VERŻJONI ELETTRONIKA

L.N. 258 of 2018

ENVIRONMENT PROTECTION ACT
(CAP. 549)

Trees and Woodlands Protection Regulations, 2018

BY VIRTUE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Sustainable Development and Climate Change, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Trees and Woodlands Protection Regulations, 2018.

(2) Regulation 19 shall come into force on such a date as the Minister responsible for the Environment may by notice in the Gazette declare.

Scope.

2. (1) The objectives of these regulations are to protect trees and woodlands in the Maltese Islands, safeguard them, and to regulate the activities that may have an effect thereon.

S.L. 549.64.

(2) These regulations shall revoke the Trees and Woodlands Protection Regulations. Notwithstanding this, any Tree Protection Areas previously declared under the Trees and Woodland Protection Regulations, shall remain in force and have effect as if entered into under regulation 7 of these regulations.

PART I:
INTERPRETATION AND ADMINISTRATION

Interpretation.

3. (1) In these regulations, unless the context otherwise requires:

Cap. 549.

"Act" means the Environment Protection Act;

"agricultural land" means arable land that is lawfully used for cultivation, and excludes any non-arable land or wild trees even if located within the confines of an agricultural holding;

"Authority" or "Competent Authority" means the

VERŻJONI ELETTRONIKA

Environment and Resources Authority as established in article 6 of the Act;

"compensatory planting" means the planting or provision of one or more trees, as a replacement or compensation for other trees that have been, or will be, uprooted, felled, damaged or removed;

"director" means the director responsible for environment protection within the Authority or any person delegated or commissioned by the Director or otherwise acting lawfully on his behalf;

"director responsible for plant health" means the director as defined in the Plant Quarantine Act or any person delegated or commissioned by the Director or otherwise acting lawfully on his behalf; Cap. 433.

"green areas, and natural or rural/green enclaves in urban area (development zone)" means areas that are specifically zoned in the relevant approved Local Plan, or any planning scheme, as areas which are to remain free from built development, or which are to be safeguarded as elements of natural heritage, or as surviving countryside remnants, notwithstanding their location within the urban area (development zone boundary);

"horticulturally-grown trees" means planted trees that are grown through horticulture and in artificial environments such as agricultural land, private gardens, roadsides and paved areas, and excludes trees in protected areas or in areas outside the development zone growing in their natural environment, whether originally planted or not;

"licensing authority" means the Authority or any other person delegated or commissioned by the Authority to lawfully act on its behalf;

"licensed tree specialist" shall have the same meaning assigned to it in regulation 19;

"near any tree" means any area within a distance of five metres away from the circumference of the tree canopy or within the distance of ten metres away from the tree trunk, whichever is the larger;

"outside the development zone" or "ODZ" means land outside the boundary for development in a planning scheme or local plan;

VERŻJONI ELETTRONIKA

"permit" means an authorisation to carry out a specific intervention, and does not include any licence or registration issued in terms of regulation 19;

"person" means any person, whether natural or legal, corporate or incorporate, and includes any person acting on his own behalf or under the instructions of any other person;

"poison" means any substance, or concentration of such substance, which is harmful to a specimen, and includes, but is not limited to, any application of such substance through injection, spraying, deposition or irrigation;

"primary branches" means branches originating from the main trunk or trunks of tree;

"protected area" means any area which is legally protected, scheduled or legally designated for conservation in view of its ecological, scientific or high landscape-related value, in terms of the Act or in terms of the Development Planning Act, as well as any site protected in terms of regulation 7;

Cap. 552.

"protected tree" means those trees falling under the First Schedule;

"prune" or "pruning" means the cutting away of primary branches, secondary branches, offshoots, or suckers;

"Register" means the Register of Licensed Tree Specialists duly authorised to carry out interventions on trees;

"registered farmer" means a farmer registered with the Agriculture Directorate;

"remove the bark" includes stripping off of the bark or part thereof, as well as ring-barking or girdling;

"secondary branches" means branches originating from the primary branches of the tree;

"site" includes a single property or more than one property, irrespective of who is the owner;

"specimen" means tree or parts of tree;

"surgical intervention" means any treatment required to save or heal a tree from disease, mechanical damage, or structural collapse, as well as any treatment to prevent further

VERŻJONI ELETTRONIKA

deterioration of an already damaged tree;

"tree" means a perennial plant, whether dead or alive, which in its adult form has a main woody trunk or trunks and woody branches and including representatives of the family Arecaceae (Palmae), but excludes plants cultivated in pots;

"tree preservation order" means any tree scheduled through a notice in the Gazette issued through the provisions of the Development Planning Act; Cap. 356.

"tree protection area" shall have the meaning assigned to it in regulation 7 and includes any Tree Protection Areas declared through the Trees and Woodland Protection Regulations; S.L. 549.64.

"urban conservation area" or "UCA" means a historic area (village core) as identified in a planning scheme or local plan or other currently approved planning policies;

"urban public open space" includes roads, roadsides, pavements, piazzas, public gardens, parks, cemeteries, roundabouts, central strips and other traffic islands, and ancillary landscaped areas;

"wild trees" means trees which are not horticulturally-grown;

"woodland" includes natural or semi-natural vegetation communities characterised by trees such as natural forest or woodland remnants, semi-natural woodland, primary and secondary maquis, coastal maquis, and riparian or rupestral copses.

Administration of these regulations.

4. The competent authority shall be responsible for the administration, implementation, compliance assurance and enforcement of these regulations.

PART II:
PROTECTION OF TREES AND WOODLANDS

Protected Trees and Woodlands.

5. Trees, woodlands and sites indicated in the First Schedule are protected.

Criteria for selection of important sites.

6. Tree Protection Areas shall be based on criteria which include:

(a) Maltese characteristic woodland communities;

(b) trees or woodland communities which are rare,

VERŻJONI ELETTRONIKA

threatened, endangered or that have a reduced or restricted distribution in Malta;

(c) trees and woodland habitats critical to the survival, reproduction and recovery of endangered, threatened, vulnerable, endemic or otherwise important flora and fauna species;

(d) trees or woodland communities of scientific, ecological, aesthetic, historical, cultural, arboricultural, silvicultural, agricultural, educational or landscape interest;

(e) prominent landmark trees;

S.L. 445.02.

