

MALTA

**ATT Nru XVI tal-2024**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jiġi stabbilit qafas legali għall-azzjoni klimatika u biex jiġi pprovdut l-istabbiliment ta' korp ġuridiku li għandu jkun magħruf bħala l-Awtorità għall-Azzjoni dwar il-Klima u sabiex jipprovdi dwar kwalunkwe materja konnessa jew anċillari għalih.**

**ACT No. XVI of 2024**

AN ACT enacted by the Parliament of Malta.

**AN ACT to establish a legal framework for climate action and to provide for the establishment of a body corporate to be known as the Climate Action Authority and to provide for any matter which is related or ancillary thereto.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MYRIAM SPITERI  
DEBONO  
President**

10 ta' Mejju, 2024

#### **ATT Nru XVI tal-2024**

*ATT sabiex jiġi stabbilit qafas legali għall-azzjoni klimatika u biex jiġi pprovdut l-istabbiliment ta' korp ġuridiku li għandu jkun magħruf bhala l-Awtorità għall-Azzjoni dwar il-Klima u sabiex jipprovdi dwar kwalunkwe materja konnessa jew ancillari għalih.*

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

#### **TAQSIMA I PRELIMINARI**

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2024 fuq Azzjoni dwar il-Klima.

Titolu fil-qosor,  
bidu fis-sehħ u  
għan.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data jew dati li l-Ministru responsabbli għall-politika tal-azzjoni dwar il-klima jista', b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

(3) L-għan ta' dan l-Att huwa li jistabbilixxi qafas għall-azzjoni klimatika u sabiex jipprovdi għall-istabbiliment ta' korp ġuridiku li għandu jkun magħruf bhala l-Awtorità għall-Azzjoni dwar il-Klima li

għandha tkun l-awtorità nazzjonali kompetenti responsabbli għall-eżerċizzju tal-azzjoni dwar il-klima, sabiex tikkoordina u tissorvelja l-politika u l-miżuri ta' mitigazzjoni u adattament u kwalunkwe kwistjonijiet anċillari għalihom jew konnessi magħhom u sabiex tipprovdi għar-rapportar ta' tali azzjoni dwar il-klima, kif meħtieġ.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort' oħra:

"adattament" tfisser aġġustamenti xprunati mill-bniedem f'sistemi jew proċessi ta' politika ekoloġiċi, soċjali jew ekonomiċi, b'reazzjoni għall-istimuli klimatiċi attwali jew mistennija u l-effetti jew l-impatti tagħhom;

"Awtorità" tfisser l-Awtorità għall-Azzjoni dwar il-Klima stabbilita bl-artikolu 9 u tinkludi kwalunkwe korp jew persuna oħra li taġixxi f'isimha fit-termini tas-setgħat delegati mill-Bord skont dan l-Att;

"Bord" tfisser il-Bord tal-Awtorità maħtur skont l-artikolu 9;

"emissjonijiet" tfisser ir-rilaxx ta' gassijiet serra u, jew tal-prekursuri tagħhom fl-atmosfera fuq żona speċifika u fuq perjodu ta' żmien speċifikat;

"Ftehim ta' Pariġi" tfisser il-Ftehim ta' Pariġi li daħal fis-seħħ fl-4 ta' Novembru 2016;

"gassijiet serra" tfisser dawk il-kostitwenti ta' gass fl-atmosfera, kemm naturali u antropoġeniċi, li jassorbu u jarmu radjazzjoni infraħamra, u għandhom jinkludu *inter alia*, il-gassijiet elenkati fl-Ewwel Skeda;

"impriża" tfisser kwalunkwe persuna kemm jekk individwu, korp ġuridiku jew mhux ġuridiku jew kwalunkwe entità oħra, li twettaq attività ekonomika, u tinkludi grupp ta' impriži;

"klima" tinkludi l-iskarsezza tal-ilma, in-nixfa u l-enerġija;

"Kumitat Permanenti" tfisser il-Kumitat Permanenti dwar l-Ambjent, it-Tibdil fil-Klima u l-Ippjanar tal-Iżvilupp imwaqqaf taħt l-Att dwar l-Ippjanar tal-Iżvilupp;

"Kunsill Nazzjonali għall-Azzjoni dwar il-Klima (NCAC)" jew "il-Kunsill" ifissru l-Kunsill maħtur skont l-artikolu 25;

"Ministru" tfisser il-Ministru responsabbli għall-politika tal-azzjoni dwar il-klima;

"mitigazzjoni" tfisser interventi umani sabiex jitnaqqsu l-emissjonijiet ta' gassijiet serra minn sorsi jew sabiex tissaħħah it-tneħħija tagħhom mill-atmosfera permezz ta' sinks;

"Pjan Nazzjonali dwar l-Energija u l-Klima" tfisser pjan nazzjonali għall-enerġija u l-klima (NECP) ta' 10 snin li jiddeskrivi kif il-pajjiżi fl-UE bi hsiebhom jilhqqu l-miri tal-enerġija u l-klima fl-UE sal-2030;

"President" tfisser il-President tal-Awtorità għall-Azzjoni dwar il-Klima u tinkludi, fiċ-ċirkostanzi msemmija fl-artikolu 3(3), il-Viċi President jew kwalunkwe persuna oħra maħtura sabiex tagħxi bhala President;

"riżerva" tfisser komponent tas-sistema tal-klima, barra l-atmosfera, li għandha l-kapaċità li taħżen, takkumula jew tirrilaxxa gassijiet serra jew il-prekursuri tal-gassijiet serra;

"sena finanzjarja" tfisser perjodu ta' tnax (12)-il xahar li jibda jiddekorri mill-ewwel (1) ta' Jannar u jintemm fil-31 ta' Diċembru ta' sena partikolari:

Izda l-ewwel sena finanzjarja tal-Awtorità għandha tibda mad-dhul fis-seħh ta' dan l-Att u għandha tintemm fil-31 ta' Diċembru tas-sena sussegwenti;

"sink" tfisser kwalunkwe proċess, attività jew mekkanizmu li jneħhi l-gass serra, ajrusol jew prekursor tal-gass serra jew ajrusol mill-atmosfera;

"sistema klimatika" tfisser it-totalità tal-atmosfera, l-idrosfera, il-bijosfera u l-ġeosfera u l-interazzjonijiet tagħhom;

"sors" tfisser kull proċess jew attività li tirrilaxxa gassijiet serra, ajrusols jew prekursori tal-gassijiet serra jew ajrusols fl-atmosfera;

"Stat Membru" tfisser Stat Membru tal-Unjoni Ewropea;

"strategija nazzjonali fit-tul" tfisser l-istrategija sabiex jinkiseb it-tnaqqis tal-emissjonijiet ta' gassijiet serra meħtieġ sabiex jintlaħqu l-impenji ta' Malta taħt l-istrumenti legali multilaterali li għalihom Malta hija parti, l-għanijiet tal-UE u strumenti legali nazzjonali;

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"strategija nazzjonali ta' adattament" tfisser l-istrategija li tftitex li tindirizza r-rakkomandazzjonijiet f'setturi varji li huma vulnerabbli għat-tibdil fil-klima u huwa pjan li jstabilixxi direzzjoni ġenerali għall-ħidma kollha sabiex tiżied ir-reżiljenza għall-impatti tat-tibdil fil-klima;

"tibdil fil-klima" tfisser tibdil fil-klima li huwa attribwit direttament jew indirettament għall-attività umana li tbiddel il-kompożizzjoni tal-atmosfera globali u li huwa b'żieda mal-varjabilità naturali tal-klima osservata fuq perjodi ta' żmien komparabbli;

"Trattat" tfisser it-Trattat dwar il-Funzjonament tal-Unjoni Ewropea;

Kap. 490.

"Tribunal" tfisser it-Tribunal ta' Reviżjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva;

"uffiċjal pubbliku" fir-rigward tal-artikolu 15, għandha l-istess tifsira mogħtija lilha mill-artikolu 124 tal-Kostituzzjoni iżda ma għandhiex tinkludi mħallef jew magistrat;

"Uffiċjal Kap Eżekuttiv" tfisser l-Uffiċjal Kap Eżekuttiv maħtur skont l-artikolu 12(2);

"UNFCCC" tfisser il-Konvenzjoni Qafas dwar Tibdil fil-Klima tan-Nazzjonijiet Uniti li daħlet fis-seħħ fil-21 ta' Marzu 1994;

Kap. 460.

"Unjoni" u "Unjoni Ewropea" għandu jkollhom l-istess tifsira bħat-tifsira "l-Unjoni Ewropea" fl-Att dwar l-Unjoni Ewropea.

Objettivi.

**3.** (1) L-Istat jirrikonoxxi li l-bidla fil-klima tad-dinja u l-effetti negattivi tagħha huma tħassib komuni għall-umanità.

(2) Dan l-Att jipprovdi għall-azzjoni sabiex jikkontribwixxi għall-mitigazzjoni tat-tibdil fil-klima billi:

(a) jillimita l-emissjonijiet antropoġeniċi tal-gassijiet serra u jipproteġi u jtejjeb is-sinks u r-riżervi tal-gassijiet serra;

(b) jikkontribwixxi għall-prevenzjoni, l-evitar u t-tnaqqis tal-impatti negattivi tat-tibdil fil-klima u t-tnaqqis tal-vulnerabbiltà, it-tiżiħ tar-reżiljenza, u l-adattament għall-effetti negattivi tat-tibdil fil-klima; u

(ċ) kwalunkwe azzjoni xierqa għall-governanza ta' azzjoni klimatika fir-rigward tas-subparagrafi (a) u (b).

(3) Il-Gvern għandu jiżgura li l-azzjonijiet kollha meħtieġa jittieħdu sabiex tinkiseb in-newtralità klimatika sal-2050.

4. Għandu jkun id-dmir ta' kull persuna flimkien mal-Gvern li jipproteġu l-klima u li jassistu fit-teħid ta' miżuri preventivi u rimedji għall-protezzjoni tal-klima. Id-dmir ta' kull persuna fir-rigward tal-azzjoni klimatika.

5. (1) Għandu jkun id-dmir tal-Gvern li jipproteġi l-klima għall-generazzjonijiet preżenti u futuri. Id-dmirijiet u l-obbligi tal-Gvern.

(2) Fit-twettiq tad-dmirijiet tiegħu skont is-subartikolu (1), il-Gvern għandu, *inter alia*:

(a) jiżviluppa, jaġġorna perjodikament u jippubblika inventarji nazzjonali tal-emissjonijiet antropoġeniċi minn sorsi u tneħħija permezz ta' sinks tal-gassijiet serra sabiex jissorvelja l-progress sabiex jikseb il-limitazzjoni ta' emissjoni kwantifikata jew l-impenji ta' tnaqqis skont trattati internazzjonali u l-obbligi tiegħu bhala Stat Membru tal-Unjoni Ewropea;

(b) jiformula, jimplimenta, jippubblika u jaġġorna l-politiki fir-rigward tal-miżuri li jnaqqsu t-tibdil fil-klima billi jillimita u, safejn hu possibbli, inaqqas l-emissjonijiet tal-gass serra antropoġeniċi minn sorsi, billi jsaħħaħ it-tneħħija ta' gassijiet serra permezz ta' sinks u t-twaqqif ta' miri settorjali kif xieraq;

(ċ) jiformula, jimplimenta, jippubblika u jaġġorna l-politiki fir-rigward ta' miżuri sabiex jipprevjeni, jevita u jnaqqas il-vulnerabbiltà filwaqt li jsaħħaħ ir-reżiljenza għall-impatti negattivi tat-tibdil fil-klima. B'risultat ta' dan għandu jiġi faċilitat l-adattament għat-tibdil fil-klima. Dan l-adattament jista' jkun appoġġat ukoll minn miri settorjali speċifiċi kif xieraq, wara l-konsultazzjonijiet neċessarji;

(d) jippromwovi u jikkoopera fl-iżvlupp, l-applikazzjoni u d-diffużjoni ta' teknoloġiji, prattiċi u proċessi li jikkontrollaw, inaqqsu jew jipprevjenu l-emissjonijiet antropoġeniċi tal-gassijiet serra fl-oqsma kollha rilevanti, inkluż fl-oqsma tal-enerġija, trasport, industrija, agrikoltura, użu tal-art u forestrija u l-ġestjoni tal-iskart;

(e) jippromwovi l-ġestjoni sostenibbli ta' sinks u riżervi ta' gassijiet serra, inklużi l-ekosistemi terrestri, kostali u

marittimi kollha u jippromwovi u jikkoopera fil-konservazzjoni u titjib ta' sinks u riżervi tal-gassijiet serra, inklużi l-ekosistemi terrestri, kostali u marittimi kollha;

(f) jippromwovi u jikkoopera f'riċerka xjentifika, teknoloġika, teknika, soċjoekonomika u riċerka oħra, l-osservar sistematiku u l-iżvilupp tal-arkivji tad-data relatati mas-sistema tal-klima;

(g) jippromwovi u jikkoopera fl-iskambju ta' informazzjoni xjentifika, teknoloġika, teknika, soċjoekonomika u legali relevanti li għandha x'taqsam mas-sistema tal-klima u t-tibdil fil-klima, u mal-konsegwenzi ekonomiċi u soċjali tal-istrateġiji ta' rispons;

(h) jippromwovi u jikkoopera fl-edukazzjoni, it-taħriġ u s-sensibilizzazzjoni pubblika fir-rigward tat-tibdil fil-klima; u

(i) jiżgura li l-Awtorità għandu jkollha r-riżorsi umani u finanzjarji adegwati sabiex twettaq il-funzjonijiet tagħha kif assenjati lilha skont dan l-Att.

(3) Il-Gvern għandu jiżgura illi l-politiki, il-programmi u l-proġetti huma mfassla u valutati b'mod li jieħdu f'konsiderazzjoni t-tnaqqis ta', u l-adattament għat-tibdil fil-klima u li tali politiki, programmi u proġetti jikkontribwixxu għat-tnaqqis ta', u l-adattament għat-tibdil fil-klima.

(4) Il-Gvern għandu jiżgura li l-politiki, il-programmi u l-proġetti huma, safejn hu possibbli, imfassla b'mod li jiżguraw ir-reżiljenza għall-impatti tat-tibdil fil-klima.

(5) Il-Gvern għandu, fit-twettiq tad-dmirijiet u l-obbligi tiegħu skont dan l-artikolu, jipparteċipa, jikkoopera u jsostni l-parteeċipazzjoni f'attivitajiet u programmi internazzjonali u intergovernattivi relatati mal-azzjoni dwar il-klima, kif xieraq. B'mod partikolari, il-Gvern għandu jipprovwovi attivitajiet li jirrelataw mal-azzjoni dwar il-klima relevanti għar-reġjun tal-Mediterran, u għandu kif xieraq, jipparteċipa, jikkoopera u jsostni l-parteeċipazzjoni f'tali attivitajiet.

Prinċipji li jiggwidaw l-azzjoni dwar il-klima.

**6.** (1) Il-Gvern għandu, fl-eżerċizzju tad-dmirijiet u l-obbligi tiegħu taħt dan l-Att, ikun iggwidat mill-prinċipji elenkati f'dan l-artikolu u dawn il-prinċipji għandhom jithaddmu fl-interpretazzjoni tad-dispożizzjonijiet l-oħra ta' dan l-Att u kwalunkwe regolamenti magħmula tahtu.

(2) Il-Gvern għandu, fit-twettiq tad-dmirijiet u l-obbligi tiegħu

skont dan l-Att:

(a) iqis il-kunsiderazzjonijiet dwar it-tibdil fil-klima, sa fejn hu possibbli, fil-politiki u l-azzjonijiet soċjali, ekonomiċi u ambjentali rilevanti;

(b) iqis l-obbligi u l-impenji tiegħu skont l-istrumenti legali multilaterali applikabbli u l-obbligi tiegħu bħala Stat Membru tal-Unjoni Ewropea;

(c) iqis iċ-ċirkostanzi ġeofiżiċi, soċjali u ekonomiċi ta' Malta;

(d) jiżgura li l-azzjonijiet meħuda huma, sa fejn hu possibbli, l-aktar kosteffettivi, bl-użu tal-aħjar teknoloġiji disponibbli u bl-aħjar prattiċi kif xieraq għal Malta;

(e) jiżgura li tingħata konsiderazzjoni għall-aħjar informazzjoni xjentifika, teknoloġika, teknika u soċjoekonomika disponibbli;

(f) jiżgura li s-setturi kollha tas-soċjetà u l-ekonomija jipparteċipaw fl-azzjoni nazzjonali dwar il-klima, inkluż f'deċiżjonijiet rilevanti;

(g) jiżgura li t-tibdil fil-klima, il-politiki u l-miżuri ambjentali u tal-enerġija huma mfassla, żviluppata, ikkoordinati u implimentati fl-aħjar interess tal-ambjent, l-ekonomija u l-obbligi internazzjonali u tal-Unjoni Ewropea;

(h) jiżgura li l-azzjoni li tittiehed dwar il-klima tirrispetta l-interessi tal-oqsma kollha tas-soċjetà, ma tkunx diskriminatorja u, fejn rilevanti, tippromwovi l-ugwaljanza bejn is-sessi;

(i) jiżgura li d-data fir-rigward tal-azzjoni klimatika tingabar, tiġi proċessata u interpretata fid-dawl ta' data relatata sabiex jintlaħqu b'mod ġenerali l-obbligi internazzjonali u tal-Unjoni Ewropea f'żoni oħra;

(j) jirrispetta u, sa fejn hu possibbli, jissalvagwarda l-interessi tas-setturi vulnerabbli tas-soċjetà, inkluż billi jittiehdu azzjonijiet dwar il-klima li jsostnu l-qerda tal-faqar;

(k) jiżgura li l-azzjoni li tittiehed dwar il-klima tippromwovi u ssahha il-kompetittività tal-ekonomija ta' Malta;

(l) jiżgura, sa fejn hu possibbli, li ma jeżisiti l-ebda kunflitt bejn il-politiki u l-miżuri adottati fir-rigward tal-azzjoni

dwar il-klima u l-politiki u miżuri oħra;

(m) jiżgura li jittieħdu miżuri ta' prekawzjoni sabiex jantiċipaw, jipprevjenu jew jimminimizzaw il-kawżi tat-tibdil fil-klima u jnaqqsu l-effetti negattivi tagħhom u fejn hemm theddid ta' dannu serju jew irriversibbli, in-nuqqas ta' ċertezza xjentifika sħiħa ma għandhiex tkun raġuni għall-posponiment ta' dawk il-miżuri;

(n) jiżgura li l-azzjoni li tittieħed dwar il-klima tikkontribwixxi għal żvilupp sostenibbli;

(o) jiżgura li, fejn relevanti, kwalunkwe impatt ta' benefiċċju mit-tibdil fil-klima jiġi użat għall-benefiċċju tas-soċjetà, l-ekonomija u l-ambjent, sa fejn dawn l-impatti ta' benefiċċju jistgħu jnaqqsu l-vulnerabbiltà u jtejbu r-reżiljenza tal-impatti negattivi l-oħra tat-tibdil fil-klima;

(p) jiżgura li, qabel ma tittieħed xi deċiżjoni, il-konsegwenzi kollha tal-eżitu ta' dik id-deċiżjoni matul iċ-ċiklu kollu tal-ħajja ta' dak l-eżitu jittieħdu f'konsiderazzjoni; u

(q) jiżgura li tkun disponibbli għall-pubbliku informazzjoni xierqa, sabiex tigi faċilitata l-partecipazzjoni tal-pubbliku fir-rigward ta' ċertu pjanijiet u programmi relatati mas-sistema tal-klima u jiżgura aċċess xieraq għall-gustizzja.

