

MALTA

ATT Nru XXX tal-2023

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549 u sabiex jipprovdi dwar hwejjeg li għandhom x'jaqsmu miegħu jew huma ancillari għalihom.

ACT No. XXX of 2023

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Environment Protection Act, Cap. 549, and to provide for other matters dealing with it or ancillary thereto.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

21 ta' Lulju, 2023

ATT Nru XXX tal-2023

ATT sabiex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549 u sabiex jipprovi dwar hwejjeġ li għandhom x'jaqsmu miegħu jew huma ancillari għalihom.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 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 aktar 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 549.

2. L-artikolu 6 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 6 tal-Att prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita bil-kliem "Twaqqif tal-Awtorità għall-Ambjent u r-Riżorsi.";

(b) fis-subartikolu (1) tiegħu, il-kliem "mhux anqas minn tmien u mhux aktar minn għaxar membri," għandhom jiġu sostitwiti bil-kliem "mhux inqas minn disa' (9) membri u mhux aktar minn ħdax (11)-il membru";

(c) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-paragrafu (a) tiegħu għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

"(a) tliet (3) uffiċjali mis-settur pubbliku li għandhom esperjenza jew kwalifiki f'materji li jolqtu l-ambjent, is-saħħa ambjentali, il-politika soċjali, jew ir-riżorsi;" u

(ii) fil-paragrafu (b) tiegħu, il-kliem "sitt membri" għandhom jiġu sostitwiti bil-kliem "seba' (7) membri";

(d) fis-subartikolu (7) tiegħu, il-kliem "uffiċjali pubbliċi" għandhom jiġu sostitwiti bil-kliem "fis-settur pubbliku";

(e) is-subartikolu (9) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(9) Id-dispożizzjonijiet tat-Tieni Skeda għandhom japplikaw għall-Bord tal-Awtorità u jirregolaw il-proċeduri tiegħu." u

(f) minnufih wara s-subartikolu (10) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(11) Il-Ministru, b'konsultazzjoni maċ-Chairperson tal-Awtorità, għandu jahtar segretarju sabiex jassisti lill-Awtorità. Is-segretarju għandu jkollu d-dmir li jsejjaħ il-laqgħat tal-Bord tal-Awtorità u li jzomm il-minuti tagħhom kif ukoll jassumi d-dmirijiet l-oħra li ċ-Chairperson tal-Awtorità jista' jassenja lilu."

Żieda ta' artikolu ġdid fl-Att prinċipali.

3. Minnufih wara l-artikolu 10 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Kummissjoni Ambjentali. 10A. (1) Għandu jkun hemm Kummissjoni, li tkun magħrufa bħala l-Kummissjoni Ambjentali, li għandha tkun magħmula minn erba' (4) membri.

(2) Il-membri tal-Kummissjoni għandhom ikunu persuni ta' integrità magħrufa u jkunu mahtura mill-Ministru kif ġej:

(a) wieħed (1) mill-membri tal-Bord tal-Awtorità li għandu jippresjedi l-Kummissjoni;

(b) persuna waħda (1) b'esperjenza jew kwalifiki f'materji relatati mal-ambjent;

(ċ) persuna waħda (1) b'esperjenza jew kwalifiki fil-liġi jew fl-infurzar tal-liġi; u

(d) persuna waħda (1) li tirrappreżenta l-interessi tal-organizzazzjonijiet volontarji fis-settur tal-ambjent, li għandha tkun magħżula minn fost numru ta' persuni nominati mill-istess organizzazzjonijiet volontarji.

(3) Il-membri tal-Kummissjoni għandhom jibqgħu fil-kariga għal perjodu ta' tliet (3) snin. Huma għandhom ikunu eligibbli għal hatra mill-ġdid għal terminu ieħor ta' tliet (3) snin. Il-membri jistgħu jirriżenjaw b'ittra indirizzata lill-Ministru.

(4) Il-funzjonijiet tal-Kummissjoni għandhom ikunu dawk il-funzjonijiet li l-Bord tal-Awtorità jista', minn żmien għal żmien, jiddelega lilha u jehtigilha li twettaq, soġġetta għal dawk il-kondizzjonijiet li l-Bord tal-Awtorità jista' jqis xierqa.

