CHAPTER 643

CLIMATE ACTION ACT

AN ACT to establish a legal framework for climate action and to provide for the establishment of a body corporate to be known as the Climate Action Authority and to provide for any matter which is related or ancillary thereto.

4th October, 2024

ACT XVI of 2024.

PART I
PRELIMINARY

1. (1) The short title of this Act is the Climate Action Act. Short title and scope.

(2) The scope of this Act is to establish a framework for climate action and to provide for the establishment of a body corporate that shall be known as the Climate Action Authority that shall be the national competent authority responsible for the exercise of climate action, to co-ordinate and oversee mitigation and adaptation policy and measures and any matters ancillary thereto or connected therewith and to provide for the reporting of such climate action, as required.

2. In this Act, unless the context otherwise requires: Interpretation.

"adaptation" means human-driven adjustments in ecological, social or economic systems or policy processes, in response to actual or expected climate stimuli and their effects or impacts;

"Authority" means the Climate Action Authority established by article 9 and includes any body or other person acting on its behalf in terms of powers delegated by the Board under this Act;

"Board" means the Board of the Authority appointed in accordance with article 9;

"Chairperson" means the Chairperson of the Climate Action Authority and includes, in the circumstances mentioned in article 3(3), the Deputy Chairperson or other person appointed to act as Chairperson;

"climate" includes water scarcity, droughts and energy;

"climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time

periods;

"climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions;

"Chief Executive Officer" means the Chief Executive Officer appointed in accordance with article 12(2);

"emissions" means the release of greenhouse gases and, or their precursors into the atmosphere over a specified area and period of time;

"financial year" means a period of twelve (12) months that starts to run from 1st January and ends on the 31st December of a particular year:

Provided that the first financial year of the Authority shall begin on the coming into force of this Act and shall end on the 31st December of the following year;

"greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation, and shall include *inter alia*, the gases listed in the First Schedule;

"Member State" means a Member State of the European Union;

"Minister" means the Minister responsible for climate action policy;

"mitigation" means human interventions to reduce the emissions of greenhouse gases by sources or enhance their removal from the atmosphere by sinks;

"National Climate Action Council (NCAC)" or "Council" mean the Council appointed in terms of article 25;

"National Energy and Climate Plan" means a 10-year national energy and climate plan (NECP) which outlines how the EU countries intend to meet the EU energy and climate targets for 2030;

"national adaptation strategy" means a strategy that seeks to address recommendations in various sectors which are vulnerable to climate change and is a plan which sets overarching direction for all work to increase resilience to the impacts of climate change.

"national long-term strategy" means the strategy to achieve the greenhouse gas emissions reductions required to meet Malta’s commitments under the multilateral legal

instruments to which Malta is a party, EU objectives and national legal instruments;

"Paris Agreement" means the Paris Agreement which entered into force on 4th November 2016;

"public officer" in relation to article 15, has the same meaning assigned to it by article 124 of the Constitution but shall not include a Judge or a Magistrate;

"reservoir" means a component of the climate system, other than the atmosphere, which has the capacity to store, accumulate or release greenhouse gases or precursors of greenhouse gases;

"sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas or an aerosol from the atmosphere;

"source" means any process or activity which releases greenhouse gases, aerosols or precursors of greenhouse gases or aerosols into the atmosphere;

"Standing Committee" means the Standing Committee on the Environment, Climate Change and Development Planning established under the Development Planning Act; Cap. 552.

"Treaty" means the Treaty on the Functioning of the European Union;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act; Cap. 490.

"UNFCCC" means the United Nations Framework Convention on Climate Change which entered into force on 21st March 1994;

"Union" and "European Union" shall have the same meaning as the definition "the European Union" in the European Union Act. Cap 460.

"undertaking" means any person whether an individual, a body corporate or unincorporate or any other entity, pursuing an economic activity, and includes a group of undertakings.

3. (1) The State acknowledges that change in Earth's climate and its adverse effects are a common concern of human kind. Objectives.

(2) This Act provides for action in order to contribute to the mitigation of climate change by:

(a) limiting anthropogenic emissions of greenhouse gases and protecting and enhancing greenhouse gas sinks and

reservoirs;

(b) contributing to the prevention, avoidance and reduction of the adverse impacts of climate change and the reduction of vulnerability, enhancement of resilience, and adaptation to the adverse effects of climate change; and

(c) any appropriate action for the governance of climate action in relation to sub-paragraphs (a) and (b).

(3) The Government shall ensure that all necessary actions are undertaken to achieve climate neutrality by 2050.

Duty of every person with regard to climate action.

4. It shall be the duty of every person together with the Government to protect the climate and to assist in the taking of preventive and remedial measures to protect the climate.

Duties and obligations of Government.

5. (1) It shall be the duty of the Government to protect the climate for the present and future generations.

(2) In fulfilling its duties pursuant to sub-article (1), the Government shall, *inter alia*:

(a) develop, periodically update and publish national inventories of anthropogenic emissions by sources and removals by sinks of greenhouse gases in order to monitor progress towards achieving its quantified emission limitation or reduction commitments pursuant to international treaties and its obligations as a Member State of the European Union;

(b) formulate, implement, publish and update policies regarding measures to mitigate climate change by limiting and, to the extent possible, reducing anthropogenic greenhouse gas emissions by sources, by enhancing removals of greenhouse gases by sinks and setting sectoral targets as appropriate;

(c) formulate, implement, publish and update policies regarding measures to prevent, avoid and reduce vulnerability while enhancing resilience to the adverse impacts of climate change. As a result this shall facilitate adaptation to climate change. This adaptation may also be supported by sectoral specific targets as appropriate, following the necessary consultations.

