



# BULLETIN OF THE REPUBLIC

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## NOTICE

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## SUMMARY

Council of Ministers:

**Decree No.º21/2017:**

Approves the Regulation Establishing the Legal Framework of Use of National Maritime Space.

## COUNCIL OF MINISTERS

**Decree No.º21/2017**

**May 24th**

If there is a need to establish the legal regime for the use of the National Maritime Space, under the provisions of paragraph f) of article 34 of Law no. 4/96, of January 4, Law of the Sea, the Council of Ministers decrees:

Article 1. The Regulation Establishing the Legal Regime for the Use of the National Maritime Space, abbreviated as RJUEM, is hereby approved, as an annex, which forms an integral part of this Decree.

Art. 2. The Minister responsible for overseeing the maritime area shall be responsible for promoting all acts necessary for the correct execution of this Decree.

Art. 3. All legislation that contradicts this Decree is hereby revoked.

Art. 4. This Decree shall come into force on the date of its publication.

Approved by the Council of Ministers on 18 April 2017.

Publish.

The Prime Minister, *Carlos Augustine of the Rosary*.

## Regulation Establishing the Legal Regime for the Use of Maritime Space National

### CHAPTER I

#### General provisions

THEARTICLE1

#### (Definitions)

Without prejudice to what is defined in other legal instruments, for the purposes of this Regulation, the terms and expressions used have the meaning defined in the attached Glossary, of which it forms an integral part.

THEARTICLE2

#### (Object)

This Regulation establishes the mechanisms for the planning and management of the National Maritime Space, establishing rules regarding:

- the*) The preparation, approval, amendment, review and suspension of maritime spatial planning instruments;
- b*) The regime applicable to titles for the private use of maritime space, to construction licenses in the coastal strip and around islands, bays and estuaries measured from the line of maximum high tides up to 100 meters inland;
- w*) Taxation associated with the private use of maritime space;
- d*) Monitoring and technical assessment of maritime spatial planning.

THEARTICLE3

#### (Scope)

1. This Regulation applies to the Maritime Space and to all activities and uses subject to private ownership, including areas under the jurisdiction of port entities.

2. This Regulation shall not apply to activities which, by their nature, and, taking into account their purpose, are aimed exclusively at defending national sovereignty or the integrity of the territory of the Republic of Mozambique.

### CHAPTER II

#### Maritime spatial planning instruments

##### SECTION I

##### (General provisions)

THEARTICLE4

##### (Ordering instruments)

1. They are established as instruments for ordering the maritime space, the Situation Plan and the Allocation Plans.

2. Maritime spatial planning instruments constitute descriptive and geospatial representations that establish the spatial and temporal distribution of existing and potential uses and activities.

3. The Situation Plan and Allocation Plans are approved by the Government, on the proposal of the Minister who oversees the maritime area.

#### THEARTICLE5

##### (Purpose of planning instruments)

1. The purpose of planning instruments is to, among other aspects:

- the*) Implement the development objectives established in the strategic instruments for planning and managing maritime space;
- b*) Promote the sustainable, rational and efficient economic exploitation of the sea and marine resources and ecosystem services;
- w*) Ensure the preservation, protection and recovery of natural values and coastal and marine ecosystems and the maintenance of the good environmental status of the marine environment;
- d*) Prevent the risks of human action by minimizing the effects resulting from natural disasters and climate change;
- and*) Organize the uses and activities to be developed in the maritime space with respect for marine ecosystems;
- f*) Ensure the safeguarding of aquatic cultural heritage, aiming to ensure the sustainable use of resources and promote job creation;
- g*) Prevent or minimize potential conflicts between uses and activities carried out in maritime space;
- h*) Ensure legal certainty and transparency in procedures for granting titles for the private use of maritime space;
- j*) Ensure the quality of the information available on the national maritime space.

2. The Situation Plan and the Allocation Plans bind all public entities, as well as citizens, local communities and legal entities under private law.

3. Maritime spatial planning instruments national must ensure:

- the*) Articulation and compatibility with local territorial programs and plans, whenever they affect the same area or areas that, due to the structural or functional interdependence of their elements, require integrated coordination;
- b*) The programming and implementation of pre-existing territorial programs and plans that affect the area to which they relate, in order to ensure the necessary coordination and compatibility, expressly identifying the incompatible standards of pre-existing territorial programs and plans that must be revoked or amended.

#### THEARTICLE6

##### (Register of Uses and Activities in the National Maritime Space)

1. In the context of maritime spatial planning it works a service for the Registration of Uses and Activities in the National Maritime Space with the competent entity for the administration and management of the maritime space under the supervision of the Minister who oversees the maritime area.

2. The content of the Register of Uses and Activities in the Space National Maritime comprises:

- the*) Maps or descriptive and geospatial representations that reflect or record the spatial and temporal distribution of existing and potential uses and activities;
- b*) A database that integrates all information of an administrative, social, environmental, economic and cultural nature with geospatial expression.

3. The Registry of Uses and Activities in Maritime Space The National aims are:

- the*) Classify, in economic terms, the data of the holders of the right to private use of maritime space, as well as their geospatial location, form, rules and terms of use;
- b*) Serve as a basis for the planning of maritime space and the distribution of uses and utilizations.

#### THEARTICLE7

##### (Cross-border cooperation and coordination)

In the preparation, amendment, review and suspension of maritime spatial planning instruments, cross-border cooperation and coordination must be ensured in order to address issues of a transnational nature, and may, in particular, resort to existing international bodies or regional institutional cooperation.

#### THEARTICLE8

##### (Right to information)

1. All interested parties have the right to be informed about the preparation, approval, monitoring and evaluation of maritime spatial planning instruments.

2. Without prejudice to the provisions of the Right to Information Law, the right to information referred to in the previous number includes:

- the*) Consult the different elements that make up the processes, accessing, in particular, information on the different phases of the process of preparing planning instruments and other information, written or graphic, that supports the established options;
- b*) Obtain certificates of approved maritime spatial planning instruments;
- w*) Obtain information on the evaluation process of national maritime spatial planning instruments.

3. The information and data necessary for the planning and management of the national maritime space, produced by public entities or made available in compliance with legal obligations, are made available free of charge, namely through information and communication technologies that allow for research, visualization and public availability services under the terms of the law.

4. The provisions of the previous number do not affect the collection of fees provided for by law in cases where information is requested that requires public entities to carry out additional and significant data processing.

5. The right of access to information does not prejudice, when duly justified, safeguarding the confidentiality of data and providing due protection to other existing rights, in particular commercial and industrial secrecy or intellectual property rights.

## THEARTICLE9

**(Right to participate)**

1. All citizens, as well as scientific associations, Professionals, trade unions and business people, directly or indirectly associated with maritime activities, have the right to participate in the preparation, modification, review and evaluation of national maritime spatial planning instruments.

2. The right of participation referred to in the previous number includes the possibility of making suggestions and requests for clarification throughout the procedures for preparing, amending, reviewing and evaluating national maritime spatial planning instruments, as well as intervening in the public discussion phase that obligatorily precedes their respective approval.

## SECTION II

## Situation Plan

## THEARTICLE10

**(Scope)**

The Situation Plan covers the entire maritime space and can be prepared in stages, considering the maritime zones identified in the Law of the Sea and identifies:

- the*) The spatial and temporal distribution of existing and potential uses and activities;
- b*) Natural and cultural values with strategic relevance for environmental sustainability and intergenerational solidarity, under the terms set out in the following article.

## THEARTICLE11

**(Material content)**

1. The Situation Plan includes the following written elements and graphics:

- the*) The identification and spatial and temporal distribution of existing and potential uses and activities, namely:
  - i*) Aquaculture and fishing;
  - ii*) Biotechnology;
  - iii*) Mineral resources;
  - iv*) Energy resources and renewable energies; *v*) Scientific research; *I saw*) Recreation, sport and tourism; *vii*) Underwater cultural heritage; *viii*) Equipment and infrastructure.
- b*) The identification of territorial programmes and plans that cover the same area or areas of the situation plan that, due to the structural or functional interdependence of their elements, require integrated planning coordination, as well as the respective articulation and coordination measures, particularly with regard to coastal erosion;
- w*) The strategic, legal, technical and scientific foundations of the respective indications and determinations;
- d*) The identification of areas and/or volumes relevant to nature conservation, in accordance with the current Conservation Law;
- and*) The identification of networks of structures and infrastructures and systems essential to national defence, internal security and civil protection, provided that there is no harm to the interests of the State;

- f*) The identification of values corresponding to cultural heritage, material or immaterial, in nautical and underwater environments, namely, sites of archaeological interest classified or in the process of classification, inventoried and known.

2. The Situation Plan also includes the location of the following: elements relating to navigation, artificial islands, installations and structures:

- the*) Navigation channels and traffic separation schemes;
- b*) Mandatory pilotage areas; *w*) Dredge maneuvering areas;
- d*) Buoys and maritime signaling system;
- and*) Exposed shallows; *f*) Artificial reefs;
- g*) Anchorages and anchorages;
- h*) Ports, marinas and similar infrastructures; *i*) Coastal defense works;
- j*) Dredged deposit areas; *k*) Submarine cables and pipelines;
- l*) Ammunition and hazardous material deposition areas; *m*) Location of shipwrecks and sinkings.

## THEARTICLE12

**(Documentary content)**

1. The Situation Plan consists of a geographical representation spatial planning that establishes the spatial and temporal distribution of existing and potential values, uses and activities.

2. To the elements of geospatial representation referred to The previous number includes implementing rules that identify public utility restrictions, safeguarding and protection regimes for natural and cultural resources and good practices to be observed in the use and management of national maritime space.

3. The Situation Plan is accompanied by:

- the*) Report characterizing the area and/or volume of incidence;
- b*) Environmental report and statement, in accordance with the legislation applicable to environmental impact assessment.

## THEARTICLE13

**(Preparation of the Situation Plan)**

1. The process of preparing the Situation Plan regarding the zone between the baselines and the outer limit of the territorial sea up to 200 nautical miles from the exclusive economic zone is preceded by consultation, by the Minister who oversees the sea area, with the government bodies responsible for national defense and the delimitation of maritime borders.

