

L.N. 97 of 2013

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

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

**European Union Greenhouse Gas Emissions Trading
Scheme for Aviation (Amendment) Regulations, 2013**

IN exercise of the powers conferred by article 61 of the Environment and Development Planning Act and by article 28 of the Malta Resources Authority Act, the Minister for Tourism, Culture and Environment and the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority and the Malta Environment and Planning Authority, have made the following regulations:

1. The title of these regulations is the European Union Greenhouse Gas Emissions Trading Scheme for Aviation (Amendment) Regulations, 2013 and these regulations shall be read and construed as one with the European Union Greenhouse Gas Emissions Trading Scheme Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 504.115

2. Regulation 11 of the principal regulations shall be amended as follows:

Amends
regulation 11 of
the principal
regulations.

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) The Authority shall, by 28th February of each year of the period starting 1st January, 2013 and subsequent periods as referred to in regulation 4(1), issue to each aircraft operator the number of Chapter II allowances allocated to that aircraft operator for that year as determined under regulation 4(6)(b) or regulation 5(5)(b). Issuance of allowances shall be carried out in accordance with the relevant decisions and regulations adopted by the Commission pursuant to Directive 2003/87/E.";

(b) sub-regulation (3) thereof shall be substituted by the following:

"(3) Chapter II allowances allocated in accordance with regulation 4 and issued in respect of the period from 1st January, 2012 to 31st December, 2012 shall be valid for emissions during that period. Chapter II allowances issued in accordance with sub-regulation (1) in respect of the period beginning 1st January 2013 and subsequent periods shall be valid for emissions during the period for which they are issued."; and

(c) sub-regulation (6) thereof shall be substituted by the following:

"(6) Where Chapter II allowances have been issued to an aircraft operator with respect to the period from 1st January, 2012 to 31st December 2012, or with respect to a year pursuant to sub-regulation (1), and, when, in accordance with relevant decisions and regulations adopted by the Commission pursuant to Article 25(a) of Directive 2003/87/EC or pursuant to a decision taken by the Authority in consequence of these decisions and regulations, the quantity of Chapter II allowances allocated to that aircraft operator for that year, as determined in regulation 4(6)(b) or regulation 5(5)(b) is decreased, the aircraft operator shall retribute a quantity of allowances equivalent to the amount by which the allocation has been so decreased.".