Strateġija nazzjonali fit-tul u l-Pjan Nazzjonali dwar l-Enerġija u l-Klima.

7. (1) Il-Ministru għandu, b'konsultazzjoni ma' kwalunkwe Ministru ieħor kompetenti li jieħu konjizzjoni tal-materja, u b'konsultazzjoni mal-partijiet ikkonċernati u l-pubbliku iġenerali, iħejji strateġija nazzjonali fit-tul u l-Pjan Nazzjonali dwar l-Enerġija u l-Klima.

(2) Il-Ministru għandu jagħmel disponibbli għall-pubbliku l-istrateġija nazzjonali fit-tul, il-Pjan Nazzjonali dwar l-Enerġija u l-Klima u kwalunkwe aġġornamenti tagħhom.

Strateġija ta' adattament nazzjonali.

8. (1) Il-Ministru għandu, f'konsultazzjoni ma' kull Ministru ieħor kompetenti li jieħu konjizzjoni tal-materja, u b'konsultazzjoni mal-imsieħba soċjali, mas-soċjetà ċivili, l-organizzazzjonijiet mhux governattivi u l-pubbliku iġenerali, iħejji strateġija ta' adattament nazzjonali li tikkontribwixxi għal:

(a) il-prevenzjoni, l-evitar u t-tnaqqis tal-effetti negattivi tat-tibdil fil-klima u sabiex jiffaċilita l-adattament għat-tibdil fil-klima;

(b) il-monitoraġġ trasparenti tal-progress imwettaq mill-

Gvern fit-tnaqqis tal-vulnerabbiltà u t-tiġh tar-reżiljenza għall-impatti negattivi tat-tibdil fil-klima.

(2) L-istrategija tal-adattament nazzjonali għandha wkoll tinkludi informazzjoni fuq it-tibdil fil-klima safejn dan għandu x'jaqsam ma' Malta u fuq impatti attwali u proġettati tat-tibdil fil-klima fuq Malta.

## TAQSIMA II

### L-ISTABILIMENT, IL-FUNZJONIJIET U T-TMEXXIJA TAL-AFFARIJIET TAL-AWTORITÀ

9. (1) Għandu jkun hemm Awtorità, li għandha tkun magħrufa bħala l-Awtorità għall-Azzjoni dwar il-Klima, li għandha tkun responsabbli għar-regolamentazzjoni dwar materji relatati mal-klima u l-harsien tal-klima f'Malta.

Stabbiliment u kompożizzjoni tal-Awtorità għall-Azzjoni dwar il-Klima.

(2) Għandu jkun hemm Bord, magħruf bħala l-Bord tal-Awtorità għall-Azzjoni dwar il-Klima, li għandu jkun magħmul minn President u mhux inqas minn erba' (4) u mhux aktar minn sitt (6) membri oħra.

(3) Il-membri tal-Awtorità għandhom jinhatru mill-Ministru għal perjodu ta' mhux aktar minn sitt (6) snin. Jekk dan il-perjodu jkun għal inqas mill-perjodu stipulat ta' sitt (6) snin, l-ebda membru ma għandu jkun, b'mod aggregat, membru tal-Awtorità għal perjodu ulterjuri.

(4) Il-Ministru jista' jinnomina wieħed (1) mill-membri l-oħra tal-Awtorità bħala Vici President u l-membru hekk nominat għandu jkollu s-setgħat sabiex iwettaq il-funzjonijiet kollha tal-President matul l-assenza jew l-inkapaċità tiegħu li jaġixxi bħala President, jew waqt li l-President ikun fuq vaganza, jew matul kwalunkwe post vakanti fil-kariga ta' President. Il-Ministru jista' wkoll, fi kwalunkwe ċirkostanza msemmija qabel, jinnomina persuna oħra sabiex taġixxi bħala President u f'dan il-każ id-dispożizzjonijiet preċedenti għandhom japplikaw fir-rigward ta' dik il-persuna.

(5) Persuna ma għandhiex tkun kwalifikata sabiex iżzomm il-kariga ta' membru tal-Awtorità jekk hija:

- (a) Ministru jew Segretarju Parlamentari;
- (b) Membru tal-Kamra tad-Deputati;
- (ċ) Membru tal-Parlament Ewropew;
- (d) Imħallef jew Maġistrat tal-Qrati tal-Ġustizzja; jew

(e) ikollha interess finanzjarju jew interess ieħor fi kwalunkwe intrapriża jew attività li x'aktarx taffettwa t-tweqq

tal-funzjonijiet tagħha bħala membru tal-Awtorità.

(6) Minn tal-inqas tnejn (2) mill-membri tal-Awtorità għandhom ikunu persuni li għandhom għarfien jew esperjenza fi kwistjonijiet li jikkoncernaw it-tibdil fil-klima u kwistjonijiet relatati mal-klima.

(7) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Awtorità għandha ssir vakanti:

(a) mal-iskadenza tal-mandat tiegħu; jew

(b) jekk tinqala' kwalunkwe ċirkostanza li, kieku ma kienx membru tal-Awtorità, dan kien iwassal sabiex jiġi skwalifikat għal tali ħatra.

(8) Membru tal-Awtorità jista' jitneħħa mill-kariga mill-Ministru jekk, fl-opinjoni tal-Ministru, tali membru ma jkunx f'kundizzjoni li jkompli fil-kariga jew sar inkapaċi li jaqdi d-dmirijiet tiegħu kif suppost bħala membru, inklużi r-raġunijiet speċifikati fis-subartikolu (10).

(9) Jekk membru jirriżenja, jew jekk il-kariga ta' membru tal-Awtorità tkun battala b'xi mod ieħor, jew jekk membru għal xi raġuni ma jkunx jista' jwettaq il-funzjonijiet tal-kariga tiegħu, il-Ministru jista' jahtar persuna li tkun ikkwalifikata sabiex tinħatar bħala membru temporanju tal-Awtorità, u kwalunkwe persuna hekk maħtura għandha, bla ħsara għad-dispożizzjonijiet tas-subartikoli (6) u (7), ma tibqax tali membru meta persuna tkun giet maħtura sabiex timla l-post vakanti jew, skont il-każ, meta l-membri li ma setax iwettaq il-funzjonijiet tal-kariga tiegħu jkompli daww il-funzjonijiet.

(10) Kwalunkwe membru tal-Awtorità li għandu xi interess dirett jew indirett fi kwalunkwe kuntratt magħmul jew propost li jsir mill-Awtorità, li ma huwiex interess li jiskwalifika lil tali membru milli jibqa' membru, għandu jiżvela n-natura tal-interess tiegħu fl-ewwel laqgħa tal-Awtorità wara li jsir jaf bil-fatti rilevanti. Tali żvelar għandu jiġi rreġistrat fil-minuti tal-Awtorità u l-membri li jkollu interess kif imsemmi qabel għandu jirtira minn kwalunkwe laqgħa li fiha jiġi diskuss tali kuntratt. Kwalunkwe tali żvelar għandu jiġi kkomunikat lill-Ministru mingħajr dewmien. Meta l-interess tal-membri jkun tali li jiskwalifikah milli jibqa' membru, huwa għandu jirrapporta tali fatt immedjatament lill-Ministru u jagħti r-riżenja tiegħu:

Iżda fejn ma jinholoq l-ebda kunflitt fir-rigward tal-obbligi u l-funzjonijiet tal-Awtorità, il-membri għandu jagixxi b'rispett sħiħ għall-prinċipji stabbiliti skont l-artikolu 6 ta' dan l-Att.

(11) Il-laqgħat tal-Bord għandhom jissejġu mill-President kull meta jkun meħtieġ, jew fuq inizjattiva tiegħu stess jew fuq it-talba ta' żewġ (2) membri jew aktar tal-Bord:

Iżda l-Bord għandu jiltaqa' kemm-il darba jkun meħtieġ, iżda mhux inqas minn darba (1) kull xahar.

(12) (a) Il-President u mill-inqas żewġ (2) membri oħra tal-Bord għandhom jiffurmaw *quorum*. Id-deċiżjonijiet għandhom jittieħdu b'maġġoranza sempliċi tal-voti tal-membri preżenti u li għandhom vot:

Iżda bla ħsara għar-rekwiżiti l-oħra ta' dan l-Att, l-ebda deċiżjoni ma għandha tkun valida jekk ma tkunx appoġġjata minn mill-inqas żewġ (2) membri tal-Bord.

(b) Kull membru tal-Bord għandu jkollu vot wieħed (1):

Iżda l-President għandu jkollu vot inizjali u f'każ ta' voti indaqs, vot deċiżiv.

(13) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċedura tiegħu stess.

(14) Bla ħsara għad-dispożizzjonijiet preċedenti ta' dan l-artikolu, l-ebda att jew proċediment tal-Bord ma għandu jiġi invalidat sempliċiment minhabba fl-eżistenza ta' xi vakanza fost il-membri tiegħu.

(15) L-atti kollha magħmula minn xi persuna li tkun qed taġixxi *in bona fide* bhala membru tal-Bord għandhom ikunu validi minkejja li jiġi skopert xi difett fil-ħatra jew fil-kwalifiki tagħha sussegwenti għal xi att jew proċediment tal-Bord. L-ebda att jew proċediment tal-Bord ma għandu jiġi kontestat minn xi membru minhabba fi kwalunkwe ksur tas-subartikolu (9) minn kwalunkwe membru.

(16) Sabiex jithejjew l-politiki, il-Bord għandu jsegwi l-linji gwida rigward l-politiki kif jistgħu jiġu stabbiliti mill-Ministru. Il-Bord għandu jkun responsabbli wkoll sabiex jagħti l-pariri lill-Gvern fit-twettiq tal-funzjonijiet u l-kisba tal-miri tal-Awtorità skont dan l-Att.

(17) (a) Kull Ministeru għandu jkollu fi ħdanu Koordinatur responsabbli għall-Azzjoni dwar il-Klima li għandu jipprovdi lill-awtorità kompetenti bi kwalunkwe sehem li jista' jkun meħtieġ fit-twettiq tal-funzjonijiet tagħha elenkati fl-artikolu 10. Tali sehem għandu jkun f'forma konsolidata li tirrifletti l-pożizzjoni approvata tal-Ministeru.

(b) Is-Segretarju Permanenti fi ħdan kull Ministeru għandu jkun il-Koordinatur responsabbli għall-Azzjoni dwar il-Klima tat-tali Ministeru.

(c) Kull Kap ta' awtorità, agenzija, entità jew dipartiment tal-Gvern f'Ministeri li huma meqjusa rilevanti għall-azzjoni dwar il-klima, kif identifikati mill-Ministru responsabbli mill-azzjoni dwar il-klima, għandu jkun persuna ta' referenza li tassisti lill-Koordinatur.

(d) Il-Koordinatur responsabbli fil-Ministeru meqjus rilevanti għall-azzjoni dwar il-klima għandu jkun responsabbli mill-iżvilupp ta' pjanijiet, miżuri u azzjoni favur il-klima tal-Ministeru konċernat, hekk kif meħtieġ u skont l-artikolu 10.

(e) L-awtorità kompetenti għandha s-setgħa li titlob kwalunkwe informazzjoni direttament mill-Koordinatur.

(f) Kull entità msemmija fil-paragrafu (c) għandha f'sezzjoni speċifika fir-rapport annwali tagħha tirreferi:

(i) għall-għanijiet speċifiċi li jkunu ġew stabbiliti sabiex jinkisbu l-allinjamenti mal-politiki nazzjonali li jinkludu l-istrateġiji u l-pjanijiet, u l-kontribuzzjonijiet tagħha lejn l-implimentazzjoni tal-istess politiki; u

(ii) għall-attivitajiet speċifiċi jew interventi li tkun wettqet sabiex jintlaħqu l-oġettivi indikati fil-paragrafu (d) u telenka u tikkwantifika l-benefiċċji akkumulati minnha:

Izda s-Segretarju Permanenti Prinċipali għandu s-setgħa li jitlob lill-awtorità kompetenti sabiex tirrevedi, minn żmien għal żmien, kwalunkwe tali rapport sa fejn ikun relatat mad-dispożizzjonijiet ta' dan l-Att.

Funzjonijiet tal-Awtorità.

**10. (1) L-Awtorità għandu jkollha s-segweni funzjonijiet:**

(a) li tistabbilixxi miri nazzjonali jew speċifiċi b'konsultazzjoni mal-Ministeri rispettivi għas-settur allinjati mal-oġettivi ġenerali ta' dan l-Att u kwalunkwe leġislazzjoni oħra rilevanti għal dan l-Att;

(b) li tiżgura li l-politika u l-legiżlazzjoni kollha li jkollhom impatt dirett fuq it-tibdil fil-klima għandhom jiġu kkonsultati mal-Awtorità jew ma' kumitat stabbilit speċifikament tal-istess Awtorità. Fil-konsultazzjonijiet, l-entità responsabbli mill-abbozzar tal-politika jew mill-legiżlazzjoni

proposta għandha tistabbilixxi l-għan prinċipali tal-proposta u tidentifika aspetti speċifiċi tal-politika jew leġiżlazzjoni proposti;

(ċ) li tistabbilixxi politiki li għandhom jiġu segwiti mill-Awtorità b'konsultazzjoni mal-Bord;

(d) li tiddiżinja u tiżviluppa inċentivi u miżuri fl-ambitu ta' dan l-Att;

(e) li tmexxi u tikkoordina proġetti relatati mal-azzjoni klimatika bejn il-Ministeri;

(f) l-iddisinar, l-iżvilupp u l-ġestjoni ta' qafas ta' għarfien, edukazzjoni, informazzjoni u ta' komunikazzjoni sostnuta mmirat sabiex jinfluwenza l-imġiba fir-rigward ta' azzjoni klimatika;

(g) li timplimenta dawk il-mekkaniżmi relatati mal-azzjoni klimatika li l-Ministru jista' jqis xieraq li jassenja lill-Awtorità u li huma stabbiliti skont strumenti legali multilaterali u, jew strumenti legali tal-UE;

(h) li tiżgura t-twettiq tal-komunikazzjoni xierqa ta' dawk l-obbligi ta' rapportar relatati mal-azzjoni klimatika li l-Ministru jista' jqis xieraq li jassenja lill-Awtorità u li huma stabbiliti skont strumenti legali multilaterali u, jew strumenti legali tal-UE;

(i) li thejji l-istrategija nazzjonali fit-tul għall-approvazzjoni tal-Gvern;

(j) li thejji l-istrategija nazzjonali ta' adattament għall-approvazzjoni tal-Gvern;

(k) li tipprepara u taġġorna l-Pjan Nazzjonali dwar l-Energija u l-Klima għall-approvazzjoni tal-Gvern;

(l) li thejji kwalunkwe pjanijiet oħra li l-Ministru jista' jidderiegi;

(m) li tipprovd i għall-ġbir, l-ipproċessar, it-tqabbil u l-interpretazzjoni ta' data relatata mal-azzjoni klimatika b'konjizzjoni ta' data relatata mal-ekonomija lokali u mal-obbligi internazzjonali u tal-Unjoni Ewropea, u wkoll li tipprovd i li tali persuni li jwettqu tali attivitajiet li jistgħu jaffettwaw il-klima kif jista' jkun preskritt, jirrapportaw tali informazzjoni u data lill-Gvern fuq bażi regolari jew fuq bażi

oħra kif jista' jkun preskritt sabiex il-Gvern jieħu l-azzjoni meħtieġa sabiex jarmonizza l-politiki u l-miżuri lokali b'kontribut għall-mitigazzjoni u l-adattament fil-klima:

Iżda għall-finijiet tal-paragrafi (i), (j) and (k) l-Awtorità għandha ssegwi *mutatis mutandis* il-proċedura għall-konsultazzjoni pubblika stipulata fit-termini tal-artikolu 28:

Iżda wkoll li l-Ministru, jista' permezz ta' ordni jassenja lill-Awtorità kwalunkwe funzjonijiet oħra konsistenti ma' dan l-Att.

(2) Id-dispożizzjonijiet ta' dan l-artikolu għandhom ikunu mingħajr preġudizzju għall-eżerċizzju tal-funzjonijiet ta' kwalunkwe awtorità stabbilita minn, jew taħt kwalunkwe liġi fir-rigward tas-saħħa pubblika, l-ambjent, jew kwalunkwe materja oħra li taqa' taħt il-funzjonijiet ta' kwalunkwe tali awtorità.

(3) L-Awtorità tista' titlob lil kwalunkwe impriża sabiex tipprovdiha kwalunkwe informazzjoni li l-Awtorità tqis meħtieġa sabiex tiżgura l-konformità mad-dispożizzjonijiet ta' dan l-Att, ir-regolamenti preskritti taħtu u kwalunkwe deċiżjonijiet jew direttivi magħmula skont dan l-Att, jew kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza. Kwalunkwe persuna li tonqos jew tirrifjuta li tipprovdi tali informazzjoni għandha tkun qed tikser dan l-Att u għandha tkun soġġetta għall-impożizzjoni ta' penali amministrattiva, kif tista' tiġi preskritta mill-Awtorità.

It-tmexxija tal-affarijiet tal-Awtorità.

**11.** (1) Fit-twettiq tal-funzjonijiet tagħha skont dan l-Att, l-Awtorità għandha tfittex li taġixxi fl-interess pubbliku u f'konformità mal-aħjar prattiki u standards.

(2) L-Awtorità għandu jkollha s-setgħa li tirregola l-kondotta tagħha stess inkluż il-proċeduri amministrattivi tagħha stess.

(3) L-Awtorità għandha twettaq id-dmirijiet, il-funzjonijiet u r-responsabbiltajiet tagħha skont id-direzzjonijiet strateġiċi tal-Gvern relatati mat-tibdil fil-klima skont il-politika tal-Gvern.

Uffiċjal Kap Eżekuttiv.

**12.** (1) Soġġett għad-dispożizzjonijiet l-oħra ta' dan l-Att, l-affarijiet u n-negozju tal-Awtorità għandhom ikunu r-responsabbiltà tal-imsemmija Awtorità iżda, l-imġiba eżekuttiva tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni tagħha u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tagħha għandhom ikunu r-responsabbiltà tal-Uffiċjal Kap Eżekuttiv tal-Awtorità, li għandu jkollu wkoll tali setgħat oħra, li jistgħu minn żmien għal żmien jiġu delegati lilu mill-Awtorità.

(2) Għandu jkun hemm Uffiċjal Kap Eżekuttiv mahtur mill-Bord wara l-approvazzjoni mill-Ministru, li għandu jkun responsabbli għat-twettiq tal-funzjonijiet magħmula minn jew skont dan l-Att, kif ukoll dawk il-funzjonijiet assenjati lil mill-Bord:

Iżda l-ewwel Uffiċjal Kap Eżekuttiv għandu jinhatar mill-Ministru.

