

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,731, 9 ta' Ottubru, 2026

Taqsim C

Nru 10

09. 10. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Glenn Bedingfield, M.P., Ministru għall-Intern u s-Sigurtà, f'isem il-Ministru għall-Finanzi, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru 2026.

A BILL introduced by the Honourable Glenn Bedingfield, M.P., Minister for Home Affairs and Security, on behalf of the Minister for Finance, and read the First time at the Sitting of the 5th October 2026.

ATT sabiex jagħti s-setgħa lill-awtorità kompetenti sabiex tinforza d-dispożizzjonijiet tar-Regolament (UE) 2024/1787 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 dwar it-tnaqqis tal-emissjonijiet tal-metan fis-settur tal-enerġija u li jemenda r-Regolament (UE) 2019/942 fir-rigward tal-esplorazzjoni u l-produzzjoni tal-petroleum f'Malta u l-blata kontinentali tagħha.

AN ACT to empower the competent authority to enforce the provisions of Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942 in relation to the exploration and production of petroleum in Malta and its continental shelf.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jagħti s-setgħa lill-awtorità kompetenti sabiex tinforza d-dispożizzjonijiet tar-Regolament (UE) 2024/1787 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 dwar it-tnaqqis tal-emissjonijiet tal-metan fis-settur tal-enerġija u li jemenda r-Regolament (UE) 2019/942 fir-rigward tal-esplorazzjoni u l-produzzjoni tal-petroleum f'Malta u l-blata kontinentali tagħha.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 dwar l-Emissjonijiet tal-Metan fis-Settur *Upstream* taż-Żejt u l-Gass (Miżuri ta' Infurzar). Titolu fil-qosor u għan.

(2) L-għan ta' dan l-Att huwa li jimplimenta r-rekwiżiti tal-Artikolu 33 tar-Regolament (UE) 2024/1787 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 dwar it-tnaqqis tal-emissjonijiet tal-metan fis-settur tal-enerġija u li jemenda r-Regolament (UE) 2019/942, fir-rigward tal-esplorazzjoni u l-produzzjoni tal-*petroleum* f'Malta u l-blata kontinentali tagħha.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort' oħra: Tifsir.

"awtorità kompetenti" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Produzzjoni tal-*Petroleum*; Kap. 156.

"blata kontinentali" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Blata Kontinentali; Kap. 535.

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L.S. 156.01.

"detentur ta' liċenzja" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tar-Regolamenti dwar il-Produzzjoni tal-*Petroleum*;

"esplorazzjoni" tfisser it-tfittxija għall-*petroleum* permezz tat-tħaffir;

L.S. 156.01.

"liċenzja" tfisser liċenzja ta' esplorazzjoni jew ta' esplorazzjoni u produzzjoni kif mogħti lilha skont ir-Regolamenti dwar il-Produzzjoni tal-*Petroleum*;

Kap. 156.

"Malta" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Produzzjoni tal-*Petroleum*;

Kap. 156.

"Ministru" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Produzzjoni tal-*Petroleum*;

Kap. 156.

"*petroleum*" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Produzzjoni tal-*Petroleum*;

Kap. 156.

"produzzjoni" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2 tal-Att dwar il-Produzzjoni tal-*Petroleum*;

"Regolament dwar il-Metan" tfisser ir-Regolament (UE) 2024/1787 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 dwar it-tnaqqis tal-emissjonijiet tal-metan fis-settur tal-enerġija u li jemenda r-Regolament (UE) 2019/942.

Kap. 156.

(2) Kemm-il darba ma jkunx provdut xort'oħra taħt dan l-Att, il-kliem mfissra fir-Regolament dwar il-Metan u fl-Att dwar il-Produzzjoni tal-*Petroleum* għandhom japplikaw u f'każ ta' kwalunkwe konflitt id-dispożizzjonijiet tar-Regolament dwar il-Metan għandhom jipprevalu.

Infurzar ta' miżuri.

3. L-awtorità kompetenti għandha twettaq il-miżuri ta' infurzar stabbiliti f'dan l-Att bil-għan li tiżgura l-applikazzjoni u l-implimentazzjoni tar-Regolament dwar il-Metan fir-rigward tal-esplorazzjoni u l-produzzjoni tal-*petroleum* f'Malta u fuq il-blata kontinentali ta' Malta.

Penali amministrattivi.

4. Il-penali amministrattivi imposti skont dan l-Att u kwalunkwe regolamenti magħmula taħtu għandhom ikunu effettivi, proporzjonati u dissważivi u għandhom jinkludu:

(a) penali proporzjonali għall-ħsara ambjentali u l-impatt fuq is-sikurezza u s-saħħa tal-bniedem stabbiliti f'livell li:

(i) jcaħħad lil dawk responsabbli għall-benefiċċji ekonomiċi miksuba mill-ksur b'mod effettiv; u

(ii) jiġu miżjuda gradwalment għal ksur serju ripetut.

(b) pagamenti perjodiċi ta' penali sabiex id-detenturi ta' liċenzja jiġu mgiegħla jwaqqfu ksur, jikkonformaw ma' deċiżjoni li tordna azzjonijiet ta' rimedju jew miżuri korrettivi, jipprovdu informazzjoni jew jissottomettu ruħhom għal spezzjoni, kif applikabbli.

5. (1) L-awtorità kompetenti għandha s-setgħa li timponi penali amministrattivi għall-ksur tal-Artikoli 12, 14(14), 16(2), u l-Artikolu 29(1) u (2) tar-Regolament dwar il-Metan:

Is-setgħat tal-awtorità kompetenti.

