

SUBSIDIARY LEGISLATION 549.43

WASTE MANAGEMENT (PACKAGING AND PACKAGING WASTE) REGULATIONS

1st March, 2007

LEGAL NOTICE 277 of 2006, as amended by Legal Notices 426 of 2007, 442 of 2012, 358 of 2013, 444 of 2014, 226 of 2017 227 of 2017, 310 of 2020, 152 and 452 of 2021, 369 of 2022 and 331 of 2024.

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

Citation.

2. (1) These regulations bring into effect the provisions of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste as amended by Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste, Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 amending Directive 94/62/EC on packaging and packaging waste, Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags and Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste.

Scope.

*Amended by:
L.N. 442 of 2012;
L.N. 444 of 2014.
S.L. 549.63
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 310 of 2020;
L.N. 152 of 2021.*

(2) The objective of the Directive is to harmonise national measures concerning the management of packaging and packaging waste in order, on the one hand, to prevent any impact thereof on the environment of all Member States as well as of third countries or to reduce such impact thus providing a high level of environmental protection, and, on the other hand, to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition within the European Union.

(3) These regulations shall apply to all packaging placed on the market in Malta and all packaging waste, whether it is used or released at industrial, commercial, office, shop, service, household or any other level, regardless of the material used, unless such packaging is expressly excluded from the application of these regulations. These regulations, with the exception of regulations 4, 5, 6, 7, 11, 18, 25 and Schedule 2, shall not apply to:

- (a) packaging not intended for placing on the market in Malta; and
- (b) producers putting less than 100 kilograms on the market of packaging or packaging material in a calendar year.

(4) These regulations lay down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, therefore, at

reducing the final disposal of such waste in order to contribute to the transition towards a circular economy.

S.L. 549.63. (5) These regulations shall apply without prejudice to existing provisions, in particular with regard to quality requirements for packaging such as those regarding safety, the protection of health and the hygiene of the packed products or to existing transport requirements, or to the provisions of the Waste Regulations.

S.L. 549.134 (6) The following shall be excluded from the scope of these regulations, to the extent that they are covered by the Beverage Containers Recycling Regulations:

- (a) beverages in beverage containers intended to be placed on the national market; and
- (b) any person importing, bottling, canning or otherwise filling beverages in beverage containers intended to be placed on the market within the territory of Malta, hereinafter referred to as a producer of beverages in beverage containers:

S.L. 549.134. Provided that this regulation does not exonerate such producers of beverages in beverage containers from the provisions of these Regulations with respect to other packaging or packaging material placed on the market other than the beverage containers referred to in the Beverage Containers Recycling Regulations:

Provided further that regulations 4, 5, 6, 7, 11, 18 and Schedule 2 shall still apply.

Interpretation.
Amended by:
L.N. 444 of 2014;
L.N.226 of 2017;
L.N.227 of 2017;
L.N. 152 of 2021.;
L.N. 369 of 2022.
S.L. 595. 28.

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

"the Act" means the Environment Protection Act;

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

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"agreement" means the formal agreement concluded between the competent authority and the producers concerned, which has to be open to all partners who wish to meet the conditions of the agreement with a view to working towards the objectives of these regulations;

S.L. 549.141. "authorised packaging waste recovery organisation" means a producer responsibility organisation as defined in regulation 3 of the Extended Producer Responsibility Framework Regulations as authorised by the competent authority in accordance with these regulations, whose members, by virtue of these regulations and their membership of that organisation, are exempt from part of these regulations;

"authorised waste management undertaking" means an undertaking that holds a valid permit issued by the relevant competent authority under national laws and regulations relating to environmental protection;

"categories of packaging" means packaging made of glass, plastic, paper and board, metal, wood or any other material;

"the competent authority" means the Environment and Resources

Authority and such other body or person as the Minister may by order in the Gazette, prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

"composite packaging" shall mean packaging made of two or more layers of different materials which cannot be separated by hand and form a single integral unit, consisting of an inner receptacle and an outer enclosure, that it is filled, stored, transported and emptied as such;

"to convert" means to use or modify packaging or packaging material in the production or formulation of packaging;

"distributor" means any natural or legal person in the supply chain, who provides packaging, packaging material or packaged goods on a professional basis to the party who is going to use it, mainly the final retailer or the final consumer. This definition does not prevent a distributor from being, at the same time, a producer within the meaning of the term "producer";

"Extended Producer Responsibility Consultative Committee" or "EPR Consultative Committee" means the committee established under regulation 5 of the Extended Producer Responsibility Framework Regulations; S.L. 549.141.

"filler" or "packer" means a person who puts goods into packaging, and "fill" and "pack" shall be construed accordingly;

"generated packaging waste" means the amount of packaging that becomes waste within the meaning of regulation 4 of the Waste Regulations within the territory of Malta, after having been used to contain, protect, handle, deliver and present goods; S.L. 549.63.

"incidental presence" means the presence of a metal as an unintended ingredient of a packaging or packaging component;

"intentional introduction" means the act of deliberately utilising a substance in the formulation of a packaging or a packaging component where its continued presence is desired in the final packaging or packaging component to provide a specific characteristic, appearance or quality and "intentionally introduced" shall be construed accordingly. The use of recycled materials as feedstock for the manufacture of new packaging materials, where some portion of the recycled materials may contain amounts of regulated metals, is not considered intentional introduction;

"lightweight plastic carrier bags" means plastic carrier bags with a wall thickness below 50 microns

"making available on the market" means any supply of packaging, packaging material or packaged goods for distribution, consumption or use on the market in Malta in the course of a commercial activity, whether in return for payment or free of charge;

"the Minister" means the Minister responsible for the Environment Protection Act and the Product Safety Act respectively; Cap. 549.
Cap. 427.

"municipal packaging waste" means the share of packaging waste in municipal waste as defined in the Waste Regulations; S.L. 549. 63.

"oxo-degradable plastic carrier bags" means plastic carrier bags made of plastic materials that include additives which catalyse the fragmentation of the plastic material into micro-fragments;

"packaging" means all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. "Non-returnable" items used for the same purposes shall also be considered to constitute packaging;

"packaging" consists only of -

- (a) sales packaging or primary packaging, which is packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;
- (b) grouped packaging or secondary packaging, which is packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics;
- (c) transport packaging or tertiary packaging, which is packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packagings in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers:

Provided that:

- (i) items shall be considered to be packaging if they fulfil the abovementioned definition without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together;
- (ii) items designed and intended to be filled at the point of sale and 'disposable' items sold, filled or designed and intended to be filled at the point of sale shall be considered to be packaging provided they fulfil a packaging function;
- (iii) packaging components and ancillary elements integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a product and which perform a packaging function shall be considered to be packaging unless they are an integral part of this product and all elements are intended to be consumed or disposed of together.

The items listed in Schedule 1 are illustrative examples of the application of these criteria;

"packaging waste" means any packaging or packaging material covered by the definition of waste in the Waste Regulations, excluding production residues; S.L. 549.63.

"placing on the market" means the first making available of packaging, packaging material or packaged goods on the market in Malta;

"plastic" means a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of carrier bags;

"plastic carrier bags" means carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of goods or products;

"economic operator" means a person who for the purpose of trade or otherwise in the course of business, imports, manufactures, converts, distributes, fills, packs, sells or otherwise supplies to other persons or otherwise puts packaging material or packaging, or packaged products, on the market; and "produce" shall be construed accordingly;

"producer" means any natural or legal person who:

- (a) is established in Malta and manufactures packaging or packaging material to be placed on the market in Malta;
- (b) is established in Malta and puts on the market of Malta, on a professional basis, packaging, packaging material or packaged goods, from a third country or from another EU Member State;
- (c) sells packaging or packaging material by means of distance communication as defined in the Consumer Rights Regulations directly to consumers in Malta and is established in another EU Member State or third country.";

S.L. 378.17

"product loops which are in a closed and controlled chain" means product loops in which products circulate with a controlled reuse and distribution system and in which the recycled material originates only from these entities in the chain so that the introduction of external material is just the minimum technically feasible and from which these entities may only be removed in a specially authorised procedure so that return rates are maximised;

"refillable gas cylinders" means refillable cylinders used for various kinds of gas, but excludes fire extinguishers;

"Regional Council" means a regional council established by the Local Government Act;

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"reusable packaging" shall mean packaging which has been conceived, designed and placed on the market to accomplish within its lifecycle multiple trips or rotations by being refilled or reused for the

same purpose for which it was conceived;

"seller" means a person who supplies packaging to a user or a consumer of that packaging, whether or not the filling of the package has taken place at the time of the supply, and "sell" shall be construed accordingly.

