SUBSIDIARY LEGISLATION 545.17

PETROLEUM FOR THE INLAND (WHOLESALE) FUEL MARKET, BOTTLING OF LPG AND PRIMARY STORAGE FACILITIES REGULATIONS

2nd October, 2007

LEGAL NOTICE 278 of 2007, as amended by Legal Notices 426 of 2007, 33 of 2010, 68 of 2011, 100 and 184 of 2012, 367 of 2013 427 of 2016, 337 of 2019, 336 and 505 of 2021 and 95 of 2026.

Citation and scope. *Amended by: L.N. 33 of 2010; L.N. 100 of 2012.*

1. (1) The title of these regulations is the Petroleum for the Inland (Wholesale) Fuel Market, Bottling of LPG and Primary Storage Facilities Regulations.

(2) The scope of these regulations is to regulate the importation and wholesaling of petroleum for the inland fuel market, primary storage facilities and the bottling of LPG.

(3) 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.

Interpretation. *Amended by: L.N. 33 of 2010; L.N. 68 of 2011; L.N. 100 of 2012; L.N. 367 of 2013; XXV. 2015.41; L.N. 427 of 2016; L.N. 336 of 2021.* Cap. 545.

2. (1) Unless stated otherwise in these regulations, the definitions in the Regulator for Energy and Water Services Act shall apply.

(2) In these regulations, unless the context otherwise requires:

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

"advanced biofuel" means biofuels that are produced from the feedstock listed in Part One of the Eighth Schedule;

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

"assessment inspection" means an inspection carried out by a competent person or an independent consultant to check that an authorised facility is operated and maintained according to any authorisation conditions and guidelines as the Regulator may from time to time issue;

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

"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 and any other asset within that part of the facility relevant to the importation, wholesale, storage and bottling of petroleum;

"authorised provider" means a provider issued with an authorisation by the Regulator under the Act and these regulations or a service provider who is authorised to operate under any law in force in a Member State of the European Union or a state which is a participant to the European Economic Area:

Provided that whenever the Regulator is required to exercise its functions under these regulations in relation to offshore storage facilities, the Regulator shall act in collaboration with the authority responsible for maritime matters;

"biofuels" means liquid or gaseous fuel produced from biomass. The term "biofuels" shall include biodiesels, biodimethylethers, bioethanols, biogases, biohydrogens, biomethanols, bio-ETBEs, bio-MTBEs, pure vegetable oils and synthetic biofuels;

"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;

"bottling" means the putting of LPG into portable cylinders;

"boycott" means a concerted practice between persons consisting in unilateral or collective action to cut off supplies or purchases to or from a particular customer or retailer, or the application of conditions to that customer or retailer which make continued dealings impractical;

"cartridge" means a non-refillable container designed to be disposed of when empty and constructed to a recognised standard;

"CN codes" means the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff;

"competent person" means a person who is approved by the Regulator and who:

(*a*) practices the profession of an inġinier under the Inġiniera Act; and Cap. 321.

(*b*) who is suitably trained, has sufficient knowledge, experience and capability as approved by the Regulator to:

(i) carry out assessment inspections of authorised facilities;

(ii) supervise material alterations to authorised facilities;

(iii) certify in writing that authorised facilities are being maintained and operated as prescribed in any authorisation conditions and, or guidelines and, or Codes of Practice duly approved by the Regulator;

(iv) certify in writing the design, construction, testing and commissioning of equipment and, or sites intended to be designated by the Regulator as authorised facilities;

(v) carry out other work of a technical nature that is

complimentary or ancillary to the above;

"diesel fuels" means gas oils as defined in Regulation (EEC) 2658/87 and as may be amended from time to time and used for self propelling vehicles;

"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 consumer" means any natural or legal person purchasing petroleum for his own use and not resale or transfer purposes;

"food and feed crop" means starch-rich crops, sugar crops or oil crops produced on agricultural land as a main crop excluding residues, waste or lingo-cellulosic material and intermediate crops, such as catch crops and cover crops, provided that the use of such intermediate crops does not trigger demand for additional land;

"importer" means the authorised provider who is authorised by the Regulator to carry out the activity of an importer and, or wholesaler of petroleum who releases for consumption fuel to the inland market in terms of the Excise Duty Act; Cap. 382.

"independent consultant" means a natural or legal person with a proven international track record and expertise in Directive 2012/18/EU of the European Parliament and of the Council of 4th July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC, which international track record and expertise has been ascertained by the applicant for an authorisation;

"inspector" means any employee or officer 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 any authorisation condition;

"ligno-cellulosic material" means material composed of lignin, cellulose and hemicellulose, such as biomass sourced from forests, woody energy crops and forest-based industries' residues and wastes;

"LPG" means liquefied petroleum gas;

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

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

"the Minister" means the Minister responsible for resources;

"motor spirit" means an oil used in spark ignition engines of which 90% or more by volume, including losses distils at 210°C;

"overriding reasons relating to public interest" means reasons recognised as such in case law of the European Courts of Justice and which reasons present a justification for the issue of an

authorisation and, or the issue of a condition thereto and, or to any other policy decision taken in terms of such authorisation, when such authorisation, and, or condition and, or policy decision thereto could not have been issued or taken under normal circumstances but for such overriding reasons relating to public interest which include the following grounds:

(*a*) public policy, public security, public safety and public health; provided that, these grounds shall be interpreted within the meaning of Article 46 and Article 55 of the Treaty;

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

(*c*) social policy objectives;

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

(*e*) consumer protection;

(*f*) the prevention of unfair competition;

(*g*) the prevention of fraud; and

(*h*) the protection of the environment;

"person" includes an individual, an undertaking, a body or other association of persons, whether such body or association is a juridical person or not;

"petrol" means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles as defined in Regulation (EEC) 2658/87 and as may be amended from time to time;

"petroleum" has the same meaning as under the Act, but shall not include those products listed in the Fourth Schedule:

Provided that "petroleum" may be differently defined in any authorisation issued by the Regulator as the case may be;

"portable cylinders" or "cylinders" means transportable containers suitable for use with LPG and which conform to the
S.L. 427.30 Transportable Pressure Equipment Regulations;

"premises" means land and the improvements on it, a building, store, shop, apartment, laboratory or other designated permanent structure in a specific location;

"primary storage facility" means an authorised facility approved by the Regulator to store petroleum products, whether onshore or
S.L. 424.19 offshore, which falls within the scope of the Control of Major Accident Hazard Regulations and, or any storage facility used for wholesale purposes, or any other storage facility designated to this end by the Regulator;

"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:

Provided that whenever the Regulator is required to exercise its functions under these regulations in relation to offshore storage facilities, the Regulator shall act in collaboration with the authority responsible for maritime matters;

"release for consumption" shall have the same meaning as under the Excise Duty Act; Cap. 382.