2. The preparation of the Situation Plan is determined by dispatch from the Minister overseeing the maritime area, which must include:

- the*) The indication of the competent public entity responsible for preparing the plan;
- b*) The spatial scope of the plan;
- w*) The indication of the Advisory Committee that supports and monitors the preparation of the plan;
- d*) The deadline for preparing the Plan;
- and*) The subjection of the plan to the Strategic Environmental Assessment or the reasons that justify its non-requirement.

## THEARTICLE14

**(Environmental assessment)**

The Minister responsible for the maritime area shall subject the Situation Plan to a Strategic Environmental Assessment, in accordance with applicable legislation. Opinions on the Strategic Environmental Assessment shall be requested from the Ministry responsible for the environment, which shall issue them within 20 working days.

## THEARTICLE15

**(Advisory Committee)**

1. The Situation Plan Advisory Committee is hereby created, which supports and monitors the development of the respective work, ensuring its effectiveness and promoting an adequate coordination of the interests involved.

2. The Advisory Committee is composed of representatives of the following bodies and entities:

- the*) Ministry responsible for the Sea;
- b*) Ministry responsible for the area of Spatial Planning;
- u*) Ministry responsible for the area of State Administration;
- d*) Ministry responsible for the Environment;
- and*) Ministry responsible for the area of Science and Technology; *f*) Ministry responsible for the area of Defense;
- g*) Ministry responsible for the area of Public Order and Security;
- h*) Ministry responsible for the area of border delimitation;
- j*) Ministry responsible for the area of activities carried out in maritime space, when applicable;
- j*) Municipalities covered by the Situation Plan and Allocation Plans.

3. The rules of operation of the Commission and the members that comprise it are determined by order of the Minister who oversees the sea area.

4. The Commission, in carrying out its work, shall have access to all information about the Situation Plan, which is provided and presented by the entity responsible for its preparation, and may also request any clarifications and information that it deems necessary.

5. The Commission shall draw up an opinion on the draft Action Plan. Situation submitted to you by the entity responsible for its preparation, which must contain:

- the*) Assessment of the adequacy and sufficiency of the material and documentary content of the draft situation plan; *b*) Assessment of the conformity of the draft Situation Plan with the objectives set out in Article 5;
- u*) Compatibility with territorial programs and plans; *d*) Recommendations.

6. The Commission shall issue the opinion referred to in the previous paragraph, within 30 days of submission of the draft Situation Plan.

7. The period provided for in the previous number may be extended, for the same period, subject to a reasoned opinion from the Commission, taking into account the complexity of the draft Situation Plan.

## THEARTICLE16

**(Representation on the Advisory Committee)**

1. For the purposes of the provisions of paragraph 2 of the previous article, The designation of representatives to the Commission incorporates the delegation or sub-delegation of the powers necessary to bind the services and entities represented.

2. The position expressed by the representatives of the services and entities in the Commission replaces the opinions that those services and entities should issue, in any capacity, on the plan, under legal and regulatory terms.

3. If the representative of a service or entity does not expresses its disagreement in a reasoned manner, nor does the service or entity it represents express its position until the opinion is issued, it is considered that the service or entity has nothing to object to the proposed Situation Plan.

## THEARTICLE17

**(Concertation)**

1. If any entity has, within the scope of the Commission expressly and substantiatedly disagrees with the proposed plan, the entity responsible for its preparation shall, within the following 20 days, hold a consultation meeting with a view to overcoming the objections raised.

2. Having held the consultation meeting provided for in paragraph previous, the entity responsible for preparing the Situation Plan considers the opinion and objections that have not been overcome at the consultation meeting, and must provide reasons for any non-acceptance of the recommendations.

## THEARTICLE18

**(Public consultation)**

1. Once the procedures referred to in the previous number have been completed, The entity responsible for preparing the Situation Plan shall open a period of public discussion, through a notice to be published in the most widely circulated newspapers and usual electronic media, which shall contain the following elements:

- the*) Period of public discussion and means of participation; *b*) Public sessions where there is room;
- u*) Locations where the draft plan is available; *d*) Opinion and minutes of the advisory committee; *and*) Result of the consultation process.

2. The public discussion period must be announced with the minimum of 5 days in advance and cannot be less than 30 days.

3. Whenever the Situation Plan is subject to environmental assessment, the competent entity publishes the respective environmental report together with the documents referred to in the previous number.

4. The entity responsible for preparing the Situation Plan considers the observations, suggestions and requests for clarification presented by interested parties, and is obliged to provide a reasoned response in writing to those who invoke:

- the*) Incompatibility and non-conformity with plans, programs and projects, existing or under development, which should have been considered;
- b*) Non-compliance with applicable legal and regulatory provisions;
- u*) The possible violation of subjective rights.

5. After the public discussion period, the responsible entity for the preparation of the Situation Plan, it considers and disseminates, in particular, using the most widely circulated newspapers and usual electronic means, the respective results.

## SECTION III

## Allocation Plan

## SUBSECTION I

## General provisions

## THEARTICLE19

**(Notion and effects)**

Allocation Plans allocate areas and/or volumes of maritime space to unidentified uses and activities.



in the Situation Plan which, when approved, are integrated into the Situation Plan, which is automatically changed.

## THEARTICLE20

**(Material content)**

The Allocation Plans include, in particular:

- the*) The identification, description and spatial and temporal distribution of the uses and activities to be developed in the area and/or volume of intervention;
- b*) Measures for articulation and coordination with territorial plans and river basin management plans, which cover the same area and/or volume which, due to the structural or functional interdependence of their elements, require integrated planning coordination with regard to coastal erosion;
- w*) The legal, technical and scientific bases of the respective indications and determinations.

## THEARTICLE21

**(Documentary content)**

1. Allocation Plans contain representation elements geospatial associated with implementing standards that identify public utility restrictions, safeguarding and protection regimes for natural and cultural resources, as well as good practices to be observed in the use and management of maritime space.
2. The Allocation Plan is accompanied by a report on characterization of the area or volume of maritime space.
3. For the potential areas referred to in the Situation Plan, the criteria to be observed in the titling of areas or volumes must be indicated.

## SUBSECTION II

## Public initiative

## THEARTICLE22

**(Elaboration)**

1. The preparation of Allocation Plans of public initiative is determined by order of the Minister who oversees the sea area, which must contain:

- the*) The basis and objectives for preparing the plan;
- b*) The spatial and temporal scope of the plan;
- w*) The indication of the competent public entity responsible for preparing the plan;
- d*) The deadline for preparing the plan;
- and*) The subjection of the allocation plan to environmental impact assessment, under the terms of the following article;
- f*) The composition and operating rules of the Advisory Committee to support and monitor the development of the plan.

2. The Ministers who oversee the areas of uses or activities carried out in the maritime space may, within the scope of the current sectoral strategy, request the Minister who oversees the maritime area to initiate the process of preparing the Allocation Plan.

3. The composition and functioning of the aforementioned Commission in paragraph *f*) of paragraph 1, the provisions of articles 15 to 17 shall apply, with the necessary adaptations.

4. The decision referred to in paragraph 1 is preceded by consultation of the representatives of the various ministries that oversee the sectors of uses or activities developed in the area of maritime space covered by the Allocation Plan and adjacent coastal zone, as well as

to the representatives of the municipalities directly interested, within the scope of their competences, who shall express their opinion within 15 days on the existence of conditions to the allocation of the area and/or volume to the proposed uses and activities.

## THEARTICLE23

**(Environmental impact assessment)**

1. For the purposes of applying environmental legislation, the Environmental Plan Allocation is considered a project, being subject to environmental impact assessment.
2. The environmental impact assessment of the Allocation Plan must consider the environmental report approved under Article 14.

## THEARTICLE24

**(Articulation of the Allocation Plan and territorial plans)**

When preparing the Allocation Plan, the public entity responsible for its preparation must:

- the*) Ensure the integration of the terrestrial dimension of maritime uses and activities, their impacts and allow an integrated vision of space;
- b*) Promote consultation with the entity responsible for preparing the territorial plan and with the municipalities directly involved if the proposed uses or activities are not compatible with those already existing in the same area, and these must issue a statement within 20 days;
- w*) Promote, if there are divergent opinions from the consulted entities, a consultation meeting, to be held within 10 days, counting from the last opinion received within the deadline set under the terms of the previous number;
- d*) Consider, if consensus is not reached, the opinions given, and provide written grounds for any non-acceptance thereof, particularly when the safeguarding and protection of natural resources, adaptation to climate change, minimisation of natural risk and coastal erosion phenomena are at stake.

## THEARTICLE25

**(Preparation and participation)**

1. Once the Allocation Plan project has been drawn up, the entity The competent authority promotes the participation of interested parties, with the provisions of article 19 being applicable, with the necessary adaptations.
2. After the public discussion period, the public entity The person responsible for preparing the Allocation Plan weighs up and publishes the results, using newspapers with the largest circulation and the usual electronic media, the respective results.

## SUBSECTION III

## Conflict of uses or activities and relocation

## THEARTICLE26

**(Conflict of uses or activities)**

1. Within the scope of the preparation of Allocation Plans, when if there is a conflict between existing or potential uses or activities in the same area or volume of maritime space

national level, the public entity responsible for preparing the Allocation Plan, for the purposes of determining the prevailing use or activity, assesses the following preference criteria:

*the*) Greater social and economic advantage for the country; *b*) Maximum coexistence of uses or activities.

2. The preference criteria referred to above apply, provided that the identified biodiversity values and the good environmental status of the marine environment are ensured.

3. The preference criterion referred to in paragraph *the*) of No. 1 is evaluated according to the following parameters:

*the*) Creation of number of jobs; *b*) Qualification of human resources; *w*) Investment volume; *d*) Economic viability of the project; *and*) Forecast of results; *f*) Contribution to sustainable development; *g*) Value creation; *h*) Expected synergies in related activities; *i*) Social responsibility of those interested in the development of the use or activity.

