



**Memorandum of Understanding
Between
The Republic of Malta
and
The State Of Libya
on
An Action Plan for the Prevention of Marine Pollution**

The Republic of Malta and the State Of Libya (hereinafter each referred as a “Participant” and jointly and collectively referred to as “the Participants”):

RECOGNISE and reaffirm the already close cooperation between the two countries, both bilaterally and at the international level, and welcome the prospect of extending and deepening that cooperation by seeking out further opportunities of mutual benefit, and premise:

ACKNOWLEDGING that the Participants, already being part of an international and/or a regional agreement, have nonetheless recognised the need for entering into a Memorandum of Understanding in order to enhance joint co-operation in respect of marine pollution prevention, preparedness, response and control in their respective ports and territorial waters:

ACKNOWLEDGING the geographical proximity of the Participants and their respective location in the middle of dense shipping routes in the Mediterranean;

RECOGNISING that marine pollution does not have set boundaries and considering that accidental pollution incidents in ports and at sea place enormous pressure on national authorities responsible for responding to the incident; and that often the resources required are beyond the means of a single country;

FURTHER acknowledging that the marine environment and the maritime industry are vitally important for the socio-economic wellbeing of both Participants;

FURTHER recognising that the two countries are both in a position to exchange mutually beneficial experience, knowledge, specialisation, technologies and methodologies hereby strengthening capacity building in both countries in an effort to address pollution effectively and efficiently and ensure that the marine environment is protected at all times;

WISHING to increase and promote co-operation between the Participants in the field of marine pollution prevention as well as control, including preparedness and co-operation, related to marine pollution combating operations and technologies;

RECOGNISING that for all activities undertaken under this Memorandum of Understanding, the Participants wish to involve and optimise private sector participation; and

CONSCIOUS that the Participants are already parties to common regional agreements and several international conventions related to marine pollution prevention, preparedness, response and co-operation; such as the Barcelona Convention, the International Convention Oil Pollution Preparedness, Response and Co-Operation 1990 (OPRC 1990);

HAVE DECIDED TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) SIGNIFY THE FOLLOWING UNDERSTANDING:

Paragraph I

The Participants will develop and enhance bilateral cooperation in the field of marine pollution prevention, preparedness, response and control (hereinafter referred to as "marine pollution") on the basis of equality, reciprocity and mutual benefit.

Paragraph II

The Participants will promote cooperation in the field of marine pollution and related capacity building by sharing knowledge and experience through the establishment of an Action Plan for the Prevention of Marine Pollution.

The Action Plan for the Prevention of Marine Pollution will identify those activities for the Participants within the context of the cooperation in the area of marine pollution.

The image shows four handwritten signatures in blue ink, arranged horizontally from left to right. The first signature is a stylized, angular mark. The second is a more fluid, cursive signature. The third is a signature with a long horizontal stroke extending to the right. The fourth is a signature with a large, looped flourish at the end.

Paragraph III

Cooperation between the Participants may include the following activities in respect of marine pollution:

- i. Exchange of experts and specialists;
- ii. Establish a platform for the exchange of information between two or more respective national authorities;
- iii. Exchange of scientific, technical, environmental and economic information and materials, particularly those related to contingency planning, preparedness and response;
- iv. improvement in collaboration and establishing contact points between the Participants that would greatly increase the chances for a more efficient and effective response;
- v. Training of personnel from both the private and public sectors;
- vi. Establish an understanding with respect to assistance and cooperation in case of marine pollution occurring at national level or in areas outside the territorial waters of the Participants but which would have a direct and negative impact on their waters, coasts and maritime interests, including other waters under their respective jurisdiction;
- vii. Planning, development and implementation of joint projects and programs;
- viii. Collection, recording and evaluation of technical data in order to assist the respective authorities in the identification of ships making unlawful discharges at sea;
- ix. Exchange of experience and information on the development of waste management plans and waste reception facilities in ports;
- x. Elaboration of environmental diagnostic methodologies, inventories, databases and information systems;
- xi. Strengthening oil and Hazardous Noxious Substances (HNS) Pollution Response Capability through exchange of information and expertise;
- xii. Organise and schedule structured study visits and exercises between the two countries in order to exchange information with respect to oil pollution preparedness and response; and
- xiii. Other forms of cooperation as are jointly decided upon between the Participants from time to time.