"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 provide a service;

"SM EN 228 petrol" means fuel which is compliant with the requirements and test methods approved and endorsed by the Malta Competition and Consumer Affairs Authority in relation to the quality of unleaded petrol for automotive use;

"SM EN 590 diesel" means fuel which is compliant with the requirements and test methods approved and endorsed by the Malta Competition and Consumer Affairs Authority in relation to the quality of diesel for automotive use;

"SM EN 14214" means the requirements and test methods specified by the European Committee for Standardisation in relation to the quality of fatty acid methyl esters (FAME) for diesel engines for automotive use;

"SM EN 15376" means the requirements and test methods specified by the European Committee for Standardisation in relation to ethanol as a blending component for petrol for automotive use;

"SM EN 15940" means the requirements and test methods specified by the European Committee for Standardisation in relation to the quality of paraffinic diesel fuel from synthesis or hydrotreatment for automotive use;

"starch-rich crops" means crops comprising mainly cereals, regardless of whether the grains alone or the whole plant, such as in the case of green maize, are used; tubers and root crops, such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams; and corm crops, such as taro and cocoyam;

"transfer" includes any trade or sale whether by retail or by wholesale, or donation;

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

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

"wholesaler" means any person who in terms of an authorisation issued by the Regulator acquires, possesses, blends or handles petroleum for the purposes of re-sale in bulk to retailers and excluding final consumers.

Prohibition of certain operations and activities. *Amended by: L.N. 33of 2010; XXV. 2015.41.*

3. (1) The following operations and activities shall require an authorisation:

(*a*) the acquisition, importation, transfer, possession, keeping, blending, bottling, wholesaling or the lending or giving to a person of any petroleum products, and

(*b*) the carrying out of the activity of an importer and, or wholesaler of petroleum or the operating of a primary storage facility or the bottling of LPG.

(2) The provisions of subregulation (1) shall not apply to any of the following activities or operations:

(*a*) the *bona fide* possession and keeping of a quantity of less than 300 litres of petroleum for private use:

Provided that in the case of quantities of motor spirit and aviation fuel (aviation spirit and jet-fuel of the gasoline type) exceeding 60 litres, the Regulator shall be notified of the aforesaid types of petroleum intended to be stored, which shall be stored in accordance with approved guidelines or codes of practice;

(*b*) the *bona fide* possession and keeping of a quantity of less than 150 kg of LPG or five interconnected portable cylinders, whichever is the lower;

(*c*) the *bona fide* possession and keeping of petroleum in the holding tank of a vehicle exclusively for the purposes of propelling such vehicle; and

(*d*) the *bona fide* importation and keeping of a quantity of less than 25 litres of petroleum for the exclusive use of testing in a laboratory:

Provided that the importation of a greater amount for testing purposes may be authorised by the Regulator;

(*e*) the importation and wholesaling of petroleum in a calendar year in quantities not exceeding the amounts per type mentioned in the Fifth Schedule:

Provided that the person importing or wholesaling such petroleum shall submit to the Regulator a signed declaration in the form and manner established by the Regulator, that the amounts to be imported in the particular calendar year shall not exceed the amounts stated in the Fifth Schedule:

Provided further that the person making such a declaration in terms of the foregoing, shall pay to the Regulator a yearly administrative fee of five hundred euro (€500) together with the declaration and shall make in favour of the Regulator a bank guarantee of not less than two thousand euro (€2,000) which bank guarantee shall be paid in favour of the Regulator in case the declaration is found by the Regulator to be incorrect, false and, or incomplete.

Authorisations granted by the Regulator. *Amended by: XXV. 2015.41.*

4. (1) The Regulator may, in terms of these regulations, grant an authorisation and, or authorisations for the:

(*a*) carrying out of the activity of an importer and, or wholesaler of petroleum;

(*b*) operation of a primary storage facility;

(*c*) bottling of LPG:

Provided that such provider in whose favour an authorisation is granted, shall satisfy any such conditions as may be specified in the authorisation, these regulations and any other applicable laws.

(2) Notwithstanding the generality of the foregoing the Regulator may grant such other types of authorisations as may be necessary.

Transitory provisions in respect of existing operators. *Amended by: XXV. 2015.41.* G.N. 337 of 1955.

5. (1) Any person, who prior to the entry into force of these regulations, was engaged in any activity or operation relating to petroleum and is in possession of a valid licence to do so under the Petroleum Storage Regulations, 1955* may continue to perform such activities as authorised under existing licence conditions for the earlier of a calendar year from the entry into force of these regulations or the grant of a new authorisation:

Provided that any such person shall apply for a new applicable authorisation as listed in regulation 4(1), to the Regulator within two months from the day of the sending of a notice by the Regulator to apply for such an authorisation:

Provided further that any such person shall comply with such authorisation conditions as established in the new authorisation that shall be issued by the Regulator with effect from such date that the Regulator shall establish.

(2) Any person who, upon the entry into force of these regulations is operating the business of an importer and wholesaler of petroleum and, or, bottler of LPG and, or operator of a primary storage facility:

(*a*) may continue to perform the business of an importer and, or wholesaler of petroleum and, or bottler of LPG and, or operator of a primary storage facility:

Provided that such person applies for an authorisation under these regulations within one month from the coming into force of these regulations; and

(*b*) shall comply with such authorisation conditions as established in the new authorisation that may be issued by the Regulator with effect from the date that the Regulator may establish.

(3) In the period between the date when these regulations or parts thereof come into force and the date when the new authorisations come into effect, the authorised provider shall follow all directions and conditions that the Regulator may set:

*Revoked by these regulations.

Provided that when such conditions are inconsistent with the authorisation then in force, the new conditions shall prevail.

(4) Any subsisting agreements between existing operators shall be declared null and void, in so far as they are inconsistent with the provisions of these regulations.

(5) The Regulator may require existing operators to upgrade their authorised facility and activities up to approved standards and codes of practice, according to a mutually-agreed time-table concluded with each authorised provider:

Provided that if there exists an imminent or severe safety hazard, the authorised provider shall of his own motion remove such hazard, and thereafter notify the Regulator of such removal:

Provided further that the Regulator may in its discretion prescribe special transitory authorisation conditions after taking due regard of the existing situation.

(6) A person who possesses a warrant to practice the profession of an engineer, and who has sufficient knowledge, experience and skill as approved by the Regulator may act as a competent person, for the purposes and in terms of these regulations, for a transitory period of a year subsequent to the entry into force of these regulations.

(7) Any fees applicable to the new authorisation shall apply *pro rata temporis* from the date of issue till the 31st December, 2007.

General conditions of authorisations. *Amended by: L.N. 33 of 2010; XXV. 2015.41.*

6. (1) Authorisations shall be issued by the Regulator in respect of the execution 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, shall continue in force for such period as may be specified in, or determined by or under the authorisation.

(3) Nothing in these regulations shall prohibit the Regulator from issuing a single authorisation incorporating more than one authorisation.

(4) Authorisations, unless revoked, shall be valid for a period of years equal to:

(*a*) six years in the case of an authorisation to carry out the activity of an importer and, or wholesaler of petroleum;

(*b*) thirty years in the case of an authorisation to operate a

primary storage facility;

(*c*) thirty years in the case of an authorisation for the bottling of LPG.

(5) An authorisation issued by the Regulator under these regulations shall not exempt the authorised provider from the requirement of obtaining any other authorisation or permit as may be required under any other law.

Special cases. *Amended by: XXV. 2015.41.*

7. (1) In the case of an authorisation to operate a primary storage facility, each authorised facility will be separately authorised. Each separate authorisation shall clearly be referable to the location and address where the authorised facility is situated and issued in the name of any owner of the authorised facility. The authorised provider shall be responsible for the authorisation and for the observance of the authorisation conditions.

(2) In the case of the authorisation for the bottling of LPG, the authorisation shall authorise the authorised provider to store LPG in bulk, bottle, wholesale and retail LPG contained in portable cylinders.

(3) The grant of an authorisation in accordance with these regulations shall not be construed as authorising the authorised provider to conduct any activity or operation, however so described, in relation to biofuels:

Provided that the Regulator may expressly authorise an authorised provider to undertake any activity or operation in relation to biofuels as it may in writing establish. In doing so the Regulator may impose any such conditions it may consider appropriate in the circumstances.

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

8. (1) Any person who wishes to -

(*a*) carry out the activity of an importer and, or wholesaler of petroleum; or

(*b*) operate a primary storage facility; or

(*c*) bottle LPG,

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 established in the First Schedule shall be paid to the Regulator with the authorisation application.

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

9. (1) The Regulator shall establish its procedure for the purposes of determining an application for:

(*a*) an authorisation to carry out the activity of an importer and, or wholesaler of petroleum;

(*b*) an authorisation to operate a primary storage facility;

(*c*) an authorisation for the bottling of LPG.

(2) The Regulator shall communicate to the applicant in writing within a reasonable time, which reasonable time shall not be of more than three 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.*

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

(2) The Regulator may modify, amend, replace, 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 fees. *Amended by: XXV. 2015.41.*

11. (1) The first authorisation fee shall be paid by the authorised provider within thirty days upon 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 shall be according to the Second Schedule to these regulations and shall be paid to the Regulator together with an application for an authorisation.

(3) If any authorisation fee payable under subregulation (2) is not paid within thirty days, the Regulator shall after the lapse of such time, communicate with the authorised provider whose authorisation fee has not so 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 provider whose authorisation fee has not so been paid.

Regulation charge. *Added by: L.N. 33 of 2010. Amended by: XXV. 2015.41.*

11A. A person authorised to carry out the activity of an importer and, or of a wholesaler of petroleum shall pay to the Regulator a regulation charge on every litre and, or kilogram of imported fuel as may be specified in terms of these regulations and, or authorisation conditions:

Provided that a regulation charge shall not be due on the fuels included in the Fourth Schedule.

Requirement to reapply in case of failure to pay an authorisation. *Amended by: L.N. 68 of 2011; XXV. 2015.41.*

12. (1) If any authorisation fee is not paid within thirty days after the date upon which the communication as aforesaid in regulation11(4) has been sent by registered post, the authorisation to which it relates shall cease to be in force, and if the authorised provider to whom it was granted wishes again to carry out the activity of an importer and, or wholesaler of petroleum, to operate a primary storage facility or to bottle LPG, he shall then be required to apply for a new authorisation.

(2) In considering any such application, the Regulator may 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 relating to the granting and renewal of authorisations. *Amended by: L.N. 33 of 2010; XXV. 2015.41.*

13. 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, however so 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*) suitability of the facility with regard to safety, health, security, hazardous substances, environment, land use and planning requirements;

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

(*i*) the possibility of a monopolistic or an oligopolistic condition in the inland wholesale petroleum market, detrimental to the public interest being created or aggravated, and the extent to which fair and reasonable competition in the retail of petroleum could be affected;

(*j*) any other matter relevant to the orderly provision, of petroleum in Malta; and

(*k*) the public interest in general.

