

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,888, 13 ta' Marzu, 2012

Taqsimha B

A.L. 85 tal-2012

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

**Regolamenti tal-2012 dwar is-Suq tal-Bijokarburanti
u l-Bijolikwidi**

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

1. (1) It-titolu ta' dawn ir-regolamenti huwa r- Titolu u skop.
Regolamenti tal-2012 dwar is-Suq tal-Bijokarburanti u l-Bijolikwidi.

(2) L-iskop ta' dawn ir-regolamenti huwa r-regolamentazzjoni ta' operazzjonijiet u attivitajiet tal-bijokarburanti u l-bijolikwidi f'Malta. Dawn ir-regolamenti qed isiru għall-harsien tal-interess pubbliku u s-sigurtà pubblika. Kull hteġa msemija f'dawn ir-regolamenti, inklużi dawk relatati ma' awtorizzazzjonijiet u ma' servizzi, qegħdin isiru għal raġunijiet aktar importanti relatati mal-interess pubbliku.

(3) Dawn ir-regolamenti ġew notifikati skond il-dispożizzjonijiet tad-Direttiva 98/34/KE, kif emendata bid-Direttiva 8/48/KE, kif trasposta bir-Regolamenti dwar Proċedura għall- L.S. 419.06
Provvediment ta' Informazzjoni.

2. (1) Kemm-il darba ma jiġix stabbilit mod ieħor f'dawn Tifsir.
ir-regolamenti, għandhom japplikaw it-tifsiriet fl-Att.

(2) Għall-finijiet ta' dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

"approvat" tfisser l-aċċettazzjoni bil-miktub mill-Awtorità;

"l-Att" tfisser l-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi; Kap. 423.

"l-Awtorità" tfisser l-Awtorità ta' Malta dwar ir-Rizorsi;

"awtorizzazzjoni" tfisser kull awtorizzazzjoni mogħtija taħt dawn ir-regolamenti, u b'rabta mas-servizzi u l-fornituri tas-servizzi tfisser permess, liċenza, ċertifikat, haħtra, konċessjoni jew kull deċiżjoni li tikkonċerna l-aċċess għal attivitajiet ta' servizz jew l-eżerċizzju ta' din l-attività;

"bejgħ bl-imnut" tfisser il-bejgħ tal-bijokarburanti u, jew tal-

bijolikwidi lil konsumaturi finali;

"bidliet materjali" tfisser kull bidla li, fil-limiti tal-applikazzjoni tal-awtorizzazzjoni, tista' skont l-Awtorità taffettwa b'mod raġonevoli t-thaddim sigur tal-faċilità awtorizzata u tinkludi kull bidla, tneħħija, tiswija, sostituzzjoni jew waqfien mill-użu ta' kull tagħmir, kemm elettriku kif ukoll mekkaniku, li jaffettwa t-thaddim sigur tal-faċilità awtorizzata;

"bijokarburant" tfisser karburant likwidu jew gassuż għat-trasport prodott u magħmul mill-bijomassa;

"bijolikwidu" tfisser karburant likwidu prodott għal skopijiet ta' enerġija u magħmul mill-bijomassa minbarra għat-trasport, inklużi l-elettriku, it-tiħin u t-tkessiħ;

"bijomassa" tfisser il-frazzjoni bijodegradabbli tal-prodotti, skart u fdalijiet mill-agrikoltura, inklużi s-sustanzi veġetali jew tal-animali, il-forestrija u industrijiet relatati kif ukoll il-frazzjoni bijodegradabbli tal-iskart industrijali u muniċipali;

"faċilità awtorizzata" tfisser faċilità li għaliha tkun harget awtorizzazzjoni u tinkludi l-bini kollu, it-tankijiet, il-pajpijiet, il-pompi, id-distributuri, it-tagħmir tal-elettriku, id-dranagg, tagħmir anċillari, il-parti ta' quddiem il-bini u kull attiv ieħor f'dik il-parti tal-post rilevanti għall-attivitajiet koperti mill-awtorizzazzjoni;

"fornitur ta' servizz" tfisser kull persuna fiżika li hija ċittadin ta' Stat Membru, jew kull persuna ġuridika stabbilita fi Stat Membru, li toffri jew tipprovdi servizz;

Kap. 379.

"impriza" għandu jkollha l-istess tifsira kif previst fl-Att dwar il-Kompetizzjoni.

"konsumatur finali" tfisser kull persuna fiżika jew ġuridika li tixtri l-bijokarburant u, jew il-bijolikwidi biex jintuża minnha stess;

"operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi" tfisser il-persuna li hija d-detentur ta' awtorizzazzjoni maħruġa mill-Awtorità taħt dawn ir-regolamenti, li tingħata awtorizzazzjoni biex twettaq l-operazzjonijiet u l-attivitajiet kollha, bi hlas jew gratuwiti, relatati mal-bijokarburanti u, jew bijolikwidi inklużi l-importazzjoni, il-ħażna, il-produzzjoni, it-taħlit, il-bejgħ bl-ingrossa jew bl-imnut u attivitajiet anċillari relatati, jew fornitur tas-servizz li jkun awtorizzat li jopera taħt xi liġi li tkun fis-seħħ fi Stat Membru tal-Unjoni Ewropea jew fi Stat imsieheb fiż-Żona Ekonomika Ewropea, li tippermetti lil din il-persuna biex twettaq l-attività ta' operatur tal-bijokarburanti u, jew tal-bijolikwidi;

"operatur tal-bijokarburanti u, jew tal-bijolikwidi" tfisser persuna li twettaq l-operazzjonijiet u l-attivitajiet kollha, kemm bi ħlas jew gratuwiti, relatati mal-bijokarburanti u, jew mal-bijolikwidi, inklużi l-importazzjoni, il-ħażna, il-produzzjoni, it-taħlit, il-bejgħ bl-ingrossa jew bl-imnut u attivitajiet ancillari relatati;

"persuna" tinkludi individwu, impriża, korp jew assoċjazzjoni oħra ta' persuni, kemm jekk dan il-korp jew assoċjazzjoni jkollu stat korporattiv jew mhux korporattiv;

"*petroleum*" għandha t-tifsira mogħtija lilha fl-Att:

Iżda l-kelma "*petroleum*" tkun tista' tingħata tifsira differenti f'kull awtorizzazzjoni maħruġa mill-Awtorità taht dawn ir-regolamenti;

"raġunijiet imperattivi relatati mal-interess pubbliku" tfisser raġunijiet rikonoxxuti bħala tali fil-ġurisprudenza tal-Qrati tal-Ġustizzja Ewropej, li jkunu raġunijiet li jipprezentaw ġustifikazzjoni għall-ħruġ ta' awtorizzazzjoni u, jew il-ħruġ ta' kundizzjoni għal din jew għal kull deċiżjoni ta' politika oħra meħuda f'termini ta' awtorizzazzjoni bhal din, meta awtorizzazzjoni bhal din, jew kundizzjoni jew deċiżjoni ta' politika għaliha ma tkunx setgħat tinħareġ jew tittiehed taht ċirkostanzi normali hlief għal raġunijiet imperattivi bhal dawn relatati mal-interess pubbliku, inkluż kull waħda mir-raġunijiet li ġejjin:

(a) politika pubblika, sikurezza pubblika, sigurtà pubblika u saħħa pubblika:

Iżda dawn ir-raġunijiet għandhom jiġu interpretati skont it-tifsira tal-Artikoli 46 u 55 tat-Trattat;

- (b) iż-zamma tal-ordni fis-soċjetà;
- (c) għanijiet ta' politika soċjali;
- (d) il-ħarsien tar-riċevituri tas-servizzi;
- (e) il-ħarsien tal-konsumaturi;
- (f) il-prevenzjoni tal-frodi;
- (g) il-ħarsien tal-ambjent; u
- (h) il-prevenzjoni tal-kompetizzjoni ingusta.

"riċevitur" tfisser kull persuna fiżika li hija ċittadin ta' Stat

Membru, li tibbenefika mid-drittijiet mogħtija lilha mill-atti tal-Komunità jew kull persuna ġuridika stabbilita fi Stat Membru, li għal skopijiet professjonali jew mhux professjonali, tuża, jew tkun tixtieq tagħmel użu minn servizz taħt kunsiderazzjonijiet li mhumiex ekonomiċi;

"servizz" tfisser kull attività ta' persuni li jaħdmu għal rashom imwettqa għal kunsiderazzjonijiet ekonomiċi;

"spettur" tfisser kull uffiċjal jew impjegat tal-Awtorità jew kull persuna oħra maħtura u awtorizzata bil-miktub mill-Awtorità skont id-dispożizzjonijiet tal-Att biex tispezzjona u tikkontrolla l-konformità ma' dawn ir-regolamenti u ma' kull kundizzjoni ta' awtorizzazzjoni;

"stabiliment" tfisser it-tweqqif attwali ta' attività minn fornitur ta' servizz għal perjodu ta' żmien indefinit u permezz ta' infrastruttura stabbli minn fejn isehh in-negozju tal-forniment tas-servizzi;

"Stat Membru" tfisser stat membru tal-Unjoni Ewropea;

"it-Trattat" tfisser it-Trattat li jistabilixxi l-Komunità Ewropea.

Htieġa ta'
awtorizzazzjoni.

