

## **Nru. 32**

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30. 5. 2001

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Francis Zammit Dimech, M.P., Ministru għall-Ambjent, u moqri għall-Ewwel darba fis-Seduta ta' 1-20 ta' Lulju, 1999.

**ATT biex ihares l-Ambjent.**

#### **HOUSE OF REPRESENTATIVES**

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A BILL introduced by the Honourable Francis Zammit Dimech, M.P., Minister for the Environment, and read the First time at the Sitting of the 20th July, 1999.

**AN ACT to protect the Environment.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT biex iħares l-ambjent.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

**TAQSIMA I**  
**Preliminari**

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2001 dwar Titolu fil-qosor u bidu fis-sehh. il-Harsien ta' l-Ambjent.

(2) Dan l-Att jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-ambjent jista' b'avviż fil-Gazzetta jistabilixxi, u dati differenti jistghu jiġu hekk stabbiliti għal dispożizzjonijiet u għanijiet differenti ta' l-Att.

2. (1) F'dan l-Att kemm-il darba r-rabta tal-kliem ma tkunx Tifsir. tehtieg xort'ohra:

“ambjent” tfisser is-shuhija ta' l-elementi u l-kondizzjonijiet, naturali jew magħmula mill-bniedem, eżistenti fid-dinja, sew flimkien sew isolati minn xulxin, u b'mod partikolari:

- (a) l-arja, l-ilma u l-art;
- (b) kull saff ta' l-atmosfera;

(ċ) kull materja organika u inorganika u kull organiżmu haj;

(d) kull ekosistema; u

(e) il-pajsagġ;

“Awtorita`” tfisser l-awtorita` kompetenti nominata mill-Ministru taht l-artikolu 3 ta’ dan l-Att;

“derivattivi” tfisser partijiet minn xi kampjun, sew jekk ikun ipproċessat mill-bniedem sew jekk ma jkunx;

“diversita` bijoloġika” jew “bijodiversita`” tfisser il-varjabilita` fost organiżmi hajjin minn kull oriġni, inklużi *inter alia*, ekosistemi ta’ l-art, tal-baħar u ohrajn ilmija u l-kumplessi ekoloġiċi li jagħmlu parti minnhom, u tinkludi diversita` fl-ispeċi nnifisha, bejn l-ispeċi u ta’ ekosistemi;

“energija” tinkludi kull tip ta’ radjazzjoni li tagħmel parti mill-ispettru elettromanjetiku, kif ukoll kull vibrazzjoni u l-hoss;

“fawna” tfisser kull tip ta’ annimal mejjet jew haj, kollu kemm hu jew parti minnu u d-derivattivi tieghu;

“flora” tfisser kull tip ta’ veġetazzjoni, mejta jew hajja, kollha kemm hi jew parti minnha u d-derivattivi tagħha;

“kampjun” tfisser kull speċi, sew hajjin sew mejtin, jew xi parti jew derivattiv tagħhom, u tinkludi kull oġġett li minn dokument li jkollu mieghu, l-ippakkjar, il-marka jew it-tikketta jew minn ċirkostanzi ohra jidher li jkun xi parti jew derivattiv ta’ annimali jew pjanti;

“konservazzjoni” tfisser serje ta’ miżuri meħtieġa biex isostnu jew jahju mill-ġdid kull *habitat* naturali u l-popolazzjoni ta’ speċi ta’ fawna u flora selvaġġi fi status favorevoli;

“Ministru” tfisser il-Ministru responsabbli għall-ambjent;

“organiżmu ġenetikament modifikat” tfisser xi wiehed minn dawn li ġejjin:

(a) organiżmu miksub mill-formazzjoni ta’ kombinazzjoni ta’ materjal ġenetiku b’kull mezz li mhux xi mezz naturali;

(b) organiżmu li jiret tali kombinazzjoni ta' materjal ġenetiku;

(ċ) organiżmu li jirriżulta mir-replikazzjoni ta' organiżmu kif miksub skond ma hemm fil-paragrafu (a); jew

(d) kull organiżmu iehor kif jista' jiġi preskritt mill-Ministru taht dan l-Att;

“preskritt” tfisser preskritt mill-Ministru taht dan l-Att;

“prinċipju kawtelatorju” tfisser il-prinċipju li bih jittiehdu miżuri adatti li jharsu l-ambjent u li jiżguraw maniġġ sostenibbli ta' riżorsi naturali fin-nuqqas ta' prova xjentifika assoluta jew konkluziva tal-htieġa ghal dawk il-miżuri;

“rimi” tinkludi kull emissjoni, depożitu, rimi barra, tnehhija, żjieda jew tfigh ġo l-ambjent ta' xi sustanza jew enerġija, direttament jew indirettament minn xi sorsi minn post wiehed jew sorsi mferrxa, sew stazzjonarja sew mobbli, u sew jekk ikkaġunata jew permessa bil-hsieb jew xort'ohra, sew jekk kontinwa jew intermittenti jew ta' darba biss;

“riżorsi naturali” tfisser kull komponent tan-natura u tinkludi l-arja, l-ilma, l-art, it-terriċċ, il-minerali, l-enerġija, organiżmi hajjin u riżorsi ġenetiki;

“skart” tfisser kull haġa, sustanza jew oġġett li d-detentur jarmi jew ikollu hsieb li jarmi, jew li jkun mehtieġ li jżomm biex jarmiha, u tinkludi kull haġa ohra, sustanza jew oġġett tali li l-Ministru jista' jippreskrivi;

“sustanzi” tfisser kull haġa, kimika, tahlita, kompost jew prodott u tinkludi karburanti, kombinazzjonijiet ta' elementi, tahlitiet jew komposti ta' xi reazzjoni kimika, kif ukoll it-tahlita ta' sustanzi ta' identitajiet molekulari differenti;

“tniġġis” tfisser l-introduzzjoni diretta jew indiretta mill-bniedem fl-ambjent ta' sustanzi, xi organiżmu, materjal ġenetiku jew enerġija li jikkagunaw jew x'aktarx jikkagunaw periklu gravi ghal saħħet-il bniedem, hsara ghal riżorsi hajjin jew ekosistemi, jew dannu għall-amenitajiet, jew jinterferixxu ma' kull użu legittimu iehor ta' l-ambjent.

## TAQSIMA II L-Awtorità

Hatra ta' l-Awtorità.

3. (1) Il-Ministru ghandu b'ordni fil-Gazzetta jinnomina persuna jew korp sabiex tkun l-awtorità kompetenti għall-finijiet ta' dan l-Att, biex twettaq il-funzjonijiet ta' l-awtorità kompetenti taht dan l-Att, u biex taqdi kull funzjoni oħra li l-Ministru jista' jqis adatti għar-rigward tat-thaddim ta' dan l-Att. Dik il-persuna jew dak il-korp jiġu nominati għal dak il-perjodu li l-Ministru jista' jistabbilixxi u l-Ministru jkollu s-setgħa f'kull waqt li jtawwal, iġedded jew itemm dik il-hatra b'ordni fil-Gazzetta.

(2) Il-poteri tal-Ministru li jtawwal, iġedded jew itemm hatra magħmula skond is-subartikolu (1) ta' dan l-artikolu għandhom jispiċċaw hekk kif jista' jkun speċifikat mill-Ministru b'ordni fil-Gazzetta li bih jiġi nominat korp biex jagħmilha ta' l-awtorità kompetenti taht dan l-Att fuq bażi permanenti.

Funzjonijiet ta' l-Awtorità.

4. (1) (a) L-Awtorità tkun il-mezz prinċipali li bih il-Gvern jimplementa dmirijietu taht dan l-Att. L-Awtorità tagħti pariri lill-Ministru dwar il-formulazzjoni u implimentazzjoni ta' kull politka li tirrigwarda l-promozzjoni ta' żvilupp sostenibbli, l-protezzjoni u l-manigġ ta' l-ambjent u l-manigġ sostenibbli ta' riżorsi naturali, u dwar dawk l-affarijiet l-oħra li jistgħu jkunu mehtieġa għat-twettiq aħjar tad-disposizzjonijiet ta' dan l-Att.

(b) Fit-twettiq tal-funzjonijiet tagħha taht il-paragrafu (a) ta' dan subartikolu l-Awtorità għandha -

(i) tara li tikkopera jew li tagħmel arrangamenti ma' entijiet jew persuni oħra sabiex hija tkun tista' tissorvelja aħjar l-implimentazzjoni u tharis tad-disposizzjonijiet ta' dan l-Att;

(ii) tistabbilixxi għanijiet u strategiji fit-tul u għal żmien qasir;

(iii) tagħti pariri lill-Ministru fuq l-għemil ta' livelli ambjentali, linji direttivi u l-għemil ta' regolamenti taht dan l-Att kif ukoll il-formulazzjoni u l-implimentazzjoni ta' pjanijiet ta' kontinġenza u ta' emergenza biex jithares l-ambjent;

(iv) tkun l-awtorità li tista' tohrog liċenzi jew permessi li jistgħu jenhtiegu minn jew taht dan l-Att taht dawk il-kondizzjonijiet li tista', bla hsara għal kull disposizzjoni

ohra ta' din il-liġi jew ta' kull liġi ohra, tqis mehtieġa biex tikkontrolla u tmexxi dawk l-attivitajiet li jkollhom impatt fuq l-ambjent;

(v) tistabilixxi livelli ta' tragward ta' rimi mill-produzzjoni, maniġġ, użu, pussess jew kull attività ohra li tinvolvi prodotti, sustanzi u l-produzzjoni ta' jew l-użu ta' enerġija;

(vi) tissorvelja l-kwalità ta' l-ambjent u għal dak l-ghan tistabilixxi metodoloġiji, tikkonserva u xxerred informazzjoni li tirrigwarda l-ambjent; u

(vii) tippublika f'intervalli li ma jeċċedux it-tliet snin rapport fuq l-istat ta' l-ambjent.

(ċ) Ikun ukoll id-dmir ta' l-Awtorità li -

(i) tiżgura li dawk il-Verifiki dwar l-Ambjent u Stimu ta' l-Impatt fuq l-Ambjent li jistghu jiġu preskritti, isiru sew u kif dovut;

(ii) tirrelata ma' entijiet pubbliċi, organizzazzjonijiet mhux governattivi u organizzazzjonijiet internazzjonali fuq affarijiet li jirrigwardaw il-protezzjoni ta' l-ambjent u l-maniġġ sostenibbli ta' l-ambjent u ta' riżorsi naturali, u li tidhol għalbiex tagħmel u tippromwovi riċerka fuq dawk l-affarijiet;

(iii) tipprovdi appoġġ u servizzi konsultattivi li jirrigwardaw il-harsien ta' l-ambjent, lill-gvern u lil awtoritajiet lokali għar-rigward tat-twettiq tal-funzjonijiet tagħom;

(iv) tippromwovi, sew wehidha sew f'kollaborazzjoni ma' oħrajn, edukazzjoni, taħriġ u programmi ta' għarfien pubbliku li jkunu jirrigwardaw il-protezzjoni ta' l-ambjent, u l-maniġġ sostenibbli ta' l-ambjent u ta' riżorsi naturali;

(v) twettaq kull funzjoni ohra li tista' minn żmien għal żmien tiġi assenjata lilha mill-Ministru, inklużi l-funzjonijiet mehtieġa sabiex jagħtu seħħ lil xi obligazzjoni internazzjonali li Malta jkollha dwar affarijiet regolati b'dan l-Att.