Conditions relating to the granting and renewal of authorisations. *Amended by: L.N. 33 of 2010; L.N. 184 of 2012; XXV. 2015.41.*

14. The Regulator has the right to refuse a request for 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 criteria referred to in regulation 13; 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 such 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:

Provided further that in case of 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: L.N. 33 of 2010; XXV. 2015.41.*

15. (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) Each of the individual authorisations described in regulation 4(1) shall have a minimum set of general conditions:

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

(3) The authorised provider shall at all times comply with these regulations and with the conditions of his authorisation.

(4) The authorised provider 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.

(5) 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 of practice or rules given by the Regulator or as may be established at law;

(*d*) the obligations of the authorised provider, including but not limited to consumer service obligations, and holding of minimum security stocks of petroleum;

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

(*f*) the promotion of the efficient operation of the petroleum market and protection of consumers in terms of the lowest possible prices combined with the highest quality of the products;

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

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

(*i*) inspection, making of copies and taking of extracts from books and records held by the authorised provider and carrying out of measurements and tests in

relation to any facility, assets or plant provided these are carried out by an approved inspector;

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

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

Provided that the Minister may give directions of a policy nature to the Regulator in relation to any of the above.

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

(*a*) comply with any direction given by the Regulator 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 for the purposes of complying with any international obligation of Malta.

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

16. (1) Inspectors shall be authorised to enter and inspect any authorised facility in which petroleum is imported, stored, blended, bottled, dispensed, wholesaled, or is under transport and inspect all tanks, pipework, pumps, dispensers, electrical equipment, drainage, ancillary equipment and other equipment or assets directly or indirectly connected with the carrying out of the authorisation conditions in order to ascertain if they are in accordance with the conditions as prescribed in the authorisation.

(2) Every inspector of the Regulator so authorised shall at all reasonable times be allowed unrestricted access to the authorised facility, for the purpose of ascertaining whether the conditions attached to the authorisation are being duly observed. The authorised provider shall give all reasonable assistance which such inspector may require for that purpose.

Keeping of accounts and petroleum transactions. *Amended by: L.N. 33 of 2010; XXV. 2015.41.*

17. (1) Authorised providers shall keep records of all transactions in respect of each authorisation they hold and other information about all petroleum transactions permitted under the authorisations being in force and to keep originals of all audited accounts at their principal place of business for the purpose of auditing by the Regulator. The Regulator may make copies or take extracts of such records:

Provided that the Regulator shall treat as confidential any information obtained from the authorised provider which the authorised provider 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 to do so by law or by a court order.

(2) The Regulator shall have the right to publish information regarding activities and statistics related to petroleum.

Quality and the testing of petroleum. *Amended by: L.N. 33 of 2010; XXV. 2015.41.*

18. (1) No person can burn, combust or offer for sale or lend or transfer petroleum products other than those permitted by law.

(2) Inspectors shall be authorised to enter and inspect any authorised facility and, or any vehicle in which petroleum is being imported, stored, blended, bottled, dispensed, wholesaled or is under transport and to take samples for testing of any petroleum found therein.

(3) During the course of inspection the authorised provider shall give all reasonable assistance which such inspectors may require for that purpose. The authorised provider shall not be entitled to any compensation with regard to any samples lifted.

(4) The Regulator may issue guidelines:

(*a*) relating to the taking of samples of petroleum for testing;

(*b*) determining the cases, for which payment shall be made, for value of samples taken, and the mode of payment thereof; and

(*c*) relating to the procedure of inspectors exercising powers under this regulation.

Design and construction of an authorised facility. *Amended by: XXV. 2015.41; L.N. 427 of 2016.*

19. (1) Without prejudice to any other provisions of these regulations or any other law, all new authorisation facilities have to be designed and constructed according to standards prescribed by the Regulator and, or any other authority competent at law.

(2) Once the design and construction have been carried out, a competent person must submit in writing a certification that all standards and safety requirements imposed on the authorised facility have been abided to:

S.L. 424.19

Provided that, in the case of a primary storage facility falling within the scope of the Control of Major Accident Hazard Regulations, in lieu of such certification, the authorised provider of such facility shall submit a declaration made by an independent consultant acting on its behalf stating that all the requirements and obligations as established by the Control of Major Accident Hazard Regulations are being observed and that the installation is not subject to any prohibitions issued under the Control of Major Accident Hazard Regulations.

Material alterations. *Amended by: XXV. 2015.41; L.N. 427 of 2016.*

20. (1) The authorised provider shall not undertake or permit to be undertaken any material alterations to the authorised facility, unless the written consent of the Regulator has been obtained.

(2) The approved consent to the material alterations by the Regulator under these regulations shall not exempt the authorised provider from the requirement of obtaining any other written

approval or permit required under any other law.

(3) No person other than a competent person, an independent consultant, or a person -

(*a*) approved in writing by the Regulator; and

(*b*) supervised by a competent person or an independent consultant,

shall carry out any material alteration on an authorised facility.

(4) In conducting the material alterations, the competent person or the independent consultant shall follow any guidelines that the Regulator may from time to time issue.

(5) Once the material alterations have been carried out, the competent person or the independent consultant commissioned by the authorised provider to perform the material alterations must submit in writing a certification that all safety requirements imposed on the authorised facility have been complied with.

(6) The Regulator may, subsequent to the material alterations referred to in subregulation (5) send an inspector to perform an assessment inspection of the authorised facility.

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

21. 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 provider has failed or is failing to abide by any conditions of the authorisation or to abide by these regulations; or

(*b*) the authorised provider does not possess all other relevant permits and authorisations that are issued by any other public authority; or

(*c*) the authorised provider is contravening any requirement imposed by law; or

(*d*) the authorised provider 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*) the authorised provider does not meet the criteria in respect of one or more of the criteria referred to in regulation 13:

Provided that in exercising its powers of suspension, revocation or cancellation of authorisations, the Regulator may take into account the nature of the failure, or the fact that the authorised provider is taking the appropriate steps which the Regulator considers are necessary in order to comply with the conditions of the authorisation or any other requirement that the Regulator may deem relevant.

