

(e) to make recommendations to the Minister on any matter relating to this Act or any regulations made thereunder or on any matter relating to climate action;

(f) to annually report to the Minister on the progress being registered in the field of climate change;

(g) to consult with the Malta Council for Economic and Social Development on any matters relating to this Act or any regulations made hereunder;

(h) to carry out such other functions as may be assigned to it by the Minister.

12. (1) The Minister may, subject to the provisions of this Act, make regulations to give effect to any of the provisions of this Act, or to regulate or otherwise provide about any matter in respect of the functions and the activities which affect climate action in accordance with this Act. Power to make regulations.

(2) The Minister may, acting in accordance with the provisions of this Act, make regulations for the better carrying out of the provisions of this Act and may appoint any person or body to be the designated authority for the purposes of exercising any duties or obligations which the Government has under this Act.

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

(a) prescribe the charges and fees that may be levied by the Government for services rendered by it under this Act, or in respect of any matter for which it is considered that a fee should be payable;

(b) prescribe measures to mitigate climate change;

(c) prescribe measures to prevent, avoid, reduce, and reduce vulnerability to and enhance resilience to, the adverse impacts of climate change and to adapt to climate change;

(d) prescribe measures for the good governance of climate mitigation and adaptation measures;

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

C 320

(f) provide for the collection, processing, comparison and interpretation of data related to climate action in cognizance of data related to the local economy and international and EU obligations and to provide that such persons carrying out such activities that may affect climate as may be prescribed, give such information and data to the Government on a regular or other basis as may be prescribed in order for the Government to take necessary action to harmonise local policies and measures in contribution to mitigation and adaptation in climate;

(g) prescribe the techniques to be used in the monitoring of climate change.

Procedure for making regulations.

13. (1) Regulations under article 12 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 (4) weeks to make representations to the Minister.

(2) The Minister shall consider any representations made under sub-article (1) and may proceed to revise the draft regulations and to promulgate such regulations in accordance with such revision, or to amend any regulations already promulgated.

(3) When the Minister makes regulations concerning the procedure before any board, commission or other body established under this Act, he shall also consult such board, commission or body.

Power to delegate.

14. (1) Without prejudice to his powers under the provisions of this Act, the Minister may direct any person or any department, agency, corporation or authority established by law to carry out any functions or duties in terms of this Act or of any regulations made in terms of this Act, and, or to ensure the proper implementation of this Act or of any regulations made in terms of this Act, and the Minister may by regulations prescribe and regulate the procedures and methods to be adopted by such person or department, agency, corporation or authority in exercise of such functions.

(2) The Minister may, from time to time, give to any of the entities or to any of its officers or employees such directives and orders, not being inconsistent with the provisions of this Act, as the Minister may deem opportune with regard to the policy that has to be followed by them and to the operation and implementation of their functions, and on any other matter which appears to the Minister to be connected with climate action, and the entity, officer or employee concerned shall, as much as possible, without delay comply with and act in accordance with these directives and orders and shall conduct their functioning in accordance with these principles.

(3) Every entity shall give the Minister all required facilities so that he may obtain all information connected with their affairs and activities of any entity, officer or employee, and for this purpose they shall supply the Minister with returns, bills and any other information connected thereto, or with their functions, and give him all required facilities to audit all given information, in such manner and within such times as the Minister may reasonably require.

(4) The Prime Minister may, by regulations made in consultation with the Minister, delegate any of the Minister's functions under this Act or under any regulations made in terms of this Act to any other Minister.

15. (1) Without prejudice to any other provision of this Act the Minister may make regulations prescribing penalties for offences against any regulations made under this Act, and such regulations may:

Power of Minister to make regulations in relation to offences and administrative fines.

(a) prescribe imprisonment not exceeding four years and different fines (*multi*) not exceeding one million euro (€1,000,000) for different offences;

(b) prescribe fines (*multi*) calculated in accordance with the duration of the commission of the offence, not exceeding fifty thousand euro (€50,000) for each day during which the offence continues.

(2) Without prejudice to any other provision of this Act, the Minister may make regulations allowing any person or any department, agency, corporation or authority to impose administrative fines not exceeding one million euro (€1,000,000) or other sanctions on any person, department, agency, corporation or authority who is in contravention of any provisions of this Act or of any regulations or directives made thereunder and provide for the procedure for the imposition and enforcement of such fines which procedures may include provisions to the effect that any such fines shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

Cap. 12.

16. (1) The Minister, in consultation with the Minister responsible for Finance, shall by Order establish and maintain a Climate Action Fund.

Climate Action Fund.

(2) The Climate Action Fund shall be replenished from:

(a) revenues accruing to the Government from its participation in and implementation of market-based measures relating to climate action adopted pursuant to international

treaties or European Union legislation, including, *inter alia*, from the auctioning of allowances pursuant to Directive 2003/87/EC as may be amended or replaced from time to time;

(b) revenues generated by the Government through the implementation of national measures relating to the reduction or limitation of greenhouse gas emissions;

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

(d) any sums appropriated by Parliament for such purpose;

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

(3) The Climate Action Fund shall be administered by a board composed of a chairperson appointed by the Minister and two other members, one member being appointed by the Minister responsible for Finance, and the other member being appointed from amongst persons knowledgeable in climate change matters.

(4) The Climate Action Fund shall have a legal personality independent and distinct from that of Government and shall be capable of entering into contracts and of acquiring and transferring property and doing all such things that are necessary for, or ancillary to its functions.

(5) The members of the board referred to in sub-article (3) shall hold office for a term of three (3) years and on expiration of their terms shall be eligible for re-appointment.

(6) The Climate Action Fund referred to in sub-article (2) shall be applied to:

(a) to support the fulfilment of the obligations set out in this Act and regulations made thereunder;

(b) to support the fulfilment of the Government's obligations and commitments established by the UNFCCC and European Union legislation;

(c) the provision of financial support to, and the promotion, facilitating and financing of the transfer of, and access to, environmentally sound technologies and know-how or capacity for developing countries, in accordance with obligations and commitments of the Government pursuant to

international treaties.

(7) The Climate Action Fund referred to in sub-article (2) may be applied to support research and development related to the climate system or to promote education, training and public awareness related to the climate system or to finance such other activities including activities organized by non-governmental organisations, as the Minister, in consultation with the Board, may prescribe.

(8) The board referred to in sub-article (3) shall every financial year deliver to the Minister 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 of Representatives.

(9) The Minister may, with the concurrence of the Minister responsible for Finance, make regulations prescribing the procedure to be followed by the board referred to in sub-article (3) and otherwise regulating the fund. The Minister may by such regulations in particular prescribe such functions, activities and initiatives that may be or are to be financed by the fund.

(10) The revenue of the Climate Action Fund shall not be subject to tax under the Income Tax Act.

Cap. 123.

SCHEDULE

(Article 2)

Greenhouse gases include:

- (a) Carbon dioxide (CO₂)
- (b) Methane (CH₄)
- (c) Nitrous Oxide (N₂O)
- (d) Hydro fluorocarbons HFCs
- (e) Per fluorocarbons PFCs
- (f) Sulphur Hexafluoride (SF₆)
- (g) Nitrogen trifluoride (NF₃)

C 324

Objects and Reasons

The object of this Bill is to establish a legal and administrative framework for Climate Action in Malta.

