

SUBSIDIARY LEGISLATION 549.127**OUT OF COURT SETTLEMENT REGULATIONS**

22nd March, 2019

LEGAL NOTICE 49 of 2019.

- 1.** The title of these regulations is the Out of Court Settlement Regulations. Title.
- 2.** In these regulations, unless the context otherwise requires: Interpretation.
- "the Act" means the Environment Protection Act; Cap. 549.
- "the Authority" has the same meaning assigned to it under the Act;
- "electrical and electronic equipment" or "EEE" has the same meaning as assigned to it under the Waste Management (Electrical and Electronic Equipment) Regulations; S.L. 549.89.
- "waste electrical and electronic equipment" or "WEEE" has the same meaning as assigned to it under the Waste Management (Electrical and Electronic Equipment) Regulations. S.L. 549.89.
- 3.** (1) When the Authority believes that a person has committed an offence against any provision of the Act or regulations made thereunder, the Authority may enter into an out of court settlement agreement in writing with the offender, whereby the offender pays an amount equivalent to a fine that would be due by way of a penalty, and upon the signing of the said agreement by both parties, all criminal liability of the offender under the said Act and regulations, with regard to the offences to which the out of court settlement agreement has been entered, shall be extinguished: Out of court settlement.
- Provided that payment of the penalty under the out of court settlement agreement and the carrying out of any imposed action, shall not extinguish any civil liability to make good damages to any person, or to the Authority, or to the environment in terms of environmental liability.
- (2) The agreement shall contain:
- (a) a description of the offence;
- (b) the steps to be taken by the offender to remedy the offence; and
- (c) the penalty due by the offender in respect of the offence as specified in the Schedule.

(3) Where the offender does not observe the out of court settlement agreement put forward by the Authority within the stipulated time frame, the Authority shall proceed to institute criminal proceedings against the offender:

Provided that the time frame stipulated by the Authority in such out of court settlement agreements, shall not be less than fifteen (15) days and not more than sixty (60) days.

Administrative
Settlements Fund.

4. (1) In accordance with the provisions of sub-article (9) of article 32 of the Act, the Authority hereby establishes the Administrative Settlements Fund.

(2) There shall be paid into the Administrative Settlements Fund any amounts received by the Authority as:

(a) out of court settlements;

(b) administrative fines; and

S.L. 549.72

(c) any penalties applicable in terms of the Daily Penalties (Environment) Regulations.

Management of
revenue generated
under these
regulations.

5. Without prejudice to any other regulations made under the Act, all the revenue generated under these regulations shall be deposited in the Administrative Settlements Fund:

Provided that any revenue generated through any out of court settlement agreement, in relation to offences in terms of the Waste Management (End of Life Vehicles) Regulations, the Waste Management (Packaging and Packaging Waste) Regulations, the Waste Management (Waste Batteries and Accumulators) Regulations and the Waste Management (Electrical and Electronic Equipment) Regulations shall be deposited into the Waste Management Fund as established in the Waste Regulations.

S.L.549.36.

S.L.549.43.

S.L.549.54.

S.L.549.89.

S.L.549.63.

**SCHEDULE
(Regulation 3)****Penalties Applicable to Producers of Electrical and Electronic
Equipment**

	Offence	Penalty due (€)
i.	Failure by the producer to apply for registration or renewal under the Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89) before 1st September 2015: Provided that said producer applied for the registration or the renewal under the Waste Management (Electrical and Electronic Equipment) Regulations by 31st December 2015, and set up or financed systems for the collection of WEEE resulting from products of EEE placed on the market before 1st September 2015, that is, for WEEE resulting from products of EEE placed on the market during the period of non-compliance: Provided further that the out of court settlement agreement shall remain applicable until 31st December 2019.	50
ii.	Failure by the producer to fulfill other obligations other than applying for the registration or the renewal under the Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89) before 1st September 2015: Provided that said producer applied for the registration or the renewal under the Waste Management (Electrical and Electronic Equipment) Regulations by 31st December 2015, and set up or financed systems for the collection of WEEE resulting from products of EEE placed on the market before 1st September 2015, that is, for WEEE resulting from products of EEE placed on the market during the period of non-compliance: Provided further that the out of court settlement agreement shall remain applicable until 31st December 2019.	50

iii.	Failure by the producer to apply for registration after 1st January 2016 in accordance with regulation 16(2) of the Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89): Provided that upon entering into the out of court settlement agreement with the Authority, the producer would have applied for registration in accordance with regulation 16(2) of the Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89).	750 per tonne of electrical and electronic equipment placed on the market until the producer applies for registration.
iv.	Failure by the producer to renew the registration after 1st January 2016 in accordance with regulation 16(3) of the Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89): Provided that upon entering into the out of court settlement agreement with the Authority, the producer would have renewed the registration in accordance with regulation 16(3) of the Waste Management (Electrical and Electronic Equipment) Regulations (S.L. 549.89).	750 per tonne of electrical and electronic equipment placed on the market from the beginning of the year in which the producer should have renewed the registration until the producer applies for renewal.