

Abbozz ta' Liġi msejjah

ATT biex jistabilixxi qafas għal azzjoni dwar tibdil fil-klima f'Malta.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014bfuq Titolu fil-qosor.
Azzjoni dwar il-Klima.

2. F'dan l-Att kemm-il darba r-rabta tal-kliem ma teħtieġx Tifsir.
xort'ohra:

"bir" tfisser kull proċess jew attività li tneħhi l-gass serra, ajrusol jew prekursor tal-gass seraa jew ajrusol mill-atmosfera;

"emissjonijiet" tfisser ir-rilaxx ta' gassijiet serra u, jew, tal-prekursuri tagħhom fl-atmosfera fuq zona speċifika u fuq perjodu ta' żmien speċifikat;

"gassijiet serra" tfisser dawk il-kostitwenti ta' gass fl-atmosfera, kemm naturali u antropoġeïċi, li jassorbu jew jarmu radjazzjoni infraħamma; u għandhom jinkludu *inter alia*, il-gassijiet elenkati fl-iSkeda;

"ghejun" tfisser kull proċess jew attività li jirrilaxxa l-gass serra, ajrusols jew prekursor tal-gass serra jew ajrusol fl-atmosfera;

"Ministru" tfisser il-Ministru responsabbli għall-politika tad-Tibdil fil-Klima;

"riserva" tfisser komponent tas-sistema tal-klima, barra l-atmosfera, li għandha l-kapaċità li taħżen, takkumula jew tarmi gassijiet serra jew il-prekursuri tal-gassijiet serra;

"sistema tal-klima" tfisser it-totalità tal-atmosfera, l-idrosfera, il-biosfera u l-ġeosfera u l-interazzjonijiet ta' bejniethom.

"tibdil fil-klima" tfisser tibdil fil-klima li hija attribwita direttament jew indirettament għall-attività umana li tbiddel il-kompożizzjoni tal-atmosfera globali u li hi żieda għall-varjabilità naturali tal-klima osservata fuq perjodu ta' żmien kumparabbli;

"UNFCCC" tfisser il-Konvenzjoni Qafas dwar Tibdil fil-Klima tan-Nazzjonijiet Uniti li daħlet fis-seħh fil-21 ta' Marzu 1994;

Kap. 460. "l-Unjoni" u "l-Unjoni Ewropea" għandu jkollhom l-istess tifsura ta' "l-Unjoni Ewropea" kif hemm fl-Att dwar l-Unjoni Ewropea.

Objettiv. **3.** (1) L-Istat jagħraf illi t-tibdil fil-klima tad-Dinja u l-konsegwenzi ħżiena tiegħu huwa ta' thassib komuni għall-umanità.

(2) Dan l-Att jipprovdi għal azzjoni sabiex jikkontribwixxi għat-tnaqqis fit-tibdil il-klima bili jillimta l-emissjonijiet antropoġeniċi tal-gassijiet serra u jipproteġi u jtejjeb il-bjar u r-rizervi tal-gassijiet serra u sabiex jikkontribwixxi għall-prevenzjoni, l-evitar u t-tnaqqis, tal-impatti ħżiena tat-tibdil fil-klima u t-tnaqqis tal-vulnerabilità, it-tiżiħ tar-reżiljenza, u l-adattament, għall-effetti ħżiena tat-tibdil fil-klima.

Dmir ta' kull persuna li tiegħu azzjoni dwar il-klima.

4. Għandu jkun id-dmir ta' kull persuna flimkien mal-Gvern li ttiproteġi l-klima u tassisti fit-teħid ta' miżuri preventivi u rimedji għall-protezzjoni tal-klima.

Dmir u obbligi tal-Gvern.

5. (1) Għandu jkun id-dmir tal-Gvern li jipproteġi l-klima għall-ġenerazzjonijiet preżenti u futuri.

(2) Fit-twettieq tad-dmirjiet tiegħu skont is-subartikolu (1), il-Gvern għandu, *inter alia*:

(a) jiżviluppa, jagġorna perjodikament u jippublika inventarji nazzjonali tal-emissjonijiet antropoġeniċi minn sorsi u tneħħija mill-bjar tal-gassijiet serra sabiex jissorvelja l-progress lejn il-kisba tal-limitazzjoni ta' emissjoni kwantifikata jew l-impenji ta' tnaqqis skont it-trattati internazzjonali u l-

obbligi tiegħu bhala Stat Membru tal-Unjoni Ewropea;

(b) jifformula, jimplimenta, jippublika u jaġġorna l-politika fir-rigward tal-miżuri li jnaqqsu it-tibdil fil-klima billi jillimita, u, sa fejn hu possibbli, jnaqqas l-emmissjonijiet tal-gass serra antropoġeniċi minn għejun u billi jsahħah it-tnehhija ta' gassijiet serra permezz ta' bjar;

(c) jifformula, jimplimenta, jippublika u jaġġorna l-politika fir-rigward ta' miżuri sabiex jipprevjeni, jevita, inaqqas u jnaqqas il-vulnerabilità u jsahħah ir-reżiljenza tal-impatti ħżiena tat-tibdil fil-klima, u jiffacilita l-adattament għat-tibdil fil-klima;

(d) jippromwovi u jikkopera fl-iżvilupp, l-applikazzjoni u t-tixrid ta' teknoloġiji, prattiċi u proċessi li jikkontrollaw, inaqqas u jipprevjenu l-emmissjonijiet antropoġeniċi tal-gassijiet serra fl-oqsma kolha rilevanti, inkluż fl-oqsma tal-enerġija, trasport, industrija, agrikoltura, użu tal-art u forestrija u l-ġestjoni tal-iskart;

(e) jippromwovi l-ġestjoni sostenibbli ta' bjar u riservi ta' gassijiet serra inklużi l-ekosistemi terrestri, kostali u marittimi kollha u jippromwovi u jikkopera fil-konservazzjoni u tishih tal-bjar u riservi tal-gassijiet serra inklużi l-ekosistemi terrestri, kostali u marittimi kollha;

(f) jippromwovi u jikkopera f'riċerki xjentifiċi, tekonoġiċi, tekiniċi, soċjoekonomiċi u riċerki oħra, l-osservar sistematiku u l-iżvilupp tal-arkivji tad-*data* rrelatata mas-sistema tal-klima;

(g) jippromwovi u jikkopera fl-iskambju ta' informazzjoni xjentifika, teknoloġika, teknika, soċjoekonomika u legali rilevanti li għandha x'taqsam mas-sistema tal-klima u t-tibdil fil-klima, u l-konsegwenzi ekonomiċi u soċjali tal-istrategiji ta' rispons;

(h) jippromwovi u jikkopera fl-edukazzjoni, it-taħriġ u s-sensibilizzazzjoni pubblika fir-rigward tat-tibdil fil-klima.

(3) Il-Gvern għandu jiżgura illi l-politika, il-programmi u l-proġetti huma mfassla u valutati b'mod li jieħdu f'konsiderazzjoni t-tnaqqis ta', u l-adattament għal, tibdil fil-klima u li din il-politika, u dawn il-programmi u proġetti jikkontribwixxu għat-tnaqqis ta', u l-adattament għal, tibdil fil-klima.

(4) Il-Gvern għandu jiżgura li l-politika, il-programmi u l-proġetti huma, sa fejn hu possibli, mfassla b'mod li jiżguraw ir-reżiljenza għall-impatti tat-tibdil fil-klima.

(5) Il-Gvern għandu, fit-twettieq tad-dmirjiet u l-obbligi skont dan l-artikolu, jipparteċipa, jikkopera u jsostni l-partecipazzjoni f'attivitajiet u programmi internazzjonali u intergovernattivi relatati mal-azzjoni dwar il-klima rilevanti għar-reġjun tal-Mediterran, u għandu, kif xieraq, jipparteċipa, jikkopera u jsostni l-partecipazzjoni f'dawn l-attivitajiet.

Prinċipji li
jiggrawidaw l-
azzjoni dwar il-
klima.

6. (1) Il-Gvern għandu, fl-eżerċizzji tad-dmirjiet u l-obbligi tiegħu skont dan l-Att, jkun iggrawidat mill-prinċipji elenkati f'dan l-artikolu u dawn il-prinċipji għandhom jiġihaddmu fl-interpretazzjoni ta' dispożizzjonijiet oħra f'dan l-Att u kull regolament magħmul tahtu.

(2) Il-Gvern għandu, fit-twettieq tad-dmirijiet u l-obbligi tiegħu skont dan l-Att:

(a) jikkunsidra, sa fejn hu possibbli, it-tibdil fil-klima, fil-politika u l-azzjonijiet soċjali, ekonomiċi u ambjentali rilevanti;

(b) iqis l-obbligi u l-impenji tiegħu taht it-trattati internazzjonali u l-obbligi tiegħu bħala Stat Membru tal-Unjoni Ewropea;

(ċ) iqis iċ-ċirkostanzi ġeofiziċi, soċjali u ekonomiċi ta' Malta;

(d) jiżgura li l-azzjonijiet meħuda huma, sa fejn hu possibbli, bl-inqas spejjeż, iżda bl-użu tal-aħjar tekonoġiji disponibbli u l-aħjar prattiki kif xieraq għal Malta;

(e) jiżgura li tingħata konsiderazzjoni għall-aħjar informazzjoni xejntifika, tekonoġika, teknika u soċjoekonomika disponibbli;

(f) jiżgura li s-setturi kollha tas-soċjetà u l-ekonomija jipparteċipaw fl-azzjoni nazzjonali dwar il-klima, inkluż f'deċiżjonijiet rilevanti;

(g) jiżgura li it-tibdil fil-klima, l-ambjent u l-politika u l-miżuri tal-enerġija konvenzjonali u alternattiva huma mfassla, żviluppata, kkordinati u implimentati fl-aħjar interess tal-ambjent, l-ekonomija u l-obbligi internazzjonali u tal-Unjoni Ewropea;

(h) jiżgura li l-azzjoni li tittiehed dwar il-klima tirrispetta l-interessi tal-oqsma kolha tas-soċjetà, ma tkunx diskriminatorja u, fejn relevanti, tippromwovi l-ugwaljanza bejn is-sessi;

(i) jiżgura li *d-data* tingabar, tigi processata u interpretata fid-dawl ta' *data* relatata sabiex jintlaħqu b'mod generali l-obbligi internazzjonali u tal-Unjoni Ewropea f'żoni ohra;

(j) jirrispetta u, sa fejn hu possibbli, jissalvagwardja l-interessi tas-setturi vulnerabbli tas-soċjetà, inkluż billi jittiehdu azzjonijiet dwar il-klima li jsostnu l-qerda tal-faqar;

(k) jiżgura li l-azzjoni li tittiehed dwar il-klima tippromwovi u saħħaħ l-kompetittività tal-ekonomija ta' Malta;

(l) jiżgura, sa fejn hu possibbli, li ma jeżisiti l-ebda kunflitt bejn il-politika u l-miżuri adottati fir-rigward tal-azzjoni dwar il-klima u l-politika u miżuri ohra;

(m) jiżgura li jittiehdu miżuri ta' prekawzjoni sabiex jantiċipaw, jipprevjenu jew jimminimizzaw il-kawżi tat-tibdil fil-klima u jnaqqsu l-effetti ħziena ta' dak it-tibdil u fejn hemm theddid ta' dannu serju jew irriversibbli, in-nuqqas ta' ċertezza xjentifika sħiħa m'għandux ikun raġuni għall-posponiment ta' dawk il-miżuri;

(n) jiżgura li l-azzjoni li tittiehed dwar il-klima tikkontribwixxi għal żvilupp sostenibbli;

(o) jiżgura li, fejn relevanti, kull impatt ta' benefiċċju mit-tibdil fil-klima jigi wżat għall-benefiċċju tas-soċjetà, l-ekonomija u l-ambjent, sa fejn dawn l-impatti ta' benefiċċju jistgħu inaqqsu l-vulnerabbiltà u jsaħħu r-reżiljenza tal-impatti ħziena l-ohra mit-tibdil fil-klima; u

(p) jiżgura li, qabel ma tittiehed xi deċiżjoni, il-konsegwenzi kollha tal-eżitu ta' dik id-deċiżjoni matul iċ-ċiklu kollu tal-ħajja ta' dak l-eżitu jittiehdu f'konsiderazzjoni.

7. (1) Il-Ministru għandu, b'konsultazzjoni ma' kull Ministru ieħor kompetenti li jkun mġarraf bil-materja, jipprepara strateġija nazzjonali ta' żvilupp b'emissjonijiet baxxi ta' karbonju li tikkontribwixxi għal:

Strateġija nazzjonali ta' żvilupp b'emissjonijiet baxxi ta' karbonju.

(a) il-monitoraġġ trasparenti u preċiż tal-progress attwali u proġettat magħmul mill-Gvern fi twettieq tal-obbligi

tiegħu taht il-UNFCCC sabiex jillimita u jnaqqas l-emissjonijiet antropoġeniċi tal-gassijiet serra;

(b) jissodisfa l-impenji tal-Gvern bħala Stat Membru tal-Unjoni Ewropea għat-tnaqqis tal-emissjonijiet tal-gassijiet serra; u

(ċ) jilhaq il-miri ta' tnaqqis tal-emissjonijiet fit-tul u t-tishih tat-tnehhija tal-bjar fis-setturi kollha.

(2) Il-Ministru għandu jiżgura li l-istrateġija nazzjonali ta' żvilupp b'emissjonijiet baxxi ta' karbonju tiġi riveduta u aġġornata perjodikament, u tal-inqas kull erba' snin.

(3) Il-Ministru għandu jagħmel disponibbli għall-pubbliku l-istrateġija nazzjonali ta' żvilupp b'emissjonijiet baxxi ta' karbonju u kull aġġornament tagħha.

Strateġija ta' adattament nazzjonali.

8. (1) Il-Ministru għandu, b'konsultazzjoni ma' kull Ministru ieħor rilevanti, kompetenti li jkun mgħarraf bil-materja, jipprepara strateġija ta' adattament nazzjonali, li tikkontribwixxi għal:

(a) il-prevenzjoni, l-evitar, jew it-tnaqqis tal-effetti ħziena tat-tibdil fil-klima, u sabiex jiffacilita l-adattament għat-tibdil fil-klima;

(b) il-monitoraġġ trasparenti tal-progress imwettaq mill-Gvern fit-tnaqqis tal-vulnerabbiltà, u t-tishih tar-reziljenza tal-impatti ħziena tat-tibdil fil-klima.

(2) L-istrateġija tal-addattament nazzjonali għandha wkoll tinkludi informazzjoni fuq it-tibdil fil-klima sa fejn dan għandu x'jaqsam ma' Malta u fuq impatti attwali u proġettati tat-tibdil fil-klima f'Malta.

(3) Il-Ministru għandu jiżgura li l-istrateġija nazzjonali ta' adattament tiġi riveduta u aġġornata perjodikament, u mill-inqas kull erba' snin.

(4) Il-Ministru għandu jagħmel disponibbli għall-pubbliku l-istrateġija tal-addattament nazzjonali u kull aġġornament tagħha.

Rapporti għandhom jitressqu quddiem il-Kamra tad-Deputati.

9. (1) Il-Ministru għandu jqiegħed fuq il-Mejda tal-Kamra tad-Deputati l-iStrateġija Nazzjonali ta' Żvilupp b'Emissjonijiet Baxxi ta' Karbonju u l-iStrateġija tal-Adattament Nazzjonali u l-aġġornamenti tagħhom, għall-inqas darba kull erba' snin.

(2) Il-Ministru jista' kull sena jirrapporta lill-Kamra tad-Deputati dwar l-progress registrat fit-twettieq tal-miri mwaqqfa mill-istrateġija ta' żvilupp b'emissjonijiet baxxi ta' karbonju u l-istrateġija tal-adattament nazzjonali.

10. (1) Għandu jkun hemm Bord, li jkun magħruf bħala l-Bord tal-Azzjoni dwar il-Klima, hawn iżjed 'il quddiem imsejjaħ "il-Bord", li jkun mahtur mill-Ministru u li jkun magħm ul minn dawn li ġejjin:

Il-Bord tal-Azzjoni dwar il-Klima.

(a) chairperson mahtur mill-Ministru;

(b) *vice-chairperson* mahtur mill-Prim Ministru;

(c) membru li jirrapprezenta kull wiehed mill-Ministri responsabbli għall-Finanzi, l-Ekonomija, l-Energija, u t-Trasport;

(d) membru li jirrapprezenta kull Ministru ieħor li jista', fl-opinjoni tal-Ministru, ikkun mehtieg għall-għanijiet ta' dan l-Att:

Izda l-Ministru jista' jhalli l-Bord jahtar kull espert jew grupp ta' esperti ulterjuri sabiex jassistih fit-twettieq tal-funzjonijiet tiegħu kif jista' jkun mehtieg.

(2) Il-Ministru għandu jahtar persuna biex ikun Segretarju tal-Bord.

(3) *Ic-Chairperson*, il-membri l-oħra tal-Bord u s-Segretarju tal-Bord għandhom iżommu l-kariga għal perjodu ta' tliet snin, izda l-membri mahtura jistgħu jerggħu jiġu mahtura fl-iskadenza tat-terminu tal-kariga tagħhom:

Izda jekk membru jinħatar f'xi żmien wara li l-membri l-oħra jkunu ġew mahtura, it-terminu tal-ħatra tiegħu jispiċċa fl-istess data tal-membri l-oħra.

(4) Persuna ma tikkwalifikax sabiex tkun membru tal-Bord, jekk dik il-persuna -

(a) tkun legalment inabilitata; jew

(b) giet dikjarata falluta jew għamlet kompożizzjoni jew arrangament mal-kredituri tagħha; jew

(c) instabet ħatja ta' reat li jaffettwa l-fiduċja pubblika jew serq jew frodi jew xjentement irċeviet proprjetà miksuba

permezz ta' serq jew frodi, jew kwalunkwe reat ieħor kontra dan l-Att; jew

(d) għandha interess finanzjarju jew xi interess ieħor f'xi intrapriża jew attività li tista' taffettwa t-twertieq tal-funzjonijiet bħala membru tal-Bord.

(5) Kull membru tal-Bord li għandu xi interess dirett jew indirett li għandu x'jaqsam ma' xi funzjoni partikolari tal-Bord, li ma jkunx interess li jiskwalifika lil tali membru milli jibqa' membru, għandu jiżvela n-natura tal-interess fl-ewwel laqgħa tal-Bord wara li l-fatti rilevanti jkunu fl-għarfien ta' dak il-membri; dan l-iżvelar għandu jitnizzel fil-minuti tal-laqgħa, u l-membri li għandu l-interess kif imsemmi hawn qabel għandu jirtira minn kull laqgħa li fiha tkun qed tiġi diskussa dik il-materja inkwistjoni. Kull iżvelar għandu jiġi kkomunikat lill-Ministru mingħajr dewmien. Meta l-interess tal-membri huwa tali li jiskwalifika l-membri milli jibqa' membru, huwa għandu jirrapporta l-fatt minnufih lill-Ministru u jagħti r-riżenja tiegħu.

(6) Il-ħatra ta' xi persuna bħala membru tal-Bord u t-temm tal-kariga jew ir-riżenja ta' dik il-persuna, kif ukoll iż-żieda ta' xi funzjonijiet mogħtija lill-Bord mill-Ministru għandhom jiġu notifikati fil-Gazzetta, u għandu jkollhom effett minnufih:

Iżda n-nuqqas ta' pubblikazzjoni ta' ħatra jew tat-temm tal-kariga, skont il-każ, m'għandu jkollu ebda effett fuq il-validità ta' dik il-ħatra jew dak it-temm.

Funzjonijiet tal-Bord tal-Azzjoni dwar il-Klima.

11. (1) Il-Bord għandu jkollu dawk il-funzjonijiet kif stabbiliti f'dan l-Att u dawk il-funzjonijiet l-oħra kif jistgħu jiddevolu fuqu skont kull liġi oħra, jew skont kif jistgħu jiġu assenjati lil mill-Ministru skont dan l-Att.

(2) Għandha tkun il-funzjoni tal-Bord:

(a) li jissorvelja l-implimentazzjoni ta' dan l-Att u, jew ta' kull regolament magħmul taħtu;

(b) li jwettaq monitoraġġ dwar li Malta tkun konformi mal-obbligi tagħha skont il-UNFCCC u l-obbligi tagħha bħala Stat Membru tal-Unjoni Ewropea;

(c) li jagħti pariri lill-Ministru fuq l-implimentazzjoni ta' dan l-Att u, jew kull regolament magħmul taħtu u, jew kull obbligu internazzjonali li jirrigwarda l-azzjoni dwar il-klima li l-Gvern jista' jkun marbut li josserva u, jew kull obbligu li jirrigwarda l-azzjoni dwar il-klima li l-Gvern jista' jkun marbut

biha bħala Stat Membru tal-Unjoni Ewropea;

(d) li jissorvelja li l-Gvern qed jaderixxi mal-istrateġija nazzjonali ta' żvilupp b'emissjonijiet baxxi ta' karbonju, l-istrateġija nazzjonali ta' adattament u kull strateġija jew politika oħra li l-Ministru jista' johrog skont it-termini ta' dan l-Att jew kull regolament magħmul taħtu;

(e) li jagħmel rakomandazzjonijiet lill-Ministru fuq kull materja li għandha x'taqsam ma' dan l-Att jew kull regolament magħmul taħtu jew kull materja li għandha x'taqsam mal-azzjoni dwar il-klima;

(f) li jwettaq dawk il-funzjonijiet l-oħra kif jistgħu jiġu assenjati lil mill-Ministru.

12. (1) Il-Ministru jista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti sabiex jagħti effett lil kull waħda mid-dispożizzjonijiet ta' dan l-Att, jew sabiex jirregola jew xort'oħra jipprovi dwar kull materja fir-rigward tal-funzjonijiet u tal-attivitajiet li jaffettjaw l-azzjoni dwar il-klima skont dan l-Att. Setgħa li jsiru regolamenti.

(2) Il-Ministru jista', waqt li jagħxi skont id-dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti għat-twertieq aħjar tad-dispożizzjonijiet ta' dan l-Att u jista' jahtar kull persuna jew organu sabiex ikunu l-awtorità nominata għall-għanijiet tal-eżercizzju ta' kull dmir jew obbligu li l-Gvern għandu taħt dan l-Att.

(3) Mingħajr ħsara għall-generalità tad-dispożizzjonijiet ta' subartikoli (1) u (2), dawn ir-regolamenti jistgħu b'mod partikolari:

(a) jippreskrivu l-ħlasijiet u miżati li jistgħu jiġu imposti mill-Gvern għal servizzi mogħtija minnu skont dan l-Att, jew fir-rigward ta' xi materja li għaliha huwa kkunsidrat li għandha tithallas miżata;

(b) jippreskrivu miżuri li jnaqqsu t-tibdil fil-klima;

(c) jippreskrivu miżuri li jipprevjenu, jevitaw, inaqqsu, u jirriduċu l-vulnerabilità ta', u isaħħu r-reżiljenza kontra, l-impatti ħżiena tat-tibdil fil-klima u sabiex wiehed jaddatta ruħu għat-tibdil fil-klima;

(d) jippreskrivu miżuri għall-governanza tajba ta' miżuri għat-tnaqqis ta' u l-adattament għall-klima;

(e) jagħtu effett lil kull trattat jew strument internazzjonali, inkluż direttivi, regolamenti u deċizzjonijiet li

għandhom x'jaqsmu ma' kull materja regolata b'dan l-Att li fihom Malta tista' tkun parti jew minn żmien għal żmien suġġetta u sabiex jitwaqqfu strutturi u jsiru dispożizzjonijiet oħra għall-implimentazzjoni tagħhom;

(f) jipprovdu għall-ġabra, l-iproċessar, l-ipparagunar u l-interpretazzjoni tad-*data* li għandha x'taqsam mal-azzjoni dwar il-klima fid-dawl tad-*data* li tirrigwarda l-ekonomija lokali u l-obbligi internazzjonali u tal-Unjoni Ewropea u sabiex jipprovdu li daww il-persuni li jwettqu daww l-attivitajiet li jistgħu jaffettwaw il-klima kif jista' jiġi preskritt, jagħtu dik l-informazzjoni u *data* lill-Gvern fuq bażi regolari jew bażi oħra kif jista' jiġi preskritt sabiex il-Gvern jieħu l-azzjoni neċessarja biex jarmonizza l-politika u l-miżuri lokali sabiex jikkontribwixxi għat-tnaqqis tga' effetti hżiena ta' u l-addattament għall-klima;

(g) jippreskrivu prattiċi li jintużaw għall-monitoraġġ tat-tibdil fil-klima;

(h) jipprovdu li kull persuna li taġixxi bi ksur ta' xi regolament magħmul skont dan l-Att tkun haġta ta' reat kontra dan l-artikolu, u jistabbilixxu penali, li ma tkunx oġhla minn multa ta' mitejn u tlieta u tletin elf euro (€233,000) jew priġunerija għal perjodu li ma jaqbiżx -sentejn, jew dik il-multa u priġunerija flimkien, li persuna li tinstab haġta tista' tehel:

Iżda dik il-multa għandha fil-każijiet kollha tkun dovuta lill-Gvern bhala dejn ċivili, u fejn il-persuna haġta tar-reat tkun direttur, segretarju jew xi uffiċjal prinċipali ieġor ta' korp ġuridiku, li għall-benefiċċju ekonomiku tiegħu jkun twettaq ir-reat, dan il-korp ġuridiku għandu jinstab haġti *in solidum* mal-haġti għall-hlas tal-imsemmi dejn ċivili.

Proċedura
sabiex isiru
regolamenti.

13. (1) Regolamenti taħt l-artikolu 12 m'għandhomx isiru sakemm il-Ministru ma jkunx l-ewwel ippubblika abbozz tagħhom fil-Gazzetta li jippermetti lil kull persuna f'perjodu ta' mill-anqas erba' (4) ġimgħat sabiex tagħmel sottomissjonijiet lill-Ministru.

(2) Il-Ministru għandu jikkunsidra kull sottomissjoni magħmula skont is-subartikolu (1) u jista' jipproċedi għar-revizjoni tar-regolamenti abbozzati u għall-promulgazzjoni ta' daww ir-regolamenti skont dik ir-revizjoni, jew jemenda kull regolament li jkun diġà ġie ppromulgat.

(3) Meta l-Ministru jagħmel regolamenti li jirrigwardaw il-proċedura quddiem xi bord, kummissjoni jew xi korp ieħor stabbilit

skont dan l-Att, huwa għandu jikkonsulta wkoll ma' dak il-bord, kummissjoni jew korp.

14. (1) Mingħajr ħsara għas-setgħat tiegħu skont id-dispożizzjonijiet ta' dan l-Att, il-Ministru jista' jordna lil kull persuna jew kull dipartiment, aġenzija, korporazzjoni jew awtorità stabbilita bil-liġi sabiex twettaq kull funzjoni jew dmir skont it-termini ta' dan l-Att jew ta' kull regolament magħmul skont it-termini ta' dan l-Att, u, jew sabiex tiżgura l-implimentazzjoni xierqa ta' dan l-Att jew ta' kull regolament magħmul skont it-termini ta' dan l-Att, u l-Ministru jista' permezz ta' regolamenti jippreskrivi u jirregola l-proċeduri u l-metodi li għandhom jiġu adottati minn dik il-persuna, dipartiment, aġenzija, korporazzjoni jew awtorità fit-tweqqieg tal-funzjonijiet tagħhom.

Setgħa ta' delega.

(2) Il-Ministru jista', minn żmien għal żmien, jagħti lil xi waħda jew aktar mill-entitajiet jew lil xi uffiċjal jew impjegat tagħhom dawk id-direttivi jew ordnijiet, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, kif il-Ministru jista' jqis bħala xierqa fir-rigward tal-politika li għandha tiġi segwita minnhom u għat-tweqqieg u l-implimentazzjoni tal-funzjonijiet tagħhom, u dwar kull materja oħra li l-Ministru jidhirlu li hi konnessa mal-azzjoni dwar il-klima, u l-entità, uffiċjal jew impjegat kkonċernat għandhom, sa fejn hu possibbli, mingħajr dewmien josservaw u jaġixxu skont dawn id-direttivi u ordnijiet u għandhom iwettqu l-funzjonijiet tagħhom skont dawn il-prinċipji.

(3) Kull entità għandha tagħti lill-Ministru l-facilitajiet kollha meħtieġa sabiex ikun jista' jikseb l-informazzjoni kollha li għandha x'taqsam mal-affarijiet tagħhom u l-attivitajiet ta' entità, uffiċjal jew impjegat, u għal dan il-għan huma għnadhom jagħtu lill-Ministru l-prospetti u l-kontijiet u kull informazzjoni oħra li għandha x'taqsam ma' dan, jew mal-funzjonijiet tagħhom, u jagħtuh il-facilitajiet kollha meħtieġa għall-awditjar tal-informazzjoni kollha mogħtija, b'dak il-mod u f'dawn iż-żminijiet li l-Ministru jista' raġonevolment jeħtieġ.

(4) Il-Prim Ministru jista', permezz tar-regolamenti magħmula b'konsultazzjoni mal-Ministru, jiddelega kull waħda mill-funzjonijiet tal-Ministru taħt dan l-Att jew taħt xi regolament magħmul taħt it-termini ta' dan l-Att lil xi Ministru ieħor.

15. (1) Mingħajr ħsara għal kull dispożizzjoni oħra ta' dan l-Att il-Ministru jista' jagħmel regolamenti li jippreskrivu penali għal reati kontra xi regolamenti magħmula taħt dan l-Att, u dawn ir-regolament jistgħu:

Setgħa tal-Ministru li jagħmel regolamenti fir-rigward ta' reati u multi amministrattivi.

(a) jippreskrivu prigunerija li ma tabiżx l-erba' snin u

multi differenti li ma jaqbzux il-miljun euro (€1,000,000) għal reati differenti;

(b) jippreskrivu multi kalkulati skont kemm idum it-twertieq tar-reat, li ma jaqbzux hamsin elf euro (€50,000) għal kull ġurnata li fiha jissokta r-reat.

(2) Mingħajr hsara għal kull dispożizzjoni oħra ta' dan l-Att, il-Ministru jista' jagħmel regolamenti li jippermettu lil xi persuna jew xi dipartiment, aġenzija, korporazzjoni jew awtorità jimponu multi amministrattivi li ma jaqbzux miljun euro (€1,000,000) jew pieni oħra fuq kull persuna, dipartiment, aġenzija, korporazzjoni jew awtorità li tikser xi dispożizzjoni ta' dan l-Att jew ta' xi regolamenti jew direttivi magħmulin tahtu u li jipprovdu għall-proċedura dwar l-impożizzjoni u eżekuzzjoni ta' dawk il-multi, liema proċeduri jistgħu jkun fihom dispożizzjonijiet li l-effett tagħhom ikun li dawk il-multi jikkostitwixxu titolu eżekuttiv għall-effetti u l-għanijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

Fond tal-Azzjoni dwar il-Klima.

16. (1) Il-Ministru, b'konsultazzjoni mal-Ministru responsabbli għall-Finanzji, jista' b'Ordni jistabilixxi u jzomm fis-seħħ Fond tal-Azzjoni dwar il-Klima.

(2) Il-Fond tal-Azzjoni dwar il-Klima għandu jkun finanzjat minn:

(a) dħul li jingabar lill-Gvern mill-partecipazzjoni tiegħu fi u fl-implimentazzjoni ta' miżuri bbażati fuq is-suq relatati mal-azzjoni dwar il-klima adottati skont trattati internazzjonali jew il-legislazzjoni tal-Unjoni Ewropea, inkluż *inter alia*, mill-irkant ta' *allowances* taht id-Direttiva 2003/87/KE kif minn żmien għal żmien emendata jew mibdula;

(b) dħul ġġenerat mill-Gvern permezz tal-implimentazzjoni ta' miżuri nazzjonali li għandhom x'jaqsmu mat-tnaqqis jew il-limitazzjoni tal-emissjonijiet tal-gassijiet serra;

(ċ) kull donazzjoni jew għotja magħmula lill-Fond minn individiwi jew istituzzjonijiet;

(d) kull somma approprijata mill-Parlament għal dan il-għan;

(e) kull somma jew flejjes li jistgħu, minn żmien għal żmien, jiġu provduti minn jew taht dan l-Att jew kull liġi oħra.

(3) Il-Fond tal-Azzjoni dwar il-Klima għandu jigi amministrat minn bord kompost minn *chairperson* appuntant mill-Ministru u żewġ membri oħra, membru wiehed mahtur mill-Ministru responsabbli għall-Finanzi, u membru ieħor mahtur minn fost persuni li għandhom għarfien f'materji dwar tibdil fil-klima.

(4) Il-Fond tal-Azzjoni dwar il-Klima għandu jkollu personalità ġuridika indipendenti u distinta minn dik tal-Gvern u għandu jkollu l-fakultà li jidhol f'kuntratti u jakkwista jew jittrasferixxi proprjetà u jaġmel dawk l-affarijiet kollha neċessarji, jew anċillari, għall-funzjonijiet tiegħu.

(5) Il-membri tal-bord msemmi fis-subartikolu (3) għandhom iżommu l-kariga tagħhom għal perjodu ta' tlett (3) snin u fl-iskadenza tat-termini tagħhom għandhom ikunu elġibbli għal haħtra mill-ġdid.

(6) Id-dhul li jingabar skont is-subartikolu (2) għandu jigi applikat:

(a) għat-twertieq tal-obbligi kif stabbiliti f'dan l-Att u fir-regolamenti magħmula tahtu;

(b) għat-twertieq tal-obbligi u tal-impenji ta-Gvern stabbiliti mill-UNFCCC u mill-leġislazzjoni tal-Unjoni Ewropea;

(ċ) il-forniment ta' sostenn finanzjarji għal, u l-promozzjoni, l-iffaċilitar u l-finanzjament tat-trasferiment ta', u l-aċċess għal, tekonoġiji favur l-ambejnt u għarfien jew kapaċità għal pajjiżi li qed jiżviluppaw, skont l-obbligi u l-impenji tal-Gven taht trattati internazzjonali.

(7) Il-bord imsemmi fis-subartikolu (3) għandu jzomm reġistru xieraq tad-dhul u l-ispejjeż tiegħu u l-Ministru għandu, mingħajr hsara għas-setgħat tal-Awditur Ġenerali u tal-Ministru responsabbli għall-Finanzi taht kwalunkwe liġi, kull sena jordna li l-kontijiet tal-fond jigu awditjati minn awditur pubbliku kwalifikat u *accountants* mahtura bl-approvazzjoni tal-Ministru.

(8) Il-bord imsemmi fis-subartikolu (3) għandu f'kull sena finanzjarja jaġhti kopja lill-Ministru tal-karta tal-bilanċ debitament verifikata flimkien ma' rapport tal-attivitajiet tiegħu matul is-sena finanzjarja preċedenti. Il-Ministru għandu jqiegħed kopja tal-karta tal-bilanċ u r-rapport fuq il-mejda tal-Kamra tad-Deputati.

(9) Il-Ministru jista', flimkien mal-Ministru responsabbli għall-Finanzi, jaġmel regolamenti li jippreskrivu l-proċeduri li

għandhom jiġu segwiti mill-bord imsemmi fis-subartikolu (3) u li xort'oħra jirregolaw il-fond. Il-Ministru jista' permezz ta' dawn ir-regolamenti b'mod partikolari jippreskrivi dawk il-funzjonijiet, attivitajiet u inizjattivi li jistgħu jew għandhom jiġi ffinanzjati mill-fond.

Kap. 123. (10) Id-dhul tal-Fond tal-Azzjoni dwar il-Klima m'għandhux ikun suġġett għal taxxa taħt Att dwar it-Taxxa fuq l-*Income*.

SKEDA

(Artikolu 2)

Gassijiet serra jinkludu:

- (a) Diossidu ta-karbonju (CO₂)
- (b) Metanu (CH₄)
- (c) Ossidu Nitruż (N₂O)
- (d) Idro fluorokarburi HFCs
- (e) Per fluorokarburi PFCs
- (f) Essafluworu tal-sulfat (SF₆)
- (g) Trifluoru tan-Nitroġenu (NF₃)

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi huwa sabiex jistabbilixxi qafas legali u amministrattiv għal Azzjoni dwar il-Klima f'Malta.

**A Bill
entitled**

AN ACT to establish a framework for climate action in Malta.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Climate Action Act, 2014. Short title.
2. In this Act unless the contents otherwise requires: Interpretation.

"climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;

"climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions;

"emissions" means the release of greenhouse gases and, or, their precursors into the atmosphere over a specified area and period of time;

"greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation; and shall include, *inter alia*, the gases listed in the Schedule;

"Minister" means the Minister responsible for Climate Change policy;

"reservoir" means a component of the climate system, other than the atmosphere, which has the capacity to store, accumulate or release a greenhouse gas or a precursor of a greenhouse gas;

"sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas or aerosol from the atmosphere;

"source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas or aerosol into the atmosphere;

"UNFCCC" means the United Nations Framework Convention on Climate Change which entered into force on 21st March 1994;

Cap. 460. "Union" and "European Union" shall have the same meaning of "the European Union" as in the European Union Act.

Objective. **3.** (1) The State acknowledges that change in Earth's climate and its adverse effects are a common concern of humankind.

(2) This Act provides for action in order to contribute to the mitigation of climate change by limiting anthropogenic emissions of greenhouse gases and protecting and enhancing greenhouse gas sinks and reservoirs, and to contribute to the prevention, avoidance and reduction of the adverse impacts of climate change and the reduction of vulnerability, enhancement of resilience, and adaptation to the adverse effects of climate change.

Duty of every person to take climate action. **4.** It shall be the duty of every person together with the Government to protect the climate and to assist in the taking of preventive and remedial measures to protect the climate.

Duty and obligations of Government. **5.** (1) It shall be the duty of the Government to protect the climate for the present and future generations.

(2) In fulfilling its duties pursuant to sub-article (1), the Government shall, *inter alia*:

(a) develop, periodically update and publish national inventories of anthropogenic emissions by sources and removals by sinks of greenhouse gases in order to monitor progress towards achieving its quantified emission limitation or reduction commitments pursuant to international treaties and its obligations as a Member State of the European Union;

(b) formulate, implement, publish and update policies regarding measures to mitigate climate change by limiting, and, to the extent possible, reducing anthropogenic greenhouse gas emissions by sources, and by enhancing removals of greenhouse gases by sinks;

(c) formulate, implement, publish and update policies regarding measures to prevent, avoid, reduce, and reduce vulnerability and enhance resilience to the adverse impacts of climate change, and to facilitate adaptation to climate change;

(d) promote and cooperate in the development, application and diffusion of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases in all relevant sectors, including the energy, transport, industry, agriculture, land-use and forestry, and waste management sectors;

(e) promote sustainable management of sinks and reservoirs of greenhouse gases including all terrestrial, coastal and marine ecosystems and promote and cooperate in the conservation and enhancement of sinks and reservoirs of greenhouse gases including all terrestrial, coastal and marine ecosystems;

(f) promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system;

(g) promote and cooperate in the exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of response strategies;

(h) promote and cooperate in education, training and public awareness related to climate change.

(3) The Government shall ensure that policies, programmes and projects are designed and evaluated in a manner that takes into consideration mitigation of, and adaptation to, climate change and that such policies, programmes and projects contribute to the mitigation of, and adaptation to, climate change.

(4) The Government shall ensure that policies, programmes and projects are, to the extent possible, designed in a manner that

ensures resilience to the impacts of climate change.

(5) The Government shall, in fulfilling its duties and obligations under this article, participate, cooperate and support participation in, international and intergovernmental activities and programmes related to climate action, as appropriate. In particular, the Government shall promote activities that relate to climate action relevant to the Mediterranean region, and shall, as appropriate, participate, cooperate and support participation in such activities.

Guiding
principles of
climate action.

6. (1) The Government shall, in exercising its duties and obligations under this Act, be guided by the principles listed in this article and these principles shall be employed in the interpretation of the other provisions of this Act and any regulations made thereunder.

(2) The Government shall, in fulfilling its duties and obligations under this Act:

(a) take climate change considerations into account, to the extent possible, in relevant social, economic and environmental policies and actions;

(b) take into account its obligations and commitments pursuant to international treaties and its obligations as a Member State of the European Union;

(c) take into account the geophysical, social and economic circumstances of Malta;

(d) ensure that actions taken are, to the extent possible, the most cost-effective, using best available technologies and best practices as appropriate to Malta;

(e) ensure that it takes into account the best available scientific, technological, technical and socio-economic information;

(f) ensure that all sectors of society and the economy participate in national climate action, including in relevant decisions;

(g) ensure that climate change, environment, conventional and alternative energy policies and measures are designed, developed, coordinated and implemented in the best interests of the environment, the economy, international and European Union obligations;

(h) ensure that climate action taken respects the

interests of all sections of society, is non-discriminatory and, where relevant, promotes gender equality;

(i) ensure that data is collected, processed and interpreted in cognisance of data related to achieving overall international and European Union obligations in other areas;

(j) respect and, to the extent possible, safeguard the interests of vulnerable sectors of society, including by taking climate actions that support the eradication of poverty;

(k) ensure that climate action taken should promote and enhance the competitiveness of Malta's economy;

(l) ensure, to the extent possible, that no conflict exists between policies and measures adopted in respect of climate action and other policies and measures;

(m) ensure that it takes precautionary measures to anticipate, prevent or minimize the causes of climate change and to mitigate its adverse effects and that where there are threats of serious or irreversible damage, the lack of full scientific certainty should not be a reason for postponing such measures;

(n) ensure that climate action taken contributes to sustainable development;

(o) ensure that, where relevant, any beneficial impacts of climate change are harnessed to the benefit of society, the economy and the environment, to the extent that such beneficial impacts can reduce vulnerability and enhance resilience to other adverse impacts of climate change; and

(p) ensure that, prior to taking any decision, all the consequences of the outcome of that decision throughout the whole life cycle of that outcome are taken into consideration.

7. (1) The Minister shall, in consultation with any other Minister competent to take cognisance of the matter, prepare a national low-carbon development strategy to contribute to:

National low-carbon development strategy.

(a) the transparent and accurate monitoring of the actual and projected progress made by the Government in fulfilling its obligations under the UNFCCC to limit or reduce anthropogenic greenhouse gas emissions;

(b) meeting the greenhouse gas emission reduction

commitments of the Government as a Member State of the European Union; and

(c) achieving long-term emission reductions and enhancements of removals by sinks in all sectors.

(2) The Minister shall ensure that the national low-carbon development strategy is reviewed and updated periodically, and at least every four years.

(3) The Minister shall make available to the public the national low-carbon development strategy and any updates thereof.

National
adaptation
strategy

8. (1) The Minister shall, in consultation with any other Minister competent to take cognizance of the matter, prepare a national adaptation strategy, to contribute to:

(a) the prevention, avoidance, and reduction of the adverse effects of climate change, and to facilitate adaptation to climate change;

(b) the transparent monitoring of progress made by the Government in reducing vulnerability and enhancing resilience to the adverse impacts of climate change.

(2) The national adaptation strategy shall also include information on climate change in so far as it relates to Malta and on actual and projected impacts of climate change on Malta.

(3) The Minister shall ensure that the national adaptation strategy is reviewed and updated periodically, and at least every four years.

(4) The Minister shall make available to the public the national adaptation strategy and any updates thereof.

Reports to be
laid before the
House of
Representatives.

9. (1) The Minister shall lay on the Table of the House of Representatives, the National Low-carbon Development Strategy and the National Adaptation Strategy and their updates, at least once every four years.

(2) The Minister may every year report to the House of Representatives the progress registered in meeting the targets set by the low-carbon development strategy and the national adaptation strategy.

Climate Action
Board.

10. (1) There shall be a board, to be known as the Climate Action Board, hereinafter referred to as "the Board", which shall be

appointed by the Minister and which shall consist of the following:

- (a) a chairperson appointed by the Minister;
- (b) a deputy chairperson nominated by the Prime Minister;
- (c) a member representing each of the Ministers responsible for Finance, the Economy, Energy, and Transport;
- (d) a member representing any other Minister as may, in the opinion of the Minister, be required for the purpose of this Act:

Provided that the Minister may allow the Board to appoint any further expert or group of experts to assist it in the performance of its functions as may be necessary.

(2) The Minister shall appoint a person to be the Secretary of the Board.

(3) The Chairperson, the other members of the Board and the Secretary of the Board shall hold office for a period of three years, but the members so appointed may be re-appointed on the expiration of their term of office:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such other member shall end on the same date as that of the other members.

(4) A person shall not be qualified to hold office as a member of the Board, if the person -

- (a) is legally incapacitated; or
- (b) has been declared bankrupt or has made a composition or arrangement with his creditors; or
- (c) has been convicted of a crime affecting public trust or theft or fraud or knowingly receiving property obtained by theft or fraud, or of any offence against this Act; or
- (d) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of the functions as a member of the Board.

(5) Any member of the Board who has any direct or indirect

interest relating to any particular function of the Board, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of the interest at the first meeting of the Board after the relevant facts have come to that member's knowledge; such disclosure shall then be recorded in the minutes of the meeting, and the member having an interest as aforesaid shall withdraw from any meetings at which such matter is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify that member from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

(6) The appointment of any person as a member of the Board and the termination of office or resignation of any such person, as well as any additional functions assigned to the Board by the Minister, shall be notified in the Gazette, and it shall have effect forthwith:

Provided that failure to publish the appointment or termination of office, as the case may be, shall have no effect on the validity of such appointment or termination.

Functions of the
Climate Action
Board.

11. (1) The Board shall have such functions as are set out in this Act and such other functions as may devolve upon it under any other law, or as may be assigned to it by the Minister under this Act.

(2) It shall be the function of the Board:

(a) to supervise the implementation of this Act and, or any regulations made thereunder;

(b) to monitor that Malta is in fulfilment of its obligations under the UNFCCC and its obligations as a Member State of the European Union;

(c) to advise the Minister on the implementation of this Act and, or any regulations made thereunder and, or any international obligations relating to climate action which the Government may be bound to observe and, or any obligation relating to climate action which the Government may be bound to observe as a Member State of the European Union;

(d) to supervise that Government is adhering to the national low-carbon development strategy, the national adaptation strategy and any other strategy or policy which the Minister may issue in terms of this Act or any regulations made thereunder;

(e) to make recommendations to the Minister on any matter relating to this Act or any regulations made thereunder or on any matter relating to climate action;

(f) to carry out such other functions as may be assigned to it by the Minister.

12. (1) The Minister may, subject to the provisions of this Act, make regulations to give effect to any of the provisions of this Act, or to regulate or otherwise provide about any matter in respect of the functions and the activities which affect climate action in accordance with this Act. Power to make regulations.

(2) The Minister may, acting in accordance with the provisions of this Act, make regulations for the better carrying out of the provisions of this Act and may appoint any person or body to be the designated authority for the purposes of exercising any duties or obligations which the Government has under this Act.

(3) Without prejudice to the generality of the provisions of sub-articles (1) and (2), such regulations may, in particular:

(a) prescribe the charges and fees that may be levied by the Government for services rendered by it under this Act, or in respect of any matter for which it is considered that a fee should be payable;

(b) prescribe measures to mitigate climate change;

(c) prescribe measures to prevent, avoid, reduce, and reduce vulnerability to and enhance resilience to, the adverse impacts of climate change and to adapt to climate change;

(d) prescribe measures for the good governance of climate mitigation and adaptation measures;

(e) give effect to any international treaty or instrument, including directives, regulations and decisions, relating to any matter governed by this Act to which Malta may be a party or subject from time to time and to set up structures and make other provisions for the implementation thereof;

(f) provide for the collection, processing, comparison and interpretation of data related to climate action in cognizance of data related to the local economy and international and EU obligations and to provide that such persons carrying out such activities that may affect climate as may be prescribed, give such information and data to the Government on a regular or

other basis as may be prescribed in order for the Government to take necessary action to harmonise local policies and measures in contribution to mitigation and adaptation in climate;

(g) prescribe the techniques to be used in the monitoring of climate change;

(h) provide that any person who acts in contravention of any regulation made under this Act shall be guilty of an offence against this article, and establish such penalty, being a penalty not greater than a fine (*multa*) of two hundred and thirty-three thousand euro (€233,000) or imprisonment for a term not exceeding two (2) years, or both such fine and imprisonment, to which any person so guilty may be liable:

Provided that such fine shall in all cases be due to the Government as a civil debt, and that where the person guilty of the offence is a director, secretary, manager or other principal officer of a body corporate for the economic benefit of which the offence was committed, such body corporate shall be liable *in solidum* with the offender for the payment of the said civil debt.

Procedure for making regulations.

13. (1) Regulations under article 12 shall not be made unless the Minister shall have first published a draft thereof in the Gazette allowing any person a period of at least four (4) weeks to make representations to the Minister.

(2) The Minister shall consider any representations made under sub-article (1) and may proceed to revise the draft regulations and to promulgate such regulations in accordance with such revision, or to amend any regulations already promulgated.

(3) When the Minister makes regulations concerning the procedure before any board, commission or other body established under this Act, he shall also consult such board, commission or body.

Power to delegate.

14. (1) Without prejudice to his powers under the provisions of this Act, the Minister may direct any person or any department, agency, corporation or authority established by law to carry out any functions or duties in terms of this Act or of any regulations made in terms of this Act, and, or to ensure the proper implementation of this Act or of any regulations made in terms of this Act, and the Minister may by regulations prescribe and regulate the procedures and methods to be adopted by such person or department, agency, corporation or authority in exercise of such functions.

(2) The Minister may, from time to time, give to any of the

entities or to any of its officers or employees such directives and orders, not being inconsistent with the provisions of this Act, as the Minister may deem opportune with regard to the policy that has to be followed by them and to the operation and implementation of their functions, and on any other matter which appears to the Minister to be connected with climate action, and the entity, officer or employee concerned shall, as much as possible, without delay comply with and act in accordance with these directives and orders and shall conduct their functioning in accordance with these principles.

(3) Every entity shall give the Minister all required facilities so that he may obtain all information connected with their affairs and activities of any entity, officer or employee, and for this purpose they shall supply the Minister with returns, bills and any other information connected thereto, or with their functions, and give him all required facilities to audit all given information, in such manner and within such times as the Minister may reasonably require.

(4) The Prime Minister may, by regulations made in consultation with the Minister, delegate any of the Minister's functions under this Act or under any regulations made in terms of this Act to any other Minister.

15. (1) Without prejudice to any other provision of this Act the Minister may make regulations prescribing penalties for offences against any regulations made under this Act, and such regulations may:

Power of Minister to make regulations in relation to offences and administrative fines.

(a) prescribe imprisonment not exceeding four years and different fines (*multi*) not exceeding one million euro (€1,000,000) for different offences;

(b) prescribe fines (*multi*) calculated in accordance with the duration of the commission of the offence, not exceeding fifty thousand euro (€50,000) for each day during which the offence continues.

(2) Without prejudice to any other provision of this Act, the Minister may make regulations allowing any person or any department, agency, corporation or authority to impose administrative fines not exceeding one million euro (€1,000,000) or other sanctions on any person, department, agency, corporation or authority who is in contravention of any provisions of this Act or of any regulations or directives made thereunder and provide for the procedure for the imposition and enforcement of such fines which procedures may include provisions to the effect that any such fines shall constitute an executive title for the effects and purposes of Title VII of Part I of

Book Second of the Code of Organization and Civil Procedure.

Climate Action
Fund.

16. (1) The Minister, in consultation with the Minister responsible for Finance, shall by Order establish and maintain a Climate Action Fund.

(2) The Climate Action Fund shall be replenished from:

(a) revenues accruing to the Government from its participation in and implementation of market-based measures relating to climate action adopted pursuant to international treaties or European Union legislation, including, *inter alia*, from the auctioning of allowances pursuant to Directive 2003/87/EC as may be amended or replaced from time to time;

(b) revenues generated by the Government through the implementation of national measures relating to the reduction or limitation of greenhouse gas emissions;

(c) any donations or grants made to the Fund by individuals or institutions;

(d) any sums appropriated by Parliament for such purpose;

(e) any sums or monies as may from time to time be provided by or under this Act or any other law.

(3) The Climate Action Fund shall be administered by a board composed of a chairperson appointed by the Minister and two other members, one member being appointed by the Minister responsible for Finance, and the other member being appointed from amongst persons knowledgeable in climate change matters.

(4) The Climate Action Fund shall have a legal personality independent and distinct from that of Government and shall be capable of entering into contracts and of acquiring and transferring property and doing all such things that are necessary for, or ancillary to its functions.

(5) The members of the board referred to in sub-article (3) shall hold office for a term of three (3) years and on expiration of their terms shall be eligible for re-appointment.

(6) The revenues accruing under sub-article (2) shall be applied to:

(a) the fulfilment of the obligations set out in this Act

and regulations made thereunder;

(b) the fulfilment of the Government's obligations and commitments established by the UNFCCC and European Union legislation;

(c) the provision of financial support to, and the promotion, facilitating and financing of the transfer of, and access to, environmentally sound technologies and know-how or capacity for developing countries, in accordance with obligations and commitments of the Government pursuant to international treaties.

(7) The board referred to in sub-article (3) shall keep a proper account of its revenue and expenditure and the Minister shall, without prejudice to the power of the Auditor General and of the Minister responsible for Finance under any law, each year cause the accounts of the fund to be audited by suitably qualified public auditors and accountants appointed by it with the approval of the Minister.

(8) The board referred to in sub-article (3) shall every financial year deliver to the Minister a copy of its duly audited balance sheet together with a report of its activities during the previous financial year. The Minister shall lay a copy of the balance sheet and of the report on the table of the House of Representatives.

(9) The Minister may, with the concurrence of the Minister responsible for Finance, make regulations prescribing the procedure to be followed by the board referred to in sub-article (3) and otherwise regulating the fund. The Minister may by such regulations in particular prescribe such functions, activities and initiatives that may be or are to be financed by the fund.

(10) The revenue of the Climate Action Fund shall not be subject to tax under the Income Tax Act.

Cap. 123.

SCHEDULE

(Article 2)

Greenhouse gases include:

(a) Carbon dioxide (CO₂)

- (b) Methane (CH₄)
 - (c) Nitrous Oxide (N₂O)
 - (d) Hydro fluorocarbons HFCs
 - (e) Per fluorocarbons PFCs
 - (f) Sulphur Hexafluoride (SF₆)
 - (g) Nitrogen trifluoride (NF₃)
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Objects and Reasons

The object of this Bill is to establish a legal and administrative framework for Climate Action in Malta.