

A.L. 93 ta' l-2010**ATT DWAR IL-ĦARSIEN TA' L-AMBJENT
(KAP. 435)****Regolamenti ta' l-2010 dwar Ċerti Gassijiet Serra Florinati**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 9 ta' l-Att dwar il-Ħarsien ta' l-Ambjent, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu **Regolamenti ta' l-2010 dwar Ċerti Gassijiet Serra Florinati.** Titolu.

2. (1) Dawn ir-regolamenti għandhom dispożizzjonijiet sabiex jiġi applikat ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill tas-17 ta' Mejju 2006, kif emendat, dwar ċerti Gassijiet Serra Florinati, u l-atti kollha ta' implimentazzjoni tiegħu, hawnhekk iżjed 'il quddiem imsejjaħ bħala "ir-Regolament tal-KE". Għan u applikabilità.

(2) Id-dispożizzjonijiet tar-Regolament tal-KE għandhom jiġu implimentati u infurzati taħt l-Att.

3. Għall-finijiet ta' dawn ir-regolamenti u tar-Regolament tal-KE, id-definizzjonijiet li ġejjin għandhom japplikaw: Tifsir.

"atti ta' implimentazzjoni" għandha tirreferi għar-Regolamenti tal-Kummissjoni li ġejjin:

a) Regolament tal-Kummissjoni (KE) Nru 1493/2007 tas-17 ta' Diċembru 2007 li jistabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, il-format tar-rapport li għandu jkun ipprezentat mill-produtturi, l-importaturi u l-esportaturi ta' ċerti gassijiet serra florinati;

b) Regolament tal-Kummissjoni (KE) Nru 1516/2007 tad-19 ta' Diċembru 2007 li jistabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti standard għall-kontroll

ta' tnixxija minn tagħmir stazzjonarju ta' refriġerazzjoni, arja kondizzjonata u pompi tas-sħana li jkun fihom ċerti gassijiet serra florinati;

ċ) Regolament tal-Kummissjoni (KE) Nru 1494/2007 tas-17 ta' Diċembru 2007 li jstabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, il-forma ta' tikketti u rekwiżiti addizzjonali ta' tikkettar rigward prodotti u tagħmir li jkollhom ċerti gassijiet serra florinati;

d) Regolament tal-Kummissjoni (KE) Nru 1497/2007 tat-18 ta' Diċembru 2007 li jstabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti standard għall-kontroll ta' tnixxija minn tagħmir stazzjonarju ta' sistemi ta' protezzjoni min-nar li jkollhom ċerti gassijiet serra florinati;

e) Regolament tal-Kummissjoni (KE) Nru 303/2008 tat-2 ta' April 2008 li jstabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti minimi u l-kundizzjonijiet għal rikonoxximent reċiproku għaċ-ċertifikazzjoni ta' kumpaniji u persunal fir-rigward ta' tagħmir stazzjonarju ta' refriġerazzjoni, arja kundizzjonata u pompi tas-sħana li jkollhom ċerti gassijiet serra florinati;

f) Regolament tal-Kummissjoni (KE) Nru 304/2008 tat-2 ta' April 2008 li jstabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti minimi u l-kundizzjonijiet għal rikonoxximent reċiproku għaċ-ċertifikazzjoni ta' kumpaniji u persunal fir-rigward ta' tagħmir stazzjonarju ta' sistemi ta' protezzjoni min-nar u tat-tifi tan-nar li jkollhom ċerti gassijiet serra florinati;

g) Regolament tal-Kummissjoni (KE) Nru 305/2008 tat-2 ta' April 2008 li jstabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti minimi u l-kundizzjonijiet għal rikonoxximent reċiproku għaċ-ċertifikazzjoni ta' persunal li jkun qed jagħmel xogħol ta' rkupru ta' ċerti gassijiet serra florinati minn *switchgear* b'vultaġġ għoli;

h) Regolament tal-Kummissjoni (KE) Nru 306/2008 tat-2 ta' April 2008 li jistabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti minimi u l-kundizzjonijiet għal rikonoxximent reċiproku għaċ-ċertifikazzjoni ta' persunal li jkun qed jagħmel xogħol ta' rkupru ta' ċerti solventi fuq bażi ta' gass serra florinat mit-tagħmir;

i) Regolament tal-Kummissjoni (KE) Nru 307/2008 tat-2 ta' April 2008 li jistabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, rekwiżiti minimi għall-programmi ta' taħriġ u l-kundizzjonijiet għal rikonoxximent reċiproku tal-attestazzjonijiet ta' taħriġ tal-persunal f'dak li għandu x'jaqsam ma' sistemi ta' l-arja kundizzjonata li fihom gassijiet serra florinati f'ċerti vetturi bil-mutur; u

j) Regolament tal-Kummissjoni (KE) Nru 308/2008 tat-2 ta' April 2008 li jistabbilixxi, skond ir-Regolament (KE) Nru 842/2006 tal-Parlament Ewropew u tal-Kunsill, il-format għan-notifika tal-programmi ta' taħriġ u ta' ċertifikazzjoni tal-Istati Membri.