"very lightweight plastic carrier bags" means plastic carrier bags with a wall thickness below 15 microns which are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage.

(2) The definitions "disposal", "waste", "waste management", "collection", "separate collection", "prevention", "reuse", "treatment", "recovery" and "recycling" shall have the same meaning as that laid down in regulation 4 of the Waste Regulations and the definition "extended producer responsibility scheme" shall have the same meaning as that laid down in the Extended Producer Responsibility Framework Regulations.

S.L. 549.63

S.L. 549.141.

Extended
producer
responsibility and
minimum
requirements for
extended producer
responsibility.
Added by:
L.N. 369 of 2022.
S.L. 549.141.

3A. (1) In line with regulation 4 of the Extended Producer Responsibility Framework Regulations, producers and authorised representatives shall bear the whole costs of the management of the packaging waste arising from the packaging and packaging material they place on the market of Malta.

(2) The financial contributions which shall be paid by producers of packaging and packaging material and authorised representatives participating in an authorised packaging waste recovery organisation to comply with their extended producer responsibility obligations shall be modulated, as far as possible, by taking into account the durability, repairability, re-usability and recyclability of the packaging and the presence of hazardous substances in the packaging:

Provided that producers participating in an authorised packaging waste recovery organisation who place reusable packaging on the market in Malta that is being reused in a system as referred to in sub-regulation (1) of regulation 10A shall be charged such financial contribution only upon the first placing on the market of such reusable packaging:

Provided further that the said producers demonstrate, to the satisfaction of the Authority, that a system to reuse packaging in an environmentally sound manner is in place. The producers shall furnish authorised packaging waste recovery organisations with data on reuse of reusable packaging according to the formats established by the Authority.

(3) Without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant European Union and national legislation, an authorised packaging waste recovery organisation shall make publicly available information

pertaining to:

- (a) its ownership and membership;
- (b) the financial contributions paid by its members, per unit sold or per tonne of packaging or packaging material placed on the market in Malta; and
- (c) the selection procedure for waste management operators.

(4) Without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant European Union and national legislation, Regional Councils shall make publicly available information pertaining to:

- (a) the selection procedure for waste management operators;
- (b) the costs charged to authorised packaging waste recovery organisations per tonne of municipal packaging waste collected and treated in line with sub-regulations (8) and (9) of regulation 13; and
- (c) the attainment of the targets laid down in Schedule 3 with respect to the municipal packaging waste generated in their regions.

4. (1) The competent authority shall take necessary measures to ensure that all packaging complies with all essential requirements defined by the regulations including Schedule 2:

Essential requirements of packaging.
Amended by:
L.N. 442 of 2012.

Provided that the requirements for the manufacturing of packaging shall in no case apply to packaging used for a given product before the date of entry into force of these regulations.

(2) Packaging shall be deemed to comply with the essential requirements of Schedule 2 if it complies with Maltese standard MSA EN 13427::2004 or MSA EN 13428::2004 or MSA EN 13429::2004 or MSA EN 134230::2004 or MSA EN 13431::2004 or MSA EN 13432::2004.

5. (1) Producers shall not import, manufacture, supply or use packaging material and packaging if the aggregate concentrations of lead, cadmium, mercury and hexavalent chromium present in each packaging material or packaging exceeds 100 parts per million (ppm) by weight.

Concentration levels of regulated metals in packaging.

(2) The concentration levels referred to in subregulation (1) shall not apply to packaging entirely made of lead crystal glass as defined in the relevant regulations.

6. (1) Without prejudice to regulation 5, plastic crates and plastic pallets shall, until the 8th February, 2009, be allowed to exceed the limits of 100 ppm by weight of the sum of the

Derogation for plastic crates and plastic pallets.

concentration levels of lead, cadmium, mercury and hexavalent chromium. This provision applies exclusively to plastic crates and plastic pallets used in product loops which are in a closed and controlled chain.

