SUBSIDIARY LEGISLATION 595.28

CIRCULAR ECONOMY MALTA (ESTABLISHMENT) ORDER

24th August, 2018

LEGAL NOTICE 286 of 2018, as amended by Legal Notice 312 of 2020 and 256 of 2021.

Citation. *Substituted by: L.N. 256 of 2021.*

1. The title of this order is the Circular Economy Malta (Establishment) Order.

Interpretation. *Substituted by: L.N. 256 of 2021.*

2. In this order, unless the context otherwise requires –

"Act" means the Public Administration Act; Cap. 595.

"Agency" means Circular Economy Malta established by this order;

"Agency Agreement" means the Agreement as provided for in article 9;

"Minister" means the Minister responsible for the environment;

"Permanent Secretary" means the Permanent Secretary in the Ministry responsible for the environment.

Establishment of the Resource, Recovery and Recycling Agency. *Amended by: L.N. 312 of 2020; L.N. 256 of 2021.*

3. (1) There is hereby established an Agency, to be known as Circular Economy Malta, which shall carry out the functions and duties of the public administration in the following matters:

(a) to foster a transition towards, and implement measures, for the growth and development of the circular economy;

(b) to promote, manage and implement measures, projects and initiatives that support the transition to a more circular economy;

(c) to promote, manage and implement measures, projects and initiatives that support enhanced resource productivity, lengthening the resource life cycle and the retention of materials in the economy for a longer period of time;

(d) to provide the right climate for efficient, effective, convenient, accessible and reliable circular economy action;

(e) to develop and propose schemes that focus on selected resources to promote their better management, productivity and foster resource aggregation;

(f) to ensure that, where applicable, government's policy and regulatory frameworks are more aligned to circularity principles;

(g) to promote the development of secondary markets for end of life resources;

(h) to promote a transition towards more sustainable production and consumption patterns in both products and services;

(i) to increase the attractiveness of research and innovation in the sector as well as the piloting of new approaches towards resource recovery and use;

(j) to promote the eco-design of products to increase their durability, repairability and upgradability;

(k) to foster public education and awareness initiatives on the appreciation of the potential of the circular economy to contribute towards sustainable development;

(l) to promote collaboration that could positively contribute towards the transition to a more circular economy;

(m) to adopt, or where not available, establish indicators that permit the measurement of progress achieved in the transition to a more circular economy;

(n) to advise the Minister on measures or new initiatives relating to the circular economy;

(o) to conduct market sector or sub-sector studies in order to determine the feasibility of promoting circular concepts and initiatives;

(p) to promote research and innovation of aspects related to the circular economy;

(q) to provide or develop training programmes in relation to the above;

(r) to conduct market studies to determine whether there are any structural failures that are impeding circular actions and propose corrective or support measures thereto;

(s) to issue, renew, amend, vary, suspend or revoke any authorisation or licence that may be required by any law;

(t) such other matters which are ancillary, incidental or consequential to the matters stipulated above as the Minister may from time to time determine and;

(u) the general regulation of its own procedures, provided it does not violate the provisions of any other law.

Minister responsible for the Agency.

4. (1) The Minister responsible for the Agency shall be the Minister responsible for the environment.

(2) The Permanent Secretary in the Ministry responsible for the environment shall supervise the Agency in terms of article 29 of the Act:

Provided that the Prime Minister may assign the responsibility of the Agency to another Minister and its supervision to the Permanent Secretary of that Ministry.

Operational set-up of the Agency.

5. (1) The Agency shall, in consultation with the Minister, establish and re-organise units, divisions and sections as appropriate in order to exercise its functions.

(2) The operations of the Agency shall follow an Agreement which is to be agreed upon in writing between the Permanent Secretary and the Agency.

Role of the Chief Executive Officer.

6. (1) Subject to the other provisions of this order, the executive conduct of the Agency, its administration and organisation and the administrative control of its officers and employees, shall be the responsibility of a Chief Executive, who shall be appointed by the Minister.

(2) The Chief Executive shall be responsible for the implementation of the objectives of the Agency in the exercise of its functions and, without prejudice to the generality of the foregoing, he shall –

(a) assume full responsibility for the overall supervision and control of the units, divisions and sections;

(b) assign to each unit, division and section such duties which he considers necessary or expedient;

(c) co-ordinate the work of the units, divisions and sections;

(d) develop the necessary strategies for the implementation of the objectives of the Agency; and

(e) perform such other duties as the responsible Minister may assign to him from time to time.

Deployment of public officers and recruitment with the Agency.

7. (1) Public officers deployed with the Agency shall be deemed to be detailed with the Agency in accordance with article 33 of the Act.

(2) Subject to the provisions of the Act and of any other

legislation, the Agency shall have authority to engage its own employees.

Financial arrangements. Cap. 601.

8. The Agency shall be governed by the provisions of the Public Finance Management Act unless otherwise stated in the Agency agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency agreement shall prevail.

Other special arrangements applying to the Agency.

9. The operations of the Agency shall follow an Agency performance agreement which is to be agreed between the Permanent Secretary and the Agency. The provisions of article 30 of the Act shall apply.

Advisory Board.

10. (1) The Minister may establish an Advisory Board to assist the Chief Executive Officer in the discharge of his duties.

(2) The Advisory Board established under this article shall be chaired by the Chief Executive Officer and shall consist of not less than two and not more than four members appointed by the Minister.

(3) The remuneration paid to members of the Advisory Board shall be in accordance with the directives and guidelines issued by the Agency from time to time.