3. (1) It-tweqqif ta' attività ta' operatur tal-bijokarburanti u, jew tal-bijolikwidi għandu jeħtieġ awtorizzazzjoni:

L.S. 423.28

L.S. 423.37

Iżda operatur tal-bijokarburanti u, jew tal-bijolikwidi li jkun awtorizzat b' mod esplicitu mill-Awtorità u kif tista' tkun stabbilixxiet bil-miktub, li jwettaq kull attività jew operazzjoni relatata mal-bijokarburanti taħt ir-Regolamenti dwar il-*Petroleum* għas-Suq tal-Karburanti bl-Ingrossa fuq l-Art u, jew ir-Regolamenti dwar il-*Petroleum* għas-Suq tal-Karburanti bl-Imnut fuq l-Art, ma jkunx jeħtieġ awtorizzazzjoni taħt dawn ir-regolamenti. Mingħajr preġudizzju għal dak li jingħad qabel, l-Awtorità tista' timponi kull kundizzjoni ta' dan it-tip li tqis bħala adegwata fiċ-ċirkostanzi, inkluża kull kundizzjoni jew obbligu li jirriżulta taħt dawn ir-regolamenti, kull kundizzjoni oħra speċifikata mill-Awtorità minn żmien għal iehor u kull obbligu iehor impost skont il-liġi.

(2) Mingħajr preġudizzju għal kull obbligu taħt kull liġi oħra, il-bejgħ bl-ingrossa ta' taħlitiet ta' bijokarburanti u, jew bijolikwidi u prodotti tal-*petroleum* jeħtieġu awtorizzazzjoni taħt dawn ir-regolamenti meta l-kontenut tal-bijokarburant tat-taħlita jkun jaqbeż il-limitu massimu tal-kontenut ta' bijokarburant fl-MSA EN 590 u l-MSA EN228.

(3) Operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi jista' jaħžen il-prodotti tal-*petroleum* għall-għan li jithalltu ma' bijokarburanti u, jew bijolikwidi, sakemm tinkiseb l-awtorizzazzjoni rilevanti għall-ħażna tal-*petroleum* mingħand l-Awtorità.

(4) Operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu josserva l-kundizzjonijiet kollha preskritti fl-awtorizzazzjoni, kull kundizzjoni oħra preskritta mill-Awtorità minn żmien għal ieħor u kull obbligu ieħor impost f'termini ta' liġi.

(5) Kull persuna li tipproduċi u timporta l-bijokarburanti u, jew il-bijolikwidi għall-użu esklussiv tagħha u li ma tipproduċix jew ma timpurtax aktar minn 2000 litru matul sena kalendarja, ma tkunx teħtieġ awtorizzazzjoni skont dawn ir-regolamenti:

Izda din il-persuna tkun meħtieġa li tinnotifika l-fatt ta' produzzjoni jew importazzjoni bħal din lill-Awtorità, fl-għamla u bil-mod meħtieġ mill-Awtorità, u li tippreżenta lill-Awtorità l-informazzjoni li tista' tkun meħtieġa minn żmien għal ieħor:

Izda wkoll din il-persuna għandha tosserva kull kodiċi ta' Prattika, linja gwida jew istruzzjoni li tista' tinħareġ mill-Awtorità.

(6) Il-persuni eżentati mill-ħtieġa li jkollhom awtorizzazzjoni skont is-subregolament (5) ma jkunux eżentati mill-ħtieġa li jiksbu kull awtorizzazzjoni jew permess ieħor li jista' jkun meħtieġ taħt kull liġi oħra.

4. (1) L-awtorizzazzjonijiet għandhom jinħarġu mill-Awtorità fir-rigward ta' operazzjonijiet, attivitajiet u prattiċi msemmija f'dawn ir-regolamenti u għandhom jinkludu l-pattijiet u l-kundizzjonijiet għat-twettiq ta' dawn l-operazzjonijiet, attivitajiet u prattiċi:

Awtorizzazzjoni ġenerali.

Izda l-kundizzjonijiet għall-għoti ta' awtorizzazzjoni għal stabbiliment ġdid ma għandhomx jiddupplikaw il-ħtigiet u l-kontrolli li huma ekwivalenti jew essenzjalment komparabbli fir-rigward tal-iskop tagħhom li l-fornitur tas-servizz diġà jkun soġġett għalihom fi Stat Membru ieħor jew f'Malta.

(2) Awtorizzazzjoni maħruġa mill-Awtorità għandha tkun bil-miktub u, sakemm ma tiġix ikkancellata, sospiża jew revokata skont xi kundizzjoni fiha jew skont dawn ir-regolamenti jew kull liġi oħra, għandha tkompli tapplika għal dak il-perjodu li jista' jkun speċifikat fl-awtorizzazzjoni.

(3) Sakemm ma tiġix revokata, awtorizzazzjoni għandha

tibqa' valida għal erba' snin.

(4) Awtorizzazzjoni mahruġa mill-Awtorità taht dawn ir-regolamenti m'għandhiex teżenta l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijokarburanti mill-ħtieġa li jikseb kull awtorizzazzjoni jew permess ieħor li jistgħu jkunu meħtieġa taht kull liġi oħra.

(5) Awtorizzazzjoni taht dawn ir-regolamenti m'għandhiex tiġi interpretata bħala waħda li tawtorizza d-detentur tagħha biex iwettaq xi operazzjoni jew attività li tkun teħtieġ awtorizzazzjoni skont xi regolament magħmul taht l-Att.

Applikazzjoni għal awtorizzazzjoni u t-tariffa tal-applikazzjoni.

5. (1) Kull persuna li tkun tixtieq twettaq l-attività ta' operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandha tippreżenta applikazzjoni bil-miktub lill-Awtorità fl-għamla u bil-mod li l-Awtorità tista' tippreskrivi.

(2) Għandha tithallas tariffa tal-applikazzjoni li ma tingħatax lura lill-Awtorità kif speċifikat fl-Ewwel Skeda flimkien mal-applikazzjoni għall-awtorizzazzjoni.

Proċedura ta' determinazzjoni tal-applikazzjonijiet

6. (1) L-Awtorità għandha tistabbilixxi l-proċedura tagħha għall-għan li tiddeciedi fuq talba għall-awtorizzazzjoni għat-twettiq tal-attività ta' operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi.

(2) L-Awtorità għandha tinnotifika lill-applikant bil-miktub, f'perjodu ta' żmien raġonevoli, li m'għandux jaqbez is-sitt xhur mid-data ta' meta tkun giet riċevuta applikazzjoni valida, dwar kull decizjoni meħuda li tikkonċerna applikazzjoni għal awtorizzazzjoni jew applikazzjoni għat-tiġdid ta' awtorizzazzjoni jew kull raġuni valida li timpedixxi lill-Awtorità milli tasal għal decizjoni bħal din.

Tiġdid, modifika, eċċ., ta' awtorizzazzjoni.

7. (1) Mal-iskadenza, awtorizzazzjoni tista' tiġġedded, u għandha tintbagħat applikazzjoni għat-tiġdid ta' awtorizzazzjoni bil-miktub lill-Awtorità fl-għamla u bil-mod li tista' tirrikjedi l-Awtorità, sitt xhur qabel id-data tal-iskadenza tal-awtorizzazzjoni.

(2) L-Awtorità tista' tbiddel, temenda, tissostitwixxi, żżid jew thassar kull kundizzjoni ta' awtorizzazzjoni fl-awtorizzazzjoni mġedda jew iżżid kundizzjonijiet speċifiċi rilevanti għal kull awtorizzazzjoni individwali li l-Awtorità tqis bħala ġustifikati b'mod raġonevoli fiċ-ċirkostanzi.

Hlas ta' tariffa tal-awtorizzazzjoni.

8. (1) L-ewwel tariffa tal-awtorizzazzjoni għandha tithallas mill-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi fi żmien tletin ġurnata mill-għoti tal-awtorizzazzjoni, u

minn dak inhar 'il quddiem kull sena fl-anniversarju tal-għoti awtorizzazzjoni bħal dik jew kull data oħra li l-Awtorità tista' tistabbilixxi b'mod raġonevoli.

(2) L-ammont tat-tariffa tal-awtorizzazzjoni biex titwettaq l-attività ta' operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu jkun kif speċifikat fit-Tieni Skeda.

(3) Jekk xi tariffa tal-awtorizzazzjoni pagabbli taħt is-subregolament (2) ma tithallasx fi żmien tletin ġurnata, l-Awtorità għandha, wara li jkun għadda dan iż-żmien, tikkomunika mal-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi li t-tariffa tal-awtorizzazzjoni tiegħu ma tkunx thallset u tinfirmah li jkun naqas milli jhallas din it-tariffa.

(4) L-Awtorità tkun meqjusa li tkun osservat is-subregolament (3) jekk din il-komunikazzjoni tintbagħat bil-posta registrata, fl-indirizz tas-soltu jew fl-aħħar indirizz magħruf tal-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi li t-tariffa tal-awtorizzazzjoni tiegħu ma tkunx thallset.

