

L.N. 1 of 2020

**PUBLIC ADMINISTRATION ACT
(CAP. 595)**

Ambjent Malta Agency (Establishment) Order, 2020

IN EXERCISE of the powers conferred by article 36(1) of the Public Administration Act, the Prime Minister has made the following order:-

Title. **1.** The title of this order is the Ambjent Malta Agency (Establishment) Order, 2020.

Interpretation. **2.** In this order, unless the context otherwise requires –

Cap. 595. "the Act" means the Public Administration Act;

"Agency" means the Ambjent Malta Agency established by this order;

"Agency Agreement" means the Agreement as provided for in article 9;

"Minister" means the Minister responsible for the environment;

"Permanent Secretary" means the Permanent Secretary in the Ministry responsible for the environment.

Establishment of the Ambjent Malta Agency. **3.** (1) There shall be an Agency to be known as Ambjent Malta which shall carry out functions related to the management of the natural capital of the Maltese Islands. This Agency shall assume the responsibilities previously vested in:

(a) the Parks, Afforestation Countryside Restoration and Initiatives Directorate (P.A.R.C.); and

(b) the Valley Management Unit; and

(c) any other function that may, from time to time, be decided upon.

(2) The Agency shall also assume the responsibilities vested in any management committee or equivalent, whether set up by law or administratively, charged with the management of any natural site.

(3) The Agency shall as from the date that it assumes the responsibility for any of the entities or committees mentioned in sub-article (1), shall also assume responsibility for all assets, liabilities and obligations previously entered into by such entities or committees.

4. (1) The Agency shall have the function to:

Functions and
duties of the
Agency.

(a) manage Malta's natural capital through the implementation of management plans developed for Natura 2000 sites and other protected areas under the Environment Protection Act; Cap. 549.

(b) develop and implement plans and programmes for identified areas or aspects of natural capital and green infrastructure, securing the necessary permits for their subsequent implementation thereof;

(c) identify and make use of external sources of funding to enable the implementation of the policies, plans and programmes referred to in paragraphs (a) and (b) and other policies and plans as approved by the Ministry responsible for the environment;

(d) improve and build strong relationships with governmental and environmental non-governmental organisations as well as with other third parties who may have an interest in the management of Malta's natural capital;

(e) promote Malta's natural capital as an asset for sustainable public enjoyment as well as a potential tourism niche area;

(f) report on its working as may be required at law or by administrative provisions;

(g) carry out any other functions related to Malta's natural capital as may, from time to time, be directed by the Minister.

(2) The Agency shall assume the duty to:

(a) implement Natura 2000 management plans to the satisfaction of the competent authority;

(b) promote, design and implement urban and rural green infrastructure;

(c) develop and implement plans and programmes for other identified areas of Malta's natural capital;

(d) manage those Management Committees which may be appointed by the Minister to assist in the development and implementation of programmes for specific natural sites;

(e) recommend to the Minister the appointment of such Management Committees;

(f) enter into contracts with environmental non-governmental organisations interested in the management of specific sites of Malta's natural capital; and

(g) keep under review the workings of this order, and where deemed required, at the request of the Minister or otherwise, submit proposals for the Order's review.

Minister
responsible for
Agency.

5. (1) The Minister responsible for Ambjent Malta shall be the Minister responsible for the environment.

(2) The Permanent Secretary in the Ministry responsible for environment shall supervise the Agency in terms of article 29 of the Act:

Provided that the Permanent Secretary in the Ministry responsible for the environment may be assisted in such supervision by another Permanent Secretary in accordance with the proviso to article 14(6) of the Act.

(3) The Minister may, from time to time, appoint a Management Committee to facilitate the management of any identified natural capital site.

(4) The Minister shall authorise Ambjent Malta to enter into any agreement with any government entity or environmental non-governmental organisation or any third party for the management of any identified natural capital site:

Provided that all necessary approvals for such management have been given by the Government Property Division according to the Laws of Malta.

Operational set-
up of the
Agency.

6. (1) The Agency shall, in consultation with the Minister, establish and re-organise units, divisions and sections as appropriate in order to exercise its functions.

(2) The operations of the Agency shall follow an Agreement

which is to be agreed upon in writing between the Permanent Secretary and Ambjent Malta.

7. (1) Subject to the provisions of this order, the executive conduct of the Agency, its administration, organization and the administrative control of its officers and employees, shall be the responsibility of the Chief Executive Officer.

Role of Chief Executive Officer.

(2) The Chief Executive Officer shall be responsible for the implementation of the objectives of the Ambjent Malta Agency in the exercise of its functions and under the guidance of the Governing Board of the Ambjent Malta Agency, he shall –

(a) assume responsibility for the overall supervision and control of the units, divisions and sections;

(b) assign to each unit, division and section such duties which he considers necessary or expedient;

(c) co-ordinate the work of the units, divisions and sections;

(d) develop and implement the necessary strategies for the attainment of the objectives of the Ambjent Malta Agency; and

(e) perform such other duties as the Ambjent Malta Governing Board may assign to him from time to time.

8. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 43 of the Act.

Deployment of public officers and recruitment with the Agency.

(2) Subject to the provisions of the Act and of any other legislation, the Agency shall have authority to engage its own employees.

9. The Agency shall be governed by the provisions of the Public Finance Management Act unless otherwise stated in the Agency Agreement between the Permanent Secretary and Ambjent Malta, in which case the provisions of the Agency Agreement shall prevail.

Financial arrangements. Cap. 601.

10. (1) The Minister responsible for the Agency may establish a Governing Board to assist the Chief Executive Officer in the discharge of his duties.

Governing Board.

(2) A Governing Board established under this article shall consist of not less than three (3) and not more than seven (7) members appointed by the Minister.

(3) The remuneration paid to members of the Agency's Governing Board shall be in accordance with any applicable directives and guidelines.

(4) The Governing Board shall assist the Chief Executive Officer in his duties to oversee the performance of the Management Committees, assess their business plans and recommend to the Minister the funds that can be allocated for the Management Committee to meet its obligations.

Amends the
Fourth Schedule
to the Act.

11. In the Fourth Schedule to the Act, immediately after the item "Aġenzija Żgħażaġħ" there shall be added the following:

Agency	Function
"Ambjent Malta Agency	To manage the Maltese Islands' natural capital."