SUBSIDIARY LEGISLATION 545.15

BIOFUELS AND BIOLIQUIDS MARKET REGULATIONS

13th March, 2012

LEGAL NOTICE 85 of 2012, as amended by Legal Notice 184 of 2012; and Act XXV of 2015, Legal Notices 503 and 505 of 2021 and 95 of 2026.

1. (1) The title of these regulations is the Biofuels and Bioliquids Market Regulations. Citation and scope.

(2) The scope of these regulations is the regulation of biofuels and bioliquids operations and activities in Malta. These regulations are being made for the safeguarding of the public interest and public safety. Any requirements contained therein, including those relating to authorisations and to services, are made for overriding reasons relating to public interest.

(3) These regulations have been notified in terms of Directive 98/34/EC, as amended by Directive 98/48/EC, as transposed by the Notification Procedure Regulations. S.L. 419.06

2. (1) Unless stated otherwise in these regulations, the definitions in the Act shall apply. Interpretation. *Amended by: XXV. 2015.41.*

(2) For the purposes of these regulations, and unless the context otherwise requires:

"the Act" means the Regulator for Energy and Water Services Act; Cap. 545.

"approved" means the acceptance in writing by the Regulator;

"authorisation" means any authorisation granted under these regulations, and in relation to services and service providers it means a permit, licence, warrant, appointment, concession or any decision concerning access to a service activity or the exercise thereof;

"authorised biofuels and, or bioliquids operator" means the person who is the holder of an authorisation issued by the Regulator under these regulations, who is granted an authorisation to perform all transactions and activities, whether onerous or gratuitous, related to biofuel and, or bioliquids including importation, storage, production, blending, wholesale or retail and related ancillary activities, or a service provider who is authorised to operate under any law in force in a Member State of the European Union or in a state which is a participant in the European Economic Area, permitting such person to carry out the activity of a biofuels and, or bioliquids operator;

"authorised facility" means a facility in respect of which an authorisation has been issued and includes all buildings, tanks, pipework, pumps, dispensers, electrical equipment, drainage, ancillary equipment, forecourt area and any other asset within that part of the premises relevant to the activities covered by the authorisation;

"biofuels" means liquid or gaseous fuel for transport produced and composed from biomass;

"biofuels and, or bioliquids operator" means a person who performs all transactions and activities, whether onerous or gratuitous, related to biofuel and, or bioliquids including importation, storage, production, blending, wholesale or retail and related ancillary activities;

"bioliquids" means liquid fuel produced for energy purposes and composed from biomass other than for transport, including electricity and heating and cooling;

"biomass" means the biodegradable fraction of products, waste and residues from agriculture, including vegetal and animal substances, forestry and related industries and also the biodegradable fraction of industrial and municipal waste;

"establishment" means the actual pursuit of an economic activity by a service provider for an indefinite period and through stable infrastructure from where the business of providing services is actually carried out;

"final customer" means any natural or legal person purchasing biofuel and, or bioliquids for own use;

"inspector" means any officer or employee of the Regulator or any other person duly appointed and authorised in writing by the Regulator in accordance with the provisions of the Act to inspect and check compliance with these regulations and with any authorisation condition;

"material alterations" means any alteration which, within the limits of the application of the authorisation, may in the opinion of the Regulator reasonably affect the safe operation of the authorised facility and includes any change, removal, repair, replacement or cessation of use of any equipment whether electrical or mechanical, which would affect the safe operation of the authorised facility;

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

"overriding reasons relating to public interest" means reasons recognised as such in case law of the European Courts of Justice, being reasons which present a justification for the issue of an authorisation and, or the issue of a condition thereto or to any other policy decision taken in terms of such authorisation, when such authorisation, or condition or policy decision thereto could not have been issued or taken under normal circumstances except for such overriding reasons relating to public interest, including any of the following grounds:

(*a*) public policy, public security, public safety and public health:

Provided that these grounds shall be interpreted within the meaning of Articles 46 and 55 of the Treaty;

(*b*) the maintenance of order in society;

(*c*) social policy objectives;

(*d*) the protection of recipients of services;

