

L.N. 79 of 2010**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)****AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)****MERCHANT SHIPPING ACT
(CAP. 234)****Quality of Fuels (Amendment) Regulations, 2010**

IN exercise of the powers conferred by sub-article (1) of article 28 of the Malta Resources Authority Act, and in exercise of the powers conferred by sub-article (3) of article 43 of the Authority for Transport in Malta Act, and by sub-article (1) of article 374 of the Merchant Shipping Act, the Minister for Resources and Rural Affairs and the Minister for Infrastructure, Transport and Communications, after consultation with the Malta Resources Authority and the Authority for Transport in Malta, have made the following regulations:

Citation and
commencement.

L.N. 44 of 2008.

1. (1) The title of these regulations is the Quality of Fuels (Amendment) Regulations, 2010 and they shall be read and construed as one with the Quality of Fuels Regulations, 2008, hereinafter referred to as “the principal regulations”.

(2) These regulations shall be deemed to have come into force on the 1st January, 2010.

Amends regulation
1 of the principal
regulations.

2. In sub-regulation (2) of regulation 1 of the principal regulations, the words “and Directive 2003/17/EC.” shall be substituted by the words “, Directive 2003/17/EC and Directive 2009/30/EC.”.

Amends regulation
2 of the principal
regulations.

3. In regulation 2 of the principal regulations, for the definition “marine fuel” there shall be substituted the following:

“marine fuel” means any petroleum-derived liquid fuel intended for use or in use on board a vessel, including those fuels defined in ISO 8217. It includes any petroleum-derived liquid fuel in use on board recreational craft, as defined in the Recreational Craft Regulations, 2005 when such vessels are at sea;”.

L.N. 128 of 2005.

4. In sub-regulation (1) of regulation 8 of the principal regulations, the words “,including marine gas oils,” shall be deleted.

Amends regulation 8 of the principal regulations.

5. Immediately after regulation 9 of the principal regulations, there shall be added the following new regulation:

Adds new regulation 9A to the principal regulations.

“Maximum sulphur content of marine fuels used by ships at berth.

9A. (1) The use of marine fuels with sulphur content exceeding 0.1% by mass by ships at berth in ports in Malta is prohibited:

Provided that the crew shall be allowed sufficient time to complete any necessary fuel changeover operation as soon as possible after arrival at berth and as late as possible before departure. The time of any fuel changeover operation is to be recorded in ships’ logbooks:

Provided further that this sub-regulation shall not apply:–

(a) whenever, according to published timetables, ships are due to be at berth for less than two hours;

(b) to ships which switch off all engines and use shore-side electricity while at berth in ports.

(2) The placing on the market of marine gas oils with a sulphur content which exceeds 0.1% by mass is prohibited.”.

6. For regulation 10 of the principal regulations there shall be substituted the following:

Substitutes regulation 10 of the principal regulations.

“Suppliers of marine fuel.

10. (1) The competent authority shall maintain a register of local suppliers of marine fuel.

(2) The sulphur content of all marine fuels sold by a supplier of marine fuel shall be:

(a) documented on a bunker delivery note;

(b) accompanied by a sealed sample signed by the representative of the receiving ship;

(c) comply with the specification stated on the bunker delivery note,

in accordance with, and as required by the competent authority.

(3) Any person who fails to comply with sub-regulation (2) of this regulation shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than ten thousand euro (10,000) but not exceeding sixty-nine thousand eight hundred euro (€69,800) or to imprisonment for a term not exceeding eighteen months.”.

Amends regulation 11 of the principal regulations.

7. In sub-regulation (5) of regulation 11 of the principal regulations, the words “and inland waterway vessels” shall be deleted.