Iżda l-eżerċizzju ta' dawn is-setgħat ma jistax jipperikola s-sigurtà tal-provvista tal-enerġija f'konformità mal-leġiżlazzjoni nazzjonali u dik tal-Unjoni Ewropea applikabbli u jista' b'mod partikolari:

(a) jadotta deċiżjoni li težiġi li d-detentur ta' liċenzja jwaqqaf il-ksur;

(b) jordna l-konfiska tal-qligħ miksub jew tat-telf evitat minhabba l-ksur sa fejn dawn ikunu jistgħu jiġu ddeterminati;

(c) joħroġ twissijiet jew avvizi pubbliċi permezz ta' avviż ippubblikat fil-Gazzetta;

(d) jadotta deċiżjoni li timponi pagamenti perjodiċi ta' penali;

(e) jadotta deċiżjoni li timponi penali amministrattivi.

(2) Il-ħlas perjodiku tal-penali msemmi fil-paragrafu (d) tas-subartikolu (1) għandu jkun penali amministrattiva ta' mitt elf euro (€100,000) għal kull ksur jew sitt mitt euro (€600) għal kull jum ta' nuqqas ta' konformità jew it-tnejn, skont il-każ.

(3) L-ammont tal-penali amministrattivi msemmija fil-paragrafu (e) tas-subartikolu (1) ma għandux jeċċedi l-ghaxra fil-mija (10%) tal-fatturat annwali tad-detentur tal-liċenzja fis-sena kummerċjali preċedenti.

6. (1) L-awtorità kompetenti, qabel ma timponi penali amministrattiva fuq detentur ta' liċenzja li jikser jew jonqos milli josserva:

Proċeduri meta jiġu imposti penali amministrattivi.

(a) kwalunkwe dispożizzjoni ta' dan l-Att;

(b) kwalunkwe regolamenti magħmula taħt dan l-Att;

(ċ) kwalunkwe liġi oħra li l-awtorità kompetenti għandha l-jedd li tinforza; jew

(d) kwalunkwe deċiżjoni mogħti lilha mill-awtorità kompetenti skont dan l-Att, kwalunkwe regolamenti magħmula taħt dan l-Att jew taħt kwalunkwe liġi oħra li l-awtorità kompetenti jkollha l-jedd li tinforza,

għandha tinnotifika bil-miktub lid-detentur tal-liċenzja kkonċernat b'dawn li ġejjin:

(i) l-avviż tal-penali amministrattiva li tkun qiegħda tiġi imposta mill-awtorità kompetenti;

(ii) ir-raġuni speċifika għaliex tkun qiegħda tiġi imposta dik il-penali;

(iii) l-ammont tal-penali; u

(iv) it-talba lid-detentur tal-liċenzja kkonċernat sabiex:

(aa) jirrimedja l-atti jew l-ommissjonijiet li jkun saru minn tali detentur ta' liċenzja meta daww l-atti jew ommissjonijiet ikunu għadhom jistgħu jiġu rimedjati; u, jew

(ab) jagħmel is-sottomissjonijiet lill-awtorità kompetenti fi żmien speċifikat:

Iżda dak iż-żmien ma għandux ikun aktar minn għoxrin (20) gurnata u mhux anqas minn ħamest (5) ijiem mid-data tan-notifika tal-avviż:

Iżda wkoll f'dan il-perjodu, id-detentur tal-liċenzja jista' jipprova sottomissjonijiet lill-awtorità kompetenti u, fejn l-atti jew l-ommissjonijiet jistgħu jiġu rimedjati, jipproponi miżuri ta' rimedju xierqa.

(2) Fl-avviż imsemmi fis-subartikolu (1), l-awtorità kompetenti tista' timponi daww il-kondizzjonijiet li tista' tqis raġonevoli fiċ-ċirkostanzi.

(3) Fejn id-detentur tal-liċenzja jirrimedja l-ksur fil-perjodu stabbilit skont is-subartikolu (1) u jaqbel bil-miktub li ser jikkonforma ma' kwalunkwe kondizzjoni imposta mill-awtorità kompetenti, l-istess

awtorità kompetenti għandha tiddeżisti milli tipproċedi ulterjorment:

Iżda jekk id-detentur tal-liċenzja jonqos milli jirrimedja l-ksur fil-perjodu stabbilit jew jonqos milli jikkonforma ma' kwalunkwe kondizzjonijiet miftiehma bil-miktub, l-awtorità kompetenti għandha timponi penali amministrattiva għal dan in-nuqqas skont l-artikolu 5, flimkien ma' penali amministrattiva imposta fir-rigward tal-ksur innifsu.

(4) Meta mal-iskadenza tal-perjodu msemmi fis-subartikolu (1), l-awtorità kompetenti tqis li d-detentur tal-liċenzja ma jkunx ipprova raġunijiet validi li juru li għalihom ma għandhiex tiġi imposta penali amministrattiva, l-awtorità kompetenti għandha tipproċedi sabiex tirkupra l-penali amministrattiva, kif stipulat fl-artikolu 5.

(5) Minkejja kwalunkwe dispożizzjoni oħra ta' dan l-artikolu, meta l-awtorità kompetenti jkollha provi *prima facie* li l-ksur jikkostitwixxi theddida immedjata u serja għas-sigurtà, għas-sikurezza jew għas-saħħa pubblika, jew joħloq jew jista' joħloq sitwazzjoni ekonomika serja jew problemi operattivi għal fornituri oħra ta' riżorsi, l-awtorità kompetenti tista' tnaqqas il-perjodi msemmija fis-subartikolu (1):

Iżda d-detentur tal-liċenzja li kontrib tkun qiegħda tiġi imposta dik il-penali amministrattiva, għandu jingħata l-opportunità li jipprovi kwalunkwe sottomissjoni u jipproponi kwalunkwe rimedju possibbli.

