

SUBSIDIARY LEGISLATION 549.134**BEVERAGE CONTAINERS RECYCLING
REGULATIONS**

3rd July, 2020

*LEGAL NOTICE 311 of 2020, as amended by Legal Notices 257 of 2021, 235 of 2022 and 256 of 2026.***PART I****Preliminary**

1. (1) The title of these regulations is the Beverage Containers Recycling Regulations.

Citation and scope.
Amended by:
L.N. 235 of 2022.

(2) The objective of these regulations is to enhance the circular economy by making provision for the establishment and operation of a beverage container refund scheme, enhance the collection and recycling of beverage containers, increase national recycling efforts, reduce litter and fulfil the objectives of the Act.

(3) The scope of these regulations is to transpose the provisions of Directive 94/62/EC of the European Parliament and of the Council of the 20 December 1994 on packaging and packaging waste and Article 8(2) and (4) and Article 9 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment with respect to beverage containers, and the provisions of these regulations, the Waste Management (Packaging and Packaging Waste) Regulations and the Single-Use Plastic Framework Regulations shall be applied and interpreted accordingly.

S.L. 549.43.
S.L. 549.149.

(4) These regulations shall not exempt producers placing beverages in containers on the market from their obligations under the Waste Management (Packaging and Packaging Waste) Regulations for any beverages or beverage containers or other forms of packaging that are not covered under these regulations.

S.L. 549. 43.

2. (1) In these regulations, unless the context requires otherwise:

Interpretation.
Amended by:
L.N. 257 of 2021;
L.N. 256 of 2026.

"Act" means the Environment Protection Act;

Cap. 549.

"Agency" means the Circular Economy Malta established by virtue of the Circular Economy Malta (Establishment) Order;

S.L. 595. 28.

"Authority" means the Environment and Resources Authority established under article 6 of the Act and includes any body or other person acting on its behalf under powers delegated by the Authority under the Act;

"barcode" means the global trade item number (GTIN), the

international article number (EAN) or the quick response (QR) code for the beverage in a beverage container;

"beverage" means any of the beverages listed in the First Schedule;

"beverage container" means any container of a beverage which beverage container is of a type listed in the Second Schedule;

"catering establishment" means an establishment providing hospitality and food services in the territory where beverages in beverage containers are consumed by consumers on its premises;

"catering undertaking" means any person who makes available beverages in beverage containers on the market within a catering establishment;

S.L. 595. 28. "Chief Executive" means the Chief Executive of the Agency established by virtue of article 6 of the Circular Economy Malta (Establishment) Order;

"clearing centre" means the centre operated by the operator where collected beverage containers are transmitted from redemption locations for final receipt and processing for the purposes of recycling;

"collection" means the gathering of empty beverage containers, including the preliminary sorting and preliminary storage thereof for the purposes of transport to the clearance centre pursuant to Part III or to a producer of beverages placing, or intending to place, refillable containers on the market pursuant to Part IV, and "collected" shall be interpreted accordingly;

"consumer" means every person who acquires, whether gratuitously or for a consideration, a beverage in a beverage container for consumption;

"deposit" means the deposit to be paid upon the purchase of a beverage in a beverage container imposed pursuant to regulation 15 and regulation 21 respectively, which deposit shall be of a value which is not less than the value indicated in the Third Schedule;

"distributor" means any person who makes available on the market beverages in beverage containers on a wholesale level to another person;

"environmental contribution" means such contribution that a person is to pay the Agency in line with the polluter pays principle under these regulations to mitigate damages to the environment;

"gated event" means an event organized by any private organizer, which shall include both profit-making and non-profit legal bodies and governmental bodies, including but not limited to festivals,

concerts, fairs, sports events and any other event where beverages shall be sold in single use containers, which are organized at any area designated for such events and which shall be accessible through one (1) or more designated areas;

"licence agreement" means the agreement between the Agency and the operator pursuant to sub-regulation (4) of regulation 4;

"making available on the market" means any form of supply of a beverage, in a beverage container for distribution, consumption or use on the market packed in containers within the territory in the course of a commercial activity, whether in return for payment or free of charge, and "make available on the market" shall be interpreted accordingly;

"market specific product" means a product that has its own unique barcode generated for the specific use of the territory, and which can be registered by one producer;

"Minister" means the Minister responsible for the environment;

"non-market specific product" means any product which does not fulfil the criteria of a market specific product;

"operator" means the person licensed by the Agency to operate the Scheme pursuant to regulation 4;

"placement data" means the raw data that may be required by the Agency from the operator in order to ascertain the successful operation of the Scheme;

"placing on the market" means the first making available of a beverage in a beverage container on the market within the territory, and "place on the market" shall be interpreted accordingly;

"producer" means any person importing, bottling, canning, or otherwise filling beverages in beverage containers intended to be placed on the market in the territory, irrespective of the bottling, canning, filling or importing technique used, and irrespective of how the beverage in beverage container is placed on the market, including:

(i) placing on the market by means of distance contracts as defined in regulation 2 of the Consumer Rights Regulations; and S.L. 378. 17.

(ii) placing on the market directly to private households or to consumers other than private households, including by means of distance contracts as defined in regulation 2 of the Consumer Rights Regulations; S.L. 378. 17.

"raw data" means the original data provided by economic operators during the placement process prior to any analysis and, or processing or modification;

"recycling" means the reprocessing in a production process of beverage containers for the original purpose or for other purposes including organic recycling but excluding energy recovery;

"redemption location" means a place, fixed or mobile, where beverage containers shall be returned for collection purposes;

"refillable container" means a beverage container in relation to which a system is in place in the territory for its reuse, where the producer has obtained an exemption from the Scheme in terms of regulation 19;

S.L. 441. 07. "retailer" means any person who makes available on the market beverages in beverage containers at the retail level to consumers in the territory, and includes street hawkers, as defined in the Trading Licenses Regulations;

"retail establishment" means an establishment operated by a retailer;

"reuse" means any operation whereby a beverage container, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the beverage container to be refilled, and such reused beverage container will become packaging waste when no longer subject to reuse;

"RVM" means an automated reverse vending machine with compaction which refunds the deposit value to consumers;

"Scheme" means the system set up by Part III for the establishment and operation of a beverage container refund system;

"single use container" is a beverage container which is not a refillable container;

"supply chain" means the chain of supply of the beverage from producer to consumer;

"territory" means Malta as defined in article 124 of the Constitution of Malta;

"third party RVM operator" means any person, including the Government of Malta and any of its Ministries, departments, local authorities and agencies, that purchases, installs and operates an RVM in accordance with regulation 18(9) of these regulations.

(2) Any other term or expression used in these regulations which is defined in article 2 of the Act shall, unless otherwise expressly defined in these regulations or the context otherwise requires, have the same meaning as is assigned to it in the said article 2

of the Act.

PART II

Licence to Operate the Scheme

3. No person may set up, establish and operate a beverage container refund system except in accordance with a licence issued in terms of the provisions of these regulations.

Licence for the operation of a beverage container refund scheme.

4. (1) Any application for the grant of a licence shall be made to the Agency and shall contain such information, documents and other material as provided in these regulations.

Application for a licence.
Amended by:
L.N. 256 of 2026.

