



# CONSULTATION BRIEF ON THE LIMITATION OF EMISSIONS OF CERTAIN ATMOSPHERIC POLLUTANTS REGULATIONS, 2018

## 1. BACKGROUND

The aim of the proposed Regulations is to transpose the obligations arising from Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC. The proposed Regulations also cater for the implementation of the revised Protocol to Abate Acidification, Eutrophication and Ground-level Ozone to the UNECE<sup>1</sup> Convention on Long-Range Transboundary Air Pollution.

Directive (EU) 2016/2284, commonly referred to as the National Emission Ceilings Directive (NEC Directive), sets national emission reduction commitments for Member States for five important air pollutants that contribute to poor air quality: nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOCs), sulphur dioxide (SO<sub>2</sub>), ammonia (NH<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>). The EU became a Party to the revised UNECE Protocol (Gothenburg Protocol) in 2017, which also aims at setting national emission ceilings for the aforementioned pollutants. The Limitation of Emissions of Certain Atmospheric Pollutants Regulations seek to integrate the NEC Directive and Gothenburg Protocol into national law. The designated Competent Authority under the said regulations is the Environment and Resources Authority (ERA).

## 2. IMPLICATIONS

### SCOPE OF THE LIMITATION OF EMISSIONS OF CERTAIN ATMOSPHERIC POLLUTANTS REGULATIONS

The proposed Regulations establish national emission reduction commitments for Malta, expressed as a percentage of the 2005 baseline level for that pollutant. The emission reductions are to be achieved by the years 2020, 2025 and 2030 as indicated in the table below. In order to realize these commitments, the competent authority shall compile, adopt and implement an air pollution control programme, which must be updated every four years. The competent authority must also consult the public and relevant stakeholders on the draft programme in accordance with the Plans and Programmes (Public Participation) Regulations (S.L. 549.41).

Pollutant	Percentage reduction	Percentage reduction	Percentage reduction
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<sup>1</sup> United Nations Economic Commission for Europe (UNECE)

	over 2005 level for 2020	over 2005 level for 2025	over 2005 level for 2030
SO <sub>2</sub>	77%	86%	95%
NO <sub>x</sub>	42%	60%	79%
PM <sub>2,5</sub>	25%	38%	50%
nmVOC	23%	25%	27%
NH <sub>3</sub>	4%	14%	24%

## MONITORING AND REPORTING OBLIGATIONS

The competent authority shall compile the following inventories and reports as outlined in regulation 6: national atmospheric emissions inventory, spatially disaggregated national atmospheric emission inventories and large point source inventories, national emission projections for pollutants, and informative inventory reports. Regulations 8 to 12 therein provide certain powers to the authority to gather the information needed to compile these reports.

The competent authority is also obliged to monitor the negative impacts of air pollution on ecosystems as per regulation 7, and coordinate with other monitoring programmes established under various legislation such as the Ambient Air Quality Regulations (S.L. 549.59), the Water Policy Framework Regulations (S.L. 549.100), and the Flora, Fauna and Natural Habitats Protection Regulations (S.L 549.44).

## OTHER PROVISIONS

The proposed Regulations contain a provision on access to information, which obliges the competent authority to ensure that the following information be made publically available:

- (a) the air pollution control programme and any updates;
- (b) the national emission inventory (including, where applicable, the adjusted national emissions inventories), the national emission projections, the informative inventory reports and additional reports and information provided to the European Commission in accordance with regulation 6(6) therein.

The proposed Regulations also establish penalties for offences, and finally, regulation 17 serves to repeal certain legislation that will be superseded by the publication of these Regulations, namely, the National Emissions Ceilings for Certain Atmospheric Pollutants Regulations (S.L. 549.32), and the Limitation of Emissions of Certain Atmospheric Pollutants Regulations (S.L. 549.115).

## 3. COMMENTS

The draft Limitation of Emissions of Certain Atmospheric Pollutants Regulations are available from the following link:

<<https://era.org.mt/en/Pages/Draft-Policies.aspx>>

Comments will be received by email on [international.affairs@era.org.mt](mailto:international.affairs@era.org.mt), from **Monday, 9<sup>th</sup> April 2018**, for a period of 4 weeks, ending on **Friday, 4<sup>th</sup> May 2018**.