(d) promote and cooperate in the development, application and diffusion of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors, including the energy, transport, industry, agriculture, land-use and forestry and waste management sectors;

(e) promote sustainable management of sinks and reservoirs of greenhouse gases, including all terrestrial, coastal and marine ecosystems and promote and cooperate in the conservation and enhancement of sinks and reservoirs of greenhouse gases, including all terrestrial, coastal and marine ecosystems;

(f) promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system;

(g) promote and cooperate in the exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of response strategies;

(h) promote and cooperate in education, training and public awareness related to climate change; and

(i) ensure that the Authority shall have the adequate human and financial resources to fulfil its functions as assigned to it under this Act.

(3) The Government shall ensure that policies, programmes and projects are designed and evaluated in a manner that takes into consideration mitigation of, and adaptation to climate change, and that such policies, programmes and projects contribute to the mitigation of, and adaptation to climate change.

(4) The Government shall ensure that policies, programmes and projects are, to the extent possible, designed in a manner that ensures resilience to the impacts of climate change.

(5) The Government shall, in fulfilling its duties and obligations under this article, participate, cooperate and support participation in, international and intergovernmental activities and programmes related to climate action, as appropriate. In particular, the Government shall promote activities that relate to climate action relevant to the Mediterranean region, and shall as appropriate, participate, cooperate and support participation in such activities.

Guiding principles on climate action.

6. (1) The Government shall, in exercising its duties and obligations under this Act, be guided by the principles listed in this article and these principles shall be employed in the interpretation of the other provisions of this Act and any regulations made thereunder.

(2) The Government shall, in fulfilling its duties and obligations under this Act:

(a) take climate change considerations into account,

to the extent possible, in relevant social, economic and environmental policies and actions;

(b) take into account its obligations and commitments pursuant to the applicable multilateral legal instruments and its obligations as a Member State of the European Union;

(c) take into account the geophysical, social and economic circumstances of Malta;

(d) ensure that actions taken are, to the extent possible, the most cost-effective, using the best available technologies and best practices as appropriate to Malta;

(e) ensure that it takes into account the best available scientific, technological, technical and socio-economic information;

(f) ensure that all sectors of society and the economy participate in national climate action, including in relevant decisions;

(g) ensure that climate change, environmental and energy policies and measures are designed, developed, coordinated and implemented in the best interests of the environment, the economy and international and European Union obligations;

(h) ensure that climate action taken respects the interests of all sections of society, is non-discriminatory and, where relevant, promotes gender equality;

(i) ensure that data in relation to climate action is collected, processed and interpreted in cognizance of data related to achieving overall international and European Union obligations in other areas;

(j) respect and, to the extent possible, safeguard the interests of vulnerable sectors of society, including by taking climate actions that support the eradication of poverty;

(k) ensure that climate action taken shall promote and enhance the competitiveness of Malta's economy;

(l) ensure, to the extent possible, that no conflict exists between policies and measures adopted in respect of climate action and other policies and measures;

(m) ensure that it takes precautionary measures to anticipate, prevent or minimize the causes of climate change and to mitigate its adverse effects and that where there are

threats of serious or irreversible damage, the lack of full scientific certainty shall not be a reason for postponing such measures;

(n) ensure that climate action taken contributes to sustainable development;

(o) ensure that, where relevant, any beneficial impacts of climate change are utilised to the benefit of society, the economy and the environment, to the extent that such beneficial impacts may reduce vulnerability and enhance resilience to other adverse impacts of climate change;

(p) ensure that, prior to taking any decision, all the consequences of the outcome of that decision throughout the whole life cycle of that outcome are taken into consideration; and

(q) ensure adequate information is made available to the public, to facilitate public participation in respect of certain plans and programmes relating to the climate system and ensure adequate access to justice.

National long-term strategy and National Energy and Climate Plan.

7. (1) The Minister shall, in consultation with any other Minister competent to take cognizance of the matter, and in consultation with stakeholders and the general public, prepare a national long-term strategy and the National Energy and Climate Plan.

(2) The Minister shall make available to the public the national long-term strategy, the National Energy and Climate Plan and any updates thereof.

National adaptation strategy.

8. (1) The Minister shall, in consultation with any other Minister competent to take cognizance of the matter, and in consultation with social partners, civil society, non-governmental organizations and the general public, prepare a national adaptation strategy, to contribute to:

(a) the prevention, avoidance and reduction of the adverse effects of climate change and to facilitate adaptation to climate change;

(b) the transparent monitoring of progress made by the Government in reducing vulnerability and enhancing resilience to the adverse impacts of climate change.

(2) The national adaptation strategy shall also include information on climate change in so far as it relates to Malta and on actual and projected impacts of climate change on Malta.

PART II
ESTABLISHMENT, FUNCTIONS AND CONDUCT

OF AFFAIRS OF THE AUTHORITY

Establishment and composition of the Climate Action Authority.

9. (1) There shall be an Authority which shall be known as the Climate Action Authority, that shall be responsible for the regulation regarding climate related matters and the protection of the climate in Malta.

(2) There shall be a Board, to be known as the Climate Action Authority Board which shall consist of a Chairperson and not less than four (4) and not more than six (6) other members.

(3) The members of the Authority shall be appointed by the Minister for a term of not more than six (6) years. If this period is for less than the stipulated six (6) years, no member shall in aggregate be a member of the Authority for an ulterior period.

(4) The Minister may designate one (1) of the other members of the Authority as Deputy Chairperson and the member so designated shall have the powers to perform all the functions of the Chairperson during his absence or inability to act as Chairperson, or while the Chairperson is on vacation, or during any vacancy in the office of the Chairperson. The Minister may also, in any of the circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(5) A person shall not be qualified to hold office as a member of the Authority if he is:

(a) a Minister or a Parliamentary Secretary;

(b) a Member of the House of Representatives;

(c) a Member of the European Parliament;

(d) a Judge or Magistrate of the Courts of Justice; or

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority.

(6) At least two (2) of the members of the Authority shall be persons who have knowledge or experience in matters concerning climate change and climate related matters.