(f) historical trees listed in the List of Historical Trees having an Antiquarian Importance Order; or

(g) ex-situ live collections of rare, threatened or endangered specimens:

Provided that the Authority may establish an important site for any other specimen which merits protection:

Provided further that for the terms of this regulation trees can mean a single specimen.

Tree Protection Areas.

7. (1) Any site selected by the Authority in line with the criteria established in regulation 6 may be designated as a Tree Protection Area.

Implementation.

(2) Upon identification of a site as a Tree Protection Area, the Authority shall publish the details of the site with boundaries clearly delineated on a map, in the Gazette and on the Authority's website. Such designated areas shall be protected in terms of the Act and shall be subject to any provisions the Authority deems fit.

Management of Protected Areas.

(3) The Authority may prepare or delegate the preparation of guidance documents to secure the effective protection and conservation of such site.

(4) A protected area shall remain protected notwithstanding any deliberate or accidental cause whereby a protected area or its surroundings, or tree or part thereof, is destroyed, damaged or killed, unless otherwise published by the Authority.

Integration into the National Ecological Network.
S.L. 549.44.

(5) Without prejudice to the Flora, Fauna and Natural Habitats Protection Regulations, any designated Tree Protection Area shall also form part of the National Ecological Network.

VERŻJONI ELETTRONIKA

(6) The Authority shall notify any one of the owners of any site designated as a Tree Protection Area of its inclusion in the list in line with article 86 of the Act. Notification to owners.

8. The protected areas established by virtue of regulation 7 shall be registered in an index held for that purpose on the Authority's website. Registered Index.

PART III:
TREES DETRIMENTAL TO BIODIVERSITY OR TO THE NATURAL ENVIRONMENT

9. (1) Trees listed in the Second Schedule are deemed to be detrimental to the natural environment. Detrimental Trees.

(2) No person shall propagate, sow, plant, import, export, transport, sell, exchange or donate any specimen of species listed in the Second Schedule unless duly permitted.

10. (1) The competent authority may, within such time as it determines, order any owner or occupier of a site in which any tree listed in the Second Schedule is sited to remove, uproot, kill or destroy any such tree, where such removal would, in the authority's opinion, constitute an environmental improvement. Removal Orders.

(2) The Authority may request or issue a works method statement to ensure that an order issued under sub-regulation (1) is executed with minimal damage to biodiversity, to any building or structure worthy of retention or to the surrounding environment.

(3) The Authority may implement the required intervention, in part or in full, as it deems most appropriate, at the expense of the person who fails to comply with an order issued under sub-regulation (1).

(4) If the owner or occupier of the site where such tree is located is unknown, the Authority may publish the order in the Gazette and may implement the required intervention at its own expense after ninety (90) days from the publication of the order, without prejudice to its right to reclaim any expenses due in terms of sub-regulation (3) once such person is identified:

Provided that, in instances which require immediate action, the Authority may implement the required intervention, in part or in full as it deems most appropriate, without prejudice to its right to reclaim any expenses incurred once such person is identified.

VERŻJONI ELETTRONIKA

Eradication, control and relocation programmes.

11. (1) The Authority may implement, finance or commission projects or programmes on a national level or localised level for the eradication, control, removal or relocation of:

(a) one or more species listed in the Second Schedule; or

(b) any other trees adversely affecting their surrounding environment.

(2) The Authority may also seek or require the participation or collaboration of other persons or institutions as it deems reasonable or necessary to this effect. Such projects and programmes shall duly take into account the wider environmental considerations pertinent to the sites in question, and may also include additional measures for the prevention, remediation, mitigation or containment of the adverse environmental effects associated with such trees.

Staying or restriction of transportation, importation, possession, discarding or disposal of trees.

(3) Without prejudice to the powers and obligations vested in the Director responsible for Plant Health, the Authority may stop or restrict the transportation, importation, possession, discarding or disposal of trees which in its opinion may endanger the biological diversity of trees or woodlands in Malta, or may be detrimental in any way to the environment.

Trees listed in the Second Schedule.

12. The provisions of Part III shall be applicable to the trees listed in the Second Schedule at all stages of their growth.

PART IV:
REGULATION OF ACTIVITIES

Activity which may be damaging to any specimen.

13. No person shall carry out or permit to carry out any activity which in the opinion of the Authority may be damaging to any specimen covered under the First Schedule unless permitted by the Authority.

Prohibited intervention.

14. No person shall, except with the prior permission of the Authority, fell, cut, remove the bark or leaves of, uproot, remove timber from, hard prune, poison, burn, affix anything to, pierce, saw or in any way destroy, kill, mutilate, destabilise or significantly damage, any tree, or part thereof if the specimen is listed in the First Schedule.

Exceptions.

15. (1) The provisions of regulation 14 shall not apply to the pruning of horticulturally-grown trees for the purpose of:

(a) reviving already diseased or damaged trees, or preventing their further deterioration or improving their health;

(b) preserving their strength, enhancing their overall health, removing water sprouts or suckers, grafting, improving

VERŻJONI ELETTRONIKA

their fruit productivity or avoiding likely injury to persons or likely damage to property; or

(c) controlling growth for the purpose of avoiding the entry of mice or rats within a building:

Provided that any branch or offshoot to be pruned must lie within not more than one and a half metres (1.5m) from such building and as long as the pruning does not affect the main trunk of the tree:

Provided that the actions are carried out in line with good practice, at the appropriate time of the year and as long as all necessary measures and precautions are taken to minimise any adverse effects:

Provided further that such intervention does not mutilate, deform, destabilise, kill, weaken or otherwise significantly affect the tree.

(2) The provisions of sub-regulation (1) do not apply to trees which fall under Table 1 of Part A of the First Schedule and the trees falling under the List of Historical Trees having an Antiquarian Importance Order. S.L. 445.02.

(3) In any event of doubt, disagreement, claim or contestation as to whether an action meets the criteria or requirements of sub-regulation (1) the onus lies with the person or entity carrying out or intending to carry out the action.

