

A.L. 321 ta' l-2011**ATT DWAR L-AMBJENT U L-IPPJANAR TAL-IŻVILUPP
(KAP. 504)****Regolamenti ta' l-2011 dwar Programm ta' Azzjoni dwar
in-Nitrati**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 61 ta' l-Att dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp, il-Prim Ministru, flimkien mal-Ministru għar-Riżorsi u Affarijiet Rurali, għamel ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti u Regolamenti ta' l-2011 dwar Programm ta' Azzjoni dwar in-Nitrati. Titolu u skop.

(2) L-iskop ta' dawn ir-regolamenti hu r-regolamentazzjoni ta' l-attivitajiet agrikoli f'Malta bil-ħsieb li jitnaqqas it-tniġġis tar-riżorsi tal-ilma naturali minn nitrati b'mod partikolari bl-implimentazzjoni tal-Programm ta' Azzjoni dwar in-Nitrati u sabiex jiġi żgurat il-konformità mad-Direttiva 91/676/KEE tal-Kunsill dwar il-protezzjoni tal-ilma kontra t-tniġġis ikkawżat min-nitrati minn sorsi agrikoli.

2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra: Tifsir.

“applikazzjoni fuq l-art” tfisser iż-żjieda ta' materjali fl-art, permezz tat-tixrid fuq il-wiċċ ta' l-art, l-injezzjoni fl-art, it-tqegħid taħt il-wiċċ ta' l-art jew it-taħlit mas-saffi tal-art;

“l-Att” tfisser l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp;

“attività agrikola” tfisser il-produzzjoni, t-trobbija jew it-tkabbir ta' prodotti agrikoli inklużi l-ħsad, il-ħlib, it-trobbija ta' l-annimali li żżomm l-annimali għal skopijiet ta' biedja, jew li żżomm l-art f'kondizzjoni agrikola u ambjentali tajba;

“azjenda agrikola” tfisser l-unitajiet ta' produzzjoni kollha ġestiti minn bidwi;

“bidwi” tfisser persuna fiżika jew legali, jew grupp ta’ persuni fiżiċi jew legali responsabbli minn azjenda u li jeżerċita attività agrikola;

“bhejjem” tfisser l-animali miżmuma għall-użu jew għall-profitt;

“demel tal-bhejjem” tfisser prodotti ta’ skart mneħħija mill-bhejjem jew taħlita ta’ prodotti taż-żibel u skart imneħħija mill-bhejjem, anki fil-għamla proċessata;

“Dipartiment” tfisser id-Direttorat responsabbli mill-agrikoltura;

“Direttur” tfisser id-Direttur tal-Agrikoltura jew kull ufficjal awtorizzat debitament appuntat minnu;

“fertilizzant” tfisser kull sustanza li jkun fiha kompost ta’ nitroġenu li jiġi applikat fuq art sabiex ittejjeb it-tkabbir tal-veġetazzjoni;

“fertilizzant inorganiku” jew “fertilizzant kimiku” tfisser kull fertilizzant nitroġenuż li jkun imanfaturat bi proċess industrijali;

“fertilizzant organiku” tfisser fertilizzant miksub mid-demel tal-bhejjem jew li jista’ jkun derivat b’xi mod ieħor minn materjal organiku;

“ħama” tfisser

(a) ħmieġ, inkluż kull frazzjoni likwida, prodotti minn bhejjem waqt li qegħdin f’tarzna jew bini, jew

(b) taħlita li tikkonsisti kompletament minn jew li tkun fiha ħmieġ bħal dan, friex, residwi ta’ l-għalf, ilma tax-xita u ħasil minn bini jew magħlaq uzati mill-bhejjem, dungsteads jew munzelli tad-demel, bini bil-paletti ta’ livell għoli u strutturi bil-ħitan ħajt weeping jew kull kombinazzjoni ta’ dawn, sakemm ħmieġ bħal dan ikun preżenti,

ta’ konsistenza li tippermetti li jiġi pumpjat jew mormija bil-gravità f’ kull stadju fil-proċess l-immaniġġar;

“persuna awtorizzata” tfisser persuna debitament awtorizzata mid-Direttur sabiex twettaq spezzjonijiet u funzjonijiet oħra bil-ħsieb li jintlaħqu l-għanijiet ta’ dawn ir-regolamenti;

“pjan ta’ fertilizzazzjoni” tfisser pjan imfassal skond ir-regolament 4 ta’ dawn ir-regolamenti;

“Pjan ta’ Ġestjoni tan-Nutrijenti” tfisser pjan imfassal skond ir-regolament 10 ta’ dawn ir-regolamenti;

“Programm ta’ Azzjoni dwar in-Nitrati” tfisser il-programm ippubblikat mill-Gvern skond ir-regolamenti 5(b) u 6 tar-Regolamenti ta’ l-2001 dwar il-Harsien ta’ l-Ilma mit-Tniġġis kaġunat b’Nitrati ġejjin mill-Biedja;

A.L. 343 ta’ l-2001.

“prodotti agrikoli” tfisser dawk il-prodotti elenkati fl-Anness I tat-Trattat li jistabbilixxi l-Kommunità Ewropea, b’ecċezzjoni għall-prodotti tas-sajd, u tinkludi l-qoton;

“rekwiżit ta’ nitroġenu” tfisser l-ammont ta’ fertilizzant tan-nitroġenu f’kilogrammi (kg / Ha NO₃) li huwa raġonevoli li tapplika fuq l-art f’sena skond ir-rekwiżit ta’ nitroġenu prevedibbli għall-uċuh tar-raba’ li jikbru jew li ser jiġu mkabbra fuq l-art u l-provvista ta’ nitroġenu għall-uċuh tar-raba’ mill-ħamrija u minn sorsi oħra, inkluż in-nitroġenu diġà preżenti fil-ħamrija;

“sena” tfisser kull perjodu ta’ 12-il xahar li jispiċċa fil-31 ta’ Diċembru.

3. (1) Dawn ir-regolamenti għandhom japplikaw għall-attivitajiet agrikoli kollha li jsiru f’kull azjenda agrikola f’Malta.

Applikazzjoni u responsabbiltà.

(2) Kull azzjoni li tagħmel persuna sabiex tikseb il-konformità ma’ dawn ir-regolamenti m’għandhiex tipprekludi dik il-persuna mill-obbligi tagħha taħt xi regolamenti oħra.

4. (1) Kull bidwi responsabbli mill-attivitajiet agrikoli li jsiru fuq azjenda agrikola għandu jfassal, qabel l-1 ta’ Marzu ta’ kull sena, pjan ta’ fertilizzazzjoni għal dik l-azjenda għal dik is-sena partikolari.

Pjan ta’ Fertilizzazzjoni.

(2) Il-pjan ta’ fertilizzazzjoni meħtieġ skond is-subregolament (1) għandu jistabbilixxi r-rekwiżit ta’ nitroġenu ta’ l-uċuh tar-raba’ għal kull tip ta’ kultivazzjoni fuq kull unità ta’

produzzjoni ta' l-azjenda għal dik is-sena u għandha tistabbilixxi metodi siguri għall-applikazzjoni tal-fertilizzant.

(3) Il-pjan ta' fertilizzazzjoni għandu:

(a) jindika l-art maħsuba li ser tiġi miżrugħa;

(b) tindika t-tipi ta' uçuħ tar-raba' li ser jiġu miżrugħa u x-xahar meta dawn ser jiġu mħawwla;

(c) jikkalkula l-ammont ottimali ta' fertilizzant tan-nitroġenu meħtieġ għal kull wiçç ta' raba' f'kull unità ta' produzzjoni għal dik is-sena, u li tiegħu in kunsiderazzjoni r-rekwiżit ta' nitroġenu għall-uçuħ tar-raba' u l-ammont ta' nitroġenu disponibbli fil-ħamrija u mill-ilma, bażat fuq analiżi adegwata tal-ħamrija u ta' l-ilma; u

(d) jinkludi Skeda ta' Fertilizzazzjoni li tindika t-tipi ta' fertilizzant u l-ammonti li għandhom jintużaw.

(4) Ebda fertilizzant m' għandu jiġi applikat lill-uçuħ tar-raba' f'dik is-sena qabel ma jiġi mfassal pjan ta' fertilizzazzjoni sħiħ kif meħtieġ skond dan ir-regolament.

Facilitajiet għal hażna tad-demel tal-bhejjem.

5. (1) Il-facilitajiet għal hażna tad-demel tal-bhejjem għal kull azjenda għandu jkun ta' kapaçità suffiçjenti sabiex tipprovdi għall-ħażna tad-demel tal-bhejjem prodott f'dik l-azjenda bejn il-15 t' Ottubru ta' sena partikolari u l-15 ta' Marzu tas-sena ta' wara.

(2) Il-kapaçità għall-ħażna tad-demel ta' azjenda, għandha tiġi kalkulata billi jitqiesu l-prattiçi tal-biedja li ġejjin:

(a) in-numru, tip u l-età ta' l-annimali preżenti fl-azjenda;

(b) il-kwantità ta' demel tal-bhejjem li jiġi prodott;

(c) l-iskart solidu li-jitneħħa mill-ħama minbarra ħama tal-ħnieżer permezz ta' separatur tal-ħama;

(d) kull hażna addizzjonali disponibbli barra mill-azjenda, inkluż permezz ta' xi ftehim ma' azjenda oħra;

(e) kull kuntratt validu illi għandha l-azjenda ma' impjant ta' l-ipproçessar tad-demel.

(3) Demel tal-bhejjem għandu jiġi maħżun go *manure storage clamp* li tkun koperta u ma tippermettix ċarċir, u li tkun konnessa ma' fossa.

(4) Fosos għandhom ikunu li ma jnixxux, koperti u għandhom ikunu ta' kapacità suffiċjenti biex jiġbru l-awrina u hasil għal mill-inqas 15-il jum.

(5) Fosos u *manure clamps* għandhom jiġu ċċertifikati li ma jnixxux kull ħames snin minn perit bil-warrant, jew wara kull xogħol strutturali fi ħdan l-azjenda jew fil-viċinanza immedjata tagħha.

6. (1) Demel tal-bhejjem jista' jiġi maħżun fl-għalqa fejn tkun ser issir l-applikazzjoni fuq l-art, soġġett għal limitu massimu ta' 120 ġurnata bejn is-16 ta' Marzu u l-14 t'Ottubru jekk il-kontenut tal-materjal xott jkun mill-inqas 30%.

Mod tal-ħażna u l-post tad-demel.

(2) Meta jiġi maħżun fl-għalqa, d-demel tal-bhejjem ma jistax jiġi maħżun fl-istess post ta' l-għalqa f'snin konsekuttivi, u għandu jiġi maħżun f'munzelli kompatti u l-munzelli m'għandhomx jitqiegħdu iżjed viċin minn:

(a) 20m minn korsijiet ta' l-ilma; jew

(b) 30m minn spieri, nixxieġha jew bir; jew

(ċ) 100m minn spiera użata għall-provvista ta' l-ilma għal pubbliku, jew

(d) 100m mill-kosta.

7. (1) L-applikazzjoni fuq l-art ta' fertilizzant organiku f'kull azjenda m'għandhiex tkun permessa mill-15 t'Ottubru ta' sena partikolari u l-15 ta' Marzu tas-sena ta' wara.

Zmien meta l-applikazzjoni fuq l-art ta' fertilizzant huwa projbit.

(2) L-applikazzjoni fuq l-art ta' fertilizzant inorganiku f'kull azjenda m'għandhiex tkun permessa mill-15 t'Ottubru ta' sena partikolari u l-15 ta' Marzu tas-sena ta' wara:

Izda l-applikazzjoni fuq l-art ta' fertilizzant inorganiku jista' jkun permess mid-Direttur fil-każ ta' rekwiżit ta' nitroġenu dimostrarabbli għall-uċuħ tar-raba' bejn dawk id-dati, li jiġi avżat lid-Direttur, u li jkun akkumpanjat bil-provi rilevanti:

Iżda wkoll li d-Direttur jista', fejn meqjus minħabba ċirkostanzi ġustifikati raġonevoli, jippermetti l-applikazzjoni ta' fertilizzant inorganici matul dan il-perjodu, u għandu javża din id-deċiżjoni fil-Gazzetta.

Rekwiziti dwar il-mod ta' kif jiġu applikati l-fertilizzanti fuq l-art.

8. (1) L-applikazzjoni fuq l-art ta fertilizzant organiku ma jkunx permess meta:

(a) l-art tkun inklinata f' grad ta' 7% jew aktar, waqt li jitqiesu fatturi bħal-prossimità għal nixxigħat, il-kundizzjoni tal-ħamrija, il-kopertà ta' l-art u x-xita, jew li jkun hemm riskju sinifikanti ta' tniġġis ta' l-ilma, sakemm ma jkunx inkorporat minnufih wara l-applikazzjoni; jew

(b) l-art tinsab jew tkun b'dak il-mod li jagħmilha probabbli li l-fertilizzant tan-nitroġenu se jidhul direttament fi xmajjar ta' ilma ġieri jew ilma li tinsab f'xi strata taħt l-art.

(2) L-applikazzjoni fuq l-art tal-ħama ma jkunx permess.

(3) Mingħajr preġudizzju għad-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament, fertilizzanti organici u inorganici ma jkunux applikati:

(a) lil kull tipi ta xmajjar;

(b) inqas minn distanza minima ta' 5m minn xmajjar naturali;

(c) inqas minn distanza ta' 5m minn nixxieġhat, *galleries*, *gallery shafts*, spieri u karatteristiċi karst;

(d) inqas minn 30m ta' kull spiera li tintuża għall-provvista ta' l-ilma pubblika; jew

(e) inqas minn 100m mill-kosta.

(4) Il-bidwi għandu jiżgura li t-tipi kollha ta' fertilizzanti inorganici u organici jkunu mqassmin b' mod uniformi fl-għalqa u li jiġu inkorporati fil-ħamrija kemm jista' jkun malajr.

Limiti ta' l-applikazzjoni fuq l-art tal-fertilizzanti.

9. (1) L-applikazzjoni ta' fertilizzanti inorganici u organici għandu jsir skond il-pjan ta' fertilizzazzjoni u għandu jitieħed in kunsiderazzjoni l-bilanċ bejn ir-rekwiziti prevedibbli ta' nitroġenu

ta' l-uċuħ tar-raba' u l-provvista ta' nitroġenu mill-ħamrija u mill-fertilizzazzjoni kif speċifikat fi Skeda I li tinsab ma' dawn ir-regolamenti.

(2) L-ammont ta' "nitroġenu totali" applikat mid-demel tal-bhejjem, inkluż ħmieġ mill-annimali nfushom, m'għandux jaqbeż 170 kg N / ettaru fis-sena kif speċifikat fi Skeda II li tinsab ma' dawn ir-regolamenti.

(3) Fertilizzanti inorganici u organici għandhom jiġu applikati biss ftit qabel ma jinżeraw l-uċuħ tar-raba' u b' mod li jippermetti l-qsim ta' l-applikazzjoni ta' fertilizzanti kull meta dan jkun possibbli.

10. Azjenda agrikola tad-daqs ikbar minn ettaru taħt kultivazzjoni msaqqija għandu jkollha Pjan ta' Ġestjoni ta' Nutrijenti mħejjija skond id-dispożizzjonijiet ta' l-iSkeda III li tinsab ma' dawn ir-regolamenti.

Pjan ta' Ġestjoni ta' Nutrijenti.

11. Azjendi bl-annimali u l-passaġġi tal-annimali għandhom ikunu koperti fil-ħinijiet kollha kif xieraq.

Prattici ta' ġestjoni tal-azjendi.

12. (1) Bdiewa għandhom iżommu rekords adegwati u aġġornati tal-ġestjoni tal-azjendi, u għandhom jagħmluhom disponibbli għall-ispezzjoni mid-Dipartiment meta jintalbu.

Rekords ta' ġestjoni tal-azjendi.

(2) Rekords ta' ġestjoni tal-azjendi għandhom jinkludu l-informazzjoni li ġejja, kif applikabbli:

- (a) il-bidwi għas-sena kalendarja in kwistjoni;
- (b) iż-żona totali agrikola inkluż id-daqs u l-post ta' kull għalqa;
- (c) ir-regimi tal-ħsad u l-oqsma individwali tagħhom;
- (d) in-numru ta' bhejjem miżmuma fl-azjenda, l-ispeċi tagħhom u t-tip, u ż-żmien li nżammu fl-azjenda;
- (e) il-kapaċità ta' ħażna tad-demel tal-bhejjem, u fejn applikabbli d-dettalji tal-ħażna mikrija, produzzjoni tad-demel tal-bhejjem, is-separazzjoni tad-demel, id-dettalji ta' kull ftehim kuntrattwali jew ta' kiri;

(f) il-kwantità ta' kull tip ta' fertilizzant m'caqlaq go jew barra l-azjenda, l-ammont ta' kull tip ta' fertilizzant applikat, il-kontenut nutrittiv tal-fertilizzant inorganici, il-post fejn intuza;

(g) id-data tal-moviment ta' fertilizzant organiku, l-isem u indirizz tad-destinatarju, il-konsenjatur u kull trasportatur terza parti tad-demel.

(3) Rekords ta' g'gestjoni tal-azjenda g'hal sena partikolari g'handhom jigu kompletati sat-30 t'Ottubru tas-sena ta' wara u g'handhom jinżammu fl-azjenda g'hal perjodu minimu ta' hames snin.

Registrazzjoni u tahrig ta' nies li juzaw fertilizzanti.

13. (1) Kull persuna li tuza fertilizzanti organici jew inorganici g'handha tkun registrata mad-Dipartiment.

(2) Kull persuna li tixtieq tagħmel uzu minn fertilizzanti organici jew inorganici g'handha tattendi kors approvat mid-Direttur dwar l-applikazzjoni fuq l-art ta' fertilizzanti.

(3) Id-Dipartiment g'handu jzomm registru tal-bdiewa u ta' l-azjendi ripsettivi li juzaw fertilizzanti u g'handhom jippermettu l-uzu tal-fertilizzanti lil dawk l-utenti registrati li attendew il-kors skond is-subregolament (2) ta' dan ir-regolament.

(4) Kull bejgħ jew kunsenja ta' fertilizzanti organici g'handhom ikunu koperti minn ircevuti jew noti tal-kunsenja.

Kontroll fuq il-bejgħ u moviment tal-fertilizzanti.

14. (1) Kull importatur, distributtur u bejjiegħ ta' fertilizzanti g'handu jkun registrat mad-Dipartiment.

(2) Il-bejgħ u ċ-ċaqliq tad-demel tal-bhejjem g'hal u mill-azjendi g'handu jigi avżat lid-Dipartiment sat-30 t'Ottubru ta' kull sena.

(3) Il-bejgħ jew xiri ta' fertilizzanti organici u inorganici g'handhom ikunu registrati u avżati lid-Dipartiment sat-30 t'Ottubru ta' kull sena.

(4) L-importazzjoni ta' fertilizzant inorganici jew organici mill-bdiewa g'handhom jigu avżati lid-Dipartiment sat-30 t'Ottubru ta' kull sena.

15. (1) Id-Dipartiment għandu jkun responsabbli għall-implimentazzjoni sħiħa tal-Programm ta' Azzjoni dwar in-Nitrati li tiffirma is-sustanza ta' dawn ir-regolamenti.

Responsabbiltajiet tad-Department.

(2) Id-Dipartiment għandu jfassal linji gwida u l-manwali ta' proċedura rilevanti biex tiżgura inter alia, konformità ma' dawn ir-regolamenti.

16. Id-Dipartiment għandu jwettaq dawk il-verifiki amministrattivi meħtieġa, il-ġbir ta' *data*, il-verifika tar-rekords u l-kontrolli fuq il-post ta' l-azzjenda sabiex jiżgura konformità ma' dawn ir-regolamenti.

Verifiki u konformità.

17. (1) Il-bidwi għandu jippermetti lil kull persuna awtorizzata, fil-ħinijiet raġonevoli kollha, għall-fini tal-monitoraġġ ta' l-implimentazzjoni ta' dawn ir-regolamenti jew li jevalwa l-effettività tagħhom fit-tnaqqis tat-tniġġis ta' l-ilma kawżat jew indotti min-nitrati minn sorsi agrikoli u li jevitaw iktar tniġġiż:

Spezzjonijiet.

(a) li jidhlu fuq l-art;

(b) li jieħdu kampjuni;

(c) li jinstallaw u jmantnu tagħmir;

(d) li jeżaminaw ir-rekords kollha mizmuma skond dawn ir-regolamenti.

(2) Il-bidwi għandu jipprovdi kull għajnuna raġonevoli lil kull persuna awtorizzata li taġixxi skond is-subregolament (1) ta' dan ir-regolament u b'mod partikolari għandu:

(a) jipproduċi għal-ispezzjoni dak id-dokument jew rekord skond kif jista' jkun raġonevolment meħtieġ minn persuna awtorizzata; u

(b) fuq it-talba raġonevoli ta' persuna awtorizzata, jakkumpanja dik il-persuna sabiex tagħmel kull spezzjoni fuq l-art.

18. Id-Dipartiment għandu jfassal u jzomm *Database* Nazzjonali dwar in-Nitrati li jkun fih l-informazzjoni li ġejja:

Database Nazzjonali dwar in-Nitrati.

- a) bdiewa registrati li jużaw fertilizzanti;
- b) informazzjoni dwar l-azjendi li jappartjenu għall-bdiewa;
- ċ) informazzjoni dwar il-bini tal-bhejjem u l-facilitajiet tal-ħażna fl-azjenda, inkluża r-rabta mad-*Database* Nazzjonali tal-Bhejjem
- d) informazzjoni dwar Prattiċi dwar il-ġestjoni ta' l-art;
- e) informazzjoni dwar il- pajsagġ inkluż l-enza ta' fatturi karst u t-topografija naturali, tipi ta' ħamrija, sorsi u korsijiet ta' l-ilma;
- f) informazzjoni dwar il-bejgħ u ċ-ċaqliq ta' demel tal-bhejjem;
- g) data dwar il-bejgħ u x-xiri tal-fertilizzanti inorganici;
- h) informazzjoni dwar kontrolli magħmula minn awtoritajiet oħra;
- i) riżultati tal-monitoraġġ u kontrolli;
- j) lista ta' konsulenti u esperti tekniċi;
- k) lista ta' trasportaturi tad-demel.

Avviż ta' infurzar.

19. (1) Meta d-Dipartiment jemmen li l-bidwi jkun kiser xi waħda minn dawn ir-regolamenti, id-Direttur jista' jagħmel avviż ta' infurzar fuq dak il-bidwi skond is-subregolament (2) ta' dan ir-regolament.

(2) Avviż ta' infurzar notifikat lill-bidwi skond is-subregolament (1) għandu:

- (a) jitlob il-bidwi sabiex iwettaq dawk ix-xogħlijiet jew sabiex jieħu dawk il-passi li d-Direttur jista' jistabbilixxi sabiex jirrimedja, jew jipprevjeni l-kontinwazzjoni jew ripetizzjoni tal-ksur li għalih inħareġ l-avviż ta' infurzar;
- (b) jiddikjara l-perjodu li fih kull rekwiżit għandu jigi mħares; u
- (c) jinforma lill-bidwi lil min ikun ġie notifikat ta' kull dritt ta' appell taħt dawn ir-regolamenti.

(3) Il-perjodu indikat fl-avviż ta' infurzar għall-konformità ma' xi rekwiżit għandu jkun perjodu li huwa raġonevoli fiċ-ċirkostanzi u m' għandu fl-ebda każ ikun perjodu ta' inqas minn 28 jum.

(4) Id-Dipartiment jista' f'kull ħin:

(a) jirtira l-avviż ta' infurzar;

(b) jestendi l-perjodu ta' konformità ma' kull rekwiżit ta' l-avviż t'eżekuzzjoni, jew

(c) jimmodifika l-ħtigijiet ta' l-avviż t'infurzar.

20. Kull deċiżjoni tad-Dipartiment jew tad-Direttur għandha tkun soġġetta għal reviżjoni mit-Tribunal ta' Reviżjoni Amministrattiva stabbilit bl-artikolu 5(1) ta' l-Att dwar il-Ġustizzja Amministrattiva.

Reviżjoni ta' deċiżjonijiet.

Kap. 490.

21. (1) Kull persuna li:

Reati u penali.

(a) tonqos milli tosserva xi dispożizzjoni ta' dawn ir-regolamenti jew ta' xi ordni legali mogħtija bis-saħħa ta' dawn ir-regolamenti;

(b) tonqos milli tikkonforma ma' l-avviż ta' infurzar debitament maħruġ skond ir-regolament 19;

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

(d) taġixxi bi ksur ta' xi dispożizzjonijiet ta' dawn ir-regolamenti, jew

(e) tgħin, jew thajjar, lil xi persuna oħra b'kull mezz, inkluż, b' reklamar, bil- pariri jew bil-flus sabiex tikser id-dispożizzjonijiet ta' dawn ir-regolamenti jew biex tonqos milli tikkonforma ma' kull dispożizzjoni bħal din, inkluża kull ordni legittimament mogħtija skond id-dispożizzjonijiet ta' dawn ir-regolamenti, jew biex tikser xi restrizzjoni, projbizzjoni, jew ħtieġa imposta minn jew taħt l-imsemmija regolamenti,

tkun ħatja ta' reat kontra dawn ir-regolamenti.

(2) Kull persuna misjuba ħatja ta' reat kontra dawn ir-regolamenti għandha, meta tinsab ħatja, tehel:

(a) fil-każ ta' meta tinsab ħatja l-ewwel darba, multa ta' mhux inqas minn tmien mitt euro (€ 800.00) iżda mhux iżjed minn elf u seba' mitt euro (€ 1,700.00) għal kull reat individwali;

(b) fil-każ ta' meta tinsab ħatja t-tieni darba jew iktar, multa ta' mhux inqas minn elfejn u ħames mitt euro (€2,500.00) iżda mhux iżjed minn għaxart elef euro (€10,000.00) jew prigunerija għal żmien ta' mhux iżjed sentejn, jew dik il-multa u prigunerija flimkien:

Iżda kull meta persuna tinstab ħatja ta' reat taħt dawn ir-regolamenti permezz ta' vettura, sid dik il-vettura, fejn applikabbli, għandu jinżamm responsabbli bl-istess mod u grad:

Iżda wkoll il-Qorti għandha tordna lil kull persuna li tkun instabet ħatja ta' reat kontra dawn ir-regolamenti li tħallas għall-ispejjeż magħmula mill-entitajiet pubbliċi u, jew persuni oħra li jaġixxu għan-nom tagħhom involuti fl-implimentazzjoni ta' dawn ir-regolamenti u r-restituzzjoni ta' l-ambjent bħala riżultat ta' l-imsemmi reat, ir-revoka ta' xi permess jew liċenza u l-konfiska tal-corpus delicti.

(3) l-Qorti għandha tordna lill-ħati sabiex ineħħi l-kawża tar-reat u li jneħħi kolloxx li jkun sar mingħajr permess fi żmien suffiċjenti għal dan l-iskop, iżda f'kull każ fi żmien mhux iktar minn tliet xhur mid-data tas-sentenza, li għandha tiġi ffixxata mill-Qorti, u, jekk il-ħati jonqos milli jikkonforma ma' xi ordni fiż-żmien hekk stabbilit, huwa għandu jehel multa ta' mhux inqas minn tmienja u ħamsin euro u tlieta u għoxrin ċenteżmu (€58.23) u mhux iżjed minn mija u sittax-il euro u seba' u erbghin ċenteżmu (€116.47), kif il-Qorti tista' tistabilixxi, għal kull jum li jkompli n-nuqqas wara li jiskadi l-imsemmi żmien.

Applikabilità tal-Kodiċi Kriminali (Kap. 9).

22. (1) Id-dispożizzjonijiet tal-artikoli 23 u 30(1) tal-Kodiċi Kriminali għandhom, mutatis mutandis, japplikaw għall-proċeduri, fir-rigward ta' reati kontra dawn ir-regolamenti, b'dan illi l-iskwalifika milli persuna jkollha jew tikseb liċenza, permess jew awtorità m' għandha fl-ebda każ tkun ta' inqas minn sena.

(2) Minkejja d-dispożizzjoni tal-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti għal reat kontra dawn ir-regolamenti għandhom jittiehdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond kif jista' jkun il-każ, u għandhom isiru skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem il-qrati bħala qrati ta' ġudikatura kriminali.

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

SKEDA I

REGOLAMENT 9(1)

REKWIZITI TAN-NUTRIJENTI TAL-PJANTI

Tip ta' Hxejjex	Rendiment (t/ett)	Nitroġenu Kg N/ett	Fosfru kg P₂O₅/ett	Potassju Kg K₂O/ett
Zunnarija	30	90	80	160
Bużbież	50	140	80	160
Qamh	5	150	100	100
Xghir	5	100	80	80
Hafur	4	60	80	60
Qamhirrum	10	250	100	120
Sorgu	30	250	100	150
Żerriegħa tal-kolza	3	100	100	100
Ċiċri	2	30	80	80
Ful	3	20	80	80
Fażola	3	20	80	80
Pizelli	15	30	80	160
Haxix	30	70	100	100
Silla	15	50	120	120
Patata	30	150	120	240
Habaq	30	90	50	150
Brussels sprouts	10	110	80	160
Kaboċċi	30	110	70	160
Ċikwerja	40	130	60	180
Indivja	25	90	50	150
Hass	30	130	60	180
Kurrat	30	150	60	180
Tursin	30	80	60	120
Karfus	20	160	90	180
Spinaċi	25	120	50	150
Asparagu	6	90	80	150
Qaqoċċ	30	170	60	180
Brokkoli	20	140	90	180
Pastard	30	100	70	160

Xibt	1	110	80	80
Hjar	50	180	120	240
Dulliegh	50	160	90	180
Fażola Bajda	30	40	50	100
Brungiel	35	170	80	240
Bettieh	40	150	100	200
Bżar	40	200	100	300
Tadam	50	130	100	200
Qara'	30	130	80	160
Zukkini	26	130	100	200
Tewm	12	150	80	160
Basal	30	120	80	160
Pitravi	60	160	70	210
Ravanell	30	40	100	100
Nezew	30	90	80	160
Gheneb tal-mejda	20	180	90	210
Gheneb tal-inbid	15	110	60	180
Sfargel	12	90	60	120
Tuffieh	30	130	60	140
Langas	25	160	80	160
Berquq	20	170	70	210
Ċirasa	20	110	80	80
Lewż	10	100	80	80
Hawh / Nuċiprisk	30	170	70	210
Ghanbaqar	20	150	60	180
Laring	25	210	90	210
Lumi	25	200	80	200
Mandolin	25	180	80	180
Trong	30	170	70	160
Żebbuġ	3	130	80	160
Tin	10	90	60	120
Rummien	10	90	60	120
Frawli	30	190	100	300
Ċawsli	12	120	60	180

SKEDA II

REGOLAMENT 9(2)

PRODUZZJONI TA' DEMEL

It-Tip ta' animal	Il-kontenut ta' Nitroġenu fid-demel	Ir-rata massima ta' demel li tista' tiġi applikata (tunnellati/ ett)*
Baqar	0.56%	30
Majjal	0.81%	21
Tigieg	1.52%	11
Brojler	2.62%	6
Fenek	0.83%	20
Nagħaġ	0.90%	19

SKEDA III

REGOLAMENT 10

PJAN TA' ĠESTJONI TA' NUTRIJENTI**Taqsim A: Dettalji tal-Propjetà**

Din it-taqsim tidentifika l-propjetà u n-nies responsabbli mill-pjan ta' ġestjoni tan-nutrijenti u għandha tinkludi:

- gabra tad-dettalji tal-kuntatt;
- dikjarazzjoni tad-dettalji dwar iż-żoni tal-azjenda – it-total, l-effettiv (jiġifieri fil-produzzjoni jew iż-żoni mhux maħduma bi preparazzjoni għall-produzzjoni; eskludi dawk iż-żoni li ma jistgħux jintużaw għall-produzzjoni bħalma huma l-passaġġi u l-bini) u ż-żoni irrigati (jekk jeżistu);
- dikjarazzjoni tat-tip/i ta' irrigazzjoni;
- deskrizzjoni tat-tip tal-intrapriża (ortikultura, raba' ieħor ikkultivat, vitikultura, tal-ħalib, tal-majjali, eċċ.);
- dikjarazzjoni tal-obiettiv tal-pjan.

Taqsim B: Pjan tal-obiettivi, it-taqsim tal-ġestjoni tal-art u r-riskju ambjentali

L-obiettivi tal-Pjan għall-Ġestjoni tan-Nutrijenti għandhom jinkludi li:

- tkun konformi mar-rekwiżiti kollha legali marbutin mal-attivitajiet tal-ġestjoni tan-nutrijenti.
- tiegħu l-passi kollha prattikabbli sabiex tkun mantnuta jew imtejba l-kwalità tar-riżorsi tal-ilma tal-azjenda.
- tiegħu l-passi kollha prattikabbli sabiex taċċerta ruhek illi jkun hemm provvista adekwata ta' nutrijenti fil-ħamrija biex jintlaħqu l-bżonnijiet tal-pjanti.
- tiegħu l-passi kollha prattikabbli sabiex in-nutrijenti jinżammu fil-konfini tal-propjetà.

- tieġu l-passi kollha prattikabbli sabiex ikun minimizzat ir-riskju ta' kontaminazzjoni ta' nutrijenti f'żoni li għandhom abitat ta' veġetazzjoni u/jew tal-bhejjem slavaġ sinifikanti.
- tagħmel baġit tan-nutrijenti.

Jekk tagħzel illi ma taċċettax xi waħda minn dawn, ehmeż ġustifikazzjoni (eżempju mappa tal-azjenda li turi li ma hemmx xi żoni ta' veġetazzjoni sinifikanti jew abitat ta' annimali slavaġ).

Fl-obiettivi tal-ġestjoni tal-azjenda għandek:

- tindika dawk l-obiettivi addizzjonali illi l-bidwi jew il-manixer jiddeċiedi illi jpoġġi – pereżempju obiettivi dwar miri ta' livelli ta' nutrijenti partikolari jew obiettivi dwar prattiċi bhall-ittestjar tal-ħamrija.
- tidentifika t-‘taqsimiet ta' ġestjoni tal-art' (TĠA) għall-azjenda agrikola, jiġifieri żoni tal-azjenda li għandhom ġestjoni simili u li jirrispondu għall-ġestjoni bl-istess modi. Tikkunsidra affarijiet bħat-tipi ta' ħamrija, il-pendil, l-attivitajiet ta' ġestjoni (pereżempju art baġħlija jew irrigata, tipi ta' wċuħ ta' raba' li huma differenti b'mod sinifikanti, żoni li qed jirċievu ħama (*slurry*)) u differenzi fil-ġestjoni storika.

Jekk l-azjenda kollha hija ġestita bl-istess mod jew tirrispondi għall-ġestjoni bl-istess modi, kulma hemm bżonn huwa ta' TĠA wiehed.

- tinkludi nota qasira li tiddistingwi kull TĠA fit-tabella u aġħmel nota taż-żona li tkopri.
- timmarka dawn fuq il-mappa tal-azjenda u tehmeż mappa mal-PĠN.
- tinkludi lista tal-attivitajiet tal-ġestjoni tan-nutrijenti tal-azjenda u l-konsegwenzi ambjentali possibbli tagħhom – pereżempju l-użu tal-fertilizzant nitroġeniku jista' jwassal għall-kontaminazzjoni tal-ilma tal-wiċċ jew ta' taħt l-art. Għal kull waħda minn dawn l-attivitajiet, għandu jiġi indikat il-possibilità ta' effetti ambjentali negattivi u l-konsegwenzi ta' dawn l-avvenimenti.

- tikkunsidra biss ir-riskju li jinteret minn xi attività, mingħajr ma jiġu injorati riskji għaliex abbażi li se jingħelbu b'gestjoni tajba.
- tinkludi nota tal-attivitajiet li hemm ċans li jwasslu għal effetti ambjentali negattivi u/jew konsegwenzi medji jew oġġla fit-tabella tar-riskji ambjentali. Identifika t-TĠA li fuqha se jokkorru.
- tinkludi kummenti fuq ir-riskji identifikati (eż kwestjonijiet reġjonali dwar l-attivitajiet tal-azjenda agrikola).
- tidentifika l-attivitajiet principali tal-ġestjoni tan-nutrijenti li se tindirizza fl-ippjanar.
 - użu ta' fertilizzant N
 - użu ta' fertilizzant P
 - rimi ta' effluwenti
 - oħrajn

Jistgħi jiżdiedu objettivi oħrajn iżda l-prattiċi ta' ġestjoni jridu jirriflettu dawn l-objettivi wkoll u jistabilixxu l-passi meħtieġa biex jinkisbu.

Taqsimha Ċ: Gwidi ta' Ġestjoni

F'din it-Taqsimha għandek:

- tiddekrivi l-ippjanar tal-ġestjoni tal-użu tal-fertilizzant nitrogeniku, l-użu tal-fertilizzant tal-fosfat u l-applikazzjoni tal-effluwent tal-ħalib.
- tagħmel nota tat-tipi tal-fertilizzant applikat, ir-rati u l-postijiet fejn se jkun applikat (TĠA).
- tagħmel lista tar-rekwiżiti speċifiċi li l-azjenda tiegħek għandha dwar l-użu jew l-attività tan-nutrijenti.
- tagħmel lista tar-rekwiżiti speċifiċi li l-Kunsill Lokali tiegħek jista' jkollu fuq l-użu jew l-attività tan-nutrijenti. Dawn jinkludu l-kundizzjonijiet li jridu jintlaħqu

sabiex l-attività tkun rikonoxxuta bhala 'attività permessa' jew il-kundizzjonijiet imposti bhala parti minn kwalunkwe kunsens miżmum mill-azjenda għall-attività tal-ġestjoni tan-nutrijenti.

- tagħmel lista tal-aqwa prattiċi ta' ġestjoni (APĠ) li se jiġu implementati fl-azjenda sabiex ikunu mnaqqsa r-riskji ambjentali minn din l-attività.

Mhux neċessarju li taddotta l-APĠ kollha possibbli għal riskju jew attività partikolari imma l-prattiċi magħzula għandhom ikunu adekwati sabiex ikunu ġestiti r-riskji identifikati fuq il-propjetà li jintirtu.

- għal kull APĠ inkluż, agħmel nota kif il-bidwi jew il-maniger se jivverifika li dawn huma implimentati (eż. l-iskular fuq il-mappa tal-azjenda).

Awtoevalwazzjoni

Il-bidwi jew maniger tal-propjetà, għandu kull sena jagħmel awtoevalwazzjoni billi jiċċekkja li l-prattiċi ta' ġestjoni jkunu waslu li jilhqqu l-miri li ġew stabbiliti fil-bidu.

- Ivverifika jekk l-attività ta' ġestjoni tan-nutrijenti tkunx laqgħet l-oġettivi.
- Ivverifika l-implimentazzjoni ta' kull prassi ta' ġestjoni mnizzla fl-istadju tal-ippjanar.
- Evalwa l-effett globali tal-ġestjoni tan-nutrijenti. Ivverifika illi l-miri tal-kodiċi u tal-propjetà jkunu milħuqa.
- Evalwa kemm intlaħqu l-miri, jekk intlaħqux kollha u/jew ftit li xejn, jew jekk bidwi jew il-maniger huwiex sodisfatt mill-prestazzjoni.
- Jekk l-oġettivi ma jkunux milħuqa, jew ikunu ftit li xejn milħuqa, il-prattiċi ta' ġestjoni jkunu jridu jinbidlu. Agħti informazzjoni fuq il-prattiċi l-ġodda ta' ġestjoni, il-persuna responsabbli biex dawn ikunu implimentati u l-iskadenza għat-tlestija jew l-implimentazzjoni.
- Ikteb id-data ta' meta kull prassi ġdida ta' ġestjoni tkun addottata.

- Il-persuna responsabbli għall-PMN (bidwi jew maniger ta' l-art) trid tiffirma u tniżżel id-data tal-awtoevalwazzjoni.

Mappa tal-azjenda

Il-persuna responsabbli mill-PMN għandu jaċċerta ruħu illi ikun hemm anness mill-inqas mappa waħda tal-azjenda, li turi t-taqsimiet tal-ġestjoni tal-art jew li tagħmel distinzjoni bejn żoni ta' ġestjoni.

Jistgħu jiżdiedu wkoll mapep oħra tal-azjenda, pereżempju biex juru żoni li qed jingħataw tip ta' fertilizzant partikolari, u sabiex juru fejn jinsabu korsiji tal-ilma jew sorsi tal-ilma naturali eċċ.

Baġits ta' nutrijenti u riżultati tat-testijiet tal-ħamrija

Il-PMN għandha tistabbilixxi baġits ta' nutrijenti u tinkludi riżultati tat-testijiet tal-ħamrija. Din it-Taqsima għanda:

- tivverifika li hemm mill-inqas baġit tan-nutrijenti wiehed anness għal kull taqsima ta' ġestjoni tal-art. Dan hu importanti b'mod speċjali fejn ikunu ġew identifikati riskji ambjentali sinifikanti minn attivitajiet ta' ġestjoni tan-nutrijenti.
- Il-baġit tan-nutrijenti għandu juża *l-inputs* tan-nutrijenti ppjanati u *l-outputs* tal-produzzjoni mistennija minn dik iz-zona tal-art. Jekk kienu kkunsidrati diversi għażliet ta' fertilizzant, allura l-baġit tan-nutrijenti għandu jsostni l-għażla finali.
- Ir-riżultati tat-testijiet fuq il-ħamrija huma importanti biex ikunu stabbiliti livelli inizjali tan-nutrijenti tal-ħamrija għall-ibbaġġitar tan-nutrijenti.
- It-testijiet l-oħra li jsiru fil-ħamrija huma importanti għax juru x-xejriet tal-fertilità tal-ħamrija fuq medda ta' żmien sabiex ikunu mqabbla mat-tibdiliet mistennija jew ippjanati.

L.N. 321 of 2011

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

Nitrates Action Programme Regulations, 2011

IN exercise of the powers conferred by article 61 of the Environment and Development Planning Act, the Prime Minister, in concurrence with the Minister for Resources and Rural Affairs, has made the following regulations:-

1. (1) The title of these regulations is the Nitrates Action Programme Regulations, 2011. Title and scope.

(2) The aim of these regulations is the regulation of agricultural activities in Malta with a view to reducing pollution of natural water resources by nitrates in particular through the implementation of the Nitrates Action Programme and to ensure compliance with the Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

2. For the purposes of these regulations and unless the context otherwise requires: Interpretation.

“the Act” means the Environment and Development Planning Act;

“agricultural activity” means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition;

“agricultural products” means the products listed in Annex I to the Treaty establishing the European Community, with the exception of fishery products, and includes cotton;

“authorised person” means a person duly authorised by the Director to carry out inspections and other functions with a view to the attainment of the objectives of these regulations;

“crop nitrogen requirement” means the amount of nitrogen fertiliser in kilograms (kg/Ha NO₃) which it is reasonable to apply to land in any year having regard to the foreseeable nitrogen requirement of the crop growing or to be grown on the land and the nitrogen supply to the crop from the soil and from other sources, including any nitrogen already present in the soil pool;

“Department” means the Directorate responsible for agriculture;

“Director” means the Director of Agriculture or any authorised officer duly appointed by him;

“farmer” means a natural or legal person, or a group of natural or legal persons responsible for a holding and who exercises an agricultural activity;

“fertiliser” means any substance containing a nitrogen compound applied on land to enhance growth of vegetation;

“fertiliser plan” means a plan drawn up in terms of regulation 4 of these regulations;

“holding” means all the production units managed by a farmer;

“inorganic fertiliser” or “chemical fertiliser” means any nitrogenous fertiliser which is manufactured by an industrial process;

“land application” means the addition of materials to land, whether by spreading on the surface of the land, injection into the land, placing below the surface of the land or mixing with the layers of the land;

“livestock” means all animals kept for use or profit;

“livestock manure” means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form;

“organic fertiliser” means fertiliser which is obtained from livestock manure or which may be otherwise derived from organic matter;

“Nitrates Action Programme” means the programme published by the Government in terms of regulations 5(b) and 6 of the Protection of Waters against Pollution caused by Nitrates from Agricultural Sources Regulations, 2001; L.N. 343 of 2001.

“Nutrient Management Plan” means a plan drawn up in terms of regulation 10 of these regulations;

“slurry” means

(a) excreta, including any liquid fraction, produced by livestock whilst in a yard or building, or

(b) a mixture consisting wholly of or containing such excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, dungsteads or manure heaps, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present,

of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process;

“year” means any period of 12 months ending with 31st December.

3. (1) These regulations shall apply to all agricultural activities taking place on any holding in Malta. Application and responsibility.

(2) Any action taken by any person to achieve compliance with these regulations shall not preclude such person from his obligations under any other legislation.

4. (1) Any farmer responsible for agricultural activities taking place on a holding shall prepare, before the 1st March of each year, a fertiliser plan in respect of such holding for that particular year. Fertiliser Plan.

(2) The fertiliser plan required in terms of sub-regulation (1) hereof shall determine the crop fertilisation requirement for each crop type on each production unit of the holding for that year and shall establish safe methods of land application of fertiliser.

(3) The fertiliser plan shall:

(a) indicate the area intended to be planted;

(b) indicate the type of crops to be planted and the month when such crop will be planted;

(c) calculate the optimum amount of nitrogen fertiliser required in relation to each crop on each production unit of the holding for that year, taking into account the crop's nutrient requirements and the amount of nitrogen available from soil and water based on adequate soil and water analysis; and

(d) include a Schedule of Fertilisation indicating fertiliser types and quantities to be used.

(4) No fertiliser shall be applied to any crop in that year prior to the preparation of a complete fertiliser plan as required in terms of this regulation.

Storage facilities for livestock manure.

5. (1) The storage facilities for livestock manure for each holding shall be of sufficient capacity to provide for the storage of all the livestock manure produced on that holding between the 15th October of a particular year and the 15th March of the following year.

(2) The livestock manure storage capacity of a holding, shall be calculated by taking into account the following farming practices:

(a) the number, type and age of animals present on the holding;

(b) the quantity of livestock manure produced;

(c) waste solids removed from slurry other than pig slurry by means of a slurry separator;

(d) any additional storage available off the holding including by means of an agreement with another holding;

(e) any valid contract the holding possesses with a manure processing facility.

(3) Livestock manure shall be stored in a leak-proof, covered storage clamp which is connected to a cesspit.

(4) Cesspits shall be leak-proof, covered and shall be of sufficient capacity to collect all urine and washings for at least 15 days.

(5) Cesspits and manure clamps shall be certified leakproof by a warranted architect every five years, or following any structural works within the holding or in its immediate vicinity.

6. (1) Livestock manure may be stored in the field where land application will take place subject to a maximum limit of 120 days between 16th of March to 14th of October if the dry matter content is at least 30%.

Manner of storage and location of manure.

(2) When stored in a field, livestock manure shall not be stored in the same location of the field in consecutive years, it shall be stored in a compact heap and such heaps shall not be placed within:

(a) 20m of water courses; or

(b) 30m of a borehole, spring or well; or

(c) 100m of a borehole used for a public water supply;

or

(d) 100m of the coast.

7. (1) The land application of organic fertiliser to any holding shall not be permitted between 15 October of a particular year and 15 March of the following year.

Period when land application of fertiliser is prohibited.

(2) The land application of inorganic fertiliser to any holding shall not be permitted between 15 October of a particular year and 15 March of the following year:

Provided that the land application of inorganic fertiliser may be permitted by the Director in the event of demonstrable crop nitrogen requirement between those dates being notified by the farmer to the Director, and accompanied by relevant proof:

Provided further that the Director may, where deemed reasonable owing to justified circumstances, permit the application of inorganic fertiliser during such period, and shall notify such decision in the Gazette.

Requirements as to the manner of land application of fertiliser.

8. (1) The land application of organic fertiliser shall not be permitted when:

(a) the land is sloping to a degree of 7% or greater, taking into account factors such as proximity to watercourses, soil condition, ground cover and rainfall, or there is a significant risk of causing water pollution, unless incorporated immediately after application; or

(b) the land is located or is in a manner which would make it likely that the nitrogen fertiliser will directly enter a watercourse or water contained in any underground strata.

(2) The land application of slurry shall not be permitted.

(3) Without prejudice to the provisions of sub-regulation (1) hereof, organic and inorganic fertilisers shall not be applied:

(a) to any type of natural water courses;

(b) within a minimum distance of 5m of natural water courses;

(c) within 5m of springs, galleries, gallery shafts, boreholes and karst features;

(d) within 30m of any borehole used for public water supply; or

(e) within 100m of the coast.

(4) The farmer shall ensure that all types of inorganic and organic fertilisers are distributed uniformly on the field and incorporated into the soil as soon as possible.

Limits on the land application of fertilisers.

9. (1) The application of inorganic and organic fertilisers shall be effected in accordance with the fertilisation plan taking into consideration the balance between the foreseeable nitrogen requirements of the crops and the nitrogen supply to the crops from the soil and from fertilisation as specified in Schedule I to these regulations.

(2) The amount of “total nitrogen” applied from livestock manure, including excreta by the animals themselves, shall not exceed 170 kg N/ha per year as specified in Schedule II to these regulations.

(3) Inorganic and organic fertilisers shall only be applied close to sowing and in a manner which permits of splitting of fertiliser application whenever possible.

10. Holdings with an area greater than 1 hectare under irrigated cultivation shall have a Nutrient Management Plan drawn up in terms of the provisions of Schedule III to these regulations.

Nutrient Management Plan.

11. All animal holdings and animal passageways shall be suitably covered at all times.

Farm management practices.

12. (1) Farmers shall keep adequate and updated farm management records, and shall make them readily available for inspection to the Department upon request.

Farm management records.

(2) Farm management records shall include the following information, as applicable:

- (a) the farmer for the calendar year in question;
- (b) the total agricultural area including the size and location of each field;
- (c) the cropping regimes and their individual areas;
- (d) the number of livestock kept on the holding, their species and type, and the length of time for which they were kept on the holding;
- (e) the capacity of livestock manure storage, and where applicable the details of rented storage, livestock manure production, manure separation, the details of any rental or contractual agreement;
- (f) the quantity of each type of fertiliser moved on or off the holding, the amount of each type of fertiliser applied, the nutrient content of the inorganic fertiliser, the location used;

(g) the date of movement of organic fertiliser, the name and address of the consignee, the consignor and any third party transporter of the manure.

(3) Farm management records for a particular year shall be completed by the 30th October of the following year and shall be retained on the holding for a minimum period of five years.

Registration and training of fertiliser users.

13. (1) Any person using organic or inorganic fertilisers shall be registered with the Department.

(2) Any person who wishes to make use of organic or inorganic fertilisers shall be required to attend a training course on land application of fertiliser approved by the Director.

(3) The Department shall keep a register of farmers and respective holdings making use of fertilisers and shall only permit the use of fertilisers to such registered users who have attended the course in terms of sub-regulation (2) hereof.

(4) All sales or deliveries of organic fertiliser shall be covered by receipts or delivery notes.

Control of sales and movement of fertilisers.

14. (1) All importers, distributors and resellers of fertilisers shall be registered with the Department.

(2) The sale or movement of livestock manure to and from holdings shall be notified to the Department by the 30th October of each year.

(3) The sales or purchase of organic and inorganic fertiliser shall be recorded and notified to the Department by the 30th October of each year.

(4) The importation of inorganic or organic fertiliser by farmers shall be notified to the Department by the 30th October of each year.

Responsibilities of the Department.

15. (1) The Department shall be responsible for the full implementation of the Nitrates Action Programme forming the substance of these regulations.

(2) The Department shall draw up guidelines and relevant manuals of procedure to ensure inter alia compliance with these regulations.

16. The Department shall conduct the necessary administrative checks, collection of data, verification of records and on-the-spot checks on the holding to ensure compliance with these regulations.

Verification and compliance.

17. (1) The farmer shall permit any authorised person/s, at all reasonable times, for the purpose of monitoring the implementation of these regulations or of assessing their effectiveness in reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution:

Inspections.

- (a) to enter upon land;
- (b) to take samples;
- (c) to install and maintain equipment;
- (d) to examine all records kept under these regulations.

(2) The farmer shall provide all reasonable assistance to any authorised person acting in terms sub-regulation (1) hereof and in particular shall:

- (a) produce for inspection such document or record as may be reasonably required by such authorised person; and
- (b) at the reasonable request of such authorised person, accompany that person in making any inspection of any land.

18. The Department shall draw up and maintain a National Nitrates Database containing the following information:

National Nitrates Database.

- a) registered farmers making use of fertilisers;
- b) information concerning the holdings pertaining to the farmers;
- c) information concerning livestock buildings and storage facilities on a holding, including a link with the National Livestock Database;
- d) information concerning land management practices;
- e) information concerning the landscape including the presence of any karstic features and natural topography, soil types, water sources and water courses;

- f) information concerning the sale and movement of livestock manure;
- g) data concerning the sales and purchases of inorganic fertilisers;
- h) information on checks conducted by other authorities;
- i) findings of monitoring and controls;
- j) list of Advisors and technical experts;
- k) list of manure transporters.

Enforcement notice.

19. (1) Where the Department believes that the farmer has contravened any of these regulations, the Director may serve an enforcement notice on such farmer in accordance with sub-regulation (2) hereof.

(2) An enforcement notice served upon a farmer in terms of sub-regulation (1) hereof shall:

(a) require the farmer upon whom it is served to carry out such works or to take such steps as the Director may determine in order to remedy, or to prevent the continuation or repetition of, any contravention to which the enforcement notice relates;

(b) state the period within which any such requirement is to be complied with; and

(c) inform the farmer on whom it is served, of any right of appeal under these regulations.

(3) The period stated in the enforcement notice for compliance with any such requirement shall be such period as is reasonable in the circumstances and shall not in any case be a period of fewer than 28 days.

(4) The Department may at any time:

(a) withdraw the enforcement notice;

(b) extend the period for compliance with any requirement of the enforcement notice; or

- (c) modify the requirements of the enforcement notice.

20. Any decision of the Department or the Director shall be subject to review by the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act.

Review of decisions.

Cap. 490.

- 21.** (1) Any person who:

Offences and Penalties.

(a) fails to comply with any provision of these regulations or of any lawful order given by virtue of these regulations;

(b) fails to comply with an enforcement notice duly served in terms of regulation 19;

(c) contravenes any restrictions, prohibition, or requirement imposed by or under these regulations;

(d) acts in contravention of any of the provisions of these regulations; or

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

shall be guilty of an offence against these regulations.

(2) Any person found guilty of an offence against these regulations shall, on conviction, be liable:

(a) in the case of a first conviction to a fine (multa) of not less than eight hundred euro (€800.00) but not exceeding one thousand and seven hundred euro (€1,700.00) for each individual offence;

(b) in the case of a second or subsequent convictions, to a fine (multa) of not less than two thousand five hundred euro (€2,500.00) but not exceeding ten thousand euro (€10,000.00) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the Court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and, or other persons acting on their behalf involved in the implementation of these regulations and restitution of the environment as a result of the said offence, the revocation of any permit or licence and the confiscation of the corpus delicti.

(3) The Court shall order the offender to remove the causes of the offence and to undo anything which was done without a permit within a time sufficient for the purpose, but in any case not exceeding three months from the date of judgement, to be fixed by the Court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (multa) of not less than fifty-eight euro and twenty-three cents (€58.23) and not more than one hundred and sixteen euro and forty-seven cents (€116.47), as the Court may fix, for every day that the default continues after the expiration of the said time.

Applicability of the
Criminal Code
(Cap. 9).

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

(2) Notwithstanding the provision of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken 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 these regulations.

SCHEDULE I

REGULATION 9(1)

PLANT NUTRIENT REQUIREMENTS

Crop Type	Yield (t/ha)	Nitrogen Kg N/ha	Phosphorus kg P₂O₅/ha	Potassium Kg K₂O/ha
Carrot	30	90	80	160
Fennel	50	140	80	160
Wheat	5	150	100	100
Barley	5	100	80	80
Oats	4	60	80	60
Maize	10	250	100	120
Sorghum	30	250	100	150
Rape seed	3	100	100	100
Chickpea	2	30	80	80
Broad bean	3	20	80	80
Bean	3	20	80	80
Pea	15	30	80	160
Grass	30	70	100	100
Sulla	15	50	120	120
Potatoes	30	150	120	240
Basil	30	90	50	150
Brussels sprouts	10	110	80	160
Cabbage	30	110	70	160
Chicory	40	130	60	180
Endive	25	90	50	150
Lettuce	30	130	60	180
Leek	30	150	60	180
Parsley	30	80	60	120
Celery	20	160	90	180
Spinach	25	120	50	150
Asparagus	6	90	80	150
Artichoke	30	170	60	180
Broccoli	20	140	90	180
Cauliflower	30	100	70	160

Dill	1	110	80	80
Cucumber	50	180	120	240
Watermelon	50	160	90	180
French bean	30	40	50	100
Eggplant	35	170	80	240
Melon	40	150	100	200
Pepper	40	200	100	300
Tomato	50	130	100	200
Pumpkin	30	130	80	160
Courgettes	26	130	100	200
Garlic	12	150	80	160
Onion	30	120	80	160
Beet	60	160	70	210
Radish	30	40	100	100
Turnip	30	90	80	160
Table grapes	20	180	90	210
Wine grapes	15	110	60	180
Quince	12	90	60	120
Apple	30	130	60	140
Pear	25	160	80	160
Apricot	20	170	70	210
Cherry	20	110	80	80
Almond	10	100	80	80
Peach / Nectarine	30	170	70	210
Plum	20	150	60	180
Orange	25	210	90	210
Lemon	25	200	80	200
Tangerine	25	180	80	180
Grapefruit	30	170	70	160
Olive	3	130	80	160
Fig	10	90	60	120
Pomegranate	10	90	60	120
Strawberry	30	190	100	300
Mulberry	12	120	60	180

SCHEDULE II

REGULATION 9(2)

PRODUCTION OF MANURE

Livestock	N content in manure	Maximum rate of manure to be applied (tons/ ha)*
Cattle	0.56%	30
Pig	0.81%	21
Layer	1.52%	11
Broiler	2.62%	6
Rabbit	0.83%	20
Sheep	0.90%	19

SCHEDULE III

REGULATION 10

NUTRIENT MANAGEMENT PLAN**PART A: PROPERTY DETAILS**

This section identifies the property and the people responsible for the Nutrient Management Plan and shall include:

- A compilation of all relevant contact details;
- A statement regarding the holding areas – total, effective (i.e. in production or fallow in preparation for production; exclude non-productive areas such as pathways, buildings) and irrigated (if any);
- A statement on the irrigation type(s);
- A description on the enterprise types (Horticulture, Arable, Viticulture, Dairy, Swine, etc.);
- A statement of purpose of the plan.

Part B: Plan objectives, land management units and environmental risk

The Objectives of the Nutrient Management Plan shall include to:

- Comply with all legal requirements related to nutrient management activities.
- Take all practicable steps to maintain or enhance the quality of the property's water resources.
- Take all practicable steps to ensure that there is an adequate supply of soil nutrients to meet plant needs.
- To take all practicable steps to contain nutrients within the property boundaries.
- Take all practicable steps to minimise the risk of nutrient contamination of any areas of significant vegetation and/or wildlife habitat.

- Undertake a nutrient budget.

If one chooses to reject or omit any of these, a justification shall be attached (e.g. a farm map showing that there are no areas of significant vegetation or wildlife habitat).

Property Management Objectives

The section on Property Management Objectives shall:

- Indicate any further objectives the farmer or land manager may choose to establish – e.g. objectives about achieving particular nutrient level targets or objectives about farm practices such as soil testing.
- Identify the ‘Land Management Units’ (LMU’s) for the holding, i.e. areas of the holding that are under similar management and that will respond to management in similar ways. One should consider such elements as soil types, slope, management activities (e.g. dryland or irrigated, significantly different crop types, areas receiving slurry) and differences in historical management.

If all of the farm is managed similarly and responds to that management in similar ways, only one LMU is needed.

- Contain a brief note distinguishing each LMU in the table and note the area it covers.
- Indicate such LMUs on a farm map attached to the NMP.
- Contain a list of farm nutrient management activities and their possible environmental consequences – e.g. nitrogen fertiliser use might lead to contamination of surface or ground water. For each of these, there shall be estimated the likelihood of adverse environmental effects and the consequences of such events.
- Consider the inherent risk caused by an activity, without discounting risks on the basis that good management will overcome it.

- Note any activities that have medium or higher likelihood of adverse environmental effects and/or medium or higher consequences in the table of environmental risks, and identify the LMU's on which these will occur.
- Include comments about the risks identified (e.g. regional concerns about farm activities).
- Identify the main nutrient management activities that will be addressed in the planning.
 - N Fertiliser Use
 - P Fertiliser Use
 - Effluent disposal
 - Others

One may add further objectives, however management practices should then also reflect these objectives and set out steps to achieve them.

Part C: Management guides

- Describe the management planning for nitrogen fertiliser use, phosphate fertiliser use and dairy effluent application.
- Note the types of applicable fertiliser, application rates and locations where they will be spread (LMU's).
- List any possible specific requirements pertaining to one's holding or enterprise on nutrient use or activity.
- List any possible specific requirements by Local Council on nutrient use or activity. These may include conditions that must be met for the activity to be a 'permitted activity' or conditions imposed as part of any resource consent held by the farm for this nutrient management activity.

- List the ‘Best Management Practices’ (BMPs) the holding shall implement to reduce environmental risks from this activity.

It is not necessary to adopt all the possible BMPs for a particular risk or activity but the practices chosen need to be suitable for managing the inherent risks identified for the property.

- For each BMP included, note how the farmer or land manager will check that they are implemented (e.g. runoff control noted on a farm map).

Performing self-assessment

The farmer or the property manager shall complete a self-assessment on a yearly basis, verifying that the management practices have achieved their objectives for that year. This should entail:

- Verifying the achievement of nutrient management activity requirements.
- Verifying the implementation of each management practice listed at the planning stage.
- Assessing the effects of the nutrient management activity overall.
- Verifying that the code specific and property objectives were achieved.
- Assessing the achievement of the objectives, whether met and/or were barely achieved, or where the farmer or land manager was not satisfied with performance.
- If the objective is not achieved or partially achieved, amendments to the management practice is required. Note the new management practice that will be used, the person responsible for ensuring these are implemented and a deadline for completion or introduction.
- Establish a completion date whenever each new management practice is adopted.
- The person responsible for the NMP (farmer or land manager) shall sign and date the self-assessment.

Farm map

The person responsible for the NMP should ensure that there is at least one map attached indicating the entire holding(s), showing the land management units or other distinctions between management areas.

Extra maps may be added (e.g. to show areas receiving particular fertiliser types, to show location of water courses or natural water sources etc).

Nutrient budgets and soil test results

The NMP shall establish nutrient budgets and contain soil test results. The NMP shall:

- ensure that there is at least one nutrient budget attached for each land management unit. This is particularly relevant where significant environmental risks have been identified from nutrient management activities.
- The nutrient budget should use the planned nutrient inputs and the expected production outputs from the area. If several fertiliser options were considered then the nutrient budget should support the final choice.
- Soil test results are important for establishing initial soil nutrient levels for nutrient budgeting.
- Further soil tests are useful checks on trends in soil fertility over time to compare actual changes with those expected and planned.

