

## ENVIRONMENT PROTECTION ACT

(CAP. 549)

### Industrial Emissions (Special Provisions for Rearing Poultry and Pigs) Regulations, 2026

IN EXERCISE of the powers conferred by Articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Energy and Public Cleanliness, after consultation with the Environment and Resources Authority, has made the following regulations:-

#### Citation.

1. The title of these regulations is the Industrial Emissions (Special Provisions for Rearing Poultry and Pigs) Regulations, 2026.

#### Scope.

2. (1) These regulations provide for the implementation in part of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention and Control) and Council Directive 1999/31/EC on the landfill of waste as amended by Directive 2024/1785/EU of the European Parliament and of the Council of 24 April 2024.  
(2) These regulations also provide for the implementation of the Industrial Emissions and livestock rearing emissions (Framework) Regulations.  
(3) These regulations shall apply to the activities set out in the Schedule which reach the capacity thresholds set out in that Schedule.

#### Aggregation rule.

3. (1) The competent authority shall adopt measures to ensure that if two or more installations engaged in livestock rearing activities are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the competent authority may consider those installations to be a single unit for the purpose of calculating the capacity threshold referred to in regulation 2(3).  
(2) The competent authority shall ensure that the rule referred to in sub-regulation (1) is not used to circumvent the obligations set out in these regulations:

Provided that the threshold for mixed farming should not be used to circumvent the threshold relating to each individual livestock.

- (3) The competent authority shall take into account any guidelines published by the Commission, on the criteria for considering different installations to be a single unit under sub-regulation (1).

#### Permits and registrations.

4. (1) No installation falling within the scope of these regulations shall operate without a permit or without being registered, and shall comply with the uniform conditions for operating rules referred to in regulation 10.

(2) The competent authority may use any similar pre-existing procedure for the registration of installations in order to avoid creating an administrative burden.

Provided that the competent authority may apply a permitting procedure to the intensive rearing of poultry and pigs:

- (a) with more than 40 000 places for poultry;
- (b) with more than 2 000 places for production pigs over 30 kg; or
- (c) with more than 750 places for sows.

Provided further that the competent authority may include requirements, for certain categories of installations falling within the scope of these regulations, in the general binding rules referred to in regulation 8 of the Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations:

Provided further that the competent authority shall specify the procedure for registration or granting a permit in respect of installations falling within the scope of these regulations. Those procedures shall include at least the information listed in sub-regulation (3).

(3) Registrations or applications for permits shall include at least a description of the following elements:

- (a) the installation and its activities;
- (b) the animal type;
- (c) the stocking density in LSU per hectare calculated in accordance with the Schedule, where necessary;
- (d) the capacity of the installation;
- (e) the sources of emissions from the installation;
- (f) the nature and quantities of foreseeable emissions from the installation into each medium.

(4) Applications shall also include a non-technical summary of the information referred to in sub-regulation (3).

(5) The operator shall inform the competent authority, without delay, of any planned substantial change to the installations falling within the scope of these regulations which could have consequences for the environment. Where appropriate, the competent authority shall reconsider and update the permit or request the operator to apply for a permit or make a new registration.

**Obligations of the operator.**

5. (1) The operator shall carry out monitoring of emissions and of associated environmental performance levels in accordance with the uniform conditions for operating rules referred to in regulation 10:

Provided that monitoring data shall be obtained by means of measurement methods or, where not practicable, by calculation methods such as the use of emission factors. The methods used for obtaining the monitoring data shall be described in the operating rules:

Provided further that the operator shall keep a record of, and process, all monitoring results, for not less than 5 years, in such a way as to enable the verification of compliance with the emission limit values and environmental performance limit values set out in operating rules.

(2) In the event of non-compliance with the emission limit values and environmental performance limit values set out in the uniform conditions for operating rules referred to in regulation 10, the operator shall take the measures necessary to ensure that compliance is restored within the shortest possible time.

(3) The operator shall ensure that manure management, including land spreading of waste, animal by-products or other residues generated by the installation is undertaken in accordance with the best available techniques, as specified in the operating rules, and other relevant Union legislation and that it does not cause significant pollution of the environment.

#### **Monitoring.**

6. (1) The competent authority shall ensure that suitable monitoring is carried out in accordance with the uniform conditions for operating rules referred to in regulation 10.

(2) All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions, emission limit values and environmental performance limit values which are included in the general binding rules referred to in regulation 8 of Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations or in the permit, in the manner prescribed by the competent authority.

(3) The operator shall, without delay, make available the data and information listed in sub-regulation (2) to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the uniform conditions for operating rules. The competent authority shall make that request if a member of the public requests access to the data or information listed in sub-regulation (2).

#### **Non-compliance.**

7.

(1) The competent authority shall ensure that the values for emissions and environmental performance levels are monitored in accordance with the uniform conditions for operating rules referred to in regulation 10 and do not exceed the emission limit values and environmental performance limit values set out therein.

(2) The competent authority shall set up an effective compliance monitoring system, based on either environmental inspections or other measures, to check compliance with the requirements set out in these regulations.

(3) In the event of non-compliance with the requirements set out in these regulations, the competent authority shall require the operator to take any measures, in addition to the measures taken by the operator under regulation 5, that are necessary to ensure that compliance is restored without delay:

Provided that where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks posing, a significant danger to human health, the

operation of the installation shall be suspended by the competent authority until compliance is restored:

Provided further that, a suspension of operations shall be strictly without prejudice to the continuation of activities that are necessary for the welfare of the livestock.

