

L.N. 259 of 2015**CLIMATE ACTION ACT
(CAP. 543)****National System For The Estimation Of Anthropogenic Greenhouse
Gas Emissions By Sources And Removals By Sinks
Regulations, 2015**

IN exercise of the powers conferred by article 12 of the Climate Action Act, the Minister for Sustainable Development, the Environment and Climate Change, has made the following regulations:

Citation and
Scope.

1. (1) The title of these regulations is the National System for the Estimation of Anthropogenic Greenhouse Gas Emissions by Sources and Removals by Sinks Regulations, 2015.

(2) These regulations provide for the establishment of a national system for the estimation and reporting of anthropogenic greenhouse gas emissions by sources and removals by sinks, in accordance with the requirements of international treaties to which Malta is a Party, and pursuant to Regulation (EU) No 525/2013.

Interpretation.

2. In these regulations and unless the context otherwise requires:

Cap. 543.

"Act" means the Climate Action Act;

"Commission" means the European Commission;

"COP" means the Conference of the Parties to the UNFCCC;

"COP/MOP" means the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;

"Decision 19/CMP.1" means Decision 19/CMP.1, Guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol;

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

"good practice" means a set of procedures intended to ensure that greenhouse gas inventories are accurate in the sense that they are systematically neither over- nor underestimated as far as can be judged, and that uncertainties are reduced as far as possible, and may cover choice of estimation methods appropriate to national

circumstances, quality assurance and quality control at the national level, quantification of uncertainties, and data archiving and reporting;

"greenhouse gas" means any gaseous constituent of the atmosphere, both natural and anthropogenic, that absorbs and re-emits infrared radiation;

"greenhouse gas inventory" means an accounting of greenhouse gases not controlled by the Montreal Protocol emitted to, or removed from, the atmosphere over a period of time;

"IPCC" means the Intergovernmental Panel on Climate Change;

"inventory agency" means such body or person as designated by the Single National Entity in terms of regulation 5;

"key source category" means a source category that is prioritized within the national inventory because its estimate has significant influence on the country's total inventory of greenhouse gases in terms of absolute level of emissions, the trend of emissions, or both;

"Kyoto Protocol" means the Kyoto Protocol to the UNFCCC;

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

"national greenhouse gas inventory system" means a system of institutional, legal and procedural arrangements that is established and maintained to ensure the transparency, consistency, comparability, completeness and accuracy of national greenhouse gas inventories and for reporting and archiving inventory information as defined in Decision 19/CMP.1;

"person" means any natural or legal person;

"quality assurance" or "QA" means a planned system of review procedures conducted by personnel not directly involved in the inventory compilation development process, to verify that data quality objectives are met, ensure that the inventory represents the best possible estimate of emissions and sinks given the current state of scientific knowledge and data available, and support the effectiveness of the QC programme;

"quality control" or "QC" means a system of routine technical activities to measure and control the quality of the inventory as it is being developed, and designed to provide routine and consistent

checks to ensure data integrity, correctness and completeness, identify and address errors and omissions, and document and archive inventory material and record all quality control activities;

"recalculation" means a procedure for re-estimating anthropogenic greenhouse gas emissions by sources and removals by sinks of previously submitted inventories as a consequence of changes in methodologies, changes in the manner in which emission factors and activity data are obtained and used, or the inclusion of new source and sink categories;

"Regulation (EU) No 525/2013" means Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC;

"single national entity" means the Minister responsible for Climate Change, and such other body or person as the Minister may prescribe and designate as the single national entity;

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

"source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere;

"UNFCCC" means the United Nations Framework Convention on Climate Change.

National
greenhouse gas
inventory
system.

3. (1) A national greenhouse gas inventory system shall be established and maintained.

(2) The national greenhouse gas inventory system shall be operated in accordance with:

- (a) the principles set out in Schedule 1;
- (b) relevant decisions of the COP and, or, COP/MOP;
and
- (c) relevant decisions and regulations adopted by the Commission pursuant to Regulation (EU) No 525/2013.

4. (1) The Single National Entity shall have overall responsibility for the national greenhouse gas inventory system.

Designation and responsibilities of a Single National Entity.