9. Jekk xi tariffa tal-awtorizzazzjoni msemija fir-regolament 8 ma tithallasx fi żmien tletin ġurnata minn meta l-komunikazzjoni msemija fih tkun intbagħtet bil-posta registrata, l-awtorizzazzjoni li tirreferi għaliha ma tibqax fis-seħħ, u jekk il-persuna li lilha tkun inghatat tkun tixtieq li terġa' twettaq l-attività ta' operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi, din għandha mbagħad tkun meħtieġa tapplika għal awtorizzazzjoni ġdida. Meta tikkunsidra applikazzjoni bħal din, l-Awtorità għandha tiegħu f'konsiderazzjoni l-fatt li l-applikant kien naqas milli jhallas it-tariffa ta' awtorizzazzjoni u milli jipprovi xi spjegazzjoni fir-rigward ta' dak in-nuqqas li l-applikant jista' jippreżenta lill-Awtorità.

Htieġa ta' applikazzjoni mill-ġdid f'kaz ta' nuqqas ta' hlas ta' tariffa tal-awtorizzazzjoni.

10. (1) L-Awtorità għandha tadotta kundizzjonijiet ġusti, oġġettivi u trasparenti dwar l-għoti ta' awtorizzazzjoni skont il-prinċipji ta' ġustizzja naturali.

Kundizzjonijiet għal deċizzjonijiet relatati mal-għoti u t-tiġdid ta' awtorizzazzjonijiet.

(2) Meta tiegħu deċizzjoni fir-rigward tal-għoti, il-hruġ, l-emenda jew it-tiġdid jew kull kwistjoni oħra li jkollha x'taqsam ma' awtorizzazzjoni maħruġa taħt dawn ir-regolamenti, l-Awtorità tista' tikkunsidra l-punti li ġejjin:

(a) il-konformità tal-applikant mal-permessi u l-awtorizzazzjonijiet l-oħrajn kollha, ikunu kif ikunu deskritti, maħruġa minn awtorità pubblika oħra;

(b) il-kapaċità tal-applikant li jiżgura l-kundizzjonijiet ta' sigurtà, fil-kuntest tal-awtorizzazzjoni li japplika għaliha;

- (c) l-integrità privata u professjonali tal-applikant;
- (d) il-ħarsien tas-saħħa u s-sigurtà tal-impjegati;
- (e) il-ħarsien tal-ambjent;
- (f) il-passat rigward il-konformità ma' dawn ir-regolamenti u kull liġi oħra rilevanti tal-persuna li fir-rigward tagħha għandha ssir id-deċiżjoni;
- (g) il-ħtieġa għal faċilitajiet u servizzi li għandhom jiġu pprovduti lill-konsumaturi fil-faċilità konċernata u l-punt safejn l-interessi tal-konsumaturi se jinqdew;
- (h) l-interess pubbliku b'mod ġenerali.

Raġunijiet għal rifjut ta' awtorizzazzjoni.

11. L-Awtorità jkollha d-dritt li tirrifjuta talba għall-ħruġ ta' awtorizzazzjoni jew, jekk tkun inharget awtorizzazzjoni, talba għat-tiġdid ta' awtorizzazzjoni, għal dawn ir-raġunijiet:

- (a) l-Awtorità tqis li t-talba ma tissodisfax kriterju wieħed jew aktar imsemmi fir-regolament 10; jew
- (b) l-applikazzjoni ma jkunx fiha l-informazzjoni kollha meħtieġa mill-Awtorità fil-formula tal-applikazzjoni jew xi informazzjoni addizzjonali li l-Awtorità tista' titlob mingħand l-applikant għall-ghan li tiddeċiedi dwar l-applikazzjoni għall-awtorizzazzjoni; jew
- (c) l-applikazzjoni ma jkollhiex magħha dik it-tariffa tal-applikazzjoni kif speċifikat skont dawn ir-regolamenti:

Izda kull deċiżjoni meħuda mill-Awtorità, inkluż ir-rifjut jew l-irtirar ta' awtorizzazzjoni, għandha tkun spjegata tajjeb u tkun tista' tiġi kontestata quddiem il-Bord tal-Appelli:

Izda wkoll li l-fatt li l-Awtorità tonqos milli tinforma lill-applikant dwar xi deċiżjoni meħuda li tikkonċerna l-aċċess għal attività ta' servizz jew l-eżerċizzju tagħha, inkluż rifjut jew irtirar ta' awtorizzazzjoni, m'għandu bl-ebda mod ifisser li l-Awtorità tkun tat din l-awtorizzazzjoni b'mod taċitu u li l-applikant ikun awtomatikament ingħata aċċess għal attività ta' servizz jew għall-eżerċizzju ta' din l-attività.

Setgħat li timponi kundizzjoni jiet ta' awtorizzazzjoni.

12. (1) L-Awtorità għandu jkollha s-setgħa li f'awtorizzazzjoni mahruġa taht dawn ir-regolamenti tinkludi kull kundizzjoni li l-Awtorità tqis bħala necessarja jew adegwata.

(2) L-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu f'kull hin josserva dawn ir-regolamenti u l-kundizzjonijiet għall-awtorizzazzjoni.

(3) Awtorizzazzjoni għandu jkun fiha sett minimu ta' kundizzjonijiet generali:

Izda jkunu jistgħu jiġu imposti kundizzjonijiet speċjali ma' kull awtorizzazzjoni maħruġa taht dawn ir-regolamenti.

(4) Il-kundizzjonijiet inklużi fl-awtorizzazzjoni jistgħu jkun fihom, izda mhux bilfors ikunu limitati għal, dispożizzjonijiet dwar:

(a) l-għoti u ż-żmien tal-awtorizzazzjoni;

(b) il-kundizzjonijiet ta' sospensjoni, varjazzjoni u trasferiment tal-awtorizzazzjoni;

(ċ) htigiet ta' konformità ma' kundizzjonijiet, istruzzjonijiet, ittri dwar il-ġestjoni, *standards*, linji gwida, kodiċi jew regoli mogħtija mill-Awtorità jew kif jistgħu jkunu stabbiliti mil-liġi;

(d) appoġġ għall-pjan tal-enerġija fit-tul tal-pajjiż;

(e) il-promozzjoni tat-thaddim effiċjenti tas-suq tal-bijokarburanti u l-bijolikwidi u l-ħarsien tal-konsumaturi f'termini tal-inqas prezzijiet possibbli flimkien mal-ogħla kwalità tal-prodotti;

(f) monitoraġġ u reġistrazzjoni tal-operazzjonijiet awtorizzati;

(g) rappurtar, verifika u għoti ta' informazzjoni lill-Awtorità;

(h) spezzjoni, l-għemil ta' kopji u t-teħid ta' estratti minn kotba u reġistri miżmuma mill-operatur tal-bijokarburanti u, jew tal-bijolikwidi u t-twettiq ta' kejl u testijiet b'rabta mal-facilità, l-attiv jew l-impjant awtorizzat;

(i) valutazzjoni u awditjar ta' operazzjonijiet, attivitajiet u prattiċi u l-konformità tagħhom mal-kundizzjonijiet għall-awtorizzazzjoni;

(j) ir-regolamentazzjoni ta' kumpanniji sussidjarji u, jew kumpanniji li jwettqu parti mill-operazzjonijiet, l-attivitajiet jew il-prattiċi regolati.

(5) L-Awtorità tista', fuq bażi individwali, teżenta lil operaturi awtorizzati tal-bijokarburanti u, jew tal-bijolikwidi li l-ammont ipproċessat annwali tagħhom ma jkunx jaqbeż l-20,000 litru mill-htigiet imposti minn ċerti kundizzjonijiet għall-awtorizzazzjoni.

(6) Kull persuna li tingħata awtorizzazzjoni taht dawn ir-regolamenti għandha:

(a) tikkonforma ruħha ma' kull istruzzjoni mogħtija mill-Awtorità fir-rigward ta' dawn ir-regolamenti u fir-rigward ta' kwistjonijiet kif huma speċifikati fl-awtorizzazzjoni jew li jkunu ta' deskrizzjoni hekk speċifikata;

(b) twettaq l-operazzjonijiet, l-attivitajiet u l-prattici regolati skont il-kundizzjonijiet għall-awtorizzazzjoni;

(ċ) taġixxi skont kull htieġa kif speċifikata fl-awtorizzazzjoni jew li tkunu ta' deskrizzjoni hekk speċifikata; u

(d) tikkonforma mad-deċizzjonijiet jew l-istruzzjonijiet maħruġa mill-Awtorità.

(7) L-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu jinforma lill-Awtorità dwar kull bidla relatata mal-attività tiegħu li twassal sabiex il-kundizzjonijiet għall-awtorizzazzjoni tiegħu ma jibqgħux sodisfatti u għall-holqien ta' sussidjarji li l-attivitajiet tagħhom jaqgħu fl-ambitu tal-awtorizzazzjoni u, jew l-iskema ta' awtorizzazzjoni.

Spezzjon ta' faċilità awtorizzata.

13. (1) Spetturi debitament maħtura mill-Awtorità jkunu awtorizzati li jidhlu u jispezzjonaw kull faċilità awtorizzata jew notifikata.

(2) Kull spettur tal-Awtorità għandu f'kull hin raġonevoli jithalla jkollu aċċess mhux ristrett għall-faċilitajiet awtorizzati jew notifikati għall-għan li jivverifika jekk dawn ir-regolamenti jew il-kundizzjonijiet għall-awtorizzazzjoni jkunux qed jiġu osservati. L-operatur tal-bijokarburanti u, jew tal-bijolikwidi għandu joffri l-assistenza raġonevoli kollha li jista' jehtieg dan l-ispettur għal dak l-għan.

