

Self-declaration of legal compliance form

This self-declaration form encompassing the Global Sustainability Tourism Council criteria features regulations that are already legally required on the Maltese Islands. This assessment form includes specific references to the relevant national, EU or international legislation/regulations to which the hotel's eco coordinator or hotel manager needs to confirm compliance in writing.

	GTSC ECO-Certification Criteria	Related National Legislation
1.1	Design and construction of buildings and infrastructure comply with local zoning and protected or heritage area requirements	This is covered by Maltese legislation, particularly through plans and policy documents enforced by the Malta Environment And Planning Authority (MEPA). The Environment and Development Planning Act (Chapter 504 of the Laws of Malta) states: “the effective management and planning of the environment and development shall be regulated by plans, policies and regulations, which are prepared and amended from time to time in accordance with the provisions of this Act.”
1.1.i	Land use is in compliance with local zoning and protected or heritage area laws and regulations	Land use is regulated via MEPA's Local Plans. There are 7 main Local Plans to cover the different areas of the Maltese Islands. Each Local Plan maps out the different land use zones within each locality in that area, including any areas of heritage value, agricultural value, conservation value, etc.
1.1.ii	Design and construction is in compliance with local zoning and protected or heritage area laws and regulations	The design and construction of buildings is regulated via MEPA's 'Development Control Policy And Design Guidance 2007' (DC2007), which in addition to detailed provisions, also lays out the following general provisions: “All new development should: (a) create a good quality internal and external environment and maintain or improve the existing quality of the environment; (b) contribute positively to the local environment through its layout, form and design; (c) create a distinctive overall sense of place; (d) be compatible with its context and the surrounding area; (e) respect the scale, bulk, proportions and materials of neighbouring buildings; and (f) make efficient use of land.”
1.2	Design and construction of buildings and infrastructure respect the natural or cultural heritage surroundings in siting, design, impact assessment, and land rights and acquisition.	This is covered by Maltese legislation, as per 1.2.i – 1.2.iv below.
1.2.i	Siting, respects natural and cultural heritage surroundings	As per 1.ii above, particularly point (d) – All new development should be compatible with its context and the surrounding area.
1.2.ii	Natural and cultural impact has	The Malta Environment and Planning Authority is responsible

	been assessed	for assessing whether a proposed development requires an Environmental Impact Assessment (incorporating both the natural and cultural impact). This is based on the detailed provisions laid out in the Environmental Impact Assessment Regulations (Legal Notice 114 of 2007). Specific text from the Act is not quoted since it is the Act in its entirety which determines whether and how the impact assessment is carried out
1.2.iii	Property has been acquired in a legal manner, complying where applicable with local, communal and indigenous rights.	<p>This is covered by Malta's Civil Code (Chapter 16 of the Laws of Malta) which states in Article 1233 (1): "Saving the cases where the law expressly requires that the instrument be a public deed, the transactions hereunder mentioned shall on pain of nullity be expressed in a public deed or a private writing: (a) any agreement implying a promise to transfer or acquire, under whatsoever title, the ownership of immovable property, or any other right over such property."</p> <p>In this respect, one must note that there are various sections relating to immovable property in the Civil Code, which require a public deed in order for there to be a transfer of rights. The most evident example being that of sale of immovable property. Article 1363 (1) states: "The sale of immovable property shall be null if not made by a public deed."</p> <p>Also, the Maltese Civil Code caters for the concept of acquisitive prescription, wherein one inherits legal right over property due to unopposed residence in the said property for a period of time, as per Articles 2140 and 2143: "Any person who in good faith and under a title capable of transferring ownership possesses an immovable thing for a period of ten years acquires ownership thereof. (2) If the title derives from an act which, according to law, must be registered in the Public Registry, the prescriptive period does not commence to run except from the day of the registration of such act. ... All actions, whether real, personal, or mixed, are barred by the lapse of thirty years, and no opposition to the benefit of limitation may be made on the ground of the absence of title or good faith."</p>
1.3	Design and construction of buildings and infrastructure use locally appropriate principles of sustainable construction	<p>This is regulated via MEPA's 'Development Control Policy And Design Guidance 2007' (DC2007), the main objective of which is described as follows:</p> <p>"to promote the creation of high quality development, which is visually attractive and appropriate to its surroundings. In this way, it is one of the implementation 'tools' that the Authority will use to improve and safeguard the environment, and to help achieve sustainable development."</p> <p>In addition to detailed provisions regarding the design and construction of residential, commercial and industrial buildings, this document also lays out the following general provisions to ensure sustainability:</p> <p>"All new development should:</p> <p>(a) create a good quality internal and external environment and maintain or improve the existing quality of the environment;</p> <p>(b) contribute positively to the local environment through its</p>