“awtorità kompetenti” tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar kif preskritt mill-avviż intitolat Nomina ta' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar bħala l-awtorità kompetenti, u tali korp jew persuna li l-Ministru responsabbli għall-Ambjent jista' b'ordni fil-Gazzetta jinnomina u korpi jew persuni differenti jistgħu jkunu nominati bħala l-awtorità kompetenti għal dispożizzjonijiet differenti u skopijiet differenti ta' dawn ir-regolamenti;

“kors” tfisser kull forma ta' struzzjoni mgħallma, approvata bil-miktub mill-awtorità kompetenti għall-finijiet ta' dawn ir-regolamenti;

“ktieb tar-reġistrazzjoni” għandu jirreferi għal ktieb illeġat bl-oġxon, bil-paġni enumerati b'mod konsekuttiv li jkun fih:

(a) fl-ewwel paġna, l-isem, numru tal-identità u numru tal-licenza, u jew tal-permess tal-persunal involut, u

(b) kull dettall ieħor li jista' jiġi approvat minn żmien għal żmien b'avviż mill-awtorità kompetenti fil-Gazzetta;

“persunal involut” tinkludi l-produtturi, importaturi, dawk li jibgħatu l-merkanzija bil-baħar, esportaturi, l-persuni kollha li jimmaniġġaw gassijiet serra florinati f'tagħmir stazzjonarju ta' refriġerazzjoni u pompi tas-sħana, sistemi ta' protezzjoni min-nar u tagħmir tat-tifi tan-nar, *switchgear* ta' vultaġġ għoli, produzzjoni ta' *foam*, bħala solvent għat-tindif, bħala propellanti u solventi ġo *aerosols*, produzzjoni ta' *foam* u arja kundizzjonata f'vetturi bil-mutur, tekniċi, kull korp u utent xieraq, inkluż bejjiegħa bl-imnut u kull persuna involuta fil-qerda, irkupru, reklamazzjoni u riċiklaġġ ta' sustanzi koperti bir-Regolament tal-KE;

“reġistrazzjoni” tfisser, għall-finijiet ta' dawn ir-regolamenti, applikazzjoni ma' l-Awtorità Kompetenti minn individwu u, jew entità, sabiex jitwettqu attivitajiet relatati ma' dawn ir-regolamenti;

“vjagġ” tfisser kull moviment ta' prodotti bejn Malta u l-bqija tal-Komunità Ewropea, u “min jibgħat il-merkanzija bil-baħar” għandha tinftiem l-istess.

Reġistrazzjoni tal-persunal.

4. Il-persunal kollu involut għandu jkun reġistrat ma' l-awtorità kompetenti skond dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti mill-awtorità.

Kwalifiki tal-persunal.

5. (1) Il-persunal kollu involut għandu:

(a) ikollu l-kwalifiki minimi meħtieġa skond kif definit fir-Regolament tal-KE. Dawn il-kwalifiki minimi meħtieġa għandu jkollhom il-forma ta' kors ta' tul ta' żmien u b'kurrikulu approvat mill-awtorità kompetenti u mill-Kummissjoni Ewropea rispettivament;

(b) jimla l-ktieb tar-reġistrazzjoni b'mod xieraq, fejn jiġu dikjarati l-ammonti kollha ta' gassijiet serra florinati rkuprati, riċiklati, reklamati jew meqruda matul l-operazzjonijiet ta' kuljum, flimkien mal-kwantità ta' Gassijiet Serra Florinati użati fit-tiswija ta' tagħmir li juża tali sustanza. Dawn l-ammonti għandhom jkunu speċifikati bil-piż tagħhom f'Kg;

Iżda dawk l-ammonti jistgħu jkunu wkoll soġġetti għal verifiki każwali minn uffiċjali ta' l-awtorità kompetenti.

(2) Persuni naturali jew legali biss li jkunu awtorizzati mill-awtorità kompetenti bil-miktub jistgħu jmexxu korsijiet bil-għan li jikkwalifika persunal skond id-dispożizzjonijiet ta' dan ir-regolament.

(3) Il-persunal kollu involut jista' biss jimmanigġa, juża jew jinnegozja, kemm jekk għall-qligħ kemm għal xort'oħra, sustanzi li jaqgħu fl-ambitu tar-Regolament KE jew fi prodotti li għandhom dawn is-sustanzi jekk għandhom il-kwalifiki minimi meħtieġa kif stabbilit fis-subregolament (1) ta' dan ir-regolament.

(4) Kull persuna naturali jew legali involuta fl-immanigġar, użu, kummerċ, irkupru, riċiklaġġ, reklamazzjoni jew qerda ta' sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE għandhom:

(i) ikunu reġistrati ma' l-awtorità kompetenti skond dawk il-kundizzjonijiet li jistgħu jiġu stipulati mill-awtorità minn żmien għal żmien;

(ii) jimlew l-ktieb tar-reġistrazzjoni b'mod xieraq, fejn jiġu dikjarati l-ammonti kollha ta' sustanzi rkuprati, riċiklati, reklamati jew meqruda waqt l-operazzjonijiet ta' kuljum:

Iżda dawn jistgħu jkunu wkoll soġġetti għal verifiki każwali minn uffiċjali ta' l-awtorità kompetenti.

6. (1) Jekk iseħħ xi vjaġġ jew esportazzjoni ta' sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE lejn facilitajiet involuti fl-irkupru, riċiklaġġ, reklamazzjoni jew qerda ta' dawk is-sustanzi, tali vjaġġ għandu jikkonforma mar-Regolament tal-KEE 259/93 ta' l-1 ta' Frar 1993 dwar is-supervizjoni u l-kontroll ta' vjaġġi ta' skart fuq vapuri fi ħdan, għal Komunità Ewropea u 'l barra minnha u skond ir-Regolamenti ta' l-2000 dwar il-Harsien tal-Ambjent (Kontroll ta' Moviment Transkonfinali ta' Sustanzi Tossiċi u Sustanzi Oħra).

Vjaġġi bl-iskart.

A. L. 205 tal-2000.

(2) Dawn ir-regolamenti għandhom ikunu mingħajr preġudizzju għar-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart jew għall-miżuri adottati skond ir-regolament 3 ta' dawk ir-regolamenti.

A. L. 337 tal-2001.

Persuni li huma sidien ta' tagħmir.

7. (1) Tagħmir stazzjonarju eżistenti b'aktar minn 3 kilogrammi ta' gassijiet serra florinati għandu jkun reġistrat ma' l-awtorità kompetenti skond dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti mill-awtorità fi żmien sena mid-data tal-pubblikazzjoni ta' dawn ir-regolamenti.