Disinn u bini ta' faċilità awtorizzata.

14. Mingħajr preġudizzju għal kull dispożizzjoni oħra ta' dawn ir-regolamenti jew għal kull liġi oħra, faċilitajiet awtorizzati disinjati jew mibnija wara d-dhul fis-seħh ta' dawn ir-regolamenti għandhom jiġu disinjati u mibnija skont l-*standards* preskritti jew kif ordnat mill-Awtorità u, jew kif meħtieġ minn kull awtorità oħra legalment kompetenti wara konsultazzjoni jew bi ftehim mal-Awtorità.

15. (1) L-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi m'għandux iwettaq jew jippermetti li titwettaq xi bidla materjali fil-faċilità awtorizzata, sakemm ma jkunx inkiseb il-kunsens minn qabel bil-miktub tal-Awtorità.

Bidliet materjali.

(2) L-Awtorità tista', wara li twettaq il-bidliet materjali msemmija fis-subregolament (1), tibghat spettur jew ufficjal biex iwettaq spezzjoni ta' valutazzjoni fil-faċilità awtorizzata.

16. (1) Operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu jzomm *record* tal-operazzjonijiet kollha fir-rigward tal-awtorizzazzjoni tiegħu jew kull informazzjoni oħra dwar l-operazzjonijiet tal-bijokarburanti u, jew il-bijolikwidi u għandu jzomm kopji originali tal-kontijiet kollha tal-amministrazzjoni fil-post prinċipali tan-negozju tiegħu għall-għan ta' awditjar mill-Awtorità:

Zamma ta' *records* tal-operazzjonijiet kollha.

Izda l-Awtorità għandha titratta bħala kunfidenzjali kull informazzjoni miksuba mill-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi li dan l-operatur jibgħat lill-Awtorità bħala kummerċjalment sensittiva u li l-Awtorità taċċetta bħala tali, u meta tagħmel dan l-Awtorità m'għandhiex tiżvela informazzjoni bħal dik sakemm ma tkunx meħtieġa jew permessa li tagħmel hekk bil-liġi jew b'ordni tal-qorti f'termini ta' ftehim ma' xi dipartiment ieħor tal-gvern jew korp stabbilit bil-liġi jew skont kif ikun gie miftiehem mal-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi.

(2) L-Awtorità jkollha d-dritt li tippubblika informazzjoni dwar attivitajiet u statistiċi relatati mal-bijokarburanti u, jew mal-bijolikwidi:

Izda l-pubblikazzjoni msemmija qabel ma għandhiex tirreferi għal xi operatur speċifiku jew persuna awtorizzata speċifika tal-bijokarburanti u, jew tal-bijolikwidi u għandha tkun skont il-liġijiet dwar il-protezzjoni tad-*data*.

17. (1) L-ebda persuna m'għandha tbiegħ bl-imnut, jew tqiegħed fis-suq jew toffri għall-bejgħ xi bijokarburant li ma jkunx konformi mal-EN 14214 jew mal-pr EN 15376.

Kwalita tal-bijokarburanti u tal-bijolikwidi.

(2) L-ispetturi jkun awtorizzati li jidhlu u jispezzjonaw kull stabbiliment jew faċilità awtorizzata u jieħdu kampjuni jew ammonti ta' bijokarburanti u, jew ta' bijolikwidi li jinsabu hemmhekk.

(3) Matul l-ispezzjoni, kull persuna jew l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandhom joffru l-assistenza raġonevoli kollha li dawn l-ispetturi jistgħu jeħtieġu għal dak l-għan. L-ebda kumpens m'għandu jkun dovut għal kull persuna jew għall-

operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi fir-rigward tal-kampjuni meħuda.

Sospensjoni,
revoka jew
thassir ta'
awtorizzazzjoni.

18. L-Awtorità tista', f'kull hin matul il-perjodu li għalih tkun valida l-awtorizzazzjoni, tordna s-sospensjoni, ir-revoka jew it-thassir tagħha meta l-Awtorità tkun sodisfatta li:

(a) l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi jkun naqas jew ikun qed jonqos milli josserva xi kundizzjoni tal-awtorizzazzjoni jew dawn ir-regolamenti jew kull liġi oħra; jew

(b) l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi ma jkollux il-permessi u l-awtorizzazzjonijiet rilevanti kollha deskritti b'kull mod li jkun meħtieġa minn xi dipartiment tal-gvern ieħor jew awtorità pubblika; jew

(c) l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi jkun qed jikser xi htieġa imposta mil-liġi; jew

(d) l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi jonqos milli jikkonforma ruħu ma' xi direttiva mogħtija mill-Awtorità fir-rigward ta' kwistjonijiet bħal dawn kif huma speċifikati fl-awtorizzazzjoni jew li jkunu ta' deskrizzjoni speċifikata b'dan il-mod; jew

(e) xi informazzjoni prezentata fl-applikazzjoni għal awtorizzazzjoni jew l-applikazzjoni għat-tigdid tal-awtorizzazzjoni u li għaliha l-awtorizzazzjoni tkun inħarget jew giet imgedda, skont kif ikun il-każ, tinstab li tkun falza; jew

(f) dan ikun fl-interess pubbliku; jew

(g) l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi ma jkunx jissodisfa xi kriterju fir-rigward ta' kriterju wieħed jew aktar imsemmi fir-regolament 10:

Izda fl-eżerċizzju tas-setgħat għas-sospensjoni, ir-revoka jew it-thassir ta' awtorizzazzjoni, l-Awtorità għandha tikkunsidra n-natura tan-nuqqas, jew il-fatt li l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi jkun qed jieħu l-passi adegwati li l-Awtorità tqis bħala meħtieġa sabiex josserva l-kundizzjonijiet għall-awtorizzazzjoni, jew kull htieġa oħra li l-Awtorità tista' tqis bħala rilevanti.

Modifika tal-
awtorizzazzjoni.

19. (1) Mingħjar hsara għad-dispożizzjonijiet li ġejjin ta' dan ir-regolament, f'kull hin matul il-perjodu li għalih tkun valida awtorizzazzjoni, l-Awtorità tista' tibdel, temenda, tissostitwixxi jew

thassar il-kundizzjonijiet għall-awtorizzazzjoni kif tista' tqis meħtieġ jew adegwat:

Izda, meta tagħmel dan, l-Awtorità ma tistax iżżid kundizzjonijiet godda ta' awtorizzazzjoni sakemm dawn ma jsirux għal raġunijiet imperattivi relatati mal-interess pubbliku.

(2) Qabel twettaq kull modifika, emenda, sostituzzjoni, żjieda jew thassir għall-awtorizzazzjoni, l-Awtorità għandha:

(a) tavża lill-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi, skont il-każ, dwar kull emenda, sostituzzjoni, modifika jew thassir ta' dan it-tip fl-awtorizzazzjoni li tipproponi li twettaq;

(b) tiddikjara r-raġunijiet li għalihom qed isiru dawn il-modifiki, l-emendi, is-sostituzzjonijiet jew it-thassir; u

(c) tispeçifika l-perjodu li fih għandhom isiru l-appelli jew l-oġġezzjonijiet fir-rigward tal-bidliet li jkunu qed isiru:

Izda meta tagħmel dan, l-Awtorità għandha tikkunsidra kull appell li jkun sar.

20. (1) Meta operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi jiddeçiedi jew li jissospendi jew li jtemm l-awtorizzazzjoni tiegħu, hu għandu minnufih javża lill-Awtorità fl-għamla preskritta mill-Awtorità biex javża terminazzjoni jew sospensjoni bħal din. Temm tal-awtorizzazzjoni.

(2) Meta l-Awtorità tirrikonoxxi l-avviż msemmi fis-subregolament (1) lill-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi, l-awtorizzazzjoni tiġi meqjusa bħala li ntemmet u, b'effett immedjat mid-data ta' dan ir-rikonoxximent, kull operazzjoni relatata mal-bijokarburanti u, jew mal-bijolikwidi mill-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandha titqies bħala mhux awtorizzata.

(3) Minkejja kull avviż għat-terminazzjoni jew is-sospensjoni ta' awtorizzazzjoni, l-operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu jhallas kull tariffa ta' awtorizzazzjoni dovuta qabel dan l-avviż.

21. (1) Awtorizzazzjoni mahruġa mill-Awtorità taħt dawn ir-regolamenti ma tkunx trasferita b'mod validu *inter vivos* lil xi persuna fiżika jew ġuridika oħra sakemm: Trasferiment ta' awtorizzazzjoni.

(a) min jittrasferixxi ma jinfurmax bil-miktub lill-

Awtorità fl-ġhamla u bil-mod li l-Awtorità tippreskrivi;

(b) l-Awtorità ma tkunx sodisfatta li jkun hemm konformità mill-inqas mal-istess kundizzjonijiet elenkati fir-regolament 10;

(ċ) min jittrasferixxi ma jkunx soġġett għall-kundizzjonijiet preskritti fl-awtorizzazzjoni; u

(d) l-Awtorità ma tapprovax it-trasferiment tal-awtorizzazzjoni bil-miktub:

Izda l-kiri tal-faċilità awtorizzata jkun jehtieg il-hruġ ta' awtorizzazzjoni ġdida f'isem il-persuna li tikri l-faċilità awtorizzata.

