italy the assurances of its highest consideration.