(6) L-avviż imsemmi fis-subartikolu (1) għandu, mal-iskadenza tal-limitu ta' żmien għall-appell minnu u man-notifika ta' kopja tiegħu permezz ta' att ġudizzjarju lid-detentur tal-liċenzja responsabbli li jhallas il-penali amministrattiva, jikkostitwixxi titolu eżekuttiv għall-intenzjonijiet u l-finijiet kollha tal-artikolu 253(a) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili: Kap. 12.

Iżda jekk id-detentur tal-liċenzja jissottometti appell quddiem it-Tribunal ta' Reviżjoni Amministrattiva skont l-Att dwar il-Ġustizzja Amministrattiva, u flimkien mal-appell jew qabel ma jissottometti l-appell jitlob lit-Tribunal ta' Reviżjoni Amministrattiva li jissospendi l-effetti tal-avviż, l-awtorità kompetenti għandha tastjeni milli tohroġ att ġudizzjarju kif imsemmi f'dan is-subartikolu sakemm it-talba għal sospensjoni tkun giet deċiża, irtirata jew trattata mod ieħor: Kap. 490.

Iżda wkoll it-Tribunal ta' Reviżjoni Amministrattiva għandu jiddeċiedi kwalunkwe talba għas-sospensjoni mill-aktar fis u qabel ma jagħmel dan, għandu jagħti lill-awtorità kompetenti opportunità raġonevoli

sabiex tagħmel is-sottomissjonijiet tagħha, fi żmien mhux anqas minn tlett (3) ijiem ta' xogħol.

(7) Imgħax bir-rata ta' tmienja fil-mija (8%) fis-sena għandu jibda japplika mid-data li l-awtorità kompetenti tistabbilixxi għall-pagament ta' kwalunkwe penali amministrattiva imposta minnha. Fil-każijiet meta t-Tribunal ta' Revizjoni Amministrattiva jew il-Qorti tal-Appell, skont il-każ, wara li jkun intlaqa' favorevolment rikors għas-sospensjoni tal-penali amministrattiva sakemm l-proċeduri jkunu pendenti, jiddeċiedu b'mod definitiv li l-penali amministrattiva kif imposta mill-awtorità kompetenti tkun dovuta, tali penali amministrattiva għandha tithallas flimkien ma' kwalunkwe imgħax li jkun akkumula fuqha minn dik id-data li l-awtorità kompetenti tkun originarjament stabbilixxiet għall-ħlas, inkluż il-perjodu li matulu l-ħlas ta' dik il-penali jkun gie sospiż.

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

(9) L-ebda mandat kawtelatorju jew ordni oħra ma għandhom jinħarġu minn kwalunkwe qorti li jkunu jirrestringu l-awtorità kompetenti milli teżerċita xi setgħa mogħtija lilha minn, jew taħt dan l-Att fir-rigward ta' penali amministrattivi, ħlief fejn il-qorti tkun sodisfatta li tali att huwa *prima facie* illegali jew manifestament sproporzjonat.

(10) Fil-każijiet kollha li l-awtorità kompetenti timponi penali amministrattiva fir-rigward ta' kwalunkwe haġa li tkun saret jew li tkun naqset milli ssir mill-istess detentur tal-liċenzja u dak l-att jew l-ommissjoni jkunu wkoll jikkostitwixxu reat kriminali, l-ebda proċeduri kriminali ma għandhom jittieħdu jew jitkomplew kontra tali detentur tal-liċenzja dwar l-istess att jew ommissjoni.

(11) Penali amministrattiva imposta mill-awtorità kompetenti fuq kwalunkwe detentur ta' liċenzja għandha tikkostitwixxi dejn ċivili dovut lill-awtorità kompetenti.

(12) Meta kwalunkwe detentur ta' liċenzja xjentement jevita, jfixkel jew jirrifjuta n-notifika ta' kwalunkwe att ġudizzjarju maħruġ taħt dan l-artikolu, tali detentur ta' liċenzja għandu jkun ħati ta' reat u meta jinstab ħati għandu jehel multa ta' mhux aktar minn sebghin elf euro (€70,000).

Kooperazzjoni
mill-qrib ma'
awtoritajiet
kompetenti
oħra.

7. L-awtorità kompetenti għandha tikkoopera mill-qrib ma' awtoritajiet kompetenti oħra sabiex tiżgura li s-setgħat tagħha jiġu eżerċitati, u li l-penali u l-miżuri amministrattivi li timponi jkunu effettivi, proporzjonati u dissuażivi u jiġu applikati b'mod konsistenti.

8. Il-ksur li ġej tar-Regolament dwar il-Metan għandu jkun soġġett għal penali amministrattivi: Ksur suġġett għal penali amministrattivi.