(2) The Agency shall issue a licence to a non-governmental organisation to operate the Scheme across the whole territory without limiting those areas to those where the collection is most profitable:

Provided that the organisation is a legal person whose shareholders if a company, its partners if a partnership, its members if an association, or its founders if a foundation, are, whether directly or indirectly, producers, and retailers, and where the said shareholders, partners, members or founders, as the case may be, represent, directly or indirectly, as a minimum, those producers that place on the market and those retailers that make available on the market the majority of single use beverage containers.

2a. The operator shall ensure that RVMs are placed throughout the whole territory following consultation with the Agency:

Provided that the Agency may also establish locations where RVMs shall be placed at its discretion, subject to objective criteria and the operator shall endeavour to install such RVMs as required.

(3) In the absence of there being an organisation pursuant to sub-regulation (2), the Agency shall exercise all such powers as may be necessary or expedient, for the purposes of implementing the Scheme under the provisions of these regulations, to select and issue a licence to an alternative operator through a competitive bid.

(4) The licence shall provide the operator with the right, and impose the concomitant obligation, to operate the Scheme, as provided for in an agreement to be entered into between the Agency and the operator:

Provided that nothing contained in the licence agreement shall be contrary to these regulations.

(5) Nothing in this regulation shall be interpreted as exempting the operator from complying with the requirements of any law.

Suspension or
revocation of
licence.

5. (1) The Agency may suspend a licence for such period as it may determine, or may revoke, or vary the provisions of, any such licence.

(2) The powers vested in the Agency in terms of sub-regulation (1) shall only be exercisable in any of the following circumstances, where:

(a) a material change of circumstances has occurred substantially effecting the fulfilment of the requirements stipulated in regulation 4;

(b) the licence agreement is terminated or suspended, as the case may be, pursuant to its terms; or

(c) the requirements in relation to the licence as established by regulations 4 and 7 have not been complied with.

Duration and
renewal of licence.
Amended by:
L.N. 256 of 2026.

6. (1) Subject to the provisions of these regulations, the licence granted by the Agency shall, unless previously renewed or revoked, continue to be valid until such time as it is renewed by the Agency following an evaluation, which such evaluation shall be based on the terms of the license agreement, as well as any other direct or indirect factors that impact the efficiency of the operation and the management of the Scheme:

Provided that the Agency shall inform the operator of any matters which require its attention in writing so that such matters may be addressed by the operator without delay.

(2) The Agency shall establish the period of validity of the licence:

Provided that such period shall not be longer than twelve (12) years.

(3) Following the evaluation mentioned in sub-regulation (1), the Agency:

(a) may renew the licence, with or without modifications, for such a further period as specified; or

(b) if, having regard to the provisions of these regulations, it considers it necessary or expedient to do so, may for serious breach for reasons which shall be given in writing refuse to renew the licence.

Responsibilities of
the licensed
operator.
Amended by:
L.N. 256 of 2026.

7. (1) The licensed operator shall also fulfil the following obligations:

(a) it is a legal person whose main object is the operation of the Scheme pursuant to these regulations, and the doing of all such other things as are incidental or conducive to

the attainment of such object and the carrying out of other activities as may be authorised by the Agency;

(b) it is run on a not for profit basis, or on a basis where profit is not intended for distribution;

(c) its management is independent and operates at an arms' length basis from its shareholders, partners, members or founders as the case may be:

Provided that the management and employees shall not share data with the shareholders, partners, members or founders as the case may be which identifies the relationship between specific product barcodes, quantities placed on the market and their respective importer and producer.

(d) it assumes the collective extended producer responsibility on behalf of producers and retailers of single use containers; and

(e) it allows for the participation, whether directly or indirectly, of all producers and retailers in a non-discriminatory manner, regardless of their origin or size, without placing a disproportionate regulatory burden on producers, including small and medium-sized enterprises, of small quantities of products.

(2) It shall be the duty of the operator to notify the Agency forthwith if it no longer complies with any of the requirements of these regulations. Whether the operator so notifies the Agency or not, where the operator no longer complies with any of the requirements listed in these regulations, the Agency shall by notice inform the operator that it no longer complies with the provisions of these regulations and, if the situation is not remedied to the satisfaction of the Agency within a period of three (3) calendar months from the date that notice is given to the operator, the Agency shall be entitled to revoke the licence.

(3) It shall also be the duty of the operator to notify the Agency forthwith of any resolution or intended resolution, or any application or intended application to the court, or any other action, for the dissolution and winding up of the operator as soon as it becomes aware of such resolution or intended resolution, application or intended application or action.

(4) It shall be the duty of the operator to notify all participants in the Scheme in the event that a court makes an order that the operator be wound up or a resolution for a voluntary winding up of the operator is passed, informing the said participants that their extended producer responsibility obligations for the beverage containers registered with the Scheme will not continue to be met by the operator.

Functions and
powers of the
operator.
Amended by:
L.N. 235 of 2022;
L.N. 256 of 2026..

8. (1) Without prejudice to any other function imposed on the operator in terms of the licence agreement, the operator shall have the following functions and powers:

(a) to maintain and make available a register relating to the participants of the Scheme;

(b) to establish and operate a clearing centre;

(c) to supply and operate RVMs in accordance with the criteria established in the licence agreement;

(d) to take responsibility of all the collected single use containers;

(e) to establish and provide the necessary IT solution and infrastructure to monitor and control the operations of each redemption location;

(f) to make arrangements for the gathering of single use containers from the redemption locations to the clearing centre;

(g) to sell all the processed beverage containers as recyclable material, directly and/or through an authorised entity, and to provide the Agency with documentation to that effect in order for the said material to count towards Malta's recycling targets;

(h) to carry out procurement in a manner that is transparent and non-discriminatory;

(i) to establish and provide the necessary solutions and infrastructure to monitor the Scheme, and to report any irregularities to the Agency;

(j) to maintain and operate a separate deposit refund account recording all financial movements of receipts and payments of the deposits, pursuant to regulation 10;

(k) to finance and participate in public campaigns determined by the operator to ensure the success of the Scheme; and

S.L. 549.141.

(l) without prejudice to sub-regulation (3) of regulation 6 of the Extended Producer Responsibility Framework Regulations, to cover the following costs for the beverage containers listed in the Second Schedule that are considered to be single-use plastic products as defined in regulation 3 of the Single-Use Plastic Framework Regulations, in so far as not already included, by 31 December 2024:

S.L. 549.149.

(i) the costs of the awareness raising measures referred to in regulation 12 of the Single-Use Plastic Framework Regulations; S.L. 549.149.

(ii) the costs of waste collection as defined in regulation 4 of the Waste Regulations for those products that are discarded in public collection systems, including the infrastructure and its operations, and the subsequent transport and treatment of that waste; S.L. 549.63.

(iii) the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter:

Provided that the costs to be covered referred to in this paragraph shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the Agency, the operator and any other actors concerned:

Provided further that the costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval by the Agency. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way. To minimise administrative costs, the Minister in consultation with the Authority and the Agency may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

(2) Upon return to a redemption location, single use containers shall become the property of the operator who shall be entitled to keep the proceeds from the sale of the material from collected single use containers.

(3) The operators shall not share any commercially sensitive data, including but not limited to, data which identifies the relationship between specific product barcodes, quantities placed on the market and their respective importer and producer, relating to producers, distributors, retailers and, or catering undertakings it holds by virtue of its functions in accordance with these regulations with its directors, shareholders, partners, members or founders, as the case may be.