(7) Subject to the provisions of this article, the office of a member of the Authority shall become vacant:

(a) at the expiration of his term of office; or

(b) if any circumstances arise that, if he were not a member of the Authority, shall cause him to be disqualified for such appointment.

(8) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing his duties as a member, including the reasons specified in sub-article (10).

(9) If a member resigns or if the office of a member of the Authority is otherwise vacant, or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed as a temporary member of the Authority, and any person so appointed shall, subject to the provisions of sub-articles (6) and (7), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(10) Any member of the Authority who has any direct or indirect interest in any contract entered into or proposed to be entered into by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the Authority and the member having an interest as aforesaid shall withdraw from any meeting during which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the said fact immediately to the Minister and tender his resignation:

Provided that, wherever no conflict shall arise with regard to the obligations and functions of the Authority, the member shall act in full respect of the principles established under article 6 of this Act.

(11) The meetings of the Board shall be called by the Chairperson as often as may be necessary, either of one's own motion or at the request of two (2) or more members of the Board:

Provided that the Board shall meet as often as may be necessary, but not less than once (1) every month.

(12) (a) The Chairperson and at least two (2) other members of the Board shall form a *quorum*. Decisions shall be adopted by a simple majority of the votes of the members present and who have a vote:

Provided that without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two (2) members of the Board.

(b) Each member of the Board shall be entitled to one (1) vote:

Provided that the Chairperson shall have an initial vote and in the event of an equality of votes, a casting vote.

(13) Without prejudice to the provisions of this Act, the Board may regulate its own procedure.

(14) Without prejudice to the foregoing provisions of this article, no act or proceeding of the Board shall be invalidated merely by reason of the existence of any vacancy among its members.

(15) All acts done by any person acting in good faith as a member of the Board shall be valid notwithstanding that some defect in his appointment or qualification is discovered subsequent to any act or proceeding of the Board. No act or proceeding of the Board shall be contested by a member on the ground of any breach of sub-article (9) by any member.

(16) In determining policies, the Board shall follow the policy guidelines as may be set out by the Minister. The Board shall also be responsible for advising the Government in furtherance of the functions and in the attainment of the objectives of the Authority in terms of this Act.

(17) (a) Every Ministry shall have a Climate Action Coordinator who shall provide the competent authority with any input it may require in fulfilment of its functions listed in article 10. Such input shall be in a consolidated format reflecting the approved position of the Ministry.

(b) The Permanent Secretary within each Ministry shall be the Climate Action Coordinator of such Ministry.

(c) Every head of an authority, agency, entity or department within Government Ministries which are considered relevant to climate action, as identified by the Minister responsible for climate action, shall be a person of reference who assists the Coordinator.

(d) The Coordinator within a Ministry which is considered relevant to climate action shall be responsible to develop plans, measures and climate related actions of the concerned Ministry, as required and in accordance with article 10.

(e) The competent authority shall have the power to request any information directly from the Coordinator.

(f) Each entity mentioned in paragraph (c) shall state in a special section of its annual report:

(i) the specific objectives which have been set to achieve alignment with the national policies including

the strategies and plans and its contributions towards the implementation of the said policies; and

(ii) the specific activities or interventions it has undertaken to achieve the objectives referred to in paragraph (d) and to list and quantify the benefits accrued by it:

Provided that the Principal Permanent Secretary shall have the power to request the competent authority to review, from time to time, any such report insofar as related to the provisions of this Act.

Functions of the Authority.

10. (1) The Authority shall have the following functions:

(a) to set national or sector-specific targets in consultation with the respective Ministries aligned with the overall objectives of this Act and any other legislation relevant to this Act;

(b) to ensure that all policy and legislation having a direct impact on climate change is consulted on with the Authority or with a specifically set up committee of the said Authority. In the consultations, the entity responsible for drafting the policy or proposed legislation shall establish the main objective of the proposal and identify specific aspects of the proposed policy or legislation;

(c) to establish policies that shall be pursued by the Authority in consultation with the Board;

(d) design and develop incentives and measures within the scope of this Act;

(e) to lead and coordinate projects relating to climate action across Ministries;

(f) to design, develop and manage a sustained knowledge, education, information and communications framework directed to influence behaviour with regard to climate action;

(g) to implement those mechanisms relating to climate action that the Minister may deem appropriate to assign to the Authority and which are established under multilateral legal instruments and, or EU legal instruments;

(h) to ensure the carrying out of the appropriate communication of those reporting obligations relating to climate action that the Minister may deem appropriate to assign to the Authority and which are established under multilateral legal instruments and, or EU legal instruments;

(i) to prepare the national long-term strategy for Government's approval;

(j) to prepare the national adaptation strategy for Government's approval;

(k) to prepare and update the National Energy and Climate Plan for Government's approval;

(l) to prepare any other plans that the Minister may direct;

(m) to 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 European Union obligations, and also to provide that such persons carrying out such activities that may affect climate as may be prescribed, report 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:

Provided that for the purposes of paragraphs (i), (j) and (k) the Authority shall follow *mutatis mutandis* the procedure for public consultation stipulated in terms of article 28:

Provided further that the Minister may by order assign to the Authority any other functions consistent with this Act.

(2) The provisions of this article shall be without prejudice to the exercise of the functions of any authority established by, or under any law in relation to public health, the environment, or any other matter falling within the functions of any such authority.

(3) The Authority may require any undertaking to provide it with any information that the Authority considers necessary for the purpose of ensuring compliance with the provisions of this Act, regulations prescribed thereunder, and decisions or directives made in accordance with this Act, or any other law which the Authority is entitled to enforce. Any person who fails or refuses to provide such information shall be in contravention of this Act and shall be liable to the imposition of an administrative penalty, as may be prescribed by the Authority.

Conduct of the affairs of the Authority.

11. (1) In the pursuance of its functions under this Act, the Authority shall seek to act in the public interest and in line with the best practices and standards.