(a) in-nuqqas min-naħa tad-detentur ta' liċenzja li jipprovdi lill-awtorità kompetenti jew lill-verifikaturi bl-assistenza meħtieġa għat-twettiq tad-dmirijiet tagħhom skont ir-Regolament dwar il-Metan;

(b) in-nuqqas tad-detentur ta' liċenzja li jwettaq l-azzjonijiet stabbiliti fir-rapporti tal-ispezzjonijiet imsemmi fl-Artikolu 6(5) u (6) tar-Regolament dwar il-Metan;

(ċ) in-nuqqas tad-detentur ta' liċenzja li jissottometti r-rapporti dwar l-emissjonijiet tal-metan kif meħtieġ mill-Artikolu 12 u l-Artikolu 18(3) tar-Regolament dwar il-Metan, inkluż id-dikjarazzjoni ta' verifika maħruġa minn verifikatur indipendenti skont l-Artikolu 8(4) tar-Regolament dwar il-Metan;

(d) in-nuqqas min-naħa tad-detentur ta' liċenzja li jissottometti programm LDAR f'konformità mal-Artikolu 14(1) jew li jwettaq sħarriġ LDAR skont l-Artikolu 14(2), (5) u (6) tar-Regolament dwar il-Metan;

(e) in-nuqqas min-naħa tad-detentur ta' liċenzja li jsewwi jew jissostitwixxi l-komponenti, li jistħarreg l-komponenti kontinwament u li jirreġistra it-tnixxijiet skont l-Artikolu 14(8) sa (13) tar-Regolament dwar il-Metan;

(f) in-nuqqas min-naħa tad-detentur ta' liċenzja li jissottometti rapport skont l-Artikolu 14(14) tar-Regolament dwar il-Metan;

(g) il-venting jew il-flaring, inkluż il-flaring ta' rutina, mid-detentur ta' liċenzja, ħlief f'sitwazzjonijiet previsti fl-Artikolu 15(2) u (3) tar-Regolament dwar il-Metan;

(h) in-nuqqas min-naħa tad-detentur ta' liċenzja li juri l-ħtieġa li juża l-venting minflok il-flaring u li juri l-ħtieġa li juża l-flaring minflok l-injezzjoni mill-ġdid, jew l-użu fuq il-post, jew il-ħażna għall-użu eventwali, jew id-dispaċċ tal-metan għas-suq, skont l-Artikolu 15(4) u (6) tar-Regolament dwar il-Metan;

(i) in-nuqqas min-naħa tad-detentur ta' liċenzja li jissostitwixxi jew juża t-tagħmir tal-venting skont l-Artikolu 15(5) u (7) tar-Regolament dwar il-Metan;

(j) in-nuqqas min-naħa tad-detentur ta' liċenzja li jinnotifika jew jirrapporta dwar avvenimenti ta' venting u

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avvenimenti ta' *flaring* skont l-Artikolu 16 tar-Regolament dwar il-Metan;

(k) l-użu ta' *flare stacks* jew ta' apparat ta' kombustjoni bi ksur tar-rekwiżiti stabbiliti fl-Artikolu 17 tar-Regolament dwar il-Metan;

(l) in-nuqqas min-naħa tad-detentur ta' liċenzja li japplika miżuri ta' mitigazzjoni skont l-Artikolu 18(6) u (9) tar-Regolament dwar il-Metan;

(m) in-nuqqas min-naħa tad-detentur ta' liċenzja li jipprovdi l-informazzjoni meħtieġa skont l-Artikolu 29(1) u (2) tar-Regolament dwar il-Metan; u

(n) in-nuqqas min-naħa tad-detentur ta' liċenzja li jikkonforma mal-valuri massimi tal-intensità tal-metan stabbiliti fl-atti delegati adottati skont l-Artikolu 29(6) tar-Regolament dwar il-Metan.

Kriterji għall-impożizzjoni ta' penali.

9. (1) L-awtorità kompetenti għandha tqis tal-anqas il-kriterji indikattivi li ġejjin għall-impożizzjoni ta' penali, kif xieraq:

(a) it-tul ta' żmien, in-natura u l-gravità tal-ksur;

(b) kwalunkwe azzjoni meħuda mid-detentur ta' liċenzja sabiex id-dannu jittaffa jew jiġi rimedjat fil-ħin;

(ċ) in-natura intenzjonali jew negliġenti tal-ksur;

(d) kwalunkwe ksur preċedenti jew ripetut mid-detentur ta' liċenzja;

(e) il-benefiċċji ekonomiċi miksuba jew telf evitat, direttament jew indirettament, mid-detentur ta' liċenzja minħabba l-ksur, jekk id-data rilevanti tkun disponibbli;

(f) id-daqs tad-detentur ta' liċenzja;

(g) il-grad ta' kooperazzjoni mal-awtorità kompetenti;

(h) il-mod li bih il-ksur sar magħruf mill-awtorità kompetenti, b'mod partikolari, jekk ikun hekk il-każ sa liema estent, id-detentur ta' liċenzja nnotifika l-ksur fil-ħin; u

(i) kwalunkwe fattur aggravanti jew mitiganti ieħor applikabbli għaċ-ċirkostanzi tal-każ, inkluż azzjonijiet ta' partijiet terzi.

(2) B'referenza għas-subartikolu (1), fejn l-kondizzjonijiet stabbiliti fl-Artikolu 15(8) tar-Regolament dwar il-Metan huma mwettqa, l-awtorità kompetenti għandha tikkonsidra li tnaqqas jew li ma timponix pieni fuq id-detentur ta' liċenzja għall-perjodu ta' implimentazzjoni meqjus meħtieġ mill-awtorità kompetenti.

10. L-awtorità kompetenti għandha tippubblika kull sena informazzjoni dwar it-tip u l-ammont tal-penali imposti skont dan l-Att, il-ksur imwettaq u d-detenturi ta' liċenzja li fuqhom ikunu ġew imposti l-penali.

Pubblikazzjoni ta' penali amministrattivi.

11. Il-penali previsti f'dan l-Att għandhom ikunu mingħajr preġudizzju għall-impożizzjoni ta' kwalunkwe multa jew prosekuzzjoni taħt kwalunkwe dispożizzjoni oħra tal-liġi u kwalunkwe regolamenti magħmula taħtu, inkluż l-Att dwar il-Produzzjoni tal-*Petroleum* u kwalunkwe regolamenti magħmula taħtu.