9. The operator shall be bound to take all measures that are necessary to achieve the collection targets set out in the Fifth Schedule and shall perform their recycling efforts so as to meet as a minimum the targets as set out in European Union Legislation applicable from time to time with respect to the type of materials out of which the beverage containers under these regulations are made.

Targets.
Amended by:
L.N. 256 of 2026.

Separate deposit
refund account.
Amended by:
L.N. 256 of 2026.

10. (1) The operator shall maintain and operate a separate deposit refund account, recording all financial movements of receipts and payments of the deposit by the operator. The deposit value imposed on every single use container placed on the market and paid by producers in terms of regulation 15 shall be placed in the deposit refund account. Refunds of the deposit value in terms of regulation 16 shall be made from the deposit refund account.

(2) The amount of any unclaimed deposits resulting at the operator's financial year end shall be posted as revenue of the operator:

Provided that:

- (a) the operator shall firstly make sufficient provision to satisfy any claims for deposits that may be paid in the future and for any amounts due to the Agency for the relative financial year; and
- (b) the operator shall utilise the remainder for the better management and operation of the Scheme:

Provided further that by the end of each fiscal year, the operator shall disclose how the surplus has been allocated. The operator shall also project the expected surplus for the following year and outline its intended use.

Conditions for
participation in the
Scheme.
Amended by:
L.N. 256 of 2026.

11. (1) The operator shall be entitled to establish conditions for registration and participation in the Scheme by producers, distributors, retailers and catering undertakings. In so doing, the operator shall ensure that any condition for participation in the Scheme is objective, non-discriminatory, fair and reasonable.

(2) The operator shall submit to the Agency any conditions for registration and participation in the Scheme referred to in sub-regulation (1), or any changes thereto, for the Agency's approval before implementing them, provided that if no reply is received from the Agency within thirty (30) days of submission, the conditions so submitted shall be deemed to be approved by the Agency.

(3) The Agency may request the operator that a condition established in terms of sub-regulations (1) and (2) be amended, provided that before requesting the operator to change any conditions as aforesaid, the Agency shall write to the operator informing it of its objections to any condition so imposed, and grant the operator a period of not less than thirty days as the Agency may deem appropriate in the circumstances during which the operator may make its submissions to the Agency or enter into discussion with the Agency as the case may be.

(4) The provisions of sub-regulations (2) and (3) shall not be

applicable to the registration fees imposed pursuant to sub-regulations (3) and (5) of regulation 13, or to the administration fee imposed pursuant to sub-regulation (4) of regulation 13 and sub-regulation (1) of regulation 17 or to the handling fee imposed pursuant to sub-regulation (3) of regulation 18.

(5) The operator shall facilitate the provision of placement data to the Agency in a pre-agreed format on a monthly basis for the purposes of compliance verification and validation.

12. (1) For the purpose of enabling the Agency and the operator to perform their functions under these regulations, and strictly to the extent required for this purpose, the operator shall share and exchange information with the Agency, and the Agency and the operator shall collaborate with one another.

Exchange of
information
between the
operator and the
Agency.
*Amended by:
L.N. 256 of 2026.*

(2) Without prejudice to the generality of sub-regulation (1), the operator shall:

(a) present its annual management accounts and audited annual accounts to the Agency on a yearly basis;

(b) present its audited statements for the operation of the deposit refund account on a yearly basis;

(c) file reports with the Agency on a quarterly basis but in any case not later than fifteen (15) days from the end of each quarter with information on aggregate volumes by typology of single use containers placed on and collected from the market and the material of the empty beverage containers processed for recycling;

(d) provide the Agency with information in its possession which is required by the Agency for the purpose of preparing the report referred to in regulation 36; and

(e) provide the Agency with detailed information where this is required for the Agency to enforce the provisions of these regulations in accordance with the provisions of Part VI:

Provided that these reports will be transmitted on standard forms;

(f) provide the Agency on a biennial basis with a systems audit, which is to be conducted by an independent and impartial entity competent in information systems auditing according to international standards in order to evaluate the internal controls in place to ensure that the information systems are operating in accordance with relevant established procedures, and that the registered data is accurate and complete and sensitive information is protected, as detailed in

the license agreement.

(3) The operator shall transmit information to the Executive Police, the Commissioner for Revenue, the Director General (Customs), the Director General (Technical Regulations) and any other competent authority, as and when this is necessary to ensure compliance with any law.

PART III The Scheme

Registration.
Amended by:
L.N. 256 of 2026.

13. (1) Producers, distributors, retailers and catering undertakings making available, or intending to make available, on the market any beverage container shall register with the licensed operator and shall register any such beverage container by providing the licensed operator with all the details that it may require for the purposes of the operation of the Scheme from time to time including but not limited to:

(a) details of the producer, distributor, retailer or catering undertaking as applicable; and

(b) in the case of a producer, the barcode and any other pertinent details for each beverage container placed or being placed on the market, and any specific markings intended for the purposes of identification of the beverage container, as well as an indication of whether the deposit logo referred to in regulation 17 will be affixed to the beverage container:

Provided that if a person seeks registration as a catering undertaking, that person must show to the satisfaction of the operator that beverages are consumed on the premises operated by that person. If in the opinion of the operator the person does not qualify as a catering undertaking and, or a catering establishment, the operator shall have the authority to refuse registration as such:

Provided further that in the case of refusal of registration as a catering undertaking as aforesaid, the person may submit the matter to the Agency. The Agency shall immediately request the operator to give its reasons for refusing to register the person as a catering undertaking within a time period specified by the Agency, which shall in no case be less than two (2) working days or more than five (5) working days. The Agency shall decide the matter within thirty (30) days of submission of the request as aforesaid. The Agency shall notify the person submitting the request and the operator of its decision.

(2) When registering with the licensed operator in terms of sub-regulation (1):

(a) a person who operates in the supply chain in more than one function, shall duly register with the operator for each function as producer and, or distributor and, or retailer and, or catering undertaking as the case may be;

(b) a retailer who operates more than one retail establishment shall register each retail establishment; and

(c) a catering undertaking who operates more than one catering establishment shall register each catering establishment.

(3) Producers, distributors, retailers and catering undertakings shall pay the operator registration fees as the operator may, subject to the provisions of sub-regulation (1) of regulation 11, establish from time to time. The operator shall be entitled to charge a registration fee for the registration of the producer, distributor, retailer and catering undertaking in each function registered, for every retail establishment and every catering establishment registered, as well as for every barcode registered with the operator.

(4) The operator may charge producers an administration fee in respect of each beverage container placed on the market:

Provided that:

- (a) the administration fee which may be charged by the operator shall be calculated in the manner adopted by an economic model known as the Administrative Fee Adjustment Model, that shall be established by the Agency in consultation with the operator;
- (b) prior to requesting any changes to the administration, the operator shall present to the Agency a report, which report shall contain the parameters established in the economic model that are necessary to operate such economic model;
- (c) this report shall contain a reasoned justification for each parameter;
- (d) the report shall be prepared by an independent, impartial and duly qualified entity possessing the requisite experience, which entity shall be nominated by the operator and shall be subject to the written approval of the Agency;
- (e) the operator shall notify the Agency of its intention to enact any changes in the administration fees by granting the Agency a notice period of at least ninety (90) days;

- (f) the ninety (90) day notice period shall commence upon the official submission of the said report to the Agency;
- (g) the operator shall not request any adjustment to the administration fee for a period of two (2) years following the date of the previous adjustment;
- (h) notwithstanding paragraph (g), the operator shall be entitled to request a revision of the administrative fee charged in accordance with the economic model prior to the expiry of such two (2) year period where the market experiences a substantial and long-term variation, including but not limited to variations caused by *force majeure*, that has a direct impact on the costs of administering the Scheme.