(2) The Authority shall have the power to regulate its own conduct including its own administrative procedures.

(3) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to climate change in accordance with the policy of the Government.

Chief Executive Officer.

12. (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the said Authority provided that, the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees shall be the responsibility of the Chief Executive Officer of the Authority, who shall also have such other powers, as may from time to time be delegated to him by the Authority.

(2) There shall be a Chief Executive Officer appointed by the Board following approval by the Minister, who shall be responsible for exercising the functions made by, or under this Act, as well as those functions assigned to him by the Board:

Provided that the first Chief Executive Officer shall be appointed by the Minister.

(3) The Chief Executive Officer may exercise any one (1) or more of the functions or responsibilities either directly or through the employees or officers within the directorates, units, divisions and sections which he may set up, from time to time, in order to assist him in carrying out effectively and efficiently the duties assigned to him under this Act.

(4) The Chief Executive Officer may appoint any consultants to assist him in the performance of the duties assigned to him under this Act.

(5) The Chief Executive Officer or his representative shall have the right to be present and participate at all meetings of the Board:

Provided that the Chief Executive Officer shall not be present during meetings of the Board or any part thereof in cases of potential or actual conflict of interest, which he shall be obliged to disclose, immediately as he becomes aware of such conflict.

(6) The Chief Executive Officer and, or any person assisting him in the carrying out of his duties assigned to him under this Act, shall not be personally liable for any damages caused to any person or any property as a result of the performance of their duties, unless it is proven that such damage resulted from bad faith on their part.

Relations between the Minister and the Authority.

13. (1) The Minister may, in relation to matters that may appear to him to affect the public interest, from time to time, give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by, or under this Act. The Authority shall, as soon as may be possible, give effect to all such directions.

(2) The Authority shall afford to the Minister the faculty to obtain information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him the faculty to verify information furnished, in such manner and at such times as he may reasonably require.

Legal personality and representation of the Authority.

14. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such matters and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(2) The legal and judicial representation of the Authority shall vest in the Chief Executive Officer:

Provided that the Authority may appoint any one (1) or more of its members or of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested assigned to the Chief Executive Officer, the legal and judicial representation of the Authority shall also vest in the head of the Directorate or in such other member, officer or employee of the Authority, as the Authority may appoint or authorise for the purpose.

PART III
OFFICERS AND EMPLOYEES OF THE AUTHORITY

Appointment of officers and employees of the Authority.

15. (1) The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may determine, such officers and employees of the Authority, as may from time to time be necessary, for the due and effective discharge of its functions, in accordance with directives issued under the Public Administration Act. Cap. 595.

Cap. 595.

(2) In accordance with the provisions of the Public Administration Act or with the approval of the Prime Minister, the Authority may request, after consultation with the Minister, that any public employee shall from time to time, be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the detailing.

(3) Where a public officer is detailed for duty with the Authority such officer shall, during the time in which such direction is valid, be under the administrative direction and control of the Authority but shall otherwise remain and retain all rights and duties as a public officer and, for the purpose of any law relating to government service pensions, service with the Authority shall be deemed to be service with the Government.

PART IV
FINANCIAL PROVISIONS OF THE AUTHORITY

Financial provisions of the Authority. Cap. 601.

16. (1) The Authority shall be governed by the provisions of the Public Finance Management Act. Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions shall, as far as possible, be dispensed out of its revenue.

(2) For this purpose, the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by, or under this Act, or any other law related to the powers and functions of the Authority in consultation with the Minister for finance.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such amounts as the House of Representatives, may from time to time, authorise to be appropriated to mete the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Any excess of revenue over expenditure, subject to such directives as the Minister may give, after consultation with the Minister responsible for finance, from time to time, shall be applied by the Authority to the formation of reserve funds that shall be used for the purposes of the Authority, and without prejudice to the generality of the powers given to the Minister by this sub-article, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in

accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to mete expenditure may be invested in such manner as may from time to time be decided by the Authority.

Estimates of the Authority.

17. (1) The Authority shall cause to be prepared in every financial year, and not later than six (6) weeks after the end of every such year, shall adopt estimates of the income and expenditure of the Authority for the following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such period as the Minister may by notice specify in writing to the Authority.

(2) In the preparation of such estimates, the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act, or an appropriation Act, or of any other law, and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to mete all amounts properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six (6) weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendments after consultation with the Minister responsible for finance.

Expenditure shall be according to approved estimates.

18. (1) No expenditure shall be made or incurred by the Authority unless provision thereof has been made in the estimates approved as provided in article 17.

(2) Notwithstanding the provisions of sub-article (1):

(a) until the expiration of six (6) months from the beginning of a financial year, or until the approval of the estimates for that year, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half (1/2) of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-

head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister allow;

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case, the provisions of this Act applicable to the estimates shall as may be practicable apply to the supplementary estimates.

Publication of approved estimates.

19. The Minister shall, at the earliest opportunity and in any case not later than two (2) weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within two (2) weeks from the beginning of the following session, cause such estimates to be laid on the Table of the House.

Accounts and audit.

20. (1) The Authority shall ensure that proper accounts and other records are kept in respect of its operations and shall cause a statement of accounts to be prepared in respect of each financial year.

(2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister may require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for this purpose have all the powers set out in the Auditor General and National Audit Office Act.

Cap. 396.

(3) After the end of each financial year, and in any case not later than the date on which the estimates of the Authority are forwarded to the Minister under article 17, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and in any case not later than eight (8) weeks after he has received a copy of every such statement and report, or if at any time during that period the House is not in session, within eight (8) weeks from the beginning of the following session, cause every such statement and report to be laid on the Table of the House.

Deposit of revenues and payments by the Authority.

21. (1) All monies accruing to the Authority shall be paid into banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such amount as the Authority may authorise to be retained to mete petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding an amount fixed by the Authority, shall be made by such officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to:

(a) the manner in which and the officers by whom payments are to be authorised or approved;

(b) the title of any account held with the banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method that shall be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances of the Authority.

