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Legal Requirements


Revision list

Revision no.	Description	Date
0	First issue	11.10.2010
1	Inclusion of LC table in Section 5.5	08.02.2011
2		
3		
4		

Written by Regulatory Affairs Office	Verified by EC	Approved by MR
C. Brincat [signed]	C. Abela [signed]	R. Cremona [signed]

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1 Aim and scope

The objective of the procedure is to define responsibilities and detailed rules used by EMC to identify all relevant environmental legal requirements, define how to comply to them and plan proper monitoring to ensure continuous compliance to these legal requirements.

The procedure is applicable to all EMC activities within the EMS scope and to all applicable Legal Requirements.

2 References

EN ISO 14001:04, clause 4.3.2 – 4.5.2.

3 Terms and Definitions

Legal Requirement (LR): obligation established by Maltese legislation, EU Regulations/Directives,/Decisions or any authorisation, permit, etc. issued to EMC by local competent authorities.

4 Responsibilities


EMC Management	provides resources for the compliance when these exceed the MR assignment
Management Representative (MR)	provides resources for the compliance; defines new responsibilities for the compliance if requested
Regulatory Affairs Office (RAO)	identifies LR; explains the LR; proposes solutions for the compliance
Environmental coordinator (EC)	coordinates and cooperates with the RAO; monitors legal compliance
Environmental representative (ER): ISO 14001 staff:	supports RAO, EC, DPS, MPS, and Distribution responsible
DPS, MPS, Distribution responsible:	support RAO, EC DPS, MPS, and Distribution responsible
	puts in practice actions and programs planned to be compliant with the legal obligations
All employees	act in accordance to the requirements

5 Detailed procedural rules

5.1 Introduction

LRs are:

1. Maltese Legal Notices (LN)
2. Local Regulations
3. EU Regulations/Directives/Decisions and other European mandatory documents
4. Authorisations, permits, etc. issued to EMC and providing rules and requirements to carry out the activity
5. Any other document issued by the authorities providing mandatory rules or requirements for EMCs activities

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5.2 Access to Legal Requirements and identification of those relevant for EMC activities

The MR provides to the RAO all the necessary means to be informed about new legislation or other LR. Means can include the internet, subscriptions to specialised websites or to technical / legal magazines, consultants including consultations with the Legal Office of Enemalta Corporation or third party legal advisors etc.

In its turn the RAO shall ask for all the necessary means it may require and to make use of them. The RAO is responsible to identify all environmental legal requirements relevant to EMC activities. The RAO is also responsible to inform all concerned persons within EMC of any new or revised LR and to propose action plans to achieve and maintain compliance to them.

Action plans can deal with new or modified plants or equipment, monitoring, applications, licenses or permits, documents, etc.

For any new LR the RAO is responsible to set up a meeting with representatives from DPS, MPS and/or Distribution (as applicable), EC and relevant environmental staff members to define what has to be done to comply with the requirement and to consequently define action plans. In case of any conflict of opinion the Legal Office has to be consulted. The MR will be involved, depending on the importance of the necessary actions to be implemented and resources needed in order to comply with the new requirement.

5.3 Action Planning

Action plans that:

- involve more than one responsible within EMC or
- will be completed over a medium to long term or
- require works such as extraordinary maintenance, new or modified buildings, plants or equipment

shall be documented by the RAO using the appropriate documents / forms available within EMC management system.

Action plans shall define:

- the responsible for the overall action
- Single actions, tasks
- Deadlines
- Responsibilities for each task
- Means and resources


Action plans shall be approved by the appropriate person responsible for the action itself and who will provide the required resources. Approval of the action plan may be different for different situations, according to EMC regulations and practices. Action plans shall be communicated by MR, EC or ER as applicable, to all the persons involved.

5.4 Implementation of Actions

Each task shall be implemented by the person responsible of the task under the overall responsibility of his/her superior.

RAO shall be kept informed of the progress and if necessary shall update the action plan (when documented) accordingly.

The completion of the action plan will be verified by the RAO

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Ongoing and completed action plans will be included into the Management Review agenda. RAO is responsible to insert any "Action required", deadline, periodical check, etc. resulting from the new or modified LR into the Enemalta Legal Obligations Summary and into the relevant "Detailed Legal Obligations" document in order to keep the legal compliance under control.

5.5 Monitoring of Legal Compliance

The Environmental Coordinator has the responsibility to plan on an annual basis monitoring of legal compliance and to check that monitoring of legal compliance is being correctly carried out and completed.

Monitoring of legal compliance is based on the "monitoring plans" for DPS, MPS and Distribution and Development.

Monitoring of legal compliance includes:

- Verifying that new legal requirements or amendments have been identified and properly included into the EMS;
- Verifying the implementation of the monitoring plans;
- Verifying existence of updated and in force permits and authorisations
- Verifying compliance to authorisation, permit, etc. requirements, including training requirements.

The EC can carry out monitoring on his/her own or he/she can ask for cooperation of other competent persons.

To be competent for the task the requirements are the following:


- Have at least two years of work experience in EMC field of activity;
- Have at least one year of experience within LR analysis and management and/or within the EMS.

Monitoring can be included in the annual internal audit program; in which case it will be documented by the audit responsible in the audit report.

Otherwise, it can be planned and documented separately.

Monitoring of legal compliance includes:

Activity	Responsible	How	Notes
Verifying existence of updated and in force permits and authorisations	RAO	Communicate with public authorities Update Enemalta legal requirements Summary	Deadlines are detailed into the Legal Requirements summaries when applicable
Verifying compliance to emission limits	RAO	Receive and assess internal reports and reports from external laboratories/consultants	Internal data reports are sent to management for decisions

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Verifying compliance to authorization, permits, etc. requirements	EC	Dedicated legal internal audits	Detailed legal requirements may be used as a check-list for these audits. The audit report is an input for the Management Review NC and action plans may be issued
Verifying compliance to authorization, permits etc requirements	EMS Auditors	Sample checks during internal EMS audits	See above

6 Reference documents

Enemalta Legal Obligations Summary
Detailed Legal Obligations (one for each item)
Action plan Form