(2) Plastic crates and plastic pallets referred to in subregulation (1) shall have been:

- (a) manufactured in a controlled recycling process, in which the recycled material originates only from other plastic crates or plastic pallets and in which the introduction of external material is just the minimum technically feasible, up to a maximum of 20% by weight. Returned entities that are no longer reusable shall be treated in accordance with paragraph (b):

Provided that no lead, cadmium, mercury or hexavalent chromium shall be intentionally introduced as an element during the manufacture or distribution as opposed to the incidental presence of any of these elements:

Provided further that the plastic crate or plastic pallet to which this derogation applies may only exceed the concentration limits as a result of the addition of recycled materials;

- (b) introduced in a controlled distribution and reuse system complying with the following conditions:
 - (i) new plastic crates or pallets containing the regulated metals shall be identified in a permanent and visible way,
 - (ii) the producer establishes to the satisfaction of the competent authority a system of inventory and record keeping, including a method of regulatory and financial accountability, to document the compliance with this derogation including the return rates, that is the percentage of returnable entities which are not discarded after use but are returned to the manufacturer or packer and, or filler or an authorised representative. Such return rate shall be as high as possible and shall in no case be lower than 90% over the life cycle of the plastic crates or plastic pallets. The system shall account for all the reusable entities put into, and removed from service,
 - (iii) all returned entities that are no longer reusable shall be either disposed of by a procedure specifically authorised by the competent authority or be recycled in a recycling process, in which the recycled material is made up of plastic crates or plastic pallets in the circuit, and the introduction of external material is the minimum technically feasible, up to a maximum of 20% by weight,
 - (iv) the manufacturer or his authorised representative

shall draw up and submit to the competent authority on an annual basis a written declaration of conformity, including an annual report demonstrating how the conditions of this derogation have been complied with. Possible changes to the system and to authorised representatives shall be contained therein,

- (v) the manufacturer or his authorised representative shall make this documentation at the disposal of the competent authority for inspection purposes for at least four years:

Provided that where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who puts the product on the market.

7. Without prejudice to regulation 5, glass packaging shall be allowed to exceed the limit of 100 ppm by weight of the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium:

Derogation for
glass packaging.

Provided that:

- (a) no lead, cadmium, mercury or hexavalent chromium shall be intentionally introduced during the manufacturing process. The packaging material may only exceed the concentration limits because of the addition of recycled materials;
- (b) where the average heavy metals concentration levels on any twelve consecutive monthly controls made from the production of each individual glass furnace, representative of normal and regular production activity, exceeds the 200 ppm limit, the manufacturer or his authorised representative who puts the product on the market shall submit a report to the competent authority;
- (c) such report as is mentioned in paragraph (b) shall provide information as to -
 - measure values,
 - description of measurement methods employed,
 - suspected sources for the presence of heavy metals concentration levels,
 - detailed description of the measures taken to reduce the heavy metals concentration levels:

Provided that where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who puts the product on the market;

- (d) measurement results from production sites and measurement methods employed shall be made

available at any time to the competent authority if requested.

Recovery and recycling targets.
Amended by:
L.N. 226 of 2017;
Substituted by:
L.N. 152 of 2021.
Amended by:
L.N. 452 of 2021;
L.N. 369 of 2022.

8. (1) The Regional Councils shall take the necessary measures to attain the targets laid down in Schedule 3 with respect to the municipal packaging waste generated in their regions.

(1a) Self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers shall take the necessary measures to attain the targets laid down in Schedule 3 with respect to the packaging waste arising from the transport packaging and, or refillable gas cylinders placed on the market in Malta.

(2) Without prejudice to paragraph (a) of section 2 and paragraph (a) of section 3 of Schedule 3, the Minister may postpone the deadlines for attaining the targets referred to in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3 by up to five years, under the following conditions:

- (a) the derogation is limited to a maximum of 15 percentage points from a single target or divided between two targets;
- (b) as a result of the derogation, the recycling rate for a single target is not reduced below 30%;
- (c) as a result of the derogation, the recycling rate for a single target referred to in paragraph (b)(v) and (vi) of section 2 and paragraph (b)(v) and (vi) of section 3 of Schedule 3 is not reduced below 60%; and

(d) at the latest twenty-four (24) months before the respective deadline laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3, the Minister notifies the European Commission of his intention to postpone the respective deadline and submits an implementation plan in accordance with Schedule 15. The Minister may combine that plan with an implementation plan submitted pursuant to the Waste Regulations:

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Provided that within three (3) months of receipt of the implementation plan submitted, the Commission may request Malta to revise the plan if the Commission considers that the plan does not comply with the requirements set out in Schedule 15. Malta shall submit a revised plan within three (3) months of receipt of the Commission's request.