4. The parameters referred to in the previous number are assigned equal weighting, with prevalence being given to the use or activity that obtains the highest score in the assessment carried out.

5. The criterion referred to in paragraph *b*) of no. 1 only applies when, in accordance with the criterion referred to in paragraph *the*), there is equality in the result of the assessment and valuation of conflicting uses and activities or when this is not applicable.

THEARTICLE27

#### **(Relocation of existing uses or activities)**

1. As part of the preparation of an Allocation Plan, the preference for a use or activity, in accordance with the criteria and parameters set out in the previous article, may imply the relocation of existing uses or activities, when it is not possible to carry out the new use or activity in another area or volume of the national maritime space.

2. The relocation of existing uses or activities must be carried out for another area or volume of the national maritime space with identical natural characteristics and, preferably, as close as possible to the previous location.

3. All costs arising from the relocation of uses or existing activities, as well as the foreseeable context costs that result from the same, are borne by those interested in developing a new use or activity that results in the need to relocate existing uses or activities.

4. As an alternative to relocating the use or activity, the holder may waive its right to private use of maritime space.

5. For the purposes of the provisions of the previous number, the interested party in the new use or activity, it compensates the title holder for the investments that he made, under the title, in fixed and semi-fixed installations, in the part not yet amortized, depending on the expected and unrealized duration of the title.

6. When it is not possible to relocate the use or activity, as there is no other area or volume of national maritime space with identical natural characteristics, the holder is compensated under the terms of the previous number, as well as for lost profits.

7. The amount of costs or compensation provided for in paragraphs 5 and 6 is agreed between the party interested in the new use or activity and the holders of the title of use of the relocated use or activity.

8. The agreement referred to in the previous paragraph must be reached

within the period determined by the public entity responsible for preparing the plan, which cannot be less than 30 days from the decision to prefer a new use or activity.

9. In the absence of an agreement between the party interested in relocation and the holders of the title of use of the relocated use or activity, the amount of costs or compensation provided for in paragraphs 3, 5 and 6 is decided by the public entity responsible for preparing the plan, and the decision is subject to appeal and challenge under general terms.

10. Agreement concluded between the interested party in the new use or activity and the holders of the title of use of the relocated use or activity or the amount of the relocation costs or compensation decided under the terms of the previous number, the procedures for preparing and approving the allocation plan are continued, and, at the end, the respective title is granted to the party interested in the relocation.

THEARTICLE28

#### **(Relocation in public interest)**

1. Regardless of the development of a new use or activity in the same area or volume, when the public interest is at stake, related to environmental issues, the Allocation Plan may determine the relocation of existing uses or activities.

2. The State shall bear the costs arising from the relocation or for compensation, unless the relocation results from the occurrence of natural causes that put the safety of people and property or the environment at risk, with the provisions of the previous article being applicable, with the necessary adaptations.

#### **SUBSECTION IV**

##### **Stakeholders' Initiative**

THEARTICLE29

#### **(Proposal for contract for planning)**

1. Interested parties may submit to the Minister that oversees the proposed sea area for planning contract whose purpose is to prepare an Allocation Plan, which must contain the objectives and justification for its preparation, as well as the geospatial representation with the identification of the spatial and temporal distribution of the uses and activities to be developed.

2. The contract provided for in the previous number does not prejudice the exercise of public powers in relation to the content of the Allocation Plan, and approval of the plan, as well as compliance with legal regimes relating to the use of maritime space.

3. The contract for planning referred to in paragraph 1 provides that, following the procedures established in this subsection, with the approval of the Allocation Plan, the interested party is granted the corresponding title for private use of the maritime space.

THEARTICLE30

#### **(Analysis of the contract proposal for planning)**

1. Having received the contract proposal for planning that has for the purpose of drawing up an Allocation Plan, the Minister responsible for the maritime sector may:

*the*) Authorize the Contract proposal prepared under the terms of paragraph 1 of the previous article and consult the representatives of the various ministries that oversee the sectors of use or activities developed in the maritime space, as well as the representatives of the

directly interested municipalities, within their area of competence, which shall express their opinion within 15 days on the existence of conditions for the allocation of the area and/or volume to the proposed uses and activities; *b)* Summarily reject, within 20 days, when the analysis of the proposal results in it being manifestly contrary to the applicable legal or regulatory standards and not susceptible to correction or correction;

*w)* Reject the proposal due to the use or activity proposed by the interested party being in conflict with other uses or activities, within a period of 20 days, with the Allocation Plan being drawn up by a public entity, in accordance with the provisions of articles 22 to 25.

2. If, following the consultation referred to in paragraph *the* of the number If it is concluded that there are no conditions for the allocation of the area and/or volume to the proposed uses and activities, the Minister who oversees the sea area shall issue a duly substantiated ruling which shall specifically state:

- the*) The basis and objectives relating to the preparation of the Allocation Plan;
- b)* The reasons justifying the adoption of the procedures for forming the contract relating to planning;
- w)* The articulation of the Allocation Plan and coherence with the Situation Plan;
- d)* The spatial scope and, if applicable, the temporal scope of the allocation plan;
- and)* The subjection of the Allocation Plan to environmental impact assessment under the terms of article 23;
- f)* Indication of the interested party in the preparation of the Allocation Plan;
- g)* The competent public entity responsible for the plan; *h)* The deadline for preparing the plan;
- i)* The establishment of an advisory committee to support and monitor the development of the plan;
- j)* The deadline for public consultation of the proposed contract for planning.

THEARTICLE31

#### **(Public consultation on the proposed contract for planning)**

1. The contract proposal for planning and the dispatch referred to in articles 29 and 30 respectively are subject to public consultation, for a period of no less than 15 days, which must be publicized, through newspapers with the largest circulation and usual electronic means, at least five days in advance, for the presentation of suggestions or information on any issues that may be considered within the scope of the preparation of the Allocation Plan, as well as for the presentation of proposals by other interested parties.

2. If there is an expression of interest on the part of others interested parties, for the development of the use or activity contained in the proposed contract for planning or for the development of conflicting uses or activities, it is determined that the Allocation Plan is prepared by a public entity, under the terms of articles 22 to 25.

3. If there is no expression of interest on the part of of other interested parties, for the development of the use or activity contained in the proposed contract for planning or for the development of competing uses or activities and if there are no issues that prevent the contract from being concluded, the contract is concluded.

THEARTICLE32

#### **(Preparation of Allocation Plan)**

1. Once the contract for planning has been concluded, the interested party prepares and completes the draft Allocation Plan, which must contain the documentary content referred to in Article 21.

2. The interested party submits the project to the public entity responsible for the plan, who analyzes it within 10 days and, if agreed, promotes public discussion, with the provisions of article 18 being applicable, with the necessary adaptations.

3. The draft Allocation Plan subject to public discussion It is accompanied by the contract for planning and the order that determined the preparation of the plan.

4. After the public discussion period, the public entity The person responsible for the plan, within 20 days, considers and publishes, using electronic means, the respective results.

THEARTICLE33

#### **(Articulation of the Allocation Plan with territorial plans)**

When preparing the Allocation Plan, when the public entity responsible for the plan concludes that the proposed uses or activities are not compatible with the pre-existing territorial plans affecting the same area, it shall consult the entity responsible for preparing the territorial program or plan and the municipalities directly interested, applying, with the necessary adaptations, the provisions of article 25.

### **SECTION IV**

#### **Dynamics of planning instruments**

THEARTICLE34

#### **(Situation Plan Dynamics)**

The Situation Plan may be subject to material corrections, changes, revisions and suspension.

THEARTICLE35

#### **(Material corrections to the Situation Plan)**

1. Material corrections to the Situation Plan are admissible for the purposes of:

- the*) Correction of grammatical, spelling, calculation or similar errors;
- b)* Adjustments and corrections of material errors evident in the cartographic representation;
- w)* Corrections to the implementing rules or geospatial representation determined by inconsistency between them;
- d)* Correction of material errors arising from discrepancies between the original act and the act actually published in the *Bulletin of the Republic*.

2. Material corrections may be made at any time. by the Minister who oversees the sea area, being published in the same series as *Bulletin of the Republic* in which the situation plan was published.

THEARTICLE36

#### **(Change of Situation Plan)**

1. The Situation Plan is changed in the following situations:

- the*) Automatically, upon approval of Allocation Plans or the issuance or termination of a title for private use of maritime space;

- b) Whenever there is a change in environmental conditions, particularly those verified in the context of the assessment of the good environmental status of the marine environment, a change in maritime safety or a change in the prospects for economic and social development, provided that the change to the plan is partial;
- и) Following the entry into force of laws or regulations, in particular territorial plans approved by resolution of the Council of Ministers, which cover, in whole or in part, the same area or areas which, due to the structural or functional interdependence of their elements, require integrated planning coordination.

2. In the cases provided for in paragraph b) of the previous number, changes to the Situation Plan follow, with the necessary adaptations, the procedures set out in this Regulation for their preparation, monitoring and publication.

3. Amendment of the Situation Plan in the cases provided for in paragraph и) of paragraph 1 is carried out by adaptation, through the reformulation of the Situation Plan, and the adaptations must be completed within 90 days from the date of its approval.

THEARTICLE37

#### (Review of the Situation Plan)

1. The review of the Situation Plan may take place:

- the) The need to adapt to the changing economic, social, cultural and environmental conditions that determined its preparation, taking into account the evaluation reports thereof;
- b) Situations of suspension of the Situation Plan and the need to adapt it to the pursuit of the public interests that determined it.

2. The review provided for in paragraph a) of the previous number may only occur five years after the entry into force of the Situation Plan, except in the case of a change in environmental conditions.

3. The review of the Situation Plan implies the reconsideration and the global reappraisal, with a structural and essential character, of graphic and written pieces.

4. The review of the Situation Plan continues, with the appropriate adaptations, the procedures provided for in this Regulation for their preparation, monitoring and publication.

THEARTICLE38

#### (Suspension of the Situation Plan)

1. The Situation Plan may be fully or partially suspended, when exceptional circumstances arise that have an impact on the planning of maritime space and jeopardize the pursuit of relevant public interests.