(5) Kwalunkwe deċiżjoni meħuda mill-Kummissjoni għandha titqies li hija, u għandu jkollhom l-istess saħħa u effett daqs, id-deċiżjonijiet tal-Bord tal-Awtorità, ħlief dwar materji li l-Bord tal-Awtorità espressament jirriżerva għalih jew jehtieg li jiġu riferuti lilu għal deċiżjoni, u l-frazi "deċiżjoni tal-Bord tal-Awtorità", kull fejn tokkorri f'dan l-Att, għandha tinftiehem hekk.

(6) Id-deċiżjonijiet tal-Kummissjoni għandhom jorbtu biss jekk ikunu appoġġjati mill-voti ta' mhux inqas minn tnejn (2) mill-membri tagħha.

(7) Il-Kummissjoni għandha tikkomunika liċ-Chairperson tal-Awtorità kopja tad-deċiżjonijiet tagħha u d-deliberazzjonijiet relattivi li wasslu għad-deċiżjonijiet tagħha, kemm jista' jkun malajr wara l-laqqgħa li fiha d-deċiżjonijiet ikunu ttieħdu.

(8) Bla ħsara għad-dispożizzjonijiet ta' qabel u għat-Tieni Skeda, u għal kull regola li tista' tiġi preskritta mill-Bord tal-Awtorità, il-Kummissjoni tista' tirregola l-proċeduri tagħha nnifisha.

(9) Is-segretarju tal-Awtorità jew ir-rappreżentant tiegħu għandu wkoll jassisti lill-Kummissjoni. Is-segretarju għandu jkollu d-dmir li jsejjaħ il-laqgħat u li jzomm il-minuti tagħhom u jassumi dawk id-dmirijiet l-oħra li ċ-Chairperson tal-Awtorità jista' jassenja lilu."

4. Fis-subartikolu (2) tal-artikolu 58 tal-Att prinċipali, il-kelma "fl-Iskeda" għandha tiġi sostitwita bil-kliem "fl-Ewwel Skeda".

Emenda tal-artikolu 58 tal-Att prinċipali.

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Emenda tal-artikolu 59 tal-Att prinċipali.

5. Minnufih wara s-subartikolu (2) tal-artikolu 59 tal-Att prinċipali għandhom jiġu miżjuda dawn is-subartikoli ġodda li ġejjin:

"(3) Kwalunkwe persuna tista' tiddikjara interess f'dawk l-applikazzjonijiet għall-awtorizzazzjonijiet li jaqgħu taht dan l-artikolu u li l-Ministru, bis-saħħa ta' regolamenti, jidentifika għal dan il-għan u, abbażi ta' kwistjonijiet li jkunu rilevanti għall-ambjent, tagħmel rappreżentazzjonijiet dwar tali applikazzjoni. L-imsemmija dikjarazzjoni ta' interess u r-rappreżentazzjonijiet għandhom isiru bil-miktub u għandhom jaslu għand il-Bord tal-Awtorità f'dak il-perjodu kif stabbilit b'regolamenti preskritti mill-Ministru. Dikjarazzjoni li ma tiġix sottomessa f'dan iż-żmien stipulat għandha tiġi kkunsidrata bħala nulla u ma tistax tiġi kkunsidrata mill-Bord tal-Awtorità.

(4) Matul l-ipproċessar tal-applikazzjoni, il-Bord tal-Awtorità għandu jikkunsidra rappreżentazzjonijiet magħmula minn partijiet interessati reġistrati skont id-dispożizzjonijiet tas-subartikolu (3).