(3) Packaging waste generated in Malta may be deemed to be equal to the amount of packaging placed on the market in the same calendar year within the territory of Malta by each producer.

(4) For the purpose of calculating whether the targets laid down in sections 2 and 3 of Schedule 3 have been attained:

- (a) the weight of packaging waste generated and recycled

in a given calendar year shall be calculated; and

- (b) the weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.

(5) For the purposes of sub-regulation (4)(a), the weight of packaging waste recycled shall be measured when the waste enters the recycling operation:

Provided that by way of derogation, the weight of the packaging waste recycled may be measured at the output of any sorting operation:

Provided further that:

- (a) such output waste is subsequently recycled; and
- (b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.

(6) The competent authority shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in sub-regulations (4)(a) and (5)(a) and (b) are met. To ensure the reliability and accuracy of the data gathered on recycled packaging waste, the system may consist of electronic registries set up pursuant to regulation 33(5) of the Waste Regulations, technical specifications for the quality requirements of sorted waste, or average loss rates for sorted waste for various waste types and waste management practices respectively. Average loss rates shall only be used in cases where reliable data cannot be otherwise obtained and shall be calculated on the basis of the calculation rules established in accordance with Article 11a(10) of Directive 2008/98/EC.

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(7) For the purposes of calculating whether the targets laid down in sections 2 and 3 of Schedule 3 have been attained, the amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance:

Provided that where the output is used on land, the competent authority may count it as recycled only if this use results in benefits to agriculture or ecological improvement.

(8) The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation before being reprocessed may be counted as recycled provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes:

Provided that end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted towards the attainment of the recycling targets.

(9) For the purposes of calculating whether the targets laid down in sections 2 and 3 of Schedule 3 have been attained, the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated may be taken into account provided that the recycled metals meet certain quality criteria laid down in Commission Decision 2005/270 (EC) establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on Packaging and Packaging Waste as amended.

(10) Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only be counted towards the attainment of the targets laid down in sections 2 and 3 of Schedule 3 by the competent authority in which that packaging waste was collected.

(11) Packaging waste exported from the European Union shall count towards the attainment of the targets laid down in sub-regulations (1) and (1a) only if the requirements of sub-regulation (6) are met and if, in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council, the exporter can prove that the shipment of waste complies with the requirements of that Regulation and that the treatment of packaging waste outside the European Union took place in conditions that are broadly equivalent to the requirements of the relevant European Union environmental law.

(12) For the application of this regulation, the rules for calculation, verification and reporting of data, in particular as regards the weight of packaging waste generated, laid down in Commission Decision 2005/270 (EC) establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on Packaging and Packaging Waste as amended shall apply.

(13) (a) The Regional Councils shall submit a half-yearly report to the competent authority within three (3) calendar months following the end of that period, whereas an annual report shall be submitted to the competent authority within four (4) calendar months from the closing of the year. The said reports shall be submitted both in an electronic version and a hard copy.

(b) The half-yearly and annual reports shall contain at least the information set out in Schedule 16 together with any other information that may be requested by the competent authority.

(14) Without prejudice to commercial and industrial confidentiality, a digital copy of the half-yearly and annual reports referred to in sub-regulation (13) shall be made available in accordance with the Freedom of Access to information on the Environment Regulations: S.L. 549.39.

Provided that only the information relating to Part A of Schedule 16 shall be made available.

(15) The Regional Councils shall use the services of an independent auditor, approved by the competent authority, to certify all of the information reported to the competent authority. The auditor shall be required to certify that all the information reported is in conformity with the obligations of these regulations:

Provided further that the Regional Councils shall ensure that a sound auditing procedure for traceability, monitoring and control is put in place for all the municipal packaging waste managed.