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Paragraph IV

The Participants will promote, facilitate and encourage, as appropriate, the development of direct contacts between Libyan and Maltese governmental and non-governmental organisations, scientific research and other organisations and associations of the two countries, including the conclusion of appropriate working arrangements or contracts on implementation of specific projects and programs.

Paragraph V

In order to achieve the commitments set herein, the Participants will establish a Joint Marine Environment Committee (hereinafter referred to as the "Committee") that will consist of representatives from the Participants.

The Participants will appoint a maximum of five (5) representatives each on this Committee and will ensure that such number is not less than three (3) at any given time. The Participants accept to further ensure that the representatives have the required expertise and knowledge in the various aspects of marine pollution.

The Committee will be alternatively chaired, with the first chairmanship under Malta, and the deputy-chairmanship under Libya. Each chairmanship and deputy-chairmanship will be of two (2) years.

A secretary will be appointed for administrative matters, including organisation of meetings and taking of meeting minutes. The secretary, unless a change is necessary or is decided upon between the Participants, will be appointed for the whole duration of the MOU.

The Committee:

- i. will oversee the development and implementation of the Action Plan;
- ii. will serve as a forum for the exchange of information, for consultation and facilitating contact between the respective national authorities involved;
- iii. may determine the appropriate institutions and organisations for the implementation of the joint measures of cooperation;

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iv. will regularly review the achievements of cooperation according to this MOU, and specific projects and programs of cooperation; and

v. will meet at least once every year, alternately in Libya and Malta.

The Committee will otherwise determine its specific terms of reference, which shall include the above, and will determine its own procedure and meeting organisation.

Paragraph VI

Cooperation under this MOU will be realised in accordance with the laws and regulations of each country.

Paragraph VII

This MOU will take effect upon signature by the Participants. It will be in effect for five (5) years and may be extended for further periods, to be determined at the time of expiry, with the consent of the Participants. Such extension will be made in writing at least three (3) months before the expiry of the current term and attached to this MOU and be made part thereof for all intents and purposes. Should a Participant wish not to extend this MOU, likewise a communication will be sent at least three (3) months before the expiry of the current term.

Any revision or modification to this MOU shall be made in writing following approval by the Participants and attached thereto and be made part thereof for all intents and purposes.

Any divergence in the interpretation or application of this MOU shall be settled amicably through diplomatic channels.

Paragraph VIII

The Participants, keeping in mind the operational aspect of this MOU, accept that any communications between them need not be sent through diplomatic channels but may be directly communicated to their respective representatives. Each Participant shall duly inform its diplomatic entities.

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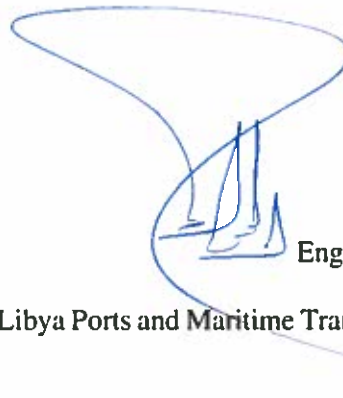
Paragraph IX

This Memorandum does not create rights or commitments that constitute a legally binding agreement for the Ministries under International Law.

Signed at VALLETTA on ...27..... this day of ..OCTOBER..... in the year Two Thousand and Twenty in two (2) original copies.



Mr Joseph Bugeja
Chairman & CEO
Authority for Transport in Malta



Eng Omar Gawashi
President
Libya Ports and Maritime Transport Authority

Signed in the presence of:



Hon. Dr Ian Borg
Minister for Transport,
Infrastructure and Capital Projects
Republic of Malta



Hon. Mr Milad Maatogh
Minister for Transport
State of Libya