

SUBSIDIARY LEGISLATION 549.172

**ENVIRONMENTAL PERMITTING (PROCEDURE FOR
APPLICATIONS AND THEIR DETERMINATION)
REGULATIONS**

11th May, 2025

LEGAL NOTICE 53 of 2025, as amended by Legal Notice 233 of 2025.

**PART I
INTERPRETATION AND APPLICABILITY**

1. (1) The title of these regulations is the Environmental Permitting (Procedure for Applications and their Determination) Regulations. Citation and scope.

(2) These regulations provide a framework for environmental permits, laying down the thresholds and procedure and serve as guidance for the Environment and Resources Authority to authorise and regulate any activity, operation or intervention that may have an effect on the environment.

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

"Act" means the Environment Protection Act; Cap. 549.

"activity", "intervention" or "operation" means any practice, operation, physical works or event that may affect the environment or that otherwise relates to any matter falling within the scope of the Act, and which thus requires a permit from the Authority in accordance with these regulations;

"applicant" means a person or entity who submits an application for a permit in accordance with these regulations;

"application" means an application for a permit submitted in accordance with these regulations;

"Authority" means the Environment and Resources Authority as established in article 6 of the Act;

"cessation" means the intent of a permit holder to permanently halt any activity, intervention or operation covered by a valid permit;

"dismiss" means the Authority's dismissal of an application in accordance with these regulations;

"emergency permit" means a permit issued by the

Authority for an activity, intervention or operation which requires immediate authorisation in accordance with these regulations;

"electronic system" means the Environment Resources Information System (ERIS), or any other electronic system in use by the Authority in connection with the management and processing of applications;

"grant" means the approval of a permit subject to any terms, conditions and, or limitations deemed appropriate by the Authority;

"IPPC" means integrated pollution prevention and control;

"interested third party" means a person who has duly submitted representations on an application within the applicable time frame in accordance with regulation 13;

"operator" means a person or entity who operates or controls in whole or in part the operations, or to whom decisive control over the functioning of the installation, site or plant has been delegated;

"partial grant" means the approval of a permit for part or parts of the activity, intervention or operation subject to all terms, conditions and, or limitations deemed appropriate by the Authority;

"permit" means a permit issued by the Authority in accordance with these regulations;

"permit holder" means a person or entity who has been granted a permit by the Authority;

"renewal" means the extension of the validity period of an existing and valid permit, without any changes to the authorised activity, intervention, operation or site;

Cap. 551.

"Tribunal" means the Environment and Planning Review Tribunal established by article 3 of the Environment and Planning Review Tribunal Act;

"validation" means the initial acceptance by the Authority, of an application following satisfactory adherence to the requirements for further processing of the application.

(2) In matters of interpretation of any term or provision of these regulations, or as to whether an activity, intervention or operation causes or is likely to cause harm to the environment, or whether it

meets any requirement of these regulations, whether explicit or implied, the interpretation of the Authority shall prevail.

3. These regulations shall apply for any application for a permit processed by the Authority. In the event of any conflict between these regulations and any other legislation issued under the Act, these regulations shall prevail: Applicability.

Provided that in the event of any conflict between these regulations and the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, the latter regulations shall prevail. S.L. 549.77.

PART II GENERAL PROVISIONS

4. (1) No person shall carry out an activity, intervention or operation set out in the First Schedule or Second Schedule unless he is in possession of a permit issued by the Authority in accordance with these regulations. Such permits shall fall under the following categories as identified in the First and Second Schedule, as the case may be: Requirement for a permit.

- (a) Level I;
- (b) Level II; and
- (c) Level III.

(2) A permit granted in accordance with these regulations shall not relieve any person from the need to obtain any permit, license or authorisation as may be required by any other law, or any relevant consent from third parties.

(3) The Authority may issue additional documentation to supplement the Schedules on its website.

5. The Authority may grant, partially grant or refuse any application for a permit. Granting and refusal of permits.

6. (1) In the granting or partial granting of a permit, the Authority shall include any condition, approved specification and, or limitation as it deems appropriate. Conditions and requirements in a permit.

(2) The Authority may also include pre-requisites for the execution of the permit, including pre-operational requirements, financial or other guarantees, environmental legal obligations or otherwise, rectification of existing infringements, settlement of outstanding fines and, or other requirements as it deems appropriate. If the applicant fails to fulfil such pre-requisites within the period specified in the Authority's decision or, in the absence of any such stipulated period, within six (6) months from the date of such decision,

the decision shall be dismissed *ipso facto* without the requirement for any action by the Authority.

