

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att dwar il-Produzzjoni tal-Petroleum, Kap. 156.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 li Jemenda l-Att dwar il-Produzzjoni tal-*Petroleum*, u dan l-Att għandu jinqara u jiftiehem haġa waħda mal-Att dwar il-Produzzjoni tal-*Petroleum*, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

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2. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "u t-*thaffir għal pitrolju u t-tehid ta' dak il-pitrolju*", għandhom jidhlu l-kliem "*jew thaffir jew titqib għal jew estrazzjoni ta' tali petroleum*"; u

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Kull persuna li, minghajr jew bi ksur ta' xi kondizzjoni ta' liċenza mogħtija taħt dan l-Att, tfittex jew thaffer jew ittaqqab għal jew testratta *petroleum* fuq, taħt jew minn Malta tkun haġja, minhabba fir-raġuni li tkun għamlet dan u minghajr preġudizzju għal prosekuzzjoni taħt xi dispożizzjoni oħra tal-liġi, ta' reat u tehel, meta tinsab haġja, multa ta' mhux anqas minn għaxart elef euro (€10,000) u mhux iżjed minn żewġ miljun euro (€2,000,000) jew priġunerija għal mhux iżjed minn ħames snin, jew dik il-multa u l-priġunerija flimkien:

Iżda meta l-att li jikkostitwixxi r-reat jkompli għal aktar minn għurnata waħda, il-Qorti tista' wkoll timponi multa ta' mhux aktar minn għaxart elef euro (€10,000) għal kull għurnata li fiha r-reat ikompli, liema multa għandha tkun applikata wkoll għall-finijiet tal-artikolu 377(3) tal-Kodiċi Kriminali:

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Iżda ukoll il-*petroleum* kollu hekk estratt għandu jiġi kkonfiskat favur il-Gvern ta' Malta u ebda haġa f'dan l-Att, tkun kif tkun imfissra, ma għandha tiftiehem li timponi xi piena fuq xi persuna meta waqt li tkun qed thaffer legalment għall-ilma jew waqt xi xogħlijiet oħra li jkunu skont il-liġi, johroġ xi *petroleum*."

Emenda tal-artikolu 5 tal-Att prinċipali.

3. L-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

(a) l-artikolu preżenti għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kelma "tfittix" għandha tidhol il-kelma "tiftix";

(ċ) fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minnufih wara l-kliem "tar-rizorsi tal-*petroleum* ta' Malta," għandhom jiżdiedu l-kliem "regolamenti li jnaqqsu kemm jista' jkun l-okkorrenza ta' inċidenti kbar relatati ma' operazzjonijiet taż-żejt u l-gass *offshore* u biex ikunu limitati l-konsegwenzi tagħhom matul din l-esplorazzjoni, tiftix u estrazzjoni,";

(d) minnufih wara l-paragrafu (e) tas-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kliem minn "u jista'

jipprovdi biex jiġu stabbiliti" sal-kliem "għall-finijiet tal-artikolu 377(3) tal-Kodiċi Kriminali." għandu jidhol dan li ġej:

"u jista' jipprovdi biex jiġu stabbiliti pjeni minimi u massimi, kemm jekk permezz ta' multa jew permezz ta' priġunerija, li għandhom jiġu applikati fir-rigward ta' kull nuqqas ta' osservanza ta' xi regolament magħmul taħt dan l-artikolu:

Izda kull piena preskritta fir-regolamenti magħmula taħt dan l-artikolu m'għandhiex tkun anqas minn multa ta' għaxart elef euro (€10,000) u m'għandhiex tkun aktar minn multa ta' żewġ miljun euro (€2,000,000), jew priġunerija għal mhux aktar minn ħames snin, jew dik il-multa u l-priġunerija flimkien, għal kull nuqqas ta' osservanza ta' dak ir-regolament:

Izda wkoll meta l-att li jikkostitwixxi r-reat jkompli għal aktar minn ġurnata waħda, il-Qorti tista' wkoll timponi multa ta' mhux aktar minn għaxart elef euro (€10,000) għal kull ġurnata li fiha r-reat ikompli, liema multa għandha tkun applikata wkoll għall-finijiet tal-artikolu 377(3) tal-Kodiċi Kriminali:

Izda wkoll il-Ministru jista' jistabbilixxi regolamenti differenti għal tipi differenti ta' liċenzi u jipprovdi kundizzjonijiet li jorbtu d-detenturi tal-liċenzi biex ikunu finanzjarjament responsabbli għal kull prevenzjoni u rimedju ta' kull ħsara, inkluż ħsara lill-ambjent, kawżata bl-esplorazzjoni, tiftix u estrazzjoni tal-*petroleum* f'Malta."; u

(e) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Regolamenti, regoli u ordnijiet magħmula taħt kull dispożizzjoni ta' dan l-Att jistgħu jsiru bil-lingwa Ingliża biss."

Ghanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu li jittrasponi fil-liġi nazzjonali d-dispożizzjonijiet tad-Direttiva 2013/30/UE tal-Parlament Ewropew u tal-Kunsill tat-12 ta' Ġunju 2013 dwar is-sigurtà tal-operazzjonijiet taż-żejt u tal-gass *offshore* u li temenda d-Direttiva 2004/35/KE.

**A BILL
entitled**

AN ACT to amend the Petroleum (Production) Act, Cap.156.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same as follows:-

Short title and
commencement.

Cap. 156.

1. The short title of this Act is the Petroleum (Production) (Amendment) Act, 2015 and this Act shall be read and construed as one with the Petroleum (Production) Act, hereinafter referred to as "the principal Act".

Amendment of
article 3 of the
principal Act.

2. Article 3 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "and boring for and getting such petroleum", there shall be substituted the words "or drilling or boring for or extracting such petroleum"; and

(b) sub-article (2) thereof shall be substituted by the following:

"(2) Any person who, without or in breach of any of the conditions of a licence granted under this Act, searches or drills or bores for or extracts petroleum on, under or from Malta shall be guilty by reason merely of having done so and without prejudice to prosecution under any other provision of law, of an offence and shall be liable, on conviction to a fine (*multa*) of not less than ten thousand euro (€10,000) and not exceeding two million euro (€2,000,000) or imprisonment which shall not exceed a term of five years, or to both such fine and imprisonment:

Provided that where the act constituting the offence subsists for more than one day, the Court may in addition impose a fine (*multa*) not exceeding ten thousand euro (€10,000) for each day during which such act subsists which fine (*multa*) shall also be applicable for the purposes of article 377(3) of the Criminal Code:

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Provided further that all petroleum so extracted shall be forfeited to the Government of Malta and that nothing in this Act, howsoever referred to, shall be construed as imposing any penalty on any person where in the course of lawful boring in search of water or of other lawful operations, petroleum is set free."

3. Article 5 of the principal Act shall be amended as follows:

Amendment of article 5 of the principal Act.

(a) the present article shall be renumbered as sub-article (1) thereof;

(b) in the Maltese version of sub-article (1) thereof, as renumbered, for the word "tfitix" there shall be substituted the word "tiftix";

(c) in sub-article (1) thereof, as renumbered, immediately after the words "petroleum resources of Malta," there shall be added the words "regulations which reduce as far as possible the occurrence of major accidents relating to offshore oil and gas operations and to limit their consequences during such exploration, prospecting and mining,";

(d) immediately after paragraph (e) of sub-article (1)

thereof, as renumbered, for the words from "and may provide for establishing" to the words "for the purposes of article 377(3) of the Criminal Code.", there shall be substituted the following:

"and may provide for the minimum and maximum punishments, whether by way of fine (*multa*) or of imprisonment, to be applied in respect of any non-observance of any regulation made under this article:

Provided that any punishment prescribed in the regulations made under this article shall not be less than a fine (*multa*) of ten thousand euro (€10,000) and shall not exceed a fine (*multa*) of two million euro (€2,000,000), or imprisonment which shall not exceed a term of five years, or both such fine and imprisonment, in respect of any non-observance of any such regulation:

Provided further that where the act constituting the offence subsists for more than one day, the Court may in addition impose a fine (*multa*) not exceeding ten thousand euro (€10,000) for each day during which such act subsists which fine (*multa*) shall also be applicable for the purposes of article 377(3) of the Criminal Code:

Provided further that the Minister may establish different regulations for different kinds of licences and provide conditions that bind licensees to be financially liable for any prevention and remediation of any damage, including damage to the environment, cause of exploration, prospecting and extraction of petroleum in Malta."; and

(e) immediately after sub-article (1) thereof, as renumbered, there shall be added the following new sub-article:

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

Objects and Reasons

The objective of this Bill is to transpose into national law the provisions of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC.