L.N. 143 of 2025

CLIMATE ACTION ACT
(CAP. 643)

European Union Greenhouse Gas Emissions Trading System For Maritime Transport (Amendment) Regulations, 2025

IN EXERCISE of the powers conferred by article 27(1) of the Climate Action Act, the Minister responsible for climate action policy, in consultation with the Climate Action Authority, has made the following regulations:-

Citation and scope.

S.L. 643.06.

1. (1) The title of these regulations is the European Union Greenhouse Gas Emissions Trading System for Maritime Transport (Amendment) Regulations, 2025 and these regulations shall be read and construed as one with the European Union Greenhouse Gas Emissions Trading System for Maritime Transport Regulations, hereinafter referred to as the "principal regulations".

(2) These regulations further transpose Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC, as amended by Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and by Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system, to the extent that it relates to maritime transport.

Amends regulation 3 of the principal regulations.

2. Sub-regulation (1) of regulation 3 of the principal regulations shall be substituted by the following new sub-regulation:

"3. These regulations shall apply to:

(a) shipping companies performing activities listed in Schedule 1 resulting in emissions of greenhouse gases specified in respect of those activities and for whom Malta is designated as the administering authority, by virtue of:

(i) being registered in Malta; or

(ii) in the case of shipping companies that are

not registered in a Member State, for whom Malta is the Member State with the greatest estimated number of port calls from voyages performed by those shipping companies in the last four (4) monitoring years; or

(iii) in the case of shipping companies that are not registered in a Member State and that did not carry out any voyage falling within the scope of Directive 2003/87/EC in the preceding four (4) monitoring years, to which Malta is the Member State where ships of those shipping companies have arrived or started their first voyage falling within the scope of Directive 2003/87/EC:

Provided that Malta shall remain the administering authority in respect of a shipping company, regardless of subsequent changes in the shipping company's registration or activities, until those changes are reflected in an updated list adopted by the Commission pursuant to Article 3gf of Directive 2003/87/EC

(b) any other relevant body corporate on which these regulations impose any obligation.".

Amends regulation 12 of the principal regulations.

3. Sub-regulation (9) of regulation 12 of the principal regulations shall be substituted by the following new sub-regulation:

"(9) Any shipping company which does not surrender sufficient allowances by the 30th September of each year as required by sub-regulation (1) to cover its emissions during the preceding year shall be liable to the imposition of an administrative penalty of one hundred euro (€100) for each tonne of carbon dioxide equivalent emitted, for which the shipping company has not surrendered allowances. From 1st January 2025, where, for the year in respect of which a shipping company does not surrender sufficient allowances to cover emissions during that year in accordance with sub-regulation (1), the annual average European Harmonised Index of Consumer Prices published indicates a percentage increase as compared to the latest European Harmonised Index of Consumer Prices published for the previous year, the administrative penalty shall be increased by the same percentage. The administrative penalty as revised pursuant to this sub-regulation shall apply to subsequent years unless further increased in accordance with the European Harmonised Index of Consumer Prices. For the purposes of this sub-regulation, each allowance not surrendered

by the shipping company for a tonne of carbon dioxide equivalent emitted, shall be considered as a separate breach.".

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.27