(2) Awtorizzazzjoni mahruġa mill-Awtorità taht dawn ir-regolamenti ma tkunx trasferita b'mod validu *causa mortis* lil xi persuna fiżika jew ġuridika oħra sakemm:

(a) id-destinatarju tat-trasferiment ma jinfurmax bil-miktub lill-Awtorità fl-ġhamla u bil-mod li l-Awtorità tippreskrivi;

(b) l-Awtorità ma tkunx sodisfatta li jkun hemm konformità mill-inqas mal-istess kundizzjonijiet elenkati fir-regolament 10;

(ċ) it-trasferiment ma jkunx soġġett għall-kundizzjonijiet preskritti fl-awtorizzazzjoni; u

(d) l-Awtorità ma tapprovax it-trasferiment tal-awtorizzazzjoni bil-miktub:

Izda awtorizzazzjoni mahruġa skont dawn ir-regolamenti tkun dritt indiviżibbli:

Izda wkoll fil-każ li l-Awtorità tapprova t-trasferiment tal-awtorizzazzjoni kif intqal qabel, it-trasferiment għandu jkollu effett retrospettiv mid-data tal-mewt tad-*decujus*.

Htieġa ta' assikurazzjoni.

22. Operatur awtorizzat tal-bijokarburanti u, jew tal-bijolikwidi għandu jkun mehtieg li jassigura l-faċilità awtorizzata jew l-attività li tirreferi għaliha l-awtorizzazzjoni tiegħu, għas-sodisfazzjon tal-Awtorità.

Tikkettar u bejgħ ta' bijokarburanti.

23. L-ebda persuna m'għandha tbiegħ jew toffri għall-bejgħ lill-konsumatur finali xi bijokarburant imhallat f'derivattivi taż-żjut minerali sakemm ma tippovdix:

(a) tikkettar speċifiku fil-punti tal-bejgħ; u

(b) informazzjoni dwar il-benefiċċji ambjentali tal-bijokarburanti li jkunu qed jiġu offruti għall-bejgħ:

Izda, mingħajr preġudizzju għan-natura ġenerali ta' dak li ntqal qabel, it-tikkettar tal-bijokarburanti msemmi f'dan is-subregolament ma jkunx meħtieġ għal perċentwali ta' bijokarburanti, imħallta f'derivattivi ta' żjut minerali, li ma jaqbzux l-10% fil-volum.

24. Operaturi awtorizzati tal-bijokarburanti u, jew tal-bijolikwidi li jipproduċu jew jimpurtaw il-bijokarburanti jew il-bijolikwidi, li l-bijokarburanti jew il-bijolikwidi tagħhom jittieħdu f'konsiderazzjoni għall-finijiet tal-htigiet tar-regolamenti 3 u 4 tar-Regolamenti dwar il-Promozzjoni ta' Energija minn Sorsi li Jiggeddu, u r-regolament 33 tar-Regolamenti dwar il-*Petroleum* għas-Suq tal-Karburanti bl-Ingrossa fuq l-Art, għandhom jiżguraw li l-bijokarburanti u l-bijolikwidi prodotti jew impurtati jkunu verifikati bħala konformi mal-kriterji ta' sostenibbiltà stabbiliti fir-regolament 4 tar-Regolamenti dwar Kriterji ta' Sostenibbiltà għall-Bijokarburanti.

Bijokarburanti sostenibbli.

L.S. 423.19

L.S. 423.28

L.S. 423.47

25. (1) Meta l-Awtorità ssir konxja, jew permezz tat-twettiq ta' investigazzjoni jew b'mod ieħor, li xi persuna tkun kisret xi waħda mid-dispożizzjonijiet ta' dawn ir-regolamenti, hi għandha toħroġ ordni ta' konformità lill-persuna konċernata, u tordnalha biex minnufih tikkonforma ruħha mad-dispożizzjonijiet ta' dawn ir-regolamenti:

Ordnijiet ta' konformità.

Izda l-ħruġ ta' kull ordni ta' konformità ma jipprekludix l-bidu ta' proċedimenti kriminali kontra dik il-persuna.

(2) Kull persuna li tonqos milli tosserva d-dispożizzjonijiet ta' ordni ta' konformità mahruġa mill-Awtorità għandha, mingħajr preġudizzju għal kull responsabbiltà oħra taħt dawn ir-regolamenti jew l-Att, thallas multa amministrattiva ta' mhux aktar minn mitt elf euro (€100,000) jew sitt mitt euro (€600) għal kull ġurnata ta' nuqqas ta' konformità mid-data tad-deċiżjoni mogħtija mill-Awtorità.

26. (1) Kull persuna li -

Reati u pieni.

(a) xjentement jew b'negligenza tikser xi dispożizzjoni ta' dawn ir-regolamenti;

(b) xjentement jew b'negligenza tikser xi kundizzjoni elenkata f'awtorizzazzjoni mahruġa taħt dawn ir-regolamenti;

(c) twettaq xi attività li teħtieg awtorizzazzjoni skont dawn ir-regolamenti mingħajr ma tkun fil-pussess ta' awtorizzazzjoni valida;

(d) tonqos milli tikkonforma ruhha ma' kull ordni skont il-liġi mogħtija minn spettur, impjegat jew uffiċjal tal-Awtorità fit-twettiq tad-dmirijiet tiegħu;

(e) ittellef, tostakola, timmolesta jew tinterferixxi jew tipprova ttellef, tostakola, timmolesta jew tinterferixxi mat-twettiq tad-dmirijiet ta' xi spettur, impjegat jew uffiċjal tal-Awtorità;

(f) tagħmel dikjarazzjoni għal xi skop ta' dawn ir-regolamenti jew awtorizzazzjoni maħruġa taħt dawn ir-regolamenti li tkun falza, qarrieqa jew mhux korretta fir-rigward ta' xi punt importanti,

tkun haġja ta' reat kontra dawn ir-regolamenti u teħel, meta tinstab haġja, piena ta' mhux iżjed minn tmintax-il xahar ħabs jew multa ta' mhux iżjed minn disgħa u sittin elf euro (€69,000) jew elf u tliet mitt euro (€1,300) għal kull ġurnata li matulha jibqa' għaddej ir-reat, jew teħel kemm dik il-multa kif ukoll il-prigunerija.

(2) Ir-responsabbiltà ta' min iwettaq reat taħt is-subregolament (1) tkun mingħajr preġudizzju għar-responsabbiltà ta' min iwettaq reat li jhallas lill-Awtorità kull spiża mgarrba fit-tneħħija tal-kawża tar-reat u biex tneħħi kull haġa li tkun saret mingħajr awtorizzazzjoni taħt dawn ir-regolamenti.

(3) Il-Qorti, minbarra li tagħti l-piena msemmija f'dan ir-regolament, tista' tordna lill-persuni kundannati biex itemmu l-attività tagħhom jew biex inehħu kull haġa li tkun saret mingħajr awtorizzazzjoni, jew it-tnejn li huma.

(4) Fil-prosekuzzjoni għal reati kontra dawn ir-regolamenti l-uffiċjali tal-Awtorità għandu jkollhom id-dritt li jgħinu lill-pulizija, u li jipprezentaw il-każ quddiem il-Qorti.

(5) L-uffiċjali tal-Awtorità jistgħu jgħinu lill-Pulizija fl-eżercizzju ta' kull setgħa tagħhom biex jevitaw it-twettiq ta' reat kontra dawn ir-regolamenti jew biex jiġbru l-provi dwar kull reat ta' dan it-tip.

(6) Il-Pulizija għandha tiġbor il-provi li jikkoncernaw kull reat kontra dawn ir-regolamenti.

(7) Id-dispożizzjonijiet ta' dawn ir-regolamenti m'għandhomx

jaffettwaw xi proċedimenti kriminali jew proċedimenti oħrajn li jistgħu jinbdew taht xi liġi oħra.

27. (1) L-Awtorità għandha żżomm reġistru jew reġistri ta' awtorizzazzjonijiet li għandhom jinkludu d-dettalji ta':

Reġistru tal-awtorizzazzjonijiet.

(a) l-awtorizzazzjonijiet kollha mogħtija taht dawn ir-regolamenti, u

(b) l-applikazzjonijiet għal awtorizzazzjoni kollha rċevuti u rrifjutati.

(2) Ir-reġistru jew ir-reġistri tal-awtorizzazzjonijiet għandhom jiġu riveduti u jinżammu aġġornati.

28. L-Awtorità tista' timponi multa amministrattiva ta' mhux aktar minn mitt elf euro (€100,000) fuq kull persuna li tikser xi dispozizzjoni ta' dawn ir-regolamenti jew li tonqos milli tikkonforma ruħha ma' xi direttiva jew deċizzjoni mogħtija mill-Awtorità waqt l-izgurar tal-konformità ma' dawn ir-regolamenti.

Multi amministrattivi.

29. Ir-Regolamenti tal-2004 dwar l-Użu ta' Bijokarburanti jew Karburanti Oħra Rinnovabbli għat-Trasport qegħdin b'dawn jiġu revokati.