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

22. (1) Subject to the following provisions in this regulation, the Regulator may at any time in the course of the period for which the authorisation is valid, modify, amend, replace, add or delete the conditions of the authorisation as it considers requisite or suitable.

(2) Before making any amendments, replacements, additions or deletions to the authorisation, the Regulator shall:

(*a*) in accordance with the provisions of subregulation (3) communicate such amendments, replacements, additions or deletions to the authorisation it proposes to make;

(*b*) state the reasons why such amendments, replacements, additions or deletions are being proposed;

(*c*) specify the period (not being less than one month from the date of publication of the notice) within which representations or objections have to be made in respect of the proposals being made:

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

(3) The notice referred to in subregulation (2) shall be:

(*a*) brought to the attention of the Minister and the authorisation holders;

(*b*) brought to the public's attention by the publication of a notice in the Gazette.

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

23. (1) When an authorised provider decides either to suspend or terminate his authorisation to carry out the activity of an importer and, or wholesaler of petroleum or to operate a primary storage facility or to bottle LPG, the authorised provider shall promptly notify the Regulator in the form prescribed by the Regulator.

(2) Upon notification of any such suspension or termination the authorised provider is obliged to notify the Regulator and to continue to operate for a minimum period of:

(*a*) twelve months in the case of the authorisation to carry out the activity of an importer and, or wholesaler of petroleum;

(*b*) twelve months in the case of the authorisation to operate a primary storage facility;

(*c*) eighteen months in case of the authorisation for the bottling of LPG.

(3) Upon termination of the period described in subregulation (2), the authorisation to carry out the activity of an importer and, or wholesaler of petroleum, the authorisation to operate a primary storage facility and the authorisation for the bottling of LPG shall be considered to have ceased and with immediate effect from such a date the importer and, or wholesaler's business, the primary storage facility and the bottling of LPG business shall be deemed to be unauthorised.

(4) Notwithstanding any notification for cessation listed in subregulations (1) and (2), the authorised provider shall remain liable for the payment of any authorisation fees due prior to such notification.

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

24. (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 criteria as listed in regulation 13 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 shall prescribe;

(*b*) the Regulator is satisfied that at least the same criteria as listed in regulation 13 are abided by;

(*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 authorisations issued in terms of these regulations shall be an indivisible right:

Provided further 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 death of the *decujus*.

Public service obligations. *Amended by: L.N. 33 of 2010; XXV. 2015.41.*

25. The Regulator may, in the general interest, impose as an authorisation condition on any authorised provider granted an authorisation to provide a public service obligation under these regulations, to supply any service, in any specified form, to any final consumer or specific groups of final consumers, at specified prices, or to impose conditions with respect to the provision of such services:

Provided that any additional costs incurred as a result of these obligations may be identified by the authorised provider and approved by the Regulator and that these costs may be recovered as specified by the Regulator.

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

26. All authorisations issued in terms of these regulations are to be accompanied by an insurance policy taken by the authorised provider to the satisfaction of the Regulator.

Co-operation with authorities.

27. The authorised provider shall co-operate in any scheme promoted by a competent authority, designed to ensure that the maximum fire-fighting efficiency for the sector, at a national co-operative level is achieved.

Obligation of non-discrimination between operators.

28. The holder of an authorisation to carry out the activity of an importer and, or wholesaler of petroleum cannot discriminate between operators solely on the basis of any particular method or technology of distribution of petroleum to the public, if the aforementioned method or technology is of a good and safe service to the public.

Security of supply. *Amended by: XXV. 2015.41.*

29. In the event of a crisis in the supply of petroleum, the Regulator, in performance of its mandate to secure all reasonable demands for the provision of such resource, may take possession of, or compulsorily acquire such petroleum stocks as it may deem fit or order the possessor to dispose of them as directed:

Provided that possessors of such petroleum stocks shall be compensated in the ordinary course of events.

Dyeing and marking of petroleum products and adding of additives. *Amended by: XXV. 2015.41.*

30. (1) The Regulator may require any petroleum product to be marked with a dye and, or marker and, or an additive added as it may so specify in terms of these regulations and, or as required under any other law.

(2) The Regulator may require any authorised provider to install and operate at his own expense, any equipment which the Regulator may require to be installed for the proper dosing of any dye and, or marker and, or additive.

Administrative Review Tribunal. *Substituted by: L.N. 184 of 2012; XXV. 2015.41.* Cap. 490.

31. The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall have jurisdiction to hear and determine appeals from decisions of the Regulator made under these regulations.

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

32. (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.

Substitution obligation. *Substituted by: L.N. 33 of 2010; L.N. 68 of 2011. Amended by: L.N. 100 of 2012; XXV. 2015.41. Substituted by: L.N. 427 of 2016. Amended by: L.N. 337 of 2019. Substituted by: L.N. 336 of 2021. Amended by: L.N. 505 of 2021; L.N. 95 of 2026.*

33. (1) An importer shall release for consumption to the inland fuel market biofuel amounts which are to be used as fuel in all forms of transport which, as a minimum, shall be as provided in the Sixth Schedule, which amounts shall be calculated in accordance with the methodology provided in the same Schedule:

Provided that, the aforesaid obligation shall be incumbent only on the importer who releases for consumption for excise tax purposes the SM EN 228 petrol and SM EN 590 diesel.

(2) The total amount of biofuels to be released for consumption to the inland market shall be calculated using the energy content as listed in the Seventh Schedule:

Provided that for the purposes of sub-regulations (3) and (4) and the calculation of the energy content of the substituted biofuels, the energy content of biofuels produced from the feedstock listed in Part One and Part Two of the Eighth Schedule shall be considered to be twice its energy content.

(3) The biofuels shall be released for consumption to the inland market pre-blended with the SM EN 228 petrol and, or SM EN 590 diesel, and may also be released pre-blended with fuel supplied to the aviation and maritime sectors.