(16) The Regional Councils shall submit the audit report referred to in sub-regulation (15) together with the annual report referred to in sub-regulation (13), both in an electronic version and a hard copy.

(17) The Regional Councils shall retain for a minimum of five (5) years the information referred to in sub-regulation (13). The said records shall be made available on request to the authority.

(18) The Authority may impose an administrative penalty upon:

- (a) a Regional Council;
- (b) a self-compliant producer; or
- (c) an authorised packaging waste recovery organisation acting on behalf of producers who place on the market transport packaging and, or refillable gas cylinders,

if it results that in any given year, any of the above-mentioned has failed to achieve the applicable minimum overall recycling target laid down in Schedule 3. The said penalty shall be calculated in accordance with the mechanism laid down in Schedule 17.

9. The competent authority shall maintain a database containing annual records about packaging and packaging waste according to the format specified in Schedule 4 and shall provide in particular information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the national level, including

Information
systems and
reporting.
*Substituted by:
L.N. 452 of 2021.*

information on the toxicity or danger of packaging materials and components used for their manufacture.

National
measures.
Amended by:
L.N. 442 of 2012;
L.N. 226 of 2017;
L.N. 227 of 2017;
L.N. 152 of 2021;
L.N. 452 of 2021.

10. (1) The Minister, in consultation with the competent authority and the Agency, shall take measures in order to -

- (a) ensure that, in addition to the measures taken in accordance with regulation 4, other preventive measures are implemented in order to prevent generation of packaging waste and to minimise the environmental impact of packaging. Such other preventive measures may consist of national programmes, incentives through extended producer responsibility schemes to minimise the environmental impact of packaging, or similar actions adopted, if appropriate, in consultation with relevant stakeholders such as economic operators, and consumer and environmental organisations, and designed to bring together and take advantage of the many initiatives taken within Malta as regards prevention.

The Minister shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy such as those indicated in Schedule 12 of the Waste Regulations or other appropriate instruments and measures;

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- (b) conduct information campaigns for users or consumers and producers of packaging on:
 - (i) the measures and targets referred to in these regulations,
 - (ii) the return, collection and recovery systems available to them,
 - (iii) their role in contributing to reuse, recovery and recycling of packaging and packaging waste,
 - (iv) the meaning of markings on packaging existing on the market,
 - (v) the appropriate elements of the management plans for packaging and packaging waste as referred to in subregulation (2);
 - (vi) the adverse environmental impact of the excessive consumption of lightweight plastic carrier bags.
- (c) promote consumer information and awareness campaigns;
- (d) encourage, where appropriate, energy recovery, where it is preferable to material-recycling for environmental and cost-benefit reasons. This could be done by considering a sufficient margin between national recycling and recovery targets;
- (e) encourage, where appropriate, the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:
 - (i) improving market conditions for such materials;

- (ii) reviewing existing regulations preventing the use of those materials;
- (f) encourage, where appropriate, studies and pilot projects concerning the following and other prevention instruments:
 - (i) additional prevention measures to reduce the environmental impact of packaging as far as possible without compromising its essential functions;
 - (ii) the possible development of a packaging environment indicator to render packaging waste prevention simpler and more effective;
 - (iii) packaging waste prevention plans;
 - (iv) encouragement of reuse and, in particular, comparison of the costs and benefits of reuse and those of recycling;
 - (v) producer responsibility including its financial aspects.
- (g) achieve a sustained reduction in the consumption of lightweight plastic carrier bags within the territory of Malta, through the adoption of either or both of the following:
 - (i) measures ensuring that the annual consumption level does not exceed 90 lightweight plastic carrier bags per person by 31 December 2019 and 40 lightweight plastic carrier bags per person by 31 December 2025, or equivalent targets set in weight;
 - (ii) instruments ensuring that by 31 December 2018, lightweight plastic carrier bags are not provided free of charge at the point of sale of goods or products, unless equally effective instruments are implemented.

Measures and instruments to be adopted may include the use of national reduction targets, economic instruments and marketing restrictions in derogation from regulation 11 of these Regulations, provided that these restrictions are proportionate and non-discriminatory.

Measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use.

Very lightweight plastic carrier bags may be excluded from these measures.