Multi jew prosekuzzjoni.

Kap. 156.

12. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u għal kwalunkwe obligazzjoni internazzjonali li l-Gvern ikun daħal fiha, il-Ministru jista' jagħmel regolamenti:

Setgħat tal-Ministru li jagħmel regolamenti.

(a) għall-implimentazzjoni aħjar tad-dispożizzjonijiet ta' dan l-Att, ir-Regolament dwar il-Metan u kwalunkwe miżuri oħra ta' implimentazzjoni;

(b) għall-impożizzjoni ta' penali amministrattivi mill-awtorità kompetenti skont ir-Regolament dwar il-Metan;

(c) għas-setgħat ta' infurzar meħtieġa mill-awtorità kompetenti sabiex twettaq il-funzjonijiet tagħha skont dan l-Att;

(d) sabiex jagħti effett lil kwalunkwe obbligu internazzjonali li jidhol fih il-Gvern fir-rigward tar-Regolament dwar il-Metan u dan l-Att;

(e) sabiex jippreskrivi kwalunkwe haġa li tista' tkun jew hija meħtieġa li tiġi preskritta minn dan l-Att u skont ir-Regolament dwar il-Metan.

(2) Ir-regolamenti, ir-regoli u l-ordnijiet magħmula taħt kwalunkwe waħda mid-dispożizzjonijiet ta' dan l-Att jistgħu jsiru bil-lingwa Ingliża biss.

13. Id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva, fil-każ ta' dawk li japplikaw għat-Tribunal ta' Reviżjoni Amministrattiva, għandhom japplikaw għal kwalunkwe proċedura quddiem l-imsemmi Tribunal u l-kliem "amministrazzjoni pubblika" fl-imsemmi Att għandhom jinftiehemu bħala referenza għall-awtorità

Tribunal ta' Reviżjoni Amministrattiva.
Kap. 490.

kompetenti.

Dritt ta' appell.

14. (1) Appell jista' jsir quddiem it-Tribunal ta' Reviżjoni Amministrattiva dwar kwalunkwe deċiżjoni tal-awtorità kompetenti skont id-dispożizzjonijiet ta' dan l-Att u kwalunkwe regolamenti magħmula tahtu, u kwalunkwe detentur ta' liċenzja li jhossu aggravat b'kwalunkwe tali deċiżjoni għandu jkollu l-jedd li jagħmel appell.

(2) Appell jista' jsir quddiem it-Tribunal ta' Reviżjoni Amministrattiva għal kwalunkwe waħda mir-raġunijiet li ġejjin:

(a) fejn jkun sar żball materjali dwar il-fatti;

(b) fejn jkun hemm żball materjali fil-proċedura;

(ċ) fejn jkun sar żball fil-liġi;

(d) fejn kien hemm xi illegalità materjali, inkluż in-nuqqas ta' raġonevolezza jew proporzjonalità.

(3) It-Tribunal ta' Reviżjoni Amministrattiva għandu jagħti raġunijiet għad-deċiżjoni tiegħu u għandu jara li daww id-deċiżjonijiet ikunu pubbliċi filwaqt li jistgħu jithallew barra, jekk l-istess Tribunal iqis li jkun hekk xieraq għal raġunijiet ta' konfidenzjalità, l-ismijiet tad-detenturi ta' liċenzja involuti.

(4) Fid-determinazzjoni ta' appell, it-Tribunal Amministrattiv tar-Reviżjoni għandu jqis il-merti tal-appell, u jista' kompletament jew parzjalment, jikkonferma jew jannulla d-deċiżjoni appellata. It-Tribunal għandu jagħti bil-miktub ir-raġunijiet għad-deċiżjoni tiegħu u għandu, suġġett għas-subartikolu (3), jara li dik id-deċiżjoni tiġi ppubblikata u kkomunikata lill-partijiet fl-appell.

(5) L-effett ta' deċiżjoni li dwarha jkun hemm appell ma għandux, hlief meta t-Tribunal ta' Reviżjoni Amministrattiva jew il-Qorti tal-Appell, skont il-każ, hekk jordnaw, ikun sospiż b'konsegwenza ta' dak l-appell.

(6) Id-dritt ta' appell quddiem it-Tribunal ta' Reviżjoni Amministrattiva jkun jista' jiġi eżerċitat minn kwalunkwe detentur ta' liċenzja li jhossu aggravat bid-deċiżjoni:

Iżda f'kull każ, detentur ta' liċenzja li jippreżenta appell lit-Tribunal ta' Reviżjoni Amministrattiva għandu jkollu wkoll interess dirett meta jkun qiegħed jikkontesta d-deċiżjoni li jkun qed isir appell minnha.

(7) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 6:

(a) l-appell minn deċiżjoni tal-awtorità kompetenti għandu jsir b'rikors u għandu jiġi preżentat lis-segretarju tat-Tribunal ta' Reviżjoni Amministrattiva fi żmien għoxrin (20) jum mid-data meta tali deċiżjoni tkun giet notifikata bil-miktub lill-parti li qiegħda tappella;

(b) ir-rikors tal-appell għandu jiġi notifikat lill-awtorità kompetenti, li jkollha mhux aktar tard minn għoxrin (20) ġurnata minn tali notifika sabiex tippreżenta t-tweġiba tagħha lis-segretarju tat-Tribunal ta' Reviżjoni Amministrattiva; u

(ċ) id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva għandhom japplikaw kif xieraq għall-appelli ppreżentati skont dan l-Att quddiem it-Tribunal ta' Reviżjoni Amministrattiva. Kap. 490.