Provided that for the purposes of SM EN 590 diesel, the fatty acid methyl-ester (FAME) shall be in compliance with SM EN 14214 and the paraffinic diesel shall be in compliance with SM EN 15940 and that for the purpose of SM EN 228 petrol, the bioethanol shall be in compliance with SM EN 15376:

Provided further that the supplier shall be responsible to ensure that the quality of biofuel added to fuel used for marine and aviation purposes shall be in accordance with international and commercial standards, applicable thereto.

(4) Where biofuels are released pre-blended with fuel supplied to the aviation and maritime sectors, for the purposes of this regulation and the calculation of the biofuel amounts as provided for in the Sixth Schedule, fuel supplied to the maritime sector shall be considered to be limited to fuel supplied directly by the importer to vessels engaged in inland and domestic navigation and fuel supplied to the aviation sector shall be considered to be that fuel which is supplied in Malta directly by the importer to aircraft for aviation purposes:

Provided that, fuel supplied to the maritime sector shall only be valid for the calculation of the biofuel amounts as provided for in the Sixth Schedule only when the importer is also the holder of a valid authorisation issued under the Bunkering (Authorisation) Regulations. S.L. 545. 25.

(5) The importer referred` to in sub-regulation (1) shall ensure that the minimum biofuel amounts released for consumption to the inland market, as provided for in the Sixth Schedule, are in compliance with the sustainability criteria set out in regulation 3 of the Biofuels, Bioliquids and Biomass Fuels (Sustainability Criteria) Regulations, and shall ensure these are audited and verified according to the provisions of regulation 4 of the same regulations.

S.L. 545.45.

Offences and penalties.
Amended by: L.N. 426 of 2007; XXV. 2015.41.

34. (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 the authorisations regulated by these regulations;

(*c*) is a party to a boycott;

(*d*) carries out any activity requiring an authorisation without being in possession of a valid authorisation;

(*e*) fails to comply with any lawful order by an inspector, employee or officer of the Regulator in execution of their duties in terms of these regulations;

(*f*) hinders, obstructs, molests or interferes or attempts to hinder, obstruct, molest or interfere with any inspector, any employee or officer of the Regulator in the execution of his duties in terms of these regulations;

(*g*) makes a declaration for any of the purposes of these regulations which is false, misleading or incorrect in any material respect,

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 and eight hundred and eighty-one euro and twenty cents (69,881.20), or to one thousand and three hundred and ninety-seven euro and sixty-two cents (1,397.62) 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 and, or to undo anything which was done without an authorisation.

(4) In the prosecution of 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 and, or to secure evidence

concerning any such offence.

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

Administrative fines.
Amended by: XXV. 2015.41.

35. The Regulator may impose an administrative fine 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.

Substituted by:
L.N. 426 of 2007;
L.N. 33 of 2010.
Amended by:
XXV. 2015.41.

FIRST SCHEDULE

Regulation 2, 8(2)

Fee due to the Regulator for approval as a competent person €35

Authorisation application fee payable in respect of an application for an:

Authorisation to carry out the activity of an importer and, or wholesaler of petroleum

The applicable fee for applying for an authorisation for carrying out the activity of an importer and, or wholesaler of petroleum in the inland market is of €233

Authorisation to operate a primary storage facility

The applicable fee for applying for an authorisation for operating a primary storage facility is of €233

Authorisation to carry out the activity of bottling of LPG

The applicable fee for applying for an authorisation for carrying out the activity of bottling of LPG is of €233.

Substituted by:
L.N. 426 of 2007;
L.N. 33 of 2010.
Amended by:
L.N. 68 of 2011;
L.N. 100 of 2912

SECOND SCHEDULE

Regulation 11(2)

Authorisation fee payable in respect of a:

Authorisation to carry out the activity of an importer and, or wholesaler of petroleum

The applicable authorisation fee for carrying out the activity of an importer and, or wholesaler of petroleum in the inland market is of €2,329 per annum and of €0.001750 per litre of imported fuel.

Authorisation to operate a primary storage facility

The applicable authorisation fee for operating a primary storage facility is:

(*a*) €1,500 per annum in the case of a primary storage facility which does not exceed six tonnes capacity, but in the case of a primary storage facility of LPG such amount of authorisation fee shall be applicable when the capacity does not exceed two tonnes;

(*b*) €2,500 per annum in the case of a primary storage facility which does not exceed 2,500 tonnes, but in the case of a primary storage facility of LPG such authorisation fee shall be applicable when the capacity does not exceed 50 tonnes;

(*c*) €5,000 per annum in the case of a primary storage facility which exceeds the capacities mentioned in paragraph (*b*) but which does not exceed 25,000 tonnes capacity;

(*d*) €10,000 per annum in the case of a primary storage facility which exceeds 25,000 tonnes but which does not exceed 100,000 tonnes capacity;

(*e*) €15,000 per annum in the case of a primary storage facility which exceeds 100,000 tonnes capacity.

Authorisation to carry out the activity of bottling of LPG

The applicable authorisation fee for carrying out the activity of bottling of LPG is of €2,329.

THIRD SCHEDULE

Substituted by: L.N. 100 of 2012,

Regulation 30(1)

Gas Oil falling within CN Code 2710.19.45.00 shall be marked with CI Solvent Yellow 174 dye added in not less than such a quantity that gives a colour intensity when measured in a spectrophotometer at 430 ± 10nm, corresponding to 5 mg of CI Solvent Yellow 174 as defined in the Colour Index per litre of mineral oil.

FOURTH SCHEDULE

Added by: L.N. 33 of 2010.

