

## MALTA

### **ATT Nru. II ta' l-2006**

ATT mahruġ b'liġi mill-Parlament ta' Malta.

**ATT biex jimplimenta diversi miżuri ta' l-Estimi u miżuri amministrattivi oħra.**

### **ACT No. II of 2006**

AN ACT enacted by the Parliament of Malta.

**AN ACT to implement various budget measures and other administrative measures.**

I assent.

(L.S.)

EDWARD FENECH ADAMI  
President

17th March, 2006

**ACT No. II of 2006**

*AN ACT to implement various budget measures and other administrative measures.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** The short title of this Act is the Budget Measures Implementation Act, 2006. Short title.

**PART I**

**2.** (1) This Part amends the Pensions Ordinance, and shall be read and construed as one with the Pensions Ordinance, hereinafter in this Part referred to as "the principal Ordinance". Amendment of the Pensions Ordinance. Cap. 93.

(2) This Part shall come into force on such date as the Minister responsible for finance may, by notice in the Gazette, establish.

**3.** Immediately after the first proviso of article 7(1)(g) of the principal Ordinance, there shall be added the following proviso: Amendment of article 7 of the principal Ordinance.

" "Provided further that where an officer relinquished his office in the service of Malta after 31 December, 1978 to take up employment with the University of Malta, service with the University of Malta shall be deemed to be service with Government:".

Amendment of article 8A of the principal Ordinance.

4. In article 8A of the principal Ordinance, immediately after the last proviso there shall be added the following proviso:

" "Provided further that for the purpose of establishing the date of the termination of the service with the Government with a view to calculating the contribution due by the company or entity towards the cost of pension and, or gratuity, as the case may be, such date shall be deemed to be, and to have always been, either the date when an officer was detailed for service or otherwise commenced performing his duties with the company or entity from which he eventually retired, or the date when an officer took up full time employment with the company or entity, whichever is the earlier."

Amendment of article 8E of the principal Ordinance.

5. In article 8E(2) of the principal Ordinance, immediately after paragraph (c) there shall be added the following new paragraph:

" (d) Ambassador, High Commissioner or other principal representative of Malta in any other country, when appointed from the public service in terms of the proviso to article 111(1) of the Constitution of Malta and provided that, prior to such appointment, the holder of any of the said offices was eligible for appointment as a head of a department of Government in terms of article 92(4) of the Constitution of Malta."

## PART II

Amendment to the Income Tax Act.  
Cap. 123.

6. (1) This Part amends the Income Tax Act and shall be read and construed as one with the Income Tax Act, hereinafter in this Part referred to as "the principal Act".

(2) (a) The provisions of articles 7 and 8 shall be deemed to have come into force on 1<sup>st</sup> November, 2005.

(b) The provisions of article 9 shall be deemed to have come into force as from the year of assessment 2007.

Amendment of article 5 of the principal Act.

7. Article 5 of the principal Act shall be amended as follows:

(a) in sub-article (8), for "reduced as aforesaid." there shall be substituted the following:

"reduced as aforesaid:

Provided that, unless otherwise authorised by the Commissioner, provisional tax as provided in article 43(1)(b) of that Act shall be payable on any transfer to

which this sub-article applies."; and

(b) sub-article (9) shall be amended as follows:

(i) in paragraph (i), for the words "being the company within the group, took place.", there shall be substituted the following:

"being the company within the group, took place:

Provided that the Minister may by rules prescribe conditions for the relief envisaged in this sub-article that are different from those provided for in this paragraph, and those rules shall apply to transfers that are made after such date as may be prescribed."; and

(ii) in paragraph (ii), immediately after the words "of sub-paragraphs (a) and (b) of the said paragraph,", there shall be inserted the words "or of rules prescribed in accordance with the said paragraph,".

**8.** Immediately after article 5 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Property transfers.

**5A.** (1) Notwithstanding any other provision of the Income Tax Acts, tax shall be chargeable and payable on any transfer to which this article applies in such amount, at such rate and in such manner as provided herein.

