

518. L-Onor. Robert Cutajar jipproponi:

L-Ewwel Qari ta' Abbozz ta' Ligi msejjaħ “Att tal-2021 li jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549”.

30.04.2021

ABBOZZ TA' LIGI
Msejjah

ATT biex jemenda l-Att dwar il-Protezzjoni tal-Ambjent, Kap. 549.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'ligi dan li ġej:-

Titolu fil-qosor.

Kap. 549.

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att dwar il-Protezzjoni tal-Ambjent u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Protezzjoni tal-Ambjent, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Emenda tal-artikolu 6(9) tal-Att prinċipali.

2. Fl-artikolu 6 tal-Att prinċipali, is-subartikolu (9) għandu jkun rinumerat bħala subartikolu (9)(a) u minnufih wara għandhom jiddaħħlu s-subartikoli (9)(b), (ċ) u (d) li ġejjin:-

“(9)(b) Bla ħsara għall-ġeneralità tad-dispożizzjonijiet ta' paragrafu (a) hawn fuq, il-proċedimenti tal-Awtorità għandhom jinżammu fil-pubbliku, fejn il-pubbliku kkonċernat għandu jingħata opportunitajiet minn kmieni u effettivi sabiex jipparteċipa f'dawn il-proċeduri.

(9)(c) Il-membri tal-pubbliku kkonċernati li jkollhom interess suffiċjenti għandhom jingħataw aċċess għal proċedura ta' reviżjoni quddiem it-Tribunal biex jikkontestaw il-legalità sostantiva jew proċedurali ta' dawn il-proċedimenti. Appell jista' jiġi pprezentat quddiem it-Tribunal fi żmien tletin jum wara l-att tal-Awtorità li jkun qed isir appell minnu. Id-dispożizzjonijiet tal-artikolu 41 tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp għandhom japplikaw għal din il-proċedura t'appell.

Kap. 504.

(9)(d) Fir-rigward tad-dispożizzjonijiet ta' paragrafu (ċ) hawn fuq, l-interess ta' kull organizzazzjoni mhux governattiva li tippromwovi l-ħarsien ambjentali u li tissodisfa kwalunkwe rekwizit skont il-ligi nazzjonali għandu jitqies biżżejjed.”

Emenda tal-
artikolu
6(10) tal-Att
prinċipali.

3. Fl-artikolu 6 tal-Att prinċipali, is-subartikolu (10) għandu jkun rinumerat bħala subartikolu (10)(a) u minnufih wara għandhom jiddaħħlu s-subartikoli (10)(b), (ċ) u (d) li ġejjin:-

“10(b) Il-kopja tal-aġenda, il-minuti u d-dokumenti relattivi tal-laqgħat imsemmija f’paragrafu (a) hawn fuq, għandhom ikunu aċċessibbli għall-pubbliku kkonċernat.

10(c) L-Awtorità għandha tiżgura li l-pubbliku interessat jingħata opportunitajiet minn kmieni u effettivi sabiex jipparteċipa fil-proċedimenti tal-istess Awtorità`.

10(d) Fir-rigward tad-dispożizzjonijiet ta’ paragrafu (b) u (ċ) hawn fuq, l-Awtorità` għandha tagħmel disponibbli lill-pubbliku, inkluż permezz tal-internet, id-dokumenti rilevanti kollha.”

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta’ dan l-Abbozz huma li jassiguraw trasparenza fil-proċedimenti tal-Awtorità għall-Ambjent u r-Riżorsi billi l-pubbliku kkonċernat u kull organizzazzjoni mhux governattiva li tippromwovi l-ħarsien ambjentali jingħataw opportunitajiet minn kmieni u effettivi sabiex jipparteċipaw fil-proċedimenti tal-istess Awtorità`, flimkien ma’ aċċess għal proċedura ta’ reviżjoni quddiem it-Tribunal.

**A BILL
entitled**

An Act to amend the Environment Protection Act, Cap. 549.

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.

Cap. 549.

1. The short title of this Act is the Environment Protection (Amendment) Act, 2021 and this Act shall be read and construed as one with the Environment Protection Act, hereinafter referred to as "the principal Act".

Amendment
to article 6(9)
of the
principal Act.

2. In article 6 of the principal Act, sub-article (9) shall be renumbered as sub-article (9)(a) and immediately thereafter, the following sub-articles (9)(b), (c) and (d) shall be inserted:-

“(9)(b) Without prejudice to the generality of paragraph (a) above, the proceedings of the Authority shall be held in public, whereas the public concerned shall be given early and effective opportunities to participate in the said proceedings.

(9)(c) Members of the public concerned having sufficient interest shall have access to a review procedure before the Tribunal to challenge the substantive or procedural legality of any of these proceedings. Such an appeal may be lodged before the Tribunal within thirty days from the act of the Authority being appealed. Article 41 of the Environment and Development Planning Act shall apply to this appeal procedure.

Cap. 504

(9)(d) For the purposes of paragraph (c) above, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient.”

Amendment
to article
6(10) of the
principal Act.

3. In article 6 of the principal Act, sub-article (10) shall be renumbered as sub-article (10)(a) and immediately thereafter, the following sub-articles (10)(b) (c) and (d) shall be inserted:-

“10(b) A copy of the agenda, the minutes and relative enclosures of the meetings mentioned in paragraph (a) above shall be also made available to the public concerned.

10(c) The Authority shall ensure that the public concerned are given early and effective opportunities to participate in the proceedings of the Authority.

10(d) For the purposes of paragraphs (b) and (c) above, the Authority shall make available to the public, including via the internet, all the relevant documentation.”

Objects and Reasons

The objects and reasons of this Bill consist in ensuring due publicity of all the proceedings of the Environment and Resources Authority giving the public concerned and non-governmental organisation promoting environmental protection early and effective opportunities to participate in the said proceedings together with an access to a review procedure before the Tribunal.