VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,864, 3 ta' Frar, 2012
Taqsima B

A.L. 50 tal-2012

ATT DWAR L-AWTORITÀ TA' MALTA DWAR IR-RIŻORSI (KAP. 423)

Regolamenti tal-2012 li jemendaw ir-Regolamenti dwar il-Kriterji ta' Sostenibbiltà tal-Biokarburanti

BIS-SAĦĦA tas-setgħat mogħtija bl-artikoli 28(1) u 32 tal-Att dwar Awtorità ta' Malta dwar ir-Riżorsi, il-Ministru għar-Riżorsi u Affarijiet Rurali, wara konsultazzjoni mal-Awtorità ta' Malta dwar ir-Riżorsi, għamel dawn ir-regolamenti li ġejjin:-

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2012 li jemendaw ir-Regolamenti dwar il-Kriterji ta' Sostenibbiltà tal-Biokarburanti, u dawn ir-regolamenti għandhom jinqraw u jinftiehmu ħaġa waħda Regolamenti dwar il-Kriterji ta' Sostenibbiltà tal-Biokarburanti, hawn iżjed 'il quddiem imsejħa "ir-regolamenti prinċipali".

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Jemenda r-regolament 4 tar-regolamenti prinċipali.

2. Minflok il-paragrafu (a) tas-subregolament (2) tar-regolament 4 tar-regolamenti prinċipali. għandu jidħol dan li ġej:

"(a) Operaturi ekonomiċi għandhom jippreżentaw lill-Awtorità informazzjoni affidabbli u jagħmlu disponibbli, fuq talba, d-*data* li tkun intużat biex tiġi żviluppata l-informazzjoni. Operaturi ekonomiċi għandhom ukoll jagħmlu arranġament għal *standard* xieraq ta' verifika indipendenti tal-informazzjoni li tkun ġiet preżentata, u li jippreżentaw provi lill-Awtorità li dan ikun sar. Il-valutazzjoni għandha tivverifika li s-sistema li tkun intużat mill-operaturi ekonomiċi tkun preċiża, affidabbli u mħarsa kontra l-frodi. Il-verifika għandha tevalwa l-frekwenza u l-metodoloġija ta' kampjuni u l-affidabbiltà tad-*data*.

Operaturi ekonomiċi li huma produtturi ta' bijokarburanti jew bijolikwidi għandhom jiżguraw li dik il-verifika u dak l-aċċertament għandhom ikunu kompilati:

(i) minn detenturi ta’ ċertifikat ta’ prattika fis-settur tal-awditjar taħt l-Att dwar il-Professjoni tal-*Accountancy* skont termini limitati ta’ assigurar preskritti fl-ISAE 3000 jew *standard* ekwivalenti kif pruvat għas-sodisfazzjon tal-Awtorità minn operatur ekonomiku; jew

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(ii) taħt skemi volontarji approvati mill-Kummissjoni Ewropea.

Operaturi ekonomiċi li jimpurtaw il-bijokarburanti u l-bijolikwidi għandhom jiżguraw li dik il-verifika u dak l-aċċertament għandhom ikunu kompilati:

(i) minn detenturi ta’ ċertifikat ta’ prattika fis-settur tal-awditjar taħt l-Att dwar il-Professjoni tal-*Accountancy* skont termini limitati ta’ assigurar preskritti fl-ISAE 3000 jew *standard* ekwivalenti kif pruvat għas-sodisfazzjon tal-Awtorità minn operatur ekonomiku; jew

Kap. 281.

(ii) taħt skemi volontarji approvati mill-Kummissjoni Ewropea; jew

(iii) taħt skemi nazzjonali approvati mill-iStati Membri tal-Unjoni Ewropea li jħarsu l-kriterji ta’ sostenibbiltà li jinsabu fid-Direttiva 2009/28/KE; jew

(iv) taħt ftehim ma’ pajjiżi terzi magħmula mill-Kummissjoni Ewropea li jkollhom ħtiġiet dwar kriterji ta’ sostenibbiltà ekwivalenti għal dawk li jinsabu fid-Direttiva 2009/28/KE.".

Jemenda l-iSkeda li tinsab mar-regolamenti prinċipali.

3. Fil-partita 7 tat-Taqsima Ċ tal-iSkeda li tinsab mar-regolamenti prinċipali, minnufih wara l-kliem "$e_l = (CS_R - CS_A) \times 3{,}664 \times {}^1/_{20} \times {}^1/_P - e_B$" għandha tiżdied in-nota f’qiegħ il-paġna li ġejja:

"* Il-kwozjent li jinkiseb meta l-piż molekulari ta’ CO_2 (44,010 g/mol) jiġi diviż mill-piż molekulari tal-karbonju (12,011 g/mol) huwa ekwivalenti għal 3,664.".

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MALTA RESOURCES AUTHORITY ACT
(CAP. 423)

Biofuels (Sustainability Criteria) (Amendment) Regulations, 2012

IN exercise of the powers conferred by articles 28(1) and 32 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:-

Citation.

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1. The title of these regulations is the Biofuels (Sustainability Criteria) (Amendment) Regulations, 2012, and these regulations shall be read and construed as one with the Biofuels (Sustainability Criteria) Regulations, hereinafter referred to as "the principal regulations".

Amends regulation 4 of the principal regulations.

2. For paragraph (a) of sub-regulation (2) of regulation 4 of the principal regulations there shall be substituted the following:

"(a) Economic operators shall submit to the Authority reliable information and shall also make available, on request, the data that was used to develop the information. Economic operators shall also arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence to the Authority that this has been done. The auditing shall verify that the system used by the economic operators is accurate, reliable and protected against fraud. The auditing shall evaluate the frequency and methodology of sampling and the robustness of the data.

Economic operators who are producers of biofuels or bioliquids shall ensure that such auditing and verification is to be compiled:

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(i) by holders of a practising certificate to practise in the field of auditing in terms of the Accountancy Profession Act according to limited assurance engagements prescribed in ISAE 3000 or an equivalent standard as proved to the satisfaction of the Authority by an economic operator; or

(ii) under voluntary schemes approved by the European Commission.

Economic operators importing biofuels or bioliquids shall ensure that such auditing and verification is to be compiled:

(i) by holders of a practising certificate to practise in the field of auditing in terms of the Accountancy Profession Act according to limited assurance engagements provided for in ISAE 3000 or an equivalent standard to the satisfaction of the Authority; or

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(ii) under voluntary schemes approved by the European Commission; or

(iii) under national schemes approved by Member States of the European Union which comply with the sustainability criteria contained in Directive 2009/28/EC; or

(iv) under agreements with third countries made by the European Commission containing requirements on sustainability criteria equivalent to those contained in Directive 2009/28/EC.".

Amends the Schedule to the principal regulations.

3. In item 7 of Part C of the Schedule to the principal regulations, immediately after the words "$e_l = (CS_R - CS_A) \times 3{,}664 \times {}^1/_{20} \times {}^1/_P - e_B$" there shall be inserted the following footnote:

"* The quotient obtained by dividing the molecular weight of CO_2 (44,010 g/mol) by the molecular weight of carbon (12,011 g/mol) is equal to 3,664.".

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