(2) (a) In this article, unless the context otherwise requires -

"own residence" has the meaning assigned to it in article 5(5)(c);

"project" means property that has been developed by the owner into more than one transferable unit or divided for transfer into more than one transferable portion;

"property" means any immovable property situated in Malta and any right over such property;

"transfer" has the meaning assigned to it in article 5(1)(b) and includes any assignment or cession of any rights over property, any transfer of property by a company to its shareholders in the course of winding up and any occurrence that is deemed to be a transfer in terms of any provision of article 5. It shall not include a partition of property where no owelty is due. When property is transferred by means of a deed of exchange the parties shall be deemed to have made two separate deeds of transfer.

(b) Saving the provisions of sub-article (7), property assigned to a co-partitioner under a deed of partition shall be deemed to have been acquired by that co-partitioner at the time that he had acquired his undivided share before that partition and by virtue of the same transfer *causa mortis* or *inter vivos* under which he had acquired that undivided share.

(c) In determining whether an owelty is due on a contract of partition, the provisions of article 5(2)(d) shall apply *mutatis mutandis*.

(d) Any gains or profits derived from the assignment of any right obtained in terms of a promise of sale (*konvenju*), including a promise to alienate in any manner immovable property or a promise in respect of emphyteusis, shall in all cases be deemed to be gains or profits derived from a trade, business, profession or vocation falling within the scope of article 4(1)(a): provided that for the purpose of ascertaining the total income resulting from any such assignment no deductions shall be allowable except as and to such extent as may be prescribed.

(3) Saving the other provisions of this article, this article applies to any transfer of property made on or after the 1st November, 2005, excluding:

(a) a transfer in respect of which all the following conditions are satisfied:

(i) a notice of a promise of sale or transfer relating to that transfer has been given to the Commissioner in accordance with the provisions of article 3(6) of the Duty on Documents and Transfers Act or of rules made under that Act by not later than the 22nd November, 2005;

(ii) the transfer is made on or after the 1<sup>st</sup> November, 2005 but not later than the 31<sup>st</sup> March, 2006 and is made pursuant to and for the consideration and at the same terms provided for in that promise of sale or transfer;

(iii) a notice of that transfer is given to the Commissioner in accordance with the said Act by not later than the 15th May, 2006;

(iv) the transferor elects, by means of a declaration made to the notary at the time of the publication of the deed of the transfer and recorded in the said deed, to exclude that transfer from the scope of this article;

(b) a transfer of property that is made not later than five years after the date of the acquisition thereof if the transferor elects, by means of a declaration made to the notary at the time of the publication of the deed of the transfer and recorded in the said deed, to exclude that transfer from the scope of this article:

Provided that in the case of a transfer that is made on or after the 1st March, 2006, of property that forms part of a project:

(i) an election as aforesaid may only be made if the transfer is the first transfer made by the said transferor, on or after the said date, of property forming part of that project; and

(ii) when an election as aforesaid has been made it shall also apply to all subsequent transfers of property forming part of that project made by the said transferor not later than five years from the date of the acquisition thereof, and all such transfers shall accordingly be transfers to which this article shall not apply:

Provided further that, for the purposes of determining whether the property has been transferred not later than five years from the date of its acquisition, where the transferor is a company that had acquired the property by means of a transfer that qualified for an exemption in terms of subarticle (4)(f) or article 5(9) ("intra-group exemption"), it shall be deemed to have acquired the property on the date on which the property had previously last been acquired by a company by means of a transfer that did not qualify for the intra-group exemption;

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(c) a transfer of property situated within a special designated area, as defined in the Immovable Property (Acquisition by Non-Residents) Act, if it is made by the person who was the owner of that property on the date when that area first became a special designated area and if the transferor elects, by means of a declaration made to the notary at the time of the publication of the deed of the transfer and recorded in the said deed, to exclude that transfer from the scope of this article:

Provided that -

(i) in a transfer that is made on or after the 1st March, 2006, an election as aforesaid may only be made if the transfer is the first transfer of property situated within that special designated area made by the said transferor on or after the said date; and

(ii) when an election as aforesaid has been made it shall also apply to all subsequent transfers of property situated within that special designated area, made at any date by the said transferor, and all such transfers shall accordingly be transfers to which this article shall not apply;

(d) a transfer in respect of which all the following conditions are satisfied:

(i) the property was, immediately before the transfer, co-owned by two individuals and the transfer is made by one of the co-owners to the other;

(ii) the co-owners had, for the purposes of article 32(4)(a) of the Duty on Documents and Transfers Act, declared in the deed of the acquisition of that property that they had acquired it for the purpose of establishing therein or constructing thereon their sole ordinary residence;

(iii) the transferor elects, by means of a declaration made to the notary at the time of the publication of the deed of the transfer and recorded in the said deed, to exclude that transfer from the scope of this article;

(e) a transfer in respect of which all the following conditions are satisfied:

Cap. 88.

(i) it is a transfer of property to the Government of Malta made pursuant to an acquisition of that property in terms of the Land Acquisition (Public Purposes) Ordinance;

(ii) the Government had taken possession of that property, or an Order of the President has been issued in respect thereof, before the 1st November, 2005 and this fact is evidenced by a letter signed by the Commissioner of Land and attached to the deed of transfer. The transferor shall produce that letter to the notary publishing the deed. The notary shall attach that letter to the deed of the transfer and shall deliver a certified copy thereof to the Commissioner in such manner as may be prescribed;

(iii) the transferor elects, by means of a declaration made to the notary at the time of the publication of the deed of the transfer and recorded in the said deed, to exclude that transfer from the scope of this article;

(f) a transfer made by means of a judicial sale by auction or in the course of a winding up by the Court;

(g) a transfer of property that had been used in a business for a period of at least three years and that is replaced within one year by property ("the new property") used solely for a similar purpose of the business:

Provided that:

(i) this paragraph shall only apply, and accordingly article 5(8) shall apply, if the transferor so elects by means of a declaration made to the notary at the time of the publication of the deed of the transfer and recorded in the said deed;

(ii) when, subsequent to a transfer to which article 5(8) applied, including a transfer made before 1st November, 2005, the new property is disposed of and that disposal does not qualify for the tax relief under article 5(8), that disposal shall also be a transfer to which this article 5A does not apply, and the gains derived therefrom shall be subject to tax in accordance with article 5 and determined as provided in article 5(8);

(h) a transfer of property by a person who is not resident in Malta and who is resident for tax purposes in another country if that person produces to the notary who publishes the deed of transfer a statement signed by the tax authorities of the country of that person's residence that confirms that person's residence in that country and that certifies that that person is subject to tax in that country on gains or profits derived from the transfer of immovable property situated in Malta. The notary shall attach that statement to the deed and shall deliver an authenticated copy thereof to the Commissioner in such manner as may be prescribed.

(4) No tax shall be chargeable on a transfer to which this article applies where that transfer is:

(a) a donation made by a person:

(i) to his spouse, to his descendant or ascendant in the direct line, or to the spouse of any such descendant or ascendant, or, in the absence of any descendants in the direct line, to his brother or sister or to a descendant of his brother or sister,

(ii) to a philanthropic institution approved for the purposes of article 12(1)(e);

(b) a donation deemed to have been made in terms of article 5(18)(b) or 5(21)(b)(ii) by a person to a person or institution mentioned in paragraph (a);

(c) a transfer of property that has been owned and occupied by the transferor as his own residence for a period of at least three consecutive years immediately preceding the date of transfer and provided that the property is disposed of within twelve months of vacating the premises:

Provided that:

(i) any period during which the transferor has occupied the property as his own residence with the permission of the Housing Authority pursuant to a promise of sale (*konvenju*) by that Authority shall be deemed to be a period during which the transferor owned that property;

