

Environmental Permit

Environment Protection Act (CAP. 549)

Permit number:

EP 1034/20

Approved documents

EP 1034/20/1E/1H

The Environment and Resources Authority (hereinafter the Authority; the Competent Authority or ERA) in exercise of its powers under the Environment Protection Act (CAP. 549), hereby authorises:

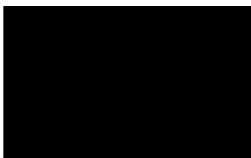
Ms Marina Beltri obo AquaBioTech Group (hereinafter “the Permit Holder”), Of / Whose Registered Office (or principal place of business) is at

**Central Complex
Naġġar Street
Mosta MST1761**

Renewal of NP0309/19 for testing of underwater coating paints

At the fish farm cage located offshore in the limits of Selmunett Islands.

The validity of this permit is for one (1) year from the granting date of this permit.

Signed	Date
 <p>Anthony Aquilina Unit Manager (Env. Permitting) F/ Director Environment and Resources</p>	<p>Permit Granted: 12 / 11 / 2020</p>

Authorised to sign on behalf of the Competent Authority

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Conditions

Introductory Note

The permit is granted in accordance with the provisions of the Environment Protection Act and Regulation 18(2) of the Flora, Fauna and Natural Habitats Protection Regulations, 2006 (S.L. 549.44), hereinafter referred to as the Regulations, for the purpose of the activities that shall be carried out within the Special Protection Area (SPA) of Żona fil-Baħar madwar Ġhawdex (MT0000112) and the Special Area of Conservation of Żona fil-Baħar bejn Il-Ponta ta' San Dimitri (Ġhawdex) u il-Qaliet (MT0000105).

The works shall, subject to the conditions of this Permit, be managed, controlled and carried out as described in the NP Application, approved documents, and/or as otherwise previously agreed in writing by the Authority.

Status Log

Detail	Date
<i>Application NP0309/19</i>	24/06/2019
<i>Permit Issued</i>	12/09/2019
<i>Application EP1034/20</i>	19/10/2020
<i>Permit Issued</i>	12/11/2020

Pre-Commencement of activities/ work

1. The permit holder shall advise of the dates of works at least seven (7) days prior to the commencement on ced.nature@era.org.mt. In the case of change of date, the permit holder is to inform ERA of such a change at least two (2) days in advance. In the case of short-term cancellation of the works (especially outside office hours), the Authority should be contacted on 9921 0404.

Permitted Activities

2. The Permit Holder is authorised to carry out the works and the associated works specified in Table 1.

Table 1.

Works	Description of specified works	Limits of specified works
Activity in a Marine Protected Area	As per approved document 1H	(i) Testing of hull-coating by AIRCOAT by immersing surface prototypes mounted on experimental panels; (ii) SMARTAQUA testing of nanostructured layers on conventional paint.

Site

3. The activities authorised under condition 2 shall be affected in the location as marked on the approved site plan in approved document 1E.

Conditions of Activity/Work

4. Activities are to be held according to the Project Description Statement 1H.
5. The permit holder shall ensure that disturbance of any specimen of any species is kept to a minimum. It is the responsibility of the permit holder to ensure that no harm is caused to the environment either intentionally or accidentally. Attention must also be afforded to the whole of the environment of the SAC in view of the protection status of SAC.
6. This Permit is valid for the following:
 - a. testing of a hull-coating by AIRCOAT by immersion into the sea of surface prototypes mounted on experimental panels; and
 - b. SMARTAQUA testing of nanostructured layers on conventional paint in order to test responses to changes in the local environment.

Testing shall be held offshore in the limits of Selmunett Islands in the location marked on the approved site plan 1E. The site will be accessed by a team of approximately four people per visit, which will take place once or twice a month including divers by means of the vessel "Gypsy Lee".

7. Changes to the experimental paint, nanolayers or any other component of the experiment are to be communicated to ERA for prior approval before any changes to the project are implemented.
8. The vessel is not permitted to anchor except in the event of an emergency. In that eventuality no anchoring shall take place on *Posidonia oceanica* meadows but only on bare sand.
9. No lighting is to be directed outwards of the vessel between sunset and sunrise, except that essential for navigational safety.
10. All necessary containment measures shall be in place so as to avoid accidental spills of material.
11. Any waste generated during the activity shall be collected and disposed of accordingly in accordance with the Waste Management (Activity Registration) Regulations 2007 (S.L. 549.45) and the Waste Regulations, 2011, (S.L. 549.63), including where necessary through the Consignment Permit procedure.
12. All activities shall take place between sunrise and sunset.

General Conditions

13. The 'Permit Holder', is responsible to ensure that all reasonable precautions are taken so that the activity conforms to the conditions in this Permit and the procedures outlined within the Permit application.
14. The activities covered by this permit are restricted to the Permit Holder, employees and/or volunteers and contracted parties commissioned for such activities/works under his supervision and direction, who shall all be made aware of this Permit and the contents within.
15. The following activities are strictly prohibited:

- a. the deliberate picking, collection, taking, cutting, uprooting, harming, destroying or damaging deliberately destroying, keeping, transporting, selling, buying exchanging, offering for sale or for exchange, importing or exporting in any way of any specimen of wild flora, except as permitted;
 - b. the deliberate hunting, killing, capturing, taking, harming, disturbance particularly during periods of breeding, rearing, hibernation and migration, destruction and deterioration of breeding sites or resting places, pursuing, taking or attempting to take, deliberately killing or attempting to kill, deliberately destroying, keeping, transporting, selling, buying exchanging, offering for sale or for exchange, importing or exporting any specimen of any specimen of wild fauna;
 - c. cutting or damaging of reeds, tree branches etc;
 - d. planting of vegetation, shrubs and/or trees or the introduction of any flora or fauna into the site or its environs, except as permitted;
 - e. introduction, removal, significant movement and re-engineering, and/or collection of sand, shingle, stone, soil and/or sediment;
 - f. excavation works and any physical modification of the vegetation cover, the ground and landform of the site and its surroundings;
 - g. generation of excessive noise, including extremely loud music or the use of noisy generators, or light pollution through the use of floodlights;
 - h. disposal, discharge or spillage of oil, fuel, paint or other pollutants, or of solid waste, ash or combustibles;
 - i. lighting of fires.
16. ERA may request updates and/or further information on the activity in question as deemed necessary.
17. The conditions imposed shall be adhered to throughout all the activities. Failure to do so may result in enforcement action and cessation of any related works or activities.
18. ERA may impose other additional rules or conditions, or may amend one or more of the listed rules or conditions, as it deems necessary for the proper conservation of a protected site or area, biodiversity and the environment in general, and to ensure public safety.
19. The Permit Holder may apply for a variation of the Permit and shall seek the Authority's written agreement prior to any operational changes, by sending to the Authority:
- a. Written notice of the details of the proposed change, including an assessment of its possible effects or risks to the environment from the approved activity;
 - b. Any relevant supporting information;
 - c. Any relevant supporting assessments and drawings, and;
 - d. The proposed implementation date.
- Any such change shall only be implemented following the issue of a variation of the permit by the Authority.
20. In accordance with Regulation 46(4) of S.L. 549.44, a brief report with photos of the activities held, including any publications as a result of the activity, is to be provided to ERA by the Permit Holder within one month of the expiry of the permit, and is to be submitted to nature.permitting@era.org.mt. Information that should be treated as confidential as outlined in Regulation 48(4) of S.L. 549.44 shall be specified.

A template for the report is available at <http://era.org.mt/en/Documents/Activity%20Report%20template.doc>

21. This permit is granted saving third party rights. The Permit holder is not exempt from any other legislation or regulations, codes of practice, conditions or requirements imposed by any other competent authorities, including the obtaining of permits, licenses, or clearances including from site owners.
22. Any accidental handling, capture or collection of specimens or part thereof, whether dead or alive, of species listed within Schedule V and VI, and endemic species not listed in Schedule X of the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) shall be reported on nature.permitting@era.org.mt within seven (7) days of sampling of the specimen provided that the permit holder may only keep such specimen or part thereof for scientific research purposes. The Authority may request additional information from the permit holder, including but not limited to, an application for authorisation for the keeping of such specimens or samples.
23. The Authority may suspend or revoke this Environmental Permit in line with the provisions of CAP 549.
24. The Permit Holder shall notify the following matters to the Authority in writing at least 10 working days prior to their occurrence:
 - a. Any change in the Permit Holder's trading name, registered name or registered office address;
 - b. Any change to particulars of the Permit Holder's corporate identity.
25. Upon the joint application of a Permit Holder and a proposed transferee, the Permit Holder may request to transfer an environment permit. The permit shall not be transferred from the Permit Holder without prior approval from the Authority. Upon the Authority's decision to transfer the permit to the transferee, all rights, obligations, liabilities shall subsist onto the transferee.
26. In accordance with Regulation 47 of S.L. 549.44, details of the Permit Holder together with the details of conditions imposed in this Permit shall be maintained by the Authority in a register available for public inspection or maintained in electronic form.
27. The Authority may carry out regular pre-set or unannounced compliance or monitoring checks that vary in frequency according to the site's compliance with the permit conditions and safeguarding of natural assets. Any checks or audits carried out by the Authority may be made at the Permit Holder's financial expense at rate and arrangement communicated by ERA's Compliance and Enforcement Directorate. ERA may also appoint other on-site monitors at the expense of the Permit Holder to act as an on-site liaison between the Permit Holder and ERA if the case arises.
28. The Authority's representatives may inspect and photograph any part of the site/activity and ask for any closed or locked areas to be opened and may demand to be provided with any proof, documentation, plans, receipts or any other records.
29. This Permit including any Variation Notices or amendments to it shall be made available for any inspection by ERA officials at all times, or any legally recognised compliance and enforcement officials, when requested.
30. Whenever there is a conflict between the conditions of this Permit and approved documents, the conditions of the Permit shall prevail.
31. ERA shall not be held liable for any accidents or injuries which may occur during the activities being permitted through this Permit. It is the responsibility of the Permit Holder to ensure that all safety measures are taken.
32. This permit is without prejudice to any liability of the Permit Holder under the Act and to any punitive measures the Authority may wish to take with respect to works already carried out without permit.

33. The validity of this permit is **for one (1) year** from the granting date of this permit. The Permit Holder may apply for a renewal to this Permit expressing his/her intention at least four (4) weeks prior to the expiry of this permit. Request for renewals shall only be considered upon confirmation of compliance with Permit conditions and fulfilment of documentation as requested by this Permit.
34. Any aggrieved party may appeal from this decision to the Environment and Planning Review Tribunal in accordance with Article 63 of the Environment Protection Act and with the provisions of the Environment and Planning Review Tribunal Act.