(2) The Single National Entity shall ensure that the national greenhouse gas inventory system is operated in accordance with:

- (a) the criteria set out in Schedule 1;
- (b) relevant decisions of the COP and, or, COP/MOP; and,
- (c) relevant decisions and regulations adopted by the Commission pursuant to Regulation (EU) No 525/2013.

(3) The Single National Entity shall:

(a) define and allocate specific responsibilities in the inventory preparation process, including those related to choice of methods, data collection, processing and archiving and quality assurance and quality control, specifying the roles of, and cooperation between, government agencies and other entities involved in the preparation of the inventory, as well as the institutional, legal and procedural arrangements made to prepare the inventory;

(b) shall establish quality objectives for the national greenhouse gas inventory system;

(c) establish processes for the independent review, official consideration and approval of national greenhouse gas inventory reports; and

(d) ensure the timely submission of national greenhouse gas inventory reports in accordance with relevant decisions of the COP and, or, the COP/MOP, and Regulation (EU) No 525/2013.

5. (1) The Single National Entity shall by order in the gazette nominate a person or body to be the competent Inventory Agency to carry out the functions set out in Schedule 2 and to perform such other functions as the Single National Entity may consider appropriate in relation to the operation of these regulations.

Designation and responsibilities of an Inventory Agency.

(2) Such person or body shall be nominated for such a period as the Single National Entity may determine and the Single National Entity shall have the power at any time to prolong, renew or terminate such nomination by order in the Gazette.

(3) Such person or body shall ensure that it acts in accordance with:

- (a) the principles set out in Schedule 1;
- (b) relevant decisions of the COP and, or, COP/MOP; and,
- (c) relevant decisions and regulations adopted by the Commission pursuant to Regulation (EU) No 525/2013.

(4) The Inventory Agency shall, annually, and in accordance with deadlines established by the COP and, or the COP/MOP and deadlines set out in Regulation (EU) No 525/2013, prepare a national greenhouse gas inventory report in accordance with relevant decisions of the COP and, or, the COP/MOP, and Regulation (EU) No 525/2013.

Data providers.

6. (1) The Single National Entity and, or, the Inventory Agency may identify data providers, including, *inter alia*, government agencies, who shall provide, to the Single National Entity and, or, the Inventory Agency, data and information necessary for the preparation of the national greenhouse gas inventory.

(2) The Single National Entity and, or, the Inventory Agency may request any Department, Authority, Agency, Corporation or any such body or persons to provide any data and information necessary for the preparation of the Greenhouse Gas Inventory.

(3) The Single National Entity and, or, the Inventory Agency upon identifying data providers in terms of sub-regulation (1) or upon requesting any data or information from any such body or person in terms of sub-regulation (2) shall determine the format and deadlines for the provisions of such data and or information.

(4) Pursuant to sub-regulation (1), the Single National Entity and, or, the Inventory Agency may establish arrangements with such data providers to define the type of data and information to be provided.

Report on national greenhouse gas emissions.

7. It shall be the duty of the Minister to, every year, and by not later than two (2) months after the date of submission of the national greenhouse gas inventory report relating to that year as established pursuant to the UNFCCC, lay before Parliament the report on national greenhouse gas emissions by sources and removals by sinks.

SCHEDULE 1

Criteria for the operation of a national greenhouse gas inventory system.

1. The national greenhouse gas inventory system shall be operated to ensure that the national greenhouse gas inventory is:
 - (a) transparent: meaning that the assumptions and methodologies used for an inventory should be clearly explained to facilitate replication and assessment of the inventory by users of the reported information;
 - (b) consistent: means that an inventory should be internally consistent in all its elements with inventories of other years. An inventory is consistent if the same methodologies are used for the base and all subsequent years and if consistent data sets are used to estimate emissions or removals from sources or sinks;
 - (c) comparable: means that estimates of emissions and removals reported by Malta in inventories should be comparable with estimates reported by other Annex I Parties;
 - (d) complete: means that an inventory covers all sources and sinks, as well as all gases, included in the IPCC Guidelines as well as other existing relevant source and sink categories which are specific to Malta and, therefore, may not be included in the IPCC Guidelines. Completeness also means full geographic coverage of sources and sinks of an Annex I Party;
 - (e) accurate: means that estimates should be accurate in the sense that they are systematically neither over nor under true emissions or removals, as far as can be judged, and that uncertainties are reduced as far as practicable.
2. The national greenhouse gas inventory system shall be operated to ensure the quality of the inventory through planning, preparation and management of inventory activities. Inventory activities include collecting activity data, selecting methods and emission factors appropriately, estimating anthropogenic greenhouse gas emissions by sources and removals by sinks, implementing uncertainty

assessment and quality assurance/quality control activities, and carrying out procedures for the verification of the inventory data at the national level.