(4) Notwithstanding the provisions of sub-regulations (1), (2) and (3), if the Authority is of the opinion that the works may have unreasonable, unavoidable or unacceptable environmental impacts, or has reasonable doubts as to whether the criteria set out in sub-regulation (1) are duly satisfied, it may still intervene to:

(a) prevent, restrict or stop works;

(b) impose limitations, specifications, or conditions as relevant;

(c) request further information, clarifications or evidence about the situation;

(d) request clarifications about, or amend, the methodologies to be used;

(e) require that the works be submitted for prior authorisation by the Authority, without prejudice to its eventual

VERŻJONI ELETTRONIKA

decision;

(f) impose any remedial measures to prevent, limit, mitigate, reverse or offset any damage inflicted by works which are in progress or which have already been carried out; or

(g) adopt a combination of the above-listed actions.

(5) The provisions of regulation 14 shall not apply to activities related to pruning, cutting, felling, treatment and, or destruction of any tree that harbours quarantine pests and diseases as listed in Schedules I and II of the Plant Quarantine (Harmful Organisms) Regulations, after written approval by the Director responsible for plant health:

S.L. 433.03.

Provided that the tree does not fall under Table 1 of Part A of the First Schedule.

(6) The provisions of regulation 14 shall not apply to pruning of trees planted in gardens of private dwellings in urban areas, but excludes trees in protected area.

Dangerous, harmful, combustible or explosive substances waste and scrap.

16. (1) No person shall dump, throw, pour, place, bury in the ground or deposit:

(a) any biocide, defoliant, acid, alkali, saline water, or any poisonous, corrosive or growth-inhibiting chemical substance;

(b) any tyre, rubber or polystyrene;

(c) any fuel, or other combustible or explosive material; or

(d) refuse or other waste, rubble or scrap,

near any protected tree or any protected area unless the activity is duly authorised:

Provided that the Authority may authorise the use of substances prohibited by paragraph (a) or any other treatment for weeding or surgical interventions which in its opinion may be reasonably required.

(2) The prohibition in sub-regulation (1) shall not apply to the use of substances for the treatment of trees for the purpose of preserving their strength, improving their overall health, improving their fruit productivity or preventing their deterioration:

Provided that the Authority may prohibit such use,

VERŻJONI ELETTRONIKA

irrigation or treatment if it is of the opinion that the conservation of the specimen in question would be in conflict with the conservation of the trees, woodland, the ecosystem or with any relevant management plan.

Fire.

17. (1) No person shall:

(a) set fire to any protected tree;

(b) generate a fire within a Tree Protection Area;

(c) generate a fire near any tree covered in the First Schedule; or

(d) let off fireworks within twenty (20) metres from a tree covered by the First Schedule.

(2) The prohibitions set out in sub-regulation (1) shall not apply to:

(a) a fire directly connected with or necessary for the management of a protected area, with the prior approval of, or upon request by, the Authority; or

(b) a controlled fire within the confines of a private dwelling.

Trading in products and derived from prohibited activities.

18. Without prejudice to any related environment regulations, no person shall sell, trade in, or otherwise commercially exploit, any products derived from activities prohibited by these regulations, except with the prior written authorisation of the Authority.

Register of Licensed Tree Specialists.

19. (1) The Authority may establish, publish, and from time to time update, a Register of Licensed Tree Specialists, hereinafter referred to as "the Register", and may delegate such function to any public entity or committee.

(2) No person shall carry out interventions on:

(a) trees of historic or antiquarian importance as indicated in List of Historical Trees having an Antiquarian Importance Order; S.L. 445.02.

(b) trees protected under regulation 7;

(c) trees protected by a Tree Preservation Order; or

(d) trees in urban public open spaces,

VERŻJONI ELETTRONIKA

unless duly licensed in line with these regulations:

Provided that for the interventions mentioned in paragraph (b) registered farmers may be allowed to prune trees on their property as long as the tree is not significantly impacted by such interventions.

(3) To be a Licensed Tree Specialist, applicants shall be in possession of:

(a) the minimum requirements established by the licensing authority; and

(b) a clean track record in relation to interventions falling within the scope of these regulations.

(4) Applicants for a Licensed Tree Specialist shall apply in the manner prescribed by the licensing authority, and shall provide all the information requested by the licensing authority together with a registration fee as established in the Third Schedule. The licensing authority shall not process any application if this is not accompanied by the required submissions and fees.

(5) The licensing authority shall inform the applicant in writing with its decision to grant or refuse the license. If the application for license is refused, the licensing authority shall give detailed reasons for its decision.

(6) The license of a Tree Specialist issued to eligible persons shall be valid for three years but may be renewed by the licensing authority after a request for renewal is made and which is accompanied by the relevant renewal fee, and provided that the provisions of these regulations have not been contravened by the applicant.

(7) The granting of such a licence shall apply without prejudice to any additional legal obligation that may be relevant.

(8) The Authority may revoke the licence of a Tree Specialist if a person fails to abide with the conditions imposed with the granting of such licence or if he contravenes any provision of these regulations.

PART V:
PERMITS

Permits.

20. (1) Any intervention on any tree listed under the First Schedule requires a prior permit from the competent authority:

Provided that the Director responsible for plant health shall not require a permit to carry out interventions related to phytosanitary

VERŻJONI ELETTRONIKA

purposes except for specimens falling under Table 1 of Part A of the First Schedule.

(2) In deciding whether to issue such permits, the Authority shall consider the impacts, implications, risks and benefits on:

(a) the existing trees or woodland per se;

(b) the species, habitats, ecosystems associated with the trees, as may be relevant;

(c) the structural integrity of buildings, structures, infrastructure, or natural physical features located in the vicinity and meriting retention;

(d) the landscape, general character, and environmental characteristics of the site and its surroundings;

(e) the integrity of any protected area, and the continued effectiveness of any protection, as may be relevant; and

(f) any other material considerations as deemed relevant by the Authority.

(3) The Authority shall not issue a permit if it is of the opinion that the activity is not sufficiently justified or that the adverse impacts, implications or risks of the activity outweigh any possible benefits.

(4) The Authority may issue a permit prior to the carrying out of any activity regulated by these regulations:

Provided that the Authority may not issue such a permit if, after considering the proposed activity, it is of the opinion that the activity is unjustified or that adverse impacts of the activity outweigh any possible benefits.

Application in writing.

21. (1) A person shall submit an application to the Authority in writing at least three weeks prior to the carrying out of the activity.

