

SUBSIDIARY LEGISLATION 549.65**WASTE MANAGEMENT (SHIPMENTS OF WASTE)
REGULATIONS**

3rd November, 2011*

*LEGAL NOTICE 285 of 2011, as amended by Legal Notices 440 of 2011,
194 of 2024 and 215 of 2026.*

1. (1) The title of these regulations is the Waste Management (Shipments of Waste) Regulations.

Citation and scope.
Amended by:
L.N. 215 of 2026.

(2) The scope of these regulations is to implement the requirements of the provisions 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.

(3) The provisions of Regulation (EU) 2024/1157 shall apply *mutatis mutandis*.

(4) All shipments of waste to Malta destined for disposal shall be prohibited. Where a notification is submitted to the Authority as a competent authority of destination regarding a planned shipment of waste destined for disposal in Malta, the Authority shall *ipso jure* object.

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

Interpretation.
Substituted by:
L.N. 215 of 2026.

"Act" means the Environment Protection Act;

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

"Minister" means the Minister responsible for the environment;

"Regulation (EU) 2024/1157" or "EU Regulation" means 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.

(2) Unless the context otherwise requires any terms not herein defined shall have the same meaning as assigned to them in regulation 4 of the Waste Regulations and Regulation (EU) 2024/1157. In case of conflict the provisions of Regulation (EU) 2024/1157 shall prevail.

S.L. 549.63.

3. (1) The Authority shall be the competent authority responsible for the implementation of Regulation (EU) 2024/1157.

Competent
authority.
Substituted by:
L.N. 215 of 2026.

*See regulation 1(3) as originally promulgated, and Legal Notice 427 of 2011.

- (2) The Authority shall act as the competent authority of:
- (a) dispatch in relation to shipments of waste initiated or planned to be initiated from Malta;
 - (b) destination in relation to shipments carried out or planned to be carried out to Malta; and
 - (c) transit in respect to shipments carried out or planned to be carried out through Malta.

Administrative
fees..
Substituted by:
L.N. 215 of 2026.

S.L. 549.172.

4. (1) Where a notifier submits a prior written notification to the Authority in accordance with Article 5 of Regulation (EU) 2024/1157, the Authority shall in accordance with regulation 25(1) of the Environmental Permitting (Procedure for Applications and their Determination) Regulations charge the fees established in items 1 and 4 of the Schedule:

Provided that where the Authority acts as the competent authority of transit, only the fee established in item 3 of the Schedule shall be payable upon submission of the notification, and the fees established in item 4 of the Schedule shall be payable prior to the Authority confirming that the notification has been properly completed:

Provided further that the notification shall not be processed further unless the notifier submits proof of payment of the applicable fees within five (5) working days from the date of submission of the notification.

(2) A person who arranges a shipment of waste referred to in Article 4(4) or (5) of Regulation (EU) 2024/1157 shall upon completing the document established in Annex VII in accordance with Article 18 of Regulation (EU) 2024/1157, submit to the Authority proof of payment of the applicable fee specified in the Schedule not later than two (2) working days before the shipment is initiated.

(3) These regulations shall be without prejudice to any rights and obligations imposed by the competent authority of destination and the competent authority or authorities of transit.

Offences.

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

- (a) he fails to comply with or breaches any provisions of these regulations or fails to comply with permit conditions or with any order lawfully issued in terms of any provision of these regulations; or
- (b) he contravenes any restriction, prohibition or fails to abide by any requirement imposed by or issued under these regulations; or
- (c) he unlawfully conspires, aids, instigates, or abets, or attempts to conspire, aid, instigate or abet any other person, by whatever means, including advertising, counselling or procurement to contravene any of the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully issued in terms of any such provisions, or to contravene any restriction, prohibition or to fail to

abide by any requirement imposed by or issued under the said regulations.

6. (1) Any person who commits an offence against these regulations shall on conviction be liable:

Penalties.
Substituted by:
L.N. 215 of 2026.

- (a) for a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and seventy euro (€1,170), but not exceeding two thousand and three hundred and thirty euro (€2,330);
- (b) for a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and thirty euro (€2,330), but not exceeding four thousand and six hundred and sixty euro (€4,660), or to imprisonment for a term not exceeding two (2) years, or to both such fine (*multa*) and imprisonment:

Provided that without prejudice to paragraphs (a) and (b), whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, shall be held liable in the same manner and degree:

Provided further that without prejudice to the penalties for which the offender may be held liable in accordance with this regulation the Court may order any person who has been found guilty of committing an offence under these regulations to pay for the expenses incurred by the Authority as a result of the said offence, the revocation of the permit issued by the competent authority and the confiscation of the *corpus delicti*, including the vehicle, if applicable, and such person may also be excluded from public procurement procedures for a specified time period.

(2) In determining the applicable penalty, the following factors shall, where applicable, be taken into consideration:

- (a) the nature, gravity and extent of the breach;
- (b) the intentional or negligent character of the breach, where appropriate;
- (c) the financial capacity of the natural or legal person held responsible;
- (d) the economic benefits derived from the breach by the natural or legal person held responsible, insofar as they may be determined;
- (e) the environmental damage caused by the breach;
- (f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;
- (g) the repetitive or isolated nature of the breach;
- (h) any other aggravating or mitigating factor applicable to the circumstances of the case.

Applicability of the
Criminal Code.
Cap. 9.

7. (1) Without prejudice to regulation 6, the provisions of articles 23 and 30 of the Criminal Code shall *mutatis mutandis* apply to proceedings in respect of offences committed against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

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(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence committed against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) both as a court of criminal judicature, as the case may be, and shall be regulated in accordance with the provisions of the Criminal Code.

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal before the Court of Criminal Appeal from any judgment given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) both as a court of criminal judicature in respect of any proceedings for any offence committed against these regulations.

Substituted by:
L.N. 215 of 2026.

SCHEDULE (Regulation 4)

ADMINISTRATIVE FEES CHARGED BY THE AUTHORITY

For the purposes of determining the applicable fees, a movement document referred to in item 4 or an Annex VII document referred to in item 5, shall cover a single container, trailer, barge, end-of-life ship or other transport unit, as applicable and as determined by the Authority.

1. For the processing of a notification by the Authority as competent authority of dispatch, a fixed fee of three-hundred and fifty euro (€350) shall apply.

2. For the processing of a notification by the Authority as competent authority of destination, a fixed fee of five-hundred euro (€500) shall apply.

3. For the processing of a notification by the Authority as competent authority of transit, a fixed fee of two-hundred and fifty euro (€250) shall apply.

4. For the processing by the Authority of each movement document in accordance with article 5 of Regulation (EU) 2024/1157, a fee of thirty-five euro (€35) shall be due to the Authority whether it is the competent authority of dispatch, of transit or of destination.

5. For the supervision procedure by the Authority on

shipments of waste referred to in Article 4(4) and (5) of the EU Regulation, a fee of thirty-five euro (€35) shall be due to the Authority for every document established in Annex VII to Regulation (EU) 2024/1157 completed by the person who arranges the shipment in accordance with Article 18 of Regulation (EU) 2024/1157 for each shipment.

6. Any expenses relating to the shipping of notification documents by courier to the competent authorities concerned and those relating to the consignee and, or treatment facility, shall be borne by the notifier.
