

A.L. 280 ta' l-2010**ATT DWAR IL-HARSIEN TA' L-AMBJENT
(KAP. 435)****Regolamenti ta' l-2010 dwar Sustanzi li Jnaqqsu s-Saff ta'
l-Ożonu**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 9 u 11 ta' l-Att dwar il-Harsien 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 Sustanzi li Jnaqqsu s-Saff ta' l-Ożonu. Titulu.

2. (1) Dawn ir-regolamenti fihom disposizzjonijiet sabiex jiġi applikat ir-Regolament (KE) Nru 1005/2009 tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Settembru 2009, dwar sustanzi li jnaqqsu s-saff ta' l-ożonu, (riformulazzjoni) hawn iżjed 'il quddiem imsejjaħ "ir-Regolament tal-KE". Għan u applikabilità.

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

(3) L-iskop ta dawn ir-regolamenti huwa illi ir-Regolament (KE) Nru 1005/2009 tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Settembru 2009, dwar sustanzi li jnaqqsu s-saff ta' l-ożonu, (riformulazzjoni) jieħu post lir-Regolament (KE) Nru 2037/2000 tal-Parlament Ewropew u tal-Kunsill tad-29 ta' Ġunju 2000, kif emendat, dwar sustanzi li jnaqqsu s-saff ta' l-ożonu,

3. Għall-finijiet ta' dawn ir-regolamenti u tar-Regolament tal-KE, għandhom ikunu japplikaw it-tifsiriet li ġejjin:- Tifsiriet.

"l-awtorità kompetenti" tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar kif imnizzel f'avviż intitolat Nomina ta' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar bħala l-awtorità kompetenti, jew tali korp jew persuna oħra li l-Ministru responsabbli għall-ambjent jista' b'ordni fil-Gazzetta jsemmi u jistgħu jkunu hekk imsemmija bħala

l-awtorità kompetenti korpi jew persuni differenti u għal għanijiet differenti ta' dawn ir-regolamenti;

“kors” tfisser kull forma ta' tagħlim approvat bil-miktub mill-awtorità kompetenti għall-għanijiet ta' dawn ir-regolamenti;

“ktieb tar-registrazzjoni” tirreferi għal:

(a) ktieb illegal bl-oħxon, bil-paġni enumerati b'mod konsekuttiv li jkun fih fl-ewwel paġna, l-isem, in-numru ta' l-I.D. u n-numru tal-liċenza/permess tal-persunal involut, u kull dettall ieħor kif jista' jiġi approvat b'avviż ta' l-awtorità kompetenti fil-Gazzetta, u

(b) kopja elettronika tal-ktieb illegal bl-oħxon imsemmi fil-paragrafu (a) f'dak il-format li jiġi stabbilit mill-awtorità kompetenti;

“liċenza ” tfisser kull liċenza maħruġa mill-awtorità kompetenti għall-għanijiet ta' dawn ir-regolamenti taħt kull kundizzjoni li tista' titqies li tkun xierqa mill-awtorità kompetenti;

“permess” tfisser kull permess maħruġ mill-awtorità kompetenti għall-għanijiet ta' dawn ir-regolamenti taħt kull kundizzjoni li tista' titqies li tkun xierqa mill-awtorità kompetenti;

“persunal involut” tinkludi l-produtturi, importaturi, dawk li jibgħatu l-merkanzija bil-baħar, esportaturi u tekniċi kollha, kull korp u persuna li jagħmlu użu xieraq, inkluż bejjiegħa bl-immnut, u kull persuna involuti fil-qirda, irkupru, reklamazzjoni u riċiklar ta' sustanzi koperti mir-Regolament tal-KE;

“verżjoni/kopja elettronika” tfisser format komputerrizzat ta' formati għar-rappurtar meħtieġa skond dawn ir-regolamenti;

“vjagg” tfisser kull moviment ta' oġġetti bejn Malta u l-bqija tal-Komunità Ewropea, u “min jibgħat il-merkanzija bil-baħar” għandha tiftiehem bl-istess mod.

4. Il-persunal kollu involut għandu jiġi registrat ma' l-awtorità kompetenti taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti mill-awtorità.