(5) Il-Bord tal-Awtorità għandu jinforma lill-partijiet interessati reġistrati bis-seduta tal-Bord tal-Awtorità meta din l-applikazzjoni għandha tiġi diskussa:

Iżda tali rappreżentazzjonijiet jistgħu jsiru fi kwalunkwe forma meqjusa xierqa mill-Bord tal-Awtorità, u għandhom jinkludu rappreżentazzjonijiet riċevuti bil-posta jew bl-idejn u dawk sottomessi b'mezzi elettronici:

Iżda wkoll jekk l-aħħar ġurnata għal sottomissjonijiet tar-rappreżentazzjonijiet kif stabbilit mill-Bord tal-Awtorità tkun festa pubblika jew ġurnata meta l-uffiċċji tal-Awtorità jkunu magħluqa għall-pubbliku, it-terminu għal tali sottomissjonijiet għandu jitqies li jiskadi fil-ġurnata tax-xogħol li jmiss."

Emenda tal-artikolu 63 tal-Att prinċipali.

6. L-artikolu 63 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) u minnufih wara għandu jiġi miżjud dan is-subartikolu ġdid li ġejj:

"(2) Parti interessata reġistrata skont id-dispożizzjoni tal-artikolu 59(3) tista' tippreżenta appell minn deċiżjoni tal-Bord tal-Awtorità jew tal-Kummissjoni dwar permess ambjentali mat-Tribunal skont l-Att dwar it-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar."

Kap. 551.

Emenda tal-artikolu 76 tal-Att prinċipali.

7. L-artikolu 76 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, il-kliem "li mhumiex

awtorizzati." għandhom jiġu sostitwiti bil-kliem "li mhumiex awtorizzati:" u minnufih wara għandhom jiġu miżjuda dawn il-provisos godda li ġejjin:

"Iżda fejn l-Awtorità temmen li hemm periklu imminenti għall-ambjent, il-persuni msemmija hawn fuq jistgħu jiġu notifikati b'ordni ta' emerġenza li tkun effettiva immedjatament:

Iżda wkoll appell minn ordni ta' emerġenza jew is-sottomissjoni ta' applikazzjoni għall-awtorizzazzjoni fuq l-art li għalih tirreferi l-ordni ta' emerġenza ma għandux iwaqqaf l-effett tal-ordni ta' emerġenza jew lill-Awtorità li teżegwiha."; u

(b) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

"(4) L-Awtorità għandha tirreġistra l-ordnijiet kollha ta' waqfien u l-ordnijiet kollha ta' konformità f'indici miżmum għal dak il-għan li jidentifika s-sit soġġett għal dik l-ordni. L-imsemmi indici għandu jinżamm f'forma elettronika b'tali mod li jkunu jistgħu jsiru riċerki sabiex jiġi determinat jekk sit huwiex soġġett għal ordni.".

8. Is-subartikolu (1) tal-artikolu 79 tal-Att prinċipali għandu jiġi sostitwit b'dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 79 tal-Att prinċipali.

"(1) L-ispejjeż kollha inkorsi raġonevolment mill-Awtorità sabiex teżerċita s-setgħat tagħha jew kwalunkwe ammont ieħor dovut lill-Awtorità skont dan l-Att jew regolamenti magħmula taħtu, għandhom ikunu jistgħu jiġu rkuprati mill-Awtorità bħala dejn ċivili mingħand il-persuna li kontriha nħareġ l-ordni, jew minn kwalunkwe persuna li b'xi mod tkun responsabbli għall-atti msemmija fl-ordni, inkluż ordni għal ħlas, jew mill-applikant, bla ħsara għal kull jedd li dik il-persuna jista' jkollha sabiex tirkuprahom mingħand xi persuna oħra.".

9. L-Iskeda li tinsab mal-Att prinċipali għandha tiġi enumerata mill-ġdid bħala l-Ewwel Skeda.

Enumerazzjoni mill-ġdid tal-Iskeda li tinsab mal-Att prinċipali.

10. Minnufih wara l-Ewwel Skeda li tinsab mal-Att prinċipali, kif enumerata mill-ġdid, għandha tiġi miżjuda din l-Iskeda ġdida li ġejja:

Żieda ta' Skeda ġdida fl-Att prinċipali.

"IT-TIENI SKEDA
(artikoli 6 u 10A)

Dispożizzjonijiet dwar il-Bord tal-Awtorità u l-Kummissjoni

1. Id-dispożizzjonijiet ta' din l-Iskeda jirregolaw il-proċeduri li għandhom ikunu segwiti mill-Bord tal-Awtorità u mill-Kummissjoni. Kemm-il darba r-rabta tal-kliem ma teħtiegħ xort'ohra, għall-finijiet ta' din l-Iskeda, kull fejn jintużaw il-kliem "Bord tal-Awtorità" għandhom jinftehmli li jinkludu l-Kummissjoni.

