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I assent.

(L.S.)

**MYRIAM SPITERI
DEBONO
President**

10th May, 2024

ACT No. XVII of 2024

An ACT to amend the Environment Protection Act, Cap. 549, and to provide for other matters related to them or ancillary thereto.

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:-

Short title.

1. The short title of this Act is the Environment Protection (Amendment) Act, 2024.

PART I

Amendments to the Environment Protection Act

Amendments to
the Environment
Protection Act.
Cap. 549.

2. 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 of
article 2 of the
principal Act.

3. In article 2 of the principal Act, immediately after the definition "the Authority" there shall be added the following new definition:

" "authorisation" includes any licence or permit however so described issued by, or under this Act to operate, provide or

carry out any activity or operation relating to the functions emanating from this Act."

4. In paragraph (k) of sub-article (2) of article 8 of the principal Act, the words "the Minister." shall be substituted by the words "the Minister;" and immediately after there shall be added the following new paragraphs:

Amendment of article 8 of the principal Act.

"(l) to regulate, monitor and keep under review all practices, operations and activities regulated by, or under this Act;

(m) to grant any licence, permit or other authorisation, for the carrying out of any operation or activity regulated by, or in accordance with this Act;

(n) to establish the minimum qualifications to be possessed by any person who is engaged or employed in any activity regulated by, or in accordance with this Act; and

(o) to ensure the optimum utilisation of mineral resources and regulate the minerals extracted."

5. Sub-article (6) of article 32 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 32 of the principal Act.

"(6) The Environment Fund shall every financial year deliver to the Minister, through the Authority, a copy of its duly audited revenue and expenditure statement together with a report of its activities during the previous financial year. The Minister shall lay a copy of the revenue and expenditure statement which shall be included as a note to the audited financial statements of the Authority, and a copy of the audited report on the Table of the House within a month from the receipt of the said statements from the Authority."

6. Article 39 of the principal Act shall be amended as follows:
- (a) article 39 shall be renumbered as article 39(1); and
 - (b) immediately after sub-article (1), as renumbered,

Amendment of article 39 of the principal Act.

there shall be added the following new sub-article:

Cap. 423. "(2) Subject to the other provisions of this Act, all laws, rules, regulations, orders, judgments, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, existing immediately before the date of coming into force of this sub-article affecting or relating to any of the properties or undertakings transferred to the Authority by, or under this Act in relation to the Malta Resources Authority Act and in which the Government or a government authority is a party thereto or is named therein shall have force and effect against or in favour of the Authority, and shall be enforceable freely and effectively, as if the Authority has been named therein or had been a party thereto instead of the Government or governmental authority in question."

Amendment of article 40 of the principal Act.

7. Immediately after sub-article (1) of article 40 of the principal Act there shall be added the following new sub-article:

"(1a) Anything relating to any of the properties or undertakings or any right or liability transferred to the Authority by, or under this Act, which has been commenced by, or under the authority of the Government or the Malta Resources Authority, before the date of the coming into force of this sub-article may continue to be carried on and completed by, or as authorised by the Authority on, or after such date."

Amendment of article 84 of the principal Act.

8. In paragraph (b) of sub-article (1) of article 84 of the principal Act, the words "article 70" shall be substituted by the words "article 69".

Addition of new article to the principal Act.

9. Immediately after article 87 of the principal Act, there shall be added the following new article:

"Transitory provisions. Act No. XVII of 2024.

88. With effect from the coming into force of the Environment Protection (Amendment) Act, 2024:

(a) any pending legal proceedings with regard to the legislation listed in sub-paragraphs (i), (ii), (iii) or (v) of paragraph (b), to which the Malta Resources Authority is, or is entitled to be a party shall, as from the date of the coming into force of this article, be continued by, or against the Environment and Resources Authority;

- Cap. 423. (b) the following subsidiary legislation made under the provisions of the Malta Resources Authority Act shall, until other provision is made under, or by virtue of this Act, remain in force and have effect as if they were made under this Act and shall be renumbered accordingly:
- S.L. 423.12. (i) Notification of Groundwater Sources Regulations;
- S.L. 423.32. (ii) Borehole Drilling and Excavation Works within the Saturated Zone Regulations;
- S.L. 423.40. (iii) Groundwater Abstraction (Metering) Regulations;
- S.L. 423.41. (iv) Assessment and Management of Flood Risks Regulations; and
- S.L. 423.45. (v) Users of Groundwater Sources (Application) Regulations;
- Act No. XVII of 2024. (c) The validity of any regulation, order, decision, authorisation, document, procedure or other instrument or measure made prior to the coming into force of the Environment Protection (Amendment) Act, 2024 shall not be affected by this Act, and such regulation, order, decision, authorisation, document, procedure or other instrument or measure shall continue to be valid after the coming into force of this Act."