(*e*) consumer protection;

(*f*) the prevention of fraud;

(*g*) the protection of the environment; and

(*h*) the prevention of unfair competition;

"person" includes an individual, an undertaking, a body or other association of persons, whether such body or association is corporate or unincorporate;

"petroleum" has the meaning assigned to it in the Act:

Provided that "petroleum" may be given a different meaning in any authorisation issued by the Regulator under these regulations;

"recipient" means any natural person who is a national of a Member State, who benefits from rights conferred upon him by community acts or any legal person established in a Member State, who for professional or non-professional purposes uses, or wishes to use, a service against non-economic considerations;

"the Regulator" means the Regulator for Energy and Water Services;

"retail" means the sale of biofuels and, or bioliquids to final consumers;

"service" means any self-employed activity performed for economic considerations;

"service provider" means any natural person who is a national of a Member State, or any legal person established in a Member State, who offers or provides a service;

"the Treaty" means the Treaty establishing the European Community;

"undertaking" shall have the same meaning as provided for in the Competition Act. Cap. 379.

3. (1) The carrying out of the activity of a biofuels and, or bioliquids operator shall require an authorisation: Requirement of an authorisation. *Amended by: XXV. 2015.41.*

Provided that a biofuels and, or bioliquids operator who has been expressly authorised by the Regulator and as it may in writing have established, to undertake any activity or operation in relation to biofuels under the Petroleum for the Inland (Wholesale) Fuel Market Regulations, and, or the Petroleum for the Inland (Retail) Fuel Market Regulations, shall not require an authorisation under these regulations. Without prejudice to the foregoing, the Regulator may impose any such conditions it may consider appropriate in the circumstances, including any condition or obligation arising under these regulations, any further conditions prescribed by the Regulator from time to time and any other obligations imposed in terms of law. S.L. 545.17 S.L. 545.22

(2) Without prejudice to any obligation under any other law, the wholesaling of blends of biofuel and, or bioliquids and petroleum products shall require an authorisation under these regulations when the biofuel content of the blend exceeds the

maximum limit of biofuel content in MSA EN 590 and MSA EN 228.

(3) An authorised biofuels and, or bioliquids operator may store petroleum products for the purpose of blending with biofuels and, or bioliquids, provided that the relevant authorisation for the storage of petroleum is obtained from the Regulator.

(4) An authorised biofuels and, or bioliquids operator shall abide by all the conditions prescribed in the authorisation, any further conditions prescribed by the Regulator from time to time and any other obligations imposed in terms of law.

(5) Any person who produces and imports biofuels and, or bioliquids for his own exclusive use and who does not produce or import in excess of 2,000 litres in the course of a calendar year, shall not require an authorisation in terms of these regulations:

Provided that such person is required to notify the Regulator of the fact of such production or importation, in such form and manner as may be required by the Regulator, and to submit to the Regulator such information as may be required from time to time:

Provided further that such person shall observe any code of practice, guideline or direction which may be issued by the Regulator.

(6) Persons exempted from the requirement of having an authorisation in terms of sub-regulation (5) shall not be exempt from the requirement of obtaining any other authorisation or permit as may be required under any other law.

General authorisation. *Amended by: XXV. 2015.41.*

4. (1) Authorisations shall be issued by the Regulator in respect of the operations, activities and practices referred to in these regulations and shall include the terms and conditions for the execution of such operations, activities and practices:

Provided that the conditions for the granting of an authorisation for a new establishment shall not duplicate requirements and controls which are equivalent or essentially comparable as regards their purpose to which the service provider is already subject in another Member State or in Malta.

(2) An authorisation issued by the Regulator shall be in writing and, unless cancelled, suspended or revoked in accordance with any condition contained in it or in accordance with these regulations or with any other law, shall continue in force for such period as may be specified in the authorisation.

(3) Unless revoked, an authorisation shall be valid for four years.

(4) An authorisation issued by the Regulator under these regulations shall not exempt the authorised biofuels and, or bioliquids operator from the requirement of obtaining any other authorisation or permit as may be required under any other law.