Contracts of supply of works.

22. The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services to, or for the benefit of the Authority, except in accordance with the Public Finance Management Act and any regulations made thereunder.

Cap. 601.

Annual Report.

23. (1) The Authority shall, not later than six (6) weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year, and containing such information relating to the proceedings and policy of the Authority, may from time to time be required by the said Ministers. The Minister shall, at the earliest opportunity and in any case not later than two (2) weeks after he has received a copy of every such report, or if at any time during that period the House is not in session, within two (2) weeks from the beginning of the following session, cause a copy of every such report to be laid on the Table of the House.

(2) The Minister shall ensure that the national long-term strategy, the national adaptation strategy and the National Energy and Climate Plan are reviewed and updated periodically, and at least every five (5) years.

(3) The Minister shall report to the House and the House shall discuss on a yearly basis the progress registered in climate action in a sitting dedicated to this purpose.

(4) In terms of sub-articles (2) and (3), the Minister shall refer the reports, strategy and policy to the Standing Committee.

PART V
CLIMATE ACTION FUND

Climate Action Fund.

24. (1) The Minister may, in consultation with the Minister responsible for finance, by order establish and maintain a 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 of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/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 donation or grant made to the Fund by individuals or institutions; and

(d) any amounts 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 set up in accordance with this article and it shall be administered by the Authority as established by this Act.

(4) The Climate Action Fund referred to in this article shall be applied to:

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

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

(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 national requirements and developing countries, in accordance with obligations and commitments of the Government pursuant to international treaties.

PART VI
ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE NATIONAL CLIMATE ACTION COUNCIL

National Climate Action Council.

25. (1) There shall be a Council to be known as the National Climate Action Council (NCAC) which shall be appointed by the Prime Minister in consultation with the Minister and which shall consist of a minimum of six (6) and a maximum of eight (8) expert persons who shall be experts in any climate-related fields including scientific, public policy, finance, economic and social fields:

Provided that the Prime Minister in consultation with the Minister may appoint a Chairperson, a Deputy Chairperson and a Secretary to the Council:

Provided further that the Prime Minister in consultation with the Minister may allow the Council to appoint any other expert or group of experts to assist it in the performance of its functions as may be necessary.

(2) The Council shall be an independent statutory body and its main objective shall be that of supporting Malta's strategic aims relating to climate action, through the provision of advice to Government on climate action in Malta.

(3) The members of the Council shall act independently and shall hold office for a period of three (3) years, but the members so appointed may be re-appointed on the expiration of their term of office:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such other member shall end on the same date as that of the other members:

Provided further that an appropriate rotation scheme for the appointment of the members of the Council shall be put in place so that the end date of the term of office of the Council members shall not be the same for all members.

(4) A person shall not be qualified to hold office as a member of the Council, if the person:

(a) is legally incapacitated;

(b) has been declared bankrupt or has made a composition or arrangement with his creditors;

(c) has been convicted of an offence affecting public trust, or theft, or fraud, or knowingly receiving property obtained by theft or fraud, or of any offence against this Act; or

(d) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of the functions as a member of the Council.

(5) Any member of the Council who has any direct or indirect interest relating to any particular function of the Council, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of the interest during the first meeting of the Council after the relevant facts have come to that member's knowledge, and such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings during which such matter is discussed. Any such disclosure shall be communicated to the Prime Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Prime Minister and tender his resignation.

(6) The appointment of any person as a member of the Council and the termination of office or resignation of any such person, as well as any additional functions assigned to the Council by the Prime Minister in consultation with the Minister, shall be notified in the Gazette and they shall have effect forthwith:

Provided that failure to publish the appointment or termination of office as the case may be, shall have no effect on the validity of such appointment or termination.

Functions of the National Climate Action Council.

26. (1) The Council shall have such functions as are set out in this Act and such other functions as may be delegated under any other law, or as may be assigned to it by the Prime Minister in consultation with the Minister under this Act.

(2) It shall be the function of the Council:

(a) to advise the Minister on and monitor the implementation of this Act and, or any regulations made thereunder and, or any international and, or European Union obligations relating to climate action which the Government may be bound to observe as a State or a Member State of the European Union;

(b) to facilitate Government's adherence to the national long-term strategy, the National Energy and Climate

Plan, the national adaptation strategy and any other strategy or policy which the Minister may issue in terms of this Act or any regulations made thereunder;

(c) 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;

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

(e) to consult regarding any matter related to this Act or any regulations made thereunder with every Ministry, department, authority, agency and entity of Government and every stakeholder concerned including the civil society, particularly the voluntary organisations in the sector related to climate action; and

(f) to carry out such other functions as may be assigned to it by the Prime Minister in consultation with the Minister.

PART VII
POWER TO MAKE REGULATIONS

Power to make regulations.

27. (1) The Minister may, in consultation with the Authority and 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, which include *inter alia,* regulations that:

(a) give effect to any European and, or international obligation entered into by Government in relation to climate change by, or under this Act;

(b) provide for the procedures to be followed in regard to the settlement of disputes;

(c) provide for the enforcement powers required by the Authority to perform its functions under this Act;

(d) provide for prescribing anything which may be, or is required to be prescribed by this Act;

(e) prescribe measures to mitigate climate change;

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

(g) prescribe measures for the good governance of

climate mitigation and adaptation measures;

(h) prescribe the charges and fees that may be levied by the Authority 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, after consultation with the Minister responsible for finance;

(i) provide for the establishment and operation of voluntary carbon markets; and, or

(j) provide for the establishment and operation of a market of renewable energy certificates.

(2) The Minister may, in consultation with the Authority, and 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 give effect to any multilateral legal instrument to which Malta may be a party as well as EU Directives, Regulations and Decisions relating to any matter governed by this Act or subject-matter, from time to time, and to set up mechanisms and make other provisions for the implementation thereof.