PART II

Amendment to the Civil Code

10. This Part amends the Civil Code and shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as "the Code".

Amendment to the Civil Code. Cap. 16.

11. In paragraph (1) of sub-article (2) of article 15 of Title VI of the Fourth Schedule to the Code the words "Malta Resources Authority Act" and its reference in the marginal note "Cap. 423." shall be deleted.

Amendment to the Fourth Schedule to the Code.

PART III

Amendment to the Plant Quarantine Act

12. This Part amends the Plant Quarantine Act and shall be read and construed as one with the Plant Quarantine Act, hereinafter in this Part referred to as the "principal Act".

Amendment to the Plant Quarantine Act. Cap. 433.

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Amendment of article 4 of the principal Act.

13. Paragraph (d) of sub-article (1) of article 4 of the principal Act shall be substituted by the following new paragraph:

"(d) a representative from the University of Malta, from the Public Health Department, from the Malta Standards Authority, from the Occupational Health and Safety Authority, from the Department of Agriculture and from the Environment and Resources Authority."

PART IV

Amendments to the Administrative Justice Act

Amendments to the Administrative Justice Act. Cap. 490.

14. This Part amends the Administrative Justice Act and shall be read and construed as one with the Administrative Justice Act, hereinafter in this Part referred to as the "principal Act".

Amendment to the First Schedule to the principal Act.

15. In Part A of the First Schedule to the principal Act the item "423, Malta Resources Authority Act, 32, Resources Appeals Board" shall be deleted.

Amendment to the Second Schedule to the principal Act.

16. In the Second Schedule to the principal Act the item "Malta Resources Authority Act, Cap. 423, Inferior Competence" shall be deleted.

PART V

Amendments to the Continental Shelf Act

Amendments to the Continental Shelf Act. Cap. 535.

17. This Part amends the Continental Shelf Act and shall be read and construed as one with the Continental Shelf Act, hereinafter in this Part referred to as the "principal Act".

Amendment of article 2 of the principal Act.

18. In article 2 of the principal Act the definition "mineral resources" shall be substituted by the following new definition:

" "mineral resources" means any mineral, rock or sediment constituted of organic or inorganic compounds or substances extracted, mined or otherwise derived from the earth, including the seabed and the subsoil thereof, but shall not include water;"

Amendment of article 3 of the principal Act.

19. In sub-article (5) of article 3 of the principal Act the words "Malta Resources Authority Act" and the reference in the marginal note thereof "Cap. 423." shall be substituted by the words "Environment Protection Act" and "Cap. 549." respectively.

PART VI**Amendments to the Regulator for Energy and Water Services Act**

20. This Part amends the Regulator for Energy and Water Services Act and shall be read and construed as one with the Regulator for Energy and Water Services Act, hereinafter in this Part referred to as the "principal Act".

Amendments to the Regulator for Energy and Water Services Act.
Cap. 545.

21. Sub-article (3) of article 1 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 1 of the principal Act.

"(3) This Act shall not apply to matters relating to mineral resources and to the legislation listed in the Second Schedule."

22. Article 41 of the principal Act shall be amended as follows:

Amendment of article 41 of the principal Act.

(a) sub-article (1) thereof shall be deleted;

(b) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) The legislation listed in the Second Schedule shall remain in force and have effect as if it were made under the Environment Protection Act and the Climate Action Act."

Cap. 549.

Act No. XVI of 2024.

23. Sub-article (2) of article 42 of the principal Act in its entirety shall be substituted by the following new sub-article:

Amendment of article 42 of the principal Act.