(3) L-Uffiċjal Kap Eżekuttiv jista' jeżerċita kwalunkwe waħda (1) jew aktar mill-funzjonijiet jew ir-responsabbiltajiet jew direttament jew permezz tal-impjegati jew l-uffiċjali fi hdan id-direttorati, l-unitajiet, id-diviżjonijiet u t-taqsimiet li hu jista' jstabbilixxi, minn żmien għal żmien, sabiex jassistuh fit-twettiq effettiv u effiċjenti fid-dmirijiet assenjati lil skont dan l-Att.

(4) L-Uffiċjal Kap Eżekuttiv jista' jahtar kwalunkwe konsulenti sabiex jassistuh fit-twettiq tad-dmirijiet assenjati lil skont dan l-Att.

(5) L-Uffiċjal Kap Eżekuttiv jew ir-rappreżentant tiegħu għandu jkollhom id-dritt li jkunu preżenti u jipparteċipaw fil-laqgħat kollha tal-Bord:

Iżda l-Uffiċjal Kap Eżekuttiv ma għandux ikun preżenti waqt laqgħat tal-Bord jew xi parti minnhom f'każijiet ta' kunflitt ta' interess potenzjali jew attwali, li hu għandu jkun obligat jizvela immedjatament kif isir jaf b'tali kunflitt.

(6) L-Uffiċjal Kap Eżekuttiv u, jew kwalunkwe persuna li tassistih fit-twettiq tad-dmirijiet assenjati lil skont dan l-Att, ma għandhomx ikunu personalment responsabbli għal kwalunkwe danni kkaġunati lil kwalunkwe persuna jew kwalunkwe proprjetà bħala riżultat tat-twettiq ta' dmirijiet, sakemm ma jiġix ippruvat li tali ħsara rriżultat minn *mala fede* min-naħa tagħhom.

**13.** (1) Il-Ministru jista', fir-rigward ta' kwistjonijiet li jistgħu jidhirlu li jaffettwaw l-interess pubbliku, minn żmien għal żmien, jagħti lill-Awtorità direzzjonijiet bil-miktub ta' natura generali, mhux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, dwar il-politika li għandha tiġi segwita fit-twettiq tal-funzjonijiet mogħtija lill-Awtorità minn, jew skont dan l-Att. L-Awtorità għandha, malli jkun possibli, tagħti effett lil tali direzzjonijiet kollha.

Relazzjonijiet  
bejn il-Ministru  
u l-Awtorità.

(2) L-Awtorità għandha tagħti lill-Ministru l-fakultà sabiex jikseb informazzjoni fir-rigward tal-proprjetà u l-attivitajiet tagħha u tipprovdilu prospetti, kontijiet u informazzjoni oħra fir-rigward tagħhom, u tagħtih il-fakultà sabiex jivverifika l-informazzjoni fornuta, b'tali mod u f'tali żminijiet kif jista' raġonevolment jeħtieġ.

Personalità  
ġuridika u  
rappreżentanza  
tal-Awtorità.

**14.** (1) L-Awtorità għandha tkun korp ġuridiku li għandha personalità ġuridika distinta u għandha tkun kapaċi, soġġetta għad-dispożizzjonijiet ta' dan l-Att, li tidhol f'kuntratti, li takkwista, iżżomm u tiddisponi minn kwalunkwe tip ta' proprjetà għall-finijiet tal-funzjonijiet tagħha, li tfittex u li tiġi mħarrka, u li tagħmel tali kwistjonijiet kollha u tidhol f'tali t-tranzazzjonijiet kollha li huma inċidentali jew li jwasslu għall-eżerċizzju jew it-twettiq tal-funzjonijiet tagħha skont dan l-Att, inkluż li tislef jew issellef flus.

(2) Ir-rappreżentanza legali u ġudizzjarja tal-Awtorità għandha tkun vestita fl-Uffiċjal Kap Eżekuttiv:

Iżda l-Awtorità tista' tahtar kwalunkwe wiehed (1) jew aktar mill-membri tagħha jew tal-uffiċjali jew l-impjegati tal-Awtorità sabiex jidhru f'isem u għan-nom tal-Awtorità fi kwalunkwe proċeduri ġudizzjarji u fi kwalunkwe att, kuntratt, strument jew dokument ieħor ikun xi jkun:

Iżda wkoll fir-rigward ta' kwalunkwe kwistjoni li taqa' taht il-funzjonijiet mogħtija lill-Uffiċjal Kap Eżekuttiv, ir-rappreżentanza legali u ġudizzjarja tal-Awtorità għandha tkun vestita wkoll fil-kap tad-Direttorat jew lil tali membru, uffiċjal jew impjegat ieħor tal-Awtorità, skont kif l-Awtorità tista' tahtar jew tawtorizza għal dan il-għan.

### TAQSIMA III UFFIĊJALI U IMPJEGATI TAL-AWTORITÀ

Ha tra ta'  
uffiċjali u  
impjegati tal-  
Awtorità.

**15.** (1) L-Awtorità għandha tahtar u timpjega, b'tali remunerazzjoni u b'tali termini u kundizzjonijiet kif tista' tiddetermina hi, tali uffiċjali u impjegati tal-Awtorità, li jistgħu minn żmien għal żmien ikunu meħtieġa, għat-twettiq dovut u effettiv tal-funzjonijiet tagħha, f'konformità mad-direttivi maħruġa skont l-Att dwar l-Amministrazzjoni Pubblika.

Kap. 595.

Kap. 595.

(2) Skont id-dispożizzjonijiet tal-Att dwar l-Amministrazzjoni Pubblika jew bl-approvazzjoni tal-Prim Ministru, l-Awtorità tista' titlob, wara konsultazzjoni mal-Ministru, li kwalunkwe impjegat pubbliku għandu minn żmien għal żmien, ikun assenjat sabiex jaħdem mal-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tkun speċifikata fl-assenjazzjoni.

(3) Meta uffiċjal pubbliku jkun assenjat għal dmir mal-Awtorità, tali uffiċjal għandu, matul iż-żmien li fih tali direzzjoni tkun valida, ikun taht id-direzzjoni u l-kontroll amministrattivi tal-Awtorità iżda għandu xorta oħra jibqa' u jirritjeni d-drittijiet u d-dmirijiet kollha bħala uffiċjal pubbliku u, għall-fini ta' kwalunkwe liġi relatata mal-pensjonijiet tas-servizz pubbliku, is-servizz mal-Awtorità għandu

jitqies bhala servizz mal-Gvern.

#### TAQSIMA IV DISPOŻIZZJONIJIET FINANZJARJI TAL-AWTORITÀ

**16.** (1) L-Awtorità għandha tkun regolata mid-dispożizzjonijiet tal-Att dwar il-Ġestjoni tal-Finanzi Pubbliċi. Mingħajr preġudizzju għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha twettaq l-affarijiet tagħha b'tali mod li l-parti l-kbira tan-nefqa meħtieġa għat-tweqqi xieraq tal-funzjonijiet tagħha għandha, sa fejn ikun possibbli, tkun sodisfatta mid-dhul tagħha.

Dispożizzjoni-  
jiet finanzjarji  
tal-Awtorità.  
Kap. 601.

(2) Għal dan il-għan l-Awtorità għandha timponi d-drittijiet, irati u l-pagamenti l-oħra kollha preskritti jew meqjusa li huma preskritti minn, jew skont dan l-Att jew kwalunkwe liġi oħra relatata mas-setgħat u l-funzjonijiet tal-Awtorità, b' konsultazzjoni mal-Ministru għall-finanzi.

(3) L-Awtorità għandha tithallas mill-Gvern permezz tal-Fond Konsolidat tali ammonti li l-Kamra tad-Deputati tista', minn żmien għal żmien, tawtorizza li jiġu allokat i sabiex jintlaħqu l-ispejjeż ta' xogħlijiet speċifikati jew attivitajiet li għandhom jitkoplew jew jitwettqu b'xi mod ieħor mill-Awtorità.

(4) Kull eċċess ta' dhul fuq in-nefqa għandu, soġġett għal dawk id-direttivi li l-Ministru jista' jagħti, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, minn żmien għal żmien, jiġi applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riżerva li għandhom jintużaw għall-finijiet tal-Awtorità, u mingħajr preġudizzju għall-ġeneralità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kwalunkwe direzzjoni mogħtija mill-Ministru kif imsemmi preċedentement tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'tali mod li jista' jkun speċifikat fid-direzzjoni, ta' kwalunkwe parti mid-drittijiet, rati u pagamenti oħra imposti skont is-subartikolu (2) jew kwalunkwe tali eċċess kif imsemmi preċedentement.

(5) Kwalunkwe fondi tal-Awtorità li ma jkunux meħtieġa immedjatament sabiex ikopru n-nefqa jistgħu jiġu investiti b'tali mod li, minn żmien għal żmien, jista' jiġi deċiż mill-Awtorità.

**17.** (1) L-Awtorità għandha tara li jithejjew f'kull sena finanzjarja, u mhux aktar tard minn sitt (6) ġimgħat wara t-tmiem ta' kull tali sena għandha tadotta estimi tad-dhul u n-nefqa tal-Awtorità għas-sena finanzjarja sussegwenti:

Estimi tal-  
Awtorità.

Iżda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jithejjew u jiġu adottati f'tali perjodu li l-Ministru jista' jispeċifika b'avviż bil-miktub lill-Awtorità.

(2) Fit-thejjja ta' dawn l-estimi, l-Awtorità għandha tqis kwalunkwe fondi u flejjes oħra li jistgħu jkunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja relevanti, kemm jekk bis-saħħa ta' dan l-Att, jew ta' Att dwar l-appropriazzjoni, jew ta' kwalunkwe liġi oħra, u l-Awtorità għandha b'hekk thejji l-estimi msemmija sabiex tiżgura li d-dhul totali tal-Awtorità jkun mill-inqas suffiċjenti sabiex jissodisfa l-ammonti kollha li għandhom jithallsu kif suppost mill-kont tad-dhul tagħha inkluż, iżda mingħajr preġudizzju għall-ġeneralità ta' dik l-espressjoni, id-deprezzament.

(3) L-estimi għandhom isiru f'tali forma u għandhom jinkludu tali informazzjoni u tali paragun mas-snin preċedenti kif il-Ministru responsabbli għall-finanzi jista' jidderiegi.

(4) Kopja tal-estimi għandha, mal-adozzjoni tagħhom mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn sitt (6) ġimgħat wara li jkun irċieva kopja tal-estimi mill-Awtorità, japprova l-istess bl-emendi jew mingħajrhom wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

L-infiq għandu jkun skont l-estimi approvati.

**18.** (1) L-ebda nefqa ma għandha ssir jew tiġi mgarrba mill-Awtorità sakemm ma jkunx sar provvediment għaliha fl-estimi approvati kif provdut fl-artikolu 17.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1):

(a) sal-iskadenza ta' sitt (6) xhur mill-bidu ta' sena finanzjarja, jew sal-approvazzjoni tal-estimi għal dik is-sena, skont liema data tiġi l-ewwel, l-Awtorità tista' tagħmel jew tidhol fi spejjeż għat-twettiq tal-funzjonijiet tagħha skont dan l-Att li ma jaqbiżx fl-aggregat nofs (1/2) l-ammont approvat għas-sena finanzjarja preċedenti;

(b) in-nefqa approvata fir-rigward ta' kap jew subkap tal-estimi tista', bl-approvazzjoni tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, issir jew tidhol fi spejjeż fir-rigward ta' kap jew subkap ieħor tal-estimi;

(ċ) fir-rigward tal-ewwel sena finanzjarja, l-Awtorità tista' tagħmel jew tidhol fi spejjeż li ma jeċċedux fl-aggregat dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk fir-rigward ta' kwalunkwe sena finanzjarja jinstab li l-ammont approvat fl-estimi ma jkunx biżżejjed jew

ikun hemm hteġa għall-ispejjeż għal skop mhux previst fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni mill-Ministru u fi kwalunkwe tali każ, id-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom japplikaw kemm jista' jkun prattikabbli għall-estimi supplimentari.

**19.** Il-Ministru għandu, mal-ewwel opportunità u fi kwalunkwe każ mhux aktar tard minn ġimagħtejn (2) wara li jkun irċieva kopja tal-estimi u l-estimi supplimentari tal-Awtorità, jew jekk fi kwalunkwe hin matul dak il-perjodu li l-Kamra ma tkunx f'sessjoni, f'perjodu ta' ġimagħtejn (2) mill-bidu tas-sessjoni sussegwenti, jara li tali estimi jitqiegħdu fuq il-Mejda tal-Kamra.

Pubblikazzjoni ta' estimi approvati.

**20.** (1) L-Awtorità għandha tara li jinżammu kontijiet u rekords oħra xierqa fir-rigward tal-operazzjonijiet tagħha u għandha tara li tithejja dikjarazzjoni tal-kontijiet fir-rigward ta' kull sena finanzjarja.

Kontabbiltà u awditjar.

(2) Il-kontijiet tal-Awtorità għandhom jiġu awditjati minn awdituri li għandhom jinħatru mill-Awtorità u jiġu approvati mill-Ministru:

Izda l-Ministru jista' jeħtieġ li l-kotba u l-kontijiet tal-Awtorità jiġu vverifikati jew eżaminati mill-Awditur Ġenerali li għal dak l-għan ikollu s-setgħat kollha stabbiliti fl-Att dwar l-Awditur Ġenerali u l-Uffiċċju Nazzjonali tal-Verifika.

Kap. 396.

(3) Wara t-tmien ta' kull sena finanzjarja, u f'kwalunkwe każ mhux aktar tard mid-data li fiha l-estimi tal-Awtorità jintbagħtu lill-Ministru skont l-artikolu 17, l-Awtorità għandha tara li kopja tad-dikjarazzjoni tal-kontijiet debitament ivverifikata tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi, flimkien ma' kopja ta' kwalunkwe rapport magħmul mill-awdituri dwar tali dikjarazzjoni jew fir-rigward tal-kontijiet tal-Awtorità.

(4) Il-Ministru għandu, mal-ewwel opportunità u f'kwalunkwe każ mhux aktar tard minn tmien (8) ġimgħat wara li jkun irċieva kopja ta' kull tali dikjarazzjoni u rapport, jew jekk fi kwalunkwe hin matul dak il-perjodu li l-Kamra ma tkunx f'sessjoni, f'perjodu ta' tmien (8) ġimgħat mill-bidu tas-sessjoni sussegwenti, jara li kull tali dikjarazzjoni u rapport jitqiegħdu fuq il-Mejda tal-Kamra.

**21.** (1) Il-flejjes kollha dovuti lill-Awtorità għandhom jithallsu f'banek maħtura bħala bankiera tal-Awtorità permezz ta' riżoluzzjoni tal-Awtorità. Dawn il-flejjes għandhom, sa fejn ikun prattikabbli, jithallsu lil tali banek minn jum għal jum, hliet għal tali ammont li l-Awtorità tista' tawtorizza li jinżamm sabiex jiġu ssodisfati l-izborżi żgħar u l-pagamenti immedjati fi flus kontanti.

Depożitu ta' dhul u pagamenti mill-Awtorità.

(2) Il-pagamenti kollha mill-fondi tal-Awtorità, minbarra zborzi żgħar li ma jaqbzux ammont stabbilit mill-Awtorità, għandhom isiru minn tali uffiċjali tal-Awtorità li l-Awtorità għandha tappunta jew taħtar għal dak il-għan.

(3) Ċekkijiet kontra u għid minn kwalunkwe kont bankarju tal-Awtorità għandhom jiġu ffirmati minn tali uffiċjal tal-Awtorità li jista' jiġi appuntat jew maħtur mill-Awtorità għal dak il-għan u għandhom jiġu kontrofirmati mill-President, jew minn tali membru jew uffiċjal ieħor tal-Awtorità kif jista' jkun awtorizzat mill-Awtorità għal dak il-għan.

(4) L-Awtorità għandha wkoll tagħmel proviżjoni fir-rigward ta':

(a) il-mod li bih u l-uffiċjali li minnhom għandhom jiġu awtorizzati jew approvati l-pagamenti;

(b) it-titolu ta' kwalunkwe kont miżmum mal-banek li fihom għandhom jithallsu l-flejjes tal-Awtorità, u t-trasferiment ta' fondi minn kont għall-ieħor;

(c) il-metodu li għandu jiġi adottat sabiex isiru l-ħlasijiet mill-fondi tal-Awtorità, u b'mod ġenerali fir-rigward ta' kwalunkwe kwistjoni li hija rilevanti għaż-żamma u l-kontroll xieraq tal-kontijiet u l-kotba, u l-kontroll tal-finanzi tal-Awtorità.

Kuntratti ta' provvista ta' xogħlijiet.

Kap. 601.

Rapport annwali.

**22.** L-Awtorità ma għandhiex tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjali jew għat-twettiq ta' xogħlijiet, jew għall-għoti ta' servizzi lill-Awtorità, jew għall-benefiċċju tagħha, ħlief skont l-Att dwar il-Ġestjoni tal-Finanzi Pubbliċi u kwalunkwe regolamenti magħmula taħtu.

**23.** (1) L-Awtorità għandha, mhux aktar tard minn sitt (6) ġimgħat wara t-tmiem ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jittratta b'mod ġenerali l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja, u li jkun fih tali informazzjoni relatata mal-proċedimenti u l-politika tal-Awtorità, kif jista' jkun meħtieġ minn żmien għal żmien mill-Ministri msemmija. Il-Ministru għandu, mal-ewwel opportunità u fi kwalunkwe każ mhux aktar tard minn ġimagħtejn (2) wara li jkun irċieva kopja ta' kull tali rapport, jew jekk fi kwalunkwe hin matul dak il-perjodu li l-Kamra ma tkunx f'sessjoni, fi żmien ġimagħtejn (2) mill-bidu tas-sessjoni sussegwenti, jara li kopja ta' kull tali rapport titqiegħed fuq il-Mejda tal-Kamra.

(2) Il-Ministru għandu jiżgura li l-istrategġija nazzjonali fit-tul, l-istrategġija ta' adattament nazzjonali u l-Pjan Nazzjonali dwar l-Energġija u l-Klima għandhom jiġu riveduti u aġġornati perjodikament, u mill-

inqas kull hames (5) snin.

(3) Il-Ministru għandu jirrapporta lill-Kamra u l-Kamra għandha tiddiskuti fuq bażi annwali l-progress reġistrat fl-azzjoni dwar il-klima f'seduta ddedikata għal dan il-għan.

(4) Skont is-subartikoli (2) u (3), il-Ministru għandu jirreferi r-rapporti, l-istrategiji u l-politika lill-Kumitat Permanenti.

#### **TAQSIMA V FOND TA' AZZJONI DWAR IL-KLIMA**

**24.** (1) Il-Ministru jista', f'konsultazzjoni mal-Ministru responsabbli għall-finanzi, b'ordni jistabbilixxi u jżomm Fond ta' Azzjoni dwar il-Klima. Fond ta' Azzjoni dwar il-Klima.

