



NV 3112023-IT

The Embassy of the Republic of Malta in Rome presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Italian Republic and further to the Ministry's Note Verbale No. 186206 dated 17th November 2022 and Note Verbale No. 27422 dated 16th February 2023, has the honour to inform the following:

With regard to Note Verbale No. 186206, the Embassy confirms that the Republic of Malta wishes to reiterate its position as expressed in Note Verbale No. 91/2022-IT dated 19th September 2022.

The Republic of Malta had amended, in 2014, the definition of the continental shelf in Article 2 of the Continental Shelf Act of 1966 (at the time Cap. 194 and then replaced by Cap. 535 of the laws of Malta) in a similar way as the Italian Republic had amended, in 1994, Act No. 613 of 1967 (Italy's legislation on the Surveying and Production of Oil and Gas in the Territorial Sea and Continental Shelf), so that the definition no longer refers to the depth criterion, but its extent is established in accordance with international law. However, the amendment made by the Italian Republic in 1994 to Article 1 of Act No. 613/1967 does not alter the provisional extent of the continental shelf to the median line 'in the absence of an agreement' with a neighbouring State as given in the third paragraph of the said law. This provisional arrangement is the same in both Malta's and Italy's continental shelf legislation and is still in force by both States and is reflected in the long-standing practice between Malta and Italy as per provisional arrangement of 1970, where both States agreed that pending a final solution the median line applies. Therefore, Malta is not proceeding unilaterally in such circumstances.

Malta also wishes to recall that despite Italy's opposition to the application of the median line criterion, as indicated in Note Verbale No. 27422 of 16th February 2023, Italy had in 2010 unilaterally extended Zone G up to the median line between Malta and the Italian Pelagian Islands through Decree No. 64 of 29th March 2010 and to which Malta had protested as per Note Verbale No. 110/2010 dated 5th July 2010.

Furthermore, in 2012 through Decree No. 28 of 27th December 2012, Italy unilaterally extended Zone C well beyond the median line between Malta and Italy, ignoring Malta's geographical existence and in conflict with Italy's own continental shelf legislation. Malta had protested to the unilateral approach taken by Italy as per Note Verbale No. 598/2013 dated 15th April 2013. Such an extension also disregarded the long-established provisional arrangement reached between the States in 1970.

On this basis, Malta therefore strongly rebuts the position expressed by the Ministry of Foreign Affairs and International Cooperation in its Note Verbale No. 186206 that the definitions of the continental shelf and exclusive economic zone provided in Articles 2 of Cap. 535 and Cap. 625 respectively, of the laws of Malta are infringing international law and that Malta is taking a unilateral approach.

With reference to Note Verbale No. 27422 dated 16th February 2023, which was delivered by hand at MAECI on 1st March 2023, the Embassy wishes to underline that the licence granted to Albion Energy in an offshore area that respects the median line criterion, refers to a desktop study without any exploration operations taking place within the acreage. In this context, it is recalled that, Italy is also carrying out studies consisting of a Strategic Environmental Assessment (SEA) on the same acreage as well as other areas over which there are overlapping interests between the two States, and which extend well beyond the median line between Malta and Italy. Malta protested to such studies through Note Verbale No. 18/2022 dated 23rd February 2022. A similar situation had also been applied by Italy during the implementation of the Marine Strategy Framework Directive and the Maritime Spatial Planning Directive in which Italy's marine waters disregarded Malta's overlapping interests. Malta had protested last through Note Verbale No. 80/2022-IT dated 2nd August 2022.

Malta also looks forward to continuing with the technical discussions between our two States to discuss overlapping maritime interests in accordance with the provisions of UNCLOS and is committed to the continuation of a constructive dialogue towards an amicable resolution between the two States.

Therefore, the Embassy confirms Malta's willingness to host the next round of technical discussions. In this respect, the Permanent Secretary of the Ministry for Foreign and European Affairs and Trade would be willing to travel to Rome to meet the Secretary General of the Ministry of Foreign Affairs and International Cooperation in order to set out the criteria for these discussions. This meeting was already due to take place in Malta in July 2022, however it was postponed by the Italian side.

The Embassy of the Republic of Malta in Rome avails itself of the opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Italian Republic the assurances of its highest consideration.

28th March 2023



**Ministry of Foreign Affairs and International Cooperation
ROME**