(2) Tagħmir stazzjonarju ġdid b'aktar minn tliet kilogrammi ta' gassijiet serra florinati għandu jkun reġistrat ma' l-awtorità kompetenti fi żmien 15-il ġurnata mill-bejgħ tiegħu. Il-bejjieġh bl-imnut għandu jagħti l-informazzjoni kif meħtieġa skond ir-regolament 11 (b) għall-iskop ta' reġistrazzjoni.

(3) Kull persuna li tkun sid ta' tagħmir stazzjonarju b'aktar minn tliet kilogrammi ta' gassijiet serra florinati għandha:

(a) tara li dan it-tagħmir jiġi kontrollat kontra telf ta' gass kif stipulat fir-Regolament tal-KE; u

(b) tirreġistra l-kontrolli kollha li jsiru fi ktieb tar-reġistrazzjoni li jimtela kif xieraq.

Facilitajiet għall-ħażna.

8. Għall-fini ta' dawn ir-regolamenti, il-facilitajiet kollha użati għall-ħażna ta' sustanzi li jaqgħu fl-ambitu tar-Regolament KE għandhom jiġu reġistrati mal-awtorità kompetenti skond dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti mill-awtorità. Dik ir-reġistrazzjoni tista' tiġi riveduta, mġedda jew terminata f'kull waqt mill-awtorità. It-terminazzjoni ta' reġistrazzjoni ma timplika ebda dritt għall-kumpens.

Utenti u min jibgħat il-merkanzija bil-baħar.

9. Kull sena qabel il-31 ta' Jannar, kull utent u kull min jibgħat merkanzija bil-baħar ta' sustanzi li jaqgħu fl-ambitu tar-Regolament KE għandu jikkomunika lill-awtorità kompetenti, l-informazzjoni kif speċifikat hawn taħt għal kull sustanza kontrollata fir-rigward tal-perjodu bejn l-1 ta' Jannar u l-31 ta' Diċembru tas-sena ta' qabel. L-awtorità kompetenti għandha tistabbilixxi l-format ta' dan ir-rapport b'tali mod illi -

(a) kull min jibgħat il-merkanzija bil-baħar għandu jikkomunika dan li ġej:

(i) l-isem u n-numru tas-serje ta' min jibgħat il-merkanzija bil-baħar;

(ii) id-data tal-vjaġġ;

- (iii) il-pajjiż ta' l-origini;
 - (iv) il-pajjiż ta' destinazzjoni;
 - (v) kull kwantità ta' sustanzi kontrollati mibgħuta bil-baħar lejn u 'l barra minn Malta;
 - (vi) in-natura tas-sustanzi billi jagħmel differenza bejn dawk fi stat verġni, dawk irkuprati u dawk reklamati;
 - (vii) kull dettall ieħor li jista' jkun mitlub minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta; u
- (b) kull utent, inkluż kull produttur li juża dawk is-sustanzi għandu jikkomunika dan li ġej:
- (i) l-isem u n-numru tas-serje tal-utent;
 - (ii) il-kwantitajiet użati;
 - (iii) in-natura tas-sustanza, billi ssir differenza bejn dawk fi stat verġni, dawk irkuprati u dawk reklamati;
 - (iv) ix-xorta ta' l-użu;
 - (v) il-kwantitajiet maħżuna;
 - (vi) kull kwantità rkuprata, riċiklata, reklamata jew meqruda;
 - (vii) kull dettall ieħor li jista' jkun mitlub minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta.

10. (1) Qabel il-31 ta' Jannar ta' kull sena persuni li jimmaniġġaw gassijiet serra florinati f'tagħmir stazzjonarju ta' refriġerazzjoni u pompi tas-sħana, sistemi ta' protezzjoni min-nar u tagħmir tat-tifi tan-nar, *switchgear* ta' vultaġġ għoli, solventi, arja kundizzjonata f'vetturi bil-mutur u tekniċi ta' refriġerazzjoni għandhom jikkomunikaw lill-awtorità kompetenti l-informazzjoni mitluba fis-subregolament 9(b) ta' dawn ir-regolamenti, flimkien ma' dan li ġej:

Persuni li jimmaniġġaw gassijiet serra florinati.

- a) l-isem tal-fornituri tas-sustanzi wżati minnhom li jaqgħu fl-ambitu tar-Regolament tal-KE;
- b) il-kwantità u d-destinazzjoni ta' dawn is-sustanzi trasferiti u, jew mgħoddijin b'kull mezz li jkun.

(2) Meta mitlub mill-awtorità kompetenti, persuni li jimmaniġġaw gassijiet serra florinati f'tagħmir stazzjonarju ta' refriġerazzjoni u pompi tas-sħana, sistemi ta' protezzjoni min-nar u tagħmir tat-tifi tan-nar, *switchgear* ta' vultaġġ għoli, solventi, arja kundizzjonata f'vetturi bil-mutur u tekniċi ta' refriġerazzjoni għandhom jibgħatu kopji tal-kotba tar-reġistrazzjoni lill-awtorità kompetenti għal reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna uffiċjali li jkun inħareġ f'isimha l-ktieb tar-reġistrazzjoni bħala vera kopja tal-ktieb tar-reġistrazzjoni oriġinali fil-pussess tagħha.

Bejjiegħa bl-imnut.