2. Il-laqgħat tal-Bord tal-Awtorità għandhom jissejġu miċ-Chairperson, u l-imsemmi Bord tal-Awtorità għandu jiltaqa' f'dawk iż-żminijiet li l-Bord jiddeciedi.

3. Il-Bord tal-Awtorità jista' jaġixxi minkejja xi post vakanti fost il-membri, sakemm ikun hemm quorum preżenti għal-laqgħa.

4. Il-quorum tal-Bord tal-Awtorità għandu jikkonsisti minn nofs in-numru tal-membri li jikkostitwixxu l-Bord tal-Awtorità, fil-ħin tal-laqgħa, inkluż iċ-Chairperson jew il-viċi Chairperson.

5. Iċ-Chairperson jew il-viċi Chairperson li jkun qiegħed jaġixxi floku, għandu jkollu vot oriġinali, u fejn il-voti jkunu maqsuma indaqs, għandu jkollu vot ieħor jew vot deċiżiv. Il-membri kollha tal-Bord tal-Awtorità li jkunu preżenti fil-laqgħat tiegħu għandhom jivvutaw favur jew kontra kwalunkwe mozzjoni mressqa għall-votazzjoni. Deċiżjonijiet għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti.

6. Bla ħsara għad-dispożizzjonijiet tal-artikolu 13, membru tal-Bord tal-Awtorità li għandu interess dirett jew indirett fi kwalunkwe materja li tiġi quddiem il-Bord tal-Awtorità sabiex tiġi kkunsidrata minnu għandu, mhux aktar tard mill-ewwel laqgħa li ssir wara li jkollu għarfien taċ-ċirkostanzi rilevanti, jiżvela n-natura tal-interess tiegħu. L-imsemmi żvelar għandu jiġi registrat fil-minuti tal-laqgħa u l-membri:

(a) ma għandux jieħu sehem f'xi diskussjonijiet jew fid-deċiżjonijiet tal-Bord tal-Awtorità dwar dik il-materja; u

(b) ma għandux ikun ikkunsidrat sabiex jiġi stabbilit il-quorum għal tali diskussjonijiet jew deċiżjonijiet.

7. L-atti kollha magħmula minn xi persuna f'*bona fide* bħala membru tal-Bord tal-Awtorità għandhom ikunu validi u jkollhom effett bħallikieku kien membru anke jekk wara jinstab xi difett fil-kwalifiki għall-ħatra tiegħu.

8. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, inkluż ta' din l-Iskeda, il-Bord tal-Awtorità jista' jirregola l-proċeduri tiegħu stess.

9. Il-laqgħat tal-Bord tal-Awtorità għandhom ikunu miftuħa għall-pubbliku fil-każijiet li ġejjin:

(a) determinazzjoni ta' applikazzjonijiet għal permessi ambjentali kif il-Ministru jista' jippreskrivi permezz ta' regolamenti;

(b) kunsiderazzjoni mill-ġdid ta' permessi ambjentali skont l-artikolu 62;

(ċ) revoka jew tibdil skont l-artikolu 65;

(d) kunsiderazzjoni mill-ġdid skont l-artikolu 69(6);

(e) kull deċiżjoni oħra kif jista' jiġi preskritt mill-Ministru.