(5) In the event that the shape, material, volume or type of a beverage container which is registered in terms of regulation 13 is altered, the producer shall inform the licensed operator of such alteration before placing the beverage in the altered beverage container on the market even if the barcode for the beverage remains the same, and the producer shall provide the operator with all the details it may require and pay the operator any fee set by the operator from time to time.

(6) Without prejudice to the provisions of sub-regulation (7), the producer, distributor, retailer or catering undertaking registered with the licensed operator in terms of this regulation shall ensure that the details registered with the operator are correct at all times.

(7) Where a producer registered with the licensed operator subsequently obtains an exemption from participating in the Scheme in terms of regulation 19, the producer shall inform the operator accordingly and the licensed operator shall de-register the producer, the barcodes and the relative beverage containers.

(8) Where a producer, distributor, retailer or catering undertaking intends to stop its operations in the market for beverages, or where a producer intends to stop placing on the market particular beverages, it shall inform the licensed operator accordingly.

(9) Any producers, distributors, retailers or catering undertakings placing and, or making available on the market beverages sold in beverage containers that fail to comply with the provisions of this regulation shall be guilty of an offence against these regulations.

Participation.
Amended by:
L.N. 256 of 2026.

14. (1) Any producer, distributor, retailer or catering undertaking registered in terms of regulation 13 shall comply with the conditions for participation in the Scheme as laid down by the licensed

operator from time to time in accordance with regulation 11.

(2) Without prejudice to the generality of sub-regulation (1), producers, distributors, retailers and catering undertakings shall be bound to report to the licensed operator the following information:

(a) in the case of producers, the volumes by quantity and weight by typology of single use containers placed on the market, with reference to the relevant barcode and any specific markings;

(b) in the case of retailers and catering undertakings, upon the request of the Agency and if it is necessary for the proper operation of the Scheme, documentation relating to the invoicing of beverages in beverage containers and any related information; and

(c) in the case of producers and distributors, upon the request of the Agency, and if it is necessary for the proper operation of the Scheme and to the extent so necessary, the details of the persons to whom beverages in single use containers are sold, distributed or transferred:

Provided that producers, distributors, retailers and catering undertakings shall be obliged to provide the information requested in terms of paragraphs (b) and (c) of sub-regulation (2) within five (5) working days from receipt of the request for information.

(3) A producer, distributor, retailer or catering undertaking who fails to comply with the obligations for participation in the Scheme in terms of sub-regulations (1) and (2) shall be guilty of an offence against these regulations.

(4) The licensed operator shall provide a registration number to each producer, catering undertaking, retailer and distributor which is duly registered with it in terms of regulation 13. Producers shall make the registration number clearly visible on their invoices and fiscal receipts. Producers who fail to comply with the provisions of this regulation shall be guilty of an offence against these regulations.

(5) The Agency shall ensure that any information provided to it shall be retained confidential and shall not be disclosed unless the Agency is legally required to do so.

(6) The operator shall ensure that any information provided to it shall be retained confidential and shall not be disclosed unless the Agency is legally required to do so.

15. (1) Every single use container made available on the market shall be subject to the payment of a deposit. The deposit value shall not be subject to VAT and shall be indicated separately from the

Deposit for single use containers.

price on all receipts and invoices at every stage of the supply chain.

(2) The deposit referred to in sub-regulation (1) shall be imposed and paid at every stage of the supply chain.

(3) The deposit shall be due by the producer to the licensed operator upon the producer placing the single use container on the market. The administration fees, if any, shall be due at the same time.

(4) Producers shall re-claim the full value of the deposit upon the onward sale of the beverage to their successor in the supply chain, but shall not have any claim for any portion of the administration fee.

(5) Distributors, retailers and catering undertakings shall pay the deposit value to their predecessor in the supply chain.

(6) Distributors shall re-claim the value of the deposit from their successors in the supply chain.

(7) Retailers shall re-claim the value of the deposit from the consumer who shall be entitled to claim the value of the deposit in terms of sub-regulation (1) of regulation 16. Catering undertakings shall only re-claim the value of the deposit from the consumer where the consumer removes the beverage container away from the catering establishment.

(8) Catering undertakings shall not charge the amount of the deposit to the consumer who consumes the beverage at the catering establishment and leaves the beverage container at the catering establishment, but shall be entitled to claim the value of the deposit in terms of regulation 16.

(9) The licensed operator shall refund to the retailers providing redemption locations the value of the deposits refunded by them on the return of single use containers, except in those cases where the redemption location is operated directly by the operator in which case the value of the deposits shall be refunded directly by the licensed operator.

Refund of deposit
value.
Amended by:
L.N. 256 of 2026.

16. (1) Any person, including a consumer, who returns a single use container upon which a deposit has been paid shall be entitled to a refund of the deposit value from the redemption location. The licensed operator may issue instructions from time to time regarding the return of single use containers, in particular to facilitate the return of large quantities of single use containers:

Provided that no refund shall be due if:

(a) the barcode and, or specific markings, if any, of the empty beverage container is not duly registered with the operator; or

(b) the barcode, or, if any, the specific markings of the beverage container or deposit logo is damaged to an extent that the refund for the empty beverage container cannot be processed; or

(c) the beverage container is damaged to an extent that refund for the empty beverage container cannot be processed; or

(d) the empty beverage container contains or is otherwise contaminated by a substance other than residue of the beverage or ordinary dust; or

(e) more than twenty-four (24) months have passed since the beverage container was acquired by the consumer.

(2) Deposits redemption vouchers which, for any reason whatsoever, are not redeemed within twelve (12) months from the date of issue shall be posted as revenue of the licensed operator.

(3) Each redemption location shall have a clearly visible and legible sign containing the information indicated in sub-regulation (1). The Agency shall determine the minimum specifications and the precise wording of the notice to be displayed for these purposes.

(4) Without prejudice to the generality of the foregoing provisions, the licensed operator shall issue instructions to catering undertakings regarding the return of single use containers consumed at catering establishments, and the refund by the licensed operator of the deposit paid by the catering undertakings to their predecessor in the supply chain.

17. (1) Single use containers shall either have a market specific product barcode or non-market specific product specific markings or a non-market specific product barcode and non-market specific product markings, if any, provided that they are acceptable by the Scheme. The operator shall charge producers which opt to use non-market specific product barcodes without any non-market specific product markings an additional administration fee for each single use container placed on the market:

Trading in single
use containers.
Amended by:
L.N. 256 of 2026.

Provided that:

(a) the operator shall only be entitled to charge such additional non-market specific administration fee subject to a study conducted by an independent and impartial entity, proposed by the licensed operator and approved by the Agency;

(b) this study shall determine the additional non-market specific administrative fee, which shall be subject to revision every two (2) years;

- (c) the operator shall only be entitled to request the revision of such additional non-market specific administrative fee at the same time as a request for changes to the administration fees in accordance with regulation 13.