Revoka Regolamenti tal-2004 dwar l-Użu ta' Bijokarburanti jew Karburanti Oħra Rinnovabbli għat-Trasport. A.L. 528 tal-2004.

L-EWWEL SKEDA

Regolament 5(2)

Tariffa tal-applikazzjoni pagabbli fir-rigward ta' applikazzjoni għal:

Notifika biex wiehed jopera bħala operatur tal-bijokarburanti u/jew tal-bijolikwidi.

It-tariffa tal-applikazzjoni għal notifika biex wiehed jopera bħala produttur tal-bijokarburanti jew tal-bijolikwidi hija ta' € 0.

Awtorizzazzjoni biex wiehed jopera bħala operatur awtorizzat tal-bijokarburanti u/jew tal-bijolikwidi.

It-tariffa applikabbli għall-applikazzjoni għal awtorizzazzjoni biex wiehed ikun jista' jopera bħala operatur awtorizzat tal-bijokarburanti jew tal-bijolikwidi hija ta' € 50.

IT-TIENI SKEDA

Regolament 8 (2)

Tariffa tal-applikazzjoni pagabbli fir-rigward ta':

Awtorizzazzjoni għall-attività ta' operatur awtorizzat tal-bijokarburanti u/jew tal-bijolikwidi.

It-tariffa tal-awtorizzazzjoni għal awtorizzazzjoni biex wiehed jopera bhala operatur awtorizzat tal-bijokarburanti u/jew tal-bijolikwidi hija ta' € 50 fis-sena u €0.00175 għal kull litru ta' bijokarburant jew bijolikwidu impurtat jew prodott.

L.N. 85 of 2012

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

Biofuels and Bioliquids Market 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:-

1. (1) The title of these regulations is the Biofuels and Bioliquids Market Regulations, 2012. Citation and scope.

(2) The scope of these regulations is the regulation of biofuels and bioliquids operations and activities in Malta. These regulations are being made for the safeguarding of the public interest and public safety. Any requirements contained therein, including those relating to authorisations and to services, are made for overriding reasons relating to public interest.

(3) These regulations have been notified in terms of Directive 98/34/EC, as amended by Directive 98/48/EC, as transposed by the Notification Procedure Regulations. S.L. 419.06

2. (1) Unless stated otherwise in these regulations, the definitions in the Act shall apply.

(2) For the purposes of these regulations, and unless the context otherwise requires:

"the Act" means the Malta Resources Authority Act; Cap. 423.

"approved" means the acceptance in writing by the Authority;

"authorisation" means any authorisation granted under these regulations, and in relation to services and service providers it means a permit, licence, warrant, appointment, concession or any decision concerning access to a service activity or the exercise thereof;

"authorised biofuels and, or bioliquids operator" means the person who is the holder of an authorisation issued by the Authority under these regulations, who is granted an authorisation to perform all transactions and activities, whether onerous or gratuitous, related to biofuel and, or bioliquids including importation, storage, production, blending, wholesale or retail and related ancillary activities, or a service provider who is authorised to operate under any law in force

in a Member State of the European Union or in a state which is a participant in the European Economic Area, permitting such person to carry out the activity of a biofuels and, or bioliquids operator;

"authorised facility" means a facility in respect of which an authorisation has been issued and includes all buildings, tanks, pipework, pumps, dispensers, electrical equipment, drainage, ancillary equipment, forecourt area and any other asset within that part of the premises relevant to the activities covered by the authorisation;

"the Authority" means the Malta Resources Authority;

"biofuels" means liquid or gaseous fuel for transport produced and composed from biomass;

"biofuels and, or bioliquids operator" means a person who performs all transactions and activities, whether onerous or gratuitous, related to biofuel and, or bioliquids including importation, storage, production, blending, wholesale or retail and related ancillary activities;

"bioliquids" means liquid fuel produced for energy purposes and composed from biomass other than for transport, including electricity and heating and cooling;

"biomass" means the biodegradable fraction of products, waste and residues from agriculture, including vegetal and animal substances, forestry and related industries and also the biodegradable fraction of industrial and municipal waste;

"establishment" means the actual pursuit of an economic activity by a service provider for an indefinite period and through stable infrastructure from where the business of providing services is actually carried out;

"final customer" means any natural or legal person purchasing biofuel and, or bioliquids for own use;

"inspector" means any officer or employee of the Authority or any other person duly appointed and authorised in writing by the Authority in accordance with the provisions of the Act to inspect and check compliance with these regulations and with any authorisation condition;

"material alterations" means any alteration which, within the limits of the application of the authorisation, may in the opinion of the Authority reasonably affect the safe operation of the authorised

facility and includes any change, removal, repair, replacement or cessation of use of any equipment whether electrical or mechanical, which would affect the safe operation of the authorised facility;

"Member State" means a member state of the European Union;

"overriding reasons relating to public interest" means reasons recognised as such in case law of the European Courts of Justice, being reasons which present a justification for the issue of an authorisation and, or the issue of a condition thereto or to any other policy decision taken in terms of such authorisation, when such authorisation, or condition or policy decision thereto could not have been issued or taken under normal circumstances except for such overriding reasons relating to public interest, including any of the following grounds:

(a) public policy, public security, public safety and public health:

Provided that these grounds shall be interpreted within the meaning of Articles 46 and 55 of the Treaty;

- (b) the maintenance of order in society;
- (c) social policy objectives;
- (d) the protection of recipients of services;
- (e) consumer protection;
- (f) the prevention of fraud;
- (g) the protection of the environment; and
- (h) the prevention of unfair competition;

"person" includes an individual, an undertaking, a body or other association of persons, whether such body or association is corporate or unincorporate;

"petroleum" has the meaning assigned to it in the Act:

Provided that "petroleum" may be given a different meaning in any authorisation issued by the Authority under these regulations;

"recipient" means any natural person who is a national of a Member State, who benefits from rights conferred upon him by community acts or any legal person established in a Member State,

who for professional or non-professional purposes uses, or wishes to use, a service against non-economic considerations;

"retail" means the sale of biofuels and, or bioliquids to final consumers;

"service" means any self-employed activity performed for economic considerations;

"service provider" means any natural person who is a national of a Member State, or any legal person established in a Member State, who offers or provides a service;

"the Treaty" means the Treaty establishing the European Community;

Cap. 379. "undertaking" shall have the same meaning as provided for in the Competition Act.

Requirement of an authorisation.

3. (1) The carrying out of the activity of a biofuels and, or bioliquids operator shall require an authorisation:

S.L. 423.28

S.L. 423.37

Provided that a biofuels and, or bioliquids operator who has been expressly authorised by the Authority and as it may in writing have established, to undertake any activity or operation in relation to biofuels under the Petroleum for the Inland (Wholesale) Fuel Market Regulations, and, or the Petroleum for the Inland (Retail) Fuel Market Regulations, shall not require an authorisation under these regulations. Without prejudice to the foregoing, the Authority may impose any such conditions it may consider appropriate in the circumstances, including any condition or obligation arising under these regulations, any further conditions prescribed by the Authority from time to time and any other obligations imposed in terms of law.

(2) Without prejudice to any obligation under any other law, the wholesaling of blends of biofuel and, or bioliquids and petroleum products shall require an authorisation under these regulations when the biofuel content of the blend exceeds the maximum limit of biofuel content in MSA EN 590 and MSA EN 228.

(3) An authorised biofuels and, or bioliquids operator may store petroleum products for the purpose of blending with biofuels and, or bioliquids, provided that the relevant authorisation for the storage of petroleum is obtained from the Authority.

(4) An authorised biofuels and, or bioliquids operator shall abide by all the conditions prescribed in the authorisation, any further conditions prescribed by the Authority from time to time and any

other obligations imposed in terms of law.

(5) Any person who produces and imports biofuels and, or bioliquids for his own exclusive use and who does not produce or import in excess of 2,000 litres in the course of a calendar year, shall not require an authorisation in terms of these regulations:

Provided that such person is required to notify the Authority of the fact of such production or importation, in such form and manner as may be required by the Authority, and to submit to the Authority such information as may be required from time to time:

Provided further that such person shall observe any code of practice, guideline or direction which may be issued by the Authority.

(6) Persons exempted from the requirement of having an authorisation in terms of sub-regulation (5) shall not be exempt from the requirement of obtaining any other authorisation or permit as may be required under any other law.

4. (1) Authorisations shall be issued by the Authority in respect of the operations, activities and practices referred to in these regulations and shall include the terms and conditions for the execution of such operations, activities and practices:

General
authorisation.

Provided that the conditions for the granting of an authorisation for a new establishment shall not duplicate requirements and controls which are equivalent or essentially comparable as regards their purpose to which the service provider is already subject in another Member State or in Malta.

(2) An authorisation issued by the Authority shall be in writing and, unless cancelled, suspended or revoked in accordance with any condition contained in it or in accordance with these regulations or with any other law, shall continue in force for such period as may be specified in the authorisation.

(3) Unless revoked, an authorisation shall be valid for four years.

(4) An authorisation issued by the Authority under these regulations shall not exempt the authorised biofuels and, or bioliquids operator from the requirement of obtaining any other authorisation or permit as may be required under any other law.

(5) An authorisation under these regulations shall not be construed as authorising the holder thereof to perform any operation or activity requiring an authorisation in terms of any regulations made

under the Act.

