

Malta-Legal Framework

Legal framework

The Malta Environment and Planning Authority is leading the implementation of several policies that are important for the development of the national SDI, such as the Aarhus Convention, INSPIRE and GMES.

Malta transposed the INSPIRE Directive in 2009 through the provisions of the Development Planning Act which was brought into force by Legal Notice on the 22nd December 2009. However, Malta has not yet an elaborated NSDI-policy framework and it is stated that INSPIRE and NSDI development is in an early stage. L.N. 339 of 2009 DEVELOPMENT PLANNING ACT (CAP. 356) Infrastructure for Spatial Information Regulations, 2009. Legal act: Regulation, number: LN339/09; Official Journal: The Malta government gazette, number: 18505, Publication date: 13/11/2009, Page: 03779-03804; Reference: (MNE(2009)54807)

L.N. 365 of 2009 DEVELOPMENT PLANNING ACT (CAP. 356) Commencement notice of the Infrastructure for Spatial Information Regulations, 2009. Legal act: Regulation, number: LN 365/09; Official Journal: The Malta government gazette, number: 18524, Publication date: 22/12/2009, Page: 05029-05030, Entry into force: 22/12/2009; Reference: (MNE(2010)50003)

Public-private partnerships (PPP's)

No information has been found.

Policy and legislation on access to public sector information (PSI)

The Freedom of Information Act was adopted in 2008, but it has not entered into force yet. This is planned for August 2010. The Government of Malta published a notice in July 2009, giving all the public authorities one year to prepare their asset lists as required by the Freedom of Information Act. Directive 2003/4 on access to environmental information in the Freedom of Access to Information had already been transposed in the Freedom of Access to Information on the Environment Regulations of 2005. These entered into force in May 2005. There is also other sectoral legislation, e.g. for archives and registries. Directive 2003/98 on the re-use of PSI has been transposed into Maltese law by law nr. 20 in 2007. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Malta K.U.Leuven (SADL) 13

Legal protection of GI by intellectual property rights

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The 2000 Copyright Act “to make new provision in respect of copyright and neighbouring rights and certain “sui generis” intellectual property rights in substitution of the provisions of the Copyright Act, Cap. 196” was amended in 2001 and 2003. It explicitly protects maps, plans, diagrams and three-dimensional works relative to geography, science or topography. Article 25 of the Copyright Act provides for a sui generis right in respect to databases. Regarding the copyright works of government and international bodies, article 6 of the Copyright Act stipulates that copyright shall be conferred by this article on every work which is eligible for copyright and which is made by or under the direction or control of the Government of Malta and also such governments of other States, international bodies

or other intergovernmental organisations as may be prescribed by the Minister responsible for the Industrial Property Office. The 2001 Directive on copyright in the information society was included in the Copyright act by the amendments of 2003.

Restricted access to GI further to the legal protection of privacy

The Maltese Data Protection Act of 2001 came into force on 22 March 2002 and was amended in July 2003. It includes the rules prescribed by Directive 95/46 on the processing of personal data, and the 2002 Directive on privacy and electronic communications.

Licensing framework

Licenses are issued for certain data and services. In 2007, the National Mapping Agency has reviewed its licence fees within the Public Sector (the review was repeated in 2008 and 2009). This coincided with a shift towards a single contractual arrangement for each ministry, thus enabling a more cost effective, relationship for departments and entities within the respective Ministry’s portfolio. To support this initiative, MEPA has detailed its digital mapping product sets, and associated licence fees, in a manner which provides for easier, centralised, contracting in close liaison with a Ministry’s representative. Agreements with the Ministry of Health, the Elderly and Community Care (MHEC) and the Ministry of Education, Youth and Employment (MEYE) have already been signed.

(<http://www.mepa.org.mt/press/AnnReps/MEPA%20Annual%20Report%202007.pdf>).

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51533.aspx>