(2) Producers placing, or intending to place, single use containers on the market shall have the option to stamp or affix to single use containers a deposit logo. The deposit logo shall be developed by the operator, approved by the Agency, and its use shall be licensed to producers.

(3) Only producers that are duly registered with the licensed operator pursuant to regulation 13 may stamp or affix the deposit logo to their beverage packaging.

(4) Any producer acting in breach of sub-regulations (1) and (3) shall be guilty of an offence against these regulations.

Redemption
locations and
RVMs.
*Amended by:
L.N. 256 of 2026.*

18. (1) Each retail establishment shall have a system in place for the return of single use containers by consumers and, subject to the provisions of sub-regulation (1) of regulation 16, shall be obliged to accept the said single use containers and to refund the relative deposit even if the relative beverage had not been sold by that retail establishment:

Provided that where a retailer operates a manual system for the return of beverage containers, the retailer shall not be obliged to accept the return of beverage containers where the barcode indicated on the beverage container is not the same as the barcode of beverages sold by that retailer:

Provided further that the licensed operator may, where it deems fit, establish a redemption location to be used by more than one retail establishment, in which case the retailer shall not be obliged to have a redemption location on its premises or a manual system for the return of single use containers:

Provided further that catering undertakings shall be obliged to gather single use containers consumed at catering establishments:

Provided further that retail operators with a licensed footprint smaller than fifty square metres (50m²), shall not be obliged to have a redemption location on its premises.

(2) The operator shall decide, on the basis of objective and non-discriminatory criteria, which system for the return of single use containers shall be used by each retail establishment and whether an RVM shall be provided to the retail establishment. The operator shall ensure the observance of service level parameters as indicated in the

licence agreement.

(3) Retailers and, or third party RVM operators shall be paid a handling fee by the licensed operator, as set by the licensed operator on the basis of objective and non-discriminatory criteria taking into account the type of system used for the return of beverage containers, developed by an independent person approved by the Agency. Retailers shall not have a claim for any handling or similar fees for fulfilling their obligations in terms of these regulations, except for any fees due to them as aforesaid.

(4) Retailers who operate a manual system for the return of beverage containers shall not be obliged to accept returns of beverage containers by consumers or other persons which exceed twenty five (25) beverage containers at any one time.

(5) Any person responsible for gated events where beverages will be sold in single use containers shall have a system in place for the return of single use containers and shall register with the licensed operator giving such details about the event as the licensed operator may require, and the operator shall determine the best method for collection of empty single use containers at the event in question.

(6) The licensed operator shall be responsible for obtaining any necessary licenses, authorisations or permits for the placement and operation of the RVM.

(7) The licensed operator shall make arrangements for the gathering and delivery of single use containers from retail establishments and catering establishments to the clearing centre.

(8) The licensed operator shall place RVMs within the territory for use by any producer, distributor, retailer, catering undertaking or consumer participating in the Scheme.

(9) Without prejudice to the provisions of sub-regulation (8), third party RVM operators may also place RVMs within the territory, subject to the attainment of any necessary permits or authorisations, provided that such RVMs are fully integrated with the system adopted by the operator for the operation of the Scheme.

(10) The third party RVM operator shall, prior to installing and operating an RVM within the territory, inform the operator of his intention in writing, and the operator and the third party operator shall enter into an agreement regarding the operation of the RVMs installed and operated by such third party RVM operators:

Provided that the aforementioned agreement shall specify that the third party RVM operator shall remain responsible for the operation, repair and maintenance of the RVM, as well as for maintaining a high level of cleanliness at the relevant redemption location.

(11) The operator shall maintain an approved list of RVMs that may be purchased, installed and operated by third party RVM operators:

Provided that in the event that a third party RVM operator intends to purchase, install and operate an RVM that is not included in such catalogue, he shall inform the operator in writing and the operator and the third party RVM operator shall enter into discussions to determine whether the said RVM may be included in the catalogue, subject to an approval process fee.

(12) It shall be the responsibility of the third party RVM operator to ensure that such RVMs are fully integrated with the system adopted by the operator for the operation of the Scheme and the operator shall provide all necessary assistance to the third party RVM operator to ensure the successful integration of such RVMs:

Provided that any data generated by RVMs owned and operated by third party RVM operators shall be the property of the operator.

(13) The operator shall provide access to centralised and adequate infrastructure to enable any third party RVM operators to operate within the Scheme.

(14) The licensed operator may charge the third party RVM operator for initial on-boarding costs, as well as yearly licences.

(15) Any person acting in breach of the provisions of this regulation shall be guilty of an offence against these regulations.

(16) Should the requirements in the licence agreement not be fulfilled by the third party RVM operator, the Agency shall formally notify the third party RVM operator in writing without delay, that such failure to fulfil the requirements within the period of time established by the Authority may lead to further action by the Authority, including but not limited to a temporary or permanent disconnection of the third party RVM from the integration system operating the Scheme.

PART IV Refillable Containers

Exemption from
the Scheme for
refillable
containers.

19. (1) A producer may make a request, in writing, to the Agency for beverage containers to be exempted from the Scheme.

(2) The Agency shall grant the exemption, and shall issue an exemption certificate attesting thereto, provided that:

(a) the producer registers with the Agency in accordance with regulation 20;

(b) the Agency is satisfied that the producer has in

place an appropriate system for the collection and reuse of its beverage containers within the territory which system shall require consumers to pay a deposit in respect of the beverage container at the moment of purchase and which deposit is to be returned to consumers by retailers and, or catering undertakings on the return of the beverage container at no additional cost to consumers, in accordance with these regulations;

(c) the producer undertakes to meet all obligations set out in these regulations with respect to refillable containers and such conditions as may be imposed by the Agency when granting the exemption; and

(d) the beverage container has a market-specific barcode or non-market-specific barcode in accordance with regulation 24.

20. (1) Producers that are placing, or intending to place, on the market any beverage in a refillable container shall register with the Agency and shall provide the Agency with all the details that it may require for the purposes of these regulations from time to time to qualify for the necessary exemption from the Scheme.

Registration with the Agency.

(2) Upon registration, the producer must provide the Agency with sufficient information for the Agency to ensure that the system in place for the refillable containers in question is adequate in order to reach Malta's recycling targets.

(3) The Agency shall charge producers placing, or intending to place, on the market any beverage in a refillable container the applicable registration fee indicated in the Fourth Schedule.

(4) Producers placing refillable containers on the market, who either no longer wish to operate the system for the refillable containers in question, or who no longer wish to reuse beverage containers shall inform the Agency accordingly and shall register with the operator pursuant to regulation 13.

(5) Any producer placing on the market beverages sold in refillable containers who fails to comply with the provisions of this regulation shall be guilty of an offence against these regulations.

21. (1) Every refillable container made available on the market shall be subject to the payment of a deposit. The deposit value shall not be subject to VAT and shall be indicated separately from the price on all receipts and invoices at every stage of the supply chain.

Deposit for refillable containers.

(2) Producers who place refillable containers on the market shall charge the deposit value on the onward sale of the beverage from their successors in the supply chain.

(3) The provisions of sub-regulations (5), (6), (7) and (8) of

regulation 15 shall apply *mutatis mutandis* to refillable containers.