(3) The Authority may include conditions relating to rehabilitation, restoration, after-use, monitoring, remedial action and, or compensatory action, to be carried out before, during or after the cessation of an activity, intervention or operation covered by a permit. In such instances:

(a) the permit holder shall not be exonerated from such conditions after the permit has expired; and

(b) any guarantee in favour of the Authority related to a permit shall not be released until the Authority is satisfied that the conditions of the permit have been duly complied with and that the actions requested by the Authority have been duly undertaken to prevent, mitigate or offset the adverse impact of the activity, intervention or operation covered by a permit.

Other
requirements.

7. In addition to the terms, conditions, specifications and limitations of the permit, the Authority may also require one (1) or more of the following, as it deems necessary to address circumstances that may affect the surrounding environment, and such requirements shall be carried out at the expense of the permit holder:

(a) additional monitoring;

(b) engagement of consultants or specialists;

(c) review of operational practices;

(d) conduction or commissioning of audits;

(e) abatement measures; and

(f) setting of limits on emissions, discharges, effluents, waste streams or resource consumption associated with the activity, intervention or operation covered by a permit.

PART III PERMITTING PROCEDURES

Application for a
permit.

8. (1) A person intending to carry out an activity, intervention or operation falling within the scope of these regulations shall submit an application for a permit in the form established and published on the website of the Authority.

(2) When submitting an application, the applicant shall follow the format prescribed by the Authority and shall comply with any guidance and terms of reference issued and published on the website of the Authority. The applicant shall also submit any other

information, correction or clarification required by the Authority as part of the application process.

9. (1) An application for a permit shall be valid if the applicant has duly fulfilled the requirements of regulation 8 and has paid to the Authority the applicable fee as stipulated in the respective Schedule.

Validation.

(2) Upon the validation of an application, the Authority shall issue a confirmation to the applicant.

(3) Following validation, those applications falling within those categories indicated within the First Schedule shall be published on the Authority's website for any person to declare an interest and make representations in accordance with regulation 13:

Provided that this sub-regulation shall also apply to those categories identified in the Second Schedule in case of an application for the renewal of a permit on which clearance has been given in accordance with the proviso to regulation 35(7).

(4) An application which is not in conformity with this regulation shall be deemed as incomplete and shall not be processed by the Authority. The Authority may dismiss an application that has remained incomplete and invalid for a period exceeding six (6) months.

10. (1) The Authority shall assess the validated application and process it for a decision. The Authority may also require the submission of additional information or documents and, or the carrying out of studies or investigations.

Processing and
assessment of
applications.

(2) The applicant shall comply with requirements and any associated time-frames as may be stipulated by the Authority. Failure to submit requested information, documents or other requirements to the Authority's satisfaction and within the stipulated period shall be construed as a refusal by the applicant to comply with the Authority's request, and the Authority shall proceed to process the application with the submissions made available to it, or to dismiss the application in accordance with these regulations, as it considers appropriate.

11. (1) The time limit for the processing of applications shall start to run on the date of publication on the Authority's website of the validated application by the said Authority and shall be a maximum period as follows:

Processing time
period of
applications.

(a) fifteen (15) days for categories 1.1, 1.13, 1.18, 1.30 and 1.31 of the First Schedule;

(b) ninety (90) days for other Level I applications;

(c) one hundred and twenty (120) days for other Level II applications; and

(d) two hundred and seventy (270) days for Level III applications.

(2) When an application includes more than one (1) activity, intervention or operation listed in the First or Second Schedule, the longest of the processing time periods listed in this regulation shall apply, unless the Authority agrees to a phased processing of the application, and in such case the time period shall be apportioned as the Authority deems appropriate.

(3) The Authority may extend the processing time whenever there are any modifications to the proposal and, or when external consultation on specific technical matters is required for the processing of the application, and in such instance it shall inform the applicant in writing. In any case, such extension shall not exceed a total period of twelve (12) months for Level I applications and eighteen (18) months for Level II or Level III applications.

(4) The processing of an application for an activity, operation or intervention that may require assessment, screening or any other submission or action in accordance with other environmental legislation, including but not limited to the Flora, Fauna and Natural Habitats Protection Regulations and the Environmental Impact Assessment Regulations, shall be suspended until such time that such requirements have been duly fulfilled to the satisfaction of the Authority.

S.L. 549.44.
S.L. 549.46.

Consultation.

12. (1) In the processing of an application, the Authority may consult any other public entity as may be required. In the event that a permit is granted, any condition proposed by such entities and included in the permit shall be enforced by the respective entity.

