

L.N. 394 of 2004

**ECO-CONTRIBUTION ACT, 2004
(ACT NO. XII OF 2004)**

**Eco-Contribution Act, (Amendment of Second Schedule)
Regulations, 2004**

IN exercise of the powers conferred by article 13(1)(c) of the Eco-Contribution Act, hereinafter referred to as “the Act”, the Minister for Rural Affairs and the Environment with the concurrence of the Prime Minister and Minister of Finance, has made the following regulations:

1. (1) The title of these regulations is the Eco-Contribution Act (Amendment of Second Schedule), Regulations 2004, and they shall be read and construed as one with the Second Schedule to the Eco-Contribution Act, which Second Schedule is hereinafter referred to in these regulations as “the Schedule”.

Citation and
commencement.

(2) These regulations shall come into force on the 1st September, 2004.

2. Paragraph (2) of item 1 of the Schedule shall be substituted by the following:

Amends Item
1 of the Schedule.

“(2) Upon the coming into force of the Act, a producer may be requested to inform the Competent Authority of his opening stock of products as at such date as the Authority may determine:

Provided that the recognised producers of products falling under HS Code Numbers 2201 to 2206 inclusive, and 2208 in the First Schedule, duly recognised by the Competent Authority in virtue of regulations made under the Act, must inform the Authority of their opening stock as may be prescribed, as on the 4th September, 2004, and the eco-contribution thereon must be paid at such time as is provided in the regulations made under the Act:

Provided further that for the purposes of the above proviso “opening stock” shall mean the quantity of products owned by the recognised producers and physically located in the factory, warehouse, bottling plant, or other stores utilised by the recognised producers in the exercise of their business.”.

3. Item 3 of the Schedule shall be substituted by the following:

“3. Without prejudice to the foregoing, a producer, shall be required to:

(a) maintain, in respect of all product movements, accurate accounts and records including:

(i) the date of the product movements;

(ii) a description of the products;

(iii) the quantity of the products involved in the movements; and

(iv) the eco-contribution to be paid on such movements;

(b) maintain, for all products for which he is or is deemed to be a producer, accurate accounts and records of stock;

(c) comply with all requests to monitor, check and produce for inspection any accounts, records and any stocks of products; and

(d) ensure compliance with all the requirements of the Act and any regulations made thereunder and with such other requests made by the Competent Authority:

Provided that for the purposes of this item, the term “product” shall include all products listed in the First Schedule to the Act, irrespective of whether they are placed on the market in Malta for the purposes of the Act.”.