(4) Consumers shall be entitled to reclaim the value of the deposit paid on the purchase of the beverage in a refillable container upon collection of the refillable container by the producer who placed the refillable container on the market as the said producer may direct.

(5) Producers of refillable containers shall reclaim ownership of the refillable container upon collection of the refillable container.

(6) Producers who place refillable containers on the market shall maintain and operate a separate deposit refund account recording all financial movements of receipts and payments of the said deposits. The provisions of sub-regulation (2) of regulation 10 shall apply *mutatis mutandis* to the producers who place refillable containers on the market.

(7) Producers who place refillable containers on the market shall take all measures that are necessary to achieve the collection targets set out in the Fifth Schedule.

(8) Any producer placing refillable containers on the market who fails to comply with any provisions of this regulation shall be guilty of an offence against these regulations.

Exchange of
information
between the
producers and the
Agency regarding
refillable
containers.

22. (1) Producers who place refillable containers on the market shall supply the Agency with:

(a) the aggregate volume of refillable containers that have been placed on the market by quantity, and weight by typology of the refillable container;

(b) the aggregate volume of refillable containers collected from the market by quantity and weight by typology of refillable container;

(c) any such other information as may be required by the Agency from time to time.

Such information shall be filed with the Agency on a quarterly basis but in any case not later than fifteen (15) days from the end of each quarter.

(2) Producers who place refillable containers on the market shall also provide the Agency with information in its possession which may be required for the purpose of preparing the report referred to in regulation 36.

(3) Every producer who places refillable containers on the market who does not comply with the provisions of sub-regulations (1) and (2) shall be guilty of an offence against these regulations.

23. (1) The Agency shall have the right to audit producers who place refillable containers on the market and may, at any time, revoke the exemption granted in accordance with regulation 19 where it considers that the system for the collection and reuse of their beverage containers within the territory is no longer appropriate or where the Agency determines that the producer has breached his obligations under these regulations. Audit.

(2) The Agency may also revoke the exemption granted in accordance with regulation 19 when the system for collection and reuse of the beverage containers is not meeting the expected collection targets.

(3) In the event that the Agency revokes the exemption granted in accordance with sub-regulations (1) or (2), the beverage containers shall be considered to be single use containers, and:

(a) the producer has to abide by the obligations imposed on producers of single use containers in Part III; and

(b) the beverage containers shall be subject to the rules contained in Part III:

Provided that any targets imposed on the said producer by the Agency shall not be transferred to the operator, and any penalties imposed on the said producer shall continue to be due by the said producer:

Provided further that the beverage containers shall only be considered within the targets of the operator upon registration by the producer with the operator as provided for in regulation 13.

(1) Beverages in refillable containers shall have a market-specific barcode or a non-market specific barcode.

(2) Producers who place refillable containers on the market shall have the option of stamping or affixing to refillable containers a deposit logo, which shall be developed by the producer and approved by the Agency.

(3) Only producers that are duly registered with the Agency pursuant to regulation 20 may stamp or affix the deposit refund logo to the refillable container.

(4) Any producer in breach of this regulation shall be guilty of an offence against these regulations.

PART V

Provisions Applicable to all Beverage Containers

25. (1) Retailers operating redemption locations and Return of beverage containers.

catering undertakings shall receive the empty beverage containers on behalf of the licensed operator or the producer of beverages in refillable containers, as the case may be, until the beverage container is gathered by the licensed operator or the producer of beverages in refillable containers.

(2) Any retailer or catering undertaking acting in breach of the provisions of sub-regulation (1) shall be guilty of an offence against these regulations.

Notices by
retailers.

26. (1) A retailer must, in the price indication for the beverage, indicate the amount of deposit which has to be paid by the consumer separately as well as the total price for the beverage. In the case of beverages being offered for sale in single units, the price indication shall indicate the deposit being paid for the beverage container, whilst in the case of beverages being offered for sale in multi-packs, the price indication shall indicate the total value of the deposit being paid for all the beverage containers in the multi-pack.

(2) A retailer shall display a clear and prominent notice in their retail establishment that there is a separate charge for the deposit and that the consumer may redeem the deposit refund once the beverage container is duly returned to a redemption location. The Agency shall determine the specifications and the precise wording of the notice to be displayed by retailers for the purposes of this provision.

(3) A retailer which does not comply with the provisions of sub-regulations (1) or (2) shall be found guilty of an offence against these regulations.

Beverages for
export.

27. Producers shall not be obliged to charge a deposit in the case of beverages released for export.

Clarifications by
the Agency.

28. Where the licensed operator, or any producer, distributor, retailer or catering undertaking require confirmation as to whether a beverage or a beverage container falls within the scope of the First Schedule, the licensed operator, producer, distributor, retailer or catering undertaking may submit the matter to the Agency, which shall decide the matter within thirty (30) days of submission thereof. The Agency shall notify the person submitting the request and the operator of its decision.

PART VI

Enforcement And Penalties

General
prohibition.

29. No person shall place and / or make available beverages in beverage containers on the market unless he complies with the provisions of these regulations. Any person acting in breach of this regulation shall be guilty of an offence against these regulations.

30. (1) It shall be the duty of the Chief Executive to ensure that the provisions of these regulations are observed, and to gather information that may be necessary for him to carry out his functions; and for such purpose he shall have the power to carry out investigations of his own motion or at the request of the Minister or upon a reasonable allegation in writing of a breach of the provisions of these regulations by a complainant or by the licensed operator. Investigations.

(2) Where the Agency receives a complaint by the licensed operator in terms of sub-regulation (1), the Agency shall inform the licensed operator within seven (7) days whether it intends to act upon the complaint and the steps it intends to take or has already taken in this regard.

(3) During the course of any investigation carried out by the Agency in accordance with sub-regulation (1), or in order to ensure compliance with these regulations, without prejudice to the provisions of regulations 12, 22 and 37 of these regulations, the Chief Executive shall be empowered to request any specific information and documentation from any person subject to these regulations, within such time as in the circumstances the Chief Executive may consider reasonable:

Provided that nothing in this sub-regulation may be construed as authorising the Chief Executive to order the production of any document or the disclosure of any information which may be subject to the duty of professional secrecy.

(4) When sending a request for information in terms of sub-regulation (3), the Chief Executive shall state the legal basis and purposes of the request, shall indicate what information is required, and shall indicate the fines provided for in sub-regulations (2), (3) and (4) of regulation 31.

(5) Where persons submit information which contains business secrets or other confidential information they shall clearly identify any material which they consider to be confidential, giving reasons therefor, and provide a separate non-confidential version, where applicable, by the date set by the Chief Executive.

(6) The Chief Executive and, or his officers and, or any other expert duly authorised by a warrant issued by a Magistrate and, with the assistance of the Executive Police, may, for the purposes of ensuring compliance with these regulations, and, or for the purpose of any investigation under sub-regulation (1) enter into and search any premises, land or means of transport where the Chief Executive has reason to believe that information relevant to the investigation may be found, and in the course of any such search the Chief Executive and, or his officers, and, or any other expert shall be empowered to:

(a) inspect and examine any object or document and,

or;

(b) seize any object or document, or take extracts or copies of documents and, or;

(c) require any information which is stored in a computer or any other object or device which is accessible from the premises, land or means of transport and which the Chief Executive and, or his officers and, or other experts consider relevant to the investigation, to be delivered in a form in which it can be taken away and in which it is visible and legible and, or;

(d) order the non-removal of any object or documents from any such premises, land or means of transport and, or;

(e) close and seal any or all parts of such premises, land or means of transport, or put any object under seal and, or;

(f) ask any representative or member of staff of the person concerned for an explanation of any fact or document relating to the subject-matter and purpose of the inspection or to state to the best of their knowledge and belief where the documents may be found and record the answers and, or;

(g) take any steps which appear to be necessary to preserve any object or document or to prevent any interference with such object or document.

(7) The Magistrate, in deciding whether to issue a warrant under sub-regulation (6) shall ensure that the coercive measures envisaged are neither arbitrary nor excessive, having regard, in particular, to the gravity of the suspected infringement, to the importance of the evidence sought, to the involvement of the person concerned and to the reasonable likelihood that any object, document or record relating to the subject-matter of the inspection are kept in the premises, land or means of transport for which the warrant is requested:

Provided that the Magistrate, in deciding whether to issue a warrant under sub-regulation (6), may also take into account the possibility that in the case where it is the Chief Executive who would request these objects, documents or records, these would not be produced, but would instead be concealed, removed, tampered with or destroyed.

(8) The warrant mentioned in sub-regulation (6) shall specify the subject-matter, purpose of the inspection, the date on which the inspection is to begin and the nature of the offence and penalties provided for in regulation 31.

regulations 13, 14, 15, 18(1), 20, 21, 25, 29, 38, 39 and 40 shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than five thousand euro (€5,000) and not more than fifty thousand euro (€50,000) or to imprisonment not exceeding six (6) months, or to both such fine and imprisonment.

(2) Any person who makes any declaration as required by these regulations, which is false, misleading or incorrect in any material respect, shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than twenty thousand euro (€20,000) or to imprisonment not exceeding three (3) months, or to both such fine and imprisonment.

(3) Any person who refuses or fails, without sufficient cause, to provide any information or documentation required by the Agency in accordance with sub-regulation (3) of regulation 30, or who, pursuant to a request for information in accordance with sub-regulation (3) of regulation 30, provides false, misleading or incorrect information in any material respect, or who refuses to give access to the Chief Executive, and, or his officers, and, or any other experts in accordance with sub-regulation (6) of regulation 30, shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding one thousand five hundred euro (€1,500) or to imprisonment not exceeding three (3) months, or to both such fine and imprisonment.

(4) Any person guilty of an offence under these regulations, other than for a breach of an obligation referred to in sub-regulations (1), (2), or (3) or of regulation 9, shall be liable on conviction to a fine (*multa*) not less than two hundred and fifty euro (€250) and not more than two thousand five hundred euro (€2,500):

Provided that should the licensed operator not meet the targets specified in regulation 9, such failure would be subject to an environmental contribution as specified in the licence agreement which environmental contribution may not exceed two hundred thousand euro (€200,000).

(5) The court, besides awarding the punishment referred in accordance with the preceding paragraphs, may order the offender to comply with his obligations under these regulations within a time sufficient for the purpose, but in any case not exceeding three (3) months from the date of the judgment, to be fixed by the court; and, subject to the provisions of the Act, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not less than fifty euro (€50) and not more than one hundred euro (€100), as the court may fix, for every day the default continues after the expiration of the said time and the court may also order the modification, suspension or revocation of any authorisation.

(6) In addition to any punishment which the person convicted of an offence under these regulations may be sentenced, the court may order the offender to make restitution to the injured party of any property or proceeds knowingly obtained by fraud or other unlawful gain to the detriment of such party by or through the offence, or to pay to such party such sum of money as may be determined by the court as compensation for any such loss as aforesaid or for any damages caused to such party by or through the offence, and any such order may include both a direction to make restitution and, in default, to pay as aforesaid. The order shall constitute an executive title for all intents and purposes of the Code of Organization and Civil Procedure:

Cap. 12.

Provided that restitution or compensation under this sub-regulation shall not lead to over-compensation of the injured party, whether by means of punitive, multiple or other types of damages.

(7) When issuing an order under sub-regulation (6), the court may direct that such costs or damages are paid in instalments, in particular, having regard to any other obligations which the offender has towards the injured party.

Chief Executive
may assist
prosecution.

32. (1) In criminal proceedings instituted by the Executive Police before the Court of Magistrates for an offence against the provisions of these regulations, the Chief Executive and any officers of the Agency so authorised by the Chief Executive may assist the Executive Police in the conduct of the prosecution and in the production of the evidence.

(2) The Chief Executive and any officers of the Agency so authorised by the Chief Executive may, after the conclusion of the investigation in terms of these regulations, present a report to the Executive Police and request the Executive Police to take action on the infringement of these regulations contained therein, and thereafter the Agency shall be considered a complainant for all the purposes of the Criminal Code.

(3) The Chief Executive or any officer authorised by him for the purposes of sub-regulations (1) or (2) may nevertheless be produced as a witness but should his evidence be required as part of the case for the prosecution, his evidence shall be heard before that of any other witness for the prosecution unless the necessity of his evidence arises subsequently.

Presence of the
licensed operator
during criminal
proceedings.

33. (1) Without prejudice to any provisions of these regulations or to any other law, the licensed operator may file a complaint with the Executive Police against a producer, distributor, retailer or catering undertaking for breach of these regulations in relation to the Scheme, and, where it files the said complaint, the operator shall be considered as a complainant for all the purposes of the Criminal Code.

Cap. 9.

(2) In criminal proceedings instituted by the Executive Police on the complaint of the licensed operator against a producer, distributor, retailer or catering undertaking for breach of the provisions of these regulations relating to the Scheme, it shall be lawful for the operator to be present at the proceedings, to engage an advocate or a legal procurator to assist it, to examine or cross-examine witnesses and to produce, in support of the charge, such other evidence as the court may consider admissible.

(3) Where the operator is to be heard on oath, such evidence shall be taken before that of any other witness of the prosecution, saving the case where, in the opinion of the court, such evidence becomes necessary even at a later stage of the proceedings, or where the producer, distributor, retailer or catering undertaking applies for such evidence at any stage of the proceedings, or where the court sees fit to vary the course of the taking of the evidence.

(4) In criminal proceedings instituted by the Executive Police *ex officio* or at the instance of the Agency against a producer, distributor, retailer or catering undertaking for breach of the provisions of these regulations relating to the Scheme, it shall be lawful for the licensed operator to engage an advocate or a legal procurator to assist it; such advocate or legal procurator may examine or cross-examine witnesses, produce evidence or make, in support of the charge, any other submission which the court may consider admissible.

34. Notwithstanding the provisions of the Criminal Code or of any other law, criminal action for offences under these regulations is prescribed by the lapse of five (5) years.

Prescription.
Cap. 9.

35. (1) Where the licensed operator has suffered damage caused by a producer, distributor, retailer or catering undertaking acting in contravention of these regulations the operator shall be entitled to claim and to obtain full compensation for that damage from the respective producer, distributor, retailer or catering undertaking, which action shall be instituted in accordance with the provisions of the Code of Organization and Civil Procedure.

Civil action by the
licensed operator.

Cap. 12.