**Public information and participation.**

8. (1) The competent authority shall ensure that the public concerned is given early and effective opportunities to participate in the following procedures:
- (a) preparation of general binding rules as referred to in regulation 8 of the Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations on permits for installations falling within the scope of these regulations;
  - (b) the granting of a permit for a new installation falling within the scope these regulations;
  - (c) the granting of an updated permit in accordance with regulation 4(4) for any substantial change to an existing installation falling within the scope of these regulations; or
  - (d) the procedure for registration, in the event that general binding rules are not adopted, and the competent authority allows the installation only to be registered.
- (2) The competent authority shall make available to the public, including systematically via the internet, free of charge and without restricting access to registered users, the following documents and information:
- (a) the permit or the registration;
  - (b) the results of the consultations held in accordance with sub-regulation (1);
  - (c) the general binding rules referred to in regulation 8 of Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations which are applicable to installations falling within the scope of these regulations; and
  - (d) the reports of inspections of the installations falling within the scope of these regulations.

**Appeals.**

**Cap. 551.**

9. (1) Any aggrieved person wishing to challenge the substantive or procedural legality of decisions, acts or omissions under these regulations shall have the right to appeal before the Tribunal. Appeals shall be made in accordance with the relevant rules and procedures laid down under the Environment and Planning Review Tribunal Act.
- (2) An appeal may be filed before the Tribunal within thirty (30) days from the publication of the decision on the Authority's website.

**Uniform conditions for operating rules.**

10. The competent authority shall follow or shall be informed of developments in best available techniques and of the publication of any new or updated uniform conditions for operating rules.

**Offences.**

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

- (a) he fails to comply with any provision of these regulations or with permit conditions or 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; or
- (c) he acts in contravention of any of the provisions of these regulations; or
- (d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provisions of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

**Penalties.**

**12.** Any person who commits an offence under these regulations shall be liable:

- “(a) on a first conviction, to a fine (multa) of not less than one thousand and five hundred euro (€1,500) and not greater than twenty-three thousand euro (€23,000), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;
- (b) on a second or subsequent conviction, to a fine (multa) of not less than five thousand euro (€5,000) and not greater than forty-six thousand euro (€46,000), 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 competent authority as a result of the said offence, the revocation of the permit issued by the competent authority and the confiscation of the corpus delicti, including the vehicle, if applicable.

**Applicability of the Criminal Code.**

**Cap. 9.**

**13.** (1) The provisions of Articles 23 and 30(1) 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 obtaining 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 held 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.

**Administrative penalties.**

- 14.** The competent authority may alternatively impose administrative penalties in line with Articles 80 and 81 of the Act:

Provided that for the most serious infringements committed by a legal person, the maximum amount of the administrative financial penalties shall be at least 3% of the annual turnover of the operator in the financial year preceding the year in which the fine is imposed.

**Compensation.**

- 15.** (1) Where damage to human health has occurred as a result of an infringement of national measures that were adopted pursuant to these regulations, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons.

(2) National rules and procedures relating to claims for compensation shall be designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by an infringement pursuant to sub-regulation (1).

(3) Actions for compensation referred to in sub-regulation (1) shall be barred by a period of two years. Such period shall not begin to run before the infringement has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from an infringement pursuant to sub-regulation (1).

**Transitory Provisions.**

- 16.** In relation to installations carrying out activities referred to in the Schedule, these regulations shall come into force within:

- (a) 4 years of the entry into force of the implementing act referred to in Article 70i (2) of EU 2024/1725 Directive (EU) 2024/1785 of the European parliament and of the council

of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste, if the installation has a capacity of 600 LSU or more;

- (b) 5 years of the entry into force of the implementing act referred to in Article 70i (2) of EU 2024/1725 Directive (EU) 2024/1785 of the European parliament and of the council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste, if the installation has a capacity of 400 LSU or more;

- (c) 6 years of the entry into force of the implementing act referred to in of EU 2024/1725 Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial

emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste,, for all other installations covered by the Schedule;

Provided that until the relevant date of application, as referred to this regulation, the installations mentioned in this regulation which fall within the scope of Directive 2010/75/EU in the version in force on the day before this Directive enters into force, shall comply with Directive 2010/75/EU in that version.

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## Schedule

### Activities referred to Regulation 2(3)

Installations fall within the scope of this Schedule if they fall within one or more of the following activity categories:

1. Rearing of pigs representing 350 LSU or more, excluding rearing activities that are carried out under organic production regimes in accordance with Regulation (EU) 2018/848, or where the stocking density is less than 2 LSU/hectare used only for grazing or growing fodder or forage used for feeding the animals and the animals are reared outside for a significant amount of time in a year or seasonally reared outside.
2. Rearing of only laying hens representing 300 LSU or more, or rearing of only other poultry categories representing 280 LSU or more. In installations rearing a mix of poultry including laying hens, the threshold shall be 280 LSU and the capacity shall be calculated using 0,93 as weighting factor<sup>1</sup> for laying hens.
3. Rearing of any mix of pigs or poultry representing 380 LSU or more, excluding rearing of pigs in installations operating under organic production regimes in accordance with Regulation (EU) 2018/848, or where the stocking density is less than 2 LSU/hectare used only for grazing or growing fodder or forage used for feeding the animals and the animals are reared outside for a significant amount of time in a year or seasonally reared outside.

The LSU level of an installation is calculated using the following conversion rates:

Pigs	LSU
Breeding sows $\geq$ 50 kg	0,500
Piglets $\leq$ 20 kg	0,027
Other pigs	0,300

Poultry	LSU
Broilers	0,007
Laying hens	0,014
Turkeys	0,030
Ducks	0,010
Geese	0,020
Ostriches	0,350
Other poultry fowl	0,001

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<sup>1</sup> The weighting factor for laying hens has been calculated by dividing the other poultry threshold (280 LSU) by the laying hens threshold (300 LSU). This is  $280/300 = 0,93$  (rounded).