(2) If the Authority does not receive any feedback from the consulted entity within the stipulated time-frame, it shall be construed as a no objection from such entity.

Public
participation.

13. (1) Any person may make representations on applications falling within those categories indicated within the First Schedule as well as for those categories indicated in the Second Schedule in case of an application for the renewal of a permit on which clearance has been given according to the proviso to regulation 35(7). The consultation periods shall be ten (10) days for Level I applications, twenty (20) days for Level II applications and thirty (30) days for Level III applications, which in all cases shall start to run on the date of publication in accordance with regulation 9(3). Such time-frames shall also be applicable to consultations indicated in regulation 12, but may be shortened to seven (7) days in urgent cases as may be indicated in

the aforesaid publication.

(2) The representations shall be submitted in writing through the electronic system, in Maltese or English. Representations that are submitted outside the period stipulated in these regulations shall not be considered by the Authority.

(3) The Authority shall ensure that due account is taken of the matters raised in the representations, insofar as relevant to the merits of the application and falling within its remit:

Provided that such representations shall not be binding on the Authority.

14. (1) The processing of an application may be suspended upon the request of the applicant, for not more than two (2) calendar years in aggregate, which shall start to run on the date of the respective written communication. The request shall be subject to the Authority's approval, which may be granted, partially granted or dismissed.

Suspension and
reactivation of
applications.

(2) The applicant may reactivate the application at any time by withdrawing his request for suspension in writing. In the absence of such reactivation, the application shall be dismissed *ipso facto* upon the expiry of the suspension period established in sub-regulation (1) and no further processing by the Authority shall be required.

(3) The processing of an application may be suspended by the Authority, *inter alia* for the following reasons:

(a) if in the Authority's opinion, the proposal or the situation on site, or both, have been modified or updated in a substantial manner such that the details currently being assessed are superseded, outdated, insufficient or no longer reflecting the actual situation; or

(b) if any material flaw, malpractice or distortion is discovered with regard to the already-initiated processing or the actual situation on site, or both.

(4) At any stage following the suspension in accordance with sub-regulation (3), the Authority may, as it deems most appropriate, while taking into account the factors that led to the suspension:

(a) reactivate the processing, subject to any required clarifications, updates or corrections;

(b) direct that the process be resumed at an earlier stage;

(c) proceed to a decision with the available

information; or

(d) dismiss the application.

Decisions on
applications for a
permit.

15. (1) The Authority shall take a decision on an application that falls within the scope of these regulations.

(2) Decisions on applications as identified in the First Schedule shall be taken in public:

Provided that this sub-regulation shall also apply to those categories identified in the Second Schedule in case of an application for the renewal of a permit on which clearance has been given in accordance with the proviso to regulation 35(7).

(3) Decisions taken by the Authority on applications shall be made available to the public through the Authority's website.

Duration of
validity of permit.

16. (1) A permit which is granted or partially granted shall remain valid for such a time as specified by the Authority in such permit.

(2) A permit shall continue to be valid unless:

(a) the validity period established in sub-regulation (1) expires;

(b) cessation occurs in accordance with regulation 24;
or

(c) it is revoked in whole or in part, in accordance with regulation 21 and articles 65 and 66 of the Act.

Emergency
permits.

17. (1) An application for an emergency permit may be submitted to the Authority in cases requiring immediate action due to:

(a) threat to the environment or national heritage;

(b) circumstances which are likely to endanger life, health or public safety;

(c) circumstances which may increase the environmental risk or environmental impact of other projects, situations, actions or accidents if authorisation is delayed; or

(d) significant national importance as declared by the Minister.

(2) Such applications for emergency permits shall be accompanied by a report prepared by a warranted engineer or architect or other duly qualified expert in the field, as may be relevant. The report shall certify the nature of the emergency that merits such a

permit. This provision shall be without prejudice:

(a) to the undertaking of any further studies or investigations that may be mandatory or otherwise essential;

(b) to the Authority's decision to grant, refuse or partially grant the permit; and

(c) to the specifications, limitations and conditions that the Authority may deem appropriate.

(3) When processing applications for emergency permits, the Authority may deviate from the processing and consultation time-frames as it deems appropriate for effective and timely addressing of the situation. In such instances, regulations 9(3), 13, 15(2) and 32 shall not be applicable.

(4) An emergency permit shall be valid for a period of time as determined by the Authority which shall not exceed six (6) months.