(2) The application shall:

(a) be accompanied by the relevant documents and any other requisite information as specified and required by the Authority, including but not limited to, a site plan showing the positions of all the affected trees, and photographs of the affected trees to facilitate their identification;

(b) declare whether the application falls under any one of

VERŻJONI ELETTRONIKA

the criteria listed under sub-regulation (2) of regulation 20;

(c) be submitted as directed by the Authority; and

(d) be accompanied by a permitting fee as prescribed in the Third Schedule.

(3) The Authority may also request an independent assessment of the risks, impacts and implications on the environment of the area, be it natural or urban. Such assessment shall be financed by the applicant.

(4) The Authority shall process the application for a permit without undue delay.

Applicable terms and conditions.

22. (1) The Authority may impose any conditions it deems appropriate in such permits.

(2) The period of validity of the permit shall be clearly indicated in the permit.

(3) In the event that the Authority refuses the application for a permit, the authority shall inform the applicant of the reasons for such refusal.

(4) The Authority may vary, revoke or suspend any permit or other authorisation granted under these regulations, and may order that the tree or site affected by the permitted activity be remedied to the condition that preceded the permit, giving reasons for its decision. In such instances, the following terms shall apply:

(a) in the case of a permit or authorisation issued on the basis of incorrect, incomplete, misleading or fraudulent information contained in the relevant permit application or in any other submitted documentation having a material influence on the permitting decision, the Authority shall not be liable to any claims for damages, whereas the applicant shall be liable for the full expenses of restoration and for the remediation of any damage and adverse effects arising from the activity or from works carried out and may also be subjected to any applicable penalties;

(b) in the case of a permit or authorisation, already issued, where there is no such responsibility or fault on the part of the applicant, the applicant shall be entitled to any reasonable claims for the recovery of material costs and remediation of any physical damage consequent to the Authority’s decision.

VERŻJONI ELETTRONIKA

(5) The Authority may not issue or renew a permit if the applicant has defaulted on any of the terms, conditions, obligations, approved specifications or limitations of any other permit, licence, approval or authorisation issued by the Authority in relation to the site in question or otherwise affecting it, whether under these regulations or not.

(6) A permit granted under these regulations shall not exonerate the applicant from also obtaining all other permits, licences, approvals and authorisations that may be required by law, including consent from owners or from third parties wherever relevant, and a permit shall not be construed as an in-principle commitment or agreement toward the issuing of any permit, licence, approval, consent, authorisation or concession that is beyond the scope of these regulations, and vice-versa.

(7) A permit granted under these regulations shall not be construed as an approval or sanctioning of any other intervention that is beyond the scope of these regulations, even where shown, omitted or implied in any submitted document or in any approved document appended to the permit or linked thereto in any other way.

Preventive, mitigatory and compensatory measures.

23. (1) Without prejudice to regulations 20, 21, and 22, the Authority may apply one or more of the following measures, to avoid, mitigate or offset the adverse impacts of an activity or intervention by:

(a) limitation of the activity or intervention such that the existing trees or their habitat, or both, can be retained alive *in situ* with least adverse impact thereon;

(b) ordering transplantation within the same site;

(c) ordering transplantation to a different location;

(d) ordering compensatory planting within the same site or in another location, or both;

(e) ordering contribution to the Environment Fund; or

(f) ordering compensation through an alternative environmental benefit:

Provided that the Authority may also stipulate the period within which the measures are to be implemented to its satisfaction.

(2) The Authority may also require the provision of a suitable financial guarantee to be made in favour of the competent authority to

VERŻJONI ELETTRONIKA

secure the obligations under the permit. The financial guarantee may also be tied to specific requirements in the permit.

Permits for scientific or educational studies.

24. (1) Without prejudice to any other obligation and condition laid down by the Authority, a permit holder of a *bona fide* scientific or educational studies permit shall submit to the Authority the following within a month from the expiry of the permit:

(a) a detailed report of the activities undertaken;

(b) the aim of the study, and what field of work or activity was carried out;

(c) the methodology employed;

(d) the outcome and results achieved in connection with the permit; and

(e) any other details as may be requested by the Authority in the permit.

(2) A copy of the published results and other publications, if any, relevant to this permit shall reach the Authority within three (3) months from the date of publication.

Emergency Permits.

25. The Director may, in cases of emergency or grave danger, issue an emergency permit for the carrying out of any activity regulated by these regulations, and in so doing he may issue any such directives, terms and conditions, and decisions as he deems appropriate.

Public register.

26. Details of the applications submitted for a permit under these regulations, and of the decision taken thereupon, shall be recorded in an electronic register available for public inspection. The records shall identify, as relevant:

(a) the site;

(b) the nature and extent of the proposal;

(c) the applicant; and

(d) the decision taken to approve, partly approve, refuse or invalidate the application.

Person on site to hold copy of permit.

27. During the execution of a permitted activity or operation, any person who is on site in connection with such activity or operation shall be in possession of a copy of the permit. This permit shall be shown upon request to any officer of the Authority and any duly

VERŻJONI ELETTRONIKA

authorised law enforcement official. The Authority may also require that the permit is affixed in a prominent position on site, easily visible to, and readable by, the public, or in any other location as may be reasonably specified by the Authority.

PART VI:
COMPLIANCE AND ENFORCEMENT

28. The Authority may impose an administrative fine in line with articles 80 and 81 of the Act upon any person who infringes any provision of these regulations or who fails to comply with any directive or decision given by the Authority in ensuring compliance with these regulations.

Part VII:
PENALTIES

29. (1) Any person who, willfully or through imprudence, negligence or incompetence: Penalties.

(a) fails to comply with any provision of these regulations, or with any order lawfully given in terms of any provision of these regulations;

(b) contravenes any restriction, prohibition, order or requirement arising from these regulations, or imposed by the Authority in accordance with these regulations;

(c) acts in contravention of any provisions of these regulations;

(d) conspires with, aids, abets, counsels, instigates, procures or knowingly allows any other person to contravene or fail to comply with the provisions of these regulations or of any restriction, order, prohibition or requirement imposed by or under these regulations; or

(e) attempts to do any of those indicated in paragraphs (a) to (d) hereof,

shall be guilty of an offence against these regulations.

(2) Any person who commits, or attempts to commit, an offence against these regulations shall be liable on the conviction to the penalties as indicated in the Fourth Schedule.