Reġistrazzjoni ta' persunal.

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

Kwalifiki tal-persunal.

(a) jkollu l-kwalifiki minimi meħtieġa kif stipulati mill-awtorità kompetenti. Dawn il-kwalifiki minimi meħtieġa għandu jkollhom il-forma ta' kors ta' tul u b'kurrikulu approvat mill-awtorità kompetenti. Meta jitlesta b'suċċess dan il-kors, l-awtorità kompetenti għandha toħroġ liċenza/permess soġġetti għal dak id-dritt li jista' jiġi stabbilit minn żmien għal żmien b'avviż mill-awtorità kompetenti fil-Gazzetta. Il-liċenza għandha tkun valida għal 10 snin mid-data meta jitlesta b'suċċess il-kors. Tali liċenza/permess tista' tiġi riveduta, imġedda jew terminata f'kull waqt mill-awtorità kompetenti. It-terminazzjoni ta' liċenza m'għandha timplika ebda dritt għall-kumpens, u

(b) debitament jimla ktieb tar-reġistrazzjoni, fejn jiddikjara l-ammont sħiħ ta' sustanzi rkuprati, riċiklati, reklamati jew meqruda waqt l-operazzjonijiet ta' kuljum tiegħu.

Dak il-persunal jista' wkoll ikun soġġett għall-awditjar sporadiku minn uffiċjali ta' l-awtorità kompetenti.

(2) Huma persuni fiżiċi jew legali awtorizzati bil-miktub mill-awtorità kompetenti biss li jistgħu imexxu korsijiet bil-għan li l-persunal jikseb il-kwalifiki skond dan ir-regolament.

(3) Il-persunal involut jista' biss jimmaniġġa, juża jew jinnegozja, kemm jekk għall-qligħ kemm jekk għal xi għan ieħor, sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE jew fi prodotti li jkun fihom tali sustanzi jekk ikun jipposjedi l-kwalifiki minimi meħtieġa kif imfissra fis-subregolament (1) ta' dan ir-regolament.

(4) Il-persuni fiżiċi jew legali kollha involuti fl-immaniġġar, użu, kummerċ, irkupru, reklamazzjoni jew qirda ta' sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE għandhom:

(a) ikunu reġistrati ma' l-awtorità kompetenti taht dawk il-kundizzjonijiet li jistgħu jiġu stipulati minn żmien għal żmien mill-awtorità, u

(b) inizzlu kif imiss fi ktieb tar-reġistrazzjoni, li jiddikjara l-ammonti kollha ta' sustanzi rkuprati, riċiklati,

reklamati jew meqruda waqt l-operazzjonijiet normali ta' kuljum tagħhom.

Dawk il-persuni jistgħu ukoll ikunu soġġetti għall-awditjar sporadiku minn ufficjali ta' l-awtorità kompetenti.

Vjaġġi bl-iskart.

6. (1) Jekk iseħħ xi vjaġġ jew esportazzjoni ta' sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE lejn faċilitajiet involuti fl-irkupru, riċiklar, reklamazzjoni u qirda ta' dawk is-sustanzi, dak il-vjaġġ għandu jkun konformi mar-Regolament tal-KEE 259/93 ta' l-1 ta' Frar 1993 dwar is-superviżjoni u l-kontroll ta' vjaġġi ta' skart fi hdan, għal għol-Komunità Ewropea u 'l barra minnha u mar-Regolamenti ta' l-2000 dwar il-Harsien ta' l-Ambjent (Kontroll ta' Moviment Transkonfini ta' Sustanzi Tossiċi u Sustanzi Oħra).

A.L. 205 ta' l-2000.

A.L. 337 ta' l-2001.

(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.

Persuni li huma sidien ta' tagħmir.

7. (1) Tagħmir eżistenti fiss b'ċarġ fluwidu li jkessaħ li jżen iżjed minn 3 kilogrammi għandu jkun registrat ma' l-awtorità kompetenti taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti mill-awtorità fi żmien sena mid-data tal-pubblikazzjoni ta' dawn ir-regolamenti.

(2) Tagħmir ġdid fiss b'ċarġ fluwidu li jkessaħ li jżen iżjed minn 3 kilogrammi għandu jkun registrat ma' l-awtorità kompetenti fi żmien hmistax-il jum mill-bejgħ tiegħu. Il-bejjiegh bl-imnut għandu jissupplixxi l-informazzjoni meħtieġa skond ir-regolament 11 (b) ta' dawn ir-regolamenti għall-iskopijiet ta' reġistrazzjoni.

(3) Kull persuna li tkun is-sid ta' tagħmir fiss b'ċarġ fluwidu li jkessaħ li jżen iżjed minn 3 kilogrammi għandha:

(a) tara li dan l-apparat jiġi kontrollat kull sena għal xi hruġ, u

(b) iżzomm reġistru tal-kontrolli kollha li jsiru fi ktieb tar-reġistrazzjoni li jimtela kif imiss.

Faċilitajiet għall-ħażna.

8. Għall-għanijiet ta' dawn ir-regolamenti, il-faċilitajiet kollha użati għall-ħażna ta' sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE għandhom jiġu reġistrati ma' l-awtorità

kompetenti taht dawk il-kundizzjonijiet li jistgħu jiġu stabbiliti mill-awtorità. Liċenza/permess bħal dawk jistgħu jiġu riveduti, imġedda jew terminati f'kull waqt mill-awtorità kompetenti. It-terminazzjoni tal-liċenza ma timplika l-ebda dritt għall-kumpens.

9. Ta' kull sena, qabel il-31 ta' Jannar, kull min juża sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE u kull min jibgħat il-merkanzija bil-baħar għandu jikkomunika lill-awtorità kompetenti, l-informazzjoni kif speċifikat hawn taht 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 hekk illi -

Utenti u min jibgħat il-merkanzija bil-baħar.

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

(i) it-tip;

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

(iii) id-data tal-vjaġġ;

(iv) il-pajjiż ta' l-oriġini;

(v) il-pajjiż lejn fejn tkun destinata;

(vi) il-kwantitajiet ta' sustanzi kontrollati mibgħuta bil-baħar lejn Malta u barra minn Malta;

(vii) ix-xorta tas-sustanzi billi jagħmel differenza bejn dawk fi stat vergni, dawk irkuprati u dawk reklamati;

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

(b) kull utent inkluż kull produttur li juża dawk is-sustanzi, għandu jikkomunika dan li ġej:

(i) it-tip;

(ii) l-isem u numru tas-serje ta' l-utent;

- (iii) il-kwantitajiet użati;
- (iv) ix-xorta tas-sustanzi billi jiġu distinti dawk fi stat vergni, dawk irkuprati u dawk reklamati;
- (v) ix-xorta ta' l-użu;
- (vi) il-kwantitajiet mażżuna;
- (vii) il-kwantitajiet kollha rkuprati, riċiklati, reklamati jew meqruda;
- (viii) dawk id-dettalji kollha li jistgħu jkunu mitluba minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta.

Tekniċi tar-refriġerazzjoni.

10. (1) Qabel il-31 ta' Jannar ta' kull sena, it-tekniki tar-refriġerazzjoni għandhom jikkomunikaw lill-awtorità kompetenti l-informazzjoni mitluba skond is-subregolament 9(b) ta' dawn ir-regolamenti, b'kopja kif ukoll verżjoni elettronika, flimkien ma' dan li ġej:

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

(2) Kull hames snin, it-tekniki tar-refriġerazzjoni għandhom jibgħatu kopji tal-kotba tar-registrazzjoni tagħhom lill-awtorità kompetenti għar-reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna uffiċjali li jkun inħareġ f'isimha l-ktieb tar-registrazzjoni oriġinali bħala vera kopja tal-ktieb tar-registrazzjoni oriġinali fil-pussess tagħha.

Bejjiegħa bl-imnut.

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

(a) għal sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE:

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

(ii) l-isem u 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 jiġu distinti ħażniet fi stat verġni, dawk irkuprati u dawk reklamati),

(v) il-kwantità,

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

(vii) ix-xorta ta' l-użu,

(viii) l-isem u n-numru tar-reġistrazzjoni ta' xerrej,

(ix) dawk id-dettalji l-oħra kollha li jistgħu jkunu mitluba minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta, u

(b) għal tagħmir fiss li jkun fih ċarġ fluwidu li jkessaħ li jiżen iżjed minn 3 kg:

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

(ii) id-data tal-bejgħ,

(iii) iċ-ċarġ f'Kg,

(iv) ix-xorta tas-sustanza,

(v) ix-xorta ta' l-apparat,

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

(vii) id-dettalji tas-sid il-ġdid,

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

(ix) dawk id-dettalji l-oħra kollha li jistgħu jkunu mitluba minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta. Il-bejjiegħ bl-imnut ikollu r-responsabbiltà li jiġbor u jirrapporta kull tagħrif li jkollu x'jaqsam mal-bejgħ u, jew kull trasferiment, isir kif isir, ta' dawn is-sustanzi u, jew tagħmir sakemm dawn jinbiegħu, meta mbgħad din ir-responsabbiltà tghaddi għal għand il-persuni fiżiċi jew legali involuti.

Tagħmir b'ċarġ ta' iżjed minn 3 kg.

12. (1) Is-sidien kollha ta' tagħmir fiss li jkun fih ċarġ fluwidu li jkessaħ li jiżen iżjed minn 3kg, għandhom qabel il-31 ta' Jannar ta' kull sena, jirrapportaw dan li ġej, kemm fuq il-karta u b'verżjoni elettronika, dwar kull biċċa tagħmir li tista' tigi identifikata speċifikament, għall-perjodu bejn l-1 ta' Jannar u l-31 ta' Dicembru tas-sena ta' qabel:

- (a) l-ammonti kollha tal-ħruġ misjub,
- (b) l-azzjonijiet li jkunu ttieħdu biex jiġi eliminat dak il-ħruġ,
- (ċ) il-kwantità u x-xorta tas-sustanzi involuti,
- (d) in-numru tas-serje tal-persunal involut skond is-subparagrafi (a) u (b) ta' dan is-subregolament, kif ukoll id-dati u r-rizultati ta' dawn il-kontrolli,
- (e) il-kwantitajiet kollha miżjuda u l-kwantitajiet kollha rkuprati waqt is-servizz u l-manutenzjoni u r-rimi finali,
- (f) dawk id-dettalji l-oħra kollha li jistgħu jkunu mitluba minn żmien għal żmien mill-awtorità kompetenti b'avviż fil-Gazzetta.

(2) Ta' kull ħames snin, is-sidien kollha ta' tagħmir fiss li fih ċarġ fluwidu ta' refrigerazzjoni li jkun jiżen iżjed minn 3kg għandhom jibgħatu kopji tal-kotba ta' reġistrazzjoni tagħhom lill-awtorità kompetenti għar-reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna ufficjali li kien inħareġ f'isimha l-ktieb tar-reġistrazzjoni originali bħala vera kopja tal-ktieb tar-reġistrazzjoni originali fil-pussess tagħha.

Entitajiet involuti fl-irkupru, riċiklar, reklamazzjoni u qirda ta' sustanzi.

13. Qabel il-31 ta' Jannar ta' kull sena, l-entitajiet kollha involuti fl-irkupru, riċiklar, reklamazzjoni u qirda ta' sustanzi

kontrollati għandhom jikkomunikaw lill-awtorità kompetenti, l-informazzjoni kif speċifikat hawn taht 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 ta' reġistrazzjoni tagħhom lill-awtorità kompetenti għar-reviżjoni. Dawn il-kopji għandhom jiġu ffirmati mill-persuna uffiċjali li l-ktieb tar-reġistrazzjoni kien inħareġ f'isimha bħala vera kopja tal-ktieb tar-reġistrazzjoni oriġinali fil-pussess tagħha. Il-ktieb tar-reġistrazzjoni għandu jkun fih:

- (a) l-isem u n-numru tas-serje ta' l-entità,
- (b) in-numru tas-serje tal-persunal involut fil-kunsinna ta' sustanzi kontrollati għall-irkupru, riċiklar, reklamazzjoni u qirda,
- (ċ) il-kwantitajiet u x-xorta ta' sustanzi kontrollati konsenjati minn kull wieħed mill-persunal involut, b'distinzzjoni bejn sustanzi konsenjati għall-irkupru, riċiklar, reklamazzjoni u qirda,
- (d) dettalji dwar id-destinazzjoni tas-sustanzi kontrollati konsenjati, b'distinzzjoni bejn sustanzi konsenjati għall-irkupru, riċiklar, reklamazzjoni u qirda,
- (e) kull hażna li jkun għad fadal sal-31 ta' Diċembru ta' kull sena li jkun qiegħed isir rapport dwarha,
- (f) dawk id-dettalji l-oħra kollha li jistgħu jkunu mitluba minn żmien għal żmien mill-awtorità kompetenti b'avviż 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 bir-regolament 5(2), għandhom, wara t-terminazzjoni ta' kull ċiklu tal-kors, jipprovdu, fi żmien ħamest ijiem tax-xogħol, kemm fuq il-karta u b'verzjoni elettronika, dik l-informazzjoni kollha li tirrigwarda l-kors skond ma jista' jkun meħtieġ mill-Awtorità. Din l-informazzjoni għandha tinkludi:

Korpi ta' istruzzjoni.

- (a) l-isem u n-numru ta' awtorizzazzjoni ta' korp ta' istruzzjoni li jkun qiegħed imexxi l-kors,
- (b) id-dati tal-bidu u t-tmiem tal-kors,

(c) l-ismijiet, il-kunjomijiet u n-numri ta' l-I.D. tal-kandidati li jgħaddu,

(d) ix-xorta ta' l-impjieg tal-kandidati li jgħaddu,

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

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

Spezzjoni.

A.L. 1 ta' l-1994.

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

(2) L -awtorità kompetenti tista' twettaq dawk l-investigazzjonijiet kollha meħtieġa taht dawn ir-regolamenti, u tista' tagħmel spezzjonijiet sporadiċi fuq importazzjonijiet, esportazzjonijiet, tagħbijiet ta' vjaġġi, faċilitajiet ta' hażna u użu u faċilitajiet ta' rimi ta' sustanzi li jaqgħu fl-ambitu tar-Regolament tal-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 huma soġġetti għall-kontrolli sporadiċi 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 15-il jum tax-xogħol qabel ma attwalment jitwettqu l-vjaġġ, l-importazzjoni jew l-esportazzjoni. Id-dettalji kollha għandhom jiġu pprezentati skond il-ħtiġijiet tal-format stabbiliti għal dan il-għan mill-awtorità kompetenti.

(4) Il-kontenituri, inkluż ċilindri, mimlijin b'sustanzi li jaqgħu fl-ambitu tar-Regolament tal-KE, għandhom jiġu ttimbrati mill-uffiċjali ta' l-awtorità kompetenti qabel ma jiġu rilaxxati mid-Dwana u min jibgħat il-merkanzija bil-baħar, l-esportatur jew l-importatur ikun responsabbli, kif stipulat fir-regolament 9 ta' dawn ir-regolamenti, għaż-żamma u r-rapurtaġġ ta' informazzjoni relatata ma' kull bejgħ u, jew trasferiment b'kull mezz li jkun

ta' dawn is-sustanzi meta jsir il-bejgħ, meta din ir-responsabilità tgħaddi għal għand il-persuni fiżiċi jew legali ġodda involuti.

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

17. Persuna tkun ħatja ta' reat taħt dawn ir-regolamenti jekk dik il-persuna: Reati.

(a) tonqos milli tikkonforma ruħha ma' xi disposizzjoni tar-Regolament tal-KE jew ta' dawn ir-regolamenti, jew tonqos milli tikkonforma ruħha mal-kundizzjonijiet ta' xi permess jew ma' xi ordni mogħtija legittimament skond xi disposizzjoni ta' dawn ir-regolamenti; jew

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

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

(d) tikkonfossa jew tittanta, jew tgħin jew thajjar, lil xi ħadd ieħor b'liema mezz ikun, inkluż ir-reklamar, l-għoti ta' pariri jew ta' flus biex jinkisru id-disposizzjonijiet tar-Regolament tal-KE jew ta' dawn ir-regolamenti, jew biex persuna tonqos milli tikkonforma ruħha ma' xi tali disposizzjoni, inkluża kull ordni legittimament mogħtija skond kull disposizzjoni tar-Regolament tal-KE jew ta' dawn ir-regolamenti, jew biex tikser kull restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt daww ir-regolamenti.

18. Kull persuna li taġmel reat taħt ir-Regolament tal-KE jew taħt dawn ir-regolamenti, tista', meta tinsab ħatja, teħel: Penali.

(a) meta tinsab ħatja għall-ewwel darba, multa ta' mhux anqas minn elf u mitejn euro (€1,200) iżda mhux iżjed minn elfejn u tlett mitt euro (€2,300), u fejn ikun japplika r-revoka tal-liċenza tagħha u l-konfiska tal-vettura jew taġmir użati sabiex jitwettaq ir-reat;

(b) meta tinsab ħatja għat-tieni darba jew iżjed drabi, multa ta' mhux anqas minn elfejn u tlett mitt euro (€2,300), iżda mhux iżjed minn erbat elef u seba' mitt euro (€4,700) jew għall-prigunerija għal żmien mhux iżjed minn sentejn, jew għal dik il-multa u prigunerija flimkien u, fejn ikun japplika r-revoka tal-liċenza tagħha u l-konfiska tal-vettura jew tat-tagħmir użati sabiex jitwettaq ir-reat:

Iżda l-Qorti għandha tordna li persuna li tkun insabet ħatja li ikkomettiet xi reat taħt ir-Regolament tal-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 li persuna li tkun insabet ħatja li ikkomettiet xi reat taħt ir-Regolament tal-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-disposizzjonijiet tar-Regolament tal-KE jew tat-Trattat li jistabbilixxi l-Komunità Ewropea.

Applikabilità
tal-Kap. 9.

19. (1) Id-disposizzjonijiet ta' l-artikoli 23 u 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, japplikaw għall-proċeduri fir-rigward ta' reati kontra r-Regolament tal-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-disposizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra r-Regolament tal-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-disposizzjonijiet 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.

Thassir ta' l-A.L. 145
ta' l-2007.

20. Ir-Regolamenti ta' l-2007 dwar Sustanzi li Jnaqqsu s-Saff ta' l-Ożonu, qegħdin b'dawn jiġu mħassra.

L.N. 280 of 2010

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

Substances Depleting the Ozone Layer Regulations, 2010

BY VIRTUE of the powers conferred by articles 9 and 11 of the Environment Protection Act, the Prime Minister has made the following regulations:-

1. The title of these regulations is the Substances Depleting the Ozone Layer Regulations, 2010. Citation.

2. (1) These regulations contain provisions for the application of Regulation (EC) No. 1005/2009 of the European Parliament and of the Council of 16 September 2009, on substances that deplete the ozone layer, (recast) 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) The scope of these regulations is to replace reference to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000, as amended, on substances that deplete the ozone layer, with reference to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (recast).

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

“the 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;

“electronic version/copy” means a computerised format of all necessary reporting forms required by these regulations;

“licence” means any licence issued by the competent authority for the purposes of these regulations under any conditions which may be deemed fit by the competent authority;

“logbook” refers to:

(a) a hard bound, consecutively page numbered book containing on the first page, the name, I.D. number and license/permit number of the personnel involved, and any other details as may be approved from time to time by a notice of the competent authority in the Gazette, and

(b) an electronic copy of the hard bound format in paragraph (a), in a format established by the competent authority;

“permit” means any permit issued by the competent authority for the purposes of these regulations under any conditions which may be deemed fit by the said competent authority;

“personnel involved” includes all producers, importers, shippers, exporters, 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;

“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 competent authority. These minimum qualification requirements will take the form of a course

with a duration and curriculum approved by the competent authority. On successful completion of this course, a licence/permit shall be issued by the competent authority subject to a fee as may be determined from time to time by a notice by the competent authority in the Gazette. The licence shall be valid for 10 years from the date of successful completion of the course. Such licence/permit may be reviewed, renewed or terminated at any time by the competent authority. Termination of a licence shall not entail any right for compensation, and

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

Such personnel may also be subject to random audits by officials of the competent authority.

(2) Only physical 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 physical 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.

Such persons 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/ Shipments of waste.

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.

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.

Persons owning equipment.

7. (1) Existing fixed equipment with a refrigerating fluid charge of more than 3 kilograms 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.

(2) New fixed equipment with a refrigerating fluid charge of more than 3 kilograms 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) hereof for registration purposes.

(3) Any person owning fixed equipment with a refrigerating fluid charge of more than 3 kilograms shall:

(a) have this equipment checked for leakages annually, 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 1st January to 31st December of the preceding year. The competent authority shall establish the format of this report, as a hard copy and an electronic version, in such manner that -

(a) each shipper shall communicate the following:

(i) type;

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

(iii) the date of shipment;

(iv) the country of origin;

(v) the country of destination;

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

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

(viii) any other details as may be required from time to time by the competent authority by notice in the Gazette, and

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

(i) type;

(ii) the name and serial number of the user;

(iii) quantities used;

(iv) the nature of the substance, differentiating between virgin, recovered and reclaimed;

(v) the nature of the use;

(vi) the quantities held in stock;

(vii) any quantities recovered recycled, reclaimed or destroyed;

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

Refrigeration
technicians.

10. (1) Before the 31st January of each year, refrigeration technicians shall communicate to the competent authority the information requested in sub-regulation 9(b) of these regulations, as a hard copy and an electronic version, together with the following:

(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) Every five years, refrigeration technicians shall send copies of their logbooks to the competent authority for review. These 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.

Retailers.

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 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. These 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 quantity,

(vi) the date of sale by type and quantity,

(vii) the nature of the use,

(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 3 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.

The retailer shall be responsible for keeping and reporting information related to any sales and, or transfer by whatever means of these substances and, or equipment until the point of sale, when this responsibility will devolve to the new physical or legal persons involved.

12. (1) All owners of fixed equipment with a refrigerating fluid charge of more than 3 kg, shall before the 31st January of each year, report the following, as a hard copy and an electronic version, for each specifically identified piece of equipment, for the period from 1st January to the 31st December of the previous year:

Equipment with a charge of more than 3 kg.

(a) all amounts of leakages detected,

(b) actions taken to eliminate such leakages,

(c) the quantity and nature of the substances involved,

(d) serial number of personnel involved in terms of paragraphs (a) and (b) 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) Every five years, all owners of fixed equipment with a refrigerating fluid charge of more than 3 kg shall send copies of their official logbooks to the competent authority for review. These 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.

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

13. Every year, before the 31st January, all entities involved in the recovery, recycling, reclamation and destruction of controlled substances shall communicate to the competent authority, data as specified below, as a hard copy and an electronic version, for each controlled substance in respect of the period 1 January to 31 December of the preceding year. They shall send copies of their logbooks to the competent authority for review. These 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. The log book must contain:

(a) the name and serial number of the entity,

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

(c) the 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.

14. All physical 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 regulation 5(2), shall, after the termination of each course cycle, provide, within five working days, as a hard copy and an electronic version, all the information related to the course as may be required by the Authority. This information is to include:

Instruction bodies.

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

(b) the commencement and termination dates of course,

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

(d) the nature of employment of the successful candidates,

(e) the registered business address of the successful candidates,

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

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.

(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 hereof, all shipments, imports and exports shall be subject to random checks by the

competent authority. All shippers, importers and exporters shall inform the competent authority about any upcoming shipment, import or export at least 15 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.

L.N. 1 of 1994.

(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 hereof 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 physical or legal persons involved.

Guidance documents.

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.

Offences.

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

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

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

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

(d) 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.

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

Penalties.

(a) on a first conviction to a fine (*multa*) of not less than one thousand two hundred euro (€1,200) but not exceeding two thousand three hundred euro (€2,300) and where applicable, the revocation of such person's licence and confiscation of vehicle or equipment used to commit the offence;

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than two thousand three hundred euro (€2,300), but not exceeding four thousand seven hundred euro (€4,700) 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 commit 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.

19. (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 license, 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.

Revokes L.N. 145 of
2007.

20. The Substances Depleting the Ozone Layer Regulations, 2007 are hereby revoked.