15. (1) Kwalunkwe parti f'appell quddiem it-Tribunal ta' Reviżjoni Amministrattiva li tħossha aggravata b'deċiżjoni tat-Tribunal, jew l-awtorità kompetenti jekk tħossha mhux sodisfatta b'kwalunkwe deċiżjoni, tista' tappella quddiem il-Qorti tal-Appell fuq punt ta' liġi skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva. Appell lill-Qorti tal-Appell. Kap. 490.

(2) L-appell għandu jsir permezz ta' rikors li għandu jiġi ppreżentat fir-reġistru tal-Qorti tal-Appell fi żmien għoxrin (20) ġurnata mid-data li fiha dik id-deċiżjoni tkun giet notifikata.

16. (1) Minnufih wara s-subartikolu (3) tal-artikolu 4 tal-Att dwar il-Produzzjoni tal-*Petroleum* għandu jiġi miżjud is-subartikolu ġdid li ġej: Emendi konsegwenzjali. Kap. 156.

Kap. ____.

"(4) Kull liċenzja ta' esplorazzjoni u produzzjoni mogħtija skont dan l-Att għandha tkun soġġetta wkoll għall-Att dwar l-Emissjonijiet tal-Metan fis-Settur *Upstream* taż-Żejt u l-Gass (Miżuri ta' Infurzar) u d-detentur tal-liċenzja għandu jkun marbut bid-dispożizzjonijiet tiegħu."

(2) Minnufih wara l-aħħar partita tal-leġiżlazzjoni primarja tal-Iskeda II tal-Att dwar il-Ġustizzja Amministrattiva, għandha tiġi miżjuda l-partita ġdida li ġejja: Kap. 490.

"Att dwar l-Emissjonijiet tal-Metan fis-Settur *Upstream* taż-Żejt u l-Gass (Miżuri ta' Infurzar), Kap.____, Inferjuri/ Superjuri".

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Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jagħtu s-setgħa lill-awtorità kompetenti li tinforza r-regoli dwar il-penali applikabbli għal ksur tar-Regolament (UE) 2024/1787 tal-Parlament Ewropew u tal-Kunsill tat-13 ta' Ġunju 2024 dwar it-tnaqqis tal-emissjonijiet tal-metan fis-settur tal-enerġija u li jemenda r-Regolament (UE) 2019/942 fir-rigward tal-esplorazzjoni u l-produzzjoni tal-*petroleum* f'Malta u l-blata kontinentali tagħha.

**A Bill
entitled**

AN ACT to empower the competent authority to enforce the provisions of Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942 in relation to the exploration and production of petroleum in Malta and its continental shelf.

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:-

1. (1) The short title of this Act is the Upstream Sector Oil and Gas Methane Emissions (Enforcement Measures) Act, 2026. Short title and scope.

(2) The scope of this Act is to implement the requirements of Article 33 of Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942, in relation to the exploration and production of petroleum in Malta and its continental shelf.

2. (1) In this Act, unless the context otherwise requires: Interpretation.

"competent authority" shall have the same meaning as assigned to it in article 2 of the Petroleum (Production) Act; Cap. 156.

"continental shelf" shall have the same meaning as assigned to it in article 2 of the Continental Shelf Act; Cap. 535.

"exploration" means the search for petroleum by drilling;

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S.L. 156.01. "licence" means an exploration or an exploration and production licence granted pursuant to the Petroleum (Production) Regulations;

S.L. 156.01. "licensee" shall have the same meaning as assigned to it in article 2 of the Petroleum (Production) Regulations;

Cap. 156. "Malta" shall have the same meaning as assigned to it in article 2 of the Petroleum (Production) Act;

"Methane Regulation" means Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942;

Cap. 156. "Minister" shall have the same meaning as assigned to it in article 2 of the Petroleum (Production) Act;

Cap. 156. "petroleum" shall have the same meaning as assigned to it in article 2 of the Petroleum (Production) Act;

Cap. 156. "production" shall have the same meaning as assigned to it in article 2 of the Petroleum (Production) Act.

Cap.156. (2) Unless expressly provided otherwise in this Act, the words defined in the Methane Regulation and in the Petroleum (Production) Act shall apply and if any conflict arises the provisions of the Methane Regulation shall prevail.

Enforcement measures. **3.** The competent authority shall exercise the enforcement measures established in this Act for the purpose of ensuring the application and implementation of the Methane Regulation in relation to the exploration and production of petroleum in Malta and on Malta's continental shelf.

Administrative penalties. **4.** Administrative penalties imposed in accordance with this Act and any regulations made thereunder shall be effective, proportionate and dissuasive and shall include:

(a) penalties proportionate to the environmental damage and impact on human safety and health set at a level that:

(i) deprives those responsible of the economic benefits derived from the breach in an effective way; and

(ii) gradually increases for repeated serious breaches.

(b) periodic penalty payments to compel licensees to put

an end to a breach, comply with a decision ordering remedial actions or corrective measures, provide information or submit to an inspection, as applicable.

5. (1) The competent authority shall have the power to impose administrative penalties for breaches of Articles 12, 14(14), 16(2) and 29(1) and (2) of the Methane Regulation:

Powers of the competent authority.

Provided that the exercise of such powers does not endanger the security of energy supply in accordance with applicable national and European Union legislation and may in particular:

(a) adopt a decision requiring the licensee to bring the breach to an end;

(b) order the confiscation of the profits gained or losses avoided due to the breaches insofar as they can be determined;

(c) issue public warnings or notices by means of a notice published in the Gazette;

(d) adopt a decision imposing periodic penalty payments;

(e) adopt a decision imposing administrative penalties.