(ii) where the property was inherited by the transferor from a direct ascendant, the period during which the said ascendant had owned and occupied the property as his own residence shall be deemed to be a period during which the property had been owned by the transferor;

(iii) where the transferor had acquired the property under an assignment to which paragraph (d) or (e) refers, the period during which the person making that assignment had owned the property and used it as his own residence shall be deemed to be a period during which the property had been owned by the transferor;

(iv) where any condition for the exemption under this paragraph is satisfied in respect only of an undivided part of the property the exemption shall be restricted proportionately;

(d) the assignment of property between spouses consequent to a judicial or consensual separation;

(e) the assignment of property that formed part of the community of acquests between the spouses or was otherwise owned in common between them, to one of the spouses on the dissolution of the community, or the partition of such property between the spouses or the surviving spouse and the heirs of the deceased spouse;

(f) a transfer of property from one company to another which, if it were a transfer to which article 5 applied, would qualify for tax relief under article 5(9);

(g) the transfer of property upon the incorporation of a business or a partnership *en nom collectif* as a going concern into a limited liability company that satisfies the conditions laid down in article 5(15);

(h) the settlement of property on trust or the distribution or reversion of property settled on trust where, for the purposes of the provisions of article 5(18) to (25), it is deemed that no transfer has taken place, or that no loss or gain has arisen;

(i) except as may be otherwise prescribed, the transfer of property by a person whose income or capital gains from the transfer of that property is exempt from tax in terms of article 12(1), or an exemption order made under article 12(2), or any other provision of the Income Tax Acts or any other law.

(5) (a) Subject to the other provisions of this sub-article, the tax on a transfer to which this article applies shall be chargeable at the rate of 12% of the transfer value.

(b) When a transfer to which this article applies is a transfer of property -

(i) that was acquired by the transferor in terms of a transfer *causa mortis* that happened after the 24<sup>th</sup> November, 1992; or

(ii) that was acquired by the transferor in terms of a donation made more than five years before the date of the transfer in question,

the tax thereon shall be chargeable at 12% of the excess, if any, of the transfer value over its acquisition value.

(c) When a transfer to which this article applies is a transfer of property that was acquired by the transferor in terms of a transfer *causa mortis* that happened before the 25<sup>th</sup> November, 1992, the tax thereon shall be chargeable at the rate of 7% of the transfer value.

(6) (a) The transfer value of property is the higher of the market value of that property and the consideration paid or payable for the transfer. In a contract of emphyteusis the ground rent payable shall be chargeable as income in accordance with the provisions of article 4 and shall not be included in the transfer value of a transfer to which this article applies.

(b) The acquisition value of property shall be determined in such manner as may be prescribed.

(7) In a partition of property where an owelty is paid -

(a) any person to whom an owelty is due shall be deemed to have sold part of the property assigned to him. That sale shall be deemed to be made on the date of the partition for a consideration equivalent to the owelty; and

(b) any person by whom an owelty is due shall be deemed to have bought part of the property assigned to him. That purchase shall be deemed to be made on the date of the partition for a consideration equivalent to the owelty.

(8) (a) When a transfer is a transfer of property that was acquired under more than one acquisition, and the tax chargeable on the transfers of the parts so acquired or on the gains or profits derived therefrom would fall, if those parts were transferred separately, to be determined in accordance with different provisions of the Income Tax Acts, those provisions shall apply as if more than one transfer has taken place and the transfer value of each such transfer shall be determined separately and in such manner as may be prescribed.

(b) When property is transferred in part the acquisition value of the part that is transferred shall be a proportion of the acquisition value of the whole determined in such manner as may be prescribed.

(9) (a) Except as may be prescribed, the amount on which tax is chargeable in accordance with this article shall not be reduced by any deduction whatsoever.

(b) No losses or bad debts arising from, or expenditure incurred in respect of, a transfer to which this article applies shall be allowable as a deduction against any income or capital gains.

Cap. 372.

(10) (a) Tax payable on a transfer to which this article applies shall be final and shall be separate and distinct from that paid or payable under any other provisions of this Act or of the Income Tax Management Act. It shall not be available as a credit against the tax liability of any person or taken into account for the purpose of determining the amount of any refund payable under the said Acts. No provisional tax shall be payable under article 43 of the Income Tax Management Act in respect of any transfer to which this article applies.

(b) Saving the other provisions of this article, no tax shall be chargeable in terms of any provision of the Income Tax Acts on gains or profits derived from any transfer to which this article applies to the extent that those gains or profits are correctly declared in the deed of the transfer or determined by means of an order in writing that is made under sub-article (12)(c) and that has become final and conclusive.

(c) Any person who owns immovable property situated in Malta shall keep an account in such manner as may be prescribed of all proceeds and expenditure relating to transfers to which this article applies in addition to any other accounts and records that he is required to keep in accordance with the other provisions of the Income Tax Acts.

(d) Every company resident in Malta shall allocate the distributable profits derived from transfers to which this article applies to the Maltese taxed account. The said distributable profits shall be determined in such manner as may be prescribed and shall be shown separately from the other profits allocated to the said account in a reserve to be called the property transfers reserve. Profits distributed out of the property transfers reserve to another company resident in Malta shall likewise be allocated to the recipient's property transfers reserve. No tax shall be chargeable in terms of the Income Tax Acts on distributions out of the property transfers reserve.

(e) Any party to a transfer to which this article applies or to a promise of sale relating to such a transfer shall furnish the Commissioner with such particulars relating to that transfer as the Commissioner may require or as may be prescribed.

(11) Tax chargeable under this article shall be due by the transferor and shall be remitted to the Commissioner within fifteen working days of the relative transfer. Except where the Commissioner orders otherwise, either in a general manner or in respect of particular cases, this payment is to be made by the notary who publishes the transfer deed by means of a bank draft or a cheque drawn on that notary's personal bank account, payable to the Commissioner.

(12) (a) The parties to any transfer of property shall be obliged to declare to the notary publishing the deed of transfer all the facts that determine if the transfer is one to which this article applies and that are relevant for ascertaining the proper amount of tax chargeable or any exemption, including the value which, in their opinion, reasonably reflects the market value of the said property, if this value is higher than the consideration for the transfer.

(b) The notary publishing a deed of transfer shall warn the parties about the importance of the truthfulness of declarations made therein and shall record in the deed the fact that he has given the said warning.

(c) Where it appears to the Commissioner that -

(i) tax is chargeable on a transfer which is declared in the deed to be a transfer on which no tax is payable; or

(ii) the tax chargeable on a transfer is, for any reason, more than that declared to be payable in the deed,

he may issue an order in writing to the transferor stating therein the tax which in his opinion is properly chargeable in the circumstances and the additional tax as specified in paragraph (e).

(d) An order under this sub-article may be made not later than six years from the end of the year in which the transfer is notified to the Commissioner:

Provided that an order that is made solely on account of the fact that the market value of the property in question is higher than the transfer value declared in the deed -

(i) may only be made if the declared transfer value is less than eighty-five per cent of the market value; and

(ii) may not be made later than twelve months after the date on which the transfer is notified to the Commissioner.

(e) The additional tax referred to in paragraph (c) shall be equivalent to the difference between the amount of tax payable as declared in the deed and the amount of tax payable in accordance with the order referred to in paragraph (c).

(f) The additional tax referred to in paragraphs (c) and (e) shall be payable by the transferor in addition to the tax which is payable on the transfer value of the property in accordance with the other provisions of this article.

(g) If any amount of tax due in accordance with this article is not remitted to the Commissioner within the time set out in subarticle (11), interest shall be charged thereon at the rate of one per cent per month or part thereof for the period ending on the day on which that amount is remitted.