(2) Il-Fond ta' Azzjoni dwar il-Klima għandu jiġi rikostruwit minn:

(a) dħul li jakkumula lill-Gvern mill-parteciġipazzjoni fi u l-implimentazzjoni tiegħu ta' miżuri bbażati fuq is-suq relatati mal-azzjoni klimatika adottati skont it-trattati internazzjonali jew il-legiżlazzjoni tal-Unjoni Ewropea, inkluż *inter alia*, mill-irkant ta' kwoti skont id-Direttiva 2003/87/KE tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ottubru 2003 li tistabbilixxi skema għall-iskambju ta' kwoti ta' emissjonijiet ta' gassijiet serra ġewwa l-Komunità u li temenda d-Direttiva tal-Kunsill 96/61/KE, kif tista' tiġi emendata jew sostitwita minn żmien għal żmien;

(b) dħul iġġenerat mill-Gvern permezz tal-implimentazzjoni ta' miżuri nazzjonali relatati mat-tnaqqis jew il-limitazzjoni ta' emissjonijiet ta' gassijiet serra;

(ċ) kull donazzjoni jew għotja magħmula lill-Fond minn individwi jew istituzzjonijiet; u

(d) kwalunkwe ammonti jew flejjes, kif jistgħu minn żmien għal żmien, jiġu pprovduti minn, jew skont dan l-Att jew kwalunkwe liġi oħra.

(3) Il-Fond ta' Azzjoni dwar il-Klima għandu jiġi stabbilit f'konformità ma' dan l-artikolu u għandu jiġi amministrat mill-Awtorità kif stabbilit b'dan l-Att.

(4) Il-Fond ta' Azzjoni dwar il-Klima msemmi f'dan l-artikolu għandu jiġi applikat sabiex:

(a) jappoġġja t-twertiq tal-obbligi stabbiliti f'dan l-Att u

kwalunkwe regolamenti magħmula tahtu;

(b) jappoġġja t-twettiq tal-obbligi u l-impenji tal-Gvern stabbiliti mill-UNFCCC u l-leġiżlazzjoni tal-Unjoni Ewropea; u

(ċ) jipprovdi appoġġ finanzjarju lil u l-promozzjoni, il-faċilitazzjoni u l-finanzjament tat-trasferiment ta', u l-aċċess għal teknoloġiji ambjentalment sodi u għarfien espert jew kapaċità għal rekwiżiti nazzjonali u pajjiżi li qed jiżviluppaw, skont l-obbligi u l-impenji tal-Gvern skont trattati internazzjonali.

#### TAQSIMA VI

### L-ISTABBILIMENT, IL-FUNZJONIJET U T-TMEXXIJA TAL-AFFARIJET TAL-KUNSILL NAZZJONALI GĦALL-AZZJONI DWAR IL-KLIMA

Kunsill  
Nazzjonali  
għall-Azzjoni  
dwar il-Klima.

**25.** (1) Għandu jkun hemm Kunsill li għandu jkun magħruf bħala l-Kunsill Nazzjonali għall-Azzjoni dwar il-Klima (NCAC) li għandu jinħatar mill-Prim Ministru b'konsultazzjoni mal-Ministru u li għandu jikkonsisti f'minimu ta' sitt (6) u massimu ta' tmien (8) persuni esperti li għandhom ikunu esperti fi kwalunkwe qasam relatat mal-klima inklużi dawk fl-oqsma xjentifiċi, tal-politika pubblika, tal-finanzi, ekonomiċi u soċjali:

Iżda l-Prim Ministru f'konsultazzjoni mal-Ministru jista' jaħtar President, Viċi President u Segretarju għall-Kunsill:

Iżda wkoll il-Prim Ministru f'konsultazzjoni mal-Ministru jista' jippermetti lill-Kunsill jaħtar kwalunkwe espert jew grupp ta' esperti oħra sabiex jassistuh fit-twettiq tal-funzjonijiet tiegħu skont kif jista' jkun meħtieġ.

(2) Il-Kunsill għandu jkun korp statutorju indipendenti u l-objettiv ewlieni tiegħu għandu jkun dak li jappoġġja l-għanijiet strateġiċi ta' Malta relatati mal-azzjoni dwar il-klima, permezz tal-għoti ta' pariri lill-Gvern dwar l-azzjoni dwar il-klima f'Malta.

(3) Il-membri tal-Kunsill għandhom jaġixxu b'mod indipendenti u għandhom iżommu l-kariga għal perjodu ta' tliet (3) snin, iżda l-membri hekk maħtura jistgħu jinħatru mill-ġdid meta jiskadi l-mandat tagħhom:

Iżda jekk membru jinħatar fi kwalunkwe hin wara li l-membri l-oħra jkun digà ġew maħtura, il-mandat tal-hatra ta' tali membru l-ieħor għandu jintemm fl-istess data bħal dik tal-membri l-oħra:

Iżda wkoll għandha tiġi stabbilita skema ta' rotazzjoni xierqa għall-hatra tal-membri tal-Kunsill sabiex id-data tat-tmiem tal-mandat

tal-membri tal-Kunsill ma għandhiex tkun l-istess għall-membri kollha.

(4) Persuna ma għandhiex tkun kwalifikata sabiex iżżomm il-kariga bħala membru tal-Kunsill, jekk il-persuna:

(a) tkun legalment inabilitata;

(b) giet ddikjarata falluta jew għamlet kompożizzjoni jew arrangament mal-kredituri tagħha;

(c) instabet hatja ta' reat li jaffettwa l-fiducja pubblika, jew serq, jew frodi, jew li xjentement irċeviet proprjetà miksuba permezz ta' serq jew frodi, jew ta' kwalunkwe reat kontra dan l-Att; jew

(d) għandha interess finanzjarju jew interess ieħor fi kwalunkwe intrapriża jew attività li x'aktarx taffettwa t-twettiq tal-funzjonijiet tagħha bħala membru tal-Kunsill.

(5) Kwalunkwe membru tal-Kunsill li għandu xi interess dirett jew indirett li għandu x'jaqsam ma' xi funzjoni partikolari tal-Kunsill, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu jiżvela n-natura tal-interess fl-ewwel laqgħa tal-Kunsill wara li l-fatti rilevanti jkun saru magħrufa minn dak il-membru, u tali żvelar għandu mbagħad jiġi rreġistrat fil-minuti tal-laqgħa, u l-membru li jkollu interess kif imsemmi preċedentement għandu jirtira minn kwalunkwe laqgħat li fihom tiġi diskussa tali kwistjoni. Kull tali żvelar għandu jiġi kkomunikat lill-Prim Ministru mingħajr dewmien. Meta l-interess tal-membru jkun tali li jiskwalifikah milli jibqa' membru, huwa għandu jirrapporta l-fatt immedjatament lill-Prim Ministru u jagħti r-riżenja tiegħu.

(6) Il-hatra ta' kwalunkwe persuna bħala membru tal-Kunsill u t-tmiem tal-kariga jew ir-riżenja ta' kwalunkwe tali persuna, kif ukoll kwalunkwe funzjonijiet addizzjonali assenjati lill-Kunsill mill-Prim Ministru b'konsultazzjoni mal-Ministru, għandhom jiġu nnotifikati fil-Gazzetta u għandu jkollhom effett minnufih:

Iżda n-nuqqas ta' publikazzjoni tal-hatra jew it-terminazzjoni tal-kariga skont il-każ, ma għandu jkollha l-ebda effett fuq il-validità ta' tali hatra jew terminazzjoni.

**26.** (1) Il-Kunsill għandu jkollu dawk il-funzjonijiet li huma stabbiliti f'dan l-Att u dawk il-funzjonijiet l-oħra li jistgħu jiġu delegati lilu taħt kwalunkwe liġi oħra, jew li jistgħu jiġu assenjati lilu mill-Prim Ministru f'konsultazzjoni mal-Ministru skont dan l-Att.

Funzjonijiet tal-Kunsill Nazzjonali għall-Azzjoni dwar il-Klima.

(2) Għandha tkun il-funzjoni tal-Kunsill:

(a) li jagħti pariri lill-Ministru dwar u jissorvelja l-implimentazzjoni ta' dan l-Att u, jew kwalunkwe regolamenti magħmula tahtu u, jew kwalunkwe obbligu internazzjonali u, jew tal-Unjoni Ewropea relatat mal-azzjoni dwar il-klima li l-Gvern jista' jkun marbut li josserva bħala Stat jew Stat Membru tal-Unjoni Ewropea;

(b) li jiffacilita l-aderenza tal-Gvern mal-istrategija nazzjonali fit-tul, il-Pjan Nazzjonali dwar l-Energija u l-Klima, l-istrategija nazzjonali ta' adattament u kwalunkwe strategija jew politika oħra li l-Ministru jista' johrog skont dan l-Att jew kwalunkwe regolamenti magħmula tahtu;

(c) li jagħmel rakkomandazzjonijiet lill-Ministru dwar kwalunkwe kwistjoni relatata ma' dan l-Att jew kwalunkwe regolamenti magħmula tahtu jew dwar kwalunkwe kwistjoni relatata ma' azzjoni dwar il-klima;

(d) li kull sena jirrapporta lill-Ministru dwar il-progress li jkun qed jiġi rreġistrat fil-qasam tal-azzjoni dwar il-klima;

(e) li jikkonsulta dwar kwalunkwe kwistjoni relatata ma' dan l-Att jew kwalunkwe regolamenti magħmula tahtu mal-Ministeri, id-dipartimenti, l-awtoritajiet, l-aġenziji u l-entitajiet tal-Gvern kollha u l-partijiet kollha konċernati inkluż is-soċjetà civili, partikolarment l-organizzazzjonijiet volontarji fis-settur tal-azzjoni dwar il-klima; u

(f) li jwettaq dawk il-funzjonijiet l-oħra li jistgħu jiġu assenjati lilu mill-Prim Ministru b'konsultazzjoni mal-Ministru.

**TAQSIMA VII**

**IS-SETGHA LI JSIRU REGOLAMENTI**

Is-setgħa li jsiru regolamenti.

**27. (1)** Il-Ministru jista', f'konsultazzjoni mal-Awtorità, u bla ħsara għad-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti sabiex jagħti effett lil kull dispożizzjoni ta' dan l-Att, jew sabiex jirregola jew xort'oħra jipprovdi dwar kull materja fir-rigward tal-funzjonijiet u tal-attivitajiet li jaffettwaw l-azzjoni dwar il-klima skont dan l-Att, li jinkludu *inter alia*, regolamenti li:

(a) jagħtu effett lil kwalunkwe obbligu Ewropew u, jew internazzjonali li l-Gvern jaderixxi għalih fir-rigward tat-tibdil fil-klima permezz ta', jew skont dan l-Att;

(b) jipprovdu għall-proċeduri li għandhom jiġu segwiti

fir-rigward ta' soluzzjoni ta' tilwim;

(c) jipprovdu għas-setgħat ta' infurzar meħtiega mill-Awtorità sabiex twettaq il-funzjonijiet tagħha skont dan l-Att;

(d) jipprovdu li tiġi preskritta xi ħaġa li tista', jew li għandha tiġi preskritta minn dan l-Att;

(e) jippreskrivu miżuri sabiex jiġi mitigat it-tibdil fil-klima;

(f) jippreskrivu miżuri għall-prevenzjoni, l-evitar u t-tnaqqis tal-vulnerabbiltà għal, u t-tiŝiħ tar-reżiljenza għall-impatti negattivi tat-tibdil fil-klima u għall-adattament għat-tibdil fil-klima;

(g) jippreskrivu miżuri għall-governanza tajba ta' miżuri ta' mitigazzjoni u adattament għat-tibdil fil-klima;

(h) jippreskrivu l-imposti u d-drittijiet li jistgħu jiġu imposti mill-Awtorità għas-servizzi rezi minnha skont dan l-Att, jew fir-rigward ta' kwalunkwe kwistjoni li għaliha huwa mejqus li dritt għandu jkun pagabbli, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi;

(i) jipprovdu għall-istabbiliment u t-tħaddim tas-suq tal-karbonju volontarju; u, jew

(j) jipprovdu għall-istabbiliment u t-tħaddim tas-suq taċ-certifikati tal-enerġija rinnovabbli.

(2) Il-Ministru jista', f'konsultazzjoni mal-Awtorità, u filwaqt li jaġixxi skont id-dispożizzjonijiet ta' dan l-Att, jaġmel regolamenti għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att, u jista' jahtar kwalunkwe persuna jew korp sabiex tkun l-awtorità nominata għall-għanijiet tal-eżerċizzju ta' kwalunkwe dmir jew obbligu li l-Gvern għandu taħt dan l-Att.

(3) Mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet tas-subartikoli (1) u (2), tali regolamenti jistgħu, b'mod partikolari jaġtu effett lil kwalunkwe strument legali multilaterali li għalih Malta tista' tkun parti u kif ukoll lid-Direttivi, Regolamenti u Deċiżjonijiet tal-UE relatati ma' kwalunkwe materja regolata minn dan l-Att jew materja konċernata, minn żmien għal żmien, u li jistabbilixxu mekkanizmi u jaġmlu dispożizzjonijiet oħra għall-implimentazzjoni tagħhom.

Il-proċedura sabiex isiru r-regolamenti.

**28.** (1) Ir-regolamenti imsemmija fl-artikolu 27 ma għandhomx isiru sakemm il-Ministru ma jkunx l-ewwel ippubblika abbozz tagħhom fil-Gazzetta li jippermetti lil kull persuna perjodu ta' mill-inqas erba' (4) ġimgħat sabiex tagħmel rappreżentazzjonijiet lill-Ministru.

(2) Id-dispożizzjonijiet tas-subartikolu (1) fir-rigward tal-pubblikazzjoni ta' abbozz tar-regolamenti għall-konsultazzjoni pubblika ma għandhomx japplikaw fir-rigward ta' xi regolamenti li l-Ministru jqis li huma urġenti jew meta kwalunkwe konsultazzjoni pubblika tkun saret qabel id-data tad-dhul fis-seħħ ta' dan l-Att.

(3) Il-Ministru għandu jikkunsidra kwalunkwe rappreżentazzjonijiet magħmula skont is-subartikolu (1) u jista' jipproċedi sabiex jirrevedi l-abbozz tar-regolamenti u sabiex jippromulga tali regolamenti skont l-istess reviżjoni, jew sabiex jemenda kwalunkwe regolamenti diġà promulgati.

(4) Meta l-Ministru jagħmel regolamenti dwar il-proċedura quddiem kwalunkwe bord, kummissjoni jew korp ieħor stabbilit skont dan l-Att, huwa għandu jikkonsulta wkoll dan il-bord, kummissjoni jew korp.

Is-setgħa tal-Ministru li jagħmel regolamenti fir-rigward ta' reati u penali amministrattivi.

**29.** (1) Mingħajr preġudizzju għal kwalunkwe dispożizzjoni oħra ta' dan l-Att il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti li jimponu pieni fuq kwalunkwe persuna li tikser jew tonqos milli tikkonforma ma' kwalunkwe dispożizzjoni ta' dan l-Att u, jew kwalunkwe regolamenti magħmula tahtu, tali persuna għandha tkun hatja ta' reat u meta tinsab hatja għandha tehel:

(a) il-piena ta' prigunerija li ma teċċedix l-erba' (4) snin u multa li ma taqbiżx il-miljun euro (€1,000,000); u, jew

(b) multa kalkulata skont id-durata tat-twettiq tar-reat, li ma teċċedix ħamsin elf (€50,000) euro għal kull ġurnata li fiha jissokta r-reat.

(2) Mingħajr preġudizzju għal kull dispożizzjoni oħra ta' dan l-Att, il-Ministru jista', wara konsultazzjoni mal-Awtorità, jagħmel regolamenti li jawtorizzaw lil xi persuna jew xi dipartiment, aġenzija, korporazzjoni jew awtorità jimponu penali amministrattivi li ma jaqbiżx miljun euro (€1,000,000) fuq kull persuna, dipartiment, aġenzija, korporazzjoni jew awtorità li tikser xi dispożizzjoni ta' dan l-Att jew ta' xi regolamenti jew direttivi magħmula tahtu, u li jipprovdu għall-proċedura dwar l-impożizzjoni u l-eżekuzzjoni ta' tali penali amministrattivi. Kwalunkwe tali penali amministrattivi għandhom jikkostitwixxu titolu eżekuttiv għall-effetti u l-għanijiet kollha tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni

u Proċedura Ċivili.

### TAQSIMA VIII SETGHA TA' DELEGA

**30.** (1) Mingħajr preġudizzju għas-setgħat tiegħu skont id-dispożizzjonijiet ta' dan l-Att, il-Ministru jista' jordna lil kwalunkwe persuna jew kwalunkwe dipartiment, aġenzija, korporazzjoni jew awtorità stabbilita bil-liġi sabiex iwettqu kwalunkwe funzjoni jew dmir skont dan l-Att jew kwalunkwe regolamenti magħmula tahtu u, jew sabiex jiżguraw l-implimentazzjoni xierqa ta' dan l-Att jew kwalunkwe regolamenti magħmula tahtu, u l-Ministru jista' permezz ta' regolamenti jippreskrivi u jirregola l-proċeduri u l-metodi li għandhom jiġu adottati minn tali persuna, dipartiment, aġenzija, korporazzjoni jew awtorità fit-tweġiq tal-istess funzjonijiet.

Setgħa ta'  
delega.

(2) Il-Ministru jista', minn żmien għal żmien, jagħti lil xi waħda mill-entitajiet jew lil xi uffiċjali jew impjegati tagħhom dawk id-direttivi jew ordnijiet, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, kif il-Ministru jista' jqis bħala xierqa fir-rigward tal-politika li għandha tiġi segwita minnhom u għat-tweġiq u l-implimentazzjoni tal-funzjonijiet tagħhom, u dwar kull materja oħra li l-Ministru jidhirlu li hi konnessa mal-azzjoni dwar il-klima, u l-entità, l-uffiċjal jew l-impjegati kkonċernati għandhom, sa fejn hu possibbli, mingħajr dewmien jikkonformaw u jaġixxu skont dawn id-direttivi u l-ordnijiet u għandhom iwettqu l-funzjonijiet tagħhom skont dawn il-prinċipji.

(3) Kull entità għandha tagħti lill-Ministru l-facilitajiet kollha meħtieġa sabiex ikun jista' jikseb l-informazzjoni kollha li għandha x'taqsam mal-kwistjonijiet tagħhom u l-attivitajiet ta' kwalunkwe entità, uffiċjal jew impjegat, u għal dan il-għan huma għandhom jagħtu lill-Ministru l-prospetti, il-kontijiet u kull informazzjoni oħra li għandha x'taqsam ma' dan, jew mal-funzjonijiet tagħhom u jagħtuh il-facilitajiet kollha meħtieġa għall-awditjar tal-informazzjoni kollha mogħtija, b'dak il-mod u f'dawk il-perjodi li l-Ministru jista' raġonevolment jeħtieġ.

(4) Il-Prim Ministru jista', permezz tar-regolamenti magħmula b'konsultazzjoni mal-Ministru, jiddelega kwalunkwe waħda mill-funzjonijiet tal-Ministru skont dan l-Att jew skont xi regolamenti magħmula skont dan l-Att lil kwalunkwe Ministru ieħor.

**TAQSIMA IX  
MIXXELLANJI**

Persuni meqjusa  
bhala uffiċjali  
pubbliċi.  
Kap. 9.

**31.** Il-membri tal-Awtorità u l-uffiċjali u l-impjegati kollha tal-Awtorità għandhom jitqiesu bhala uffiċjali pubbliċi skont it-tifsira u għall-finijiet tal-Kodiċi Kriminali.

Setgħat ta'  
infurzar tal-  
Awtorità.

