

L.N. 298 of 2012

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

**Freedom of Access to Information on the Environment
(Amendment) Regulations, 2012**

BY VIRTUE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Minister for Tourism, Culture and the Environment, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

1. The title of these regulations is the Freedom of Access to Information on the Environment (Amendment) Regulations, 2012, and these regulations shall be read and construed as one with the Freedom of Access to Information on the Environment Regulations, hereinafter referred to as the "principal regulations".

Citation.

S.L. 504.65

2. The aim of these regulations is to transpose correctly Article 3(1), Article 3(2)(a), Article 3(2)(b) and Article 6(1) of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on Public Access to Environmental Information and repealing Council Directive 90/313/EEC.

Scope.

3. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 3 of the principal regulations.

"Request for environmental information.

3. (1) Any applicant may, without having to state an interest, request the competent authority to provide him with any environmental information held by or for the competent authority or any other public authority.

(2) A record of all such requests shall be kept by the competent authority."

4. Sub-regulation (1) of regulation 4 of the principal regulations shall be substituted by the following new sub-regulation:

Amends regulation 4 of the principal regulations.

"(1) The competent authority shall, if it has in hand the requested environmental information, as soon as possible or, at the latest, within thirty days from receipt of the request, provide such environmental information to the applicant."

5. Regulation 5 of the principal regulations shall be

Substitutes regulation 5 of the principal regulations.

substituted by the following new regulation:

"Environmental information held by or for other public authorities.

5. If the competent authority does not have in hand the requested environmental information, the applicant shall be informed expeditiously and the competent authority shall immediately forward such a request to the public authorities holding such information, including information held for such a public authority, and shall, in accordance with the provisions of regulation 4, provide such environmental information to the applicant."

Adds new regulation to the principal regulations.

6. Immediately after regulation 11 of the principal regulations, there shall be added the following new regulation:

"Appeal to the Environment and Planning Review Tribunal.

12. In cases where the applicant decides to have recourse to the Environment and Planning Review Tribunal on matters relating to requests for environmental information, having due regard to the need for expeditiousness, the Tribunal shall hold its first hearing within six working days from receipt of the appeal. In any such appeal, the provisions of article 41(4) of the Environment and Development Planning Act shall apply with regard to requests for environmental information."

Cap. 504.

