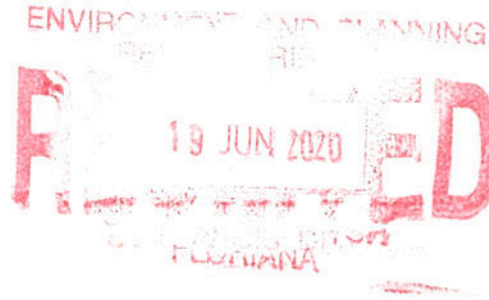


16 June 2020

The Secretary
Environment & Planning Review Tribunal
Floriana



Dear Sir,

Re OWK0010/18 – Mare Blu Tuna Farm Limited

We write on behalf of MARE BLU TUNA FARM LTD bearing registration number C 20506, having its registered address at 74 Liesse Hill, Valletta and submit the following letter of appeal in relation to the above captioned decision imposing a fine (multa).

The reasons for the said appeal are the following:

1. Enforcement Action was not explained or motivated

Our client humbly submits that the decision taken on the 6th August 2018 was not explained or motivated in any manner. Whilst reference is made to several conditions enshrined in EP 005/17, whereby sections are referred to in an *inter alia* manner, the said letter simply mentions the sections but does not indicate in any manner whatsoever what infringement has been caused. This is thoroughly unfair since it does not allow the appellant to correctly address the alleged infringement. Whilst it is common to see an approach of substance over form in administrative matters, it is nonetheless unacceptable to have a situation whereby an Authority is not specific in detailing the alleged infringement, especially when this gives rise to a pecuniary matter.

In the light of the above captioned, the appellant requests that the said fine be waived in its entirety since there does not subsist the correct grounds at law under which the said fine may be imposed due to no clear indication being given as to what the infringement consists in.

Founded by Farrugia Sacco Advocates and Gauci Maistre & Gauci Maistre Advocates

Partners	Dr. David Farrugia Sacco B.A., M.A.(Fin.Serv.), LL.D. Dr. Robert Gauci Maistre LL.B., M.A.(Fin. Serv.), LL.D.	Dr. Austin Gauci Maistre LL.B, M.A.(Fin. Serv.), LL.D. Dr. Steven Farrugia Sacco B.A., LL.D.
Associates	Dr. Rebecca Mercieca LL.B. (Hons) M.Adv (Melit.)	Dr. Jean-Carl Abela LL.B. (Hons) M.Adv (Melit.)

2. Termination of daily penalty until 20th August 2018

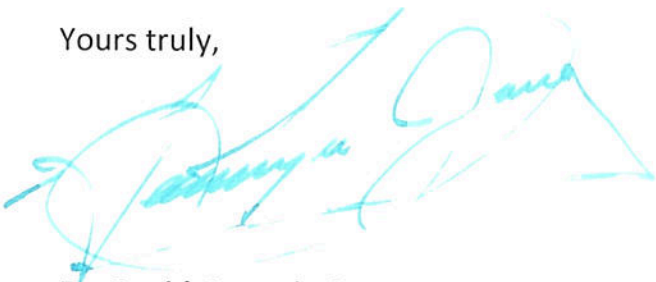
Without prejudice to the above captioned, the appellant hereby submits that the fine is wrongly calculated in that the said appellant had addressed any possible infringement at most by the 20th August 2018 whereby the Containment Measures, a copy hereby annexed, were submitted and accepted, so much so that the appellant was allowed to resume feeding operations. It is therefore apparently clear that at most the pecuniary fine that has been imposed cannot possibly exceed the period whereby the Authority itself recognised that the appellant had regularised their position.

In the light of the above captioned the appellant submits that any fine ought to be calculated from the 6th August 2018 until the 20th August 2018.

Whilst submitting the above mentioned for your consideration, our client is reserving its position and rights in relation to the said fine.

Whilst thanking you for your time and attention, we remain at your availability should you require further information.

Yours truly,



Dr. David Farrugia Sacco