(2) The periodic penalty payment referred to in paragraph (d) of sub-article (1) shall be an administrative penalty of one hundred thousand euro (€100,000) for each breach or six hundred euro (€600) for each day of non-compliance or both, as the case may be.

(3) The amount of the administrative penalties referred to in paragraph (e) of sub-article (1) shall not exceed ten per cent (10%) of the annual turnover of the licensee in the preceding business year.

6. (1) The competent authority, before imposing an administrative penalty upon a licensee who breaches or fails to comply with:

Proceedings when imposing administrative penalties.

(a) any provision of this Act;

(b) any regulations made thereunder;

(c) any other law which the competent authority is authorised to enforce; or

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(d) any decision given by the competent authority in accordance with this Act, any regulations made thereunder or under any other law which the competent authority is authorised to enforce,

shall serve in writing to the licensee concerned the following:

(i) the notice of the administrative penalty being imposed by the competent authority;

(ii) the specific reason for such penalty being imposed;

(iii) the amount of the penalty; and

(iv) the request to the licensee concerned:

(aa) to rectify the acts or omissions committed by such licensee where such acts or omissions are capable of remedy; and, or

(ab) to make submissions to the competent authority within a specified time:

Provided that such period shall not exceed twenty (20) days and shall not be less than five (5) days from the date of service of the notice:

Provided further that within such period, the licensee may provide submissions to the competent authority and, where the acts or omissions are capable of remedy, propose appropriate remedial measures.

(2) In the notice mentioned in sub-article (1), the competent authority may impose such conditions as it may consider reasonable in the circumstances.

(3) Where the licensee remedies the breaches within the period established in accordance with sub-article (1) and agrees in writing to comply with any conditions imposed by the competent authority, the said competent authority shall desist from proceeding any further:

Provided that where the licensee fails to remedy the breach within the period established or fails to comply with any conditions agreed to in writing, the competent authority shall impose an administrative penalty for such failure in accordance with article 5, in addition to the administrative penalty imposed in respect of the breach itself.

(4) Where upon the lapse of the period mentioned in sub-article (1), the competent authority considers that the licensee has not provided valid reasons demonstrating why no administrative penalty should be imposed, the competent authority shall proceed to recover such administrative penalty as stipulated in article 5.

(5) Notwithstanding any other provision of this article, where the competent authority has *prima facie* evidence that the breach constitutes an immediate and serious threat to public safety or public security or public health, or creates or may create serious economic or operational problems for other providers of resources, the competent authority may reduce the periods referred to in sub-article (1):

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

(6) The notice referred to in sub-article (1) shall, upon the expiry of the time limit for appeal therefrom and upon the service of a copy thereof by means of a judicial act on the licensee liable to pay the administrative penalty, constitute an executive title for all intents and purposes of article 253(a) of the Code of Organization and Civil Procedure: Cap. 12.

Provided that if the licensee files an appeal before the Administrative Review Tribunal in accordance with the Administrative Justice Act and concurrently with, or prior to the filing of an appeal requests the Administrative Review Tribunal to suspend the effects of the notice, the competent authority shall refrain from issuing the judicial act referred to in this sub-article until the request for suspension has been determined, withdrawn or otherwise dealt with: Cap. 490.

Provided further that the Administrative Review Tribunal shall determine any requests for suspension expeditiously and before doing so, shall give the competent authority a reasonable opportunity to make submissions within a period of not less than three (3) working days.

(7) Interest at the rate of eight per cent (8%) per annum shall accrue from the date established by the competent authority for the payment of any administrative penalty imposed by it. Where the Administrative Review Tribunal or the Court of Appeal, as the case may be, after having upheld an application to suspend the administrative penalty pending proceedings, decides in a definitive manner that the administrative penalty as imposed by the competent

authority is due, such penalty shall be payable together with any interest accrued thereon from the date originally established for payment, including the period during which the payment of the said penalty was suspended.

(8) The competent authority shall specify its reasons for any decision taken in accordance with this article.

(9) No precautionary warrant or other order shall be issued by any court restraining the competent authority from the exercise of any of the powers conferred upon it by, or under this Act in relation to administrative penalties, except where the court is satisfied that such act is *prima facie* unlawful or manifestly disproportionate.

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

(11) An administrative penalty imposed by the competent authority upon any licensee shall constitute a civil debt due to the competent authority.

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

Close co-operation with other competent authorities.

7. The competent authority shall co-operate closely with other competent authorities to ensure that its powers are exercised, and that the administrative penalties and measures which are imposed are effective, proportionate and dissuasive and are applied in a consistent manner.

Breaches subject to administrative penalties.

8. The following breaches of the Methane Regulation shall be subject to administrative penalties:

(a) failure of a licensee to provide the competent authority or the verifiers with the assistance necessary for the performance of their tasks in accordance with the Methane Regulation;

(b) failure of a licensee to carry out the actions established in the inspection reports referred to in Article 6(5) and (6) of the Methane Regulation;

(c) failure of a licensee to submit the methane emissions

report as required by Articles 12 and 18(3) of the Methane Regulation including the verification statement issued by an independent verifier in accordance with Article 8(4) of the Methane Regulation;

(d) failure of a licensee to submit an LDAR programme in accordance with Article 14(1) or carry out an LDAR survey in accordance with Article 14(2), (5) and (6) of the Methane Regulation;

(e) failure of a licensee to repair or replace components, to continuously survey components and to record leaks in accordance with Article 14(8) to (13) of the Methane Regulation;

(f) failure of a licensee to submit a report in accordance with Article 14(14) of the Methane Regulation;

(g) venting or flaring, including routine flaring, by a licensee except in the situations provided for in Article 15(2) and (3) of the Methane Regulation;