2. The total or partial suspension of the Situation Plan is determined by resolution of the Council of Ministers.

3. The act determining the suspension must contain the justification, the period, which may not exceed one year, and the spatial incidence of the suspension, as well as expressly indicating, if applicable, the suspended execution rules and precautionary measures.

THEARTICLE39

#### (Suspension of procedures for preparing Plans of Allocation)

1. Procedures for preparing Allocation Plans may be suspended from the date set for the start of the

period of public discussion and until the date of entry into force of the amendment or revision of the situation plan.

2. Upon termination of the suspension referred to in the previous number, the The preparation of the Allocation Plan must comply with the new Situation Plan or its amendment or revision.

3. If the change or revision of the Situation Plan is not come into force within 90 days from the date of the start of the respective public discussion, the suspension provided for in paragraph 1 shall cease, and in that case, the assessment of the procedures for preparing and approving the Allocation Plans must continue.

THEARTICLE40

#### (Deposit and consultation)

1. The competent authority for the administration and management of the maritime space under the supervision of the Minister who oversees the sea area shall deposit the maritime spatial planning instruments with the full content provided for in this Regulation, including the material corrections, alterations, revisions and suspension to which they are subject, making them available for consultation to all interested parties.

2. Interested parties may consult the instruments of maritime spatial planning in computer support and through a research system *online* of public information.

### CHAPTER III

#### Use of National Maritime Space

##### SECTION I

##### General provisions

THEARTICLE41

##### (Public domain)

1. The National Maritime Space is in the public domain.

2. All uses that do not imply reservation of area or volume of maritime space does not require a private use title.

THEARTICLE42

##### (Private use)

Private use of maritime space is considered to be the use through the reservation of an area or volume for the use of maritime space, or its marine resources or ecosystem services, superior to that obtained through common use and which results in an advantage for the public interest.

THEARTICLE43

##### (Private use titles)

1. The right to private use of maritime space is assigned by concession, license or authorization.

2. The attribution of TUPEM obliges its holder to use effective and to ensure the adoption of the necessary measures to achieve and maintain the good environmental status of the marine environment.

3. The awarding of the title depends on prior verification of the conditions set out therein and requires, in particular:

the) Compliance with the rules and principles set out in this Regulation;



**b) Compliance with the provisions of maritime spatial planning instruments.**

4. The holder of TUPEM is obliged, after the termination of the respective right, to carry out the necessary steps to restore environmental conditions that have been altered and that do not result in a benefit, in accordance with the provisions of article 68.

THEARTICLE44

**(Use or activity provided for in the Situation Plan)**

1. If the use or activity envisaged is potential in the Situation Plan, the allocation of TUPEM is carried out through a procedure initiated at the request of the interested party.

2. The allocation of TUPEM can also be carried out through of a procedure initiated by the Minister overseeing the sea area, after hearing the ministers responsible for the environment and the sector of use or activity to be developed with a view to promoting the best economic use of the sea under the terms of article 59.

THEARTICLE45

**(Use or activity not provided for in the Situation Plan)**

1. If the intended use or activity is not foreseen as potential use or activity in the Situation Plan, the allocation of TUPEM depends on the prior approval of an allocation plan.

2. Whenever the Allocation Plan has been drawn up by a private entity, through the contracting provided for in articles 29 to 33, with the approval of the Allocation Plan, the interested party is assigned the corresponding TUPEM.

3. For the purposes of the provisions of the previous number, the respective User titles are issued by the Ministry responsible for the maritime sector within 10 days of the publication of the Allocation Plan.

THEARTICLE46

**(Entity responsible for granting TUPEM)**

1. Titles for the private use of maritime space are issued by the Minister who oversees the maritime area and this scope includes requests for private use requested for the occupation of national maritime space beyond the outer limit of the territorial sea, the exclusive economic zone and the continental shelf up to 200 nautical miles.

2. The powers conferred by this Regulation on the Minister who oversees the sea area for granting the title of private use does not prejudice the legal powers of other entities within the scope of the procedures applicable to the exercise of a use or an activity.

SECTION II

Concession

THEARTICLE47

**(Uses subject to concession)**

1. The private use of maritime space that makes use of extended area or volume is subject to prior concession.

2. Prolonged use is understood as that which is done in a uninterrupted and lasting 12 months or more.

3. The concession may have a maximum duration of 50 years.

4. The Council of Ministers shall approve the terms and conditions for the private use of maritime space, by way of Concession, for areas greater than 100 km<sup>2</sup> (one hundred square kilometers).

5. The Minister responsible for overseeing the maritime area shall be responsible for approving

the terms and conditions for the private use of maritime space, by way of Concession, for areas not exceeding 100km<sup>2</sup> (one hundred square kilometers), as well as for volumes of water for different uses.

6. An annual fee for private use of the concession is due. maritime space, including when it results from private use for the disclosure and exploitation of geological and energy resources.

7. Private use of additional area or volume to that established by law, in the maritime space, for the development of the required activity, is subject to the payment of a special usage fee to be defined by joint order of the Ministers who oversee the areas of finance and the sea.

THEARTICLE48

**(Concession contract)**

1. The concession for the use of maritime space is granted under the terms of a contract concluded between the entity responsible for granting the private use title and the concessionaire, issued through the central services of the Ministry responsible for the maritime sector.

2. The conditions of concession may be reviewed under the terms provided for in the concession contract.

3. The granting of private use of maritime space is concluded for a fixed term, which is set taking into account the nature and size of the project and the period of time required for the amortization and remuneration, under normal conditions of profitability of use, of the invested capital, with extensions provided for in the contract being permitted, up to the maximum limit provided for in paragraph 3 of the previous article.

4. The contract for the concession of private use of the space maritime provides, among other matters to be agreed between the parties, on:

*the*) The object of the concession;

*b*) The rights and duties of the contracting parties; *w*) The duration of the concession;

*d*) Construction of infrastructures; *and*) The assets and resources allocated to the concession; *f*)

Economic and financial conditions; *g*) The method and term of extensions;

*h*) The incidence components of the fee for the use of national maritime space due;

*j*) Other elements that, under the law, are applicable to the use or activity in question.

SECTION III

Licenses

THEARTICLE49

**(Uses subject to license)**

1. Private use of the space is subject to a license. seafarer who makes temporary, intermittent or seasonal use of a reserved area or volume.

2. Temporary use is understood as use that is less than 12 months and for intermittent or seasonal use, that which is only developed during one or more discontinuous periods of a calendar year.

3. The Minister responsible for overseeing the maritime sector shall be responsible for: grant the private use of maritime space by means of a License, issuing the respective TUPEM.

## THEARTICLE50

**(License regime)**

1. The license grants its holder the right to exercise the activities under the conditions legally established for the purposes, within the deadlines and with the limits established in the respective title.

2. The license has a maximum duration of 25 years.

3. An annual fee for private use is payable for the license of maritime space.

## THEARTICLE51

**(License specifications)**

The license is issued by the Ministry responsible for the maritime sector and contains the following elements:

*the*) The identification of the holder;

*b*) Indication of the purpose of use; *w*)

The exact location of use;

*d*) The term of the license, as well as the indication of the periods in which the activity is carried out;

*and*) The method and term of extensions;

*f*) The incidence components of the fee for the use of national maritime space due;

*g*) Other elements that, under the law, are applicable to the use or activity in question.

## SECTION IV

## Authorizations

## THEARTICLE52

**(Uses subject to authorization)**

1. Private use of the space is subject to authorization. maritime in the context of scientific research projects and pilot projects relating to new uses or technologies or pilot projects of non-commercial activities, without prejudice to legislation relating to marine scientific research, within the scope of standards and principles of international law and international conventions in force in the internal legal system and which bind the Mozambican State.

2. The authorization has a maximum duration of 10 years.

3. The authorization contains the elements mentioned in article previous.

4. The authorization is exempt from payment of a user fee. of maritime space.

5. The Minister responsible for overseeing the maritime sector shall be responsible for: grant the private use of maritime space by means of Authorization, issuing the respective TUPEM.

## SECTION V

## Procedure initiated at the request of the interested party

## THEARTICLE53

**(Interested party's request)**

1. The request for the issuance of a private use title of the maritime space is addressed to the competent entity for granting the title of private use and submitted by filling in a specific form.

2. The application contains the identification of the applicant, and also the following elements:

*the*) The indication of the request in clear and precise terms; *b*)

) The exact geographical definition of the area and/or volume whose reservation is sought, using geographical coordinates or their equivalent;

*w*) A detailed description of the use or activity, including the elements set out in Annex II to this Regulation, which forms an integral part thereof, which are applicable;

*d*) Certificate proving the applicant's regularized tax and social security situation or, alternatively, authorization to obtain the same from the entity responsible for granting the private use title;

*and*) Commitment regarding the security to be provided.

## THEARTICLE54

**(Remediation and preliminary assessment)**

1. Within five days of validation of the request the entity responsible for granting the private use title carries out a preliminary assessment of the same and issues a ruling:

*the*) Improvement of the request, whenever the application does not contain all the legally required elements, as well as in the case of missing a required supporting document that is essential to the knowledge of the claim and whose absence cannot be remedied ex officio;

*b*) Of summary rejection, with the consequent termination of the procedure, when the analysis of the application and the supporting evidence reveals that the request is manifestly contrary to the applicable legal or regulatory standards and cannot be corrected or corrected.

2. In the case provided for in paragraph *the*) of the previous number, the The applicant is notified once only to correct or complete the request within 10 days, with the subsequent terms of the procedure being suspended, under penalty of the request being rejected outright, with the consequent termination of the procedure.

3. In the preliminary rejection order referred to in paragraph *b*) of no. 1, the entity responsible for granting the private use title must indicate, when applicable, how the applicant can submit a new application for the intended use or activity.

4. If there is no outright rejection or invitation to correct or complete the request within the stipulated period, it is assumed that the application is correctly completed.

## THEARTICLE55

**(Statement by public entities)**

1. Once the planned clean-up phase and preliminary assessment have been completed in the previous article, the Ministry responsible for the maritime sector distributes the application, simultaneously, to the entities that, under the terms of the law, issue an opinion, authorization or approval on the request for granting the title of private use of the maritime space.