18. (1) A permit holder may apply for the renewal of the permit during its period of validity as may be specified in the permit conditions:

Renewal of a permit.

Provided that permits falling within the scope of Categories 1.13, 1.16 and 1.17 in the First Schedule shall not be renewed.

(2) The Authority may decide to grant, partially grant or refuse the renewal of a permit, and may also vary and, or modify any condition. The Authority may also request any further information or detail from the permit holder as may be required for the renewal process.

(3) The permit shall only be considered as renewed once the Authority issues the renewed permit. The processing of renewal applications shall follow the processing time periods stipulated in regulation 11.

19. (1) The Authority may, at any time, vary the conditions laid down in a permit where such a variation is of a minor or administrative nature such as typographical corrections or changes to applicant details, or where it is necessary to comply with new or revised environmental legislation or where the permit needs to be adapted to meet technical advancements. In such instances, the Authority shall notify the permit holder of such a decision by issuing a variation notice.

Variation of permits.

(2) A permit holder may also submit a request to the Authority for a variation in accordance with sub-regulation (1).

(3) In the cases stipulated in this regulation, regulations 9(3), 13 and 15(2) shall not be applicable.

Modification of a permit requested by the holder.

20. (1) A permit holder may request a modification to a permit which is in force in accordance with article 62 of the Act.

(2) The applicant shall submit an application for modification as well as:

(a) the details of the proposed changes, including relevant drawings, plans and photographs, in a manner that may be easily compared to what was already covered by the permit; and

(b) an assessment of the possible effects on the environment.

(3) In cases where more than one (1) modification is requested, a consolidated application shall be submitted to the Authority clearly reflecting all the requested changes. In such case the processing time frame shall restart accruing from the date of validation of the consolidated application, provided that the Authority is satisfied that such consolidation would be beneficial for environmental or administrative reasons or that it would not significantly affect the case processing.

(4) Sub-regulation (3) shall not be applicable to applications falling within the scope of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 and the Waste Management (Shipments of Waste) Regulations.

S.L. 549.65.

Modification or revocation of permits by the Authority.

21. The Authority may, by a decision, modify or revoke any permit granted on the grounds of articles 65 and 66 of the Act,.

Activities or operations undertaken without authorisation.

22. Without prejudice to any action taken by the Authority in accordance with Part VII of the Act, the Authority may consider applications for the continuation of an activity or operation undertaken fully or partly without authorisation:

Provided that such activity or operation is not causing or has not caused adverse environmental effects:

Provided further that in such cases the Authority shall impose an environmental legal obligation or otherwise in its decision.

Transfer of a permit.

23. (1) A permit shall not be transferred from the permit holder to another person without prior notification to the Authority and confirmation of receipt by the Authority. The transfer shall be made by

means of a joint notification by the permit holder and the transferee, on the form prescribed and published on the website of the Authority.

(2) Upon the Authority's acknowledgement of the transfer, all rights, obligations and liabilities shall be transferred onto the transferee from the date of acknowledgement.

24. (1) A permit holder may submit an application to the Authority for cessation of an operation, activity or intervention covered by a permit.

Cessation of
permit.

(2) An application for cessation shall not be accepted by the Authority until such time that all the studies, reports and submissions required by the Authority are submitted to the satisfaction of the Authority.

(3) Prior to the cessation of a permit, the Authority shall verify that the permit holder is compliant with the conditions and approved specifications in the permit, particularly but not limited to any decommissioning, closure, cessation, dismantling, and remediation obligations as may be relevant. The permit holder shall retain all the responsibilities for the operations, interventions and activities until the Authority officially approves the cessation of the permit in writing.

(4) Without prejudice to regulation 6(3), any guarantee in favour of the Authority shall not be released until the Authority approves the request for cessation.

(5) Regulations 9(3), 13 and 15(2) shall not be applicable to cessation of permits.

PART IV FEES, GUARANTEES AND CONTRIBUTIONS

25. (1) The Authority shall charge the fees prescribed in the respective Schedule for the processing of an application in accordance with these regulations. The fees shall be paid by the applicant upon submission of the application, and the Authority shall not process the application further until the application fee is settled:

Application fees.

Provided that the Authority may exempt the payment of the application fee for certain applications as identified in the First Schedule due to research or educational purposes when the application has been submitted by, or on behalf of an educational institution.

(2) If the fee due has not been paid after the lapse of ninety (90) days from submission of the application, the application shall be dismissed.

(3) In the case of emergency applications, non-payment of

the fee shall not suspend the validation stage.

(4) Unless otherwise indicated in sub-regulation (5), the fees due to the Authority shall be:

(a) half of the application fee stipulated in the respective Schedule, in the case of applications for renewal or for a substantial modification;

(b) double the application fee stipulated in the respective Schedule, in the case of applications under regulation 22.

(5) Notwithstanding the provisions of sub-regulation (4):

S.L. 549.77. (a) in the case of operations falling within the scope of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, the applicable fees shall be those specified in the said regulations;

S.L. 549.77. (b) in the case of applications that include more than one (1) operation falling within the scope of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, the fees prescribed in the said regulations shall apply cumulatively, and the fees prescribed in the First Schedule shall not be applicable;

S.L. 549.122. (c) in the case of operations falling within the scope of the Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations, the fees established in the said regulations shall also be applicable in addition to the fees prescribed in the respective Schedules; and

(d) the fee for a modification shall not be payable if the modification is imposed by the Authority and not requested by the permit holder.

(6) When the Authority refuses or dismisses an application, or if a permit is only partially granted, or if an application is withdrawn by the applicant, the fee paid shall not be refunded.

(7) When an application for a permit includes more than one (1) activity, operation or intervention listed in the First or Second Schedule, the highest of the corresponding fees shall be applicable together with a fee of one hundred euro (€100) for every additional activity, operation or intervention.

Guarantees.

26. (1) The Authority may impose the provision of a financial guarantee or equivalent safeguard as a condition of the permit, after considering the impacts and risks associated with any aspect of the activity, intervention or operation.

(2) When the holder of a permit fails to comply with any of the conditions laid down in the permit, the Authority may withdraw the guarantee in full or in part, as it may deem appropriate.

(3) In cases where the Authority withdraws the guarantee either in part or in full, the operator shall ensure that this is replenished within a period not exceeding thirty (30) days from date of withdrawal. Failure to replenish the guarantee within this period shall be construed as a breach of the permit and of these regulations.

(4) The Authority may release part of the guarantee as it may deem appropriate in the event of partial compliance, if it is satisfied that this would not prejudice the effectiveness of the respective permit conditions and approved specifications.

27. (1) When granting permits the Authority may impose an environmental legal obligation or otherwise in accordance with article 64 of the Act. Such obligations shall be distinct from any fee or guarantee attached to the application or to the permit.

Environmental
contributions.

(2) In cases where the environmental legal obligation or otherwise requires a sum to be paid to the Authority in accordance with article 64(2)(e) of the Act, such sum shall be deposited in the Environmental Fund established under article 32 of the Act.

PART V RECONSIDERATION & APPEALS

28. (1) An applicant may apply for a reconsideration of a decision by the Authority within thirty (30) days from the date of the decision, and an administrative fee of fifty euro (€50) shall be due to the Authority:

Reconsideration.

Provided that reconsideration shall not be applicable for those decisions taken in public by the Board of the Authority:

Provided further that the reconsideration decision shall be taken by the Board of the Authority in public.

(2) Requests for reconsideration shall only be valid if done on the application form prescribed and published on the website of the Authority. The request for a reconsideration shall not be valid if the request relates to a change in operations or in the proposal, or a change in the documentation submitted to the Authority as part of the processing of the application, or if the request is submitted by any third party including any entity consulted in accordance with regulation 12.

Cap. 551. (3) When an appeal has been filed before the Tribunal by any person other than the applicant and the applicant submits a request for reconsideration in accordance with this regulation, the procedures before the Tribunal shall be suspended until the request for the reconsideration is determined and the Authority has submitted a copy of the decision to the Tribunal, and any time periods established under the provisions of Environment and Planning Review Tribunal Act in relation to the procedures before the Tribunal shall start to run from the date of receipt by the Tribunal of the reconsideration decision.

Appeals. **29.** An appeal from a decision taken by the Authority may be filed before the Tribunal within thirty (30) days from the publication of the decision on the Authority's website by:

(a) an applicant, in relation to an application filed by him; or

(b) a registered interested third party, only in relation to the applications falling within the scope of regulation 13.

Suspension
pending possible
appeal.

30. (1) The execution and validity of a permit which was subject to public consultation in accordance with regulation 13 and for which representations from interested third parties were submitted, shall be automatically and temporarily suspended for thirty (30) days from publication of the decision on the Authority's website, and no works, interventions, operations or activities may commence before the lapse of such period.