(h) failure of a licensee to demonstrate the necessity to use venting instead of flaring and to demonstrate the necessity to use flaring instead of re-injection, utilisation on-site, or storage for later use, or dispatch of methane to a market, in accordance with Article 15(4) and (6) of the Methane Regulation;

(i) failure of a licensee to replace or use venting equipment in accordance with Article 15(5) and (7) of the Methane Regulation;

(j) failure of a licensee to notify or report on venting events and flaring events in accordance with Article 16 of the Methane Regulation;

(k) use of flare stacks or combustion devices in breach of the requirements established in Article 17 of the Methane Regulation;

(l) failure of a licensee to apply mitigation measures in accordance with Article 18(6) and (9) of the Methane Regulation;

(m) failure of a licensee to provide the information required in accordance with Article 29(1) and (2) of the Methane Regulation; and

(n) failure of a licensee to comply with the maximum

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methane intensity values established in the delegated acts adopted in accordance with Article 29(6) of the Methane Regulation.

Criteria for the imposition of penalties.

9. (1) The competent authority shall take into account at least the following indicative criteria for the imposition of penalties, as appropriate:

- (a) the duration, nature and gravity of the breach;
- (b) any action taken by the licensee to mitigate or remedy the damage in a timely manner;
- (c) the intentional or negligent character of the breach;
- (d) any previous or repeated breach by the licensee;
- (e) the economic benefits gained or losses avoided, directly or indirectly, by the licensee due to the breach, if the relevant data are available;
- (f) the size of the licensee;
- (g) the degree of cooperation with the competent authority;
- (h) the manner in which the breach became known to the competent authority, in particular whether, and if so to what extent, the licensee timely notified the breach; and
- (i) any other aggravating or mitigating factor applicable to the circumstances of the case, including third party actions.

(2) Further to sub-article (1), where the conditions established in Article 15(8) of the Methane Regulation are fulfilled, the competent authority shall consider reducing or refraining from imposing penalties on licensees for the implementation period deemed necessary by the competent authority.

Publication of administrative penalties.

10. The competent authority shall publish annually information on the type and amount of the penalties imposed under this Act, the breaches committed and the licensees upon whom the penalties have been imposed.

Fines or prosecution.
Cap. 156.

11. The penalties contemplated in this Act shall be without prejudice to the imposition of any fine or prosecution under any other provision of law and any regulations made thereunder, including the Petroleum (Production) Act and any regulations made thereunder.

12. (1) Subject to the provisions of this Act and to any international obligation entered into by the Government, the Minister may make regulations for:

Powers of the Minister to make regulations.

(a) the better implementation of the provisions of this Act, the Methane Regulation and any other implementing measures;

(b) the imposition of administrative penalties by the competent authority in terms of the Methane Regulation;

(c) the enforcement powers required by the competent authority to perform its functions in accordance with this Act;

(d) giving effect to any international obligation entered into by Government in relation to the Methane Regulation and to this Act;

(e) prescribing anything which may be or is required to be prescribed by this Act and in accordance with the Methane Regulation.

(2) Regulations, rules and orders made under any of the provisions of this Act may be made in the English language only.

13. The provisions of the Administrative Justice Act, insofar 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 competent authority.

Administrative Review Tribunal.
Cap. 490.

14. (1) An appeal shall lie to the Administrative Review Tribunal on any decision of the competent authority in accordance with the provisions of this Act and any regulations made thereunder, and the right to appeal shall be competent to any licensee aggrieved by any such decision.

Right of appeal.

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

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

(b) where there was a material procedural error;

(c) where an error of law has been made;

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

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

(4) In determining an appeal, the Administrative Review Tribunal shall consider the merits of the appeal, and may in whole or in part, confirm or annul the decision appealed from. The Tribunal shall give reasons in writing for its decision and shall subject to sub-article (3), cause the 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, as the case may be, so order, be suspended in consequence of the filing of the appeal.

(6) The right of appeal to the Administrative Review Tribunal shall be competent to any licensee aggrieved by the decision:

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

(7) Without prejudice to the provisions of article 6:

(a) an appeal from a decision of the competent 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 has been notified in writing to the party appealing;

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

Cap. 490.

(c) the provisions of the Administrative Justice Act shall apply accordingly to appeals filed in terms of this Act before the Administrative Review Tribunal.

Appeal to the
Court of
Appeal.

Cap. 490.

15. (1) Any party to an appeal to the Administrative Review Tribunal who feels aggrieved by a decision of the Tribunal, or the competent authority if it feels dissatisfied with any decision, may appeal on a point of law to the Court of Appeal in terms of the Administrative Justice Act.

(2) The appeal shall be made by means of an application which

shall be filed in the registry of the Court of Appeal within twenty (20) days from the date on which such decision has been notified.

16. (1) Immediately after sub-article (3) of article 4 of the Petroleum (Production) Act there shall be added the following new sub-article: Consequential amendments.
Cap. 156.

Cap. _____. "(4). Every exploration and production licence granted in accordance with this Act shall be also subject to the Upstream Sector Oil and Gas Methane Emissions (Enforcement Measures) Act and the licensee shall be bound by the provisions thereof."

(2) Immediately after the last item of the primary legislation of Schedule II of the Administrative Justice Act, there shall be added the following new item: Cap. 490.

"Upstream Sector Oil and Gas Methane Emissions (Enforcement Measures) Act, Cap.____, Inferior/Superior".

Objects and Reasons

The objects and reasons of this Bill are to empower the competent authority to enforce the rules on penalties applicable to breaches of Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942 in relation to the exploration and production of petroleum in Malta and its continental shelf.