(5) An authorisation under these regulations shall not be construed as authorising the holder thereof to perform any

operation or activity requiring an authorisation in terms of any regulations made under the Act.

Application for an authorisation and application fee. *Amended by: XXV. 2015.41.*

5. (1) Any person who wishes to carry out the activity of an authorised biofuels and, or bioliquids operator shall submit an application in writing to the Regulator in such form and manner as the Regulator may prescribe.

(2) A non-refundable application fee as specified in the First Schedule shall be paid to the Regulator with the application for the authorisation.

Deetermination procedure of applications. *Amended by: XXV. 2015.41.*

6. (1) The Regulator shall establish its procedure for the purpose of determining an application for an authorisation to carry out the activity of an authorised biofuels and, or bioliquids operator.

(2) The Regulator shall communicate to the applicant in writing within a reasonable time, which shall not be of more than six months from the date of receipt of a valid application, any decision taken concerning an application for an authorisation or an application for the renewal of an authorisation or any valid reason impeding the Regulator to reach such a decision.

Renewal, modification, etc., of an authorisation. *Amended by: XXV. 2015.41.*

7. (1) Upon expiry, an authorisation may be renewed, and an application for the renewal of an authorisation shall have to be submitted in writing to the Regulator in such form and manner as the Regulator may require, six months prior to the date on which the authorisation expires.

(2) The Regulator may modify, amend, substitute, add or delete any authorisation condition in the renewed authorisation and add specific conditions relevant to each individual authorisation as the Regulator considers to be reasonably justified in the circumstances.

Payment of authorisation fee. *Amended by: XXV. 2015.41.*

8. (1) The first authorisation fee shall be paid by the authorised biofuels and, or bioliquids operator within thirty days from the granting of the authorisation, and thereafter every year on the anniversary of the grant of such authorisation or any other date as the Regulator may reasonably establish.

(2) The amount of the authorisation fee to carry out the activity of an authorised biofuels and, or bioliquids operator shall be as specified in the Second Schedule.

(3) If any authorisation fee payable under sub-regulation (2) is not paid within thirty days, the Regulator shall, after the lapse of such time, communicate with the authorised biofuels and, or bioliquids operator whose authorisation fee has not been paid informing him about his failure to pay such fee.

(4) The Regulator shall be deemed to have complied with sub-regulation (3) if such communication is sent by registered post, to the usual or last known address of the authorised biofuels and, or bioliquids operator whose authorisation fee has not so been paid.

Requirement to re-apply in case of failure to pay an authorisation fee. *Amended by: XXV. 2015.41.*

9. If any authorisation fee mentioned in regulation 8 is not paid within thirty days from the date on which the communication therein mentioned has been sent by registered post, the authorisation to which it refers shall cease to be in force, and if the person to whom it was granted wishes again to carry out the activity of an authorised biofuels and, or bioliquids operator, he shall then be required to apply for a new authorisation. In considering any such application, the Regulator shall take into consideration the previous failure of the applicant to pay the authorisation fee and of any explanation regarding that failure which the applicant may submit to the Regulator.

Conditions for decisions relating to the granting and renewal of authorisations. *Amended by: XXV. 2015.41.*

10. (1) The Regulator shall adopt fair, objective and transparent conditions relating to the granting of an authorisation in terms of the principles of natural justice.

(2) In taking a decision in respect of the grant, issue, amendment or renewal or any other matter pertaining to an authorisation issued under these regulations, the Regulator may take account of the following:

(*a*) compliance by the applicant with all other relevant permits and authorisations, howsoever described, issued by any other public authority;

(*b*) the capability of the applicant to ensure safety conditions, in the context of the authorisation being applied for;

(*c*) private and professional integrity of the applicant;

(*d*) protection of the health and safety of employees;

(*e*) protection of the environment;

(*f*) record of compliance with these regulations and any other relevant laws by the person with regard to whom the decision shall be made;

(*g*) the need for facilities and services to be provided for customers at the facility concerned and the extent to which the interests of customers shall be served;

(*h*) the public interest in general.