Cap. 551. (2) The permit may subsequently remain suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

(3) The suspension prescribed in sub-regulations (1) and (2) shall not be applicable to the following permits:

(a) emergency permits;

(b) renewed permits;

(c) clearance issued in accordance to regulation 35(4);

(d) permits which were not subject to an Environmental Impact Assessment and, or IPPC permit and which in the opinion of the Minister:

(i) are of strategic significance or of significant national importance;

(ii) are related to any obligation ensuing from European Union legislation;

(iii) affect national security or the interests of other governments; or

(iv) affect response to civil or environmental emergencies.

PART VI MISCELLANEOUS PROVISIONS

31. (1) The Authority shall retain all information required from the applicant for the processing of the application and shall publish the details of the applicant consisting of the following: Disclosure of information.

- (a) the name and surname of the applicant;
- (b) the proposed operation, intervention or activity;
- (c) the location, if applicable; and
- (d) the decision of the Authority.

(2) Upon the request of the applicant, the Authority may censor financially or commercially sensitive information.

32. (1) The offices of the Authority shall be closed between the 23rd of December of every year and the 1st of January of the following year, both days included. Inactive periods.

(2) One week prior to Easter Sunday and the period between the 8th and 22nd of August of every year shall be considered as inactive periods.

(3) The Authority may establish other periods during the year as inactive periods. Such periods shall be published on the Authority's website and in the Gazette.

(4) During such inactive periods, processing times shall be suspended.

33. The Authority shall not be held liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of administering these regulations. Liability for loss or damage.

34. The Authority may, from time to time, publish any documentation or guidance in relation to matters falling within the scope of these regulations or ancillary thereto. Supporting documentation.

PART VII TRANSITORY PROVISIONS

35. (1) Permits which have been issued by the Authority Transitory provisions.

prior to the coming into force of these regulations and which are still valid, shall be construed as authorised under these regulations, unless they have expired or have been superseded by a permit issued in accordance with these regulations.

(2) The provisions of sub-regulation (1) shall also be applicable to conditions, specifications and obligations related to such permit, including any requirement to renew the validity of the permit.

(3) Applications that have been submitted before the coming into force of these regulations shall be exempt from the fee prescribed in the respective Schedule, unless a fee was already applicable in accordance with any other regulations issued under the Act.

(4) Where it is proven to the satisfaction of the Authority that the operation, intervention or activity specified in the Second Schedule, was already exercised prior to the coming into force of these regulations, such operation, intervention or activity may be deemed cleared by the Authority subject to such terms and conditions as the Authority may impose.

(5) An application for clearance of an operation, intervention or activity specified in sub-regulation (4) and in the Second Schedule shall be submitted to the Authority within six (6) months from the coming into force of these regulations.

(6) The Authority shall determine an application for clearance for an operation, intervention or activity specified in sub-regulation (4) and the Second Schedule without delay and may refuse any such application on any grounds valid at law:

Provided that the determination of an application for clearance shall not be subject to appeal, except by the applicant, from a refusal of a clearance or from a condition imposed in the clearance.

(7) A clearance issued in terms of sub-regulation (4) shall be valid for four (4) years:

Provided that prior to the expiration of the clearance, the applicant shall apply for a permit to cover the operation, intervention or activity subject of the clearance, which application shall be deemed as an application for the renewal of a permit for all intents and purposes of these regulations:

Provided further that upon expiration of the clearance, the operation, intervention or activity shall continue subject to a permit issued under these regulations and in line with any such conditions stipulated in the permit.

First Schedule*Amended:
L.N. 233 of 2025.***Operations, Interventions And Activities Falling Within The
Scope Of These Regulations
(Regulations 4, 9, 11, 13, 15, 18, 25)**

The following operations, interventions and activities shall require a permit in accordance with these regulations, and the level type and application fee payable for each category shall be applicable as indicated in the table:

The following notations shall be interpreted as follows:

Identifies those categories which shall be published on the Authority's website for representations in accordance with regulations 9(3) and 13(1) and which require a decision to be taken in public in accordance with regulation 15(2);

† Identifies those categories which may be exempt from the application fee for reasons of research or educational purposes as stipulated in regulation 25.