2. For the purposes of the provisions of the previous number, the following are consulted: namely, the entities identified in Annex III to this Regulation, of which it forms an integral part.

3. The entities consulted speak exclusively in accordance with their respective attributions and competences.

4. If they find that there are omissions or irregularities in the supporting elements, the consulted entities may request, through the Ministry responsible for the maritime sector, and on a one-time basis, that the applicant be invited, within a maximum period of 10 days, to supply the same.

5. The entities consulted must respond within the deadline 20 days from the date the process is made available, with the period being suspended on the date the request referred to in the previous number is made and its counting resuming after the consulted entity receives the additional elements requested.

6. The period provided for in the previous number prevails over any others provided for in specific legislation.

7. It is considered that there is agreement between the entities consulted, with the claim made if the respective opinions, authorizations or approvals are not received within the period set out in paragraph 5.

8. The opinions of the consulted entities are only of a preliminary nature, binding when this results from the law and provided that they are based on legal or regulatory conditions and are received within the legal deadline.

#### THEARTICLE56

##### (Appraisal of the request)

1. After the deadline for issuing statements has expired referred to in the previous article, the entity responsible for granting the TUPEM must, within a maximum period of 30 days, issue a decision on the request for the issuance of a title for the private use of maritime space and determines:

- the*) The dissemination of the request, for a period of no less than 15 days, which must be announced at least 5 days in advance, through the posting of notices and the publication of the request on its website, inviting interested parties to express opinions on its allocation;
- b*) Rejection of the request for granting of a title for private use of maritime space, in the following situations:
  - i*) When it violates a national maritime spatial planning instrument or any other applicable legal or regulatory provision;
  - ii*) When it has been the subject of a negative opinion or refusal of approval or authorization by any entity consulted, under the terms of the previous article, whose decision is binding;
  - iii*) When considering the grounds contained in the negative opinion of any entity consulted to be preponderant, under the terms of the previous article.

2. For the purposes of the provisions of the previous number, if the entity If the competent authority responsible for granting the private use title does not make a decision within a maximum period of 30 days and no binding negative pronouncements have been issued, the decision on the request for issuing a TUPEM is considered to be favourable.

3. If within the period referred to in paragraph *the*) of No. 1 is not received another application with the same object or purpose, and no objections have been raised, the applicant is granted the TUPEM.

#### THEARTICLE57

##### (Articulation of the instruction of procedures)

1. Whenever the exercise of a use or activity in the maritime space depends, in addition to TUPEM, on the issuance of other concessions, licenses, authorizations or other acts, permissive or non-permissive, the interested party may submit the respective requests simultaneously to the Ministry responsible for the sea area.

2. For the purposes of the provisions of the previous paragraph, the Ministry responsible for the sea area makes available to the interested party

information on the documents and supporting elements that, under the specific applicable legislation, must be presented.

3. The entity responsible for granting TUPEM and the Entities responsible for concessions, licenses, authorizations or other acts, whether permissive or non-permissive, necessary for the exercise of a use or activity, shall speak exclusively within the scope of their powers and competences.

4. Without prejudice to the following number, the competent entity by assigning TUPEM, it ensures the necessary coordination with the coordinating or responsible entity within the scope of the procedures for issuing licenses, or other acts, permissive or non-permissive, necessary under the terms of the provisions of the legal regime that regulates the exercise of the use or activity, with a view to speeding up the processes, namely with regard to compliance with deadlines and the provision of information and clarifications to interested parties.

5. In cases where the use or activity is located in an area whose geographical implementation is predominantly outside the maritime space but in an area of public water domain, the coordination provided for in the above is ensured by the entity with jurisdiction in this area, without prejudice to the exercise of the powers of the coordinating or responsible entity under the terms of the legal regime that regulates the exercise of the respective use or activity.

#### THEARTICLE58

##### (Suspension of prior information and assignment procedures) TUPEM contribution)

1. Prior information and allocation procedures TUPEM may be suspended following the determination of alteration or revision of the Situation Plan, as well as the determination of the preparation of Allocation Plans.

2. The suspension provided for in the previous number begins on from the date set for the public consultation period until the date of entry into force of the aforementioned maritime spatial planning instruments.

3. Upon termination of the suspension referred to in the previous number, the prior information and TUPEM allocation procedures are decided in accordance with the new rules in force.

4. If the new rules do not come into force within 90 days, days from the date of the start of the public consultation, the suspension provided for in paragraph 1 shall cease, in which case the assessment of the prior information and TUPEM allocation procedures must continue until the final decision is made, in accordance with the rules in force.

5. When there is room for suspension, interested parties may submit a new request regarding the procedures for prior information and granting of a title for private use of the national maritime space with reference to the new rules, with the respective final decision being subject to the entry into force of these rules.

6. If the plan is approved with changes to the project to which referred to in the previous number, interested parties may, if they wish, reformulate their claim, with those who have not made use of the faculty provided for in the same number having the same possibility.

#### SECTION VI

##### Government initiative procedure

#### THEARTICLE59

##### (Government Procedure)

1. Whenever the Situation Plan foresees as a potential a particular use or activity, or following the preparation

of an Allocation Plan, the granting of a title of private use of maritime space for the development of a specific use or activity may be done at the initiative of the Minister who oversees the maritime area, after consulting the Ministries responsible for the areas of the environment and the sector of the use or activity to be developed, through a public tender.

2. The public tender referred to in the previous number complies with the following procedure:

- the*) The order of the Minister who oversees the maritime sector, after hearing the Ministers who oversee the environment sector and the sector of the use or activity to be developed, published in the Official Gazette, sets out the use or activity in question, the criteria for selecting candidates, the form and deadline for submitting proposals, which must not be less than 30 days, as well as the composition of the competition jury;
- b*) Proposals are not admitted:
  - i*. When received after the set deadline;
  - ii*. When they do not contain the elements required in the order referred to in the previous paragraph.
- w*) Without prejudice to the provisions of the following paragraph, within 30 days from the end of the deadline for submitting proposals, the jury shall prepare a report in which it assesses the merit of the proposals and orders them for the purposes of awarding the title, in accordance with the criteria set out in the announcement opening the competition; *d*) The Minister who oversees the maritime area must approve the jury's report within a maximum period of 30 days.

3. The provisions of paragraph *w*) of the previous number does not apply when a number of proposals equal to or less than the titles in competition is received, in which case the titles in question will be automatically awarded, unless the legally required requirements are not met.

4. The public tender is applicable, subsidiarily and with the following necessary adaptations, the Public Procurement Regulation in force.

5. TUPEM and the titles required for the development of the use or activity are assigned to the selected candidate.

## SECTION VII

Works, deposit and insurance

THEARTICLE60

### (Construction of works)

1. In cases where the private use of maritime space permitted by the respective title involves the execution of works, the right of private use covers the powers and obligation to execute the works and install mobile or fixed structures, namely floating or submerged.

2. The execution of works and installation of mobile structures or fixed are subject to inspection by the competent authorities, whose agents have free access to the work site.

3. The interested party is responsible for all damages caused with the execution of works and the installation of mobile or fixed structures.

4. The works executed cannot be used for any purpose different from that established in the TUPEM without the authorization of the competent entity for granting the private use title.

5. The structures and constructions carried out remain in the property of the TUPEM holder until its termination and cannot be sold, directly or indirectly, nor encumbered without authorization from the entity responsible for granting the TUPEM.

6. Violation of the provisions of the previous number implies the nullity of the act of transfer or encumbrance, without prejudice to other sanctions that may apply in the case.

THEARTICLE61

### (Deposit)

1. The granting of TUPEM is subject to the provision of a security deposit. designed to guarantee the maintenance of the physical, chemical and biological conditions of the marine environment and to ensure, upon termination of the right of private use, the removal of works and mobile structures located in the area or volume allocated to the title.

2. The provision of security may be waived when the use or the activity is not likely to cause changes to the environmental and biological conditions of the marine environment and there is no need for the construction of mobile or fixed works or structures.

3. The provision of security may also be waived when, within the scope of specific environmental legislation or legislation relating to use or activity, the provision of guarantees is required that ensure, in equivalent terms, the purposes referred to in paragraph 1.

4. The security may be provided by cash deposit, through a bank guarantee, insurance bond, financial guarantee or equivalent financial instrument.

5. The regime and amount of the security deposit are established by joint dispatch of the Ministers overseeing the areas of the sea and finance.

THEARTICLE62

### (Safe)

1. TUPEM holders must enter into and maintain a valid civil liability insurance contract intended to cover damages arising from its activity caused to third parties, by actions or omissions of the person, its representatives or persons in its service, for which it may be civilly liable.

2. The mandatory civil liability insurance provided for in the previous number aims to guarantee the legally established obligation to compensate up to the amount of the mandatory minimum capital for the type of insurance in question.

3. By joint order of the Ministers who oversee the areas of finance and the sea are set, the minimum conditions for civil liability insurance and the minimum mandatory capital for the type of insurance in question.

4. The entity responsible for granting TUPEM may exempt the TUPEM holder from concluding and maintaining valid the civil liability insurance contract referred to in the previous numbers, if the holder proves that he has concluded and maintains another valid compulsory civil liability insurance, which covers the damages referred to in no. 1.

5. Documents proving insurance must be displayed to the competent authorities whenever requested by them.

## SECTION VIII

Vicissitudes of titles

THEARTICLE63

### (Transfer of user titles)

1. TUPEM is transferable after effective implementation of use or activity, in accordance with the provisions of the title, and the purchaser must communicate the transfer to the entity responsible for granting the TUPEM, within 30 days of its occurrence.

2. The transfer of shares that ensure the domain of the company holding the title must be communicated to



entity responsible for granting TUPEM within the period referred to in the previous number.

3. In the event of the death of the holder, the TUPEM is transmitted to the general terms of law, and the head of household must communicate the transfer of the title to the competent entity for granting the title of private use within 30 days of the occurrence of death.