(2) Saż-żmien meta d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu jingiebu fis-seħh, il-Ministru jista' jesercita kull funzjoni li hemm assenjata fih lill-Awtorità.

### TAQSIMA III

#### Kummissjoni Nazzjonali għall-Iżvilupp Sostenibbli

Kummissjoni  
Nazzjonali għall-  
Iżvilupp  
Sostenibbli.

5. (1) Qeghda b'dan tiġi mwaqqfa kummissjoni li tkun maghrufa bhala l-Kummissjoni Nazzjonali għall-Iżvilupp Sostenibbli u li jkollha l-ghamla u twettaq il-funzjonijiet stipulati f'dan l-artikolu:

(2) Il-kummissjoni tkun presjeduta mill-Prim Ministru jew fl-assenza tiegħu mill-Ministru u tkun magħmula kif ġej:

(a) il-Ministri kollha *ex officio* jew ir-rappreżentanti tagħhom;

(b) membru tal-Kamra magħżul minn fost membri tal-Kamra li jappoġġaw lill-Gvern u membru tal-Kamra magħżul minn fost membri tal-Kamra fl-Oppożizzjoni;

(ċ) rappreżentant ta' l-Awtorità;

(d) iċ-*Chairman* tal-Kunsill Malti għall-Iżvilupp Ekonomiku u Soċjali *ex officio*;

(e) rappreżentanti ta' daww l-entijiet pubbliċi li fil-fehma tal-Prim Ministru ikunu rilevanti għall-funzjonijiet tal-Kummissjoni;

(f) rappreżentant ta' l-assoċjazzjoni tal-kunsilli lokali;

(g) rappreżentanti ta' organizzazzjonijiet li jirrappreżentaw jew ikollhom xi interess fir-relazzjonijiet kummerċjali, industrijali u, jew industrijali, korpi xjentifiċi u akkademiċi, il-*media*, u organizzazzjonijiet mhux governattivi ohra li fil-fehma tal-Prim Ministru ikunu rilevanti għall-funzjonijiet tal-Kummissjoni.

(3) Il-membri tal-Kummissjoni msemmija fil-paragrafi (e) sa (g) tas-subartikolu (2) għandhom jinhatru mill-Prim Ministru wara konsultazzjoni mal-korp jew korpi relattivi u jibqgħu fil-kariga għal dak il-perjodu li jista' jissemma fl-ittra tal-hatra tagħhom u huma jkunu jistgħu jerġgħu jinhatru.

(4) Il-quorum ghal-laqgħat tal-Kummissjoni jintgħamel mill-president flimkien ma' nofs il-membri li f'dak iż-żmien ikunu membri tagħha; il-Kummissjoni xort'ohra tirregolat l-proċedura tagħha nnifisha.

(5) Il-Prim Ministru għandu jassenja uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Kummissjoni, u għandu minn żmien għal żmien jassenjalha dawk l-affarijiet jew riżorsi oħra li fil-fehma tiegħu jkunu adatti sabiex tkun tista' twettaq il-funzjonijiet.

(6) Il-Kummissjoni ikollha dawn il-funzjonijiet li ġejjin:

(a) tappoġġa l-iżvilupp sostenibbli fost is-setturi kollha ta' Malta, tirrevedi xi progress ikun sar fil-kisba ta' dak l-iżvilupp sostenibbli u tibni kunsens dwar l-azzjoni mehtieġa biex jinkiseb iktar progress;

(b) tidentifika kull proċess jew politka rilevanti li jistgħu jkunu qegħdin itellfu l-fiduċja fl-iżvilupp sostenibbli u tipproponi kull proċess jew politka alternattivi lill-Gvern bil-ghan li jadotthom;

(ċ) tidentifika tendenzi li jistgħu b'mod sinifikattiv jikkontribwixxu għal żvilupp mhux sostenibbli u li ma jkunux jistgħu jitreġġgħu lura minhabba f'xi azzjoni korrenti jew ippjanata, u tirrakkommanda l-azzjoni li għandha tittiehed biex tregġa' lura dawk it-tendenzi;

(d) iżżid l-gharfien tal-htieġa li l-iżvilupp għandu jkun sostenibbli;

(e) tinkoraġġixxi u tistimula pratka xierqa fl-użu u l-manigġ ta' riżorsi naturali, b'mod partikolari kemm jistgħu l-inqas jintużaw u kemm jistgħu l-iktar jergħu jintużaw mill-ġdid permezz tar-riċiklaġġ b'mod li jkun ghalkollox adatt għall ambjent;

(f) tipprepara Strategija Nazzjonali għall-Iżvilupp Sostenibbli; u

(g) twettaq kull funzjoni oħra għar-rigward ta' l-iżvilupp sostenibbli li jista' jiġi assenjat lilha mill-Prim Ministru:

Iżda fit-twettiq ta' dawk il-funzjonijiet hawn qabel imsemmija, il-Kummissjoni tista' tahtar kumitati konsultattivi biex jagħmlu

rakkomandazzjonijiet fuq suġġetti jew azzjonijiet speċifiċi li tista' tqis li għandhom jiġu eżaminati:

Iżda wkoll, fit-twettiq tal-funzjonijiet tagħha, l-Kummissjoni tkun responsabbli lejn il-Prim Ministru. Ir-rakkomandazzjonijiet u d-deċiżjonijiet tal-Kummissjoni m'għandu jkollhom ebda saħħa eżekuttiva imma għandhom jitqiesu bħala rakkomandazzjonijiet awtorevoli ta' xi tkun l-aħjar pratka fil-kisba ta' żvilupp sostenibbli.

#### **TAQSIMA IV** **Dmir li jithares l-ambjent**

Dmir ta' kulhadd li jithares l-ambjent.

**6.** Ikun id-dmir ta' kulhadd li jithares l-ambjent u li jgħin lill-Gvern fit-tehid ta' miżuri preventivi u rimedjali biex iħares l-ambjent u jimmaniġġa r-riżorsi naturali b'mod sostenibbli.

Dmir tal-Gvern li jithares l-ambjent.

**7.** Ikun id-dmir tal-Gvern li jithares l-ambjent għall-benefiċċju tal-generazzjonijiet preżenti u futuri u għaldaqshekk:

(a) jimmaniġġa l-ambjent b'mod sostenibbli billi jintegra u jagħti l-konsiderazzjoni dovuta għat-thassib dwar l-ambjent f'deċiżjonijiet fuq politka soċjo-ekonomika u kull politka oħra;

(b) jiehu kull miżura preventiva u rimedjali li tista' tkun meħtieġa biex tiġi indirizzata u mnaqqsa l-problema ta' tniġġis u kull għamla oħra ta' degradazzjoni ta' l-ambjent sew f'Malta sew 'l hinn minn Malta, skond il-prinċipju li min inigges għandu jhallas u l-prinċipju kawtelatorju;

(c) jikkollabora ma' gvernijiet u entijiet oħra fil-harsien ta' l-ambjent globali;

(d) ixxerred informazzjoni dwar l-ambjent u jiffaċilita l-partecipazzjoni tal-pubbliku f'deċiżjonijiet li jolqtu l-ambjent;

(e) japplika konoxxenza u riżorsi xjentifiċi u teknoloġiċi biex jiddeċiedi l-kwistjonijiet li jolqtu l-ambjent;

(f) jiżgura l-manigġ sostenibbli ta' kull skart u jippromwovi t-tnaqqis u l-użu tajjeb, l-użu mill-ġdid u l-irkupru xierqa tal-materja u l-enerġija;

(g) iħares id-diversità bijoloġika;

(h) jehodha kontra kull għamla ta' tniġġis;

(i) jikkonsidra l-ambjent bhala l-wirt komuni u t-thassib komuni ta' l-umanità; u

(j) jipprovdi incentivi li jwasslu ghal livell oghla ta' protezzjoni tal-ambjent.

**8.** Id-disposizzjonijiet ta' l-artikoli 6 u 7 ta' dan l-Att m'għandhom ikunu direttament esegwibbli f'ebda qorti, imma l-prinċipji li jinsabu hemm fihom huma minkejja kollox fundamentali għall-Gvern ta' l-Istat u dawk il-prinċipji għandhom jithaddmu fl-interpretazzjoni tad-disposizzjonijiet l-oħra ta' dan l-Att jew ta' kull liġi oħra li tirrigwarda dak li hu regolat b'dan l-Att.

Applikazzjoni ta' l-artikoli 6 u 7 ta' dan l-Att.

## **TAQSIMA V**

### **Dmirijiet u Poteri tal-Ministru**

**9.** (1) Il-Ministru jista', filwaqt li jaġixxi skond id-disposizzjonijiet ta' l-artikolu 10 ta' dan l-Att jagħmel regolamenti għat-twettiq aħjar tad-disposizzjonijiet ta' dan l-Att u jista' b'mod partikolari b'dawk ir-regolamenti jahtar lill-Awtorità jew xi persuna jew korp l-awtorità msemmija għall-finijiet ta' kull obligazzjoni internazzjonali li fiha Malta tista' tkun parti.

Poter li jagħmel regolamenti.