3. The national greenhouse gas inventory system shall be operated to enable compliance with commitments relating to the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks.
4. The national greenhouse gas inventory system shall be operated to enable Malta to consistently estimate anthropogenic emissions by all sources and removals by all sinks of all greenhouse gases, as covered by the relevant IPCC guidelines for national greenhouse gas inventories and IPCC good practice guidance, in accordance with relevant decisions of the COP and, or, the COP/MOP.
5. The national greenhouse gas inventory system shall ensure that sufficient capacity is available for timely performance of the functions relevant to inventory preparation and management.
6. The national greenhouse gas inventory systems shall ensure the competency of persons involved in the inventory development process.

SCHEDULE 2

Specific functions of the inventory agency relating to inventory preparation and management.

Inventory preparation.

1. As part of inventory preparation, the inventory agency shall:
 - (a) identify key source categories following the methods described in the IPCC good practice guidance;
 - (b) prepare estimates in accordance with the methods described in the relevant IPCC guidelines for national greenhouse gas inventories, as elaborated by the IPCC good practice guidance, and ensure that appropriate methods are used to estimate emissions from key source categories;

- (c) collect sufficient activity data, process information and emission factors as are necessary to support methods selected for estimating anthropogenic greenhouse gas emissions by sources and removals by sinks;
 - (d) make a quantitative estimate of inventory uncertainty for each source category and for the inventory in total, following the IPCC good practice guidance;
 - (e) ensure that any recalculations of previously submitted estimates of anthropogenic GHG emissions by sources and removals by sinks are prepared in accordance with the IPCC good practice guidance and relevant decisions of the COP and, or, the COP/MOP, Regulation (EU) No 525/2013 and relevant decisions and regulations adopted by the Commission pursuant to Regulation (EU) No 525/2013;
 - (f) compile the national inventory in accordance with the UNFCCC, the Kyoto Protocol, relevant decisions of the COP and, or, the COP/MOP, Regulation (EU) No 525/2013 and relevant decisions and regulations adopted by the Commission pursuant to Regulation (EU) No 525/2013;
 - (g) elaborate an inventory QA/QC plan which describes specific QC procedures to be implemented during the inventory development process, and implement inventory QC procedures in accordance with its QA/QC plan following the IPCC good practice guidance, and in accordance with the quality objectives established by the Single National Entity pursuant to regulation 4.
2. The inventory agency should also:
- (a) apply source-category-specific QC procedures for key source categories and for those individual source categories in which significant methodological and, or, data revisions have occurred, in accordance with the IPCC good practice guidance;
 - (b) provide for a basic review of the inventory by personnel that have not been involved in the inventory development, preferably an independent third party, before the submission of the inventory, in accordance

with the planned QA procedures referred to in paragraph 1(g);

- (c) provide for a more extensive review of the inventory for key source categories, as well as source categories where significant changes in methods or data have been made;
- (d) based on the reviews described in sub-paragraph (c) and periodic internal evaluations of the inventory preparation process, re-evaluate the inventory planning process in order to meet the established quality objectives referred to in paragraph 1(g).

Inventory management

1. As part of inventory management, the inventory agency shall:
 - (a) archive inventory information for each year in accordance with relevant decisions of the COP and/or COP/MOP. This information shall include all disaggregated emission factors, activity data, and documentation about how these factors and data have been generated and aggregated for the preparation of the inventory. This information shall also include internal documentation on QA/QC procedures, external and internal reviews, documentation on annual key sources and key source identification and planned inventory improvements;
 - (b) provide access to all archived information used to prepare the inventory, to reviews undertaken pursuant to the UNFCCC and Regulation (EU) No 525/2013;
 - (c) respond to requests for clarifying inventory information resulting from the different stages of the review process of the inventory information, and information on the national system, in a timely manner in accordance with the UNFCCC and Regulation (EU) No 525/2013.