4. The transfer implies that the purchaser is subrogated in all the rights and duties of the transferor, in particular ensuring the provision of security and the conclusion and maintenance of civil liability insurance.

5. The transfer is endorsed on the respective title of use.

6. The entity responsible for granting TUPEM informs the transmission of the user titles to other competent entities, within three days of the communication from the purchaser referred to in nos 1 to 3.

#### THEARTICLE64

##### (Change of titles of use)

1. The issued titles may be changed, even for a period of time, determined, whenever:

*the)* If there is a change in the factual circumstances existing on the date of issue of the title and determining factors thereof, in particular the deterioration of the conditions of the good environmental status of the marine environment or the good status of coastal and transitional waters;

*b)* In the event of a natural disaster or other case of force majeure.

2. When the area or volume allocated for private use is reduced as a result of the situations provided for in the previous number, the user may opt for a proportional reduction in the fee to be paid or for waiving the title.

3. The change of the title of use may also be determined, in situations where there is a relocation of use or activity, under the terms set out in article 27.

4. Change of title due to reduction of area or volume allocated to private use or the relocation of use or activity, is recorded in the respective TUPEM.

#### THEARTICLE65

##### (Amendment of TUPEM at the request of the holder)

1. The holder may request a change to the TUPEM conditions, as long as it does not imply a change in use or activity.

2. The user is exempted from presenting, with the request for amendment, the documents that supported the initial application and that remain valid.

3. The entity responsible for granting TUPEM must carry out the consultations referred to in Article 55.

4. The final decision on the request for amendment shall be made in the within 90 days from the date of submission of the application.

5. The terms of the TUPEM amendment are recorded in the title original.

#### THEARTICLE66

##### (Renunciation of the title of use)

1. The holder may, before the end of the respective term, renounce to the private use of maritime space.

2. The request for resignation is submitted to the entity competent for the attribution of TUPEM, instructed with the demonstration that the cessation will not produce any environmental liability.

### 3. The entity responsible for granting the title of use

The private right may subject the acceptance of the waiver request to compliance with conditions and the removal of works or reconstruction of physical and chemical conditions.

#### THEARTICLE67

##### (Extinction of the right to private use)

1. The right to the private use of maritime space shall be extinguished if with the end of the term fixed in the title.

2. They also constitute grounds for the termination, in whole or in part, of the right to private use:

*the)* Failure to comply with the requirements or conditions required for issuing the title;

*b)* Failure to start use within 18 months from the date of issue of the title or non-use for 24 months;

*w)* Non-payment of the corresponding fees for six months;

*d)* Occupation or use other than that determined in the assigned title of use;

*and)* Failure to maintain a bank guarantee, insurance bond, financial guarantee or equivalent financial instrument and the insurance policy under the terms set out.

3. If one of the circumstances referred to in paragraph previous, the entity responsible for granting the private use title, after the necessary hearing of interested parties, notifies the reasoned decision to cancel the title to its holder, who must immediately cease using the national maritime space allocated to the title, under penalty of this use being considered abusive, under the terms defined in article 90.

4. It also constitutes grounds for termination of the right to use privatize the occurrence of natural causes that put the safety of people and property or the environment at risk, if the use continues, or for reasons arising from the need to maintain the good environmental condition of the marine environment and the good condition of coastal and transitional waters, whenever it is not possible to relocate the use or activity or reduce the TUPEM, under the terms of the provisions of articles 27 and 65.

5. The right to private use of national maritime space It also expires with the extinction of the legal entity that is its owner.

#### THEARTICLE68

##### (Removal of works and reconstruction of the environment)

1. Without prejudice to the provisions of the following paragraph, in the event of waiver or termination of the right to private use, the mobile or fixed works and structures inserted in the maritime space allocated to TUPEM must be removed by the holder.

2. Exceptionally, by order of the Minister who supervises the maritime area, after hearing the Ministers who supervise the environmental area and the sector of use or activity, the maintenance, in the maritime space, of all or part of the mobile or fixed works and structures may be determined, when the public benefit of their maintenance is greater than that of their removal, with the same reverting to the State.

3. The holder shall take the necessary steps to reconstruction of environmental conditions that may have been altered and that do not result in a benefit to the marine environment.

4. The security that has been provided within the scope of the assignment of TUPEM, is only returned when the necessary steps have been taken to reconstitute the physical and chemical conditions that may have been altered and that do not result in a benefit for the marine environment.

## SECTION IX

Request for prior information

THEARTICLE69

**(Prior information)**

1. All interested parties may submit to the authority competent authority for the administration and management of maritime space under the supervision of the Minister who oversees the sea area, a request for prior information on the possibility of using maritime space for purposes or activities not provided for in the maritime space planning instruments.

2. The request for prior information must include:

- the*) Strict identification of the intended use or activity;
- b*) The exact indication of the desired area or volume, in particular using geographic coordinates or their equivalent.

3. The competent authority referred to in paragraph 1 shall be responsible for: of this article:

- the*) Request the applicant, on a single occasion, to provide additional information or submit documents that it considers essential for issuing the prior information, with the decision period being suspended;
- b*) Issue an unfavorable opinion if constraints are identified that make the development of the use or activity unfeasible under the terms presented;
- w*) Notify the interested party, if the constraints referred to in the previous paragraph do not apply, of the procedure to be adopted to obtain the right to private use of the maritime space for the intended use or activity, informing him of any limitations on such use;
- d*) Decide on the request for prior information within 30 days of the date of receipt.

## CHAPTER IV

**Economic and financial regime**

THEARTICLE70

**(National maritime space usage fee)**

The Private Use of Maritime Space Fee (TUPRI) aims to compensate:

- the*) The benefit resulting from that private use, through the occupation of an area or volume of maritime space;
- b*) The environmental cost inherent in activities likely to cause a significant impact on the national maritime space;
- w*) Administrative costs resulting from planning and management, maritime safety, maintenance and inspection.

THEARTICLE71

**(Objective incidence)**

1. TUPRI applies to all private uses of maritime space.
2. TUPRI also applies to the private use of the space for the revelation and use of geological and energy resources.
3. The private use of maritime space under a Authorization is exempt from TUPRI.

THEARTICLE72

**(Subjective incidence)**

All individuals or legal entities that hold a concession or license for the private use of maritime space are taxable persons under TUPRI.

THEARTICLE73

**(Taxable base)**

1. The taxable base of TUPRI is made up of three components and is expressed by the formula  $TUPRI = A + B + C$ , under the terms referred to in the following articles.

2. In the application of the components of the TUPRI taxable base, the inapplicability of any of the components does not affect the application of the others.

3. TUPRI exemptions cannot be recognized, in any of the components that comprise it, in addition to those expressly provided for in this Regulation.

4. The base value of the TUPRI components and its formula calculation methods are determined by order of the Ministers who oversee the areas of finance and the sea.

THEARTICLE74

**(Component A - Occupation of national maritime space)**

1. Component A corresponds to the area or volume of the space maritime, being calculated by applying a base value to the occupied area, expressed in square meters or cubic meters depending on the requirements of use.

2. The following are exempt from component A:

- the*) Occupations of maritime space subject to the exclusive economic zone regime;
- b*) The occupation of maritime space by public infrastructures and equipment for signaling and maritime safety, as well as the prevention and combating of maritime pollution.

3. When the occupation is for an equal or shorter period for one year, component A is due in proportion to the maximum period of occupation provided for in the usage title, with a minimum limit of one month.

THEARTICLE75

**(Component B - Use likely to cause impact on environment)**

1. Component B corresponds to the effects of occupations likely to cause significant impact and the need to ensure monitoring and guarantee the good environmental status of the marine environment.

2. Component B is increased as a function of the distance from the area or volume occupied at the baseline, reflecting the effort required and the means involved for monitoring.

THEARTICLE76

**(Component C - Maritime security and services)**

Component C corresponds to the needs of maritime administration and security services, and monitoring systems and their maintenance, inherent to the occupation of national maritime space.

## THEARTICLE77

**(Liquidation)**

1. The liquidation of TUPRI is the responsibility of the entity responsible for assignment of the title of private use, which must issue the corresponding settlement note.

2. Whenever the title of use has the same validity or more than one year, the fee is paid by the end of January of the year following the year to which the fee relates.

3. Whenever the TUPEM is valid for less than one year, the settlement of the fee is prior to the issuance of the title itself.

## THEARTICLE78

**(Technical exemption)**

The entity responsible for granting the TUPEM does not proceed with the settlement of the fee when the total amount to be charged is less than 2 minimum wages for the public sector, except in cases where the settlement is prior to the issuance of the TUPEM.

## THEARTICLE79

**(Payment)**

1. TUPRI payment is annual and is made through single collection document.

2. Whenever the TUPEM has a validity equal to or greater than one year, the TUPRI payment is made by the end of February of the year following the year to which the rate relates.

3. The entity responsible for granting TUPEM may authorize taxpayers to make advance payment of the fee, by means of two half-yearly instalments to be paid in the months of June and December of the year to which the fee relates, with settlement of accounts in January of the following year, whenever this procedure proves to be more convenient in view of the invoicing and payment systems used by taxpayers.

4. Whenever the TUPEM is valid for less than one year, payment of TUPRI is prior to the issuance of the title itself.

5. Failure to pay TUPRI on time will result in the application of default interest at the legal rate in force, without prejudice to other applicable sanctions.

## THEARTICLE80

**(Update)**

The base values used to calculate TUPRI are automatically updated every year in accordance with the increase in the national minimum wage for public servants, approved by the Government.

## THEARTICLE81

**(Revenue destination)**

1. The revenues resulting from the collection of TUPRI are distributed as follows:

- the*) 60% (percent) for the entity responsible for granting the TUPEM;
- b*) 40% (percent) for the State coffers.

2. The revenue resulting from the collection of TUPRI allocated to entity responsible for granting TUPEM are applied to finance:

- the*) Activities aimed at improving the management and planning of maritime space;
- b*) Actions to maintain and achieve the good environmental status of the marine environment in maritime space, including monitoring and measures provided for in maritime monitoring and inspection programmes;

*w*) Maritime safety services and monitoring systems, including their maintenance.