**32.** (1) Kwalunkwe uffiċjal jew impjegat tal-Awtorità hekk awtorizzat jista', f'kull hin raġonevoli jidhol fi kwalunkwe bini, vettura, bastiment jew kwalunkwe post ieħor, għall-finijiet ta':

(a) twettiq ta' tali spezzjonijiet, testijiet, kejl, ġbir ta' kampjuni jew sabiex jiġi aċċertat li ma jkun qed jitwettaq xejn kontra d-dispożizzjonijiet ta' dan l-Att, ir-regolamenti magħmula taħtu jew xi terminu jew kundizzjoni meħmuża ma' kwalunkwe liċenzja, permess jew awtorizzazzjoni maħruġa taħt dan l-Att; u

(b) aċċertament jew riproduzzjoni ta' tali data jew informazzjoni li l-Awtorità tista' teħtieġ.

(2) Kwalunkwe persuna li tostakola jew timpedixxi kwalunkwe uffiċjal jew impjegat tal-Awtorità fil-qadi ta' dmirijietu skont dan l-Att għandha tkun haġta ta' reat u għandha meta tinsab haġta, tkun soġġetta għal prigunerija ta' mhux aktar minn tmintax-il (18) xahar jew għal multa ta' mhux aktar minn sebgħin elf (€70,000) euro jew għal tali multa u prigunerija flimkien.

Impożizzjoni ta'  
penali  
amministrattivi.

**33.** (1) L-Awtorità tista' timponi penali amministrattiva fuq kwalunkwe persuna li tikser kwalunkwe dispożizzjoni ta' dan l-Att, regolamenti preskritti taħtu jew ta' kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza, jew li tonqos milli tikkonforma ma' kwalunkwe direttiva jew deċiżjoni mogħtija mill-Awtorità kemm jekk skont dan l-Att, regolamenti preskritti taħtu jew skont kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza, jew li tonqos milli tikkonforma ma' kwalunkwe kundizzjoni ta' kwalunkwe awtorizzazzjoni mogħtija skont dan l-Att.

(2) Penali amministrattiva imposta skont is-subartikolu (1) ma għandhiex teċċedi:

(a) mitt elf (€100,000) euro għal kull kontravvenzjoni u, jew elf u erba' mitt (€1,400) euro għal jum ta' nuqqas ta' konformità, mid-data tad-deċiżjoni mogħtija mill-Awtorità; u, jew

(b) fil-każ ta' impriża, inkluża impriża integrata vertikament, jew korp ġuridiku, sa għaxra (10%) fil-mija tal-fatturat totali kkonċernat fis-sena kummerċjali preċedenti:

Iżda fil-każ ta' impriża, inkluża impriża integrata vertikament jew korp ġuridiku, tista' fi kwalunkwe każ, tiġi imposta penali amministrattiva ta' mhux aktar minn għaxra (10%) fil-mija tal-fatturat annwali kkonċernat fis-sena kummerċjali preċedenti, liema ammont jeċċedi l-mitt elf euro (€100,000).

**34.** (1) L-Awtorità għandha, qabel ma timponi penali amministrattiva fil-konfront ta' kwalunkwe persuna li tikser jew tonqos milli tikkonforma ma':

Proċeduri meta jiġu imposti penali amministrattivi.

- (a) kwalunkwe dispożizzjoni ta' dan l-Att;
- (b) kwalunkwe regolamenti magħmula tahtu;
- (c) kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza;
- (d) kwalunkwe direttiva jew deċiżjoni mogħtija mill-Awtorità kemm jekk skont dan l-Att, ir-regolamenti magħmula tahtu jew taht kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza; jew
- (e) kwalunkwe kondizzjoni ta' kwalunkwe awtorizzazzjoni mogħtija skont dan l-Att,

tippreżenta ittra uffiċjali fit-termini tal-artikolu 466 tal-Kodiċi tal-Organizzazzjoni u Proċedura Ċivili li għandha tiġi notifika lill-persuna li kisret kwalunkwe mid-dispożizzjonijiet tal-paragrafi (a) sa (e):

Kap. 12.

- (i) fejn l-Awtorità tavża dwar il-penali amministrattiva li tista' tiġi imposta mill-Awtorità;
- (ii) fejn l-Awtorità tavża dwar id-dispożizzjoni speċifika tal-liġi li tkun għet miksura u l-penali amministrattiva applikabbli;
- (iii) fejn l-Awtorità tavża dwar l-ammont tal-penali amministrattiva;
- (iv) fejn l-Awtorità titlob li l-persuna kkonċernata tirrettifika l-atti jew l-ommissjonijiet imwettqa minn tali persuna u, jew inkella tagħmel sottomissjonijiet lill-Awtorità sabiex tikkontesta t-talba fil-perjodu speċifikat:

Iżda dak il-perjodu ma jistax ikun ta' aktar minn għoxrin (20) jum u ta' mhux inqas minn ħamest (5) ijiem mid-data tan-notifika tal-ittra uffiċjali:

Iżda wkoll il-persuna li kontriha tista' tiġi imposta l-penali amministrattiva, għandha tingħata opportunità raġonevoli matul tali perjodu ta' żmien kif jista' jiġi stipulat fl-ittra uffiċjali sabiex tagħmel sottomissjonijiet lill-Awtorità u sabiex tipproponi kwalunkwe rimedji sabiex tirrettifika l-atti jew l-ommissjonijiet meħtieġa mill-Awtorità li jiġu rettifikati.

(2) Fl-ittra uffiċjali msemmija fis-subartikolu (1), l-Awtorità tista' timponi dawk il-kondizzjonijiet li tista' tqis raġonevoli fiċ-ċirkostanzi.

(3) Jekk il-persuna kkonċernata tirrimedja l-ksur fil-perjodu stabbilit mill-Awtorità skont is-subartikolu (1), u taqbel bil-miktub li tosserva kwalunkwe kondizzjoni li l-Awtorità tista' timponi, l-Awtorità ma għandhiex tipproċedi ulterjorment:

Iżda jekk il-persuna kkonċernata, wara li tkun intrabtet bil-miktub kif iddikjarat hawn fuq, tonqos milli tirrimedja l-ksur fil-perjodu stabbilit mill-Awtorità skont is-subartikolu (1) jew tonqos milli tosserva kwalunkwe kondizzjoni miftiehma bil-miktub, l-Awtorità għandha timponi kontra tali persuna penali amministrattiva għal tali nuqqas, flimkien mal-penali amministrattiva li tista' tiġi imposta għall-ksur innifsu.

(4) Jekk wara li jiskadi l-perjodu msemmi fis-subartikolu (1), l-Awtorità tqis li l-persuna kkonċernata ma tat l-ebda raġunijiet validi sabiex turi għaliex ma għandha tiġi imposta l-ebda penali amministrattiva kontra dik il-persuna, l-Awtorità għandha tipproċedi sabiex timponi tali penali amministrattiva.

(5) Minkejja kwalunkwe dispożizzjoni oħra ta' dan l-artikolu, fejn l-Awtorità jkollha evidenza *prima facie* li l-ksur:

(a) jirrappreżenta theddida immedjata u serja għas-sikurezza pubblika jew għas-sigurtà pubblika jew għas-saħħa pubblika; jew

(b) joħloq jew jista' joħloq problemi ekonomiċi jew operattivi serji għal fornituri oħra ta' riżorsi jew għall-konsumaturi,

l-Awtorità tista' tqassar il-perjodi msemmija fis-subartikolu (1):

Iżda l-persuna li kontriha tiġi imposta tali penali amministrattiva għandha tingħata opportunità raġonevoli sabiex tissottometti kwalunkwe sottomissjonijiet u tipproponi kwalunkwe rimedji possibbli.

(6) Meta jiskadi t-terminu tal-perjodu tal-appell lit-Tribunal ta' Reviżjoni Amministrattiva, u wara n-notifika ta' kopja tal-imsemmija ittra uffiċjali msemmija fis-subartikolu (1) lill-persuna responsabbli għall-ħlas tal-penali amministrattiva, l-imsemmija ittra uffiċjali għandha tikkostitwixxi titolu eżekuttiv għall-effetti u l-għanijiet kollha tal-artikolu 253(a) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili: Kap. 12.

Iżda jekk il-persuna li kontriha tkun inħarġet l-ittra uffiċjali tressaq appell quddiem it-Tribunal ta' Reviżjoni Amministrattiva u fl-istess ħin ma', jew qabel il-preżentata tal-appell, titlob lit-Tribunal ta' Reviżjoni Amministrattiva sabiex jissospendi l-effetti tal-ittra uffiċjali, l-Awtorità ma għandhiex toħroġ att ġudizzjarju kif imsemmi f'dan is-subartikolu sakemm it-talba għas-sospensjoni tkun ġiet iddeterminata, irtirata jew ikkunsidrata mod ieħor:

Iżda wkoll it-Tribunal ta' Reviżjoni Amministrattiva għandu jiddetermina b'mod espedjenti kwalunkwe talba għas-sospensjoni msemmija f'dan is-subartikolu. Qabel ma jiddetermina talba bħal din, it-Tribunal ta' Reviżjoni Amministrattiva għandu jagħti lill-Awtorità opportunità raġonevoli sabiex twieġeb u tagħmel is-sottomissjonijiet tagħha, f'perjodu ta' mhux inqas minn tlett (3) ijiem ta' xogħol.

(7) L-imgħax bir-rata ta' tmienja (8%) fil-mija fis-sena għandu jibda jgħodd mid-data stabbilita għall-ħlas ta' kwalunkwe penali amministrattiva imposta mill-Awtorità:

Iżda f'każijiet fejn it-Tribunal ta' Reviżjoni Amministrattiva jew il-Qorti tal-Appell, skont il-każ, wara li jkun laqa' rikors għas-sospensjoni tal-proċeduri ta' penali pendenti, finalment jiddeċiedi li l-penali amministrattiva kif imposta mill-Awtorità hija dovuta, tali penali amministrattiva għandha tkun dovuta flimkien ma' kwalunkwe imgħax akkumulat fuqha mid-data ta' meta kienet dovuta l-penali, inkluża kwalunkwe sospensjoni tal-perjodu.

(8) L-Awtorità għandha tagħti r-raġunijiet tagħha għal kwalunkwe deċiżjoni meħuda skont dan l-artikolu.

(9) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, mandat jew ordni kawtelatorju ma għandux jinħareġ minn kwalunkwe Qorti li timpedixxi lill-Awtorità milli teżerċita kwalunkwe waħda mis-setgħat mogħtija lilha skont dan l-Att fir-rigward ta' penali amministrattivi.

(10) Fil-każijiet kollha fejn l-Awtorità timponi penali amministrattiva fir-rigward ta' kwalunkwe haġa magħmula jew ommissjoni minn kwalunkwe persuna u tali att jew ommissjoni jikkostitwixxu wkoll reat kriminali, ma jistgħu jittieħdu jew jitkomplew l-ebda proċeduri kontra l-persuna msemmija fir-rigward

ta' tali reat kriminali.

(11) Penali amministrattiva imposta mill-Awtorità fuq kwalunkwe persuna għandha titqies bħala dejn ċivili.

(12) Jekk kwalunkwe persuna konxjament tevita, tfixkel jew tirrifjuta n-notifika ta' xi att ġudizzjarju maħruġ skont dan l-artikolu, tali persuna għandha tkun ħatja ta' reat u għandha tehel, meta tinsab ħatja multa ta' mhux aktar minn sebgħin elf euro (€70,000).

Ksur  
amministrattiv.

**35.** Fejn kwalunkwe persuna tikser:

- (a) kwalunkwe dispożizzjoni ta' dan l-Att;
- (b) kwalunkwe regolamenti magħmula taħtu;
- (ċ) kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza; jew
- (d) kwalunkwe persuna li:

(i) tonqos milli tikkonforma ma' kwalunkwe direttiva jew deċiżjoni mogħtija mill-Awtorità kemm jekk skont dan l-Att, kwalunkwe regolamenti magħmula taħtu jew skont kwalunkwe liġi oħra li l-Awtorità hija intitolata li tinforza; jew

(ii) tonqos milli tikkonforma ma' kwalunkwe kondizzjoni ta' kwalunkwe awtorizzazzjoni mogħtija skont dan l-Att, u l-ksur jitwettaq minn korp ġuridiku u jiġi ppruvat li twettaq bil-kunsens, jew bl-involviment ta', jew li jkun attribwibbli għal, kwalunkwe negligenza serja min-naħa ta' persuna li tkun direttur, maniġer, segretarju jew uffiċjal ieħor, ikun kif ikun deskritt, ta' tali korp ġuridiku jew persuna li kellha l-intenzjoni li taġixxi fi kwalunkwe tali kapaċità, tali persuna u tali korp ġuridiku għandhom ikunu responsabbli għall-ksur imsemmi u għandhom ikunu responsabbli *in solidum* għall-ħlas ta' kwalunkwe penali amministrattiva imposta mill-Awtorità bħala konsegwenza tiegħu.

L-applikabbiltà  
tal-Att dwar il-  
Gustizzja  
Amministrattiva.  
Kap. 490.

**36.** Id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva, sa fejn japplikaw għat-Tribunal ta' Reviżjoni Amministrattiva, għandhom japplikaw għal kwalunkwe proċeduri quddiem l-imsemmi Tribunal u l-kliem "amministrazzjoni pubblika" fl-imsemmi Att għandhom jinftiehem bħala referenza għall-Awtorità.

37. (1) Għandu jitressaq appell quddiem it-Tribunal ta' Revizjoni Amministrattiva dwar kwalunkwe deċiżjoni tal-Awtorità skont id-dispożizzjonijiet ta' dan l-Att u kwalunkwe regolamenti magħmula tahtu, u kwalunkwe persuna aggravata minn tali deċiżjoni għandha dritt ta' appell.

Tribunal ta'  
Revizjoni  
Amministrattiva.

(2) Appell quddiem it-Tribunal ta' Revizjoni Amministrattiva jista' jiġi ppreżentat fuq kwalunkwe waħda mir-raġunijiet li ġejjin:

- (a) li jkun sar żball materjali fir-rigward tal-fatti;
- (b) li kien hemm żball proċedurali materjali;
- (ċ) li kien hemm żball ta' liġi; u, jew
- (d) li kien hemm xi illegalità materjali, inkluż in-nuqqas ta' raġonevolezza jew in-nuqqas ta' proporzjonalità.

(3) It-Tribunal ta' Revizjoni Amministrattiva għandu jagħti r-raġunijiet għad-deċiżjoni tiegħu u għandu jara li dawn id-deċiżjonijiet isiru pubbliċi, jekk iquis li jkun xieraq minħabba raġunijiet ta' kunfidenzjalità, mingħajr l-ismijiet tal-persuni involuti.

(4) Fid-determinazzjoni ta' appell, it-Tribunal ta' Revizjoni Amministrattiva għandu jqis il-merti tal-appell u jista', totalment jew parzjalment jikkonferma, jannulla jew ivarja d-deċiżjoni appellata, filwaqt li jagħti bil-miktub ir-raġunijiet għad-deċiżjoni tiegħu u għandu jara li tali deċiżjoni ssir pubblika u tiġi kkomunikata lill-partijiet fl-appell.

(5) L-effett ta' deċiżjoni li jkun relatat magħha appell ma għandux, hliet meta t-Tribunal ta' Revizjoni Amministrattiva jew il-Qorti tal-Appell jordnaw hekk, skont il-każ, jiġi sospiż b'konsegwenza tal-preżentata tal-appell.

(6) Kwalunkwe persuna aggravata mid-deċiżjoni tal-Awtorità għandha d-dritt ta' appell minn tali deċiżjoni quddiem it-Tribunal ta' Revizjoni Amministrattiva:

Iżda fi kwalunkwe każ, persuna li tippreżenta appell lit-Tribunal ta' Revizjoni Amministrattiva għandha teħtieġ ukoll interess dirett li tikkontesta d-deċiżjoni jew id-direttiva appellata.

(7) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 35:

- (a) appell minn deċiżjoni jew direttiva tal-Awtorità għandu jsir b'rikors u għandu jiġi ppreżentat lis-segretarju tat-Tribunal ta' Revizjoni Amministrattiva fi żmien għoxrin (20)

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jum mid-data li fiha l-istess deċiżjoni jew id-direttiva tkun giet innotifikata bil-miktub lill-parti li tappella jew tiġi ppubblikata fil-Gazzetta skont liema tiġi l-ewwel, skont il-każ; u

(b) ir-rikors tal-appell għandu jiġi nnotifikat lill-Awtorità, li għandha sa mhux aktar tard minn għoxrin (20) jum minn din in-notifika, tippreżenta r-risposta tagħha lis-segretarju tat-Tribunal ta' Reviżjoni Amministrattiva.

Appell.

**38.** (1) It-Tribunal ta' Reviżjoni Amministrattiva għandu jkun kompetenti sabiex jisma' u jiddeċiedi kwalunkwe appell magħmul lilu skont id-dispożizzjonijiet ta' dan l-Att u kwalunkwe regolamenti magħmula tahtu, u bla ħsara għad-dritt tal-appell u għall-artikolu 41, id-deċiżjonijiet tat-Tribunal imsemmi għandhom ikunu finali u vinkolanti.

(2) Fl-eżerċizzju tal-funzjonijiet tiegħu, it-Tribunal jista' jharrek lil kwalunkwe persuna sabiex tidher quddiemu u sabiex tixhed u tipproduċi dokumenti, u l-President għandu jkollu s-setgħa li jamministra l-ġurament. It-Tribunal jista' wkoll jahtar esperti sabiex jagħtu pariri lit-Tribunal dwar kwalunkwe kwistjoni teknika li tista' tkun relevanti għad-deċiżjoni tiegħu.

Appell quddiem il-Qorti tal-Appell.

Kap. 490.

**39.** (1) Kwalunkwe parti f'appell quddiem it-Tribunal li tħossha aggravata minn deċiżjoni tat-Tribunal, jew l-Awtorità jekk ma tkunx sodisfatta b'xi tali deċiżjoni, tista' fuq kwistjoni ta' liġi tappella lill-Qorti tal-Appell skont l-Att dwar il-Ġustizzja Amministrattiva.

(2) L-appell għandu jsir permezz ta' rikors ippreżentat fir-Registru ta' dik il-Qorti fi żmien għoxrin (20) jum mid-data li fiha dik id-deċiżjoni tkun giet innotifikata.

Eżenzjoni mir-responsabbiltà.

**40.** Il-membri tal-Bord, l-uffiċjali u l-impjegati tal-Awtorità fit-tweqqif tal-funzjonijiet tagħhom skont dan l-Att jew kwalunkwe liġi oħra amministrata mill-Awtorità, ma għandhomx ikunu responsabbli għal kwalunkwe telf jew ħsara mgarrba minn xi persuna minhabba xi haġa li tkun saret jew ommissjoni *in bona fede* matul il-kors tal-amministrazzjoni ta' dan l-Att jew ta' kwalunkwe liġi oħra.

Dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.  
Kap. 12.

**41.** Id-dispożizzjonijiet tal-artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom japplikaw għall-Awtorità bl-istess mod kif japplikaw għad-Dipartimenti Governattivi.

**TAQSIMA X**  
**DISPOŻIZZJONIJIET TRANŻITORJI U EMENDI**  
**KONSEGWENZJALI**

**42.** L-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi u l-Att fuq Azzjoni dwar il-Klima u l-legiżlazzjoni sussidjarja magħmula taħthom, bl-eċċezzjoni tal-ligi sussidjarja elenkata fit-Tieni Skeda, qegħdin b'dan jiġu mhassra:

Revoka u riżervi. Kap. 423. Kap. 543.

Iżda kwalunkwe haġa li saret jew naqset milli ssir fit-termini tal-imsemmija legiżlazzjoni sad-dhul fis-seħh tal-Att tal-2024 fuq Azzjoni dwar il-Klima għandhom jitqiesu validi skont il-ligi.

Att Nru XVI tal-2024.

**43.** (1) Mad-dhul fis-seħh ta' dan l-Att, il-legiżlazzjoni sussidjarja elenkata fl-ewwel kolonna tat-Tieni Skeda għandha titqies li saret taħt id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandhom jiġu enumerati mill-ġdid skont hekk kif speċifikat fit-tielet kolonna tal-imsemmija Skeda.

Riżerva.

(2) Kwalunkwe awtorizzazzjoni, permess, direzzjoni jew ordni mogħtija jew magħmula skont kwalunkwe waħda mid-dispożizzjonijiet tal-legiżlazzjoni elenkata fit-Tieni Skeda, u li għandhom fis-seħh minnufih qabel id-dhul fis-seħh ta' dan l-Att, għandhom jibqgħu fis-seħh sussegwentament daqslikieku kienu liċenzja, permess, direzzjoni jew ordni mogħtija jew magħmula skont dispożizzjoni korrispondenti ta' dan l-Att, u kwalunkwe tali liċenzja, permess, direzzjoni jew ordni kif imsemmija qabel għandhom jiġu ttrattati u kkunsidrati skont dan.

**44.** (1) B'effett mid-data tad-dhul fis-seħh tal-Att tal-2024 fuq Azzjoni dwar il-Klima:

Trasferiment ta' assi u passiv tal-Awtorità ta' Malta dwar ir-Riżorsi. Att Nru XVI tal-2024.

(a) l-assi u d-drittijiet kollha ta' kwalunkwe natura tal-Awtorità ta' Malta dwar ir-Riżorsi relatati mal-klima li jeżistu f'Malta jew barra minn Malta, inklużi iżda mhux limitati għad-drittijiet reali jew drittijiet oħra kollha taħt kwalunkwe kuntratt, il-flejjes kollha dovuti minn kwalunkwe persuna lill-Awtorità ta' Malta dwar ir-Riżorsi, u l-ishma, l-istocks jew l-interessi oħra kollha ta', jew fi kwalunkwe korpi oħra għandhom jitqiesu bhala assi tal-Awtorità;

(b) l-obbligi u l-passiv kollha tal-Awtorità ta' Malta dwar ir-Riżorsi relatati mal-klima għandhom bis-saħħa ta' dan l-Att, jitqiesu bhala obbligi u passiv tal-Awtorità mingħajr il-htieġa ta' kwalunkwe formalità oħra għajr dan l-Att.

(2) B'effett mid-data tad-dhul fis-seħh ta' dan l-Att:

(a) l-assi u d-drittijiet kollha ta' kwalunkwe natura tal-Awtorità ta' Malta dwar ir-Riżorsi relatati mal-minerali u r-riżorsi li jeżistu f'Malta jew barra minn Malta, inklużi iżda mhux limitati għad-drittijiet reali jew drittijiet oħra kollha taht kwalunkwe kuntratt, il-flejjes kollha dovuti minn kwalunkwe persuna lill-Awtorità ta' Malta dwar ir-Riżorsi, u l-ishma, l-istocks jew interessi oħra kollha ta', jew fi kwalunkwe korpi oħra għandhom jitqiesu bħala assi tal-Awtorità għall-Ambjent u r-Riżorsi;

(b) l-obbligi u l-passiv kollha tal-Awtorità ta' Malta dwar ir-Riżorsi relatati mal-minerali u r-riżorsi għandhom bis-saħħa ta' dan l-Att, jitqiesu bħala obbligi u passiv tal-Awtorità għall-Ambjent u r-Riżorsi mingħajr il-htieġa ta' kwalunkwe formalità għajr dan l-Att.

(3) B'effett mid-data tad-dhul fis-seħħ ta' dan l-Att, l-azzjonijiet kollha pendent quddiem kwalunkwe qorti, tribunal, tribunal tal-arbitraġġ jew kwalunkwe korp ta' aġġudikazzjoni ieħor, istitwit minn, jew kontra l-Awtorità ta' Malta dwar ir-Riżorsi fir-rigward tal-leġiżlazzjoni sussidjajra elenkata fit-Tieni Skeda, għandhom jitkomplew minn, jew kontra l-Awtorità għall-Azzjoni dwar il-Klima:

Iżda b'effett mid-data tad-dhul fis-seħħ ta' dan l-Att, l-azzjonijiet kollha pendent quddiem kwalunkwe qorti, tribunal, tribunal tal-arbitraġġ jew kwalunkwe korp ta' aġġudikazzjoni ieħor, istitwit minn, jew kontra l-Awtorità ta' Malta dwar ir-Riżorsi relatati mal-klima iżda mhux relatati mal-minerali u r-riżorsi għandhom jitkomplew minn, jew kontra l-Awtorità għall-Azzjoni dwar il-Klima.

Emenda  
konsegwenzjali.  
Kap. 490.

**45.** Fit-Tieni Skeda li tinsab mal-Att dwar il-Ġustizzja Amministrattiva, minnufih wara l-partita "Att dwar Awtorità tal-Innovazzjoni Diġitali ta' Malta" għandha tiġi miżjuda l-partita ġdida li ġejja:

"Att fuq Azzjoni dwar il-Klima

Att Nru XVI tal-  
2024

Kompeteneza  
Superjuri".

**TAQSIMA XI  
EMENDI GHALL-ATT DWAR L-AMMINISTRAZZJONI  
PUBBLIKA**

**46.** Din it-Taqsima temenda l-Att dwar l-Amministrazzjoni Pubblika u għandha tinqara u tinftiehem haġa waħda mal-Att dwar l-Amministrazzjoni Pubblika, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emendi għall-Att dwar l-Amministrazzjoni Pubblika. Kap. 595.

**47.** Fit-Tieni Parti tal-Ħames Skeda tal-Att prinċipali, minnufih wara l-kliem "Iċ-Chairperson tal-Awtorità tal-Istandards għall-Persuni Anzjani" għandhom jiġu miżjuda l-kliem "Il-President tal-Awtorità għall-Azzjoni dwar il-Klima".

Emenda tal-Ħames Skeda tal-Att prinċipali.

**L-EWWEL SKEDA  
(artikolu 2)**

Il-gassijiet b'effett ta' serra jinkludu:

- (a) Diossidu tal-karbonju (CO<sub>2</sub>);
- (b) Metanu (CH<sub>4</sub>);
- (ċ) Ossidu nitruż (N<sub>2</sub>O);
- (d) Idrofluworokarburi (HFCs);
- (e) Perfluworokarburi (PFCs);
- (f) Eżafluworidu tal-kubrit (SF<sub>6</sub>);
- (g) Trifluworur tan-nitroġenu (NF<sub>3</sub>); u

kwalunkwe gass ieħor b'effett ta' serra indikat kif stabbilit mill-Ministru permezz ta' kwalunkwe regolamenti.

**IT-TIENI SKEDA  
(artikolu 43)**

Legiżlazzjoni sussidjarja meqjusa bħala magħmula taħt dan l-Att:

| LEGIŻLAZZJONI<br>SUSSIDJARJA  | ENUMERAZZJONI<br>PREŻENTI | KIF GĦANDHA TIĠI<br>ENUMERATA MILL-<br>ĠDID |
|---|---------------------------|---|
| Regolamenti dwar Emissjonijiet tal-Gass b'Effett Serra tul iċ-Ċiklu tal-Ħajja mill-Karburanti | L.S. 423.48.              | L.S. 643.01                                 |

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|   |              |             |
|---|--------------|-------------|
| Regolamenti dwar Sistema Kummerċjali tal-Unjoni Ewropea dwar l-Emissjonijiet ta' Gassijiet Serra għal Installazzjonijiet Stazzjonarji             | L.S. 423.50. | L.S. 643.02 |
| Regolamenti dwar Sistema Kummerċjali tal-Unjoni Ewropea dwar l-Emissjonijiet ta' Gassijiet Serra għall-Avjazzjoni                                 | L.S. 423.51. | L.S. 643.03 |
| Regolamenti dwar is-Sistema Nazzjonali għall-Estimi tal-Emissjonijiet tal-Gas Serra Antropoġeniku minn <i>Sources</i> u Tnehhija ta' <i>Sinks</i> | L.S. 543.01. | L.S. 643.04 |

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 239 tas-7 ta' Mejju, 2024.

ANĠLU FARRUGIA  
Speaker

ELEANOR SCERRI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MYRIAM SPITERI  
DEBONO  
President**

10th May, 2024

**ACT No. XVI of 2024**

*AN ACT to establish a legal framework for climate action and to provide for the establishment of a body corporate to be known as the Climate Action Authority and to provide for any matter which is related 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:-

**PART I  
PRELIMINARY**

**1.** (1) The short title of this Act is the Climate Action Act, 2024. Short title, commencement and scope.

(2) This Act shall come into force on such date or dates as the Minister responsible for climate action policy may, by notice in the Gazette, establish and different dates may be so established for different provisions and, or purposes of this Act.

(3) The scope of this Act is to establish a framework for climate action and to provide for the establishment of a body corporate that shall be known as the Climate Action Authority that shall be the

national competent authority responsible for the exercise of climate action, to co-ordinate and oversee mitigation and adaptation policy and measures and any matters ancillary thereto or connected therewith and to provide for the reporting of such climate action, as required.

Interpretation.

**2.** In this Act, unless the context otherwise requires:

"adaptation" means human-driven adjustments in ecological, social or economic systems or policy processes, in response to actual or expected climate stimuli and their effects or impacts;

"Authority" means the Climate Action Authority established by article 9 and includes any body or other person acting on its behalf in terms of powers delegated by the Board under this Act;

"Board" means the Board of the Authority appointed in accordance with article 9;

"Chairperson" means the Chairperson of the Climate Action Authority and includes, in the circumstances mentioned in article 3(3), the Deputy Chairperson or other person appointed to act as Chairperson;

"climate" includes water scarcity, droughts and energy;

"climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;

"climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions;

"Chief Executive Officer" means the Chief Executive Officer appointed in accordance with article 12(2);

"emissions" means the release of greenhouse gases and, or their precursors into the atmosphere over a specified area and period of time;

"financial year" means a period of twelve (12) months that starts to run from 1st January and ends on the 31st December of a particular year:

Provided that the first financial year of the Authority

shall begin on the coming into force of this Act and shall end on the 31st December of the following year;

"greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation, and shall include *inter alia*, the gases listed in the First Schedule;

"Member State" means a Member State of the European Union;

"Minister" means the Minister responsible for climate action policy;

"mitigation" means human interventions to reduce the emissions of greenhouse gases by sources or enhance their removal from the atmosphere by sinks;

"National Climate Action Council (NCAC)" or "Council" mean the Council appointed in terms of article 25;

"National Energy and Climate Plan" means a 10-year national energy and climate plan (NECP) which outlines how the EU countries intend to meet the EU energy and climate targets for 2030;

"national adaptation strategy" means a strategy that seeks to address recommendations in various sectors which are vulnerable to climate change and is a plan which sets overarching direction for all work to increase resilience to the impacts of climate change.

"national long-term strategy" means the strategy to achieve the greenhouse gas emissions reductions required to meet Malta's commitments under the multilateral legal instruments to which Malta is a party, EU objectives and national legal instruments;

"Paris Agreement" means the Paris Agreement which entered into force on 4<sup>th</sup> November 2016;

"public officer" in relation to article 15, has the same meaning assigned to it by article 124 of the Constitution but shall not include a Judge or a Magistrate;

"reservoir" means a component of the climate system, other than the atmosphere, which has the capacity to store, accumulate or release greenhouse gases or precursors of

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greenhouse gases;

"sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas or an aerosol from the atmosphere;

"source" means any process or activity which releases greenhouse gases, aerosols or precursors of greenhouse gases or aerosols into the atmosphere;

Cap. 552.

"Standing Committee" means the Standing Committee on the Environment, Climate Change and Development Planning established under the Development Planning Act;

"Treaty" means the Treaty on the Functioning of the European Union;

Cap. 490.

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act;

"UNFCCC" means the United Nations Framework Convention on Climate Change which entered into force on 21st March 1994;

Cap 460.

"Union" and "European Union" shall have the same meaning as the definition "the European Union" in the European Union Act.

"undertaking" means any person whether an individual, a body corporate or unincorporate or any other entity, pursuing an economic activity, and includes a group of undertakings.

Objectives.

**3.** (1) The State acknowledges that change in Earth's climate and its adverse effects are a common concern of human kind.

(2) This Act provides for action in order to contribute to the mitigation of climate change by:

(a) limiting anthropogenic emissions of greenhouse gases and protecting and enhancing greenhouse gas sinks and reservoirs;

(b) contributing to the prevention, avoidance and reduction of the adverse impacts of climate change and the reduction of vulnerability, enhancement of resilience, and adaptation to the adverse effects of climate change; and

(c) any appropriate action for the governance of climate action in relation to sub-paragraphs (a) and (b).

(3) The Government shall ensure that all necessary actions are undertaken to achieve climate neutrality by 2050.

4. It shall be the duty of every person together with the Government to protect the climate and to assist in the taking of preventive and remedial measures to protect the climate.

Duty of every person with regard to climate action.

5. (1) It shall be the duty of the Government to protect the climate for the present and future generations.

Duties and obligations of Government.

(2) In fulfilling its duties pursuant to sub-article (1), the Government shall, *inter alia*:

(a) develop, periodically update and publish national inventories of anthropogenic emissions by sources and removals by sinks of greenhouse gases in order to monitor progress towards achieving its quantified emission limitation or reduction commitments pursuant to international treaties and its obligations as a Member State of the European Union;

(b) formulate, implement, publish and update policies regarding measures to mitigate climate change by limiting and, to the extent possible, reducing anthropogenic greenhouse gas emissions by sources, by enhancing removals of greenhouse gases by sinks and setting sectoral targets as appropriate;

(c) formulate, implement, publish and update policies regarding measures to prevent, avoid and reduce vulnerability while enhancing resilience to the adverse impacts of climate change. As a result this shall facilitate adaptation to climate change. This adaptation may also be supported by sectoral specific targets as appropriate, following the necessary consultations.

(d) promote and cooperate in the development, application and diffusion of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors, including the energy, transport, industry, agriculture, land-use and forestry and waste management sectors;

(e) promote sustainable management of sinks and reservoirs of greenhouse gases, including all terrestrial, coastal and marine ecosystems and promote and cooperate in the conservation and enhancement of sinks and reservoirs of greenhouse gases, including all terrestrial, coastal and marine ecosystems;

(f) promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system;

(g) promote and cooperate in the exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of response strategies;

(h) promote and cooperate in education, training and public awareness related to climate change; and

(i) ensure that the Authority shall have the adequate human and financial resources to fulfil its functions as assigned to it under this Act.

(3) The Government shall ensure that policies, programmes and projects are designed and evaluated in a manner that takes into consideration mitigation of, and adaptation to climate change, and that such policies, programmes and projects contribute to the mitigation of, and adaptation to climate change.

(4) The Government shall ensure that policies, programmes and projects are, to the extent possible, designed in a manner that ensures resilience to the impacts of climate change.

(5) The Government shall, in fulfilling its duties and obligations under this article, participate, cooperate and support participation in, international and intergovernmental activities and programmes related to climate action, as appropriate. In particular, the Government shall promote activities that relate to climate action relevant to the Mediterranean region, and shall as appropriate, participate, cooperate and support participation in such activities.

Guiding  
principles on  
climate action.

**6.** (1) The Government shall, in exercising its duties and obligations under this Act, be guided by the principles listed in this article and these principles shall be employed in the interpretation of the other provisions of this Act and any regulations made thereunder.

(2) The Government shall, in fulfilling its duties and obligations under this Act:

(a) take climate change considerations into account, to the extent possible, in relevant social, economic and environmental policies and actions;

(b) take into account its obligations and commitments pursuant to the applicable multilateral legal instruments and its obligations as a Member State of the European Union;

(c) take into account the geophysical, social and economic circumstances of Malta;

(d) ensure that actions taken are, to the extent possible, the most cost-effective, using the best available technologies and best practices as appropriate to Malta;

(e) ensure that it takes into account the best available scientific, technological, technical and socio-economic information;

(f) ensure that all sectors of society and the economy participate in national climate action, including in relevant decisions;

(g) ensure that climate change, environmental and energy policies and measures are designed, developed, coordinated and implemented in the best interests of the environment, the economy and international and European Union obligations;

(h) ensure that climate action taken respects the interests of all sections of society, is non-discriminatory and, where relevant, promotes gender equality;

(i) ensure that data in relation to climate action is collected, processed and interpreted in cognizance of data related to achieving overall international and European Union obligations in other areas;

(j) respect and, to the extent possible, safeguard the interests of vulnerable sectors of society, including by taking climate actions that support the eradication of poverty;

(k) ensure that climate action taken shall promote and enhance the competitiveness of Malta's economy;

(l) ensure, to the extent possible, that no conflict exists between policies and measures adopted in respect of climate action and other policies and measures;

(m) ensure that it takes precautionary measures to anticipate, prevent or minimize the causes of climate change and to mitigate its adverse effects and that where there are threats of

serious or irreversible damage, the lack of full scientific certainty shall not be a reason for postponing such measures;

(n) ensure that climate action taken contributes to sustainable development;

(o) ensure that, where relevant, any beneficial impacts of climate change are utilised to the benefit of society, the economy and the environment, to the extent that such beneficial impacts may reduce vulnerability and enhance resilience to other adverse impacts of climate change;

(p) ensure that, prior to taking any decision, all the consequences of the outcome of that decision throughout the whole life cycle of that outcome are taken into consideration; and

(q) ensure adequate information is made available to the public, to facilitate public participation in respect of certain plans and programmes relating to the climate system and ensure adequate access to justice.

National long-term strategy and National Energy and Climate Plan.

7. (1) The Minister shall, in consultation with any other Minister competent to take cognizance of the matter, and in consultation with stakeholders and the general public, prepare a national long-term strategy and the National Energy and Climate Plan.

(2) The Minister shall make available to the public the national long-term strategy, the National Energy and Climate Plan and any updates thereof.

National adaptation strategy.

8. (1) The Minister shall, in consultation with any other Minister competent to take cognizance of the matter, and in consultation with social partners, civil society, non-governmental organizations and the general public, prepare a national adaptation strategy, to contribute to:

(a) the prevention, avoidance and reduction of the adverse effects of climate change and to facilitate adaptation to climate change;

(b) the transparent monitoring of progress made by the Government in reducing vulnerability and enhancing resilience to the adverse impacts of climate change.

(2) The national adaptation strategy shall also include information on climate change in so far as it relates to Malta and on actual and projected impacts of climate change on Malta.