Il-Bord tal-Awtorità għandu jippermetti lill-applikant u r-rappreżentant tiegħu, jew lil xi wieħed minnhom, u lill-partijiet interessati reġistrati li jkunu għamlu rappreżentazzjonijiet skont id-dispożizzjoni tal-artikolu 59(3), sabiex jagħmlu sottomissjonijiet dwar kull materja li tkun qiegħda tiġi kkunsidrata. Iċ-Chairperson, fid-diskrezzjoni assoluta tiegħu, jista' wkoll jippermetti lil kwalunkwe membru ieħor tal-pubbliku sabiex jagħmel sottomissjonijiet, bla ħsara għas-setgħa taċ-Chairperson li jeskludi lil kwalunkwe membru tal-pubbliku jekk huwa jqis li jkun meħtieġ li jagħmel dan sabiex iżomm l-ordni u sabiex jillimita l-partecipazzjoni tal-applikant u tar-rappreżentant tiegħu jew ta' partijiet interessati reġistrati li jkunu għamlu rappreżentazzjonijiet skont id-dispożizzjoni tal-artikolu 59(3), jew tal-pubbliku, kif jista' jqis xieraq:

Iżda iċ-Chairperson jista', fejn hu jqis xieraq, isejjaħ u jmexxi l-laqgħa tal-Bord tal-Awtorità permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni kif hu jqis xieraq, f'liema każ, l-applikant jew ir-rappreżentant tiegħu, jew kwalunkwe wieħed minnhom, u l-parti interessata reġistrata li għamlet rappreżentazzjonijiet skont id-dispożizzjoni tal-artikolu 59(3), u kwalunkwe membru tal-pubbliku li, fid-diskrezzjoni assoluta taċ-Chairperson, li jithalla jagħmel sottomissjonijiet, għandu jithalla jagħmel sottomissjonijiet permezz ta' mezzi elettronici jew mezzi vijabbli oħra ta' komunikazzjoni. Iċ-Chairperson jista' jiehu dawk il-miżuri kollha, meqjusa bħala xierqa fid-diskrezzjoni tiegħu, sabiex jiżgura t-tmexxija xierqa tal-laqgħa permezz ta' mezzi elettronici jew mezzi vijabbli oħra. Iċ-Chairperson jista' wkoll jikkunsidra li jzomm

seduti ibridi fejn il-membri tal-Bord tal-Awtorità jistgħu jattendu fiżikament jew permezz ta' mezz elettroniku:

Iżda wkoll sabiex membru tal-pubbliku jithalla jipparteċipa fil-laqgħa li ssir permezz ta' mezzijiet elettronici jew mezzijiet vijabbli oħra ta' komunikazzjoni kif imsemmi hawn qabel, iċ-Chairperson jista', permezz ta' avviż imtella' fuq is-sit elettroniku tal-Awtorità, jitlob li kull min hu interessat li jipparteċipa fl-imsemmija laqgħa, jirreġistra l-interess tiegħu, bil-mod indikat hemmhekk, minn tal-inqas ġurnata (1) ta' xogħol qabel id-data tal-laqgħa, sabiex iċ-Chairperson ikun jista' jieħu kwalunkwe miżura li huwa jqis xierqa sabiex iħalli l-parteċipazzjoni tal-membri tal-pubbliku. L-ebda haġa f'dan il-paragrafu ma għandha tiġi interpretata bħala li tħassar jew tannulla l-proċedura jew partijiet minnha, inkluż kwalunkwe deċiżjoni meħuda mill-Bord tal-Awtorità, jekk kwalunkwe membru tal-pubbliku jonqos milli jipparteċipa fil-proċeduri, kull meta jithalla jagħmel hekk, minhabba n-nuqqas tal-mezzijiet elettronici jew mezzijiet vijabbli oħra użati sabiex titmexxa l-laqgħa jew l-inkapaċità tiegħu sabiex jagħmel dan:

Iżda wkoll l-attenzenza jew il-parteċipazzjoni ta' membru tal-pubbliku waqt laqgħa tal-Bord tal-Awtorità ma għandhiex tkun raġuni suffiċjenti sabiex tippovdi interess ġuridiku lil xi persuna sabiex tippreżenta appell minn deċiżjoni:

Iżda wkoll f'każ li l-Bord tal-Awtorità jmexxi kwalunkwe laqgħa tiegħu permezz ta' mezzijiet elettronici jew mezzijiet vijabbli oħra ta' komunikazzjoni, kwalunkwe referenza f'din l-Iskeda għal quorum jew kwalunkwe referenza magħmula għall-preżenza ta' jew votazzjoni mill-membri tal-Bord tal-Awtorità fil-laqgħa għandha tinftiehem f'dan ir-rigward:

Iżda wkoll il-laqgħat tal-Bord tal-Awtorità li jsiru permezz ta' mezzijiet elettronici jew mezzijiet vijabbli oħra ta' komunikazzjoni skont dan il-paragrafu għandu jkollhom l-istess effett fil-liġi daqslikieku l-imsemmija laqgħat saru fiżikament.