(2) Mingħajr preġudizzju għal generalità tad-disposizzjonijiet tas-subartikolu (1) dawk ir-regolamenti jistgħu, b'mod partikolari:

(a) jippreskrivu l-hlasijiet u d-drittijiet li jistgħu jingabru mill-Awtorità għal servizzi mogħtija minnha taħt dan l-Att;

(b) jipprovdu għall-proċedura li għandha tiġi applikata fl-applikazzjoni għal licenzi taħt dan l-Att, kif ukoll id-drittijiet li għandhom jithallsu għalihom u l-kondizzjonijiet generali li taħthom l-Awtorità tista' teħtieġ li jingħataw garanziji finanzjarji jew li tiġi provduta assikurazzjoni biex tpatti għal kull dannu li jista' jiġi kaġunat lill-ambjent b'xi attività li tista' teħtieġ licenza taħt dan l-Att;

(ċ) jagħtu seħħ għal kull trattat jew istrument internazzjonali li jkun jirrigwarda kull haġa regolata b'dan l-Att li fihom Malta tista' minn żmien għal żmien tkun parti u biex iwaqqfu strutturi u jagħmlu provvedimenti oħra dwar l-implimentazzjoni tagħhom;

(d) jistabilixxu u jikkordinaw sistemi ta' kontroll tal-kwalità dwar l-ambjent u jaghmlu provvedimenti biex ikunu jistghu jsiru stimi ta' riskji fl-ambjent fi stabbiliment sew godda sew li digà jeżistu;

(e) jipprovdu għall-ġbir, l-ipproċessar, il-paragun u l-interpretazzjoni ta' *data* li tirrigwarda l-ambjent u jipprovdu wkoll li dawk il-persuni li jwettqu dawk l-attivitajiet li jistghu jolqtu l-ambjent kif jista' jiġi preskritt jaghtu dik l-informazzjoni u data lill-Awtorità fuq bażi regolari jew ta' xort ohra hekk kif jista' jiġi preskritt sabiex l-Awtorità tkun tista' tissorvelja u tissalvagwardja l-kwalità ta' l-ambjent;

(f) jippreskrivu kull teknikalità li għandha tintuża fis-sorveljar ta' l-ambjent;

(g) jippreskrivu ċ-ċirkostanzi li fihom tista' tiġi dikjarata emerġenza ambjentali, u l-effett li dik id-dikjarazzjoni jista' jkollha fuq xi attività li tkun teħtieġ liċenza taht dan l-Att;

(h) tippredisponi objettivi, tohroġ direttivi u tistabilixxi kodiċijiet ta' pratka, il-koll għar-rigward ta' l-ambjent, għar-riduzzjoni, użu mill-ġdid, irkupru, trattament, hażna u tnehhija ta' kull materjal kif jista' jiġi preskritt, għal kull attività tal-bniedem li tolqot l-ambjent u sabiex jiġi żgurat żvilupp sostenibbli, u dawk ir-regolamenti jistghu b' mod partikolari:

(i) jiformulaw objettivi li jistipulaw livelli kwantitattivi u kwalitattivi, l-iskopijiet li għandhom jintlahqu fit-thabrik li jiġi kontrollat l-ambjent;

(ii) jaghtu direttivi għar-rigward ta' dawk l-użijiet ta' l-ambjent kif jista' jiġi preskritt;

(iii) jistabilixxu l-ogħla kwantitajiet jew koncentrazzjonijiet ta' rimi jew emissjonijiet, jew l-użu ta' dawk is-sustanzi kif jista' jiġi preskritt filwaqt li jkunu qed isiru xoghlijiet, hidmijiet jew attivitajiet ta' kull xort'ohra u jiżgura t-twettiq u s-sorveljar ta' dawk il-livelli;

(iv) jistabilixxu kodiċijiet ta' pratka li jiddeterminaw proċeduri, metodi, limiti ta' rimi u emissjonijiet ta' sustanzi kif japplikaw għal xoghlijiet u attivitajiet kif jista' jiġi preskritt sew għar-rigward taż-żmien meta dawk ix-xoghlijiet u attivitajiet ikunu

qeghdin isiru kif ukoll ghar-rigward tal-waqt meta x-xoghlijiet u attivitajiet ikunu intemmew; u

(v) jistabilixxu għall-finijiet ta' dan l-Att, l-ahjar teknikalità disponibbli li ma tkunx teħtieġ xi nefqa eċċessiva ghar-rigward ta' xi hidma, attività jew proċess;

(i) ghar-rigward tal-prevenzjoni u l-kontroll integrati tat-tniġġis:

(i) jistabilixxu sistemi li jiżguraw dawk il-prevenzjoni u kontroll;

(ii) jippreskrivu miżuri to kontroll, jipprevjenu, jimmaniġġaw jew inaqqsu t-tniġġis u d-degradazzjoni ta' l-ambjent;

(iii) jikkontrollaw iż-żamma, l-manigġ, il-kummerċ jew l-użu ta' sustanzi u attivitajiet oħra li jistgħu jikkawgaw jew jiffaċilitaw it-tniġġis;

(iv) jistabbilixxu livelli inkluż l-oghla mil-livelli permessi f'espressjonijiet kwantitattivi jew kwalitattivi tar-rimi u l-emissjonijiet fl-ambjent ta' kull materjal, sustanza jew enerġija u ghar-rigward ta' l-użu ta' xi teknoloġija, tagħmir, materja, sustanza, metodu jew proċedura ghar-rigward ta' dan kollu;

(v) jistabilixxu metodologiji li għandhom jintużaw fis-sorveljar ta' rimi u emissjonijiet ta' sustanzi u, jew enerġija fl-ambjent u biex jirregolaw l-użu ta' informazzjoni miġbura waqt dak is-sorveljar;

(vi) jipprevjenu, jikkontrollaw, inaqqsu, jirrimedjaw jew xort'oħra jimmaniġġaw sitwazzjonijiet li jistgħu jwasslu għal xi emergenzi ambjentali u biex jipprevjenu, jikkontrollaw, inaqqsu, jirrimedjaw jew xort'oħra jimmaniġġaw kull effett kuntrarju fuq l-ambjent li jirriżulta minn dan kollu;

(j) ghar-rigward tal-manigġ ta' l-iskart:

(i) jikklassifikaw l-iskart u jippreskrivu regoli ghar-rigward ta' dan skond it-tip u l-kategorija ta' dan;

- (ii) jirregolaw il-manigġ u t-tnehhija ta' dan;
- (iii) jistabilixxu kwoti, f'espressjonijiet kwantitattivi u kwalitattivi, tal-ġenerazzjoni permessa ta' l-iskart, kif ukoll xort'ohra jipprovdu għall-prevenzjoni u t-tnaqqis ta' l-iskart;
- (iv) jipprovdu għar-reġistrazzjoni u, jew, il-liċenzar ta' hidmiet fil-manigġ ta' l-iskart;
- (k) għar-rigward tal-harsien ta' bijodiversità:
  - (i) jipprovdu għas-sorveljar u l-manigġ tagħha;
  - (ii) jiddikjaraw xi speċi bħala speċi protetta u jistabilixxu regoli għall-protezzjoni tagħha;
  - (iii) jiddikjaraw xi speċi bħala waħda invażiva u jistabilixxu regoli għall-kontroll tagħha;
  - (iv) jirregolaw il-użu ta', u xort'ohra jiproteġu kampjuni ta' fawna jew flora; u b'mod partikolari jipprojbixxu u, jew, jikkontrollaw il-pussess, l-esibizzjoni, il-propagazzjoni artifiċjali jew it-tniissil u t-trobbija kontrollati ta' dawk il-kampjuni ta' flora u fawna kif jista' jiġi preskritt;
  - (v) jipprovdu għall-konservazzjoni, protezzjoni u manigġ ta' kull *habitat* partikolari jew kategoriji relattivi biex tithares id-diversità bijoloġika;
  - (vi) jiddikjaraw arei jew siti fuq l-art jew fl-ibhra interni jew territorjali, jew 'l hinn minn dawk l-ibhra fejn Malta jista' jkollha ġurisdizzjoni għall-fini tal-harsien u l-kontroll ta' l-ambjent, bħala arei protetti u jipprovdu għall-protezzjoni tagħhom u biex jirregolaw il-manigġ tagħhom;
  - (vii) jikkontrollaw u jirregolaw kull attività li tista' tinterferixxi ma' l-istatus ta' konservazzjoni ta' diversità bijoloġika;
  - (viii) jirregolaw il-kummerċ fi u l-ġarr minn post għall-iehor, importazzjoni jew esportazzjoni ta' kampjuni ta' flora u fawna kif jista' jiġi preskritt;

(l) jikkontrollw, jimmaniġġaw u jirregolaw it-trasport, l-introduzzjoni, l-użu (inkluż l-użu kkunsidrat), ir-rilaxx jew it-tqeghid fis-suq jew fl-ambjent ta' organiżmi ġenetikament modifikati;

(m) ghar-rigward ta' verifiki dwar l-ambjent:-

(i) jehtieġu lil kull min ikun qed jagħmel dawk l-attivitajiet li jistgħu jiġu preskritti jew imexxi jew ihaddem dawk il-facilitajiet kif jistgħu jiġu preskritti sabiex ikunu jistgħu jsiru verifiki dwar l-Ambjent u biex jipprezentaw lill-Awtorità rapporti ta' verifika dwar l-ambjent; li għandhom jinkludu:

§1. deskrizzjoni dettaljata ta' l-attività jew facilità;

§2. deskrizzjoni dettaljata l-impatt ambjentali ta' l-attività jew facilità;

§3. pjanijiet biex jipprevjenu u jnaqqsu riskji ta' effetti kuntrarji u jirrimedjaw kull effett kuntrarju li jkun ġie kaġunat; u

§4. pjan ta' kontingenza biex jiffaċċa kull emerġenza;

(ii) jehtieġu lil kull persuna thares kull pjan li hemm provdut dwaru fi §3 u §4 tas-subparagrafu (i) ta' dan il-paragrafu; u

(n) jipprovdu li kull min jaġixxi b'kontravvenzjoni ta' xi regolament taht dan l-Att ikun hati ta' reat kontra dan l-artikolu, u jistabilixxu dik il-piena, li tkun piena ta' mhux iktar minn multa ta' mitt elf lira jew ta' prigunerija għal żmien mhux iktar minn sentejn, jew dik il-multa u prigunerija flimkien, li kull min jinsab hekk hati jista' jehel:

Iżda dawk ir-regolamenti jistgħu jipprovdu li persuna, li wara li tkun inġhatat sentenza għal reat kontra l-istess regolament b'deċiżjoni li tkun għaddiet f'ġudikat, terġa' tagħmel reat ieħor bi ksur ta' l-istess regolament f'dak iż-żmien li jista' jiġi preskrit, tista' tehel multa oghla, li ma tkunx teċċedi darbtejn daqs il-multa li kieku xort'ohra kienet tehel, u għall-fini tal-proviso l-oghla multa li tista' tiġi stabbilita b'dawk ir-regolamenti tkun dik ta' mitejn elf lira:

Iżda wkoll, dik il-multa ghandha f'kull każ tkun dovuta lill-Gvern bhala dejn ċivili, u meta l-persuna hatja tar-reat tkun direttur, segretarju, jew *manager* ta' korp magħqud li r-reat ikun sar għall-benefiċċju ekonomiku tiegħu, dak il-korp magħqud jkun responsabbli solidalment mal-hati għall-hlas ta' dak id-dejn ċivili; u

(o) jippreskrivi kull haġ'ohra li ghandha jew li tista' tiġi preskritta.

Proċedura  
għall-għemil ta'  
regolamenti.

