

**L.N. 220 of 2001**

**ENVIRONMENT PROTECTION ACT, 2001  
(ACT NO. XX OF 2001)**

**Limit Values and Quality Objectives for  
Mercury Discharges by the  
Chlor-alkali Electrolysis Industry Regulations, 2001**

BY virtue of the powers conferred by articles 3, 9 and 28 of the Environment Protection Act, 2001, the Minister for the Environment has made the following regulations:-

**1.** (1) The title of these regulations is the Limit Values and Quality Objectives for Mercury Discharges by the Chlor-alkali Electrolysis Industry Regulations, 2001.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) A notice under sub-regulation (2) of this regulation may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

**2.** (1) For the purpose of these regulations and unless the context otherwise requires:-

“competent authority” means the Department for Environment Protection under the guidance of the Director for Environment Protection and such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe and different bodies or persons may be designated as a competent authority for different provisions and different purposes of these regulations;

“existing plant” means an industrial plant which is operational on the date of entry into force these regulations;

“industrial plant” means a plant in which alkali chlorides are electrolyzed by means of mercury cells;

“limit values” means the values specified in Annex I;

“mercury” means:

(a) the chemical element mercury;

(b) the mercury contained in any of its compounds;

“new plant” means:

(a) an industrial plant which has become operational after the date of entry into force of these regulations;

(b) an existing industrial plant whose capacity for the electrolysis of alkali chlorides by means of mercury cells has been substantially increased after the date of entry into force of these regulations;

“quality objectives” means the requirements specified in Annex II.

(2) These regulations apply to the waters referred to in regulation 2(2) of the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations, 2001, with the exception of groundwater.

**3.** (1) The limit values, the time limits by which they shall be complied with and the monitoring procedure for discharges are laid down in Annex I.

(2) The authorizations referred to in regulation 4 of the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations, 2001 shall contain provisions at least as stringent as those in Annex I to these regulations, except in cases where the competent authority is complying with sub-regulation (3) of regulation 7 the Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment Regulations, 2001, on the basis of Annexes II and IV to these regulations. The authorizations shall be reviewed at least every four years.

(3) Without prejudice to their obligations arising out of sub-regulations (1) and (2) of this regulation and of the provisions of regulations relating to pollution caused by certain dangerous substances discharged into the aquatic environment, the competent authority may grant a licence for new plants only if such a licence contains a reference to the standards corresponding to the best technical means available for preventing discharges of mercury.

(4) The competent authority shall use or order the use of the reference method of analysis for determining the presence of mercury as given in Annex III.1 to these regulations. The competent authority may where appropriate use or allow the use of other methods, provided that the limits of detection, precision and accuracy of such methods shall be at least as good as those laid down in Annex III.1 to these regulations. The accuracy required in the measurement of effluent flow shall be that given in Annex III.2 to these regulations.

**4.** The competent authority shall be responsible for monitoring the aquatic environment affected by industrial discharges. In the case of discharges affecting the

waters of the competent authority shall cooperate with other states to harmonizing monitoring procedures.

5. Any person shall be guilty of an offence under these regulations if:

(a) he fails to comply with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations.

6. Any person who commits an offence against these regulations shall, on conviction, be liable:

(a) on a first conviction to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand liri;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri, but not exceeding two thousand liri or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and/or other persons acting on their behalf involved in the implementation of these regulations and restitution of the environment as a result of the said offence, the revocation of the permit issued by the Police and the confiscation of the *corpus delicti*.

7. (1) The provisions of article 23 and subarticle (1) of article 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings, in respect of offences against these regulations, so however that the disqualification from holding or obtain a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect

of proceedings for any offence against these regulations.

ANNEX I  
ANNEX II  
ANNEX III  
ANNEX IV