"(2) With effect from the date of the coming into force of the Environment Protection (Amendment) Act, 2024, all actions pending before any court, tribunal, arbitral tribunal, or any other adjudicating body, instituted by, or against the Authority shall, with reference to resources other than mineral resources and to the legislation listed in the Second Schedule, be continued by, or against the Regulator, without the need of any formalities other than this Act."

Act No. XVII of 2024.

24. Article 43 of the principal Act shall be deleted.

Deletion of article 43 of the principal Act.

PART VII
Amendment to the Assignment of Statutory Ministerial Responsibilities Act

Amendment to the Assignment of Statutory Ministerial Responsibilities Act.
Cap. 561.

25. This Part amends the Assignment of Statutory Ministerial Responsibilities Act and shall be read and construed as one with the Assignment of Statutory Ministerial Responsibilities Act, hereinafter in this Part referred to as the "principal Act".

Amendment to the Schedule to the principal Act.

26. The Schedule to the principal Act shall be amended as follows:

(a) under the sub-heading "Competition Policy and Consumer Protection" thereof, the words "Malta Resources Authority Act", "Cap. 423." and "Minister responsible for Competition" respectively shall be deleted;

(b) under the sub-heading "Finance" thereof, the words "Malta Resources Authority Act", "Cap. 423." and "Minister responsible for finance" respectively shall be deleted; and

(c) under the sub-heading "Resources" thereof, the words "Malta Resources Authority Act", "Cap. 423." and "Minister responsible for resources" respectively shall be deleted.

PART VIII
Amendment to the Coordination of Government Inspections Act

Amendment to the Coordination of Government Inspections Act.
Cap. 568.

27. This Part amends the Coordination of Government Inspections Act and shall be read and construed as one with the Coordination of Government Inspections Act, hereinafter in this Part referred to as the "principal Act".

Amendment to the Schedule to the principal Act.

28. In the Schedule to the principal Act the words "Malta Resources Authority" shall be deleted.

PART IX
Amendment to the Employment for the Purposes of the Pensions Ordinance Order

Amendment to the Employment for the Purposes of the Pensions Ordinance Order.
S.L. 93.01.

29. This Part amends the Employment for the Purposes of the Pensions Ordinance Order and shall be read and construed as one with the Employment for the Purposes of the Pensions Ordinance Order, hereinafter in this Part referred to as the "principal Order".

Amendment to the Schedule to the principal order.

30. In the Schedule to the principal Order item 17 shall be deleted.

PART X

Amendments to the Public Procurement Regulations

31. This Part amends the Public Procurement Regulations and shall be read and construed as one with the Public Procurement Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendments to the Public Procurement Regulations.
S.L. 601.03.

32. In Schedule 1 to the principal regulations, the item "Malta Resources Authority" shall be deleted.

Amendment to Schedule 1 to the principal regulations.

33. In Schedule 16 to the principal regulations, the item "Malta Resources Authority" shall be deleted.

Amendment to Schedule 16 to the principal regulations.

PART XI

Amendment to the Concession Contracts Regulations

34. This Part amends the Concession Contracts Regulations and shall be read and construed as one with the Concession Contracts Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment to Concession Contracts Regulations.
S.L. 601.09.

35. In Schedule 1 to the principal regulations the item "Malta Resources Authority/" shall be deleted.

Amendment to Schedule 1 to the principal regulations.

PART XII

Amendments to the Notification of Groundwater Sources Regulations

36. This Part amends the Notification of Groundwater Sources Regulations and shall be read and construed as one with the Notification of Groundwater Sources Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendments to the Notification of Groundwater Sources Regulations.
S.L. 423.12.

37. Regulation 2 of the principal regulations shall be amended as follows:

Amendment of article 2 of the principal regulations.

(a) the definition "Act" shall be substituted by the following new definition:

"Cap. 549.

" "Act" means the Environment Protection Act;"; and

(b) the definition "the Authority" shall be substituted by the following new definition:

" "the Authority" means the Environment and Resources Authority established by article 6 of the Act;".

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Amendment to regulation 3 of the principal regulations.

38. Sub-regulation (2) of regulation 3 of the principal regulations shall be substituted by the following new sub-regulation:

"(2) The applicant for the notification of a groundwater source shall provide all the necessary information and documentation as required in the application form for notification provided by the Authority, and shall include all the details and satisfy all the requirements therein."