(h) Saving the other provisions of this article, the provisions of the Income Tax Acts relating to the collection and remission of the tax, interest and additional tax shall apply to any tax, interest and additional tax due under this article as if the tax, interest and additional tax referred to in the said provisions included also the tax, interest and additional tax chargeable and payable under this article.

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(i) A transferor who disagrees with an order served upon him under paragraph (c) shall have the same rights to object to that order and to appeal from a decision of the Commissioner refusing that objection as if that order were an assessment issued under the Income Tax Management Act and the relevant provisions of that Act relating to objections and appeals shall apply *mutatis mutandis*.

(13) The Minister may make rules for the better implementation of the provisions of this article and, without prejudice to the generality of the foregoing, such rules may provide for:

(a) the manner in which the value of any property or of any part of property to which this article applies is to be determined;

(b) the manner in which the tax due under this article is to be paid and collected and the obligations of any person in respect of the payment of such tax;

(c) the manner in which any apportionment of tax due is to be made for the purposes of this article; and

(d) any matter that may be prescribed under this article."

Amendment of article 56 of the principal Act.

**9.** In sub-article (17) of article 56 of the principal Act, immediately after the words "notwithstanding anything to the contrary contained in this Act," there shall be added the words "and unless such individual opts to have the said income charged to tax at the rates laid down in sub-article (1)(a) or (1)(b),".

### **PART III**

Amendment to the Social Security Act. Cap. 318.

**10. (1)** This Part amends the Social Security Act and shall be read and construed as one with the Social Security Act, hereinafter in this Part referred to as "the principal Act".

(2) This Part shall be deemed to have come into force on the

7<sup>th</sup> January 2006.

**11.** In article 2(1) of the principal Act, in the definition of "severely disabled person", in paragraph (c) thereof, for the words "Cerebellar Ataxia; or" there shall be substituted the words "Cerebellar Ataxia;" and immediately thereafter there shall be inserted the words "Chronic-Granulomatous Disease; or".

Amendment to article 2 of the principal Act.

#### **PART IV**

**12.** (1) This Part amends the Duty on Documents and Transfers Act and it shall be read and construed as one with the Duty on Documents and Transfers Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the Duty on Documents and Transfers Act. Cap. 364.

(2) This Part shall be deemed to have come into force on the 1st March, 2006.

**13.** The definition of "a group of companies" in sub-article (1) of article 42 of the principal Act shall be amended as follows:

Amendment of article 42 of the principal Act.

(a) in paragraph (ii) thereof, for the words "the same shareholders." there shall be substituted the words "the same shareholders:"; and

(b) immediately after paragraph (ii) thereof, there shall be added the following new proviso:

"Provided that the Minister may by rules prescribe another definition of "group of companies" and that definition shall apply to transfers made after such date as may be prescribed by those rules."

#### **PART V**

**14.** (1) This Part amends the Motor Vehicles Registration Tax Act and shall be read and construed as one with the Motor Vehicles Registration Tax Act, hereinafter in this Part referred to as "the principal Act".

Amendment to the Motor Vehicles Registration Tax Act. Cap. 368.

(2) This Part shall be deemed to have come into force on the 1<sup>st</sup> November, 2005.

**15.** H.S. Code No. 87.04 in the First Schedule to the principal Act, shall be amended as follows:

Amendment of the First Schedule to the principal Act.

(a) the VERA Code Number and rate of tax applicable to the following items shall be amended as follows:-

(i) for the words "1.044.010 2.2.1.1 New .....36%" there shall be substituted the words "1.044.011 2.2.1.1 New .....24%";

(ii) for the words "1.044.040 2.2.2.1 New .....57.5%" there shall be substituted the words "1.044.041 2.2.2.1 New .....24%";

(iii) for the words "1.045.010 2.3.1.1 New .....36%" there shall be substituted the words "1.045.011 2.3.1.1 New .....24%";

(iv) for the words "1.045.040 2.3.2.1 New .....57.5%" there shall be substituted the words "1.045.041 2.3.2.1 New .....24%";