Application for an authorisation and application fee.

5. (1) Any person who wishes to carry out the activity of an authorised biofuels and, or bioliquids operator shall submit an application in writing to the Authority in such form and manner as the Authority may prescribe.

(2) A non-refundable application fee as specified in the First Schedule shall be paid to the Authority with the application for the authorisation.

Deetermination procedure of applications.

6. (1) The Authority shall establish its procedure for the purpose of determining an application for an authorisation to carry out the activity of an authorised biofuels and, or bioliquids operator.

(2) The Authority shall communicate to the applicant in writing within a reasonable time, which shall not be of more than six months from the date of receipt of a valid application, any decision taken concerning an application for an authorisation or an application for the renewal of an authorisation or any valid reason impeding the Authority to reach such a decision.

Renewal, modification, etc., of an authorisation.

7. (1) Upon expiry, an authorisation may be renewed, and an application for the renewal of an authorisation shall have to be submitted in writing to the Authority in such form and manner as the Authority may require, six months prior to the date on which the authorisation expires.

(2) The Authority may modify, amend, substitute, add or delete any authorisation condition in the renewed authorisation and add specific conditions relevant to each individual authorisation as the Authority considers to be reasonably justified in the circumstances.

Payment of authorisation fee.

8. (1) The first authorisation fee shall be paid by the authorised biofuels and, or bioliquids operator within thirty days from the granting of the authorisation, and thereafter every year on the anniversary of the grant of such authorisation or any other date as the Authority may reasonably establish.

(2) The amount of the authorisation fee to carry out the activity of an authorised biofuels and, or bioliquids operator shall be as specified in the Second Schedule.

(3) If any authorisation fee payable under sub-regulation (2) is not paid within thirty days, the Authority shall, after the lapse of such time, communicate with the authorised biofuels and, or bioliquids operator whose authorisation fee has not been paid informing him

about his failure to pay such fee.

(4) The Authority shall be deemed to have complied with sub-regulation (3) if such communication is sent by registered post, to the usual or last known address of the authorised biofuels and, or bioliquids operator whose authorisation fee has not so been paid.

9. If any authorisation fee mentioned in regulation 8 is not paid within thirty days from the date on which the communication therein mentioned has been sent by registered post, the authorisation to which it refers shall cease to be in force, and if the person to whom it was granted wishes again to carry out the activity of an authorised biofuels and, or bioliquids operator, he shall then be required to apply for a new authorisation. In considering any such application, the Authority shall take into consideration the previous failure of the applicant to pay the authorisation fee and of any explanation regarding that failure which the applicant may submit to the Authority.

Requirement to re-apply in case of failure to pay an authorisation fee.

10. (1) The Authority shall adopt fair, objective and transparent conditions relating to the granting of an authorisation in terms of the principles of natural justice.

Conditions for decisions relating to the granting and renewal of authorisations.

(2) In taking a decision in respect of the grant, issue, amendment or renewal or any other matter pertaining to an authorisation issued under these regulations, the Authority may take account of the following:

- (a) compliance by the applicant with all other relevant permits and authorisations, howsoever described, issued by any other public authority;
- (b) the capability of the applicant to ensure safety conditions, in the context of the authorisation being applied for;
- (c) private and professional integrity of the applicant;
- (d) protection of the health and safety of employees;
- (e) protection of the environment;
- (f) record of compliance with these regulations and any other relevant laws by the person with regard to whom the decision shall be made;
- (g) the need for facilities and services to be provided for customers at the facility concerned and the extent to which the interests of customers shall be served;

(h) the public interest in general.

Grounds of refusal for an authorisation.

11. The Authority shall have the right to refuse a request for the issue of an authorisation or, if an authorisation has been issued, a request for the renewal of an authorisation, on the grounds that:

(a) the Authority considers that the request does not meet one or more of the criteria referred to in regulation 10; or

(b) the application does not contain all such information requested by the Authority in the application form or any other additional information that the Authority may request from the applicant for the purpose of determining the application for the authorisation; or

(c) the application is not accompanied by the application fee as specified in accordance with these regulations:

Provided that any decision taken by the Authority, including refusal or withdrawal of an authorisation, shall be fully reasoned and shall be open to challenge before the Appeals Board:

Provided further that the failure by the Authority to inform the applicant regarding any decision taken concerning access to a service activity or the exercise thereof, including refusal or withdrawal of an authorisation, shall not mean, in any manner whatsoever, that the Authority has tacitly granted such authorisation and that the applicant has automatically been granted access to a service activity or the exercise thereof.

Powers to impose conditions of authorisation.

12. (1) The Authority shall have the power to include in an authorisation issued under these regulations any such conditions as the Authority considers requisite or suitable.

(2) The authorised biofuels and, or bioliquids operator shall at all times comply with these regulations and with the conditions of the authorisation.

(3) An authorisation shall have a minimum set of general conditions:

Provided that special conditions may be attached to any authorisation issued under these regulations.

(4) The conditions included in the authorisation may contain, but not necessarily be limited to, provisions regarding:

- (a) the grant and term of the authorisation;
- (b) suspension, variation and transfer conditions of the authorisation;
- (c) compliance requirements to conditions, directions, management letters, standards, guidelines, codes or rules given by the Authority or as may be established at law;
- (d) support to the long term energy plan of the country;
- (e) the promotion of the efficient operation of the biofuels and bioliquids market and protection of the customers in terms of the lowest possible prices combined with the highest quality of the products;
- (f) monitoring and recording of the authorised operations;
- (g) reporting, auditing and submission of information to the Authority;
- (h) inspection, making copies and taking extracts from books and records held by the biofuel and, or bioliquids operator and the carrying out of measurements and tests in relation to any authorised facility, assets or plant;
- (i) assessment and auditing of operations, activities and practices and their compliance to authorisation conditions;
- (j) regulation of subsidiary companies and, or companies executing part of the regulated operations, activities and practices.

(5) The Authority may, on an individual basis, exempt authorised biofuels and, or bioliquids operators whose annual throughput does not exceed 20,000 litres from the requirements imposed by certain authorisation conditions.

(6) Any person granted an authorisation under these regulations shall:

- (a) comply with any direction given by the Authority as to these regulations and as to such matters as are specified in the authorisation or are of a description so specified;
- (b) execute the regulated operations, activities and practices in accordance with such authorisation conditions;

(c) act in accordance with any requirements as are specified in the authorisation or are of a description so specified; and

(d) comply with the decisions or directions issued by the Authority.

(7) The authorised biofuels and, or bioliquids operator shall inform the Authority of any changes relating to his activity which result in the conditions for his authorisation no longer being met and the creation of subsidiaries whose activities fall within the scope of the authorisation and, or the authorisation scheme.

Inspection of an authorised facility.

13. (1) Inspectors duly appointed by the Authority shall be authorised to enter and inspect any authorised or notified facility.

(2) Every inspector of the Authority shall at all reasonable times be allowed unrestricted access to authorised or notified facilities for the purpose of ascertaining whether these regulations or the conditions to the authorisation are being duly observed. The biofuels and, or bioliquids operator shall give all reasonable assistance which such inspector may require for that purpose.

Design and construction of an authorised facility.

14. Without prejudice to any other provision of these regulations or any other law, authorised facilities designed or constructed after the entry into force of these regulations shall be designed and constructed in accordance with standards prescribed or as directed by the Authority and, or as required by any other authority competent at law as a result of a consultation or in agreement with the Authority.

Material alterations.

15. (1) The authorised biofuels and, or bioliquids operator shall not undertake or permit to be undertaken any material alterations to the authorised facility, unless the prior written consent of the Authority has been obtained.

(2) The Authority may, subsequent to the carrying out of material alterations referred to in sub-regulation (1), send an inspector or official to perform an assessment inspection on the authorised facility.

Keeping of records of all transactions.

16. (1) An authorised biofuels and, or bioliquids operator shall keep records of all transactions in respect of the authorisation he holds and other information about all biofuels and, or bioliquids transactions and shall keep originals of all management accounts at their principal place of business for the purpose of auditing by the Authority:

Provided that the Authority shall treat as confidential any information obtained from the authorised biofuels and, or bioliquids operator which such operator communicates to the Authority as being commercially sensitive and which the Authority accepts to be so, and in doing so the Authority shall not divulge any such information unless required or allowed to do so by law or by a court order or in terms of an agreement with any other government department or body established by law or as otherwise agreed with the authorised biofuels and, or bioliquids operator.

(2) The Authority shall have the right to publish information regarding activities and statistics related to biofuels and, or bioliquids:

Provided that the aforesaid publication shall not refer to any specific authorised biofuels and, or bioliquids operator or person and shall be in accordance with data protection laws.

17. (1) No person shall retail, or place on the market or offer for sale any biofuel that is not in compliance with EN 14214 or pr EN 15376. Quality of biofuels and bioliquids.

(2) Inspectors shall be authorised to enter and inspect any premises or authorised facility and take samples or amounts of any biofuels and, or bioliquids found therein.

(3) During the course of the inspection any person or the authorised biofuels and, or bioliquids operator shall give all reasonable assistance which such inspectors may require for that purpose. No compensation shall be due to any person or the authorised biofuels and, or bioliquids operator with regard to any samples taken.