10. Il-minuti tal-laqgħat li jsiru fil-pubbliku għandhom ikunu disponibbli għall-pubbliku fuq is-sit elettroniku tal-Awtorità.

11. Laqgħat tal-Bord tal-Awtorità fejn id-Direttorati jipprovdu informazzjoni lill-Bord tal-Awtorità jistgħu ma jinżammux fil-pubbliku iżda ma jistgħux jittieħdu voti."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 148 tat-12 ta' Lulju, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 678

I assent.

(L.S.)

GEORGE VELLA
President

21st July, 2023

ACT No. XXX of 2023

AN ACT to amend the Environment Protection Act, Cap. 549, and to provide for other matters dealing with it or ancillary thereto.

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:-

Short title.

1. The short title of this Act is the Environment Protection (Amendment) Act, 2023 and this Act shall be read and construed as one with the Environment Protection Act, hereinafter referred to as "the principal Act".

Cap. 549.

Amendment of
article 6 of the
principal Act.

2. Article 6 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the words "Establishment of the Environment and Resources Authority.";

(b) in sub-article (1) thereof, the words "not less than eight and not more than ten" shall be substituted by the words "not less than nine (9) and not more than eleven (11)";

(c) sub-article (2) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) three (3) public sector officials having experience or qualifications in matters concerning the environment, environmental health, social policy, or resources;" and

(ii) in paragraph (b) thereof, the words "six members" shall be substituted by the words "seven (7) members";

(d) in sub-article (7) thereof, the words "public officers" shall be substituted by the words "in the public sector";

(e) sub-article (9) thereof shall be substituted by the following new sub-article:

"(9) The provisions of the Second Schedule shall apply to the Board of the Authority and regulate its proceedings."; and

(f) immediately after sub-article (10) thereof there shall be added the following new sub-article:

"(11) The Minister, in consultation with the Chairperson of the Authority, shall appoint a secretary to assist the Authority. The secretary shall have the duty of calling meetings of the Board of the Authority and keeping respective minutes thereof and assume such other duties as the Chairperson of the Authority may assign to him.".

3. Immediately after article 10 of the principal Act there shall be added the following new article:

Addition of a new article to the principal Act.

"Environmen-
tal
Commission.

10A. (1) There shall be a Commission, to be known as the Environmental Commission, which shall consist of four (4) members.

(2) The members of the Commission shall be persons of known integrity and appointed by the Minister as follows:

(a) one (1) of the members of the Board of the Authority who shall chair the Commission;

(b) one (1) person with experience or qualifications in matters concerning the environment;

(c) one (1) person with experience or qualifications in law or law enforcement; and

(d) one (1) person representing the interests of environmental voluntary organisations, who shall be chosen from amongst a number of persons nominated by the said voluntary organisations.

(3) The members of the Commission shall hold office for a period of three (3) years. They shall be eligible for re-appointment for another term of three (3) years. Members may resign by letter addressed to the Minister.

(4) The functions of the Commission shall be such functions which the Board of the Authority may, from time to time, delegate to it and require it to perform, subject to such conditions as the Board of the Authority may deem appropriate.

(5) Any decision taken by the Commission shall be deemed to be, and shall have the same force and effect as, the decisions of the Board of the Authority, except in respect of matters which the Board of the Authority expressly reserves to itself or requires to be referred to it for determination, and the phrase "decision of the Board of the Authority", wherever it occurs in this Act, shall be construed accordingly.

(6) The decisions of the Commission shall only be binding if they are supported by the votes of not less than two (2) of its members.

(7) The Commission shall communicate to the Chairperson of the Authority a copy of its decisions and the relative deliberations leading to its decisions, as soon as practicable after the meeting at which the decisions are taken.