VERŻJONI ELETTRONIKA

Remediation and mitigation expenses.

(3) The Court shall also order the offender to pay for any direct, indirect or consequential damage caused, in particular:

(a) the full expenses incurred for remedying to the Authority's satisfaction the damage caused to the site, or to the status of the tree species, or to both, as relevant; and

(b) any other expense incurred for any other measure required to remedy the damage and the infringement, or to mitigate, contain or prevent more widespread impact.

Causes of damage.

(4) The Court shall also order the offender to remove the causes of the offence and to undo anything which was done without a permit, within a time fixed by the Court sufficient for the purpose but which does not exceed three (3) months from the date of judgment. If the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not more than one hundred and fifty euro (€150), for every day that the default continues after the expiration of the said time, as the Court may fix.

Cap. 9.

(5) The provisions of article 23 and 30(1) of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, however the disqualification from holding or obtaining a license, permit, authorisation or clearance shall in no case be for less than one year.

Damage caused by vehicles.

(6) Without prejudice to the other provisions of this regulation, the provisions of this regulation shall also apply in cases of negligence and voluntary damage by means of a vehicle.

Part VIII:
MISCELLANEOUS

30. In case of conflict between the scientific name and the common name of any specimen, the scientific name shall prevail.

VERŻJONI ELETTRONIKA

FIRST SCHEDULE
(Regulations 3, 5, 13, 14, 15, 17 and 20)

PROTECTED TREES

Part A

Table 1

The following trees are hereby protected in all locations in Malta:

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
Anagyris foetida	*Il-Fula tal-Klieb*	Bean Trefoil Tree; Mediterranean Stinkwood
Celtis australis	*Il-Buglar; iċ-Ċeltis*	Southern Nettle Tree
Ephedra fragilis	*L-Efedra*	Shrubby Horsetail; Joint Pine
Fraxinus angustifolia	*Il-Fraxxnu; is-Siġar tal-Paċenzja*	Narrow-Leaved Ash
Lycium spp., including: *Lycium barbarum* *Lycium europaeum* *Lycium intricatum* *Lycium schweinfurthii*	*L-Għawseġ*	Mediterranean Tea-Tree; Tea-Tree; Boxthorn; Southern Boxthorn
Mespilus germanica	*Fomm il-Lipp; Omm il-Epp; In-Naspli t-Tedeski*	Medlar; Mediterranean Medlar
Paliurus spina-christi	*Ix-Xewk tal-Kuruna; Ix-Xewk ta' Kristu*	Christ's Thorn Tree
Phillyrea latifolia	*L-Olivastru; il-Fillirja*	Mock Privet; Jasmine Box
Phillyrea media	*L-Olivastru; il-Fillirja*	Mock Privet; Jasmine Box
Pistacia x *saportae*	*Id-Deru l-Bagħal*	Hybrid Mastic Tree

VERŻJONI ELETTRONIKA

Pistacia terebinthus	*Il-Botna; L-Iskornabekk; Is-Siġar tat-Turpentina; It-Trementina; Is-Siġar tal-Fosdoq; it-Terebintu*	Terebinth; Turpentine Tree
Prunus mahaleb [= *Cerasus mahaleb*; *Druparia mahaleb*]	*Iċ-Ċirasa Bagħlija; Iċ-Ċirasa s-Selvaġġa*	Mahaleb Cherry; St Lucie Cherry
Prunus spinosa	*Il-Prajn tax-Xewk*	Sloe; Blackthorn
Prunus x *dasycarpa*	*Iż-Żabrikott*	Black Apricot
Pyrus amygdaliformis	*Il-Langas Selvaġġ*	Almond-Leaved Pear
Pyrus pyraster	*Il-Langas Bagħal; il-Langas Selvaġġ*	Wild Pear
Pyrus syriaca	*Il-Langas Selvaġġ*	Syrian Pear
Quercus ilex	*Il-Balluta; Is-Siġar tal-Ġandar*	Holm Oak; Evergreen Oak
Rhamnus oleoides	*Iż-Żiju*	Lesser Buckthorn; Olive-Leaved Buckthorn
Rhus coriaria	*Ix-Xumakk tal-Konz*	Common Sumach
Salix alba s.l.	*Iż-Żafżafa; Iż-Żafżafa l-Kbira; Iż-Żafżafa l-Bajda*	White Willow
Salix pedicellata	*Iż-Żafżafa ż-Żgħira*	Mediterranean Willow
Sorbus aucuparia	*Iż-Żorba s-Selvaġġa*	Rowan; Mountain Ash
Sorbus domestica	*Iż-Żorba*	Service Tree
Spartium junceum	*Il-Ġenista s-Safra*	Spanish Broom
Tetraclinis articulata	*L-Għargħar*	Arar tree; Sandarac Gum Tree; Mediterranean Alerce; Barbary Arbor-Vitae
Ulmus canescens [=*Ulmus minor* subsp. *canescens*]	*In-Nemmiesa; Is-Siġar tan-Nemus; l-Ulmu; l-Ulmu ta' Malta*	Hoary Elm; Grey-Leaved Elm
Ulmus spp., including: *Ulmus americana* *Ulmus laevis* *Ulmus minor* s.str. *Ulmus glabra* *Ulmus procera*	*L-Ulmu*	Elm Trees
Vitex agnus-castus	*L-Għadiba; Il-Virgi; Il-Bżar tal-Patrijiet; L-Għadbiera; Is-Siġar tal-Virgi*	Chaste Tree; Virgin Bush.

VERŻJONI ELETTRONIKA

Table 2

The following species are protected within protected areas, in ODZ, in green areas, and in natural or rural/green enclaves in an urban area (development zone), or in urban public open spaces:

Provided that the species marked with a cross (^{x}) are not protected if horticulturally grown:

Provided further that the species marked with an asterisk (*) are not protected if planted for agricultural purposes for fruit or oil production in a field registered for agricultural use with the Agriculture Directorate and used by a registered farmer.

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
Arbutus unedo	*L-Imbragla*	Strawberry Tree; Cane Apple; Western Arbutus
Ceratonia siliqua	*Il-Ħarruba*	Carob
Cercis siliquastrum	*Is-Siġra ta' Ġuda; il-Ħarrub ta' Ġuda*	Judas Tree; Mediterranean Redbud
Chamaerops humilis	*Il-Ġummara*	Dwarf Fan Palm
Crataegus azarolus	*L-Għanżalor*	Azarole; Crete Hawthorn
Crataegus monogyna	*Iż-Żagħrun*	Whithorn; Common Hawthorn
Crataegus x *ruscinonensis*	*l-Għanżalor Selvaġġ*	Hybrid Hawthorn
Cupressus sempervirens	*Iċ-Ċipress*	Italian Cypress
Cydonia oblonga	*L-Isfarġel*	Quince
Juniperus macrocarpa [= *Juniperus oxycedrus* subsp. *macrocarpa*]	*Il-Ġnibru x-Xewwieki*	Large Fruited Juniper
Juniperus oxycedrus	*Il-Ġnibru x-Xewwieki*	Prickly Juniper; Cade Juniper; Prickly Cedar; Sharp Cedar
Juniperus phoenicea s.l., including *Juniperus turbinata*	*Il-Ġnibru; Il-Ġniepru; L-Għargħar*	Phoenician Juniper
Laurus nobilis	*Ir-Randa*	Bay Laurel; Sweet Bay
Malus pumila s.l.* [= *Malus domestica* s.l.; *Pyrus malus* s.l.]	*Is-Siġar tat-Tuffieħ; Il-Pumiċella; It-Tuffieħa tal-Billudja**	Apple Tree*
*Malus sylvestris**	*It-Tuffieħ Selvaġġ**	European Crab Apple; Wild Apple*

VERŻJONI ELETTRONIKA

*Morus alba**	*Is-Siġar taċ-Ċawsli**	White Mulberry*
*Morus nigra**	*Is-Siġar tat-Tut**	Black Mulberry*
Myrtus communis	*Ir-Riħan*	Myrtle
Nerium oleander [x]	*Id-Difla; Siġret il-Ġarab; Siġret il-Bass; Is-Siġar tal-Wirdien; l-Oleandru* [x]	Oleander [x]
Olea europaea s.l.*	*Iż-Żebbuġa; Iż-Żejtuna**	Olive*
Olea oleaster s.l., including *Olea europaea* var. *sylvestris*	*Iż-Żebbuġ Selvaġġ*	Wild Olive; Oleaster
Phoenix dactylifera	*Il-Palm tat-Tamar; In-Naħla; Is-Siġar tat-Tamar*	Date Palm
Pinus spp., including *Pinus halepensis*	*Iż-Żnuber; Is-Siġar tal-Prinjol; Is-Siġar ta' l-Arżnu; l-Arżnu s-Selvaġġ*	Pines
Pistacia lentiscus	*Id-Deru; Id-Deluwa*	Lentisk; Mastic Tree
Populus alba	*Il-Luqa; Is-Siġar taċ-Ċopp*	White Poplar
*Prunus armeniaca** [= *Armeniaca vulgaris; Amygdalus armeniaca*]	*Is-Siġra tal-Berquq; Il-Lixandrina**	Apricot; Armenian Plum*
*Prunus avium** [= *Cerasus avium*; *Prunus cerasus* var. *avium*]	*Iċ-Ċirasa; l-Amarena**	Wild Cherry; Sweet Cherry; Gean*
Prunus cerasifera s.l.*, including *Prunus myrobalana**	*Iċ-Ċuplamm; l-Għanbaqar il-Kbir**	Cherry Plum; Myrobalan Plum*
*Prunus cerasus** [= *Cerasus vulgaris*]	*Iċ-Ċirasa s-Selvaġġa**	Dwarf Cherry; Sour Cherry; Tart Cherry*
Prunus domestica s.l.*, including *Prunus institia** [= *Druparia prunus*; *Druparia institia*; *Prunus communis* s.l.]	*Il-Prajn; l-Għanbaqar; Il-Prajjen; Il-Pruna; Is-Sużina **	Plum Tree; Prune Tree; Bullace; Damascene; Damson; Greengage*
Prunus dulcis s.l.* [= *Amygdalus communis*]	*Is-Siġra tal-Lewż**	Common Almond*
Prunus persica s.l.* [= *Persica vulgaris* s.l.; *Amygdalus persica* s.l.]	*Il-Ħawħa**	Peach Tree*
Prunus persica var. *nucipersica** [= *Persica nucipersica*]	*In-Nuċiprisk; l-Anċiprisk; Iċ-Ċiprisk**	Nectarine Tree*
*Punica granatum**	*Is-Siġar tar-Rummien; Is-Siġar tal-Bullar**	Pomegranate*

VERŻJONI ELETTRONIKA

*Pyrus communis** [= *Pyrus domestica*]	*Il-Langġasa; Il-Bergamotta; Il-Butira; Il-Maskarella; Il-Bambinella; l-Anġilka; l-Ottobrina**	European Pear Tree*
Quercus calliprinos	*Il-Balluta x-Xewwikija*	Palestine Oak; Eastern Kermes Oak
Quercus coccifera	*Il-Balluta x-Xewwikija*	Kermes Oak
Quercus suber	*Is-Siġar tas-Sufra; Il-Balluta tas-Sufra*	Cork Oak
Rhamnus alaternus	*L-Alaternu*	Mediterranean Buckthorn
Sambucus ebulus	*In-Nittiena; Is-Sebuqa Selvaġġa*	Dwarf Elder
Sambucus nigra	*Is-Sambuka; Is-Sebuqa; Is-Sebuqa l-Kbira*	Common Elder
Tamarix spp., including *Tamarix africana*	*Il-Bruka; It-Tarfa*	Tamarisks
Viburnum tinus	*Il-Meruna; Il-Viburnu*	Laurustinus
Ziziphus zizyphus [= *Ziziphus jujuba*]	*Iż-Żinżel*	Jujube

VERŻJONI ELETTRONIKA

Part B

Without prejudice to the Table 1 and Table 2 the following are hereby protected:

(i) all trees that are visible on the 1967 aerial photos or are more than fifty (50) years of age, are protected if located within protected areas, ODZ, within an Urban Conservation Area (UCA) or in an urban public open space;

S.L. 445.02.

(ii) trees, woodlands and sites of historic or antiquarian importance as listed in the List of Historical Trees Having an Antiquarian Importance Order;

(iii) trees, woodlands and sites or their biological diversity protected under regulation 7, as directed by the relevant notice issued under that regulation or any other protected area;

(iv) trees, woodlands and sites protected by a Tree Preservation Order or by an approved management plan for a protected area, as directed by such Order or Plan; and

(v) the Indian fig or Ficus (*Ficus microcarpa* s.l., = *Ficus retusa*; *Ficus nitida*) trees are protected in urban public open spaces:

Provided that in the competent authority's opinion these are not causing any damage or adverse effect to the environment or to structures or features of natural or cultural heritage value:

Provided further that unless otherwise specified in the relevant notice, Order or Plan, the protection provided by points (iii) and (iv) shall not apply to trees listed in the Second Schedule.

VERŻJONI ELETTRONIKA

SECOND SCHEDULE
(Regulations 9, 10, 11, 12 and 15)

INVASIVE, ALIEN OR ENVIRONMENTALLY-INCOMPATIBLE SPECIES

The species listed below shall be subject to the provisions of regulation 9, however trees belonging to the species marked with an asterisk (†) shall be protected in urban public open spaces.

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME
Acacia cyclops	*L-Akaċja tal-Għajn*	Coastal Wattle
Acacia saligna [= *Acacia cyanophylla*]	*L-Akaċja*	Blue-Leaved Wattle; Blue-Leaved Acacia; Weeping Wattle
Ailanthus altissima [= *Ailanthus glandulosa*]	*Ix-Xumakk; Ix-Xumakk Falz*	Tree-of-Heaven; False Sumach; Japanese Varnish Tree
Casuarina spp.	*Il-Każwarina*	Australian pine tree; Sheoak
Eucalyptus camaldulensis † [= *Eucalyptus rostrata*]	*L-Ewkaliptus; Is-Siġra tal-Gamiem†*	Red Gum; Red River Gum†
Eucalyptus gomphocephala †	*L-Ewkaliptus; Is-Siġra tal-Gamiem†*	Tuart†
Leucaena leucocephala [= *Acacia leucocephala*; *Albizzia lebbek* auct. fl. Melit.]	*L-Albizzja; Il-Gażżija l-Bajda*	Lead Tree; White Popinac; Cow Tamarind
Nicotiana glauca	*It-Tabakk tas-Swar; Is-Siġra tat-Tabakk; It-Tabakk l-Isfar*	Tree Tobacco; Mustard Tree
Pittosporum tobira	*Il-Pittosporum*	Shrubby Putterlick; Japanese Mock Orange
Ricinus communis	*Ir-Riġnu; Il-Ħarwija*	Castor Oil Tree
Schinus terebinthifolius	*Is-Siġra tal-Bżar; Il-Bżar Falz*	Brazilian Pepper
Vachellia karroo [= *Acacia karroo*; = *Acacia horrida* auct. fl. Melit.]	*Il-Gażżija tax-Xewk; Ix-Xewk ta' Kristu; L-Akaċja tax-Xewk*	Karroo Thorn; Sweet Thorn

VERŻJONI ELETTRONIKA

THIRD SCHEDULE
(Regulations 19 and 21)

FEES

1. Fee for registration as Licensed Tree Specialist	€50 for three years
2. Fee for renewal of registration of Licensed Tree Specialist	€50 in the case of submission for renewal after the expiry date of the current registration
	€30 in case of submission for renewal before expiry date
3. Fee for application for permit under these regulations	€20 per application which involves intervention on up to a maximum of 20 trees or for application for a permit under regulation 9(2) for a maximum of 20 specimen
	€100 per application which involves intervention on more than 20 trees or for application for a permit under regulation 9(2) for more than 20 specimen

VERŻJONI ELETTRONIKA

FOURTH SCHEDULE
(Regulation 29)

PENALTIES

Any person who commits, or attempts to commit, an offence against these regulations shall be liable to the following penalties:

i) on first conviction relating to wild trees listed under Table 1 of Part A of the First Schedule to the following fine (*multa*) for each specimen:

SCIENTIFIC NAME	MALTESE NAME	ENGLISH NAME	APPLICABLE PENALTY (€)			
			Total destruction of tree		Other offence not being total destruction	
			Min	Max	Min	Max
Anagyris foetida	*Il-Fula tal-Klieb*	Bean Trefoil Tree; Mediterranean Stinkwood	10,000	50,000	5,000	30,000
Celtis australis	*Il-Buglar; iċ-Ċeltis*	Southern Nettle Tree	10,000	50,000	5,000	30,000
Ephedra fragilis	*L-Efedra*	Shrubby Horsetail; Joint Pine	25,000	85,000	7,000	35,000
Fraxinus angustifolia	*Il-Fraxxnu; is-Siġar tal-Paċenzja*	Narrow-Leaved Ash	25,000	85,000	7,000	35,000
Lycium spp., including: *Lycium barbarum* *Lycium europaeum* *Lycium intricatum* *Lycium schweinfurthii*	*L-Għawseġ*	Mediterranean Tea-Tree; Tea-Tree; Boxthorn; Southern Boxthorn	25,000	85,000	7,000	35,000
Mespilus germanica	*Fomm il-Lipp; Omm il-Epp; In-Naspli t-Tedeski*	Medlar; Mediterranean Medlar	25,000	85,000	7,000	35,000
Paliurus spina-christi	*Ix-Xewk tal-Kuruna; Ix-Xewk ta' Kristu*	Christ's Thorn Tree	25,000	85,000	7,000	35,000

VERŻJONI ELETTRONIKA

Phillyrea latifolia	*L-Olivastru; il-Fillirja*	Mock Privet; Jasmine Box	25,000	85,000	7,000	35,000
Phillyrea media	*L-Olivastru; il-Fillirja*	Mock Privet; Jasmine Box	25,000	85,000	7,000	35,000
Pistacia x saportae	*Id-Deru l-Bagħal*	Hybrid Mastic Tree	10,000	50,000	5,000	30,000
Pistacia terebinthus	*Il-Botna; L-Iskornabekk; Is-Siġar tat-Turpentina; It-Trementina; Is-Siġar tal-Fosdoq; it-Terebintu*	Terebinth; Turpentine Tree	10,000	50,000	5,000	30,000
Prunus mahaleb	*Iċ-Ċirasa Bagħlija; Iċ-Ċirasa s-Selvaġġa*	Mahaleb Cherry	25,000	85,000	7,000	35,000
Prunus spinosa	*Il-Prajn tax-Xewk*	Sloe; Blackthorn	25,000	85,000	7,000	35,000
Prunus x dasycarpa	*Iż-Żabrikott*	Black Apricot	25,000	85,000	7,000	35,000
Pyrus amygdaliformis	*Il-Lanġas Selvaġġ*	Almond-Leaved Pear	25,000	85,000	7,000	35,000
Pyrus pyraster	*Il-Lanġas Bagħal; il-Lanġas Selvaġġ*	Wild Pear	25,000	85,000	7,000	35,000
Pyrus syriaca	*Il-Lanġas Selvaġġ*	Syrian Pear	25,000	85,000	7,000	35,000
Quercus ilex	*Il-Balluta; Is-Siġar tal-Ġandar*	Holm Oak; Evergreen Oak	10,000	50,000	5,000	30,000
Rhamnus oleoides	*Iż-Żiju*	Lesser Buckthorn; Olive-Leaved Buckthorn	10,000	50,000	5,000	30,000
Rhus coriaria	*Ix-Xumakk tal-Konz*	Common Sumach	25,000	85,000	7,000	35,000
Salix alba s.l.	*Iż-Żafżafa; Iż-Żafżafa l-Kbira; Iż-Żafżafa l-Bajda*	White Willow	25,000	85,000	7,000	35,000
Salix pedicellata	*Iż-Żafżafa ż-Żgħira*	Mediterranean Willow	25,000	85,000	7,000	35,000
Sorbus aucuparia	*Iż-Żorba s-Selvaġġa*	Rowan; Mountain Ash	25,000	85,000	7,000	35,000
Sorbus domestica	*Iż-Żorba*	Service Tree	25,000	85,000	7,000	35,000

VERŻJONI ELETTRONIKA

Spartium junceum	*Il-Ġenista s-Safra*	Spanish Broom	25,000	85,000	7,000	35,000
Tetraclinis articulata	*L-Għargħar*	Arar tree; Sandarac Gum Tree; Mediterranean Alerce; Barbary Arbor-Vitae	10,000	50,000	5,000	30,000
Ulmus canescens [=Ulmus minor subsp. canescens]	*In-Nemmiesa; Is-Siġar tan-Nemus; l-Ulmu; l-Ulmu ta' Malta*	Hoary Elm; Grey-Leaved Elm	25,000	85,000	7,000	35,000
Ulmus spp., including: *Ulmus americana* *Ulmus laevis* *Ulmus minor* s.str. *Ulmus glabra* *Ulmus procera*	*L-Ulmu*	Elm Trees	10,000	50,000	5,000	30,000
Vitex agnus-castus	*L-Għadiba; Il-Virgi; Il-Bżar tal-Patrijiet; L-Għadbiera; Is-Siġar tal-Virgi*	Chaste Tree; Virgin Bush.	10,000	50,000	5,000	30,000

;

(ii) on first conviction relating to horticulturally-grown trees listed in Table 1 of Part A of the First Schedule to the following fine (*multa*) for each specimen:

(a) not less than two thousand five hundred euro (€2,500) but not exceeding twenty thousand euro (€20,000) for the total destruction of a tree; or

(b) not less than one thousand two hundred and fifty euro (€1,250) but not exceeding seven thousand euro (€7,000) for other offences not involving the total destruction of a tree;

(iii) on first conviction relating to trees located in a Tree Protection Area or a Tree Preservation Order to the following fine (*multa*) for each specimen:

(a) not less than five thousand euro (€5,000) but

VERŻJONI ELETTRONIKA

not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than two thousand euro (€2,000) but not exceeding fifteen thousand euro (€15,000) for other offences not involving the total destruction of a tree;

(iv) on first conviction relating to trees located in protected areas other than Tree Protection Areas and Tree Preservation Orders to the following fine (*multa*) for each specimen:

(a) not less than four thousand euro (€4,000) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than one thousand two hundred and fifty euro (€1,250) but not exceeding ten thousand euro (€10,000) for other offences not involving the total destruction of a tree;

(v) on first conviction relating to trees of more than fifty (50) years old and located within an Urban Conservation Area (UCA) to the following fine (*multa*) for each specimen:

(a) not less than one thousand five hundred euro (€1,500) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than five hundred euro (€500) but not exceeding two thousand five hundred euro (€2,500) for other offences not involving the total destruction of a tree;

(vi) on first conviction relating to trees of more than 50 years old, or which are listed in Table 2 of Part A of the First Schedule, and located in ODZ to the following fine (*multa*) for each specimen:

(a) not less than one thousand five hundred euro (€1,500) but not exceeding twenty five thousand euro (€25,000) for the total destruction of a tree; or

(b) not less than five hundred euro (€500) but not exceeding two thousand five hundred euro (€2,500) for other offences not involving the total destruction of a tree;

(vii) on first conviction relating to trees of more than 50 years old, or which are listed in Table 2 of Part A of the First

VERŻJONI ELETTRONIKA

Schedule, and located in green areas, natural or rural/green enclaves in Urban Area (development zone), or in urban public open spaces to the following fine (*multa*) for each specimen:

(a) not less than one thousand, two hundred and fifty euro (€1,250) but not exceeding twenty thousand euro (€20,000) for the total destruction of a tree; or

(b) not less than four hundred euro (€400) but not exceeding two thousand euro (€2,000) for other offences not involving the total destruction of a tree;

(viii) on first conviction relating to offences against Part III or regulation 18 to a fine (*multa*) of not less than two hundred and fifty euro (€250) and not exceeding two thousand and five hundred euro (€2,500) for each specimen;

(ix) on second or subsequent offences, the penalties indicated in the preceding paragraphs are to be increased by 25% or to imprisonment for a term not exceeding two years, or to both such fines and imprisonment;

(x) on first conviction relating to offences against regulation 19(2) an additional fine (*multa*) of one hundred (€100) euro per specimen affected, and a fine (*multa*) of six hundred euro (€600) per specimen in case of a second or subsequent offence.

VERŻJONI ELETTRONIKA

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