**10.** (1) Regolamenti taht l-artikolu 9 ta' dan l-Att isiru mill-Ministru wara konsultazzjoni ma' l-Awtorità u hlief għal regolamenti taht il-paragrafi (a) (b) u (n) ta' subartikolu (2) ta' l-artikolu 9 fil-każijiet imsemmija fi subartikolu (2) ta' dan l-artikolu dawn m'għandhomx isiru kemm-il darba l-Ministru ma jkunx qabel ippubblika abbozz tagħhom fil-Gazzetta fejn jippermetti lil kull persuna perjodu ta' mill-anqas erba' ġimghat biex tagħmel ilmenti lill-Ministru jew lill-Awtorità, jew lit-tnejn li huma, fejn tiddikjara kif fil-fehma tagħha r-regolamenti proposti ma jkunux jipproteġu biżżejjed l-ambjent jew kif dawn ikunu restrittivi ż-żejjed bla bżonn jew jikkagunawliha diffikultà jew telf ekonomiku u titlob għal reviżjoni ta' dak l-abbozz.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għar-rigward tal-konsultazzjoni ma' l-Awtorità u għar-rigward tal-pubblikazzjoni ta' abbozz tar-regolamenti fil-Gazzetta ma japplikawx għar-rigward ta' regolamenti, li l-Ministru jiddikjara li jkunu urgenti.

(3) Kull persuna tista', fiċ-ċirkostanzi msemmija fi subartikolu (1) ta' dan l-artikolu għar-rigward ta' l-abbozz ta' regolamenti, mhux aktar tard minn sitt ġimghat wara l-promulgazzjoni ta' regolamenti magħmulin skond subartikolu (2), tagħmel ilmenti lill-Ministru u, jew lill-Awtorità fejn tiddikjara għaliex u kif dawk ir-regolamenti għandhom jiġu revokati jew emendati.

(4) L-Awtorità ghandha tqis kull ilment lilha magħmul taht subartikoli (1) u (3) ta' dan l-artikolu u ghandha tagħmel rapport fuqhom, wara li tisma lil dawk il-persuni jew tiehu dak il-parir espert li tikkonsidra spedjenti, lill-Ministru flimkien ma' kull opinjoni ohra li jista' jkollha dwar l-abbozz pubblikat taht subartikolu (1) jew ir-regolamenti magħmula taht subartikolu (2), u l-Ministru jista' meta jirċievi r-rapport minghand l-Awtorità u kull ilment minnu riċevut jipproċedi biex jirrevedi l-abbozz tar-regolamenti u jippromulga dawk ir-regolamenti skond dik ir-reviżjoni, jew jemenda regolamenti diġà promulgati; iżda fejn l-Awtorità ma tkunx wara li jiskadu erba' ġimghat wara li jkun skada tmiem il-perjodu għall-ilmenti msemmija fis-subartikolu (1), għamlet ir-rapport jew ma tkunx tat l-opinjoni jiet tagħha lill-Ministru,

l-Ministru jista' jipproċedi biex jippromulga r-regolamenti li jkunu jinsabu fl-abbozz bi jew minghajr ebda bidliet li jista' jqis spedjenti, minghajr preġudizzju għall-possibilità li jagħmel bidliet meta jirċievi dak ir-rapport u dawk l-opinjoni jiet li jistghu jsiru.

## TAQSIMA VI Liċenzi

**11. (1)** Hadd ma jista' jwettaq ebda attività minn dawn li ġejjin <sup>Liċenzi.</sup> kemm-il darba ma jkollux fil-pussess tiegħu liċenza mill-Awtorità:

(a) għar-rigward tal-bijodiversità:

(i) għal-liema raġuni tkun biex jikkummerċa, jittrasporta, jimporta jew jesporta dawk l-ispeċi ta' flora jew fauna, kif jista' jiġi preskritt sew mejtin sew hajjin kollha kemm huma jew parti minnhom, inklużi d-derivattivi tagħhom;

(ii) jkollu dawk il-kampjuni ta' flora jew fauna kif jistghu jiġu preskritti waqt li jkunu qed jingarru;

(iii) jkollu fil-pussess tiegħu dawk il-kampjuni ta' flora jew fauna kif jistghu jiġu preskritti;

(iv) jimmaniġġa dawk il-kampjuni ta' flora u fauna kif jista' jiġi preskritt, b'kull mod inkluż it-tqeghid ta' ċrieket u l-immarkar b'tikketti;

(v) jonsob, jispara jew jaqbad dawk il-kampjuni ta' fauna kif jista' jiġi preskritt;

(vi) jiġbor dawk il-kampjuni ta' flora jew fauna kif jistghu jiġu preskritti;

(b) għar-rigward tal-manigġ ta' l-iskart:

(i) jahżen, jiġbor, jittrasferixxi, jirkupra jew xort'ohra jimmaniġġa jew iġorr dak l-iskart hekk kif jista' jiġi preskritt;

(ii) jagħmilha ta' sensal għat-twettiq tal-funzjonijiet imsemmija fil-paragrafu (i);

(iii) jikkummerċa, jimporta jew jesporta l-iskart;

(iv) jiehu hsieb li dak l-iskart, kif jista' jiġi preskritt, ikun qed jingarr;

(v) imexxi faċilitajiet għall-manigġ ta' l-iskart;

(ċ) għar-rigward tal-kontroll tat-tniġġis, jarmi jew jikkaguna jew jippermeti li tintrema dik sustanza jew energija kif jista' jiġi preskritt fl-ambjent;

(d) dwar l-organizmi ġenetikament modifikati:

(i) jikkummerċa f'organizmi ġenetikament modifikati;

(ii) jimmaniġġa jew xort'ohra jkollu fil-pussess tiegħu organizmi ġenetikament modifikati;

(e) kull attività oħra li tista' tiġi preskritta.

(2) L-Awtorità jkollha s-setgħa li tagħti jew tiċhad liċenzi mahruġa skond dan l-artikolu, u fl-ghoti ta' daww il-liċenzi l-Awtorità jkollha jedd timponi daww il-kondizzjonijiet li tista' tqis li jkunu xierqa:

Iżda meta jiġu miċhuda jew imposti xi kondizzjonijiet partikolari, l-Awtorità għandha tagħti r-raġunijiet tagħha għal dik iċ-ċaħda u għal kull kondizzjoni partikolari li setgħet giet imposta.

(3) Kull min iwettaq xi tali attività li dwarha tkun meħtieġa liċenza taħt subartikolu (1) ta' dan l-artikolu mingħajr ma jkollu liċenza, jew jaġixxi bi ksur ta' xi kondizzjoni marbuta ma' tali liċenza, jkun hati ta' reat kontra dan l-artikolu u jista', meta jinsab hati, jehel multa ta' mhux iżjed minn hamsa w ghoxrin elf lira jew priġunerija għal mhux iżjed minn sitt xhur jew sew dik il-multu u dik il-priġunerija flimkien.

## **TAQSIMA VII**

### **Stima ta' l-Impatt fuq l-Ambjent**

Stima ta' l-Impatt fuq l-Ambjent.

Kap. 356.

**12.** (1) Il-Ministru jista' b'regolamenti jippreskrivi elenku tal-kategoriji ta' kull żvilupp li minhabba fix-xorta, firxa u lokalità tiegħu u, jew, konsiderazzjonijiet ambjentali oħra jkun bla hsara għal stima ta' l-impatt fuq l-ambjent qabel ma jista' jingħata permess għall-iżvilupp mill-Awtorità ta' l-Ippjanar taħt l-Att dwar l-Ippjannar ta' l-Iżvilupp:

Iżda ebda haġa f'dan is-subartikolu m'għandha tipprekludi lill-Awtorità ta' l-Ippjanar milli teħtieġ lil applikant għal permess għall-

izvilupp li jghaddi l-proġett minn stima ta' l-impatt fuq l-ambjent, ukoll jekk l-izvilupp ma jkunx jaqa' taht f'xi wahda mill-kategoriji fl-elenki preskritti mill-Ministru.

(2) Minkejja kull liġi oħra, meta area tkun giet dikjarata bhala area protetta skond id-disposizzjonijiet ta' dan l-Att, ma jista' jinghata ebda permess għal żvilupp mill-Awtorità ta' l-Ippjanar kemm-il darba l-Awtorità ma taghtix il-kunsens tagħha dwar dan.

**13.** (1) Fi żmien xahar minn meta tirċievi applikazzjoni għal permess għall-izvilupp li jkun jehtieġ Stima ta' l-Impatt fuq l-Ambjent taht l-artikolu 12 ta' dan l-Att, l-Awtorità ta' l-Ippjanar għandha tipprovdi lill-Awtorità b'dik l-informazzjoni li tista' tiġi preskritta jew li tista' xort'oħra tkun meħtieġa minnha biex tistabilixxi t-termini ta' referenza biex tkun tista' ssir Stima ta' l-Impatt fuq l-Ambjent.

Dmir ta' l-Awtorità  
dwar  
l-Ippjanar għar-  
rigward ta'  
Stima ta' l-Impatt  
fuq  
l-Ambjent.

(2) Fi żmien xahar mill-preżentata ta' l-informazzjoni imsemmija fis-subartikolu (1) ta' dan l-artikolu, l-Awtorità għandha tistabilixxi t-termini ta' referenza għal Stima ta' l-Impatt fuq l-Ambjent u tittrasmettiha lil min jagħmel l-applikazzjoni.

**14.** (1) Il-Ministru jista' wara li jikkonsulta lill-Awtorità jagħmel regolamenti, b'mod ġenerali biex jirregola kif isiru Stimi ta' l-Impatt fuq l-Ambjent, u mingħajr preġudizzju għal ġeneralità ta' dak li jinsab hawn aktar qabel, jista' b'dawk ir-regolamenti:

Poter li jsiru  
regolamenti  
dwar Stimi ta' l-  
Impatt  
fuq l-Ambjent.

(a) jispeċifika l-kriterji li għandhom jiġu sodisfatti fil-mod kif isiru Stimi ta' l-Impatt fuq l-Ambjent inklużi l-akkreditazzjoni u, jew, l-approvazzjoni ta' konsulenti jew persuni oħra li jitqabdu jagħmlu dawk l-istimi;

(b) jidentifika l-punti li għandhom jiġu indirizzati f'dawk l-istimi u l-informazzjoni li għandha tiġi pprovduta flimkien magħhom;

(ċ) jistabilixxi l-proċeduri li għandhom jiġu segwiti u l-mod u meded ta' żmien li għandhom jiġu osservati fl-għemil ta' tali stimi;

(d) jistabilixxi proċeduri li bihom partijiet li jistghu jintlaqtu bil-proġett u organizzazzjonijiet li jistghu ikollhom responsabbiltajiet jew interessi speċifiċi milqutin mill-proġett, jistghu jinghataw opportunità li jesprimu l-opinjoni u t-thassib tagħhom dwar dan.

(2) Minghajr preġudizzju għal kull regolament magħmul taht il-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, Stima ta' l-Impatt fuq l-Ambjent għandha fil-każijiet kollha tkun tindirizza u tagħti informazzjoni dwar kif il-proġett ikollu impatt fuq:

- (a) il-bnedmin u strutturi soċjali;
- (b) il-bijodiversità;
- (ċ) kull riżors naturali inklużi l-art, l-ilma, l-arja, il-klima u l-pajsaġġ; u
- (d) fuq kull haġ'ohra anċillari għall-partiti taht il-paragrafi (a), (b) jew (ċ) ta' dan is-subartikolu.

