

B 1658

**L.N. 259 of 2020**

**NATIONAL INTEREST (ENABLING POWERS) ACT  
(CAP. 365)**

**Measures in support of actions addressing smuggling activities in  
the Central Mediterranean Regulations, 2020**

IN EXERCISE of the powers conferred by article 3(3) and (7) of the National Interest (Enabling Powers) Act, the Minister for Foreign Affairs has made the following regulations:-

- Citation.                   **1.** The title of these regulations is the Measures in support of actions addressing smuggling activities in the Central Mediterranean Regulations, 2020.
- Applicability.           **2.** These regulations shall apply to vessels that will be exported, transferred or transhipped to Libya from Malta and which could be used for the smuggling of migrants and trafficking of human beings in line with the Malta Declaration of 3 February 2017 by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route. These regulations shall also apply to those vessels used in actions that could undermine the security and stability of Libya.
- Interpretation.           **3.** In these regulations, unless the context otherwise requires:
- Cap. 365.                   "the Act" means the National Interest (Enabling Powers) Act;
- "vessel" includes vessels listed under Annex VII of Council Regulation 2016/44 of 18 January as well as vessels with an inboard motor of any size used in navigation.
- Prohibition of  
the export of  
vessels to Libya.       **4.** Further to the prior authorisation mechanism established under Council Regulation 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya, directly applicable under the Act, the direct or indirect export, transhipment, sale, supply or transfer, by any person in Malta or from Malta of any vessel, as defined in regulation 3, to Libya shall be prohibited:
- Provided that the prohibition shall also apply to vessels in transit or which are to be transhipped to Libya and to any technical assistance, financing, financial assistance and brokering services in relation to such vessels.
- Exclusions.               **5.** Without prejudice to any restrictive measures imposed by the Security Council or the Council of the European Union in relation

to Libya, the prohibition imposed by regulation 4 shall not apply to:

- (a) vessels that are used to ferry cargo between Malta and Libya including tugboats and supply vessels;
- (b) vessels that are to be supplied to the Government of Libya, UN personnel, personnel of the European Union or its Member States; and
- (c) any other vessels that are to be transferred, exported or transhipped to Libya following an authorisation by the Sanctions Monitoring Board after it is satisfied of the legitimate purpose for which the vessels will be transferred.

6. (1) The Sanctions Monitoring Board may, in its absolute discretion, following a request for authorisation submitted in terms of sub-regulation (2), grant prior authorisation for vessels to be exported, transhipped or transferred from Malta to Libya.

Prior  
authorisation  
from the  
Sanctions  
Monitoring  
Board.

(2) The request for an authorisation shall be submitted by the seller, the exporter or his representative or broker, hereinafter referred to as "the applicant", to the Director responsible for trade and the request shall be accompanied with the following documentation:

- (a) details and photos of the vessels in question;
- (b) a declaration as to whether the vessels are new or second hand;
- (c) details of the exporter;
- (d) details of the end user;
- (e) a declaration signed by the end user relating to the purpose of the vessels:

Provided that Director of Trade may request further information or documentation as deemed necessary.

(3) Upon receipt of a request for authorisation accompanied with the necessary information and documentation in accordance with sub-regulation (2), the Director responsible for trade shall forward the request to the Sanctions Monitoring Board.

(4) The Sanctions Monitoring Board shall, within a period of thirty (30) working days of receiving the request for authorisation and the necessary information and documentation, take a decision whether the export should be authorised and communicate such decision to the

B 1660

applicant.

(5) The decision issued by the Sanctions Monitoring Board shall be final and not subject to appeal.

(6) No vessel as defined in regulation 3 shall leave Malta without authorisation issued by the Sanctions Monitoring Board in accordance with this regulation.

Offences and penalties.

7. Any person violating any of the provisions of these regulations shall, on conviction, be liable to the penalties provided in article 6 of the Act.

Vessels awaiting transhipment upon coming into force of the regulations.

8. These regulations apply to vessels that are in Malta upon the coming into force of these regulations awaiting transhipment to Libya.

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