Procedure for making regulations.

28. (1) Regulations referred to in article 27 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 provisions of sub-article (1) with regard to the publication of a draft of the regulations for public consultation shall not apply in respect to any regulations which the Minister deems to be urgent or when any public consultation was carried out before the date of coming into force of this Act.

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

(4) 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 of Minister to make regulations in relation to offences and administrative penalties.

29. (1) Without prejudice to any other provision of this Act the Minister may, after consultation with the Authority, make regulations imposing punishments on any person who infringes or fails to comply with any provisions of this Act and, or any regulations made thereunder, such person shall be guilty of an offence and shall be liable on conviction to:

(a) imprisonment for a term not exceeding four (4) years and a fine (*multa*) not exceeding one million (€1,000,000) euro; and, or

(b) a fine (*multa*) calculated in accordance with the duration of the commission of an offence, not exceeding fifty thousand (€50,000) euro for each day during which the offence persists.

(2) Without prejudice to any other provision of this Act, the Minister may, after consultation with the Authority, make regulations authorising any person or any department, agency, corporation or authority to impose administrative penalties not exceeding one million (€1,000,000) euro on any person, department, agency, corporation or authority which 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 administrative penalties. Any said administrative penalties 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.

PART VIII
POWER TO DELEGATE

Power to delegate.

30. (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 accordance with this Act or any regulations made thereunder and, or to ensure the proper implementation of this Act or any regulations made thereunder, and the Minister may by regulations prescribe and regulate the procedures and methods to be adopted by such person, department, agency, corporation or authority in exercise of the said 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 functions in accordance with these principles.

(3) Every entity shall give the Minister all required facilities so that he may obtain all the 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 grant him all required facilities to audit all given information, in such manner and within such periods 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 accordance with this Act to any other Minister.

PART IX
MISCELLANEOUS

Persons deemed as public officers.

31. The members of the Authority, and all officers and employees of the Authority shall be deemed to be public officers within the meaning and for the purposes of the Criminal Code.

Cap. 9.

Enforcement powers of the Authority.

32. (1) Any officer or employee of the Authority so authorised may, at all reasonable times enter any premises, vehicle, vessel or any other place, for the purposes of:

(a) the carrying out of such inspections, tests, measurements, lifting of samples or to ascertain that nothing contrary to the provisions of this Act, to the regulations made thereunder or to any term or condition attached to any licence, permit or authorisation issued under this Act is being carried out; and

(b) ascertaining or reproducing such data or information as the Authority may require.

(2) Any person who obstructs or impedes any officer or employee of the Authority in the exercise of his duties in accordance with this Act shall be guilty of an offence and shall on conviction, be liable to imprisonment not exceeding eighteen (18) months or to a fine (*multa*) of not more than seventy thousand (€70,000) euro or to both such fine and imprisonment.

Imposition of administrative penalties.

33. (1) The Authority may impose an administrative penalty upon any person who infringes any provision of this Act, regulations prescribed thereunder or of any other law which the Authority is entitled to enforce, or who fails to comply with any directive or decision given by the Authority whether in accordance with this Act, regulations prescribed thereunder or under any other law which the Authority is entitled to enforce, or who fails to comply with any condition of any authorisation granted in accordance with this Act.

(2) An administrative penalty imposed under sub-article (1) shall not exceed:

(a) one hundred thousand euro (€100,000) for each contravention and, or one thousand, four hundred euro (€1,400) for each day of non-compliance, from the date of the decision given by the Authority; and, or

(b) in the case of an undertaking, including a vertically integrated undertaking, or a body corporate, up to ten (10%) percent of the total turnover concerned in the preceding business year:

Provided that in the case of an undertaking, including a vertically integrated undertaking or a body corporate, an administrative penalty of up to ten (10%) percent of the annual turnover concerned in the preceding business year, which amount exceeds one hundred thousand euro (€100,000) may, in any such case be imposed.

Proceedings when imposing administrative penalties.

34. (1) The Authority shall, before imposing an administrative penalty upon any person who infringes or fails to comply with:

(a) any provision of this Act;

(b) any regulations made thereunder;

(c) any other law which the Authority is entitled to enforce;

(d) any directive or decision given by the Authority whether in accordance with this Act, regulations made thereunder or under any other law which the Authority is entitled to enforce; or

(e) any condition of any authorisation granted under this Act,

Cap. 12.

file a judicial letter in terms of article 466 of the Code of Organisation and Civil Procedure which shall be served on the person who was in breach of any of the provisions of paragraphs (a) to (e):

(i) whereby the Authority gives notice of the administrative penalty that may be imposed by the Authority;

(ii) whereby the Authority gives notice of the specific provision of law which has been breached and the applicable administrative penalty;

(iii) whereby the Authority gives notice of the amount of the administrative penalty;

(iv) whereby the Authority demands that the person concerned rectifies the acts or omissions committed by such person and, or otherwise make submissions to the Authority to contest the claim within a specified time:

Provided that such period may not be of more than twenty (20) days and not less than five (5) days from the date of service of the judicial letter:

Provided further that the person against whom an administrative penalty may be imposed, shall be granted a reasonable opportunity during such period of time as may be stipulated in the judicial letter to make submissions to the Authority and to propose any remedies to rectify the acts or omissions that are required to be rectified by the Authority.

(2) In the judicial letter mentioned in sub-article (1), the Authority may impose such conditions as it may consider reasonable in the circumstances.

(3) If the person concerned remedies the infringement within the period established by the Authority in accordance with sub-article (1), and agrees in writing to abide with any conditions that the Authority may impose, the Authority shall desist from proceeding any further:

Provided that if the person concerned, after having been bound in writing as stated above, fails to remedy the infringement within the period established by the Authority in accordance with sub-article (1) or fails to abide with any conditions agreed to in writing, the Authority shall impose against such person an administrative penalty for such failure, in addition to the administrative penalty which may be imposed for the infringement itself.