11. Qabel il-31 ta' Jannar ta' kull sena, bejjiegħa bl-imnut li jimmaniġġaw sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE jew prodotti li jkun fihom sustanzi bħal dawk għandhom jibgħatu kopji tal-kotba uffiċjali tar-reġistrazzjoni tagħhom lill-awtorità kompetenti għal reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna uffiċjali li jkun inħareġ f'isimha l-ktieb tar-reġistrazzjoni bħala vera kopja tal-ktieb tar-reġistrazzjoni oriġinali fil-pussess tagħha. Dawn għandu jkun fihom l-informazzjoni li ġejja:

- (a) għal sustanzi li jaqgħu fl-ambitu tar-Regolament KE:
 - (i) l-isem u n-numru tas-serje tal-bejjiegħ bl-imnut,
 - (ii) l-isem u n-numru tas-serje ta' min jibgħat il-merkanzija bil-baħar,
 - (iii) id-data tax-xiri mingħand min jibgħat il-merkanzija bil-baħar,
 - (iv) ix-xorta tas-sustanzi (billi ssir differenza bejn hażniet fi stat verġni, dawk irkuprati u dawk reklamati),
 - (v) ix-xorta tal-użu,

(vi) il-kwantità,

(vii) id-data tal-bejgħ bit-tip u l-kwantità,

(viii) l-isem u n-numru ta' registrazzjoni tax-xerrej,

(ix) kull dettall ieħor li jista' jkun mitlub minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta; u

(b) għal tagħmir stazzjonarju li jkun fih ċarġ fluwidu li jkessaħ aktar minn tliet kg:

(i) l-isem u n-numru tas-serje tal-bejjiegħ bl-imnut,

(ii) id-data tal-bejgħ,

(iii) iċ-ċarġ f'Kg,

(iv) ix-xorta tas-sustanza,

(v) ix-xorta tat-tagħmir,

(vi) il-post ta' l-istallazzjoni,

(vii) id-dettalji tas-sid il-ġdid,

(viii) in-numru ta' referenza ta' registrazzjoni tat-tagħmir,

(ix) kull dettall ieħor li jista' jkun mitlub minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta.

12. (1) Is-sidien kollha ta' tagħmir stazzjonarju b'aktar minn tliet kg ta' gassijiet serra florinati għandhom, qabel il-31 ta' Jannar ta' kull sena, jirraportaw dan li ġej għal kull tagħmir speċifikament identifikat, għall-perjodu bejn l-1 ta' Jannar u l-31 ta' Diċembru tas-sena ta' qabel:

Tagħmir b'aktar minn tliet kg ta' gassijiet serra florinati.

- (a) l-ammonti kollha ta' telf ta' gass misjub,
- (b) l-azzjonijiet li jkunu ttieħdu biex jiġi eliminat dak it-telf ta' gass,
- (c) il-kwantità u x-xorta tas-sustanzi involuti,
- (d) in-numru tas-serje tal-persunal involut skond l-ewwel żewġ inċizi ta' dan is-subregolament, kif ukoll id-dati u r-riżultati ta' dawn il-kontrolli,
- (e) kull kwantità miżjuda w irkuprata waqt is-servizz u l-manutenzjoni u r-rimi finali,
- (f) kull dettall ieħor li jista' jkun mitlub minn zmien għal zmien mill-awtorità kompetenti b'avviż fil-Gazzetta.

(2) Meta jkun mitlub mill-awtorità kompetenti, is-sidien kollha ta' tagħmir stazzjonarju b'aktar minn tliet kilogrammi ta' gassijiet serra florinati għandhom jibgħatu kopji tal-kotba tar-registrazzjoni lill-awtorità kompetenti għal reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna uffiċjali li jkun inħareġ f'isimha l-ktieb tar-registrazzjoni bħala vera kopja tal-ktieb tar-registrazzjoni oriġinali fil-pussess tagħha.

Entitajiet involuti fl-irkupru, riċiklaġġ, reklamazzjoni u qerda ta' sustanzi.

13. Kull sena qabel il-31 ta' Jannar, l-entitajiet kollha involuti fl-irkupru, riċiklaġġ, reklamazzjoni u qerda ta' gassijiet serra florinati għandhom jikkomunikaw lill-awtorità kompetenti, l-informazzjoni kif speċifikat hawn taħt għal kull sustanza kontrollata fir-rigward tal-perjodu bejn l-1 ta' Jannar u l-31 ta' Diċembru tas-sena ta' qabel. Għandhom jibgħatu kopji tal-kotba tar-registrazzjoni lill-awtorità kompetenti għal reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna uffiċjali li jkun inħareġ f'isimha l-ktieb tar-registrazzjoni bħala vera kopja tal-ktieb tar-registrazzjoni oriġinali fil-pussess tagħha. Il-ktieb tar-registrazzjoni għandu jkun fih:

- (a) l-isem u n-numru tas-serje tal-entità,
- (b) in-numru tas-serje tal-persunal involut fil-kunsinna ta' sustanzi kontrollati għall-irkupru, riċiklaġġ, reklamazzjoni u qerda,

(c) il-kwantitajiet u x-xorta ta' sustanzi kontrollati konsenjati minn kull wieħed mill-persunal involut, b'distinzzjoni bejn sustanzi konsenjati għall-irkupru, riċiklaġġ, reklamazzjoni u qerda,

(d) dettalji dwar id-destinazzjoni tas-sustanzi kontrollati konsenjati, b'distinzzjoni bejn sustanzi konsenjati għall-irkupru, riċiklaġġ, reklamazzjoni u qerda,

(e) kull hażna li jkun għad fadal sal-31 ta' Diċembru ta' kull sena li dwarha jkun qiegħed isir rapport,

(f) dawk d-dettalji l-oħra kollha li jistgħu jkunu mitluba minn żmien għal żmien mill-awtorità kompetenti b'avviz fil-Gazzetta.

14. Il-persuni naturali jew legali kollha awtorizzati bil-miktub mill-awtorità kompetenti sabiex jipprovdu l-kors għall-kwalifiki minimi meħtieġa stipulati mill-awtorità, kif meħtieġ bis-subregolament 5(2), għandhom, wara t-terminazzjoni ta' kull ċiklu tal-kors, jipprovdu, fi żmien ħamest ijiem tax-xogħol, dik l-informazzjoni kollha relatata mal-kors skond ma jista' jkun meħtieġ mill-Awtorità. Dik l-informazzjoni għandha tinkludi:

Korpi ta' istruzzjoni.

(a) l-isem u n-numru ta' l-awtorizzazzjoni tal-korp ta' istruzzjoni li jkun qiegħed imexxi l-kors,

(b) id-dati tal-bidu u tat-tmiem tal-kors,

(c) l-ismijiet, il-kunjomijiet u n-numri tal-identità tal-kandidati li jgħaddu,

(d) ix-xorta tal-impjeg tal-kandidati li jgħaddu,

(e) l-indirizz tan-negozju registrat tal-kandidati li jgħaddu.

15. (1) Mingħajr preġudizzju għad-dispożizzjonijiet ta' l-artikolu 25 tal-Att u għar-Regolamenti tal-1994 dwar il-Mizuri Preventivi u Rimedjali fil-Harsien tal-Ambjent, l-awtorità kompetenti tista', meta twettaq il-funzjonijiet assenjati lilha permezz ta' dawn ir-regolamenti, titlob l-informazzjoni kollha relevanti mingħand il-persunal involut u mill-intrapriži interessati.

Spezzjoni.

A.L. 1 tal-1994.

(2) L-awtorità kompetenti tista' twettaq dawk l-investigazzjonijiet kollha meħtieġa taħt dawn ir-regolamenti, u tista' tagħmel spezzjonijiet u verifiki każwali fuq importazzjoni, esportazzjoni, tagħbijiet ta' vjaġġi, faċilitajiet għall-ħażna, utenti u faċilitajiet għal rimi ta' sustanzi li jaqgħu fl-ambitu tar-Regolament KE, kif ukoll fuq il-persunal kollu involut.

(3) Bla ħsara għar-regolamenti 9 sa 13 ta' dawn ir-regolamenti, il-vjaġġi, importazzjonijiet u esportazzjonijiet kollha għandhom ikunu soġġetti għal kontroll każwali mill-awtorità kompetenti. Kull min jibgħat il-merkanzija bil-baħar, l-importaturi u l-esportaturi kollha għandhom jinfurmaw lill-awtorità kompetenti dwar kull vjaġġ, importazzjoni jew esportazzjoni li jkunu sejr in isiru mill-inqas ħmistax-il jum tax-xogħol qabel ma attwalment jitwettaq il-vjaġġ, l-importazzjoni jew l-esportazzjoni. Id-dettalji kollha għandhom jiġu sottomessi skond ir-rekwiziti tal-format stabbiliti mill-awtorità kompetenti għal dan il-għan.

(4) Kontenituri, inkluż ċilindri, mimlijin b'sustanzi li jaqgħu fl-ambitu tar-Regolament KE, għandhom jiġu tikkettati mill-uffiċjali tal-awtorità qabel ma jiġu rilaxxati mid-Dwana u min jibgħat il-merkanzija bil-baħar, l-esportatur jew l-importatur għandu jkun responsabbli, kif stipulat fir-regolament 9 ta' dawn ir-regolamenti, għaż-żamma u r-rappurtaġġ ta' informazzjoni relatata ma' kull bejgħ u, jew trasferiment, b'kull mezz, ta' dawn is-sustanzi sakemm ma jsir il-bejgħ, meta din ir-responsabilità tgħaddi għal għand il-persuni naturali jew legali godda involuti.

Dokumenti ta' gwida.

16. L-awtorità kompetenti tista' tiżviluppa skond kif xieraq u tiżgura t-tixrid ta' noti ta' gwida u dokumenti bil-għan li tiżgura l-implimentazzjoni korretta ta' dawn ir-regolamenti u tar-Regolament KE.

Rappurtaġġ.

17. Rekwiziti ta' rappurtaġġ minn entitajiet differenti għandhom jitwettqu kif preskritt fir-Regolament KE sakemm mhux meħtieġ xort'oħra f'dawn ir-regolamenti.

Reati.

18. Persuna għandha tkun ħatja ta' reat taħt dawn ir-regolamenti jekk:

(a) tonqos milli tikkonforma ruħha ma' xi dispożizzjoni tar-Regolament KE jew ta' dawn ir-regolamenti, jew tonqos milli tikkonforma ruħha mal-kundizzjonijiet ta' registrazzjoni jew ma' xi ordni oħra mogħtija leġittimament skond xi dispożizzjoni ta' dawn ir-regolamenti; jew

(b) tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt ir-Regolament KE jew minn dawn ir-regolamenti; jew

(ċ) taġixxi bi ksur ta' xi dispożizzjoni tar-Regolament KE jew ta' dawn ir-regolamenti; jew

(d) tikkonfoffa, tittanta, tgħin jew thajjar, lil xi hadd ieħor b'liema mezz ikun, inkluż ir-reklamar, l-għoti ta' pariri jew ta' flus biex jinkisru id-dispożizzjonijiet tar-Regolament KE jew ta' dawn ir-regolamenti, jew biex tonqos milli tikkonforma ruħha ma' xi tali dispożizzjoni, inkluża kull ordni leġittimament mogħtija skond xi dispożizzjoni tar-Regolament KE jew ta' dawn ir-regolamenti, jew biex tikser kull restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawk ir-regolamenti.

19. Kull persuna li tagħmel reat taħt ir-Regolament KE jew taħt dawn ir-regolamenti, tista', meta tinsab ħatja, tehel: Penali.

(a) meta tinsab ħatja għall-ewwel darba, multa ta' mhux anqas minn elf, mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (€1,164.69) iżda mhux iżjed minn elfejn, tliet mija u disgħa u għoxrin euro u sebgha u tletin ċenteżmu (€2,329.37), u fejn ikun japplika, r-revoka tar-registrazzjoni tiegħu jew tagħha u l-konfiska tal-vettura jew ta' tagħmir użat sabiex jitwettaq ir-reat;

(b) meta tinsab ħatja għat-tieni darba jew iżjed drabi, multa ta' mhux anqas minn elfejn, tliet mija u disgħa u għoxrin euro u sebgha u tletin ċenteżmu (€2,329.37), iżda mhux iżjed minn erbat elef, sitt mija u tmienja u ħamsin euro u ħamsa u sebghin ċenteżmu (€4,658.75) jew għall-priġunerija għal żmien mhux iżjed minn sentejn, jew għal dik il-multa u priġunerija flimkien u, fejn ikun japplika r-revoka tal-liċenza tagħha u l-konfiska tal-vettura jew tat-tagħmir użat sabiex jitwettaq ir-reat:

Iżda l-Qorti għandha tordna lil persuna li tkun insabet ħatja li tkun għamlet xi reat taħt ir-Regolament KE jew taħt dawn ir-regolamenti, jkollha thallas għall-ispejjeż inkorsi mill-awtorità kompetenti bħala riżultat tar-reat imsemmi, u r-revoka tal-permess maħruġ mill-awtorità kompetenti u l-konfiska tal-*corpus delicti*:

Iżda wkoll il-Qorti tista' tordna lil persuna li tkun insabet hatja li għamlet xi reat taħt ir-Regolament KE jew taħt dawn ir-regolamenti jkollha thallas l-ispejjeż kollha jew parti minnhom dovuti minhabba l-azzjoni ta' kontravvenzjoni relevanti miġjuba kontra Malta mill-Kummissjoni Ewropea taħt id-dispożizzjonijiet tar-Regolament KE jew tat-Trattat li jistabbilixxi l-Komunità Ewropea.

Applikabilità ta'
Kap. 9.

20. (1) Id-dispożizzjonijiet tal-artikoli 23 u 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, japplikaw għall-proċeduri fir-rigward ta' reati kontra r-Regolament KE jew kontra dawn ir-regolamenti, b'dana illi l-iskwalifika mill-pussess jew mill-ksib ta' liċenza, permess jew awtorità m'għandha f'ebda każ tkun ta' inqas minn sena.

(2) Minkejja d-dispożizzjonijiet tal-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra r-Regolament KE jew kontra dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond ma jkun il-każ, u għandhom ikunu skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qrati bħala qrati ta' ġudikatura kriminali.

(3) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti ta' l-Appell Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex), dwar proċedimenti għal xi reat kontra r-Regolament tal-KE jew kontra dawn ir-regolamenti.

L.N. 93 of 2010

**ENVIRONMENT PROTECTION ACT
(CAP. 435)**

Certain Fluorinated Greenhouse Gases Regulations, 2010

BY virtue of the powers conferred by articles 9 of the Environment Protection Act, the Prime Minister has made the following regulations:

1. The title of these regulations is the Certain Fluorinated Greenhouse Gases Regulations, 2010. Citation.

2. (1) These regulations contain provisions for the application of Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006, as amended, on certain Fluorinated Greenhouse Gases, and all its implementing acts, hereinafter referred to as “the EC Regulation”. Scope and applicability.

(2) The provisions of the EC Regulation shall be implemented and enforced under the Act.

3. For the purposes of these regulations and of the EC Regulation, the following definitions shall apply: Definitions.

“competent authority” means the Malta Environment and Planning Authority as prescribed by the notice entitled Nomination of the Malta Environment and Planning Authority as the competent authority, and such other body or person as the Minister responsible for the Environment may by order in the Gazette prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

“course” means any taught form of instruction approved in writing by the competent authority for the purposes of these regulations;

“implementing Acts” shall refer to the following Commission Regulations:

- a) Commission Regulation (EC) 1493/2007 of 17 December 2007 establishing pursuant to Regulation (EC) No 842/2006 of the European Parliament and of

the Council, the format for the report to be submitted by producers, importers and exporters of certain fluorinated greenhouse gases;

b) Commission Regulation (EC) 1516/2007 of 19 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;

c) Commission Regulation (EC) 1494/2007 of 17 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases;

d) Commission Regulation (EC) 1497/2007 of 18 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases;

e) Commission Regulation (EC) No 303/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases;

f) Commission Regulation (EC) No 304/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases;

g) Commission Regulation (EC) No 305/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear;

h) Commission Regulation (EC) No 306/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment;

i) Commission Regulation (EC) No 307/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases; and

j) Commission Regulation (EC) No 308/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States.

“logbook” shall refer to a hard bound, consecutively page numbered book containing

(a) on the first page, the name, I.D. number and license or permit number of the personnel involved, and

(b) other details as may be approved from time to time by a notice from the competent authority in the Gazette;

“personnel involved” includes all producers, importers, shippers, exporters, persons who handle fluorinated greenhouse gases in fixed refrigeration and heatpump equipment, stationary fire protection and fire extinguishers,

high voltage switchgear, foam blowing, as a cleaning solvent, as propellants and solvents within aerosols, foam blowing and air conditioning in motor vehicles, technicians, any appropriate bodies and users, including retailers and any persons involved in the destruction, recovery, reclamation and recycling of the substances covered by the EC Regulation;

“registration” means, for the purposes of this regulation, the application by an individual and, or entity with the competent authority to carry out activities in relation to these regulations;

“shipment” means any movement of goods between Malta and the remainder of the European Community, and “shipper” shall be construed accordingly.

Registration of personnel.

4. All personnel involved shall be registered with the competent authority under such conditions as may be determined by the authority.

Qualifications of personnel.

5. (1) All personnel involved shall:

(a) possess the minimum qualification requirements as defined by the EC Regulation. These minimum qualification requirements will take the form of a course with a duration and curriculum approved by the Competent Authority and European Commission respectively; and

(b) duly fill out a logbook, stating all amounts of fluorinated greenhouse gases recovered, recycled, reclaimed or destroyed during their day to day operations, together with the quantities of Fluorinated Greenhouse Gases charged during the servicing of equipment utilising such substances. These amounts shall be specified by their weight in Kg:

Provided that such amounts may also be subject to random audits by officials of the competent authority.

(2) Only natural or legal persons authorized in writing by the competent authority may conduct courses for the purposes of qualifying personnel in terms of this regulation.

(3) All personnel involved may only handle, use or trade in, whether for profit or otherwise, substances falling within the scope of the EC Regulation or in products containing such

substances if they are in possession of the minimum qualification requirements as defined in sub-regulation (1) of this regulation.

(4) All natural or legal persons involved in the handling, use, trade, recovery, recycling, reclamation or destruction of substances falling within the scope of the EC Regulation shall :

(a) be registered with the competent authority under such conditions as may be determined by the authority from time to time; and

(b) duly fill out a logbook, stating all amounts of controlled substances recovered, recycled, reclaimed or destroyed during their day to day operations:

Provided that they may also be subject to random audits by officials of the competent authority.

6. (1) Should any shipment or export of substances falling within the scope of the EC Regulation to facilities involved in the recovery, recycling, reclamation and destruction of such substances take place, such shipment shall comply with EEC Regulation 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community and with the Environment Protection (Control of Transboundary Movement of Toxic and other Substances) Regulations, 2000. Shipments of waste.
L.N. 205 of 2000.

(2) These regulations shall be without prejudice to the Waste Management (Permit and Control) Regulations, 2001 or to measures adopted following regulation 3 of those regulations. L.N. 337 of 2001.

7. (1) Existing fixed equipment with more than three kilograms of fluorinated greenhouse gases shall be registered with the competent authority under such conditions as may be determined by the authority within one year from the date of publication of these regulations. Persons owning equipment.

(2) New fixed equipment with more than three kilograms of fluorinated greenhouse gases shall be registered with the competent authority within 15 days of its sale. The retailer shall supply the information as required by regulation 11 (b) for registration purposes.

(3) Any person owning fixed equipment with more than three kilograms of fluorinated greenhouse gases shall:

(a) have this equipment checked for leakages as stipulated by the EC Regulation; and

(b) keep a log of all checks in a duly filled out logbook.

Facilities for storage.

8. For the purposes of these regulations, all facilities used for the storage of substances falling within the scope of the EC Regulation shall be registered with the competent authority under such conditions as may be determined by the authority. Such registration may be reviewed, renewed or cancelled at any time by the authority. Cancellation of registration shall not entail any right of compensation.

Users and shippers.

9. Every year before the 31st January, each user and shipper of substances falling within the scope of the EC Regulation shall communicate to the competent authority data as specified below for each controlled substance in respect of the period from the 1st January to the 31st December of the preceding year. The competent authority shall establish the format of this report in such manner that -

(a) each shipper shall communicate the following:

(i) the name and serial number of the shipper;

(ii) the date of shipment;

(iii) the country of origin;

(iv) the country of destination;

(v) any quantities of controlled substances shipped into and out of Malta;

(vi) the nature of the substances differentiating between virgin, recovered and reclaimed;

(vii) any other details as may be required from time to time by the Competent Authority by a notice in the Gazette; and

(b) each user, including any producer who uses such substances shall communicate the following:

- (i) the name and serial number of the user;
- (ii) quantities used;
- (iii) the nature of the substance, differentiating between virgin, recovered and reclaimed;
- (iv) the nature of the use;
- (v) the quantities held in stock;
- (vi) any quantities recovered recycled, reclaimed or destroyed;
- (vii) any other details as may be required from time to time by the Competent Authority by a notice in the Gazette.

10. (1) Before the 31st January of each year, persons who handle fluorinated greenhouse gases in fixed refrigeration and heatpump equipment, stationary fire protection and fire extinguishers, high voltage switchgear, solvents, air conditioning in motor vehicles, and refrigeration technicians shall communicate to the competent authority the information requested in sub-regulation 9(b) of these regulations, together with the following :

Persons handling fluorinated greenhouse gases.

- a) the name of suppliers of substances used by them and falling within the scope of the EC Regulation; and
- b) the quantity and destination of such substances transferred and, or handed over by whatever means.

(2) Upon request by the competent authority, persons who handle fluorinated greenhouse gases in fixed refrigeration and heatpump equipment, stationary fire protection and fire extinguishers, high voltage switchgear, solvents, air conditioning in motor vehicles, and refrigeration technicians shall send copies of their logbooks to the competent authority for review. These copies must be signed off by the official person in whose name the logbook was issued as a true copy of the original logbook in their possession.

11. Before the 31st January of each year, retailers handling substances falling within the scope of the EC Regulation or products containing such substances shall send copies of their

Retailers.

official logbooks to the competent authority for review. Such copies shall be signed off by the official person in whose name the logbook was issued as a true copy of the original logbook in their possession and shall contain the following information:

(a) for substances falling within the scope of the EC Regulation:

- (i) the name and serial number of retailer,
- (ii) the name and serial number of shipper,
- (iii) the date of purchase from shipper,
- (iv) the nature of the substance (differentiating between virgin, recovered and reclaimed stock),
- (v) the nature of the use,
- (vi) the quantity,
- (vii) the date of sale by type and quantity,
- (viii) the name and registration number of the buyer,
- (ix) any other details as may be required from time to time by the competent authority by notice in the Gazette; and

(b) for fixed equipment with a refrigerating fluid charge of more than three kg:

- (i) the name and serial number of retailer,
- (ii) the date of sale,
- (iii) the charge in Kg,
- (iv) the nature of the substance,
- (v) the nature of the equipment,
- (vi) the place of installation,

- (vii) the details of the new owner,
- (viii) the registration reference number of the equipment,
- (ix) any other details as may be required from time to time by the competent authority by notice in the Gazette.

12. (1) All owners of fixed equipment with more than three kilograms of fluorinated greenhouse gases shall before the 31st January of each year report the following for each specifically identified piece of equipment, for the period from the 1st January to the 31st December of the previous year:

Equipment with more than three kg of fluorinated greenhouse gas.

- (a) all amounts of leakages detected,
- (b) actions taken to eliminate such leakages,
- (c) quantity and nature of the substances involved,
- (d) serial number of personnel involved in terms of the first two indents of this sub-regulation as well as dates and results of these checks,
- (e) any quantities added and any quantities recovered during servicing and maintenance and final disposal,
- (f) any other details as may be required from time to time by the competent authority by notice in the Gazette.

(2) Upon request by the competent authority, all owners of fixed equipment with more than three kilograms of fluorinated greenhouse gases must send copies of their official logbooks to the competent authority for review. These copies must be signed off by the official person in whose name the logbook was issued as a true copy of the original logbook in their possession.

13. Every year before the 31st January, all entities involved in the recovery, recycling, reclamation and destruction of fluorinated greenhouse gases shall communicate to the competent authority data as specified below for each controlled substance in respect of the period from the 1st January to the 31st December of the preceding year. These entities shall send copies of their logbooks to the competent authority for review. These copies must

Entities involved in recovery, recycling, reclamation and destruction of substances.

be signed off by the official person in whose name the logbook was issued as a true copy of the original logbook in their possession. The log book must contain:

(a) name and serial number of the entity,

(b) serial number of the personnel involved in the consignment of controlled substances for recovery, recycling, reclamation and destruction,

(c) quantities and nature of controlled substances consigned by each of the personnel involved differentiating between substances consigned for recovery, recycling, reclamation, and destruction,

(d) details of destination of controlled substances consigned, differentiating between substances consigned for recovery, recycling, reclamation and destruction,

(e) any remaining stock as at 31st December of each reporting year,

(f) any other details as may be required from time to time by the competent authority by notice in the Gazette.

Instruction bodies.

14. All natural or legal persons authorized in writing by the competent Authority to provide the course for the minimum qualification requirements defined by the authority, as required by sub-regulation 5(2), shall, after the termination of each course cycle, provide, within five working days, all the information related to the course as may be required by the Authority. This information is to include:

(a) name and authorization number of the instruction body running the course,

(b) commencement and termination dates of course,

(c) names, surnames and I.D. numbers of the successful candidates,

(d) nature of employment of the successful candidates,

(e) registered business address of the successful candidates.

15. (1) Without prejudice to the provisions of article 25 of the Act and of the Environment Protection (Preventive and Remedial Measures) Regulations, 1994, the competent authority may, in carrying out the tasks assigned to it by these regulations, request all relevant information from the personnel involved and from undertakings concerned.

Inspection.

L.N. 1 of 1994.

(2) The competent authority may carry out any investigations necessary under these regulations, and may also conduct random checks and audits on imports, exports, shipments, storage facilities, users and disposal facilities of substances within the scope of the EC Regulation, as well as on all personnel involved.

(3) Subject to regulations 9 to 13, all shipments, imports and exports shall be subject to random checks by the competent authority. All shippers, importers and exporters must inform the competent authority about any upcoming shipment, import or export at least fifteen working days in advance of the actual import, export or shipment is carried out. All details shall be submitted according to the requirements of the format established for this purpose by the competent authority.

(4) Containers, including cylinders, filled with substances falling within the scope of the EC Regulation, shall be labelled by officials of the competent authority prior to their release from Customs and the shipper, exporter or importer shall be responsible as stipulated in regulation 9 for keeping and reporting information related to any sales and, or transfer by whatever means of these substances until the point of sale, when this responsibility will devolve to the new natural or legal persons involved.

16. The competent authority may develop as appropriate and ensure the dissemination of guidance notes and documents for the purpose of ensuring the proper implementation of these regulations and of the EC Regulation.

Guidance documents.

17. Reporting requirements by various entities are to be carried out as prescribed by the EC Regulation unless further instructed in these regulations.

Reporting.

18. A person shall be guilty of an offence under these regulations if:

Offences.

(a) he fails to comply with any provision of the EC Regulation or of these regulations, or fails to comply with conditions of registration with any order lawfully given in terms of any provision of these regulations, or

(b) he contravenes any restriction, prohibition or requirement imposed by or under the EC Regulation or these regulations, or

(c) he acts in contravention of any of the provisions of the EC Regulation or of these regulations, or

(d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement, to contravene the provisions of the EC Regulation or of these regulations, or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provisions of the EC Regulation or of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

19. Any person who commits an offence against the EC Regulation or against these regulations shall, on conviction, be liable

(a) on a first conviction to a fine (*multa*) of not less than one thousand, one hundred sixty-four euro and sixty-nine cents (€1,164.69) but not exceeding two thousand, three hundred twenty-nine euro and thirty-seven cents (€2,329.37) and where applicable, the revocation of his, her registration and confiscation of vehicle or equipment used to perform the offence;

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than two thousand, three hundred twenty-nine euro and thirty-seven cents (€2,329.37), but not exceeding four thousand, six hundred fifty-eight euro and seventy-five cents (€4,658.75) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment and where applicable, the revocation of such person's licence and confiscation of vehicle or equipment used to perform the offence.

Provided that the Court shall order any person who has been found guilty of committing an offence against the

EC Regulation or against these regulations to pay for the expenses incurred by the competent authority as a result of the said offence, the revocation of the permit issued by the competent authority and the confiscation of the *corpus delicti*.

Provided further that the court may also order any person who commits an offence against these regulations or the EC Regulation to bear all or part of the costs incurred due to any relevant infringement action brought against Malta by the European Commission under the provisions of the EC Regulation or of the Treaty establishing the European Community.

20. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against the EC Regulation or against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

Applicability of
Cap. 9.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against the EC Regulation or against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against the EC Regulation or these regulations.