Grounds of refusal for an authorisation. *Amended by: L.N. 184 of 2012; XXV. 2015.41.*

11. The Regulator shall have the right to refuse a request for the issue of an authorisation or, if an authorisation has been issued, a request for the renewal of an authorisation, on the grounds that:

(*a*) the Regulator considers that the request does not meet one or more of the criteria referred to in regulation 10; or

(*b*) the application does not contain all such information requested by the Regulator in the application form or any other additional information that the Regulator may request from the applicant for the purpose of determining the application for the authorisation; or

(*c*) the application is not accompanied by the application fee as specified in accordance with these regulations:

Provided that any decision taken by the Regulator, including refusal or withdrawal of an authorisation, shall be fully reasoned and shall be open to challenge before the the Administrative Review Tribunal established by article 5 of the Administrative Justice Act:

Cap. 490.

Provided further that the failure by the Regulator to inform the applicant regarding any decision taken concerning access to a service activity or the exercise thereof, including refusal or withdrawal of an authorisation, shall not mean, in any manner whatsoever, that the Regulator has tacitly granted such authorisation and that the applicant has automatically been granted access to a service activity or the exercise thereof.

Powers to impose conditions of authorisation. *Amended by: XXV. 2015.41.*

12. (1) The Regulator shall have the power to include in an authorisation issued under these regulations any such conditions as the Regulator considers requisite or suitable.

(2) The authorised biofuels and, or bioliquids operator shall at all times comply with these regulations and with the conditions of the authorisation.

(3) An authorisation shall have a minimum set of general conditions:

Provided that special conditions may be attached to any authorisation issued under these regulations.

(4) The conditions included in the authorisation may contain, but not necessarily be limited to, provisions regarding:

(*a*) the grant and term of the authorisation;

(*b*) suspension, variation and transfer conditions of the authorisation;

(*c*) compliance requirements to conditions, directions, management letters, standards, guidelines, codes or rules given by the Regulator or as may be established at law;

(*d*) support to the long term energy plan of the country;

(*e*) the promotion of the efficient operation of the biofuels and bioliquids market and protection of the customers in terms of the lowest possible prices combined with the highest quality of the products;

(*f*) monitoring and recording of the authorised operations;

(*g*) reporting, auditing and submission of information to the Regulator;

(*h*) inspection, making copies and taking extracts from books and records held by the biofuel and, or bioliquids operator and the carrying out of measurements and tests in relation to any authorised facility, assets or plant;

(*i*) assessment and auditing of operations, activities and practices and their compliance to authorisation conditions;

(*j*) regulation of subsidiary companies and, or companies executing part of the regulated operations, activities and practices.

(5) The Regulator may, on an individual basis, exempt authorised biofuels and, or bioliquids operators whose annual throughput does not exceed 20,000 litres from the requirements imposed by certain authorisation conditions.

(6) Any person granted an authorisation under these regulations shall:

(*a*) comply with any direction given by the Regulator as to these regulations and as to such matters as are specified in the authorisation or are of a description so specified;

(*b*) execute the regulated operations, activities and practices in accordance with such authorisation conditions;

(*c*) act in accordance with any requirements as are specified in the authorisation or are of a description so specified; and

(*d*) comply with the decisions or directions issued by the Regulator.

(7) The authorised biofuels and, or bioliquids operator shall inform the Regulator of any changes relating to his activity which result in the conditions for his authorisation no longer being met and the creation of subsidiaries whose activities fall within the scope of the authorisation and, or the authorisation scheme.

Inspection of an authorised facility. *Amended by: XXV. 2015.41.*

13. (1) Inspectors duly appointed by the Regulator shall be authorised to enter and inspect any authorised or notified facility.

(2) Every inspector of the Regulator shall at all reasonable times be allowed unrestricted access to authorised or notified facilities for the purpose of ascertaining whether these regulations or the conditions to the authorisation are being duly observed. The biofuels and, or bioliquids operator shall give all reasonable assistance which such inspector may require for that purpose.