(3) Stima ta' l-Impatt fuq l-Ambjent għandha wkoll tkun tidentifika u tistma l-effetti transkonfini ta' xi proġett.

Reviżjoni ta' Stima ta' l-Impatt fuq l-Ambjent mill-Awtorità.

**15.** (1) Hekk kif itemm Stima ta' l-Impatt fuq l-Ambjent l-applikant għandu jippreżenta dik l-istima lill-Awtorità li għandha fi żmien tmien ġimgħat tirrevediha u tohroġ rapport dwarha skond is-subartikolu preċedenti ta' dan l-artikolu.

(2) Meta fil-fehma ta' l-Awtorità l-konklużjonijiet ta' Stima ta' l-Impatt fuq l-Ambjent jkunu validi u aċċettabli għaliha, hija għandha tohroġ rapport pożittiv.

(3) L-Awtorità tista' tohroġ rapport pożittiv bla hsara għal dawk il-kondizzjonijiet li tista' tqis mehtieġa biex tiffaċċa xi thassib partikolari li fil-fehma tagħha ma jkunx ġie ttrattat biżżejjed fl-istima. Dak ir-rapport huwa hawn aktar 'il quddiem imsemmi bhala rapport pożittiv taht kondizzjoni.

(4) Meta Stima ta' l-Impatt fuq l-Ambjent tikkonkludi li l-iżvilupp ma jkunx wiehed ambjentalment sostenibbli jew fejn l-Awtorità ma tkunx sodisfatt bil-konklużjonijiet ta' tali Stima ta' l-Impatt fuq l-Ambjent, hija għandha tohroġ rapport negattiv.

Dritt ta' appell lill-Awtorità.

**16.** Meta minkejja rapport negattiv mill-Awtorità, jinghata permess għall-iżvilupp taht l-Att dwar l-Ippjanar ta' l-Iżvilupp, jew fejn xi kondizzjoni marbuta mar-rapport pożittiv taht kondizzjoni ma tkunx marbuta ma' xi permess għall-iżvilupp kif imsemmi qabel, l-Awtorità ikollha dritt tappella quddiem il-Bord ta' Appell dwar l-Ippjanar imwaqqaf taht l-artikolu 14 ta' l-imsemmi Att dwar l-Ippjanar ta' l-Iżvilupp, mill-hruġ ta' dak il-permess għall-iżvilupp jew mill-ommissjoni ta' xi kondizzjoni marbuta mill-Awtorità f'rapport pożittiv taht kondizzjoni.

17. Minghajr preġudizzju għall-poteri tiegħu taht l-artikolu 12, il-Ministru jista' jordna li xi dipartiment tal-Gvern jew xi korporazzjoni jew awtorità mwaqqfa b'ligi jew xi Aġenzija oħra tal-Gvern li jgħaddu kull politka jew strategija adottati jew ippjanati li jiġu adottati minnhom għal Stima Strategika fuq l-Ambjent, u jista' b'regolamenti jippreskrivi u jirregola l-proċeduri u l-metodi li għandhom jiġu adottati f'dawk l-istimi.

Stima Strategika  
fuq l-Ambjent.

### TAQSIMA VIII Il-Fond dwar l-Ambjent

18. L-Awtorità għandha twaqqaf fond, hawnhekk iżjed 'il quddiem imsemmi il-Fond, li jkun magħruf bhala l-Fond għall-Harsien ta' l-Ambjent għall-finijiet stipulati f'din it-Taqsima ta' dan l-Att.

Twaqqif  
tal-Fond.

19. (1) Il-Fond ikun amministrat minn bord magħmul minn president li jinhatar mill-Ministru u minn żewġ membri oħra, li wiehed minnhom jinhatar mill-Ministru responsabbli għall-finanzi u l-iehor jinhatar mill-Awtorità. Il-Fond ikollu personalità ġuridika indipendenti u distinta minn dik tal-Gvern jew ta' l-Awtorità u jkun jista' jagħmel kuntratti ta' akkwist u trasferiment ta' proprjetà u jagħmel dak kollu li jkun mehtieg jew anċillari għall-funzjonijiet tiegħu.

Amministrazzjoni  
tal-Fond.

(2) Il-membri tal-bord għandhom meta jiskadi l-perjodu tal-hatra tagħhom kull membru tal-Bord ikun eliġibbli għall-hatra mill-ġdid.

(3) Il-Fond jintuża biex jiffinanzja studji biex jithares l-ambjent, kif ukoll xoghlijiet li jistgħu jenhtieġu għal dak l-ghan jew biex tiġi rimedjata kull hsara kaġunata lill-ambjent f'dak li għandu x'jaqsam ma' xi pjan ta' kontingenza jew emergenza, jew biex jiffinanzja dawk l-attivitajiet l-oħra li l-Ministru f'konsultazzjoni ma' l-Awtorità jista' jippreskrivi:

Iżda il-Fond m'għandux jintuża biex jiffinanzja l-ispejjeż għat-thaddim ta' l-Awtorità:

Iżda wkoll l-Awtorità tista' titlob hlas mill-Fond għal servizzi mogħtija minnha lill-Fond.

(4) Għandu jithallas fil-Fond:

(a) kull ammont approprjat mill-Parlament għal dak l-ghan;

(b) kull donazzjoni jew għotja magħmula lill-Fond minn individwi jew istituzzjonijiet;

(c) ammonti li l-Awtorità tircevi bil-ghan li jitqeghdu fil-Fond;

(d) dawk l-ammonti jew flejjes ohra li jistghu minn żmien ghal żmien jiġu pprovduti bi jew taht din il-liġi jew kull liġi ohra.

Kontijiet tal-Fond.

**20.** (1) Il-Fond ghandu jzomm kont kif dovut tad-dhul u l-infiq tiegħu u l-Awtorità ghandha, minghajr preġudizzju għall-poteri ta' l-Awditur Ġenerali u tal-Ministru responsabbli għall-finanzi taht kull liġi li tkun, ta' kull sena tara li l-kontijiet tal-Fond jiġu verifikati minn Awdituri Pubbliċi u *Accountants* kwalifikati kif imiss u minnha mahtura bi ftehim mal-Ministru.

(2) Il-Fond ghandu ta' kull sena finanzjarja jibghat lill-Ministru, permezz ta' l-Awtorità, kopja tal-karta tal-bilanċ verifikata tiegħu kif imiss flimkien ma' rapport ta' l-attivitajiet tiegħu matul is-sena finanzjarja preċedenti. Il-Ministru ghandu jqiegħed kopja tal-karta tal-bilanċ u tar-rapport fuq il-Mejda tal-Kamra fi żmien xahar minn meta jirċevih mill-Fond.

Eżenzjoni minn xi taxxi.

Kap. 123.  
Kap. 364.

**21.** Id-dhul tal-Fond ma jkun soġġett għal ebda taxxa taht l-Att dwar it-Taxxa fuq l-*Income*, u l-Fond ma jkun jista' jehel ebda taxxa taht l-Att dwar it-Taxxa fuq Dokumenti u Trasferimenti.

Poter ta' għemil ta' regolamenti dwar il-Fond.

**22.** Il-Ministru jista' bi ftehim tal-Ministru responsabbli għall-finanzi u wara li jikkonsulta lill-Awtorità jagħmel regolamenti li jippreskrivu l-proċedura li ghandha tiġi segwita mill-bord tal-Fond u li xort'ohra tirregola l-Fond. Il-Ministru jista' b'dawk ir-regolamenti b'mod partikolari tippreskrivi dawk il-funzjonijiet, attivitajiet u inizjattivi li jistghu, jew għandhom jiġu ffinanzjati mill-Fond.

### **TAQSIMA IX** **Dritt għal Informazzjoni**

Dritt għal informazzjoni.

**23.** Il-Ministru jista' b'regolamenti taht dan l-artikolu jipprovdi li membri tal-pubbliku jew dawk il-kategoriji ta' persuni li jistghu jiġu preskritti jkollhom jedd jitolbu minn dawk id-dipartimenti tal-Gvern, awtoritajiet, korporazzjonijiet pubbliċi jew persuni ohra kif jista' jiġi preskritt dik l-informazzjoni li jista' jkollhom fil-pussess tagħhom u li tkun tirrigwarda l-ambjent. Minghajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi, dawk ir-regolamenti jistghu jippreskrivu:

(a) x-xorta ta' informazzjoni li tista' tkun mitluba;

(b) ċ-ċirkostanzi li fihom tista' tintalab dik l-informazzjoni;

(ċ) ċ-ċirkostanzi li fihom dik l-informazzjoni tista' ma tinghatax mill-enti li ssirilha t-talba għaldaqshekk u l-pubblikazzjoni tar-raġunijiet għaliex dik l-informazzjoni tkun hekk inżammet;

(d) id-drittijiet li jistgħu jintalbu għar-rigward ta' xi tali informazzjoni; u

(e) ż-żmien li fih għandha tinghata dik l-informazzjoni.

## TAQSIMA X Infurzar

**24.** (1) Kull min jikkaguna dannu lill-ambjent għandu, mingħajr Azzjoni għal dannu. preġudizzju għal kull responsabbiltà oħra ċivili li jagħmel tajjeb għal dawk id-danni ma' kull persuna jew awtorità, jkun responsabbli li jhallas lill-Fond stabbilit taht it-Taqsima VIII ta' dan l-Att, dik is-somma, li tista' fin-nuqqas ta' ftehim tiġi stabbilita mill-qorti, biex tagħmel tajjeb għad-danni kkaġunati lill-ambjent u sofferti mill-komunità b'mod ġenerali bin-nuqqas ta' osservanza ta' xi liġi jew regolament minn dik il-persuna jew bin-negliġenza jew l-għemil xjenti jew l-inabilità fis-sengħa jew fil-professjoni tagħha.

(2) Azzjoni f'isem il-Gvern skond is-subartikolu (1) ta' dan l-artikolu għandha ssir miċ-*Chairman* tal-Fond stabbilit taht Taqsima VIII ta' dan l-Att, u tiġi preskritta meta jiskadu tmien snin.