Category	Operation, intervention or activity	Type of application or permit	Fee for a new application
Waste management operations			
1.1	Consignment authorisation on land	Level I	€100 for each Consignment Permit;
1.2	Mobile unit for treatment of waste on the site of generation	Level I	€750
1.3	Storage of hazardous wastes in quantities of more than 5 tonnes per day (#)	Level II	€1,500
1.4	Quarry operations, which may include stone extraction and, or the recycling of inert waste or construction and demolition waste (#)	Level II	€1,500

1.5	Backfilling of excavation voids as defined by the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations (S.L. 549.50.) (#)	Level II	€1,000
1.6	Category 1.5 operations which include crushing prior to backfilling (#)	Level II	€750
1.7	Civic amenity site (#)	Level II	€1,500
1.8	Producer Responsibility Organisation	Level II	€500 or as otherwise established in relevant subsidiary legislation
1.9	Other waste management operations, not listed elsewhere in this Schedule, and other operations within the scope of the Waste Regulations (S.L. 549.63), except works requested by the Authority for the purpose of site remediation or restoration, stabilisation of material or other environmental improvement (#)	Level II	€1,500

1.10	Non-hazardous waste collection, treatment, disposal, temporary storage and, or preparation for reuse (including packaging, sorting and, or processing of waste prior to reuse or recovery), except waste generated on the same site (#)	Level II	€1,500
1.11	Depot carrying out temporary storage of construction and demolition waste and preparation for reuse, recycling or recovery of such waste (#)	Level II	€1,500
1.12	Hazardous waste collection, temporary storage, treatment, (including packaging sorting and, or processing of waste prior to preparation for reuse, recycling or recovery), preparation for reuse, recycling and, or disposal except waste generated on the same site (#)	Level III	€2,500
1.13	Consignment and disposal at sea, including operations in association with Category 2.1	Level II	€1,500 and a fee per tonne as established by the Authority
1.14	Waste incineration or co-incineration (#)	Level III	€2,500

1.15	Decontamination and, or disposal as regulated by the Waste Management (Polychlorinated Biphenyls and Polychlorinated Terphenyls) Regulations (S.L. 549.28.) (#)	Level III	€2,500
1.16	Transboundary movements of waste subject to the prior informed consent procedure pursuant to Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 and the Waste Management (Shipments of Waste) Regulations (S.L. 549.65.)	Trans-frontier shipment permit	As established in the Waste Management (Shipments of Waste) Regulations (S.L. 549.65.)
1.17	Modifications to written consents for transboundary movements of waste subject to the prior informed consent procedure pursuant to Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 and the Waste Management (Shipments of Waste) Regulations (S.L. 549.65)	Not applicable	€100 for every amendment

Interventions and activities in relation to biodiversity and the natural environment

1.18	Registration as licensed tree specialist	Level I	As established in the Trees and Woodlands Protection Regulations (S.L. 549.123.)
1.19	Activity involving fifty (50) persons or more, or other activities falling within the scope of the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) within a protected area (†)		€100 Provided that clean-up activities may, at the discretion of the Authority, be exempt from paying such fee.
1.20	Operations, structural or permanent interventions, in a protected area (†)		€100
1.21	Taking of species protected under the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44.) (†), other than hunting, trapping, scientific ringing or geo-tagging of birds		€ 20
1.22	Interventions on up to 10 protected trees		€20
1.23	Interventions on more than 10 protected trees (#)		€100
1.24	Importation of, and operations related to, invasive alien species of national or European concern, other than the control or removal of such species in accordance with the methodology approved by the Authority (#) (†)		€100
1.25	Interventions and activities for the purpose of access to genetic resources through prior informed consent for wildlife, except birds (#) (†)		€100

Use of genetically modified organisms			
Notification of the following as defined in the Contained Use of Genetically Modified Micro-Organisms Regulations (S.L.549.49) and the Deliberate Release into the Environment of Genetically Modified Organisms Regulations (S.L. 549.60):			
1.26	First-time use of premises for contained use of genetically modified organisms (#)	Level I	As established in the Contained Use of Genetically Modified Micro-Organisms Regulations (S.L.549.49) and the Deliberate Release into the Environment of Genetically Modified Organisms Regulations (S.L. 549.60)
1.27	Individual contained use of genetically modified organisms (#)		
1.28	Deliberate release of genetically modified organisms, other than placing on the market (#)	Level III	
1.29	Placing on the market of genetically modified organisms (#)		
Others			
1.30	Hull cleaning and propeller polishing on vessels greater than 30 metres	Level I	€100 for registration; €50 for every notification
1.31	Renewal of existing quarrying licence	Level I	€800
1.32	Operations covered by the Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations (S.L. 549.122)	Level II	As established in the Limitation of Emissions of Certain Pollutants into the air from Medium Combustion Plants Regulations (S.L. 549.122)