**PART II**  
**ESTABLISHMENT, FUNCTIONS AND CONDUCT**  
**OF AFFAIRS OF THE AUTHORITY**

9. (1) There shall be an Authority which shall be known as the Climate Action Authority, that shall be responsible for the regulation regarding climate related matters and the protection of the climate in Malta.

Establishment  
and composition  
of the Climate  
Action  
Authority.

(2) There shall be a Board, to be known as the Climate Action Authority Board which shall consist of a Chairperson and not less than four (4) and not more than six (6) other members.

(3) The members of the Authority shall be appointed by the Minister for a term of not more than six (6) years. If this period is for less than the stipulated six (6) years, no member shall in aggregate be a member of the Authority for an ulterior period.

(4) The Minister may designate one (1) of the other members of the Authority as Deputy Chairperson and the member so designated shall have the powers to perform all the functions of the Chairperson during his absence or inability to act as Chairperson, or while the Chairperson is on vacation, or during any vacancy in the office of the Chairperson. The Minister may also, in any of the circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(5) A person shall not be qualified to hold office as a member of the Authority if he is:

- (a) a Minister or a Parliamentary Secretary;
- (b) a Member of the House of Representatives;
- (c) a Member of the European Parliament;
- (d) a Judge or Magistrate of the Courts of Justice; or

(e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority.

(6) At least two (2) of the members of the Authority shall be persons who have knowledge or experience in matters concerning climate change and climate related matters.

(7) Subject to the provisions of this article, the office of a member of the Authority shall become vacant:

(a) at the expiration of his term of office; or

(b) if any circumstances arise that, if he were not a member of the Authority, shall cause him to be disqualified for such appointment.

(8) A member of the Authority may be removed from office by the Minister if, in the opinion of the Minister, such member is unfit to continue in office or has become incapable of properly performing his duties as a member, including the reasons specified in sub-article (10).

(9) If a member resigns or if the office of a member of the Authority is otherwise vacant, or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed as a temporary member of the Authority, and any person so appointed shall, subject to the provisions of sub-articles (6) and (7), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(10) Any member of the Authority who has any direct or indirect interest in any contract entered into or proposed to be entered into by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the Authority and the member having an interest as aforesaid shall withdraw from any meeting during which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the said fact immediately to the Minister and tender his resignation:

Provided that, wherever no conflict shall arise with regard to the obligations and functions of the Authority, the member shall act in full respect of the principles established under article 6 of this Act.

(11) The meetings of the Board shall be called by the Chairperson as often as may be necessary, either of one's own motion or at the request of two (2) or more members of the Board:

Provided that the Board shall meet as often as may be necessary, but not less than once (1) every month.

(12) (a) The Chairperson and at least two (2) other members of the Board shall form a *quorum*. Decisions shall be adopted by a simple

majority of the votes of the members present and who have a vote:

Provided that without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two (2) members of the Board.

(b) Each member of the Board shall be entitled to one (1) vote:

Provided that the Chairperson shall have an initial vote and in the event of an equality of votes, a casting vote.

(13) Without prejudice to the provisions of this Act, the Board may regulate its own procedure.

(14) Without prejudice to the foregoing provisions of this article, no act or proceeding of the Board shall be invalidated merely by reason of the existence of any vacancy among its members.

(15) All acts done by any person acting in good faith as a member of the Board shall be valid notwithstanding that some defect in his appointment or qualification is discovered subsequent to any act or proceeding of the Board. No act or proceeding of the Board shall be contested by a member on the ground of any breach of sub-article (9) by any member.

(16) In determining policies, the Board shall follow the policy guidelines as may be set out by the Minister. The Board shall also be responsible for advising the Government in furtherance of the functions and in the attainment of the objectives of the Authority in terms of this Act.

(17) (a) Every Ministry shall have a Climate Action Coordinator who shall provide the competent authority with any input it may require in fulfilment of its functions listed in article 10. Such input shall be in a consolidated format reflecting the approved position of the Ministry.

(b) The Permanent Secretary within each Ministry shall be the Climate Action Coordinator of such Ministry.

(c) Every head of an authority, agency, entity or department within Government Ministries which are considered relevant to climate action, as identified by the Minister responsible for climate action, shall be a person of reference who assists the Coordinator.

(d) The Coordinator within a Ministry which is

considered relevant to climate action shall be responsible to develop plans, measures and climate related actions of the concerned Ministry, as required and in accordance with article 10.

(e) The competent authority shall have the power to request any information directly from the Coordinator.

(f) Each entity mentioned in paragraph (c) shall state in a special section of its annual report:

(i) the specific objectives which have been set to achieve alignment with the national policies including the strategies and plans and its contributions towards the implementation of the said policies; and

(ii) the specific activities or interventions it has undertaken to achieve the objectives referred to in paragraph (d) and to list and quantify the benefits accrued by it:

Provided that the Principal Permanent Secretary shall have the power to request the competent authority to review, from time to time, any such report insofar as related to the provisions of this Act.

Functions of the Authority.

**10.** (1) The Authority shall have the following functions:

(a) to set national or sector-specific targets in consultation with the respective Ministries aligned with the overall objectives of this Act and any other legislation relevant to this Act;

(b) to ensure that all policy and legislation having a direct impact on climate change is consulted on with the Authority or with a specifically set up committee of the said Authority. In the consultations, the entity responsible for drafting the policy or proposed legislation shall establish the main objective of the proposal and identify specific aspects of the proposed policy or legislation;

(c) to establish policies that shall be pursued by the Authority in consultation with the Board;

(d) design and develop incentives and measures within the scope of this Act;

(e) to lead and coordinate projects relating to climate

action across Ministries;

(f) to design, develop and manage a sustained knowledge, education, information and communications framework directed to influence behaviour with regard to climate action;

(g) to implement those mechanisms relating to climate action that the Minister may deem appropriate to assign to the Authority and which are established under multilateral legal instruments and, or EU legal instruments;

(h) to ensure the carrying out of the appropriate communication of those reporting obligations relating to climate action that the Minister may deem appropriate to assign to the Authority and which are established under multilateral legal instruments and, or EU legal instruments;

(i) to prepare the national long-term strategy for Government's approval;

(j) to prepare the national adaptation strategy for Government's approval;

(k) to prepare and update the National Energy and Climate Plan for Government's approval;

(l) to prepare any other plans that the Minister may direct;

(m) to provide for the collection, processing, comparison and interpretation of data related to climate action in cognizance of data related to the local economy and international and European Union obligations, and also to provide that such persons carrying out such activities that may affect climate as may be prescribed, report such information and data to the Government on a regular or other basis as may be prescribed in order for the Government to take necessary action to harmonise local policies and measures in contribution to mitigation and adaptation in climate:

Provided that for the purposes of paragraphs (i), (j) and (k) the Authority shall follow *mutatis mutandis* the procedure for public consultation stipulated in terms of article 28:

Provided further that the Minister may by order assign to the Authority any other functions consistent with this

Act.

(2) The provisions of this article shall be without prejudice to the exercise of the functions of any authority established by, or under any law in relation to public health, the environment, or any other matter falling within the functions of any such authority.

(3) The Authority may require any undertaking to provide it with any information that the Authority considers necessary for the purpose of ensuring compliance with the provisions of this Act, regulations prescribed thereunder, and decisions or directives made in accordance with this Act, or any other law which the Authority is entitled to enforce. Any person who fails or refuses to provide such information shall be in contravention of this Act and shall be liable to the imposition of an administrative penalty, as may be prescribed by the Authority.

Conduct of the  
affairs of the  
Authority.

**11.** (1) In the pursuance of its functions under this Act, the Authority shall seek to act in the public interest and in line with the best practices and standards.

(2) The Authority shall have the power to regulate its own conduct including its own administrative procedures.

(3) The Authority shall execute its duties, functions and responsibilities in accordance with Government's strategic directions relating to climate change in accordance with the policy of the Government.

Chief Executive  
Officer.

**12.** (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the said Authority provided that, the executive conduct of the Authority, its administration and organisation and the administrative control of its officers and employees shall be the responsibility of the Chief Executive Officer of the Authority, who shall also have such other powers, as may from time to time be delegated to him by the Authority.

(2) There shall be a Chief Executive Officer appointed by the Board following approval by the Minister, who shall be responsible for exercising the functions made by, or under this Act, as well as those functions assigned to him by the Board:

Provided that the first Chief Executive Officer shall be appointed by the Minister.

(3) The Chief Executive Officer may exercise any one (1) or more of the functions or responsibilities either directly or through the

employees or officers within the directorates, units, divisions and sections which he may set up, from time to time, in order to assist him in carrying out effectively and efficiently the duties assigned to him under this Act.

(4) The Chief Executive Officer may appoint any consultants to assist him in the performance of the duties assigned to him under this Act.

(5) The Chief Executive Officer or his representative shall have the right to be present and participate at all meetings of the Board:

Provided that the Chief Executive Officer shall not be present during meetings of the Board or any part thereof in cases of potential or actual conflict of interest, which he shall be obliged to disclose, immediately as he becomes aware of such conflict.

(6) The Chief Executive Officer and, or any person assisting him in the carrying out of his duties assigned to him under this Act, shall not be personally liable for any damages caused to any person or any property as a result of the performance of their duties, unless it is proven that such damage resulted from bad faith on their part.

**13.** (1) The Minister may, in relation to matters that may appear to him to affect the public interest, from time to time, give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority by, or under this Act. The Authority shall, as soon as may be possible, give effect to all such directions.

Relations between the Minister and the Authority.

(2) The Authority shall afford to the Minister the faculty to obtain information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him the faculty to verify information furnished, in such manner and at such times as he may reasonably require.

**14.** (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such matters and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

Legal personality and representation of the Authority.

(2) The legal and judicial representation of the Authority shall vest in the Chief Executive Officer:

Provided that the Authority may appoint any one (1) or more of its members or of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any judicial proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions vested assigned to the Chief Executive Officer, the legal and judicial representation of the Authority shall also vest in the head of the Directorate or in such other member, officer or employee of the Authority, as the Authority may appoint or authorise for the purpose.

### **PART III OFFICERS AND EMPLOYEES OF THE AUTHORITY**

Appointment of officers and employees of the Authority.

Cap. 595.

**15.** (1) The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may determine, such officers and employees of the Authority, as may from time to time be necessary, for the due and effective discharge of its functions, in accordance with directives issued under the Public Administration Act.

Cap. 595.

(2) In accordance with the provisions of the Public Administration Act or with the approval of the Prime Minister, the Authority may request, after consultation with the Minister, that any public employee shall from time to time, be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the detailing.

(3) Where a public officer is detailed for duty with the Authority such officer shall, during the time in which such direction is valid, be under the administrative direction and control of the Authority but shall otherwise remain and retain all rights and duties as a public officer and, for the purpose of any law relating to government service pensions, service with the Authority shall be deemed to be service with the Government.

### **PART IV FINANCIAL PROVISIONS OF THE AUTHORITY**

Financial provisions of the Authority.  
Cap. 601.

**16.** (1) The Authority shall be governed by the provisions of the Public Finance Management Act. Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions shall, as far as possible, be dispensed out of its revenue.

(2) For this purpose, the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by, or under this Act, or any other law related to the powers and functions of the

Authority in consultation with the Minister for finance.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such amounts as the House of Representatives, may from time to time, authorise to be appropriated to mete the costs of specified works or activities to be continued or otherwise carried out by the Authority.

(4) Any excess of revenue over expenditure, subject to such directives as the Minister may give, after consultation with the Minister responsible for finance, from time to time, shall be applied by the Authority to the formation of reserve funds that shall be used for the purposes of the Authority, and without prejudice to the generality of the powers given to the Minister by this sub-article, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to mete expenditure may be invested in such manner as may from time to time be decided by the Authority.

17. (1) The Authority shall cause to be prepared in every financial year, and not later than six (6) weeks after the end of every such year, shall adopt estimates of the income and expenditure of the Authority for the following financial year: Estimates of the Authority.

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such period as the Minister may by notice specify in writing to the Authority.

(2) In the preparation of such estimates, the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act, or an appropriation Act, or of any other law, and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to mete all amounts properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six (6) weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendments after consultation with the Minister responsible for finance.

Expenditure shall be according to approved estimates.

**18.** (1) No expenditure shall be made or incurred by the Authority unless provision thereof has been made in the estimates approved as provided in article 17.

(2) Notwithstanding the provisions of sub-article (1):

(a) until the expiration of six (6) months from the beginning of a financial year, or until the approval of the estimates for that year, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half (1/2) of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister allow;

(d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister and in any such case, the provisions of this Act applicable to the estimates shall as may be practicable apply to the supplementary estimates.

Publication of approved estimates.

**19.** The Minister shall, at the earliest opportunity and in any case not later than two (2) weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within two (2) weeks from the beginning of the following session, cause such estimates to be laid on the Table of the House.

Accounts and audit.

**20.** (1) The Authority shall ensure that proper accounts and other records are kept in respect of its operations and shall cause a statement of accounts to be prepared in respect of each financial year.

(2) The accounts of the Authority shall be audited by auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister may require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for this purpose have all the powers set out in the Auditor General and National Audit Office Act.

Cap. 396.

(3) After the end of each financial year, and in any case not later than the date on which the estimates of the Authority are forwarded to the Minister under article 17, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and in any case not later than eight (8) weeks after he has received a copy of every such statement and report, or if at any time during that period the House is not in session, within eight (8) weeks from the beginning of the following session, cause every such statement and report to be laid on the Table of the House.

21. (1) All monies accruing to the Authority shall be paid into banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such amount as the Authority may authorise to be retained to mete petty disbursements and immediate cash payments.

Deposit of revenues and payments by the Authority.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding an amount fixed by the Authority, shall be made by such officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to:

(a) the manner in which and the officers by whom payments are to be authorised or approved;

(b) the title of any account held with the banks into

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which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;

(c) the method that shall be adopted in making payments out of funds of the Authority, and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances of the Authority.

Contracts of supply of works.

Cap. 601.

Annual Report.

**22.** The Authority shall not award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services to, or for the benefit of the Authority, except in accordance with the Public Finance Management Act and any regulations made thereunder.

**23.** (1) The Authority shall, not later than six (6) weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year, and containing such information relating to the proceedings and policy of the Authority, may from time to time be required by the said Ministers. The Minister shall, at the earliest opportunity and in any case not later than two (2) weeks after he has received a copy of every such report, or if at any time during that period the House is not in session, within two (2) weeks from the beginning of the following session, cause a copy of every such report to be laid on the Table of the House.

(2) The Minister shall ensure that the national long-term strategy, the national adaptation strategy and the National Energy and Climate Plan are reviewed and updated periodically, and at least every five (5) years.

(3) The Minister shall report to the House and the House shall discuss on a yearly basis the progress registered in climate action in a sitting dedicated to this purpose.

(4) In terms of sub-articles (2) and (3), the Minister shall refer the reports, strategy and policy to the Standing Committee.

## **PART V CLIMATE ACTION FUND**

Climate Action Fund.

**24.** (1) The Minister may, in consultation with the Minister responsible for finance, by order establish and maintain a Climate Action Fund.

(2) The Climate Action Fund shall be replenished from:

(a) revenues accruing to the Government from its participation in and implementation of market-based measures relating to climate action adopted pursuant to international treaties or European Union legislation, including *inter alia*, from the auctioning of allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as may be amended or replaced from time to time;

(b) revenues generated by the Government through the implementation of national measures relating to the reduction or limitation of greenhouse gas emissions;

(c) any donation or grant made to the Fund by individuals or institutions; and

(d) any amounts or monies, as may from time to time, be provided by, or under this Act, or any other law.

(3) The Climate Action Fund shall be set up in accordance with this article and it shall be administered by the Authority as established by this Act.

(4) The Climate Action Fund referred to in this article shall be applied to:

(a) support the fulfilment of the obligations set out in this Act and any regulations made thereunder;

(b) support the fulfilment of the Government's obligations and commitments established by the UNFCCC and European Union legislation; and

(c) the provision of financial support to and the promotion, facilitating and financing of the transfer of, and access to environmentally sound technologies and know-how or capacity for national requirements and developing countries, in accordance with obligations and commitments of the Government pursuant to international treaties.

## **PART VI**

### **ESTABLISHMENT, FUNCTIONS AND CONDUCT OF AFFAIRS OF THE NATIONAL CLIMATE ACTION COUNCIL**

**25.** (1) There shall be a Council to be known as the National Climate Action Council (NCAC) which shall be appointed by the

National  
Climate Action  
Council.

Prime Minister in consultation with the Minister and which shall consist of a minimum of six (6) and a maximum of eight (8) expert persons who shall be experts in any climate-related fields including scientific, public policy, finance, economic and social fields:

Provided that the Prime Minister in consultation with the Minister may appoint a Chairperson, a Deputy Chairperson and a Secretary to the Council:

Provided further that the Prime Minister in consultation with the Minister may allow the Council to appoint any other expert or group of experts to assist it in the performance of its functions as may be necessary.

(2) The Council shall be an independent statutory body and its main objective shall be that of supporting Malta's strategic aims relating to climate action, through the provision of advice to Government on climate action in Malta.

(3) The members of the Council shall act independently and shall hold office for a period of three (3) years, but the members so appointed may be re-appointed on the expiration of their term of office:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such other member shall end on the same date as that of the other members:

Provided further that an appropriate rotation scheme for the appointment of the members of the Council shall be put in place so that the end date of the term of office of the Council members shall not be the same for all members.

(4) A person shall not be qualified to hold office as a member of the Council, if the person:

(a) is legally incapacitated;

(b) has been declared bankrupt or has made a composition or arrangement with his creditors;

(c) has been convicted of an offence affecting public trust, or theft, or fraud, or knowingly receiving property obtained by theft or fraud, or of any offence against this Act; or

(d) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of the functions as a member of the Council.

(5) Any member of the Council who has any direct or indirect interest relating to any particular function of the Council, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of the interest during the first meeting of the Council after the relevant facts have come to that member's knowledge, and such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings during which such matter is discussed. Any such disclosure shall be communicated to the Prime Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Prime Minister and tender his resignation.

(6) The appointment of any person as a member of the Council and the termination of office or resignation of any such person, as well as any additional functions assigned to the Council by the Prime Minister in consultation with the Minister, shall be notified in the Gazette and they shall have effect forthwith:

Provided that failure to publish the appointment or termination of office as the case may be, shall have no effect on the validity of such appointment or termination.

**26.** (1) The Council shall have such functions as are set out in this Act and such other functions as may be delegated under any other law, or as may be assigned to it by the Prime Minister in consultation with the Minister under this Act.

Functions of the  
National  
Climate Action  
Council.

(2) It shall be the function of the Council:

(a) to advise the Minister on and monitor the implementation of this Act and, or any regulations made thereunder and, or any international and, or European Union obligations relating to climate action which the Government may be bound to observe as a State or a Member State of the European Union;

(b) to facilitate Government's adherence to the national long-term strategy, the National Energy and Climate Plan, the national adaptation strategy and any other strategy or policy which the Minister may issue in terms of this Act or any regulations made thereunder;

(c) to make recommendations to the Minister on any matter relating to this Act or any regulations made thereunder or on any matter relating to climate action;

(d) to annually report to the Minister on the progress

being registered in the field of climate action;

(e) to consult regarding any matter related to this Act or any regulations made thereunder with every Ministry, department, authority, agency and entity of Government and every stakeholder concerned including the civil society, particularly the voluntary organisations in the sector related to climate action; and

(f) to carry out such other functions as may be assigned to it by the Prime Minister in consultation with the Minister.