		<p>layout, form and design; (c) create a distinctive overall sense of place; (d) be compatible with its context and the surrounding area; (e) respect the scale, bulk, proportions and materials of neighbouring buildings; and (f) make efficient use of land."</p>
1.3.i	Design is based on locally appropriate principles of sustainability	See 1.3 above.
1.3.ii	Construction is based on locally appropriate principles of sustainability	See 1.3 above.
1.4	Design and construction of buildings and infrastructure provide access for persons with special needs.	This is covered by Maltese legislation. 'Access for All' Design Guidelines, which include both general access measures and measures specific to the hotel industry, are enforced by the National Commission Persons with Disability. According to the Equal Opportunities (Persons With Disability) Act (Chapter 413 of the Laws of Malta), the functions of this Commission include: "to identify the needs of persons with disabilities, their families and voluntary bodies working in the field of disability issues and to take all necessary steps or propose appropriate measures in order to cater for such needs as much as possible."
1.4.i	Access is provided for persons with special needs	As 1.4 above.
2.1	Local residents are employed, including in management positions. Training is offered as necessary.	This is covered by Maltese legislation. The Employment And Industrial Relations Act (Chapter 452 f the Laws of Malta) states: "It shall not be lawful for any person - (a) when advertising or offering employment or when advertising opportunities for employment or when selecting applicants for employment, to subject any applicants for employment or any class of applicants for employment to discriminatory treatment; (b) in regard to employees already in the employment of the employer, to subject any such employees or any class of employees to discriminatory treatment, in regard to conditions of employment."
2.1.i	Local residents are employed.	As 2.2 above.
2.1.ii	Local residents are employed in management positions	As 2.2 above.
2.1.iii	Training is offered as necessary.	In addition to training on environmental, socio-cultural and health & safety good practice (our criterion 104 which satisfies criterion A.3), the provision of general training is covered in legislation as follows: The Employment And Industrial Relations Act (Chapter 452 of the Laws of Malta) states: "For the purposes of this article, the term "offering employment" includes recruitment or training of any person with a view to engagement in employment and in regard to a person already in employment, includes also promotion to a higher grade or engagement in a different class of employment." Additionally, according to the Tourism Accommodation Establishments Regulations (Subsidiary Legislation 409.04), hotels are required to "[perform] an emergency and evacuation exercise for staff:

		minimum one each year.” (Regulation 13.1).
2.2	The company has implemented a policy against commercial exploitation, particularly of children and adolescents, including sexual exploitation.	Hotels are not required to have a policy in this regard; rather it is the implementation of these principles which is important. However this is not verified during the ECO certification audit as exploitation of workers is covered by Maltese legislation. Legal Notice 440 of 2003 of the Laws of Malta states: “1. ... The purpose of these regulations is to... (d) ensure that employers guarantee that young people have working conditions which suit their age and are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardise their education.” Although sexual exploitation is not mentioned specifically, it is understood as being included under ‘any work likely to harm their ... physical, mental, moral or social development’.
2.2.i	The enterprise has a policy against commercial exploitation of children and adolescents, including sexual exploitation.	As 2.3 above.
2.2.ii	The policy is being implemented by the enterprise.	As 2.3 above.
2.3	The company is equitable in hiring women and local minorities, including in management positions, while restraining child labour.	This is covered by Maltese legislation, as explained in B.7.i – B.7.iii below.
2.3.i	The enterprise is equitable in hiring women and local minorities.	The Employment And Industrial Relations Act (Chapter 452 f the Laws of Malta) states: “It shall not be lawful for any person - (a) when advertising or offering employment or when advertising opportunities for employment or when selecting applicants for employment, to subject any applicants for employment or any class of applicants for employment to discriminatory treatment; (b) in regard to employees already in the employment of the employer, to subject any such employees or any class of employees to discriminatory treatment, in regard to conditions of employment.”
2.3.ii	The enterprise is equitable in hiring women and local minorities in management positions.	As 2.3.i above
2.3.iii	The enterprise does not employ child labor.	Legal Notice 440 of 2003 of the Laws of Malta states: “1. ... The purpose of these regulations is to (a) prohibit work by children (b) establish that the minimum employment age shall not be lower than the minimum age at which compulsory full-time schooling ends.”
2.4	The international or national legal protection of employees is respected, and employees are paid a living wage.	This is covered by Maltese legislation, as explained in B.8.i – B.8.iii below.

2.4.i	The international legal protection of employees is respected	Employee rights are covered by the Employment And Industrial Relations Act (Chapter 452 of the Laws of Malta). Specific text from the Act is not quoted since it is the Act in its entirety which protects the various rights of employees.
2.4.ii	The national legal protection of employees is respected	Employee rights are covered by the Employment And Industrial Relations Act (Chapter 452 of the Laws of Malta). Specific text from the Act is not quoted since it is the Act in its entirety which protects the various rights of employees.
2.4.iii	Employees are paid a living wage.	<p>The protection of wages is covered by the Employment And Industrial Relations Act (Chapter 452 of the Laws of Malta) which states:</p> <p>“Except where otherwise expressly permitted by the provisions of this Act, the entire amount of the wages earned by, or payable to, any employee shall be paid to him in money being legal tender in Malta ... Provided that payment of wages by cheque on a bank in Malta or payable to the Bank account of an employee shall be deemed to be payment in legal tender in cases in which payment in this manner is customary or necessary or is consented to by the employee concerned.”</p> <p>Additionally, the National Minimum Wage National Standard Order (Legal Notice 378 of 2009) states:</p> <p>“The national minimum wage per week related to a normal working week shall be as follows: Age 18 years and over - € 152.29, Age 17 years - € 145.51, Under 17 years - € 142.67. The national minimum wage of part-time employees shall be calculated pro rata at the same hourly rate of a comparable whole-time employee.”</p>
2.5	The activities of the company do not jeopardize the provision of basic services, such as water, energy, or sanitation, to neighbouring communities.	The Malta Environment and Planning Authority is responsible for assessing whether a proposed development requires an Environmental Impact Assessment. This is based on the detailed provisions laid out in the Environmental Impact Assessment Regulations (Legal Notice 114 of 2007). Specific text from the Act is not quoted since it is the Act in its entirety which determines whether and how the impact assessment is carried out
2.5.i	The activities of the enterprise do not jeopardize the provision of basic water services to neighboring communities.	As per 2.5 above.
2.5.ii	The activities of the enterprise do not jeopardize the provision of basic sanitation services to neighboring communities.	As per 2.5 above.
3.1	Historical and archaeological artefacts are not sold, traded, or displayed, except as permitted by law.	<p>This is covered by Maltese legislation. The Cultural Heritage Act (Chapter 445 of the Laws of Malta) states:</p> <p>“43. (2) Any person who, even accidentally, discovers any object, site or building to which this Act applies in accordance with article 3, shall immediately inform the Superintendent ... (6) Every movable object forming part of the cultural heritage discovered in any location within Malta, its territorial waters,</p>