(4) If after the lapse of the period mentioned in sub-article (1), the Authority considers that the person concerned has not given any valid reasons to demonstrate why an administrative penalty should not be imposed against such person, the Authority shall proceed to impose such administrative penalty.

(5) Notwithstanding any other provision of this article, where the Authority has *prima facie* evidence that the infringement:

(a) represents an immediate and serious threat to public safety or public security or public health; or

(b) creates or may create serious economic or operational problems for other providers of resources or for consumers,

the Authority may shorten the periods mentioned in sub-article (1):

Provided that the person against whom such administrative penalty is imposed shall be given a reasonable opportunity to submit any submissions and propose any possible remedies.

(6) Upon the expiry of the time limit for appeal to the Administrative Review Tribunal, and upon the service of a copy of the said judicial letter referred to in sub-article (1) on the person liable for the payment of the administrative penalty, the said judicial letter shall constitute an executive title for all effects and purposes of article 253(a) of the Code of Organization and Civil Procedure:

Cap.12.

Provided that if the person against whom the judicial letter has been issued files an appeal before the Administrative Review Tribunal and concurrently with, or before the filing of the appeal, requests the Administrative Review Tribunal to suspend the effects of the judicial letter, then the Authority shall desist from issuing a judicial act as referred to in this sub-article until the request for suspension has been determined, withdrawn or otherwise considered:

Provided further that the Administrative Review Tribunal shall determine any requests for suspension referred to in this sub-article expeditiously. Before determining any such request, the Administrative Review Tribunal shall give the Authority a reasonable opportunity to reply and make its submissions within a period of not less than three (3) working days.

(7) Interest at the rate of eight (8%) per cent per annum shall run as from due date for the payment of any administrative penalty imposed by the Authority:

Provided that in cases where the Administrative Review Tribunal or the Court of Appeal, as the case may be, after having upheld an application to suspend the pending penalty proceedings, finally decides that the administrative penalty as imposed by the Authority is due, such administrative penalty shall be due together with any interests accrued thereon as from the due date of the penalty, including any suspension of the period.

(8) The Authority shall give its reasons for any decision taken under this article.

(9) Notwithstanding the provisions of any other law, a precautionary warrant or order shall not be issued by any Court restraining the Authority from the exercise of any of the powers conferred upon it under this Act in relation to administrative penalties.

(10) In all cases where the Authority imposes an administrative penalty in respect of anything done or omitted to be done by any person and such act or omission also constitutes a criminal offence, no

proceedings may be taken or continued against the said person in respect of such criminal offence.

(11) An administrative penalty imposed by the Authority upon any person shall be considered a civil debt.

(12) If any person knowingly avoids, obstructs or refuses service of any judicial act issued under this article, such person shall be guilty of an offence and shall be liable on conviction, to a fine (*multa*) of not more than seventy thousand euro (€70,000).

Administrative infringements.

35. Where any person breaches:

(a) any provision of this Act;

(b) any regulations made thereunder;

(c) any other law which the Authority is entitled to enforce; or

(d) any person who:

(i) fails to comply with any directive or decision given by the Authority whether in accordance with this Act, any regulations made thereunder or under any other law which the Authority is entitled to enforce; or

(ii) fails to comply with any condition of any authorisation granted in accordance with this Act, and the infringement is committed by a body corporate and is proved to have been committed with the consent, or involvement of, or to be attributable to, any gross negligence on the part of a person being a director, manager, secretary or other officer, however so described, of such body corporate or a person who was purporting to act in any such capacity, such person and such body corporate shall be responsible for the said infringement and shall be jointly and severally liable for the payment of any administrative penalty imposed by the Authority as a consequence thereof.

Applicability of the Administrative Justice Act. Cap. 490.

36. The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal and the words "public administration" in the said Act shall be construed as a reference to the Authority.

Administrative Review Tribunal.

37. (1) An appeal shall lie to the Administrative Review Tribunal on any decision of the Authority in accordance with the provisions of this Act and any regulations made thereunder, and any person aggrieved by such decision shall have the right to appeal.

(2) An appeal to the Administrative Review Tribunal may be filed on any of the following grounds:

(a) that a material error as to the facts has been made;

(b) that there was a material procedural error;

(c) that an error of law has been made; and, or

(d) that there was some material illegality, including unreasonableness or lack of proportionality.

(3) The Administrative Review Tribunal shall give reasons for its decision and shall cause such decisions to be made public omitting, if it deems it appropriate for reasons of confidentiality, the names of the persons involved.

(4) In determining an appeal, the Administrative Review Tribunal shall take into account the merits of the appeal and may in whole or in part confirm, annul or vary the decision appealed from, giving in writing the reasons for its decision and shall cause such decision to be made public and communicated to the parties to the appeal.

(5) The effect of a decision to which an appeal relates shall not, except where the Administrative Review Tribunal or the Court of Appeal so orders, as the case may be, be suspended in consequence of the filing of the appeal.

(6) Any person aggrieved by a decision of the Authority shall have a right to appeal from such decision to the Administrative Review Tribunal:

Provided that in any case, a person filing an appeal to the Administrative Review Tribunal shall also require a direct interest in impugning the decision or directive appealed from.

(7) Without prejudice to the provisions of article 35:

(a) an appeal from a decision or directive of the Authority shall be made by application and shall be filed with the secretary of the Administrative Review Tribunal within twenty (20) days from the date on which the said decision or directive has been notified in writing to the party appealing or published in the Gazette whichever is the earlier, as the case may be; and

(b) the application of appeal shall be served on the Authority, which shall not later than twenty (20) days from such service, file its reply thereto with the secretary of the Administrative Review Tribunal.

Appeal.