3. The Ministers who oversee the areas of the sea and Finance may, by Ministerial Diploma, approve other areas to benefit from revenue, provided that these contribute to strengthening the administration and management of maritime space, development of aquatic research and prospecting, fishing and aquaculture.

4. The Minister who oversees the maritime area may, by Ministerial Diploma, establish the redistribution of the revenue referred to in paragraph *the*) of paragraph 1 of this article.

## CHAPTER V

**Assessment of the state of maritime spatial planning**

## THEARTICLE82

**(Permanent evaluation)**

1. The Ministry responsible for the maritime sector promotes the permanent evaluation of maritime spatial planning instruments, taking into account the objectives and indicators established for monitoring and evaluating the strategic objectives of current planning policies.

2. For the purposes of the provisions of the previous paragraph, the Ministry The person responsible for the maritime area ensures the collection and processing of relevant information, particularly from monitoring the uses and activities of the maritime space, preparing periodic assessment reports, which focus, in particular, on the socio-economic effects achieved and any environmental impacts identified, recommending, if necessary, the review or modification of the maritime spatial planning instruments.

3. The assessment of the socioeconomic effects achieved by the maritime spatial planning instruments is assessed in light of the strategic objectives of current planning policies.

4. For the purposes of the provisions of the previous number, the following must be promoted:

- the*) The necessary consultations with the various central, regional and local administration services, which must provide the requested information in a timely manner, and they will be provided with the information they request;
- b*) The necessary contacts with the scientific community; *w*) The participation of interested parties in the ongoing evaluation of maritime spatial planning instruments.

## THEARTICLE83

**(Report on the state of maritime spatial planning)**

1. The Minister who oversees the maritime area submits to the government assessment, every 2 (two) years, of a report on the state of maritime spatial planning.

2. Report on the state of spatial planning  
The maritime spatial planning referred to in the previous number reflects the balance of the implementation of the maritime spatial planning instruments subject to assessment, as well as the levels of internal coordination, and takes into account the established strategic objectives of current planning policies, justifying a possible need for review.

3. Once their preparation is complete, the reports on the status of the maritime spatial planning shall be subject to a period of public discussion lasting no less than 30 days.

## CHAPTER VI

**Supervision and sanctions**

## THEARTICLE84

**(Supervision and inspection)**

1. Monitoring compliance with the standards set out in This Regulation is the responsibility of the entity responsible for granting the title of private use and of the police or administrative authorities with jurisdiction in the area, in compliance with their legal obligation to monitor users of the maritime space, and on a specific basis depending on complaints and reports received regarding their area of jurisdiction.

2. Carrying out inspections for the purpose of verifying the Compliance with the standards set out in this Regulation is the responsibility of the entity with inspection powers in the maritime area.

3. The entity responsible for granting the title of use The private sector must keep a public record of the complaints and reports received and the way in which they are addressed.

## THEARTICLE85

**(Access to facilities, documentation and information)**

1. In the exercise of their functions, the following must be provided: entities with duly identified inspection and monitoring powers have free access to the area or volume subject to a private use title, as well as to the structures and constructions located there.

2. Holders of the title for private use of the space Seafarers subject to inspection or monitoring measures are obliged to provide free access and permanence to the entities referred to in the previous number and to provide them with the necessary assistance, in particular through the presentation of requested documentation, books or records, and access to structures and constructions.

3. As part of the monitoring or inspection action, information may be collected on the activities monitored and inspected, examinations may be carried out on any traces of infringements, and samples may be collected for laboratory examination.

## THEARTICLE86

**(Misuse)**

1. If any area and/or volume of the maritime space, or any works or mobile structures, particularly floating or submerged ones, are improperly carried out or maintained therein, the entity responsible for granting the private use title shall order the offender to vacate the area or demolish the works carried out, within a maximum period of 20 days, which may be extended for the same period if this is justified in view of the complexity of the intervention required.

2. Without prejudice to the application of any penalties that may apply in the case and the enforcement of the civil liability of the offender for the damages caused, once the period set by the competent entity for granting the title of private use has elapsed, this entity ensures the restoration of the area and/or volume to the situation prior to the abusive occupation, and for this purpose may resort to the public force and order the demolition of the works or the removal of the mobile infrastructures at the expense of the offender.

3. When expenses incurred by the competent entity for the granting of the private use title under the terms of the previous number are not paid voluntarily within 20 days of notification to that effect, they are collected judicially in tax enforcement proceedings, serving as a title

executive the certificate proving the expenses incurred issued by the entity responsible for granting the private use title.

4. The compulsory collection of the amounts provided for in paragraph above may be promoted by the Tax Authority under the terms defined by a protocol to be signed, for this purpose, between that service and the entity responsible for granting the private use title.

## THEARTICLE87

**(Infractions and sanctions)**

1. They constitute serious offences, punishable by a fine of 20 to 40 minimum civil service wages, in the case of a natural person, and from 80 to 250 minimum civil service wages, in the case of a legal person:

- the*) Failure to provide documents proving valid civil liability insurance to the competent authorities, whenever requested by them, in violation of the provisions of article 62;
- b*) Failure to notify the entity responsible for granting the title of private use of the transfer of the title of use of the maritime space, in violation of the provisions of article 63;
- w*) Refusal of access by competent entities to facilities, documentation and information, in violation of the provisions of article 85.

2. They constitute very serious offences, punishable by a fine. 40 to 70 minimum civil service wages, in the case of an individual, and 135 to 750 minimum civil service wages, in the case of a legal entity:

- the*) The lack of valid civil liability insurance, in violation of the provisions of article 62;
- b*) The abusive use of any area and/or volume of national maritime space, under the terms of the provisions of article 86.

3. Negligence is punishable, with minimum limits being and maximum fines reduced by half.

4. The attempt is punishable by the fine applicable to the offence. consummated, especially attenuated.

5. Depending on the seriousness of the offences and the guilt of the agent, the additional sanction of prohibition of exercising use or activity that depends on the right to private use of maritime space may be applied simultaneously with the fine.

6. The additional sanction referred to in the previous number has the maximum duration of two years, counting from the final conviction decision.

7. Any criminal offences that may be committed committed in maritime space are punishable under the criminal law in force.

8. The Ministers who oversee the areas of the sea and Finance shall, once a year, by joint Ministerial Decree, update the amounts of the fines provided for in this article.

## THEARTICLE88

**(Instruction of proceedings and application of fines) and accessory sanction)**

The investigation of misdemeanor proceedings and the application of fines and additional sanctions is the responsibility of the competent maritime inspection authority under the supervision of the Minister who oversees the maritime area.



## THEARTICLE89

**(Destination of proceeds from fines)**

1. Payment of fines is made through a single document collection.

2. The proceeds from the application of fines are distributed as follows: form:

- the* 40% (percent) for the entity responsible for granting the private use title;
- b*) 60% (percent) for the State coffers;

*w*) Ministerial Diploma that distributes the revenues resulting from the proceeds of fines, in accordance with the provisions of paragraph *the* of paragraph 2 of article 89.

3. The Minister who oversees the maritime area may, by Ministerial Diploma, to proceed with the redistribution of revenues resulting from the proceeds of fines, in accordance with the provisions of paragraph *the* of paragraph 2 of this article.

## CHAPTER VII

**Supplementary, transitional and final provisions**

## THEARTICLE90

**(Transitional provision)**

1. Without prejudice to the provisions of the following paragraph, this The Regulation applies to maritime space occupation processes prior to this Regulation, and the granting of titles for private use of maritime space follows the procedures set out in this diploma.

2. Acts already carried out within the scope of requests for use private operation of the national maritime space in progress may be used, provided that they respect the rights to information and participation provided for, respectively, in articles 8 and 9, and that they have been accompanied by the documentation required by this Regulation.

3. Rights and duties resulting from concession acts and/or granting of private use of maritime space issued under previous legislation remain in force, and the aforementioned rights and duties must be updated by incorporation into the private use titles provided for in this Regulation.

## THEARTICLE91

**(Expansion of titled areas)**

The expansion of titled areas that imply the occupation of maritime space is subject to the approval of the respective Allocation Plan.

## THEARTICLE92

**(Supplementary regulations)**

1. Within 60 days of the publication of this document, Regulation, the following joint legal diplomas of the ministers overseeing the areas of finance and the sea are approved:

- the*) Ministerial Decree that provides for fees for the provision of information relating to maritime spatial planning instruments that require public entities to carry out increased and significant data processing, referred to in paragraph 4 of article 8;
- b*) Ministerial Decree establishing the regime and amount of the security required for the granting of TUPEM referred to in paragraph 5 of article 61;

*w*) Ministerial Decree that establishes, in particular, the minimum conditions for civil liability insurance and the minimum mandatory capital for the type of insurance in question, referred to in paragraph 3 of article 62;

*d*) Ministerial Diploma establishing the base values of the TUPRI components and the formula for calculating the values, referred to in paragraph 4 of article 73.

2. For the development of use or activity not identified in Annex II, the Minister who oversees the maritime area and the corresponding sectors of activity may approve by order the establishment of the elements that must accompany the application provided for in Article 53.

## ANNEX I

**Glossary**

For the purposes of this Regulation the following definitions are adopted:

(THE)

**Authorization**—private use of national maritime space for the purpose of implementing scientific research projects and pilot projects of a non-commercial nature.

(W)

**Concession**—private use of national maritime space for a prolonged period of a reserved area or volume.

(AND)

**National Maritime Space or Maritime Space**— It includes all maritime zones under national jurisdiction, as defined in the United Nations Convention on the Law of the Sea.

(L)

**License**—private use of national maritime space that allows the temporary, intermittent or seasonal use of a reserved area or volume.

(P)

**Situation Plan**—planning instrument that encompasses the entire national maritime space and which identifies and distributes spatially and temporally the uses and activities to be developed, as well as their geospatial representation.

**Allocation Plan**—planning instrument through which areas and/or volumes of maritime space are allocated to uses and activities not identified in the Situation Plan which, when approved, are integrated into the Situation Plan.