## PART VII POWER TO MAKE REGULATIONS

Power to make regulations.

**27.** (1) The Minister may, in consultation with the Authority and subject to the provisions of this Act make regulations to give effect to any of the provisions of this Act, or to regulate or otherwise provide about any matter in respect of the functions and the activities which affect climate action in accordance with this Act, which include *inter alia*, regulations that:

(a) give effect to any European and, or international obligation entered into by Government in relation to climate change by, or under this Act;

(b) provide for the procedures to be followed in regard to the settlement of disputes;

(c) provide for the enforcement powers required by the Authority to perform its functions under this Act;

(d) provide for prescribing anything which may be, or is required to be prescribed by this Act;

(e) prescribe measures to mitigate climate change;

(f) prescribe measures to prevent, avoid and reduce vulnerability to, and enhance resilience to the adverse impacts of climate change and to adapt to climate change;

(g) prescribe measures for the good governance of climate mitigation and adaptation measures;

(h) prescribe the charges and fees that may be levied by the Authority for services rendered by it under this Act, or in respect of any matter for which it is considered that a fee should be payable, after consultation with the Minister responsible for finance;

(i) provide for the establishment and operation of voluntary carbon markets; and, or

(j) provide for the establishment and operation of a market of renewable energy certificates.

(2) The Minister may, in consultation with the Authority, and acting in accordance with the provisions of this Act, make regulations for the better carrying out of the provisions of this Act, and may appoint any person or body to be the designated authority for the purposes of exercising any duties or obligations which the Government has under this Act.

(3) Without prejudice to the generality of the provisions of sub-articles (1) and (2), such regulations may, in particular give effect to any multilateral legal instrument to which Malta may be a party as well as EU Directives, Regulations and Decisions relating to any matter governed by this Act or subject-matter, from time to time, and to set up mechanisms and make other provisions for the implementation thereof.

**28.** (1) Regulations referred to in article 27 shall not be made unless the Minister shall have first published a draft thereof in the Gazette allowing any person a period of at least four (4) weeks to make representations to the Minister.

Procedure for making regulations.

(2) The provisions of sub-article (1) with regard to the publication of a draft of the regulations for public consultation shall not apply in respect to any regulations which the Minister deems to be urgent or when any public consultation was carried out before the date of coming into force of this Act.

(3) The Minister shall consider any representations made in accordance with sub-article (1) and may proceed to revise the draft regulations and to promulgate such regulations in accordance with said revision, or to amend any regulations already promulgated.

(4) When the Minister makes regulations concerning the procedure before any board, commission or other body established under this Act, he shall also consult such board, commission or body.

**29.** (1) Without prejudice to any other provision of this Act the Minister may, after consultation with the Authority, make regulations imposing punishments on any person who infringes or fails to comply with any provisions of this Act and, or any regulations made thereunder, such person shall be guilty of an offence and shall be liable on conviction to:

Power of Minister to make regulations in relation to offences and administrative penalties.

(a) imprisonment for a term not exceeding four (4) years and a fine (*multa*) not exceeding one million (€1,000,000) euro; and, or

(b) a fine (*multa*) calculated in accordance with the duration of the commission of an offence, not exceeding fifty thousand (€50,000) euro for each day during which the offence persists.

(2) Without prejudice to any other provision of this Act, the Minister may, after consultation with the Authority, make regulations authorising any person or any department, agency, corporation or authority to impose administrative penalties not exceeding one million (€1,000,000) euro on any person, department, agency, corporation or authority which is in contravention of any provisions of this Act or of any regulations or directives made thereunder, and provide for the procedure for the imposition and enforcement of such administrative penalties. Any said administrative penalties shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

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### PART VIII POWER TO DELEGATE

**30.** (1) Without prejudice to his powers under the provisions of this Act, the Minister may direct any person or any department, agency, corporation or authority established by law to carry out any functions or duties in accordance with this Act or any regulations made thereunder and, or to ensure the proper implementation of this Act or any regulations made thereunder, and the Minister may by regulations prescribe and regulate the procedures and methods to be adopted by such person, department, agency, corporation or authority in exercise of the said functions.

Power to delegate.

(2) The Minister may, from time to time, give to any of the entities or to any of its officers or employees such directives and orders, not being inconsistent with the provisions of this Act, as the Minister may deem opportune with regard to the policy that has to be followed by them and to the operation and implementation of their functions, and on any other matter which appears to the Minister to be connected with climate action, and the entity, officer or employee concerned shall, as much as possible, without delay comply with and act in accordance with these directives and orders and shall conduct their functions in accordance with these principles.

(3) Every entity shall give the Minister all required facilities so

that he may obtain all the information connected with their affairs and activities of any entity, officer or employee, and for this purpose they shall supply the Minister with returns, bills and any other information connected thereto, or with their functions and grant him all required facilities to audit all given information, in such manner and within such periods as the Minister may reasonably require.

(4) The Prime Minister may, by regulations made in consultation with the Minister, delegate any of the Minister's functions under this Act or under any regulations made in accordance with this Act to any other Minister.

### PART IX MISCELLANEOUS

**31.** The members of the Authority, and all officers and employees of the Authority shall be deemed to be public officers within the meaning and for the purposes of the Criminal Code.

Persons deemed as public officers.

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**32.** (1) Any officer or employee of the Authority so authorised may, at all reasonable times enter any premises, vehicle, vessel or any other place, for the purposes of:

Enforcement powers of the Authority.

(a) the carrying out of such inspections, tests, measurements, lifting of samples or to ascertain that nothing contrary to the provisions of this Act, to the regulations made thereunder or to any term or condition attached to any licence, permit or authorisation issued under this Act is being carried out; and

(b) ascertaining or reproducing such data or information as the Authority may require.

(2) Any person who obstructs or impedes any officer or employee of the Authority in the exercise of his duties in accordance with this Act shall be guilty of an offence and shall on conviction, be liable to imprisonment not exceeding eighteen (18) months or to a fine (*multa*) of not more than seventy thousand (€70,000) euro or to both such fine and imprisonment.

**33.** (1) The Authority may impose an administrative penalty upon any person who infringes any provision of this Act, regulations prescribed thereunder or of any other law which the Authority is entitled to enforce, or who fails to comply with any directive or decision given by the Authority whether in accordance with this Act, regulations prescribed thereunder or under any other law which the Authority is entitled to enforce, or who fails to comply with any condition of any authorisation granted in accordance with this Act.

Imposition of administrative penalties.

(2) An administrative penalty imposed under sub-article (1) shall not exceed:

(a) one hundred thousand euro (€100,000) for each contravention and, or one thousand, four hundred euro (€1,400) for each day of non-compliance, from the date of the decision given by the Authority; and, or

(b) in the case of an undertaking, including a vertically integrated undertaking, or a body corporate, up to ten (10%) percent of the total turnover concerned in the preceding business year:

Provided that in the case of an undertaking, including a vertically integrated undertaking or a body corporate, an administrative penalty of up to ten (10%) percent of the annual turnover concerned in the preceding business year, which amount exceeds one hundred thousand euro (€100,000) may, in any such case be imposed.

Proceedings  
when imposing  
administrative  
penalties.

**34.** (1) The Authority shall, before imposing an administrative penalty upon any person who infringes or fails to comply with:

(a) any provision of this Act;

(b) any regulations made thereunder;

(c) any other law which the Authority is entitled to enforce;

(d) any directive or decision given by the Authority whether in accordance with this Act, regulations made thereunder or under any other law which the Authority is entitled to enforce; or

(e) any condition of any authorisation granted under this Act,

Cap. 12.

file a judicial letter in terms of article 466 of the Code of Organisation and Civil Procedure which shall be served on the person who was in breach of any of the provisions of paragraphs (a) to (e):

(i) whereby the Authority gives notice of the administrative penalty that may be imposed by the Authority;

(ii) whereby the Authority gives notice of the specific provision of law which has been breached and the applicable administrative penalty;

(iii) whereby the Authority gives notice of the amount of the administrative penalty;

(iv) whereby the Authority demands that the person concerned rectifies the acts or omissions committed by such person and, or otherwise make submissions to the Authority to contest the claim within a specified time:

Provided that such period may not be of more than twenty (20) days and not less than five (5) days from the date of service of the judicial letter:

Provided further that the person against whom an administrative penalty may be imposed, shall be granted a reasonable opportunity during such period of time as may be stipulated in the judicial letter to make submissions to the Authority and to propose any remedies to rectify the acts or omissions that are required to be rectified by the Authority.

(2) In the judicial letter mentioned in sub-article (1), the Authority may impose such conditions as it may consider reasonable in the circumstances.

(3) If the person concerned remedies the infringement within the period established by the Authority in accordance with sub-article (1), and agrees in writing to abide with any conditions that the Authority may impose, the Authority shall desist from proceeding any further:

Provided that if the person concerned, after having been bound in writing as stated above, fails to remedy the infringement within the period established by the Authority in accordance with sub-article (1) or fails to abide with any conditions agreed to in writing, the Authority shall impose against such person an administrative penalty for such failure, in addition to the administrative penalty which may be imposed for the infringement itself.

(4) If after the lapse of the period mentioned in sub-article (1), the Authority considers that the person concerned has not given any valid reasons to demonstrate why an administrative penalty should not be imposed against such person, the Authority shall proceed to impose such administrative penalty.

(5) Notwithstanding any other provision of this article, where the Authority has *prima facie* evidence that the infringement:

(a) represents an immediate and serious threat to public

safety or public security or public health; or

(b) creates or may create serious economic or operational problems for other providers of resources or for consumers,

the Authority may shorten the periods mentioned in sub-article (1):

Provided that the person against whom such administrative penalty is imposed shall be given a reasonable opportunity to submit any submissions and propose any possible remedies.

(6) Upon the expiry of the time limit for appeal to the Administrative Review Tribunal, and upon the service of a copy of the said judicial letter referred to in sub-article (1) on the person liable for the payment of the administrative penalty, the said judicial letter shall constitute an executive title for all effects and purposes of article 253(a) of the Code of Organization and Civil Procedure:

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Provided that if the person against whom the judicial letter has been issued files an appeal before the Administrative Review Tribunal and concurrently with, or before the filing of the appeal, requests the Administrative Review Tribunal to suspend the effects of the judicial letter, then the Authority shall desist from issuing a judicial act as referred to in this sub-article until the request for suspension has been determined, withdrawn or otherwise considered:

Provided further that the Administrative Review Tribunal shall determine any requests for suspension referred to in this sub-article expeditiously. Before determining any such request, the Administrative Review Tribunal shall give the Authority a reasonable opportunity to reply and make its submissions within a period of not less than three (3) working days.

(7) Interest at the rate of eight (8%) per cent per annum shall run as from due date for the payment of any administrative penalty imposed by the Authority:

Provided that in cases where the Administrative Review Tribunal or the Court of Appeal, as the case may be, after having upheld an application to suspend the pending penalty proceedings, finally decides that the administrative penalty as imposed by the Authority is due, such administrative penalty shall be due together with any interests accrued thereon as from the due date of the penalty, including any suspension of the period.

(8) The Authority shall give its reasons for any decision taken under this article.

(9) Notwithstanding the provisions of any other law, a precautionary warrant or order shall not be issued by any Court restraining the Authority from the exercise of any of the powers conferred upon it under this Act in relation to administrative penalties.

(10) In all cases where the Authority imposes an administrative penalty in respect of anything done or omitted to be done by any person and such act or omission also constitutes a criminal offence, no proceedings may be taken or continued against the said person in respect of such criminal offence.

(11) An administrative penalty imposed by the Authority upon any person shall be considered a civil debt.

(12) If any person knowingly avoids, obstructs or refuses service of any judicial act issued under this article, such person shall be guilty of an offence and shall be liable on conviction, to a fine (*multa*) of not more than seventy thousand euro (€70,000).

**35.** Where any person breaches:

Administrative  
infringements.

- (a) any provision of this Act;
- (b) any regulations made thereunder;
- (c) any other law which the Authority is entitled to enforce; or
- (d) any person who:
  - (i) fails to comply with any directive or decision given by the Authority whether in accordance with this Act, any regulations made thereunder or under any other law which the Authority is entitled to enforce; or
  - (ii) fails to comply with any condition of any authorisation granted in accordance with this Act, and the infringement is committed by a body corporate and is proved to have been committed with the consent, or involvement of, or to be attributable to, any gross negligence on the part of a person being a director, manager, secretary or other officer, however so described, of such body corporate or a person who was purporting to act in any such capacity, such person and such body corporate shall be responsible for the said infringement and shall be jointly and severally liable for the payment of any administrative penalty imposed by the Authority as a consequence thereof.

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Applicability of  
the  
Administrative  
Justice Act.  
Cap. 490.

**36.** The provisions of the Administrative Justice Act, in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal and the words "public administration" in the said Act shall be construed as a reference to the Authority.

Administrative  
Review  
Tribunal.

**37.** (1) An appeal shall lie to the Administrative Review Tribunal on any decision of the Authority in accordance with the provisions of this Act and any regulations made thereunder, and any person aggrieved by such decision shall have the right to appeal.

(2) An appeal to the Administrative Review Tribunal may be filed on any of the following grounds:

(a) that a material error as to the facts has been made;

(b) that there was a material procedural error;

(c) that an error of law has been made; and, or

(d) that there was some material illegality, including unreasonableness or lack of proportionality.

(3) The Administrative Review Tribunal shall give reasons for its decision and shall cause such decisions to be made public omitting, if it deems it appropriate for reasons of confidentiality, the names of the persons involved.

(4) In determining an appeal, the Administrative Review Tribunal shall take into account the merits of the appeal and may in whole or in part confirm, annul or vary the decision appealed from, giving in writing the reasons for its decision and shall cause such decision to be made public and communicated to the parties to the appeal.

(5) The effect of a decision to which an appeal relates shall not, except where the Administrative Review Tribunal or the Court of Appeal so orders, as the case may be, be suspended in consequence of the filing of the appeal.

(6) Any person aggrieved by a decision of the Authority shall have a right to appeal from such decision to the Administrative Review Tribunal:

Provided that in any case, a person filing an appeal to the Administrative Review Tribunal shall also require a direct interest in impugning the decision or directive appealed from.

(7) Without prejudice to the provisions of article 35:

(a) an appeal from a decision or directive of the Authority shall be made by application and shall be filed with the secretary of the Administrative Review Tribunal within twenty (20) days from the date on which the said decision or directive has been notified in writing to the party appealing or published in the Gazette whichever is the earlier, as the case may be; and

(b) the application of appeal shall be served on the Authority, which shall not later than twenty (20) days from such service, file its reply thereto with the secretary of the Administrative Review Tribunal.

**38.** (1) The Administrative Review Tribunal shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and any regulations made thereunder, and subject to the right of appeal and article 41, the decisions of the said Tribunal shall be final and binding. Appeal.

(2) In the exercise of its functions, the Tribunal may summon any person to appear before it and give evidence and produce documents, and the Chairperson shall have the power to administer the oath. The Tribunal may also appoint experts to advise the Tribunal on any technical issue that may be relevant to its decision.

**39.** (1) Any party to an appeal to the Tribunal who feels aggrieved by a decision of the Tribunal, or the Authority if it is not satisfied with any such decision, may on a question of law appeal to the Court of Appeal in accordance with the Administrative Justice Act. Appeal to the Court of Appeal.  
Cap. 490.

(2) The appeal shall be made by means of an application filed in the Registry of that Court within twenty (20) days from the date on which that decision has been served.

**40.** The members of the Board, officers and employees of the Authority in the performance of their functions under this Act or any other law administered by the Authority, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law. Exemption of liability.

**41.** The provisions of article 466 of the Code of Organization and Civil Procedure shall apply to the Authority in the same manner as they apply to Government Departments. Provisions of the Code of Organization and Civil Procedure.  
Cap. 12.

**PART X**  
**TRANSITORY PROVISIONS AND CONSEQUENTIAL**  
**AMENDMENTS**

Repeal and  
saving.  
Cap. 423.  
Cap. 543.

**42.** The Malta Resources Authority Act and the Climate Action Act and the subsidiary legislation made thereunder, with the exception of the subsidiary legislation listed in the Second Schedule, are hereby repealed:

Act No. XVI of  
2024.

Provided that anything done or omitted to be done in terms of the said legislation until the coming into force of the Climate Action Act, 2024 shall be deemed to be valid at law.

Saving.

**43.** (1) Upon the coming into force of this Act, the subsidiary legislation listed in the first column of the Second Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be re-numbered accordingly as specified in the third column of the said Schedule.

(2) Any authorisation, permission, direction or order granted or made under any of the provisions of the legislation listed in the Second Schedule, and still in force immediately before the coming into force of this Act, shall continue to remain in force thereafter as if it were a licence, permission, direction or order granted or made under a corresponding provision of this Act, and any such licence, permission, direction or order as aforesaid shall be treated and dealt with accordingly.

Transfer of  
assets and  
liabilities of the  
Malta Resources  
Authority.  
Act No. XVI of  
2024.

**44.** (1) With effect from the date of the coming into force of the Climate Action Act, 2024:

(a) all assets and rights of whatever nature of the Malta Resources Authority relating to climate whether existing in Malta or outside Malta, including but not limited to all real or other rights under any contract, all monies due by any person to the Malta Resources Authority, and all shares, stocks or other interests of, or in any other bodies shall be deemed to be assets of the Authority;

(b) all obligations and liabilities of the Malta Resources Authority relating to climate shall by virtue of this Act be deemed to be obligations and liabilities of the Authority without the need of any formalities other than this Act.

(2) With effect from the date of the coming into force of this Act:

(a) all assets and rights of whatever nature of the Malta Resources Authority relating to minerals and resources whether



**FIRST SCHEDULE  
(article 2)**

Greenhouse gases include:

- (a) Carbon dioxide (CO<sub>2</sub>);
- (b) Methane (CH<sub>4</sub>);
- (c) Nitrous Oxide (N<sub>2</sub>O);
- (d) Hydrofluorocarbons (HFCs);
- (e) Perfluorocarbons (PFCs);
- (f) Sulphur Hexafluoride (SF<sub>6</sub>);
- (g) Nitrogen trifluoride (NF<sub>3</sub>); and

any other designated greenhouse gas as established by the Minister by any regulations.

**SECOND SCHEDULE  
(article 43)**

Subsidiary legislation deemed to have been made under this Act:

| SUBSIDIARY LEGISLATION  | CURRENT NUMBERING | NEW RE-NUMBERING TO BE GIVEN |
|---|-------------------|------------------------------|
| Lifecycle Greenhouse Gas Emissions from Fuels Regulations   | S.L. 423.48.      | S.L. 643.01                  |
| European Union Greenhouse Gas Emissions Trading System for Stationary Installations Regulations                           | S.L. 423.50.      | S.L. 643.02                  |
| European Union Greenhouse Gas Emissions Trading System for Aviation Regulations   | S.L. 423.51.      | S.L. 643.03                  |
| National System for the Estimation of Anthropogenic Greenhouse Gas Emissions by Sources and Removals by Sinks Regulations | S.L. 543.01.      | S.L. 643.04                  |

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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*

# VERŻJONI ELETTRONIKA