

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,630, 21 ta' Mejju, 2021

Taqsimha C

Nru. 215

21. 5. 2021

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Robert Cutajar, M.P., u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Mejju 2021.

A BILL introduced by the Honourable Robert Cutajar, M.P., and read the First time at the Sitting of the 17th May 2021.

ATT sabiex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549.

AN ACT to amend the Environment Protection Act, Cap. 549.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att dwar il-Protezzjoni tal-Ambjent u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Protezzjoni tal-Ambjent, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu
fil-qosor.
Kap. 549.

2. L-artikolu 6 tal-Att prinċipali, għandu jiġi emendat b'dan li ġej:

Emenda tal-
artikolu 6 tal-
Att prinċipali.

(a) is-subartikolu (9) tiegħu, għandu jiġi enumerat mill-ġdid bħala s-subartikolu (9)(a) fl-intier tiegħu, u minnufih wara għandhom jiġu miżjuda dawn il-paragrafi ġodda li ġejjin:

"(b) Bla hsara għall-ġeneralità tad-dispożizzjonijiet tal-paragrafu (a), il-proċedimenti tal-Awtorità għandhom jinżammu fil-pubbliku, fejn il-pubbliku kkonċernat għandu jingħata opportunitajiet minn kmieni u effettivi sabiex jippartecipa f'dawn il-proċeduri.

C 5558

Kap. 504.

(ċ) Il-membri tal-pubbliku kkonċernati li jkollhom interess suffiċjenti għandhom jingħataw aċċess għal proċedura ta' reviżjoni quddiem it-Tribunal sabiex jikkontestaw il-legalità sostantiva jew proċedurali ta' kwalunkwe minn dawn il-proċedimenti. Dan l-appell jista' jiġi ppreżentat quddiem it-Tribunal fi żmien tletin (30) jum wara l-att tal-Awtorità li jkun qed isir appell minnu. Id-dispożizzjonijiet tal-artikolu 41 tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp għandhom japplikaw għal din il-proċedura ta' appell.

(d) Fir-rigward tad-dispożizzjonijiet ta' paragrafu (ċ), l-interess ta' kull organizzazzjoni mhux governattiva li tippromwovi l-ħarsien ambjentali u li tissodisfa kwalunkwe rekwiżit skont il-liġi nazzjonali għandu jitqies biżżejjed."; u

(b) is-subartikolu (10) tiegħu, għandu jiġi enumerat mill-ġdid bħala s-subartikolu (10)(a) fl-intier tiegħu, u minnufih wara għandhom jiġu miżjuda dawn il-paragrafi ġodda li ġejjin:

"(b) Il-kopja tal-aġenda, il-minuti u d-dokumenti relattivi tal-laqgħat imsemmija fil-paragrafu (a), għandhom ikunu aċċessibbli wkoll għall-pubbliku kkonċernat.

(ċ) L-Awtorità għandha tiżgura li l-pubbliku interessat jingħata opportunitajiet minn kmieni u effettivi sabiex jippartecipa fil-proċedimenti tal-istess Awtorità.

(d) Fir-rigward tad-dispożizzjonijiet tal-paragrafi (b) u (ċ), l-Awtorità għandha tagħmel disponibbli lill-pubbliku, inkluż permezz tal-internet, id-dokumenti rilevanti kollha."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma li jassiguraw trasparenza fil-proċedimenti kollha tal-Awtorità għall-Ambjent u r-Riżorsi billi l-pubbliku kkonċernat u kull organizzazzjoni mhux governattiva li tippromwovi l-ħarsien ambjentali jingħataw opportunitajiet minn kmieni u effettivi sabiex jippartecipaw f'dawn il-proċedimenti tal-istess Awtorità, flimkien ma' aċċess għal proċedura ta' reviżjoni quddiem it-Tribunal.

A BILL
entitled

AN ACT to amend the Environment Protection Act, Cap. 549.

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:-

1. The short title of this Act is the Environment Protection (Amendment) Act, 2021 and this Act shall be read and construed as one with the Environment Protection Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 549.

2. Article 6 of the principal Act, shall be amended by the following:

Amendment of article 6 of the principal Act.

(a) sub-article (9) thereof, shall be renumbered in its entirety as sub-article (9)(a) and immediately thereafter, there shall be added the following new paragraphs:

"(b) Without prejudice to the generality of the provisions of paragraph (a), the proceedings of the Authority shall be held in public, whereas the public concerned shall be given early and effective opportunities to participate in the said proceedings.

C 5560

Cap. 504.

(c) Members of the public concerned having sufficient interest shall be given access to a review procedure before the Tribunal to challenge the substantive or procedural legality of any of these proceedings. Such an appeal may be lodged before the Tribunal within thirty (30) days from the act of the Authority being appealed. The provisions of article 41 of the Environment and Development Planning Act shall apply to this appeal procedure.

(d) For the purposes of the provisions of paragraph (c), the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient."; and

(b) sub-article (10) thereof, shall be renumbered in its entirety as sub-article (10)(a) and immediately thereafter, there shall be added the following new paragraphs:

"(b) A copy of the agenda, the minutes and relative enclosures of the meetings mentioned in paragraph (a), shall be also made available to the public concerned.

(c) The Authority shall ensure that the public concerned are given early and effective opportunities to participate in the proceedings of the same Authority.

(d) For the purposes of the provisions of paragraphs (b) and (c), the Authority shall make available to the public, including via the internet, all the relevant documentation.".

Objects and Reasons

The objects and reasons of this Bill consist in ensuring due publicity of all the proceedings of the Environment and Resources Authority giving the public concerned and any non-governmental organisations promoting environmental protection early and effective opportunities to participate in the said proceedings of the same Authority, together with an access to a review procedure before the Tribunal.