(8) Subject to the foregoing provisions and to the Second Schedule, and to any rules that may be prescribed by the Board of the Authority, the Commission may regulate its own procedures.

(9) The secretary of the Authority or his representative shall also assist the Commission. The secretary shall have the duty of calling the meetings and keeping the minutes and assume such other duties as the Chairperson of the Authority may delegate to him."

4. In sub-article (2) of article 58 of the principal Act, the word "Schedule" shall be substituted by the words "First Schedule".

Amendment of article 58 of the principal Act.

5. Immediately after sub-article (2) of article 59 of the principal Act there shall be added the following new sub-articles:

Amendment of article 59 of the principal Act.

"(3) Any person may declare an interest in those applications for authorisations falling under this article and which the Minister, by virtue of regulations, identifies for this purpose and, on the basis of issues relevant to the environment, make representations on such application. The said declaration of interest and the representations shall be in writing and are to be received by the Board of the Authority within such period as established by regulations prescribed by the Minister. A declaration that is not submitted within this stipulated period shall be considered null and may not be considered by the Board of the Authority.

(4) During the processing of the application, the Board of the Authority shall consider representations made by registered interested parties in accordance with the provisions of sub-article (3).

(5) The Board of the Authority shall inform the registered interested parties of the Board of the Authority's sitting when such application shall be discussed:

Provided that such representations may be made in any format deemed appropriate by the Board of the Authority, and shall include representations received by post or by hand and those submitted electronically:

Provided further that if the last day for submissions of representations as set out by the Board of the Authority is a public holiday or a day when the offices of the Authority are closed to the public, the time limit for such submissions shall be deemed to expire the next following working day."

6. Article 63 of the principal Act shall be renumbered as sub-article (1) and immediately after there shall be added the following

Amendment of article 63 of the principal Act.

new sub-article:

Cap. 551. "(2) A registered interested party in accordance with the provision of article 59(3) may file an appeal from a decision of the Board of the Authority or of the Commission relating to an environmental permit with the Tribunal according to the Environment and Planning Review Tribunal Act."

Amendment of article 76 of the principal Act.

7. Article 76 of the principal Act shall be amended as follows:

(a) in sub-article (3) thereof, the words "unauthorised activities." shall be substituted by the words "unauthorised activities:" and immediately after there shall be added the following new provisos:

"Provided that where the Authority believes that there is an imminent danger to the environment, an emergency order, which is effective immediately, may be served on the above indicated persons:

Provided further that an appeal from an emergency order or the submission of an application for an authorisation on the land to which the emergency order relates shall not stay the effect of the emergency order or the Authority from executing it."; and

(b) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) The Authority shall register all stop and all compliance orders in an index held for that purpose which identifies the site subject to that order. The said index shall be held in an electronic form in such a way that researches to determine whether a site is subject to an order may be carried out."

Amendment of article 79 of the principal Act.

8. Sub-article (1) of article 79 of the principal Act shall be substituted by the following new sub-article:

"(1) All expenses reasonably incurred by the Authority in the exercise of its powers or any other amount due to the Authority under this Act or regulations made thereunder, shall be recoverable as a civil debt by the Authority from the person against whom the order has been issued, or from any person responsible in any manner for the acts mentioned in the order, including an order for payment, or from an applicant, subject to such right of recovery that such person may have against any other person."

9. The Schedule to the principal Act shall be renumbered as the First Schedule. Renumbering of Schedule to the principal Act.

10. Immediately after the First Schedule to the principal Act, as renumbered, there shall be added the following new Schedule: Addition of new Schedule to the principal Act.

"SECOND SCHEDULE
(articles 6 and 10A)

Provisions with respect to the Board of the Authority
and the Commission

1. The provisions of this Schedule regulate the procedures to be followed by the Board of the Authority and by the Commission. Unless the context otherwise requires, for the purposes of this Schedule, wherever the words "Board of the Authority" are used, they are to be construed as to include the Commission.

2. The meetings of the Board of the Authority shall be called by the Chairperson, and the said Board of the Authority shall meet at such times as the Board may decide.

3. The Board of the Authority may act notwithstanding any vacancy amongst its members, provided there is a quorum present at the meeting.