Design and construction of an authorised facility. *Amended by: XXV. 2015.41.*

14. Without prejudice to any other provision of these regulations or any other law, authorised facilities designed or constructed after the entry into force of these regulations shall be designed and constructed in accordance with standards prescribed or as directed by the Regulator and, or as required by any other authority competent at law as a result of a consultation or in agreement with the Regulator.

Material alterations. *Amended by: XXV. 2015.41.*

15. (1) The authorised biofuels and, or bioliquids operator shall not undertake or permit to be undertaken any material alterations to the authorised facility, unless the prior written consent of the Regulator has been obtained.

(2) The Regulator may, subsequent to the carrying out of material alterations referred to in sub-regulation (1), send an inspector or official to perform an assessment inspection on the

authorised facility.

Keeping of records of all transactions. *Amended by: XXV. 2015.41.*

16. (1) An authorised biofuels and, or bioliquids operator shall keep records of all transactions in respect of the authorisation he holds and other information about all biofuels and, or bioliquids transactions and shall keep originals of all management accounts at their principal place of business for the purpose of auditing by the Regulator:

Provided that the Regulator shall treat as confidential any information obtained from the authorised biofuels and, or bioliquids operator which such operator communicates to the Regulator as being commercially sensitive and which the Regulator accepts to be so, and in doing so the Regulator shall not divulge any such information unless required or allowed to do so by law or by a court order or in terms of an agreement with any other government department or body established by law or as otherwise agreed with the authorised biofuels and, or bioliquids operator.

(2) The Regulator shall have the right to publish information regarding activities and statistics related to biofuels and, or bioliquids:

Provided that the aforesaid publication shall not refer to any specific authorised biofuels and, or bioliquids operator or person and shall be in accordance with data protection laws.

Quality of biofuels and bioliquids.

17. (1) No person shall retail, or place on the market or offer for sale any biofuel that is not in compliance with EN 14214 or pr EN 15376.

(2) Inspectors shall be authorised to enter and inspect any premises or authorised facility and take samples or amounts of any biofuels and, or bioliquids found therein.

(3) During the course of the inspection any person or the authorised biofuels and, or bioliquids operator shall give all reasonable assistance which such inspectors may require for that purpose. No compensation shall be due to any person or the authorised biofuels and, or bioliquids operator with regard to any samples taken.

Suspension, revocation or cancellation of an authorisation. *Amended by: XXV. 2015.41.*

18. The Regulator may, at any time in the course of the period for which the authorisation is valid, order its suspension, revocation or cancellation where the Regulator is satisfied that:

(*a*) the authorised biofuels and, or bioliquids operator has failed or is failing to abide by any conditions of the authorisation or by these regulations or any other law; or

(*b*) the authorised biofuels and, or bioliquids operator does not possess all other relevant permits and authorisations howsoever described that are required by any other government department or public authority; or

(*c*) the authorised biofuels and, or bioliquids operator is contravening any requirement imposed by law; or

(*d*) the authorised biofuels and, or bioliquids operator fails to comply with any directive given by the Regulator as to such matters as are specified in the authorisation or are of a description so specified; or

(*e*) any information submitted in the application for an authorisation or the application for renewal of an authorisation and for which the authorisation has been issued or renewed, as the case may be, is determined to be false; or

(*f*) it is in the public interest; or

(*g*) the authorised biofuels and, or bioliquids operator does not meet any criteria with respect to one or more of the criteria referred to in regulation 10:

Provided that in exercising the powers for suspension, revocation or cancellation of an authorisation, the Regulator shall take into account the nature of the failure, or the fact that the authorised biofuels and, or bioliquids operator is taking the appropriate steps which the Regulator considers to be necessary in order to comply with the conditions of the authorisation, or any other requirement that the Regulator may deem relevant.

Modification of authorisation. *Amended by: XXV. 2015.41.*

19. (1) Subject to the following provisions of this regulation, the Regulator may at any time in the course of the period for which an authorisation is valid, modify, amend, substitute or delete the conditions of the authorisation as it may consider requisite or suitable:

Provided that, when doing so, the Regulator shall not add new authorisation conditions unless these are being made for overriding reasons relating to public interest.