Amendment to regulation 3A of the principal regulations.

39. In sub-regulation (1) of regulation 3A of the principal regulations, immediately before the proviso thereof the words "in the Schedule:" shall be substituted by the words "by the Authority:".

Deletion of the Schedule to the principal regulations.

40. The Schedule to the principal regulations shall be deleted.

PART XIII

Amendment to the Borehole Drilling and Excavation Works within the Saturated Zone Regulations

Amendment to the Borehole Drilling and Excavation Works within the Saturated Zone Regulations. S.L. 423.32.

41. This Part amends the Borehole Drilling and Excavation Works within the Saturated Zone Regulations and shall be read and construed as one with the Borehole Drilling and Excavation Works within the Saturated Zone Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment of regulation 2 of the principal regulations.

42. Regulation 2 of the principal regulations shall be amended as follows:

(a) the definition "Act" shall be substituted by the following new definition:

"Cap. 549. "Act" means the Environment Protection Act;"; and

(b) the definition "Authority" shall be substituted by the following new definition:

" "Authority" means the Environment and Resources Authority established by article 6 of the Act;".

PART XIV

Amendments to the Groundwater Abstraction (Metering) Regulations

Amendments to the Groundwater Abstraction (Metering) Regulations. S.L. 423.40.

43. This Part amends the Groundwater Abstraction (Metering) Regulations and shall be read and construed as one with the Groundwater Abstraction (Metering) Regulations, hereinafter in this Part referred to as the "principal regulations".

44. Sub-regulation (2) of regulation 2 of the principal regulations shall be amended as follows: Amendment to regulation 2 of the principal regulations.

(a) the definition "the Act" shall be substituted by the following new definition:

"Cap. 549. " "the Act" means the Environment Protection Act;";
and

(b) the definition "the Authority" shall be substituted by the following new definition:

" "the Authority" means the Environment and Resources Authority established by article 6 of the Act;".

45. In paragraph (d) of regulation 3 of the principal regulations the words "prior to the entry into force of the Malta Resources Authority Act" shall be substituted by the words "prior to 2nd February 2001" and the reference in the marginal note "Cap. 423." shall be deleted accordingly. Amendment of regulation 3 of the principal regulations.

PART XV

Amendment to the Assessment and Management of Flood Risks Regulations

46. This Part amends the Assessment and Management of Flood Risks Regulations and shall be read and construed as one with the Assessment and Management of Flood Risks Regulations, hereinafter in this Part referred to as the "principal regulations". Amendment to the Assessment and Management of Flood Risks Regulations. S.L. 423.41.

47. Sub-regulation (2) of regulation 2 of the principal regulations shall be amended as follows: Amendment of regulation 2 of the principal regulations.

(a) the definition "the Act" shall be substituted by the following new definition:

"Cap. 549. "the Act" means the Environment Protection Act;";
and

(b) the definition "competent authority" shall be substituted by the following new definition:

S.L. 595.08. " "the competent authority" means the Energy and Water Agency established by the Energy and Water Agency (Establishment as an Agency) Order;".

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PART XVI
Amendment to the Users of Groundwater Sources
(Application) Regulations

Amendment to
the Users of
Groundwater
Sources
(Application)
Regulations.
S.L. 423.45.

48. This Part amends the Users of Groundwater Sources (Application) Regulations and shall be read and construed as one with the Users of Groundwater Sources (Application) Regulations, hereinafter in this Part referred to as the "principal regulations".

Substitution of
regulation 2 of
the principal
regulations.

49. Regulation 2 of the principal regulations shall be substituted by the following new regulation:

"Interpretation.

Cap. 549.

S.L. 423.12.

2. Unless the context requires otherwise, the definitions in the Environment Protection Act and the Notification of Groundwater Sources Regulations shall apply.".

PART XVII
Amendment to the Lifecycle Greenhouse Gas Emissions from
Fuels Regulations

Amendment to
the Lifecycle
Greenhouse Gas
Emissions from
Fuels
Regulations.
S.L. 423.48.

50. This Part amends the Lifecycle Greenhouse Gas Emissions from Fuels Regulations and shall be read and construed as one with the Lifecycle Greenhouse Gas Emissions from Fuels Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment of
regulation 2 of
the principal
Act.