4. The quorum of the Board of the Authority shall consist of half the number of the members constituting the Board of the Authority, at the time of the meeting, including the Chairperson or the deputy Chairperson.

5. The Chairperson or the deputy Chairperson acting in his place, shall have an original vote, and where the votes are equally divided, he shall have a second or casting vote. All the members of the Board of the Authority present at its meetings shall cast their vote in favour or against any motion put to the vote. Decisions shall be adopted by a simple majority of the votes of the members present.

6. Without prejudice to the provisions of article 13, a member of the Board of the Authority who has a direct or indirect interest in any matter coming before the Board of the Authority for its consideration shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest. The said disclosure shall be recorded in the minutes of the meeting and the member:

(a) shall not take part in any discussions or decisions of the Board of the Authority with respect to that matter; and

(b) shall be disregarded for the purpose of constituting a quorum for any such discussions or decisions.

7. All acts done by any person in good faith as a member of the Board of the Authority shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

8. Subject to the provisions of this Act, including this Schedule, the Board of the Authority may regulate its own procedures.

9. The meetings of the Board of the Authority shall be open to the public in the following cases:

(a) determination of environmental permit applications as the Minister may prescribe by regulations ;

(b) reconsideration of environmental permits in accordance with article 62;

(c) revocation or modification in accordance with article 65;

(d) reconsiderations in accordance with article 69(6);

(e) any other decision as the Minister may prescribe.

The Board of the Authority shall allow the applicant and his representative, or any one of them, and registered interested parties who made representations in accordance with the provision of article 59(3), to make submissions on any matter under consideration. The Chairperson, at his absolute discretion, may also allow any other member of the public to make submissions, subject to the power of the Chairperson to exclude any member of the public if he deems it necessary to do so for the maintenance of order and to limit the participation of the applicant and his representative, or of the registered interested parties who made representations in accordance with the provision of article 59(3), or the public, as he may deem appropriate:

Provided that the Chairperson may, where he deems appropriate, convene and conduct the meeting of the Board of the Authority through such electronic or other viable means of communication as he deems appropriate, in which case, the applicant and his representative, or any of them, and a registered interested party who made representations in accordance with the provision of article 59(3), and any member of the public who, in the absolute discretion of the Chairperson, is allowed to make submissions, shall be allowed to

make submissions through such electronic or other viable means of communication. The Chairperson may take all such measures, deemed appropriate in his discretion, to ensure the proper conduct of the meeting by electronic or other viable means. The Chairperson may also consider holding hybrid meetings whereby Board of the Authority members can attend either physically or by electronic means:

Provided further that in order to allow a member of the public to participate in the meeting held through electronic or other viable means of communication as aforesaid, the Chairperson may, through a notice posted on the Authority's website, require that anyone interested in participating in the said meeting, to register such interest, in the manner therein indicated, at least one (1) working day before the date of the meeting, in order to enable the Chairperson to take any measure he deems appropriate to allow the participation of the members of the public. Nothing in this paragraph shall be interpreted as voiding or annulling the procedure or parts thereof, including any decision taken by the Board of the Authority, should any member of the public fail to participate in the proceedings, wherever allowed to do so, due to the failure of the electronic or other viable means used to conduct the meeting or his inability to do so:

Provided further that a member of the public's attendance or participation during a meeting of the Board of the Authority shall not be sufficient reason to provide juridical interest to any person to file an appeal from a decision:

Provided further that in case the Board of the Authority conducts its meeting through electronic or other viable means of communication, any reference in this Schedule to a quorum or any reference made to the presence of or voting by the members of the Board of the Authority at the meeting shall be construed accordingly:

Provided further that meetings of the Board of the Authority held through electronic or other viable means of communication in accordance with this paragraph shall have the same effect at law as if the said meetings were held physically.

10. Minutes of meetings held in public shall be made available to the public on the Authority's website.

11. Meetings of the Board of the Authority where the Directorates are providing information to the Board of the Authority do not need to be held in public but votes may not be taken."

A 686

Passed by the House of Representatives at Sitting No. 148 of the
12th July, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives