

L.N. 263 of 2010

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

**European Community Greenhouse Gas  
Emissions Trading Scheme (Amendment) Regulations, 2010**

IN exercise of the powers conferred by article 9 of the Environment Protection Act, hereinafter referred to as “the Act”, the Minister for Resources and Rural Affairs has made the following regulations:-

**1.** (1) The title of these regulations is the European Community Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations, 2010 and they shall be read and construed as one with the European Community Greenhouse Gas Emissions Trading Scheme Regulations, 2005, hereinafter referred to as “the principal regulations”.

Title and scope.  
L.N. 140 of 2005.

(2) The scope of these regulations is to transpose Article 9a(2) of Directive 2003/87/EC as inserted by Article 1(10) of Directive 2009/29/EC and Article 11 of Directive 2003/87/EC as amended by Article 1(13) of Directive 2009/29/EC.

**2.** (1) Immediately after regulation 6 of the principal regulations there shall be added the following new regulation:  
Adds new regulation 6A to the principal regulations.

“Emissions data to be provided by certain operators.

6A. (1) Operators of installations carrying out activities listed in Annex I of Directive 2003/87/EC, which are only included in the Community’s scheme from 2013 onwards shall submit to the competent authority duly substantiated and independently verified emissions data.

(2) The competent authority shall notify the European Commission of any duly substantiated data submitted in terms of the last preceding sub-regulation by 30 June 2010.

(3) In the case of installations emitting greenhouse gases other than CO<sub>2</sub>, the competent authority may notify a lower amount of emissions according to the emission reduction potential of those installations.”.

Substitutes regulation  
10 of the principal  
regulations.

**3.** for regulation 10 of the principal regulations there shall be substituted by the following:

“National  
implementation  
measures.

10. (1) For the five-year period beginning on 1st January 2008, allocation and issuance of allowances to the operator of each installation shall be based on the National Allocation Plan developed for that period pursuant to regulation 8. The competent authority shall issue a proportion of the total quantity of allowances to holders of greenhouse gas emissions permits for each year of the period by 28th February of that year.

(2) For the eight-year period beginning 1st January 2013, the Minister shall ensure that a list of installations covered by these regulations in Malta, and any free allocation to each installation in Malta calculated in accordance with the rules referred to in Articles 10a(1) and 10c of Directive 2003/87/EC, are published and submitted to the European Commission by 30 September 2011.

(3) The competent authority shall, by 28th February of each year, issue the quantity of allowances that are to be allocated for that year pursuant to the last preceding sub-regulation, calculated in accordance with Articles 10, 10a and 10c of Directive 2003/87/EC.

(4) Allowances may not be issued free of charge under the last preceding sub-regulation to installations whose inscription in the list referred to in sub-regulation 10(2) has been rejected by the European Commission.”.