**25.** (1) Il-Ministru jista' jawtorizza uffiċjali ta' l-Awtorità jkunu Spetturi. spetturi għall-finijiet ta' dan l-Att, u dawk l-ispetturi jistgħu hekk kif juru prova ta' l-identità tagħhom biex jiżguraw it-tħaris ta' dan l-Att jew ta' kull regolament magħmul bis-saħħa tiegħu:

(a) jidhol f'kull post (li ma jkunx post ta' abitazzjoni) jew jitla' fuq kull vettura jew bastiment li jkollu liċenza taht dan l-Att, jew li jista' xort'oħra jkun preskritt;

(b) jeżamina kull haġa li għaliha jista' jkun japplika kull regolament taht dan l-Att u jiehu kull kampjun li jkun iqis li għandu jiehu għall-eżami;

(ċ) jagħmel pjanijiet ta' kull post, vettura jew bastiment u jiehu ritratti tagħhom wara li jidhol fihom jew jitla' fuqhom skond il-paragrafu (a) ta' dan is-subartikolu;

(d) jistharreġ minn kull minn jehtieġ informazzjoni f'dak li għandu x'jaqsam ma' xi attività jew haġ'oħra regolata b'dan l-Att;

(e) johrog ordnijiet ta' waqfien lil kull min ma jkunx qed ihares dan l-Att jew kull regolament maghmul tahtu.

Kap. 9.  
Kap.37.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ghandhom ikunu minghajr pregudizzju ghall-poteri tal-Pulizija, l-Kontrullur tad-Dwana jew ta' kull awtorita' ohra taht il-Kodiċi Kriminali, l-Ordinanza tad-Dwana jew kull ligi ohra.

(3) Spetturi mahtura taht dan l-artikolu ghandu jkollhom, minkejja kull ligi ohra, d-dritt li jghinu lill-pulizija fil-prosekuzzjoni ta' reati taht dan l-Att u li jidhru fil-każ f'isem il-prosekuzzjoni.

Penali ta'  
kompromess.

**26.** Meta qabel ma jinbdew procedimenti kriminali f'dak li ghandu x'jaqsam ma' xi reat taht dan l-Att, il-hati jhallas lill-Fond stabbilit taht Taqsima VIII ta' dan l-Att, dak l-ammont li jista' jigi miftiehem ma' l-Awtorita', li ma jkunx ammont oghla mill-piena li jista' jgib mieghu dak ir-reat, ghandha tintemm kull responsabbiltà kriminali li dik il-persuna jista' jkollha dwar dak ir-reat:

Izda l-ftehim li tithallas penali ta' kompromess lill-Fond ma jhassar ebda responsabbiltà civili li wiehed jaghmel tajjeb ghad-danni kaġunati lil xi persuna jew awtorita' u ghal kull responsabbiltà li tohrog mill-artikolu 24 ta' dan l-Att.

## **TAQSIMA X** **Mixxellanji**

Thassir u riserva.  
Kap. 348.

**27.** (1) Bla hsara ghad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu l-Att biex ihares l-Ambjent, hawnhekk iżjed 'il quddiem f'dan l-artikolu msemmi "l-Att" huwa b'dan imhassar.

(2) Kull licenza mahruġa taht l-Att ghandha sakemm din tiskadi jew tigi revokata taht dan l-Att titqies bhala li tkun inharget taht dan l-Att.

(3) Regolamenti maghmulin taht l-Att ghandhom jitqiesu bhallikieku saru taht id-disposizzjonijiet ta' dan l-Att u ghandhom ikomplu fis-sehh u jistghu jigu emendati, sostitwiti jew revokati skond hekk.

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## **Għanijiet u Raġunijiet**

L-għan ta' l-Abbozz hu biex jaghmel disposizzjonijiet godda għall-protezzjoni ta' l-ambjent.

**A BILL  
entitled**

*AN ACT to protect the Environment.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

**PART I  
Preliminary**

1. (1) The short title of this Act is the Environment Protection Act, 2001. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

2. (1) In this Act unless the context otherwise requires:

“Authority” means the competent authority nominated by the Minister under article 3 of this Act; Interpretation.

“biological diversity” or “biodiversity” means the variability among living organisms from all sources, including *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes diversity within species, between species and of ecosystems;

“conservation” means a series of measures required to maintain or restore the natural habitats and the population of species of wild fauna and flora at a favourable status;

“derivatives” means parts of any specimen, whether processed by man or not;

“discharge” includes emission, deposit, dumping, disposal, addition or introduction into the environment of a substance or energy, directly or indirectly from any point source or diffuse source, whether stationary or mobile, and whether caused or permitted intentionally or otherwise and whether continuous or intermittent or once only;

“energy” includes all types of radiation forming part of the electromagnetic energy spectrum, as well as all vibrations and noise;

“environment” means the whole of the elements and conditions, natural or man made, existing on earth, whether together or in isolation, and in particular:

- (a) the air, water and land;
- (b) all the layers of the atmosphere;
- (c) all organic and inorganic matter and all living organisms;
- (d) all ecosystems; and
- (e) the landscape;

“flora” means all types of vegetation, dead or alive, in whole or in part and their derivatives;

“fauna” means all types of animals dead or alive, in whole or in part and their derivatives;

“genetically modified organism” means any of the following:

- (a) an organism derived from the formation of a combination of genetic material by any means other than natural means;

(b) an organism inheriting such combination of genetic material;

(c) an organism that results from the replication of an organism as derived in paragraph (a); or

(d) such other organism as may be prescribed by the Minister under this Act;

“Minister” means the Minister responsible for the environment;

“natural resources” means any component of nature and includes air, water, land, soils, minerals, energy, living organisms and genetic resources;

“pollution” means the direct or indirect introduction by man into the environment of substances, organism, genetic material or energy that cause or are likely to cause hazard to human health, harm to living resources or to ecosystems, or damage to amenities, or interfere with other legitimate uses of the environment;

“prescribed” means prescribed by the Minister under this Act;

“precautionary principle” means the principle whereby appropriate measures are taken to protect the environment and to ensure sustainable management of natural resources in the absence of absolute or conclusive scientific proof of the need for such measures;

“specimen” means any species, whether alive or dead, any part or derivative thereof, and includes any goods which from an accompanying document, the packaging, mark or label or from other circumstances appear to be parts or derivatives of animals or plants;

“substances” means any matter, chemical, mixture, compound or product and including fuels, combinations of elements, mixtures or compounds of a chemical reaction, as well as the mixture of substances of different molecular identities;

“waste” means any thing, substance or object which the holder discards or intends to discard, or is required to keep in order to discard, and includes such other thing, substance or object as the Minister may prescribe.

**PART II**  
**The Authority**

Appointment  
of Authority.

3. (1) The Minister shall by order in the Gazette nominate a person or body to be the competent authority for the purposes of this Act, to carry out the functions of the competent authority under this Act, and to perform such other functions as the Minister may consider appropriate in relation to the operation of this Act. Such person or body shall be nominated for such period as the Minister may determine and the Minister shall have the power at any time to prolong, renew or terminate such nomination by order in the Gazette.

(2) The powers of the Minister to prolong, renew or terminate a nomination made in pursuance of sub-article (1) of this article shall cease as may be specified by the Minister in an order in the Gazette whereby a body is nominated to act as the competent authority under this Act on a permanent basis.

Functions of  
the Authority.

4. (1) (a) The Authority shall be the principal means whereby the Government shall implement its duties under this Act. The Authority shall advise the Minister in the formulation and implementation of policies relating to the promotion of sustainable development, protection and management of the environment and the sustainable management of natural resources, and on such other matters as may be necessary for the better carrying out of the provisions of this Act.

(b) In carrying out its functions under paragraph (a) of this sub-article the Authority shall -

(i) seek to co-operate or to make arrangements with other entities or persons to enable it to better monitor the implementation of and compliance with the provisions of this Act;

(ii) establish long and short term objectives and strategies;

(iii) advise the Minister on the making of environmental standards, guidelines and the making of regulations under this Act as well as the formulation and implementation of contingency and emergency plans to safeguard the environment;

(iv) be the authority that may issue any licence or permit that may be required by or under this Act under such

conditions as it may, subject to any other provision of this or any other law, deem necessary to control and manage activities having an impact on the environment;

(v) establish threshold levels of discharge from production, management, use, possession or any other activity involving products, substances and the production of or use of energy;

(vi) monitor the quality of the environment and for such purpose establish methodologies, maintain and disseminate information related to the environment; and

(vii) publish at intervals not exceeding three years a report on the state of the environment.

(c) It shall also be the duty of the Authority -

(i) to ensure that Environmental Audits and Environmental Impact Assessments as may be prescribed are properly carried out;

(ii) to liaise with public entities, non-governmental organisations and international organisations on matters relating to environmental protection and the sustainable management of the environment and natural resources, and to undertake and promote research on such matters;

(iii) to provide support and advisory services relating to environment protection, to government and local authorities in relation to the performance of their functions;

(iv) to promote, either alone or in collaboration with others, education, training and public awareness programmes relating to environmental protection, and the sustainable management of the environment and natural resources;

(v) to perform such other functions as may from time to time be assigned to it by the Minister, including the functions required to give effect to any international obligation entered into by Malta relative to matters regulated by this Act.

(2) Until such time as the provisions of sub-article (1) of this article are brought into force, the Minister may exercise any of the functions therein assigned to the Authority.

**PART III**  
**National Commission for Sustainable Development**

National  
Commission  
for Sustainable  
Development.

5. (1) There is hereby established a commission to be known as the National Commission for Sustainable Development which shall have the composition and which shall carry out the functions set out in this article:

(2) The Commission shall be chaired by the Prime Minister or in his absence the Minister and shall be composed as follows:

(a) all Ministers *ex officio* or their representatives;

(b) a member of the House selected from among members of the House supporting the Government and a member of the House selected from among members of the House in the Opposition;

(c) a representative of the Authority;

(d) the Chairman of the Malta Council for Economic and Social Development *ex officio*;

(e) representatives of such public entities as in the opinion of the Prime Minister are relevant to the functions of the Commission;

(f) a representative of the association of local councils;

(g) representatives of organisations which represent or have an interest in business, industry and/or industrial relations, scientific and academic bodies, the media, and other non-governmental organisations which in the opinion of the Prime Minister are relevant to the functions of the Commission.

(3) The members of the Commission referred to in paragraphs (e) to (g) of sub-article (2) shall be appointed by the Prime Minister after consultation with the relative body or bodies and shall hold office for such term as may be stated in their letter of appointment and shall be re eligible for appointment.

(4) The quorum for meetings of the Commission shall be the chairman and half the members who at the time are members thereof; the Commission shall otherwise regulate its own procedure.

(5) The Prime Minister shall assign a public officer to be the secretary of the Commission, and shall from time to time assign to it such other affairs or resources which in his opinion are adequate for it to carry out its functions.

(6) The Commission shall have the following functions:

(a) to advocate sustainable development across all sectors of Malta, review progress in the achievement of such sustainable development and to build consensus on action needed to achieve further progress;

(b) to identify any relevant process or policy which may be undermining sustainable development and propose alternative processes or policies to the Government for adoption;

(c) to identify trends which may significantly give rise to unsustainable development and which will not be reversed on the basis of current or planned action, and recommend action to reverse such trends;

(d) to increase awareness of the need that development must be sustainable;

(e) to encourage and stimulate good practice in the use and management of natural resources, in particular their minimal use and maximum reuse by recycling in an environmentally sustainable manner;

(f) to prepare a National Strategy for Sustainable Development; and

(g) to carry out such other functions in relation to sustainable development as may be assigned to it by the Prime Minister:

Provided that in carrying out the above-mentioned functions, the Commission may appoint advisory committees to make recommendations on specific subjects or actions which it may deem fit to examine:

Provided further that in carrying out its functions, the Commission shall be answerable to the Prime Minister. Recommendations and decisions of the Commission shall have no executive force but shall be considered as authoritative recommendations of best practice in achieving sustainable development.

**PART IV**  
**Duty to Protect the Environment**

Duty of every person to protect the environment.

**6.** It shall be the duty of every person to protect the environment and to assist the Government in the taking of preventive and remedial measures to protect the environment and manage natural resources in a sustainable manner.

Duty of Government to protect the environment.

**7.** It shall be the duty of the Government to protect the environment for the benefit of the present and future generations and to that effect:

(a) to manage the environment in a sustainable manner by integrating and giving due consideration to environmental concerns in decisions on socio-economic and other policies;

(b) to take such preventive and remedial measures as may be necessary to address and abate the problem of pollution and any other form of environmental degradation in Malta and beyond, in accordance with the polluter pays principle and the precautionary principle;

(c) to collaborate with other governments and entities in the protection of the global environment;

(d) to disseminate information on the environment and to facilitate the participation of the public in decisions that affect the environment;

(e) to apply scientific and technical knowledge and resources in determining matters that affect the environment;

(f) to ensure the sustainable management of wastes and to promote its reduction and the proper use, reuse and recovery of matter and energy;

(g) to safeguard biological diversity;

(h) to combat all forms of pollution;

(i) to consider the environment as the common heritage and common concern of humankind; and

(j) to provide incentives leading to a higher level of environmental protection.

8. The provisions of articles 6 and 7 of this Act shall not be directly enforceable in any court, but the principles therein contained are this notwithstanding fundamental to the Government of the State and those principles shall be employed in the interpretation of the other provisions of this Act or of any other law relating to matters governed by this Act.

Application of articles 6 and 7 of this Act.

## PART V Duties and Powers of the Minister

9. (1) The Minister may, acting in accordance with the provisions of article 10 of this Act make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations appoint the Authority or any person or body to be the designated authority for the purposes of any international obligation to which Malta may be a party.

Power to make regulations.

(2) Without prejudice to the generality of the provisions of sub-article (1) such regulations may, in particular:

(a) prescribe the charges and fees that may be levied by the Authority for services rendered by it under this Act;

(b) provide for the procedure to be applied in the application for licences under this Act, as well as fees chargeable therefor and the general conditions under which the Authority may require the giving of financial guarantees or the provision of assurance to make good for any damage that may be caused to the environment by any activity which may require a licence under this Act;

(c) give effect to any international treaty or instrument relating to any matter governed by this Act to which Malta may from time to time be a party and to set up structures and make other provisions for the implementation thereof;

(d) establish, co-ordinate and enforce environment quality control systems and make provisions for the carrying out of assessments of environmental risks of both new and existing establishments;

(e) provide for the collection, processing, comparison and interpretation of data related to the environment and to provide that such persons carrying out such activities that may affect the environment as may be prescribed give such information and data to the Authority in a regular or other basis as may be prescribed in order to enable the Authority to monitor and safeguard the quality of the environment;

(f) prescribe the techniques to be used in the monitoring of the environment;

(g) prescribe the circumstances in which an environmental emergency may be declared, and the effect of such a declaration may have on any activity requiring a licence under this Act;

(h) set objectives, issue directives and establish codes of practice, all in relation to the environment, to the reduction, reuse, recovery, treatment, storage and disposal of materials as may be prescribed, to all human activity which effects the environment and to ensure sustainable development, and such regulations may in particular:

(i) formulate objectives laying down quantitative and qualitative terms, the goals to be achieved in the effort to control the environment;

(ii) give directives with regard to such uses of the environment as may be prescribed;

(iii) establish the maximum quantities or concentrations of discharge or emission, or use of such substances as may be prescribed during works, undertakings or activities of any nature and ensure the enforcement and monitoring of these standards;

(iv) establish codes of practice determining procedures, methods, limits of discharge and emission of substances applicable to works and activities as may be prescribed both with regard to the time when such works and activities are taking place as well as with regard to the time when the works and activities have been completed; and

(v) establish for the purposes of this Act, the best available technique not entailing excessive cost with regard to any work, activity or process;

(i) with regards to integrated pollution prevention and control:

(i) establish systems which ensure such prevention and control;

(ii) prescribe measures to control, prevent, manage or reduce pollution and degradation of the environment;

(iii) control the keeping, management, trading in or use of substances and other activities which may cause or facilitate pollution;

(iv) set standards including maximum of permitted levels in quantitative or qualitative terms, of discharge and emissions into the environment of materials, substances or energy and with regard to the use of any technology, equipment, matter, substance, method or procedure in relation thereto;

(v) establish methodologies to be used in the monitoring of discharge and emission of substances and, or energy into the environment and to regulate the use of information gathered during such monitoring;

(vi) prevent, control, reduce, remedy or otherwise manage situations which may lead to environmental emergencies and to prevent, control, reduce, remedy or otherwise manage any adverse effects on the environment resulting therefrom;

(j) in relation to waste management:

(i) classify waste and prescribing rules in relation thereto in accordance with the type and category thereof;

(ii) regulate the management and disposal thereof;

(iii) establish quotas, in quantitative and qualitative terms, of permitted generation of waste, as well as otherwise provide for the prevention and reduction of waste;

(iv) provide for the registration and, or, licensing of waste management operations;

(k) in relation to the protection of biodiversity:

(i) provide for the monitoring and management thereof;

(ii) declare any species to be a protected species and establish rules for its protection;

(iii) declare any species to be an invasive species and establish rules for its control;

(iv) regulate the use of and otherwise protect specimens of fauna or flora; and in particular prohibit and, or, control possession, exhibition, artificial propagation or captive breeding of such specimens of flora and fauna as may be prescribed;

(v) provide for the conservation, protection and management of particular habitats or categories thereof in order to safeguard biological diversity;

(vi) declare any areas or sites on land or in the internal or territorial waters, or beyond such waters where Malta may have jurisdiction for the purpose of the protection and control of the environment, to be protected areas and to provide for their protection and to regulate their management;

(vii) control and regulate any activity that may interfere with the conservation status of biological diversity;

(viii) regulate trade in and the transit, import or export of specimens of flora and fauna as may be prescribed;

(l) control, manage and regulate the transport, introduction of, use (including contained use), release or placing on the market or in the environment of genetically modified organisms;

(m) in relation to environmental audits:-

(i) require any person conducting such activities as may be prescribed or running or operating such facilities as may be prescribed to carry out environmental audits and to submit to the Authority environmental audit reports; which shall include:

§1. a detailed description of the activity or facility;

§2. a detailed description of the environmental impact of the activity or facility;

§3. plans to prevent and reduce risks of adverse effects and to remedy any adverse effects caused; and

§4. a contingency plan to deal with any emergency;

(ii) require any person to comply with any plan provided for in §3 and §4 of subparagraph (i) hereof; and

(n) provide that any person who acts in contravention of any regulation under this Act shall be guilty of an offence against this article, and establishing such penalty, being a penalty not greater than a fine (*multa*) of one hundred thousand liri or to imprisonment for a term not exceeding two years, or both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such regulations may provide that a person, who having been sentenced for an offence against the same regulation by a judgement which has become absolute, commits a further offence in contravention of the same regulation within such time as may be prescribed, shall be liable to pay a higher fine (*multa*), not exceeding double the fine (*multa*) which would otherwise have been inflicted, and for the purpose of this proviso the maximum fine that may be established by such regulations shall be two hundred thousand liri:

Provided further that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary or manager of a body corporate for the economic benefit of whom the offence was committed, such body corporate shall be liable *in solidum* with the offender for the payment of the said civil debt; and

(o) prescribe any other matter that is to be or may be prescribed.

**10.** (1) Regulations under article 9 of this Act shall be made by the Minister after consultation with the Authority and except for regulations under paragraphs (a) (b) and (n) of sub-article (2) of article 9 in the cases referred to in sub-article (2) of this article shall not be made unless the Minister shall have first published a draft thereof in the Gazette allowing any person a period of at least four weeks to make representations to the Minister or to the Authority or to both stating how in his opinion the proposed regulations do not sufficiently protect the environment or how they are too unnecessarily restrictive or cause him hardship or economic loss and asking for a revision of such draft.

Procedure  
for making  
regulations.

(2) The provisions of sub-article (1) of this article with regard to consultation with the Authority and with regard to the publication of a draft of the regulations in the Gazette shall not apply in respect to any regulations, which the Minister declares to be urgent.

(3) Any person may, in the circumstances referred to in sub-article (1) of this article in respect of draft regulations, not later than six weeks after the promulgation of any regulations made in accordance with sub-article (2) make submissions to the Minister and, or to the Authority stating why and how the regulations should be revoked or amended.

(4) The Authority shall consider any representations made to it under sub-articles (1) and (3) of this article and shall report thereon, after hearing such persons or taking such expert advice as it considers expedient, to the Minister together with any other views it may have on the draft published under sub-article (1) or the regulations made under sub-article (2), and the Minister may, upon receipt of the report by the Authority and any representations received by him, proceed to revise the draft regulations and to promulgate such regulations in accordance with such revision, or to amend any regulations already promulgated; provided that where the Authority has not after the lapse of four weeks after the end of the period for representation referred to in sub-article (1) has elapsed, not made the report or has not given its views to the Minister, the Minister may proceed to promulgate the regulations contained in the draft with or without changes as he may deem expedient, without prejudice to the possibility of making any changes upon the receipt of such report and views when made.

## **PART VI**

### **Licences**

Licences.

**11.** (1) No person shall carry out any of the following activities unless he is in possession of a licence from the Authority:

(a) in relation to biodiversity:

(i) for whatever purpose, trade in, transport, import or export such specimens of flora or fauna, as may be prescribed whether dead or alive in whole or in part, including any derivatives thereof;

(ii) have such specimens of flora or fauna as may be prescribed in transit;

(iii) have in his possession such specimens of flora or fauna as may be prescribed;

(iv) handle such specimens of flora and fauna as may be prescribed, in any manner including the ringing and tagging thereof;

(v) trap, shoot or capture such specimens of fauna as may be prescribed;

(vi) collect such specimens of flora or fauna as may be prescribed;

(b) in relation to waste management:

(i) store, treat, collect, transfer, recover or otherwise manage or handle such waste as may be prescribed;

(ii) act as broker for the carrying out of the functions mentioned in paragraph (i);

(iii) trade in, import or export waste;

(iv) have such waste as may be prescribed in transit;

(v) manage waste management facilities;

(c) in relation to pollution control, discharge or cause or permit to be discharged such substance or energy as may be prescribed into the environment;

(d) in relation to genetically modified organisms:

(i) trade in genetically modified organisms;

(ii) manage or otherwise have in his possession genetically modified organisms;

(e) any other activity as may be prescribed.