(2) Full compensation shall place the operator in the position in which it would have been had the infringement of these regulations not been committed. It shall therefore cover the right to compensation for actual loss and for loss of earnings as well as the payment of interest from the time the damage occurred until the capital sum awarded is actually paid:

Provided that full compensation under this regulation shall in no case lead to over-compensation of the operator where the court has ordered the offender to make restitution or compensation in terms of sub-regulation (6) of regulation 31.

(3) An infringement of these regulations found by a final decision of the competent court shall be deemed to be irrefutably

established for the purposes of an action for damages brought pursuant to this regulation.

(4) An action for damages pursuant to this regulation is prescribed by the lapse of five (5) years. The period of prescription shall begin to run from the date when the infringement of these regulations has ceased, and the operator became aware, or can reasonably be expected to have become aware:

- (a) of the behaviour in question;
- (b) of the fact that the infringement of these regulations caused it harm; and
- (c) the identity of the offender.

(5) The period of prescription in sub-regulation (4) shall be suspended where the Agency takes action for the purpose of investigating the infringement of these regulations to which the action for damages relates or where there are criminal proceedings in front of the Court of Magistrates in respect of the infringement of these regulations to which the action for damages relates.

Part VII Various Provisions

Report by the
Agency.

36. (1) The Agency shall submit an annual report to the Minister which must include the details contained in sub-regulation (2) by not later than the end of May of each year, and which report shall be made public by not later than the end of June of the same year.

(2) The report referred to in sub-regulation (1) shall be a report on the subject-matter covered by these regulations during the immediately preceding calendar year which shall include the following details:

- (a) the number of producers, retailers and catering undertakings participating in the Scheme in terms of regulation 13 and the quantity and aggregate weight by typology of single use containers placed on the market during the relevant calendar year;
- (b) the number by typology of single use containers that have been collected and the aggregate weight by typology of single use containers that have been recycled in accordance with these regulations during the relevant calendar year as a percentage of single use containers placed on the market;
- (c) the number and location of RVMs and the aggregate quantity of beverage containers by typology collected by RVMs in the territory;

- (d) if and where applicable the number by typology of single use containers collected manually;
- (e) the number of producers exempt from the Scheme in terms of regulation 19, and the quantity by typology of refillable containers placed on the market by such producers and the quantity by typology of refillable containers collected for reuse by such producers;
- (f) the number and nature of complaints received by the Agency in relation to these regulations and the Scheme;
- (g) the number of breaches, both of these regulations and the requirements of the Scheme, investigated by the Agency and the number and nature of decisions, orders and measures taken by the Agency, any court or tribunal or any competent authority in connection therewith;
- (h) the financial position of the Scheme and of the deposit refund account of the operator at the end of the relevant calendar year;
- (i) the financial position of any system for refillable containers operating in the territory and the position of their respective deposit refund accounts at the end of the relevant calendar year; and
- (j) such other matters as may be required by the Minister.

37. (1) For the purpose of enabling the Agency to perform its functions under these regulations, the Authority shall share and exchange information with the Agency, and the Agency and Authority shall collaborate with one another:

Exchange of information between the Authority and the Agency.

Provided that the Agency shall report on the performance of the Scheme to the Authority such that it would enable the Authority to perform its reporting obligations in terms of applicable law.

PART VIII Miscellaneous

38. Producers who, on the date of the coming into force regulation 13, have already placed or are placing on the market a beverage container, shall register with the licensed operator, and shall register the relevant barcodes and any specific markings of the beverage container as well as indicating whether they intend to affix the deposit logo to the beverage container, pursuant to regulation 13, by not later than five (5) months before the coming into force of this regulation. Producers shall also provide the licensed operator with the information indicated in regulation 14(2)(a), as the operator may direct, from the date of registration as aforesaid.

Producers of single use containers.

Distributors, retailers and catering undertakings of single use containers.

39. Distributors and/or retailers and/or catering undertakings who, on the date of the coming into force of regulation 13, have already made available or are making available on the market a beverage container, shall register with the licensed operator and shall register the relevant barcodes, pursuant to regulation 13, by not later than one (1) month before the coming into force of regulation 13.

Producers of refillable containers.

40. Producers who, at the date of the coming into force of regulation 20, have already placed or are placing on the market any beverage in a refillable container, shall register with the Agency pursuant to regulation 20 by not later than three (3) months before the coming into force of regulation 20.

Publication of the date of coming into force of regulation 13.

41. The Minister shall publish the intended date of coming into force of regulation 13 in the Gazette and in at least two (2) daily newspapers not less than six (6) months before the said date.

Publication of the date of coming into force of regulation 20.

42. The Minister shall publish the intended date of coming into force of regulation 20 in the Gazette and in at least two (2) daily newspapers not less than four (4) months before the said date.

Chief Executive may delegate powers.

43. The Chief Executive may delegate any of the powers vested in him by these regulations to any officer or employee of the Agency.

Conflict between the English and the Maltese texts.

44. In these regulations, if there is any conflict between the English and the Maltese texts, the English text shall prevail.

First Schedule

Beverages falling within the scope of these regulations

(Regulation 2)

- (a) water and flavoured water;
 - (b) non-carbonated soft drinks;
 - (c) carbonated soft drinks;
 - (d) ciders, beers and other malt beverages;
 - (e) ready to drink coffee;
 - (f) flavoured alcoholic beverages having an alcoholic content level which does not exceed 5%;
 - (g) dilutables.
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Second Schedule

Beverage container specifications

(Regulation 2)

Beverage containers must be:

- (a) made out of:
 - (i) steel, or
 - (ii) aluminium, or
 - (iii) glass, or
 - (iv) polyethylene terephthalate (PET); and
- (b) bottles or cans; and
- (c) with a capacity of between 0.1 litres and 3 litres:

Provided that cartons, foil pouches, and high-density polyethylene (HDPE), and composite materials are explicitly excluded.

Third Schedule

Minimum Deposit Value

(Regulation 2)

All beverage containers shall be subject to a deposit of a value of at least ten euro cents (€0.10).

Fourth Schedule

Registration Fees

(Regulation 20)

Producers shall be subject to a registration fee for every beverage type intended to be placed on the market individually distinguished by product, beverage container material, design or size typology. This registration fee shall be a one-time fee of one hundred euro (€100) per unique typology registered.

*Substituted by:
L.N. 235 of 2022.*

Fifth Schedule
Collection Targets

Operator

- (i) Material Stream I: beverage containers made from metal

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent (85%) in terms of weight of the single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

- (ii) Material Stream II: beverage containers made from plastic that are single-use plastic products as defined in regulation 3 of the Single-Use Plastic Framework Regulations –

S.L. 549.149.

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1 January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent

(85%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

(iii) Material Stream III: beverage containers made from glass –

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent (85%) in terms of weight of single use containers registered in terms of the Scheme as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight the single use containers registered in terms of the Scheme as having been placed on the market during the said period.

Producers of refillable beverage containers

From 1st January 2022 to 31st December 2022 - seventy per cent (70%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2023 to 31st December 2023 - seventy per cent (70%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2024 to 31st December 2024 - eighty per cent (80%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2025 to 31st December 2025 - eighty-five per cent

(85%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.

1st January 2026 to 31st December 2026 and for every calendar year thereafter - ninety per cent (90%) in terms of weight of the refillable containers registered by the producer as having been placed on the market during the said period.