51. In regulation 2 of the principal regulations the definition "the Act" shall be substituted by the following new definition:

"Act No. XVI of
2024.

"the Act" means the Climate Action Act;".

PART XVIII
Amendment to the European Union Greenhouse Gas Emissions
Trading System for Stationary Installations Regulations

Amendment to
the European
Union
Greenhouse Gas
Emissions
Trading System
for Stationary
Installations
Regulations.
S.L. 423.50.

52. This Part amends the European Union Greenhouse Gas Emissions Trading System for Stationary Installations Regulations and shall be read and construed as one with the European Union Greenhouse Gas Emissions Trading System for Stationary Installations Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment of
regulation 2 of
the principal
regulations.

53. In regulation 2 of the principal regulations the definition "the

Act" shall be substituted by the following new definition:

"Act No. XVI of 2024. "the Act" means the Climate Action Act;".

PART XIX

Amendment to the Alternative Fuels Order

54. This Part amends the Alternative Fuels Order and shall be read and construed as one with the Alternative Fuels Order, hereinafter in this Part referred to as the "principal order".

Amendment to the Alternative Fuels Order.
S.L. 460.32.

55. Sub-article (1) of article 6 of the principal order shall be substituted by the following new sub-article:

Amendment of article 6 of the principal order.

Cap. 545.
Cap. 549.
Cap. 499.
Cap. 234.

"(1) The infrastructure operator shall, without prejudice to the provisions of the Regulator for Energy and Water Services Act, the Environment Protection Act, the Authority for Transport in Malta Act and the Merchant Shipping Act, and any regulations made thereunder, provide and make available to the person at the point of recharging, clear and consistent information related to all motor vehicles which may:

- (a) be regularly fuelled with individual fuels placed on the market; or
- (b) recharged by recharging points."

PART XX

Amendment to the Administrative Review Tribunal (Establishment of Panels) Regulations

56. This Part amends the Administrative Review Tribunal (Establishment of Panels) Regulations and shall be read and construed as one with the Administrative Review Tribunal (Establishment of Panels) Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment to the Administrative Review Tribunal (Establishment of Panels) Regulations.
S.L. 490.04.

57. In sub-regulation (9) of regulation 3 of the principal regulations the words "the Malta Resources Authority Act" and the reference to the marginal note thereof "Cap. 423." shall be substituted by the words "the Regulator for Energy and Water Services Act." and "Cap. 545." respectively.

Amendment of regulation 3 of the principal regulations.

PART XXI
Amendment to the Protection of Groundwater against Pollution and Deterioration Regulations

Amendment to the Protection of Groundwater against Pollution and Deterioration Regulations. S.L. 549.53.

58. This Part amends the Protection of Groundwater against Pollution and Deterioration Regulations and shall be read and construed as one with the Protection of Groundwater against Pollution and Deterioration Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment of regulation 2 of the principal regulations.

59. Regulation 2 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof the words "Malta Resources Authority Act" and the reference in the marginal note thereof "Cap. 423." shall be substituted by the words "Environment Protection Act" and "Cap. 549." respectively;

(b) in sub-regulation (2) thereof:

(i) the definition "Act" shall be substituted by the following new definition:

"Cap. 549. "Act" means the Environment Protection Act;"; and

(ii) the definition "the Unit" shall be substituted by the following new definition:

S.L. 595.08. " "the Unit" means the Energy and Water Agency established by the Energy and Water Agency (Establishment as an Agency) Order".

Amendment to the Water Policy Framework Regulations. S.L. 549.100.

PART XXII
Amendment to the Water Policy Framework Regulations

60. This Part amends the Water Policy Framework Regulations and shall be read and construed as one with the Water Policy Framework Regulations, hereinafter in this Part referred to as the "principal regulations".

Amendment to Schedule VI to the principal regulations.

61. Item (i) of Part B of Schedule VI to the principal regulations shall be substituted by the following new item:

"Cap. 545. "(i) provisions established through the Regulator for Energy and Water Services Act and the
Cap. 549. Environment Protection Act".

Passed by the House of Representatives at Sitting No. 239 of the 7th May, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