Regulation 2, 11

Product	CN CODE	Comment as Listed in CN CODE
Benzol (benzene)	2707 10 90	For purposes other than as a power or heating fuel
Toluol (toluene)	2707 20 90	For purposes other than as a power or heating fuel
Xylol (xylenes)	2707 30 90	For purposes other than as a power or heating fuel
Other aromatic hydrocarbon mixtures of which 65% or more by volume (including losses) distils at 250ºC by the ASTM D 86 method	2707 50 90	For purposes other than as a power or heating fuel
Phenols	2707 60 00	
Creosote oils	2707 91 00	
Sulphuretted toppings	2707 99 30	
Basic products	2707 99 50	
Anthracene	2707 99 70	
Light oils and preparations	2710 11 11	For undergoing a specific process
Light oils and preparations	2710 11 15	For undergoing chemical transformation by a process other than those specified in respect of subheading 2710 11 15
White Spirit	2710 11 21	
Medium oils	2710 19 11	For undergoing a specific process
Gas oils	2710 19 31	For undergoing a specific process

Product	CN CODE	Comment as Listed in CN CODE
Gas oils	2710 19 35	For undergoing chemical transformation by a process other than those specified in respect of subheading 2710 19 31
Lubricating oils; other oils	2710 19 71	For undergoing a specific process
Lubricating oils; other oils	2710 19 75	For undergoing chemical transformation by a process other than those specified in respect of subheading 2710 19 71
Liquids for hydraulic purposes	2710 19 81	
Motor oils, compressor lube oils, turbine lube oils	2710 19 83	
White oils, liquid paraffin	2710 19 85	
Gear oils and reductor oils	2710 19 87	
Metalworking compounds, mould-release oils, anti-corrosion oils	2710 19 91	
Electrical insulating oils	2710 19 93	
Other lubricating oils and other oils	2710 19 99	
Propane	2711 12 11	For purposes other than as a power or heating fuel
Butanes	2711 13 10	For undergoing a specific process
Butanes	2711 13 30	For undergoing chemical transformation by a process other than those specified in respect of subheading 2710 13 10
Ethylene, propylene, buthylene and butadiene	2711 14 00	
Petroleum jelly; Crude	2712 10 10	
Petroleum jelly; Other	2712 10 90	
Paraffin wax containing by weight less than 0,75% of oil	2712 20 10	Synthetic paraffin wax of a molecular weight of 460 or more but not exceeding 1 560
Paraffin wax containing by weight less than 0,75% of oil	2712 20 90	Other
Bitumen and asphalt, natural; bituminous or oil-shale and tar sands; asphaltites and asphaltic rocks	2714 10 00	Bituminous or oil-shale and tar sands

Product	CN CODE	Comment as Listed in CN CODE
Bitumen and asphalt, natural; bituminous or oil-shale and tar sands; asphaltites and asphaltic rocks	2714 90 00	Other
Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)	2715 00 00	

Added by:
L.N. 33 of 2010.
Amended by:
XXV. 2015.41.

FIFTH SCHEDULE

Regulation 3(*e*)

The importation and wholesaling of 20,000 litres of motor spirit during the course of one calendar year is exempt from the requirement of obtaining an authorisation in terms of these regulations.

The importation and wholesaling of 1500 kgs of liquefied petroleum gas in cartridges and similar small containers during the course of one calendar year is exempt from the requirement of obtaining an authorization in terms of these regulations.

Any person who is so exempt shall still be bound to observe any applicable regulation, decision or directive of the Regulator.

Added by:
L.N. 68 of 2011.
Substituted by:
L.N. 427 of 2016;
L.N. 337 of 2019;
L.N. 336 of 2021.

SIXTH SCHEDULE
Regulation 33(1)

A	B	C	D	E[1]
	Minimum biofuel content expressed as a percentage amount (%) to be released to the inland market by the importer of SM EN 228 petrol and, or SM EN 590 diesel calculated in accordance with the methodology in this Schedule	Minimum advanced biofuel content expressed as a percentage amount (%) to be released to the inland market by the importer of SM EN 228 petrol and, or SM EN 590 diesel calculated in accordance with the methodology in this Schedule	MAXIMUM (%) share of biofuels and bioliquids, where produced from food and feed crops, expressed as a percentage amount (%) to be released to the inland market by the importer of SM EN 228 petrol and, or SM EN 590 diesel calculated in accordance with the methodology in this Schedule	MAXIMUM (%) share of high indirect land- use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon stock is observed, expressed as a percentage amount (%) to be released to the inland market by the importer of SM EN 228 petrol and, or SM EN 590 diesel calculated in accordance with the methodology in this Schedule
2021	10.5%	0.1%	% share released in 2020 + 1% up to a maximum of 7%	Equal to or less than share of such fuels released in 2019.

2022	11.0%	0.2%	% share released in 2020 + 1% up to a maximum of 7%	Equal to or less than share of such fuels released in 2019.
2023	11.0%	0.2%	% share released in 2020 + 1% up to a maximum of 7%	Equal to or less than share of such fuels released in 2019.
2024	11.5%	0.5%	% share released in 2020 + 1% up to a maximum of 7%	0%
2025	12.0%	1.0%	% share released in 2020 + 1% up to a maximum of 7%	0%
2026	12.5%	1.5%	% share released in 2020 + 1% up to a maximum of 7%	0%
2027	13.0%	2.0%	% share released in 2020 + 1% up to a maximum of 7%	0%
2028	13.0%	2.5%	% share released in 2020 + 1% up to a maximum of 7%	0%
2029	13.5%	3.0%	% share released in 2020 + 1% up to a maximum of 7%	0%
2030	14.0%	3.5%	% share released in 2020 + 1% up to a maximum of 7%	0%

Calculation method

The minimum amounts of biofuel expressed as a percentage amount (%) which shall be released for consumption in the inland market pre-blended with the SM EN 228 petrol and, or SM EN 590 diesel, or pre-blended with fuel supplied to the aviation and maritime sectors, and calculated by the energy content shall be:

$$\left(\frac{Energy_{bio}^{(*)}}{Energy_{bioroad} + Energy\ content\ petroleum\ (SM\ EN\ 228\ \&\ SM\ EN\ 590)^{(+)}}\right) \times 100$$

Where:

$Energy_{bio}$ = (a) + (b) + 1.2(c)

And

$Energy_{bioroad}$ = (a) where:

(a) Shall be the energy content contribution of biofuels supplied to the road transport sector;

(b) Shall be the energy content contribution of biofuels from food and feed crops supplied to the aviation and maritime sectors; and

(c) Shall be the energy content contribution of biofuels not from food and feed crops supplied to the aviation and maritime sectors;

And where:

(*) The energy contribution arising from feedstocks listed in Part One and Part Two of the Eighth Schedule shall be considered to be twice the energy content of said feedstocks.