(2) The Authority shall have the power to grant or refuse licences issued in terms of this article, and in granting such licences the Authority shall be entitled to impose such conditions which it may deem appropriate:

Provided that upon the refusal or the imposition of particular conditions, the Authority shall give reasons for such refusal and for any particular conditions which may have been imposed.

(3) Any person who carries out any such activity for which a licence is required under sub-article (1) hereof without a licence, or acts in breach of any condition attached to any such licence, shall be guilty of an offence against this article and shall on conviction be liable

to a fine (*multa*) of not more than twenty five thousand liri or to imprisonment not exceeding six months or to both such fine and imprisonment.

## PART VII Environment Impact Assessment

Environment  
Impact  
Assessment.

Cap. 356.

**12.** (1) The Minister may by regulations prescribe a list of categories of developments which because of their nature, extent and locality and, or, other environmental considerations shall be subject to an Environment Impact Assessment before a development permission may be granted by the Planning Authority under the Development Planning Act:

Provided that nothing in this sub-article shall preclude the Planning Authority from requiring an applicant for a development permission to submit the project to an Environment Impact Assessment, even if the development does not fall within any of the categories in the lists prescribed by the Minister.

(2) Notwithstanding any other law, where an area has been declared a protected area in terms of the provisions of this Act, no development permit may be granted by the Planning Authority unless the Authority consents thereto.

Duty of Planning  
Authority with  
regard to  
Environment  
Impact Assessment.

**13.** (1) Within one month of the receipt of an application for planning permission requiring an Environment Impact Assessment under article 12 of this Act, the Planning Authority shall provide the Authority with such information as may be prescribed or as may otherwise be required by it to establish the terms of reference for the Environment Impact Assessment to be carried out.

(2) Within one month of the submission of the information referred to in sub-article (1) hereof the Authority shall establish the terms of reference for the Environment Impact Assessment, and transmit the same to the person making the application.

Power to make  
regulations  
with regard to  
Environment  
Impact  
Assessments.

**14.** (1) The Minister may after consulting the Authority make regulations, generally to regulate the conduct of Environment Impact Assessments, and without prejudice to the generality of the foregoing, may by such regulations:

(a) specify the criteria that are to be satisfied in the conduct of Environment Impact Assessments including the accreditation and, or, the approval of consultants or other persons engaged to carry out such assessments;

(b) identify the issues that are to be addressed in such assessments and the information that must be provided therewith;

(c) establish the procedures to be followed and the manner and time frames that are to be observed in the conduct of such assessments;

(d) establish procedures whereby parties that may be affected by the project and organisations that may have specific responsibilities or interests affected by the project, may be given an opportunity to express their views and concerns thereon.

(2) Without prejudice to any regulations made under paragraph (b) of sub-article (1) hereof an Environment Impact Assessment must in all cases separately address and give information as to how the project will impact on:

(a) human beings and social structures;

(b) biodiversity;

(c) all natural resources including land, water, air, climate and the landscape; and

(d) on any other matter ancillary to the items under paragraphs (a), (b) or (c) hereof.

(3) An Environment Impact Assessment shall also identify and assess the transboundary effects of a project.

**15.** (1) Upon completion of an Environment Impact Assessment the applicant shall submit the same to the Authority which shall within eight weeks review the same and issue a report thereon in accordance with the foregoing sub-article of this article.

Review of  
Environment  
Impact Assessment  
by Authority.

(2) Where in the opinion of the Authority the conclusions of the Environment Impact Assessment are valid and acceptable to it, it shall issue a positive report.

(3) The Authority may issue a positive report subject to such conditions as it may consider necessary in order to meet particular concerns which in its opinion are not sufficiently addressed in the assessment. Such a report is hereafter referred to as a conditionally positive report.

(4) Where the Environment Impact Assessment concludes that the development is environmentally unsustainable or where the Authority is not satisfied with the conclusions of the Environment Impact Assessment it shall issue a negative report.

Right of appeal to the Authority.

**16.** Where notwithstanding a negative report by the Authority, a development permission is granted under the Development Planning Act, or where any condition attached to a conditionally positive report is not attached to a development permission as aforesaid, the Authority shall have a right to appeal before the Planning Appeals Board set up under article 14 of the said Development Planning Act, against the grant of such planning permission or against the omission of any condition attached by the Authority in a conditional positive report.

Strategic Environment Assessment.

**17.** Without prejudice to his powers under article 12, the Minister may direct that a department of Government or a corporation or authority established by law or any other Government Agency to subject any policy or strategy adopted or planned to be adopted by it to a Strategic Environment Assessment, and may by regulations prescribe and regulate the procedures and methods to be adopted in such assessments.

### **PART VIII**

#### **The Environment Fund**

Setting up of the Fund.

**18.** The Authority shall set up a fund, hereinafter referred to as the Fund, to be styled the Environment Protection Fund for the purposes set out in this Part of this Act.

Administration of the Fund.

**19.** (1) The Fund shall be administered by a board composed of a chairperson appointed by the Minister and two other members, one appointed by the Minister responsible for finance and the other appointed by the Authority. The Fund shall have a legal personality independent and distinct from that of the Government or the Authority and shall be capable of entering into contracts of acquiring and transferring property and doing all such things as are necessary for or ancillary to its functions.

(2) On the expiration of their term of appointment all members of the Board shall be eligible for reappointment.

(3) The Fund shall be used to finance studies to safeguard the environment, as well as works which may be needed for that purpose or to remedy any harm caused to the environment in connection with any contingency or emergency plan, or to finance such other activities as the Minister in consultation with the Authority may prescribe:

Provided that the Fund shall not be used to finance the operating costs of the Authority:

Provided further that the Authority may charge the Fund for any services rendered by it to the Fund.

(4) There shall be paid into the Fund:

(a) any sums appropriated by Parliament for the purpose;

(b) any donations or grants made to the Fund by individuals or institutions;

(c) sums received by the Authority for the purpose of being placed in the Fund;

(d) such other sums or monies as may from time to time be provided by or under this or any other law.

**20.** (1) The Fund shall keep a proper account of its revenue and expenditure and the Authority shall, without prejudice to the powers of the Auditor General and of the Minister responsible for finance under any law, each year cause the accounts of the Fund to be audited by suitably qualified Public Auditors and Accountants appointed by it with the concurrence of the Minister. Accounts of the Fund.

(2) The Fund shall every financial year deliver to the Minister, through the Authority, a copy of its duly audited balance sheet together with a report of its activities during the previous financial year. The Minister shall lay a copy of the balance sheet and of the report on the Table of the House within a month of the receipt of the same from the Fund.

**21.** The revenue of the Fund shall not be subject to tax under the Income Tax Act and the Fund shall not be liable to tax under the Duty on Documents and Transfers Act. Exemption from certain taxes. Cap. 123 Cap. 364

**22.** The Minister may with the concurrence of the Minister responsible for finance and after consulting the Authority make regulations prescribing the procedure to be followed by the board of the Fund and otherwise regulating the Fund. The Minister may by such regulations in particular prescribe such functions, activities and initiatives that may or are to be financed by the Fund. Power to make regulations with respect to the Fund.

**PART IX**  
**Right to Information**

Right to  
information.

**23.** The Minister may by regulations under this article provide that members of the public or such categories of persons as may be prescribed shall be entitled to request from such Government departments, authorities, public corporations or other persons as may be prescribed such information that they may have in their possession and relating to the environment. Without prejudice to the generality of the foregoing, such regulations may prescribe:

- (a) the nature of the information that may be requested;
- (b) the circumstances in which such information may be requested;
- (c) the circumstances in which such information may be withheld by the requested entity and the publication of the reasons for which such information is withheld;
- (d) the fees that may be charged in respect of any such information; and
- (e) the time within which such information is to be supplied;

**PART X**  
**Enforcement**

Action for  
damages.

**24.** (1) Any person who causes damage to the environment, shall without prejudice to any other civil liability to make good any damages to any person or authority, be liable to pay to the Fund established under Part VIII of this Act, such sum, as may in the absence of agreement be fixed by the court, to make good for the damage caused to environment and suffered by the community in general by the non-observance of any law or regulation by such person or by his negligence or wilful act or inability in his art or profession.

(2) An action on behalf of the Government in accordance with sub-article (1) hereof shall be instituted by the Chairman of the Fund established under Part VIII of this Act, and shall be prescribed by the lapse of eight years.

Inspectors.

**25.** (1) The Minister may authorise officers of the Authority to be inspectors for the purposes of this Act, and such inspectors may upon production of proof of their identity in order to ensure compliance with this Act or any regulations made thereunder:

(a) enter any premises (other than a dwelling) or board any vehicle or vessel licensed under this Act, or as may otherwise be prescribed;

(b) examine any article to which any regulations under this Act may apply and take such samples as it may deem fit for examination;

(c) make plans of any premises, vehicle or vessel and take photographs of the same after entry or boarding in accordance with paragraph (a) hereof;

(d) enquire from any person information in connection with any activity or other matter regulated by this Act;

(e) issue stop orders to any person not in compliance with this Act or with any regulation made thereunder.

(2) The provisions of sub-article (1) of this article shall be without prejudice to the powers of the Police, the Comptroller of Customs or of any other authority under the Criminal Code, the Customs Ordinance or any other law.

Cap. 9.  
Cap. 37.

(3) Inspectors appointed under this article shall notwithstanding any other law have the right to assist the police in the conduct of prosecution for offences under this Act and to plead the case on behalf of the prosecution.

**26.** Where before criminal proceedings have been instituted in connection with any offence under this Act, the offender pays to the Fund established under Part VIII of this Act, such sum as may be agreed with the Authority, not being a sum higher than the fine to which the offence is liable, all such person's criminal liability with respect to that offence shall be extinguished:

Compromise  
penalty.

Provided that the agreement to pay to the Fund a compromise penalty shall not extinguish any civil liability to make good any damages to any person or authority and any liability arising under article 24 of this Act.

## PART X Miscellaneous

**27.** (1) Subject to the provisions of sub-article (2) of this article the Environment Protection Act, hereinafter in this article referred to as "the Act", is hereby repealed.

Repeal and  
saving.  
Cap. 348.

(2) Any licence issued under the Act shall until its expiration or revocation under this Act be deemed to have been issued under this Act.

(3) Regulations made under the Act shall be deemed to have been made under the provisions of this Act and shall continue in force and may be amended, substituted or revoked accordingly.

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### **Objects and Reasons**

The object of this Bill is to make new provisions for the protection of the environment.