**Territorial Plan**—strategic document, of an informative and normative nature, whose central objective is the production of socially useful spaces or territorial parcels, established on the basis of the principles and directives of spatial planning.

(T)

**Title for Private Use of Maritime Space (TUPEM)**—document obtained through Concession, License or Authorization.

(U)

**Existing uses or activities**—those that are developed under a title for the private use of maritime space.

**Potential uses or activities**—those that have been identified as capable of being developed in the areas and/or volumes identified in the Situation Plan, to which no private use title has yet been assigned.

**Private use**—reservation of an area or volume for the use of the marine environment, or its marine resources or ecosystem services, greater than that obtained through common use and which results in an advantage for the public interest.

## ANNEX II

### • IV. Energy resources

Descriptive and explanatory report that includes:

Elements required to instruct the application for the granting of the title of private use of the national maritime space.

#### I. Aquaculture:

Descriptive and explanatory report that includes:

*the*) Description of the production process, equipment, including floating structures, materials to be used, indicating the facilities to be built and the characteristics of the work to be carried out; *b*) Indication of the cultivation system, the exploitation regime with indication of the species to be cultivated (indicate the common name, genus and species) and the origin of the juveniles for restocking;

*w*) Indication of biological, chemical and pharmaceutical products to be used;

*d*) Indication of production capacity;

*and*) Forecast of the expected average production for each species expressed in tons/year;

*f*) Identification and characterization of pollutant emissions, if applicable;

*g*) Rejected flows, their characteristics, treatment and final destination, if applicable;

*h*) Proposal for a self-monitoring program (quantity and quality) suitable for ensuring verification of compliance with the conditions of the title for private use of national maritime space, indicating the sampling locations and methods, parameters and frequency to be implemented, if applicable;

*j*) Signaling methods and safety standards to be adopted; *j*)

Indication and characterization of the onshore infrastructures necessary for the exercise of the activity, if applicable;

*k*) Emergency and/or contingency plan.

#### II. Marine biotechnology:

Descriptive and explanatory report that includes:

*the*) Description of the production process, equipment, including floating structures, and materials to be used, indicating the facilities to be built and characteristics of the work to be carried out;

*b*) Indication of the cultivation system, the operating regime with indication of the species to be cultivated (indicate the common name, genus and species);

*w*) Proposal for a self-monitoring program (quantity and quality) suitable for ensuring verification of compliance with the conditions of the title for private use of national maritime space, indicating the sampling locations and methods, parameters and frequency to be implemented, if applicable;

*d*) Proposal for the monitoring program to be implemented; *and*) Signaling methods and safety standards to be adopted; *f*) Emergency and/or contingency plan.

### III. Marine mineral resources: Descriptive and

explanatory report that includes:

*the*) Indication of the objectives of research, prospecting and exploration;

*b*) Description of the process, equipment, including floating structures, and materials to be used, indicating the works and mobile structures to be built or installed and characteristics of the work to be carried out;

*w*) Work programme and indication of the expected date for the start of the activity;

*d*) Signaling methods and safety standards to be adopted;

*and*) Indication of biological and chemical products to be used; *f*) Indication and characterization of the infrastructures in the national maritime space and on land necessary for the exercise of the activity, if applicable;

*g*) Emergency and/or contingency plan.

### IV. Energy resources:

**THE.** Research, prospecting, exploration and extraction of gas, oil and other energy resources:

Descriptive and explanatory report that includes:

*the*) Description of the process, equipment, including submerged floating structures, mobile and fixed installations and materials to be used, indicating the works and mobile structures to be constructed or installed and characteristics of the work to be carried out;

*b*) Proposal for the monitoring program to be implemented; *w*)

) Signaling methods and safety standards to be adopted; *d*)

Indication and characterization of the infrastructures in the national maritime space and on land necessary for the exercise of the activity, if applicable;

*and*) Emergency and/or contingency plan.

#### B. Exploration of renewable energies: Descriptive

and explanatory report that includes:

*the*) Description of the process, equipment, including submerged floating structures, mobile and fixed installations, and materials to be used, indicating the installations to be built and characteristics of the work to be carried out;

*b*) Proposal for the monitoring program to be implemented; *w*)

) Signaling methods and safety standards to be adopted; *d*)

Indication and characterization of the infrastructures in the national maritime space and on land necessary for the exercise of the activity, if applicable;

*and*) Emergency and/or contingency plan.

**W.** Infrastructure and equipment (floating structures, platforms, offshore multipurpose, emissaries and submarine cables):

Descriptive and explanatory report that includes:

*the*) Number, size and construction

characteristics; *b*) Installation process on the

seabed; *w*) Plans and respective safety devices;

*d*) Longitudinal and transversal profiles, at the appropriate scale when justified based on use;

*and*) Proposal for the monitoring program to be implemented; *f*) Signaling methods and safety standards to be adopted; *g*) Emergency and/or contingency plan.

**D. Scientific research:**Descriptive and explanatory report that includes:

- the*) Indication of the research objectives;
- b*) Detailed description of the process, equipment, including floating structures, and materials to be used, indicating the facilities to be built and characteristics of the work to be carried out;
- w*) Signaling methods and safety standards to be adopted, if justified;
- d*) Indication and characterization of the onshore infrastructures necessary for the exercise of the activity, if applicable;
- and*) Emergency and/or contingency plan.

**AND. Recreation, sport and tourism:**Descriptive and explanatory report that includes:

- the*) Indication of the area, zone or routes that you wish to reserve, and where you propose to carry out the activity;
- b*) Indication of the duration of the activity and the type of service to be provided;
- w*) Indication of the date and time, characteristics of the event and means of signaling and marking, in the case of sports activities, if applicable;
- d*) Indication of vessels to be operated or used, if applicable;
- and*) Indication and characterization of the land infrastructures necessary for the exercise of the activity, with indication of access points and parking spaces, if applicable;
- f*) Signaling methods and safety standards to be adopted, if applicable;
- g*) Emergency and/or contingency plan.

**F. Others:****F1. Waste/dredge immersion:**Descriptive and justification report of the project including:

- the*) Analysis of the following characteristics of the waste/dredged material to be submerged:
  - 1*) Total quantity and composition;
  - ii*) Quantity of waste/dredged material to be immersed per day; *iii*) Form in which they are presented for immersion, i.e. solid, liquid or sludge phase, their respective tonnage in the wet state (per immersion zone and unit of time), visual determination of the sediment characteristics (clay-sludge/sand/gravel/rocks);
  - iv*) Physical properties (in particular, solubility and density), chemical, biochemical (oxygen deficiency, nutrients) and biological properties (presence of viruses, bacteria, yeasts, parasites, etc.), if applicable;
  - v*) Assessment of toxicity, persistence and accumulation in living beings or sediments through:
    - v1*) Acute toxicity analyses;
    - v2*) Chronic toxicity analyses, capable of evaluating long-term lethal effects;
    - v3*) Analyses aimed at the potential bioaccumulation of the substances in question;
    - v4*) Chemical and physical transformations of waste/dredged material after immersion, namely the possible formation of new compounds;

- v5*) Probability of production of substances that impart a bad taste to fish resources (fish, shellfish, molluscs, crustaceans), with consequences for their marketing.

*b*) Characterization of the immersion site, with the following elements:

- i*) Identification of the affected water body(ies); *ii*) Geographical position, depth and distance from the coast; *iii*) Location in relation to the existence of adult and juvenile living resources, namely spawning and maternity areas for living resources, migration routes for fish and mammals, areas for sport and commercial fishing, areas of great natural beauty, or with historical or cultural importance, areas with special scientific or biological importance;

- iv*) Location in relation to leisure areas; *v*) Packaging methods, if necessary; *I saw*) Initial dilution performed by the proposed discharge method;

- vii*) Dispersion, horizontal transport and vertical mixing characteristics, particularly in terms of:

- vii.a.* Water depth (maximum, minimum, average);
- vii.b.* Water stratification in different seasons and in different weather conditions;
- vii.c*) Tidal period, tidal ellipse orientation, major and minor axis speed;
- vii.d.* Average surface drift: direction, speed;

- vii.e.* Mean bottom drift: direction, speed;
- vii.f.* Bottom currents (velocity) due to storms;

- vii.g.* Wind and wave characteristics, average number of storm days/year;

- vii.h.* Concentration and composition of suspended matter;

- Vii.i.* Existence and effects of ongoing and previously carried out leaks and immersions (including accumulation effects).

- w*) Proposal of the monitoring program to be implemented, which includes a hydrographic survey of the site before and after immersion;

- d*) Emergency and/or contingency plan.

**F.2 Sinking of vessels: Descriptive and explanatory report that includes:**

- the*) Brief description of the ship's characteristics, historical summary, condition and conservation and illustrative graphic elements;

- b*) Decontamination process;

- w*) Bathymetric survey;

- d*) Signaling and safety methods to be adopted;

- and*) Proposal of the monitoring program to be implemented, which includes a hydrographic survey of the site prior to immersion to characterize the reference situation;

- f*) Emergency and/or contingency plan.

**F.3 Other uses or activities of an industrial nature:**

- the*) Indication of the area that you intend to reserve and where you propose to carry out the activity;

- b*) Indication of the type of use or activity;

- w*) Indication of the duration of the activity;

- d*) Indication of vessels to be operated or used, if applicable;

- and) Indication and characterization of the land infrastructures necessary for the exercise of the activity, with indication of access points and parking spaces, if applicable;
- f) Signaling methods and safety standards to be adopted, if applicable.
- g) Emergency and/or contingency plan.

ANNEX III

List of Public Entities

Ministry responsible for the area of Cooperation;  
Ministry responsible for the area of Defense;

Ministry responsible for the area of Public Order and Security;  
Ministry responsible for the area of State Administration; Ministry responsible for the area of the Environment;  
Ministry responsible for the area of Mineral Resources;  
Ministry responsible for the area of Science and Technology;  
Ministry responsible for the area of Borders; Ministry responsible for the areas of Transport and Communications;  
  
Ministry responsible for the area of Spatial Planning;  
Ministry responsible for the areas of Public Works and Water Resources.