38. (1) The Administrative Review Tribunal shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and any regulations made thereunder, and subject to the right of appeal and article 41, the decisions of the said Tribunal shall be final and binding.

(2) In the exercise of its functions, the Tribunal may summon any person to appear before it and give evidence and produce documents, and the Chairperson shall have the power to administer the oath. The Tribunal may also appoint experts to advise the Tribunal on any technical issue that may be relevant to its decision.

Appeal to the Court of Appeal.

Cap. 490.

39. (1) Any party to an appeal to the Tribunal who feels aggrieved by a decision of the Tribunal, or the Authority if it is not satisfied with any such decision, may on a question of law appeal to the Court of Appeal in accordance with the Administrative Justice Act.

(2) The appeal shall be made by means of an application filed in the Registry of that Court within twenty (20) days from the date on which that decision has been served.

Exemption of liability.

40. The members of the Board, officers and employees of the Authority in the performance of their functions under this Act or any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law.

Provisions of the Code of Organization and Civil Procedure. Cap. 12.

41. The provisions of article 466 of the Code of Organization and Civil Procedure shall apply to the Authority in the same manner as they apply to Government Departments.

PART X
TRANSITORY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

Repeal and saving. Cap. 423. Cap. 543.

42. The Malta Resources Authority Act and the Climate Action Act and the subsidiary legislation made thereunder, with the exception of the subsidiary legislation listed in the Second Schedule, are hereby repealed:

Provided that anything done or omitted to be done in terms of the said legislation until the coming into force of the Climate Action Act, 2024 shall be deemed to be valid at law.

Act No. XVI of 2024.

Saving.

43. (1) Upon the coming into force of this Act, the subsidiary legislation listed in the first column of the Second Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be re-numbered accordingly as specified in the third column of the said Schedule.

(2) Any authorisation, permission, direction or order granted or

made under any of the provisions of the legislation listed in the Second Schedule, and still in force immediately before the coming into force of this Act, shall continue to remain in force thereafter as if it were a licence, permission, direction or order granted or made under a corresponding provision of this Act, and any such licence, permission, direction or order as aforesaid shall be treated and dealt with accordingly.

Transfer of assets and liabilities of the Malta Resources Authority. Act No. XVI of 2024.

44. (1) With effect from the date of the coming into force of the Climate Action Act, 2024:

(a) all assets and rights of whatever nature of the Malta Resources Authority relating to climate whether existing in Malta or outside Malta, including but not limited to all real or other rights under any contract, all monies due by any person to the Malta Resources Authority, and all shares, stocks or other interests of, or in any other bodies shall be deemed to be assets of the Authority;

(b) all obligations and liabilities of the Malta Resources Authority relating to climate shall by virtue of this Act be deemed to be obligations and liabilities of the Authority without the need of any formalities other than this Act.

(2) With effect from the date of the coming into force of this Act:

(a) all assets and rights of whatever nature of the Malta Resources Authority relating to minerals and resources whether existing in Malta or outside Malta, including but not limited to all real or other rights under any contract, all monies due by any person to the Malta Resources Authority, and all shares, stocks or other interests of, or in any other bodies shall be deemed to be assets of the Environment and Resources Authority;

(b) all obligations and liabilities of the Malta Resources Authority relating to minerals and resources shall by virtue of this Act be deemed to be obligations and liabilities of the Environment and Resources Authority without the need of any formalities other than this Act.

(3) With effect from the date of the coming into force of this Act, all actions pending before any court, tribunal, arbitral tribunal or any other adjudicating body, instituted by, or against the Malta Resources Authority with regard to the subsidiary legislation listed in the Second Schedule shall be continued by, or against the Climate Action Authority:

Provided that with effect from the date of the coming into force of this Act, all actions pending before any court, tribunal, arbitral

tribunal or any other adjudicating body, instituted by, or against the Malta Resources Authority relating to climate but not related to minerals and resources shall be continued by, or against the the Climate Action Authority.

Consequential amendment. Cap. 490.

45. In the Second Schedule to the Administrative Justice Act, immediately after the item "Malta Digital Innovation Authority Act" there shall be added the following new item:

"Climate Action Act	Act No. XVI of 2024	Superior Competence".

PART XI
AMENDMENTS TO THE PUBLIC ADMINISTRATION ACT

Amendments to the Public Administration Act. Cap. 595.

46. This Part amends the Public Administration Act and it shall be read and construed as one with the Public Administration Act, hereinafter in this Part referred to as the "principal Act".

Amendment of the Fifth Schedule to the principal Act.

47. In the Second Part of the Fifth Schedule to the principal Act, immediately after the words "The Chairperson of the Older Persons Standards Authority" there shall be added the words "The Chairperson of the Climate Action Authority".

FIRST SCHEDULE
(article 2)

Greenhouse gases include:

(a) Carbon dioxide (CO_2);

(b) Methane (CH_4);

(c) Nitrous Oxide (N_2O);

(d) Hydrofluorocarbons (HFCs);

(e) Perfluorocarbons (PFCs);

(f) Sulphur Hexafluoride **(**SF_6**)**;

(g) Nitrogen trifluoride (NF_3); and

any other designated greenhouse gas as established by the Minister by any regulations.

SECOND SCHEDULE
(article 43)

Subsidiary legislation deemed to have been made under this Act:

SUBSIDIARY LEGISLATION	CURRENT NUMBERING	NEW RE-NUMBERING TO BE GIVEN
Lifecycle Greenhouse Gas Emissions from Fuels Regulations	S.L. 423.48.	S.L. 643.01
European Union Greenhouse Gas Emissions Trading System for Stationary Installations Regulations	S.L. 423.50.	S.L. 643.02
European Union Greenhouse Gas Emissions Trading System for Aviation Regulations	S.L. 423.51.	S.L. 643.03
National System for the Estimation of Anthropogenic Greenhouse Gas Emissions by Sources and Removals by Sinks Regulations	S.L. 543.01.	S.L. 643.04