($^{+}$) Only energy content of SM EN 228 petrol and SM EN 590 diesel used in road transport shall be counted.

The share of energy in fuel released in the inland market by the importer of SM EN 228 petrol and, or SM EN 590 diesel which shall be met with biofuels produced from feedstocks listed in Part One of the Eighth Schedule shall be the number of percentage points indicated in Column C and shall be calculated as follows:

$$\left(\frac{(2)(Energy_{advanced})}{Energy_{bioroad} + Energy\ content\ petroleum\ (SM\ EN\ 228\ \&\ SM\ EN\ 590)^{(+)}}\right) \times 100$$

Where:

$Energy_{advanced}$ shall be the energy content of biofuels produced from feedstocks listed in Part One of the Eighth Schedule supplied to the road transport, aviation and maritime sectors;

$Energy_{bioroad}$ shall be the energy content of biofuels supplied to the road transport sector;

and where:

(+) Only energy content of SM EN 228 petrol and SM EN 590 diesel used in road transport shall be counted.

[1] This cap shall not apply to fuels types which are identified as being high indirect land-use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon stock is observed, in line with Commission Delegated Regulation (EU) 2019/807, but which are certified to be low indirect land-use change- risk biofuels, bioliquids or biomass fuels in line with the provisions of the same regulation.

SEVENTH SCHEDULE
Regulation 33(2)

Added by:
L.N. 68 of 2011.
Substituted by:
L.N. 336 of 2021.

Fuel	**Energy content by weight (lower calorific value, MJ/kg)**	**Energy content by volume (lower calorific value, MJ/l)**
FUELS FROM BIOMASS AND/OR BIOMASS PROCESSING OPERATIONS		
Bio-Propane	46	24
Pure vegetable oil (oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified)	37	34
Biodiesel - fatty acid methyl ester (methyl-ester produced from oil of biomass origin)	37	33
Biodiesel - fatty acid ethyl ester (ethyl-ester produced from oil of biomass origin)	38	34
Biogas that can be purified to natural gas quality	50	—
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of diesel	44	34

Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of petrol	45	30
Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of jet fuel	44	34
Hydrotreated oil (thermochemically treated with hydrogen) of biomass origin, to be used for replacement of liquefied petroleum gas	46	24
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin to be used for replacement of diesel	43	36
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace petrol	44	32
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace jet fuel	43	33
Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace liquefied petroleum gas	46	23
RENEWABLE FUELS THAT CAN BE PRODUCED FROM VARIOUS RENEWABLE SOURCES, INCLUDING BIOMASS		
Methanol from renewable sources	20	16
Ethanol from renewable sources	27	21

Propanol from renewable sources	31	25
Butanol from renewable sources	33	27
Fischer-Tropsch diesel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons to be used for replacement of diesel)	44	34
Fischer-Tropsch petrol (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of petrol)	44	33
Fischer-Tropsch jet fuel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of jet fuel)	44	33
Fischer-Tropsch liquefied petroleum gas (a synthetic hydrocarbon or mixture of synthetic hydrocarbons, to be used for replacement of liquefied petroleum gas	46	24
DME (dimethylether)	28	19
Hydrogen from renewable sources	120	—
ETBE (ethyl-tertio-butyl-ether produced on the basis of ethanol)	36 (of which 37% from renewable sources)	27 (of which 37% from renewable sources)
MTBE (methyl-tertio-butyl-ether produced on the basis of methanol)	35 (of which 22% from renewable sources)	26 (of which 22% from renewable sources)
TAEE (tertiary-amyl-ethyl-ether produced on the basis of ethanol)	38 (of which 29% from renewable sources)	29 (of which 29% from renewable sources)
TAME (tertiary-amyl-methyl-ether produced on the basis of methanol)	36 (of which 18% from renewable sources)	28 (of which 18% from renewable sources)

THxEE (tertiary-hexyl-ethyl-ether produced on the basis of ethanol)	38 (of which 25% from renewable sources)	30 (of which 25% from renewable sources)
THxME (tertiary-hexyl-methyl-ether produced on the basis of methanol)	38 of which 14% from renewable sources)	30 (of which 14% from renewable sources)

FOSSIL FUELS		
Petrol	43	32
Diesel	43	36

EIGHTH SCHEDULE

Added by: L.N. 336 of 2021.

Regulation 33(3)

Part One - Feedstocks for the production of biogas for transport and advanced biofuels, the contribution of which towards the minimum shares referred to in regulation 33 may be considered to be twice their energy content:

(a) Algae if cultivated on land in ponds or photobioreactors;

(b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under paragraph (a) of item 12 of Schedule 5 of the Waste Regulations;

(c) Biowaste as defined in regulation (4) of the Waste Regulations from private households subject to separate collection as defined in regulation 4 of the aforesaid regulations;

(d) Biomass fraction of industrial waste not fit for use in the food or feed chain, including material from retail and wholesale and the agro-food and fish and aquaculture industry, and excluding feedstocks listed in Part Two of this Schedule;

(e) Straw;

(f) Animal manure and sewage sludge;

(g) Palm oil mill effluent and empty palm fruit bunches;

(h) Tall oil pitch;

(i) Crude glycerine;

(j) Bagasse;

(k) Grape marcs and wine lees;

(l) Nut shells;

(m) Husks;

(n) Cobs cleaned of kernels of corn;

(o) Biomass fraction of wastes and residues from forestry and forest-based industries, namely, bark, branches, pre- commercial thinning, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin and tall oil;

(p) Other non-food cellulosic material;

(q) Other ligno-cellulosic material except saw logs and veneer logs.

Part Two - Feedstocks for the production of biofuels and biogas for transport, the contribution of which towards the minimum share established in regulation 33 may be considered to be twice their energy content:

(a) Used cooking oil;

(b) Animal fats classified as categories 1 and 2 in accordance with Regulation (EC) No 1069/2009.