(2) Before making any modification, amendment, replacement, addition or deletion to the authorisation, the Regulator shall:

(*a*) communicate to the authorised biofuel and, or bioliquids operator, as the case may be, any such amendment, substitution, modification or deletion to the authorisation it proposes to make;

(*b*) state the reasons why such modifications, amendments, substitutions, modifications or deletions are being made; and

(*c*) specify the period within which representations or objections have to be made with respect to the changes being made:

Provided that in doing so, the Regulator shall consider any representations made.

Termination of authorisation. *Amended by: XXV. 2015.41.*

20. (1) Where an authorised biofuels and, or bioliquids operator decides either to suspend or terminate his authorisation, he shall promptly notify the Regulator in the form prescribed by the Regulator, to notify such a termination or suspension.

(2) Upon acknowledgment by the Regulator to the authorised biofuels and, or bioliquids operator of the notification mentioned in

sub-regulation (1), the authorisation shall be considered to have ceased and, with immediate effect from the date of such acknowledgment, any operation in relation to the biofuels and, or bioliquids by the authorised biofuels and, or bioliquids operator shall be deemed to be unauthorised.

(3) Notwithstanding any notification for the termination or suspension of an authorisation, the authorised biofuels and, or bioliquids operator shall remain liable for the payment of any authorisation fees due prior to such notification.

Transfer of authorisation. *Amended by: XXV. 2015.41.*

21. (1) An authorisation issued by the Regulator under these regulations shall not be validly transferred *inter vivos* to any other natural or legal person unless:

(*a*) the transferor informs in writing the Regulator in such form and manner as the Regulator shall prescribe;

(*b*) the Regulator is satisfied that at least the same conditions as listed in regulation 10 are complied with;

(*c*) the transfer is subject to the conditions prescribed in the authorisation; and

(*d*) the Regulator approves in writing the transfer of the authorisation:

Provided that the leasing of the authorised facility shall require the issue of a new authorisation in the name of the person leasing the authorised facility.

(2) An authorisation issued by the Regulator under these regulations shall not be validly transmitted *causa mortis* to any other natural or legal person unless:

(*a*) the transferee informs in writing the Regulator in such form and manner as the Regulator may prescribe;

(*b*) the Regulator is satisfied that at least the same conditions as listed in regulation 10 are being complied with;

(*c*) the transfer is subject to the conditions prescribed in the authorisation; and

(*d*) the Regulator approves in writing the transfer of the authorisation:

Provided that an authorisation issued in terms of these regulations shall be an indivisible right:

Provided also that in the event that the Regulator approves the transfer of the authorisation as aforesaid, the transfer shall have retrospective effect from the date of the demise of the *decujus*.

Requirement of insurance. *Amended by: XXV. 2015.41.*

22. An authorised biofuels and, or bioliquids operator shall be required to insure, to the satisfaction of the Regulator, the authorised facility or the activity to which their authorisation refers.

Labelling and sale of biofuels.

23. No person shall sell or offer for sale to the final customer any biofuel blended in mineral oil derivatives unless he provides:

(*a*) specific labelling at the points of sale; and

(*b*) information on the environmental benefits of the biofuels being offered for sale:

Provided that, without prejudice to the generality of the foregoing, the labelling of biofuels referred to in this sub-regulation shall not be required for percentages of biofuels, blended in mineral oil derivatives, not exceeding 10% by volume.

Sustainable biofuels. *Amended by: L.N. 503 of 2021 L.N. 505 of 2021; L.N. 95 of 2026.*

S.L. 545.11

S.L. 545.17

S.L. 545.45.

24. Authorised biofuels and, or bioliquids operators producing or importing biofuel or bioliquids, whose biofuels and, or bioliquids are taken into account for the purposes of the requirements laid down in the Promotion of Energy from Renewable Sources Regulations, and regulation 33 of the Petroleum for the Inland (Wholesale) Fuel Market Regulations shall ensure that the biofuels and bioliquids produced or imported are audited and verified to be compliant with the sustainability criteria as set out in the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations.