(v) for the words "1.047.020 3.2.1.1 New .....36%" there shall be substituted the words "1.047.021 3.2.1.1 New .....24%"; and

(vi) for the words "1.047.050 3.2.2.1 New .....57.5%" there shall be substituted the words "1.047.051 3.2.2.1 New .....24%"; and

(b) immediately after the words "1.048.050 4.3.2 Other .....57.5% but not less than Lm3,190 per vehicle" there shall be inserted the following:

"1.048.060 4.3.3 New tipper trucks, with a g.v.w. exceeding 5 tonnes, whose front end of the platform can be pneumatically or hydraulically raised ..... 0%

1.048.070 4.3.4. New refuse disposal trucks with a g.v.w. exceeding 5 tonnes ..... 0%".

## PART VI

Amendment to  
the Excise Duty  
Act.  
Cap. 382

**16.** (1) This Part amends the Excise Duty Act and shall be read and construed as one with the Excise Duty Act hereinafter in this Part referred to as "the principal Act."

(2) This Part shall be deemed to have come into force on 1<sup>st</sup> November, 2005.

Amendment to  
the Fourth  
Schedule of the  
principal Act.

**17.** The Fourth Schedule to the principal Act shall be amended as follows:

(a) for the words in the 'Rate of Excise Duty' column thereof in respect of the item "Leaded Petrol falling within CN Codes 2710.11.31, 2710.11.51 and 2710.11.59", there shall be substituted the following:

"Lm 187.00 per 1000 litres.";

(b) for the words in the 'Rate of Excise Duty' column thereof in respect of the item "Unleaded Petrol falling within CN Codes 2710.11.41, 2710.11.45 and 2710.11.49", there shall be substituted the following:

"Lm 166.00 per 1000 litres";

(c) for the words in the 'Rate of Excise Duty' column thereof in respect of the item "Inland Navigation between Malta and Gozo by vessels of a tonnage of 3,500 tons or more", there shall be substituted the following:

"Lm 29.10 per 1000 litres";

(d) for the words in the 'Rate of Excise Duty' column thereof in respect of the item "Natural Gas falling within CN Codes 2711.11.00 and 2711.21.00", there shall be substituted the following:

"Lm 0.36 per 1 gigajoule, gross calorific value";

(e) for the words in the 'Rate of Excise Duty' column thereof in respect of the item "Electricity falling within CN Code 2716", there shall be substituted the following:

"Lm 0.15 per MWh".

## **PART VII**

**18.** (1) This Part amends the Environment Protection Act and shall be read and construed as one with the Environment Protection Act, hereinafter in this Part referred to as "the principal Act".

Amendment to the Environment Protection Act. Cap. 435.

(2) This Part shall be deemed to have come into force on the 1<sup>st</sup> January, 2006.

**19.** Immediately after sub-article (2) of article 9 of the principal Act, there shall be added the following new sub-article:

Amendment to article 9 of the principal Act.

"(3) Notwithstanding the other provisions of this Act or

of any other law, Schedules annexed to regulations made under this Act may be made or published in the English language only."

## **PART VIII**

Amendment of  
the Eco-  
Contribution  
Act.  
Cap. 473.

**20.** (1) This Part amends the Eco-Contribution Act, and shall be read and construed as one with the Eco-Contribution Act, hereinafter in this Part referred to as "the principal Act".

(2) This Part shall come into force on such date as the Minister for Rural Affairs and the Environment may, with the concurrence of the Prime Minister and the Minister responsible for finance may, by notice in the Gazette, establish.

Amendment of  
article 2 of the  
principal Act.

**21.** In article 2 of the principal Act, the definition "placed on the market" shall be substituted by the following:

" "placed on the market" means when a product is transferred from the manufacturing stage or when a product is brought into Malta with the intention of distribution on the market in Malta, including when a product is so transferred or brought into Malta for use in the trade, business, profession or vocation of the person transferring or bringing the product into Malta;"

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Passed by the House of Representatives at Sitting No. 364 of the 13th March, 2006.