

L.N. 291 of 2002

**ENVIRONMENT PROTECTION ACT, 2001
(ACT NO.XX OF 2001)**

**National Emission Ceilings for Certain Atmospheric Pollutants
Regulations, 2002**

BY virtue of the powers conferred by article 9 of the Environment Protection Act, 2001, the Minister for Home Affairs and the Environment has made the following regulations:

1. (1) The title of these regulations is National Emission Ceilings for Certain Atmospheric Pollutants Regulations, 2002. Title and commencement.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) A notice under sub-regulation (2) of this regulation may make such transitional provisions as appear to the Minister responsible for the environment to be necessary or expedient in connection with the provisions thereby brought into force.

2. The objective of these regulations is: Scope.

(a) to limit emissions of acidifying and eutrophying pollutants and ozone precursors in order to improve the protection in Malta of the environment and human health against risks of adverse effects from acidification, soil eutrophication and ground-level ozone, and to move towards the long-term objectives of not exceeding critical levels and loads and of effective protection of all people against recognised health risks from air pollution by establishing national emission ceilings, taking the years 2010 and

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2020 as benchmarks, and by means of successive reviews as set out in regulation 4 of these regulations; and

(b) to cover emissions in Malta all sources of the pollutants referred to in regulation 4 hereof which arise as a result of human activities:

Provided that these regulations do not cover:

(a) emissions from international maritime traffic;

(b) aircraft emissions beyond the landing and take-off cycle.

Definitions.

3. For the purposes of these regulations:

“AOT 40” means the sum of the difference between hourly concentrations of ground-level ozone greater than $80 \mu\text{g}/\text{m}^3$ (= 40 ppb) and $80 \mu\text{g}/\text{m}^3$ during daylight hours accumulated from May to July each year;

“AOT 60” means the sum of the difference between hourly concentrations of ground-level ozone greater than $120 \mu\text{g}/\text{m}^3$ (=60 ppb) and $120 \mu\text{g}/\text{m}^3$ accumulated throughout the year;

“critical load” means a quantitative estimate of an exposure to one or more pollutants below which significant adverse effects on specified sensitive elements of the environment do not occur, according to present knowledge;

“critical level” means the concentration of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur, according to present knowledge;

“emission” means the release of a substance from a point or diffuse source into the atmosphere;

“grid cell” means a square 150 km x 150 km, which is the resolution used when mapping critical loads on a European scale, and also when monitoring emissions and depositions of air pollutants under the Cooperative Programme for Monitoring and Evaluation of the long-range Transmission of Air Pollutants in Europe (EMEP);

“landing and take-off cycle” means a cycle represented by the following time in each operating mode: approach 4,0 minutes; taxi/ground idle 26,0 minutes, take-off 0,7 minutes; climb 2,2 minutes;

“national emission ceiling” means the maximum amount of a substance expressed in kilotonnes, which may be emitted in a calendar year;

“nitrogen oxides” and “NO_x” mean nitric oxide and nitrogen dioxide, expressed as nitrogen dioxide;

“ground-level ozone” means ozone in the lowermost part of the troposphere;

“volatile organic compounds” and “VOC” mean all organic compounds arising from human activities, other than methane, which are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight.

“Competent Authority” means the Malta Environment and Planning Authority as prescribed by the notice in the Gazette, 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.

4. (a) The Competent Authority must ensure that by the year 2010 at the latest Malta shall limit its annual national emissions of the pollutants sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC) and ammonia (NH₃) to amounts not greater than the emission ceilings laid down in Schedule I to these regulations, taking into account any modifications which the competent authority may in future adopt. National emission ceilings.

(b) The competent authority shall ensure that the emission ceilings laid down in Schedule I hereto are not exceeded in any year after 2010.

5. The national emission ceilings in Schedule I to these regulations shall have as their purpose to meet broadly by 2010 the following interim environmental objectives for Malta: Interim environmental objectives.

(a) Acidification – The areas where critical loads are exceeded shall be reduced by at least 50 % (in each grid cell) compared with the 1990 situation;

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(b) Health-related ground-level ozone exposure - The ground-level ozone load above the critical level for human health (AOT60=0) shall be reduced by two-thirds in all grid cells compared with the 1990 situation. In addition, the ground-level ozone load shall not exceed an absolute limit of 2,9 ppm.h in any grid cell; and

(c) Vegetation-related ground-level ozone exposure - The ground-level ozone load above the critical level for crops and semi-natural vegetation (AOT40=3 ppm.h) shall be reduced by one-third in all grid cells compared with the 1990 situation. In addition, the ground-level ozone load shall not exceed an absolute limit of 10 ppm.h, expressed as an exceedance of the critical level of 3 ppm.h in any grid cell.

National
programmes

6. (1) The competent authority shall, draw up programmes for the progressive reduction of national emissions of the pollutants referred to in regulation 4 with the aim of complying at least with the national emission ceilings laid down in Schedule I by 2010 at the latest.

(2) The national programmes shall include information on adopted and envisaged policies and measures and quantified estimates of the effect of these policies and measures on emissions of the pollutants in 2010:

Provided that anticipated significant changes in the geographical distribution of national emissions shall be indicated.

(3) The competent authority shall update and revise the national programmes as necessary by the 1st October, 2006.

(4) The competent authority shall make available to the public and to appropriate organisations such as environmental organisations the programmes drawn up in accordance with subregulations (1), (2) and (3) of this regulation:

Provided that information made available to the public and to organisations under this paragraph shall be clear, comprehensible and easily accessible.

Emission
inventories and
projections.

7. (1) The competent authority shall prepare and annually update national emission inventories and emission projections for 2010 for the pollutants referred to in regulation 4.

(2) The competent authority shall establish their emission inventories and projections using the methodologies specified in Schedule III to these regulations.

8. In order to promote the achievement of the objective set out in regulation 1 of these regulations, the competent authority as appropriate, shall, pursue bilateral and multilateral cooperation with third countries and relevant international organisations such as the United Nations Economic Commission for Europe (UNECE), the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), including through the exchange of information, concerning technical and scientific research and development and with the aim of improving the basis for the facilitation of emission reductions. Cooperation with third countries.

9. Any person shall be guilty of an offence under these regulations if: Offences.

(a) he fails to comply with any permit conditions or 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 these regulations; or

(c) he acts in contravention of any of the provisions 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 these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

10. Any person who commits an offence against these regulations shall, on conviction, be liable: Penalties.

(a) on a first conviction, to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand liri;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri, but not exceeding two thousand liri or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

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Provided 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 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*;

Applicability of
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11. (1) The provisions of articles 23 and 30 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 obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence 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 judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Language of
Schedules.

12. Schedules I to III to these regulations are being published in the English language with the English text of these regulations.

ANNEX I

Table: National Emission Ceilings for Malta – 2010

Reference Document	SOx (tons)	NOx (tons)	VOC (tons)	NH3 (tons)
DOC 1	.....	.....	12,000	.....
DOC 2	7979	3367	.....	.....
DOC 3	147	2597	.....
DOC 4 & 5	.....	.....	.....	3081
DOC 6	.....	.....	12	.....
DOC 7	4	.....	.....	.....
Other mobile sources e.g. aircraft and machinery	600	1535	118	.....
TOTALS	8730	7499	12,130	3081

Note: Regarding the above 2010 projections one can only arrive at accurate figures when the abatement strategies and national plans are made known.

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ANNEX II

Methodologies for emission inventories and projections

MALTA shall establish emission inventories and projections using the methodologies agreed upon by the Convention on Long-range Transboundary Air Pollution and shall use the joint EMEP/CORINAIR(*) guidebook in preparing these inventories and projections.