Authorised biofuels and, or bioliquids operators producing or importing biofuel or bioliquids, whose biofuels and, or bioliquids are taken into account for the purposes of the requirements laid down in the Promotion of Energy from Renewable Sources Regulations

Compliance orders. *Amended by: XXV. 2015.41.*

25. (1) When the Regulator becomes aware, whether through carrying out an investigation or otherwise, that any person has infringed any of the provisions of these regulations, it shall issue a compliance order to the person concerned, ordering him to comply immediately with the provisions of these regulations:

Provided that the issuing of any compliance order shall not preclude the initiating of criminal proceedings against such person.

(2) Any person who fails to abide by the provisions of a compliance order issued by the Regulator shall, without prejudice to any other liability under these regulations or the Act, be liable to an administrative fine of not more than one hundred thousand euro (€100,000) or of six hundred euro (€600) for each day of non-compliance from the date of the decision given by the Regulator.

Offences and penalties. *Amended by: XXV. 2015.41.*

26. (1) Any person who -

(*a*) wilfully or through negligence acts in breach of any provision of these regulations;

(*b*) wilfully or through negligence breaches any condition listed in an authorisation issued under these regulations;

(*c*) carries out any activity requiring an authorisation in terms of these regulations without being in possession of a valid authorisation;

(*d*) fails to comply with any lawful order made by an inspector, employee or officer of the Regulator in the performance of his duties;

(*e*) hinders, obstructs, molests or interferes or attempts to

hinder, obstruct, molest or interfere with the performance of the duties of any inspector, employee or officer of the Regulator;

(*f*) makes a declaration for any of the purposes of these regulations or an authorisation issued under these regulations which is false, misleading or incorrect in any material particular,

shall be guilty of an offence against these regulations and shall, on conviction, be liable to imprisonment for not more than eighteen months or to a fine (*multa*) of not more than sixty-nine thousand euro (€69,000) or to one thousand three hundred euro (€1,300) for each day during which the offence persists, or to both such fine and imprisonment.

(2) The liability of an offender under sub-regulation (1) shall be without prejudice to the liability of the offender to pay to the Regulator any cost incurred in removing the cause of the offence and to undo anything which was done without an authorisation under these regulations.

(3) The Court, besides awarding the punishment referred to in this regulation, may order the convicted offenders to close their activity or to undo anything which was done without an authorisation, or both.

(4) In prosecutions for offences against these regulations, officials of the Regulator shall have the right to assist the Police, and to plead the case before the Court.

(5) Officers from the Regulator may assist the Police in the exercise of any of their powers to prevent the commission of an offence against these regulations or to secure evidence concerning any such offence.

(6) The Police are to secure evidence concerning any offence against these regulations.

(7) The provisions of these regulations shall not affect any criminal proceedings or any other proceedings that may be instituted under any other law.

Register of authorisations. *Amended by: XXV. 2015.41.*

27. (1) The Regulator shall keep a register or registers of authorisations which shall include records of:

(*a*) all authorisations granted under these regulations, and

(*b*) all applications for an authorisation received and refused.

(2) The register or registers of authorisations shall be kept under review and up to date.

Administrative fines. *Amended by: XXV. 2015.41.*

28. The Regulator may impose an administrative fine not exceeding one hundred thousand euro (€100,000) upon any person who infringes any provision of these regulations or who fails to comply with any directive or decision given by the Regulator in ensuring compliance with these regulations.

FIRST SCHEDULE

Regulation 5(2)

Application fee payable in respect of an application for:

Notification to operate as a biofuels and/or bioliquids operator.

The applicable fee for a notification to operate as biofuels or bioliquids producer is € 0.

Authorisation to operate as an authorised biofuels and/or bioliquids operator.

The applicable fee for applying for an authorisation to operate as a an authorised biofuels or bioliquids operator is € 50.

SECOND SCHEDULE

Regulation 8 (2)

Authorisation fee payable in respect of an:

Authorisation for the activity of an authorised biofuels and/or bioliquids operator.

The authorisation fee for an authorisation to operate as an authorised biofuels and/or bioliquids operator is € 50 per annum and € 0.00175 per litre of biofuel or bioliquid imported or produced.