1.33	Fuel terminals including those within scope of the Control of Volatile Organic Compound - VOC Emissions (Storage and Distribution of Petrol from Terminals to Service Stations) Regulations (S.L. 549.52) (#)	Level III	€2,500
1.34	Retail and wholesale of fuel, including petrol stations covered by the Control of Volatile Organic Compound - VOC Emissions (Storage and Distribution of Petrol from Terminals to Service Stations) Regulations (S.L. 549.52) (#)	Level III	€2,500
1.35	Operations covered by the Urban Waste Water Treatment Regulations (S.L. 549.22)	Level III	€2,500
1.36	Treatment plants of domestic sewage, industrial effluent or farmyard waste, not covered by Category 1.35 (#)	Level II	€1,500
1.37	Ancillary aquaculture facilities (#)	Level II	€1,500
1.38	Marine aquaculture, including fish farms (#)	Level III	€2,500
1.39	Onshore aquaculture (#)	Level III	€2,500

1.40	Operations covered by the Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) Regulations (S.L. 549.79)	Level III	€2,500
1.41	Crematorium (#)	Level III	€2,500
1.42	Operations falling within scope of Schedule 1 to the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (S.L. 549.77) and the Industrial Emissions (Framework) Regulations (S.L.549.76) (#)	IPPC permit	As established in regulation 23 and Schedule 5 to the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations (S.L. 549.77)

Extended Producer Responsibility not covered under Category 1.8			
Category	Activity	Type of application or permit	Fees
1.43	Producer Responsibility Organisation for Batteries	Level I	€500 + €20 per producer for every year thereafter
1.44	Self-compliant producer for Batteries	Level I	€100 + €20 for every year thereafter

SECOND SCHEDULE

Operations, interventions and activities for which clearance in accordance to regulation 35(4) may be granted

The following operations, interventions and activities shall require clearance within six (6) months from entry into force of these regulations, and subsequently clearance under these regulations. The level type and application fee payable for each category shall be applicable as indicated in the table:

The following note shall be interpreted as follows:

Identifies those categories that at the stage of renewal of the clearance as a permit are to be published on the Authority's website for representations in accordance with regulations 9(3) and 13(1) and which require a decision to be taken in public in accordance with regulation 15(2);

Cate- gory	Operation, Intervention or Activity	Type of application or permit	Fee for a new appli- cation
2.1	Reclamation on land or at sea, using inert waste or stabilised waste that has reached end-of-waste status, in association with Category 1.13 where reclamation or dumping is at sea (#)	Level III	€2,500 and a fee per metre cubed (m ³) as established by the Authority
2.2	Animal slaughterhouse (#)	Level II	€1,500
2.3	Rendering plant (#)	Level II	€1,500
2.4	Quarrying operations not covered by category 1.4 or 1.31 (#)	Level II	€1,500
2.5	Manufacture of computer, electronic and electrical equipment and optical products	Level II	€1,500
2.6	Manufacture or processing of asphalt or other non-metallic mineral products, including batching plants, but excluding temporary plants (#)	Level II	€1,500
2.7	Manufacture and blending of chemical and fuel products and man-made fibres, excluding dilution with water only and not involving chemical or biological processes, and also excludes fireworks factories (#)	Level II	€1,500
2.8	Operations involving galvanising or sand blasting of materials exceeding 10 tonnes every day (#)	Level II	€1,500
2.9	Manufacture of rubber and plastic products	Level II	€1,500
2.10	Manufacture of animal feed with a production of more than 10 tonnes every day (#)	Level II	€1,500

2.11	Yards and other premises on land for repair and maintenance of vessels, aircraft and other transport, exceeding 1000 square meters and not covered by Category 1.40	Level II	€1,500
2.12	Operations with a discharge of trade effluent to sea, land, storm or rainwater drains or culverts, falling within the scope of the Water Policy Framework Regulations (S.L. 549.100) <i>Note: Trade effluent means any liquid, with or without other material in suspension or dissolved in it, which is discharged from trade premises, other than uncontaminated storm water run-off and domestic sewage.</i>	Level II	€1,500
2.13	Marine container terminals (#)	Level III	€2,500
2.14	Shipyards and ancillary operations (#)	Level III	€2,500
2.15	Wholesale of solid, liquid and gaseous fuels, industrial gases and related products (#)	Level III	€2,500
2.16	Cement packaging facility (#)	Level II	€1,500
2.17	Cement terminal (#)	Level III	€2,500

2.18	Manufacture of pharmaceutical products and pharmaceutical preparations, excluding: (a) production of active pharmaceutical ingredients and intermediates; and (b) operations that are limited to repackaging only.	Level III	€2,500
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