		<p>and its contiguous zone whether found in authorised or illegal excavations or exploration or accidentally in the course of any work or any other manner shall belong to the State... 44. (3) No person shall make any interventions on such cultural property or classes thereof without first having obtained a permit therefore from the Superintendent as may be prescribed in regulations issued under this Act.”</p>
3.1.i	The enterprise does not impede access by local residents to local historical, archaeological, culturally, and spiritually important properties and sites.	<p>This is covered by Maltese legislation. The Cultural Heritage Act (Chapter 445 of the Laws of Malta) states: “There shall be a Superintendence of Cultural Heritage, under the responsibility and management of the Superintendent of Cultural Heritage ... It shall be the function of the Superintendence: ... to exercise surveillance over the protection, conservation, restoration, maintenance, exhibition and accessibility of cultural property.”</p>
3.2.i	The enterprise respects the intellectual property rights of local communities.	<p>This is covered by Maltese legislation, namely the Copyright Act (Chapter 415 of the Laws of Malta). Of particular relevance are articles 12 and 42, excerpts of which follow: “12. (1) It shall not be lawful for any person, including the assignee of the copyright or a licensee there under, without the author’s consent, to mutilate, modify, distort or subject to any other derogatory action any work during its term of copyright in a way prejudicial to the honour or reputation of the author. 42. (1) Copyright, neighbouring rights and sui generis rights are infringed by: (a) any person who does or causes another person to do, without a licence from the owner or holder thereof, an act the doing of which is controlled by copyright, neighbouring rights or sui generis rights.”</p>
4.1	Wildlife species are only harvested from the wild, consumed, displayed, sold, or internationally traded, as part of a regulated activity that ensures that their utilization is sustainable.	<p>This is regulated by the Malta Environment and Planning Authority through the enforcement of the Flora, Fauna and Natural Habitats Protection Regulations (Legal Notice 311 of 2006) which state: “No person shall keep, transport, sell or exchange by any method, import or export any specimen of species of flora listed in Schedules V (b) and VI (b) to these regulations unless he is in possession of a prior official permit from the Competent Authority” where Schedules V and VI list animal and plant species of community and national interest (respectively) in need of strict protection. Similarly, the Regulations also state: “No person shall pursue, take or attempt to take, deliberately capture or kill or attempt to kill, deliberately destroy, keep, transport, by any method sell, buy, exchange, offer for sale or for exchange, import or export any specimen of species listed in the Schedules V (a) and VI (a) to these regulations, except for those taken legally before these regulations came into force, and unless he is in possession of a prior official permit from the Competent Authority.” In addition there are several Legal Notices regulating specific species (e.g. Wild Birds, Reptiles, Marine Mammals, etc.) This regulation is also in line with the EU Birds Directive.</p>
4.1.i	No captive wildlife is held, except for properly regulated activities,	This is covered by Maltese legislation, as per 4.1 above.

	and living specimens of protected wildlife species are only kept by those authorized and suitably equipped to house and care for them.	
4.1.ii	Living specimens of protected wildlife species are only kept by those authorized and suitably equipped to house and care for them.	As per 4.1 above.
4.2	The business contributes to the support of biodiversity conservation, including supporting natural protected areas and areas of high biodiversity value.	This is covered by Maltese legislation, as per 4.2.1.i and 4.2.1.ii below.
4.2.i	The enterprise contributes to the support of biodiversity conservation.	This will only be applicable to some hotels, depending on their location in relation to MEPA-designated protected sites in the Maltese Islands. In such cases, the role of hotels will be established by MEPA. This is in line with the Flora, Fauna and Natural Habitats Protection Regulations (LN 311 of 2006) which state: " The Competent Authority may issue a Management Plan for the said protected sites, which shall include a planning, management, supervision and monitoring measures in line with the protection category or categories assigned to the protected site in question. Such measures may include for each protected site as appropriate:...(d) the active involvement of local communities and populations, as appropriate, in the management of the protected site, including assistance to local inhabitants who might be affected by the establishment of such area; "
4.2.ii	The enterprise supports natural protected areas and areas of high biodiversity value.	As per 4.2.i
4.3	Interactions with wildlife must not produce adverse effects on the viability of populations in the wild; and any disturbance of natural ecosystems is minimized, rehabilitated, and there is a compensatory contribution to conservation management.	This is also in part covered by Maltese legislation, as per 4.3.1.i below.
4.3.i	Interactions with wildlife do not produce adverse effects on the viability of populations in the	Maltese legislation contains detailed regulations concerning the viability of wildlife species, particularly through the establishment of Protected Areas and Special Areas of Conservation. The below extracts serve to highlight relevant

	wild.	<p>parts of the regulations (contained in Legal Notice 311 of 2006) however the regulations include many more detailed provisions which can be enforced by the Malta Environment and Planning Authority.</p> <p>Article 14 states: “The Competent Authority shall take appropriate steps to avoid, in the protected sites, the deterioration of natural habitats and the habitats of species ... Such measures may include: ... the continual monitoring of ecological processes, habitats, population dynamics, landscapes, as well as the impact of human activities ... The Competent Authority shall promote and enforce the management of the protected site and its use in a sustainable manner.”</p> <p>Article 18 states: “No person shall carry out on any site within a special area of conservation, any operation or activity, unless the operation or activity is carried out, or caused or permitted to be carried out, by the owner or occupier of the site and one of them has given the Competent Authority written notice of a proposal to carry out the operation or activity. ... For the purpose of this regulation, ‘operation or activity’ refers to any operation or activity related to development, or any endeavour, which is envisaged to have impact on biodiversity and the SAC.”</p>
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I (designation _____) declare that to the best of my knowledge hotel _____ is in compliance with the above-mentioned relevant international or local legislation and regulations.

Signature: _____