

A.L. 263 tal-2010

ATT DWAR IL-HARSIEN TAL-AMBJENT
(KAP. 435)Regolamenti tal-2010 li jemendaw ir-Regolamenti dwar Skema
Kummerċjali tal-Komunità Ewropea dwar l-Emissjonijiet ta'
Gassijiet Serra

BIS-SAHHA tas-segħtat mogħtija mill-Artikolu 9 tal-Att
dwar il-Harsien tal-Ambjent, il-Ministru għar-Riżorsi u Affarijiet
Rurali għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti
tal-2010 li jemendaw ir-Regolamenti dwar Skema Kummerċjali
tal-Komunità Ewropea dwar l-Emissjonijiet ta' Gassijiet Serra, u
dawn għandhom jinqraw u jiftiehmu haġa waħda mar-Regolamenti
tal-2005 dwar Skema Kummerċjali tal-Komunità Ewropea dwar
l-Emissjonijiet ta' Gassijiet Serra, hawnhekk iżjed 'il quddiem
msejhin "ir-regolamenti prinċipali".

Titolu u skop.

A.L. 140 tal-2005

(2) L-iskop ta' dawn ir-regolamenti hu li jittrasponi
l-Artikolu 9a (2) tad-Direttiva 2003/87/KE kif imdaħħal bl-
Artikolu 1(10) tad-Direttiva 2009/29/KE, u l-Artikolu 11 tad-
Direttiva 2003/87/KE kif emendata bl-Artikolu 1(13) tad-Direttiva
2009/29/KE.

2. (1) Minnufih wara r-regolament 6 tar-regolamenti
prinċipali għandu jidhol dan is-subregolament ġdid li ġej:

Izid regolament ġdid
6A mar-regolamenti
prinċipali.

"Għandhom
jiġu provduti
data ta'
emissjonijiet
minn ċertu
operaturi.

6A. (1) Operaturi ta' stallazzjonijiet li jwettqu
attivitajiet elenkati fl-Anness I tad-Direttiva 2003/87/
KE, li huma inklużi biss fl-iskema tal-Komunità mill-
2013 'il quddiem għandhom jipprezentaw lill-awtorità
kompetenti data ta' emissjonijiet li jkunu debitament
sostanzjati u verifikati indipendentement.

(2) L-awtorità kompetenti għandha tinnotifika
lill-Kummissjoni Ewropea b'kull data debitament
sostanzjata ipprezentata skond l-aħħar subregolament sat-
30 ta' Ġunju 2010.

(3) Fil-każ ta' installazzjonijiet li jitfgħu gassijiet serra għajr CO₂, l-awtorità kompetenti tista' titlob ammont aktar baxx ta' emissjonijiet skond il-potenzjal għat-tnaqqis ta' emissjonijiet ta' daww l-installazzjonijiet.”.

Jissottiwixxi
r-regolamenti 10
tar-regolamenti
prinċipali.

3. Minflok ir-regolament 10 tar-regolamenti prinċipali għandu jidhol dan li ġej:

“Mizuri ta'
implimen-
tazzjoni
nazzjonali.

10. (1) Għall-perjodu ta' ħames snin li jibda fl-1 ta' Jannar 2008, l-allokazzjoni u l-ħruġ ta' kwoti lill-operatur ta' kull installazzjoni għandha tkun ibbażata fuq il-Pjan ta' Allokazzjoni Nazzjonali żviluppat għal dak l-perjodu skond ir-regolament 8. L-awtorità kompetenti għandha toħroġ porzjon mill-kwantità totali tal-kwoti lid-detenturi ta' permessi għall-emissjonijiet ta' gassijiet serra għal kull sena tal-perjodu, sat-28 Frar ta' dik is-sena.

(2) Għall-perjodu ta' tmien snin li jibda fl-1 ta' Jannar 2013, il-Ministru għandu jiżgura li lista ta' installazzjonijiet koperti minn dawn ir-regolamenti f'Malta, u kull allokazzjoni mingħajr ħlas għal kull stallazzjoni f'Malta ikkalkulat skond ir-regoli msemmija fl-Artikoli 10a (1) u 10c tad-Direttiva 2003/87/KE, għandhom jiġu ppubblikati u pprezentati lill-Kummissjoni Ewropea sat-30 Settembru 2011.

(3) L-awtorità kompetenti għandha, sat-28 Frar ta' kull sena, toħroġ il-kwantità ta' kwoti li għandhom jiġu allokati għal dik is-sena b'konformità ma' l-aħħar subregolament, ikkalkulat skond l-Artikoli 10, 10a u 10c tad-Direttiva 2003/87/KE.

(4) Il-kwoti ma jistgħux ikunu mahruġa mingħajr ħlas skond l-aħħar subregolament għal daww l-installazzjonijiet li l-iskrizzjoni tagħhom fil-lista msemmija fis-subregolament 10(2) tkun ġiet rifjutata mill-Kummissjoni Ewropea.”.

L.N. 263 of 2010

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

**European Community Greenhouse Gas
Emissions Trading Scheme (Amendment) Regulations, 2010**

IN exercise of the powers conferred by article 9 of the Environment Protection Act, hereinafter referred to as “the Act”, the Minister for Resources and Rural Affairs has made the following regulations:-

1. (1) The title of these regulations is the European Community Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations, 2010 and they shall be read and construed as one with the European Community Greenhouse Gas Emissions Trading Scheme Regulations, 2005, hereinafter referred to as “the principal regulations”.

Title and scope.

L.N. 140 of 2005.

(2) The scope of these regulations is to transpose Article 9a(2) of Directive 2003/87/EC as inserted by Article 1(10) of Directive 2009/29/EC and Article 11 of Directive 2003/87/EC as amended by Article 1(13) of Directive 2009/29/EC.

2. (1) Immediately after regulation 6 of the principal regulations there shall be added the following new regulation:
Adds new regulation 6A to the principal regulations.

“Emissions data to be provided by certain operators.

6A. (1) Operators of installations carrying out activities listed in Annex I of Directive 2003/87/EC, which are only included in the Community’s scheme from 2013 onwards shall submit to the competent authority duly substantiated and independently verified emissions data.

(2) The competent authority shall notify the European Commission of any duly substantiated data submitted in terms of the last preceding sub-regulation by 30 June 2010.

(3) In the case of installations emitting greenhouse gases other than CO₂, the competent authority may notify a lower amount of emissions according to the emission reduction potential of those installations.”.

Substitutes regulation
10 of the principal
regulations.

3. for regulation 10 of the principal regulations there shall be substituted by the following:

“National
implementation
measures.

10. (1) For the five-year period beginning on 1st January 2008, allocation and issuance of allowances to the operator of each installation shall be based on the National Allocation Plan developed for that period pursuant to regulation 8. The competent authority shall issue a proportion of the total quantity of allowances to holders of greenhouse gas emissions permits for each year of the period by 28th February of that year.

(2) For the eight-year period beginning 1st January 2013, the Minister shall ensure that a list of installations covered by these regulations in Malta, and any free allocation to each installation in Malta calculated in accordance with the rules referred to in Articles 10a(1) and 10c of Directive 2003/87/EC, are published and submitted to the European Commission by 30 September 2011.

(3) The competent authority shall, by 28th February of each year, issue the quantity of allowances that are to be allocated for that year pursuant to the last preceding sub-regulation, calculated in accordance with Articles 10, 10a and 10c of Directive 2003/87/EC.

(4) Allowances may not be issued free of charge under the last preceding sub-regulation to installations whose inscription in the list referred to in sub-regulation 10(2) has been rejected by the European Commission.”.