18. The Authority may, at any time in the course of the period for which the authorisation is valid, order its suspension, revocation or cancellation where the Authority is satisfied that: Suspension, revocation or cancellation of an authorisation.

(a) the authorised biofuels and, or bioliquids operator has failed or is failing to abide by any conditions of the authorisation or by these regulations or any other law; or

(b) the authorised biofuels and, or bioliquids operator does not possess all other relevant permits and authorisations howsoever described that are required by any other government department or public authority; or

(c) the authorised biofuels and, or bioliquids operator is contravening any requirement imposed by law; or

(d) the authorised biofuels and, or bioliquids operator fails to comply with any directive given by the Authority as to such matters as are specified in the authorisation or are of a description so specified; or

(e) any information submitted in the application for an authorisation or the application for renewal of an authorisation and for which the authorisation has been issued or renewed, as the case may be, is determined to be false; or

(f) it is in the public interest; or

(g) the authorised biofuels and, or bioliquids operator does not meet any criteria with respect to one or more of the criteria referred to in regulation 10:

Provided that in exercising the powers for suspension, revocation or cancellation of an authorisation, the Authority shall take into account the nature of the failure, or the fact that the authorised biofuels and, or bioliquids operator is taking the appropriate steps which the Authority considers to be necessary in order to comply with the conditions of the authorisation, or any other requirement that the Authority may deem relevant.

Modification of authorisation.

19. (1) Subject to the following provisions of this regulation, the Authority may at any time in the course of the period for which an authorisation is valid, modify, amend, substitute or delete the conditions of the authorisation as it may consider requisite or suitable:

Provided that, when doing so, the Authority shall not add new authorisation conditions unless these are being made for overriding reasons relating to public interest.

(2) Before making any modification, amendment, replacement, addition or deletion to the authorisation, the Authority shall:

(a) communicate to the authorised biofuel and, or bioliquids operator, as the case may be, any such amendment, substitution, modification or deletion to the authorisation it proposes to make;

(b) state the reasons why such modifications, amendments, substitutions, modifications or deletions are being made; and

(c) specify the period within which representations or

objections have to be made with respect to the changes being made:

Provided that in doing so, the Authority shall consider any representations made.

20. (1) Where an authorised biofuels and, or bioliquids operator decides either to suspend or terminate his authorisation, he shall promptly notify the Authority in the form prescribed by the Authority, to notify such a termination or suspension. Termination of authorisation.

(2) Upon acknowledgment by the Authority to the authorised biofuels and, or bioliquids operator of the notification mentioned in sub-regulation (1), the authorisation shall be considered to have ceased and, with immediate effect from the date of such acknowledgment, any operation in relation to the biofuels and, or bioliquids by the authorised biofuels and, or bioliquids operator shall be deemed to be unauthorised.

(3) Notwithstanding any notification for the termination or suspension of an authorisation, the authorised biofuels and, or bioliquids operator shall remain liable for the payment of any authorisation fees due prior to such notification.

21. (1) An authorisation issued by the Authority under these regulations shall not be validly transferred *inter vivos* to any other natural or legal person unless: Transfer of authorisation.

(a) the transferor informs in writing the Authority in such form and manner as the Authority shall prescribe;

(b) the Authority is satisfied that at least the same conditions as listed in regulation 10 are complied with;

(c) the transfer is subject to the conditions prescribed in the authorisation; and

(d) the Authority approves in writing the transfer of the authorisation:

Provided that the leasing of the authorised facility shall require the issue of a new authorisation in the name of the person leasing the authorised facility.

(2) An authorisation issued by the Authority under these regulations shall not be validly transmitted *causa mortis* to any other natural or legal person unless:

(a) the transferee informs in writing the Authority in such form and manner as the Authority may prescribe;

(b) the Authority is satisfied that at least the same conditions as listed in regulation 10 are being complied with;

(c) the transfer is subject to the conditions prescribed in the authorisation; and

(d) the Authority approves in writing the transfer of the authorisation:

Provided that an authorisation issued in terms of these regulations shall be an indivisible right:

Provided also that in the event that the Authority approves the transfer of the authorisation as aforesaid, the transfer shall have retrospective effect from the date of the demise of the *decujus*.

Requirement of insurance.

22. An authorised biofuels and, or bioliquids operator shall be required to insure, to the satisfaction of the Authority, the authorised facility or the activity to which their authorisation refers.

Labelling and sale of biofuels.

23. No person shall sell or offer for sale to the final customer any biofuel blended in mineral oil derivatives unless he provides:

(a) specific labelling at the points of sale; and

(b) information on the environmental benefits of the biofuels being offered for sale:

Provided that, without prejudice to the generality of the foregoing, the labelling of biofuels referred to in this sub-regulation shall not be required for percentages of biofuels, blended in mineral oil derivatives, not exceeding 10% by volume.

Sustainable biofuels.

S.L. 423.19

S.L. 423.28

S.L. 423.47

24. Authorised biofuels and, or bioliquids operators producing or importing biofuel or bioliquids, whose biofuels and, or bioliquids are taken into account for the purposes of the requirements of regulations 3 and 4 of the Promotion of Energy from Renewable Sources Regulations, and regulation 33 of the Petroleum for the Inland (Wholesale) Fuel Market Regulations shall ensure that the biofuels and bioliquids produced or imported are audited and verified to be compliant to the sustainability criteria set out in regulation 4 of the Biofuels (Sustainability Criteria) Regulations.

Compliance orders.

25. (1) When the Authority becomes aware, whether through carrying out an investigation or otherwise, that any person has infringed any of the provisions of these regulations, it shall issue

a compliance order to the person concerned, ordering him to comply immediately with the provisions of these regulations:

Provided that the issuing of any compliance order shall not preclude the initiating of criminal proceedings against such person.

(2) Any person who fails to abide by the provisions of a compliance order issued by the Authority shall, without prejudice to any other liability under these regulations or the Act, be liable to an administrative fine of not more than one hundred thousand euro (€100,000) or of six hundred euro (€600) for each day of non-compliance from the date of the decision given by the Authority.

26. (1) Any person who -

Offences and penalties.

(a) wilfully or through negligence acts in breach of any provision of these regulations;

(b) wilfully or through negligence breaches any condition listed in an authorisation issued under these regulations;

(c) carries out any activity requiring an authorisation in terms of these regulations without being in possession of a valid authorisation;

(d) fails to comply with any lawful order made by an inspector, employee or officer of the Authority in the performance of his duties;

(e) hinders, obstructs, molests or interferes or attempts to hinder, obstruct, molest or interfere with the performance of the duties of any inspector, employee or officer of the Authority;

(f) makes a declaration for any of the purposes of these regulations or an authorisation issued under these regulations which is false, misleading or incorrect in any material particular,

shall be guilty of an offence against these regulations and shall, on conviction, be liable to imprisonment for not more than eighteen months or to a fine (*multa*) of not more than sixty-nine thousand euro (€69,000) or to one thousand three hundred euro (€1,300) for each day during which the offence persists, or to both such fine and imprisonment.

(2) The liability of an offender under sub-regulation (1) shall be without prejudice to the liability of the offender to pay to the Authority any cost incurred in removing the cause of the offence and to undo anything which was done without an authorisation under these regulations.

(3) The Court, besides awarding the punishment referred to in this regulation, may order the convicted offenders to close their activity or to undo anything which was done without an authorisation, or both.

(4) In prosecutions for offences against these regulations, officials of the Authority shall have the right to assist the Police, and to plead the case before the Court.

(5) Officers from the Authority may assist the Police in the exercise of any of their powers to prevent the commission of an offence against these regulations or to secure evidence concerning any such offence.

(6) The Police are to secure evidence concerning any offence against these regulations.

(7) The provisions of these regulations shall not affect any criminal proceedings or any other proceedings that may be instituted under any other law.

Register of
authorisations.

27. (1) The Authority shall keep a register or registers of authorisations which shall include records of:

- (a) all authorisations granted under these regulations,
and
- (b) all applications for an authorisation received and refused.

(2) The register or registers of authorisations shall be kept under review and up to date.

Administrative
fines.

28. The Authority may impose an administrative fine not exceeding one hundred thousand euro (€100,000) upon any person who infringes any provision of these regulations or who fails to comply with any directive or decision given by the Authority in ensuring compliance with these regulations.

29. The Use of Biofuels or Other Renewable Fuels for Transport Regulations, 2004, are hereby being revoked.

Revocation of the Use of Biofuels or Other Renewable Fuels for Transport Regulations, 2004. L.N. 528 of 2004.

FIRST SCHEDULE

Regulation 5(2)

Application fee payable in respect of an application for:

Notification to operate as a biofuels and/or bioliquids operator.

The applicable fee for a notification to operate as biofuels or bioliquids producer is € 0.

Authorisation to operate as an authorised biofuels and/or bioliquids operator.

The applicable fee for applying for an authorisation to operate as a an authorised biofuels or bioliquids operator is € 50.

SECOND SCHEDULE

Regulation 8 (2)

Authorisation fee payable in respect of an:

Authorisation for the activity of an authorised biofuels and/or bioliquids operator.

The authorisation fee for an authorisation to operate as an authorised biofuels and/or bioliquids operator is € 50 per annum and € 0.00175 per litre of biofuel or bioliquid imported or produced.