(2) In pursuance of the objectives and measures referred to in these regulations, the competent authority shall include in the waste management plans required pursuant to the provisions of regulation 28 of the Waste Regulations, a specific chapter on the management of packaging and packaging waste, including:

- (i) prevention measures taken pursuant to this regulation; and
- (ii) appropriate measures to minimise the disposal of packaging waste in the form of unsorted municipal waste to achieve a high level of separate collection of dry recyclables, including packaging waste.

Reuse.

Added by:

L.N. 152 of 2021.

Amended by:

L.N. 369 of 2022.

S.L. 549. 63.

10A. (1) In line with the waste hierarchy laid down in regulation 4A of the Waste Regulations, the Minister, in consultation with the competent authority and the Agency, shall take measures to encourage the increase in the share of reusable packaging placed on the market and of systems to reuse packaging in an environmentally sound manner, without compromising food hygiene or the safety of consumers. Such measures may include, *inter alia*:

- (a) the use of deposit-return schemes;
- (b) the setting of qualitative or quantitative targets;
- (c) the use of economic incentives;
- (d) the setting up of a minimum percentage of reusable packaging placed on the market every year for each packaging stream.

(2) The Minister may decide that an adjusted level of the targets referred to in sections 2 and 3 of Schedule 3 is to be attained for a given year, by taking into account the average share, in the preceding three (3) years, of reusable sales packaging placed on the market for the first time and reused as part of a system to reuse packaging:

Provided that the competent authority may decide that producers who opt to self-comply for refillable gas cylinders, attain an adjusted level of the targets referred to in sections 2 and 3 of Schedule 3 for a given year by taking into account the average share, in the preceding three (3) years, of such reusable sales packaging placed on the market for the first time and reused as part of a system to reuse packaging.

(3) The adjusted level referred to in sub-regulation (2) shall be calculated by subtracting:

- (a) from the targets laid down in paragraph (a) of section 2 and paragraph (a) of section 3 of Schedule 3, the share of the reusable sales packaging referred to in sub-regulation (2) in all sales packaging placed on the market; and
- (b) from the targets laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3, the share of the reusable sales packaging referred to in sub-regulation (2), composed of the respective packaging material, in all sales packaging composed of that material placed on the market:

Provided that no more than five percentage points of such share shall be taken into account for the calculation of the respective adjusted target level.

(4) The amounts of wooden packaging that is repaired for reuse may be taken into account in the calculation for the attainment of the targets laid down in paragraphs (a) and (b)(ii) of section 2 and (a) and (b)(ii) of section 3 of Schedule 3.

(5) The rules for calculation laid down in Commission Decision 2005/270 (EC) establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on Packaging and Packaging Waste as amended shall apply for sub-regulations (2), (3) and (4).

11. Without prejudice to other existing laws and regulations, the competent authority shall not impede the placing on the market of packaging that satisfies the provisions of these regulations.

Freedom to placed on the market.

12. The competent authority may charge producers such fees as necessary to cover the costs of the administration of these regulations.

Charging of fees by the competent authority.

13. (1) The Regional Councils shall, with respect to the municipal packaging waste generated in their regions, use existing systems or set up new systems, in accordance with any existing laws and regulations, to provide for:

Collection, treatment and disposal of packaging waste.
Amended by:
L.N. 442 of 2012;
L.N. 444 of 2014.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 152 of 2021.
Substituted by:
L.N. 369 of 2022.

(a) regional door-to-door collection of municipal packaging waste and its transport to authorised waste management establishments or undertakings; and

(b) environmentally sound treatment of all collected municipal packaging waste according to the waste hierarchy laid down in regulation 4A of the Waste Regulations.

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(2) An authorised packaging waste recovery organisation shall make the necessary arrangements with Local Councils for:

(a) provision and maintenance of recycling points for the separate collection, by categories, of municipal packaging waste generated according to the quota stipulated in regulation 10(2) of the Waste Regulations. For the purposes of recycling points referred to in this paragraph, separate collection shall not include co-mingled collection in accordance with the definition of co-mingled collection in regulation 4 of the Waste Regulation. An authorised packaging waste recovery organisation shall maintain such sites in a good and clean state at all times; and

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(b) timely collection of the said municipal packaging waste and its transport to the authorised waste management

establishments or undertakings engaged by the respective authorised packaging waste recovery organisation:

Provided that the municipal packaging waste separately collected in accordance with paragraph (a) that is recycled shall count towards the attainment of the relevant recycling targets by the Regional Councils. To this end, an authorised packaging waste recovery organisation shall furnish the respective Regional Council with the signed declaration referred to in regulation 15:

Provided further that in the case the authorised packaging waste recovery organisations fail to reach an agreement with particular Local Councils, the competent authority, in consultation with the EPR Consultative Committee, shall allocate those Local Councils without arrangements amongst authorised packaging waste recovery organisations on the basis of:

(a) their market share established by the Authority on the basis of the methodology laid down in Schedule 18 and

(b) the actual population of those Local Councils.

(3) Self-compliant producers or third parties acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market in Malta shall, with respect to used packaging and packaging waste arising from their activities, ensure that they use existing systems or set up new systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the:

(a) return and, or collection of used packaging and, or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;

(b) environmentally sound reuse of reusable packaging;

(c) preparing for reuse or for recycling of the packaging waste collected, as necessary, as a minimum, for the achievement of the targets set out in Schedule 3.

(4) For the purposes of achieving the objectives of this regulation, producers or third parties acting on their behalf shall:

(a) carry out information campaigns, highlighting the importance of separate collection of packaging waste and ensure the correct treatment of packaging waste;

(b) provide adequate facilities at their premises or at other designated areas or premises, for the deposition of packaging by customers at no net cost to the latter, and for the reception, segregation and storage of packaging waste;

(c) ensure that the facilities referred to in paragraph (b) are easily identifiable and accessible by customers;

(d) make the necessary arrangements for the packaging waste collected to be made available for preparing for reuse or for recycling.

(5) The Regional Councils, self-compliant producers or third parties acting on behalf of producers shall not dispose of collected packaging waste without first making it available for reuse or recovery including recycling.

(6) The systems referred to in sub-regulations (1) and (3) shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. The said systems shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortion of competition in conformity with the Treaty on the Functioning of the European Union.

(7) The measures referred to in sub-regulations (1), (3), (4), (5) and (8) shall form part of a policy covering all packaging and packaging waste and shall take into account, in particular, requirements regarding the protection of the environment and consumer health, safety and hygiene, the protection of the quality, the authenticity and the technical characteristics of the packed goods and materials used, and the protection of industrial and commercial property rights.

(8) An authorised packaging waste recovery organisation shall finance any systems set up by the Regional Councils and endorsed by the competent authority for the door-to-door collection, the treatment, the recovery and the environmentally sound disposal of all municipal packaging waste generated, according to its market share:

Provided that an authorised packaging waste recovery organisation shall make the necessary arrangements with the Regional Councils, through written agreements, for the payment of its financial contributions towards the above-mentioned systems. The said payment shall be executed within the terms agreed to by the Regional Councils and the authorised packaging waste recovery organisations in the written agreements. Such terms shall be duly notified to the Authority within one (1) month following the conclusion of the said written

agreements.

- S.L. 549.149. (9) Without prejudice to the Single-Use Plastic Framework Regulations, the financial contributions referred to in sub-regulation (8) shall as a minimum cover the costs established in sub-regulation (3)(a) of regulation 6 of the Extended Producer Responsibility Framework Regulations:
- S.L. 549.141.

Provided that the financial contributions paid by an authorised packaging waste recovery organisation shall not exceed the costs that are necessary to provide waste management services in a cost-efficient way. Such costs shall be established in a transparent way between the Authority, the Regional Councils, the authorised packaging waste recovery organisations and any other actors concerned. Any revisions of the established costs shall be communicated with sufficient notice to allow producer responsibility organisations to adjust their operations to any revised costs:

Provided further that the said financial contributions shall in no case include any administrative penalty imposed by the Authority on a Regional Council in line with sub-regulation (19) of regulation 8.

(10) The market share referred to in sub-regulation (8) shall be established by the Authority on the basis of the methodology established in Schedule 18.

- (11) The competent authority, in consultation with the EPR Consultative Committee, shall ensure that by 31st December of 2024 extended producer responsibility schemes are established for all packaging in accordance with the provisions of the Extended Producer Responsibility Framework Regulations.
- S.L. 549.141.

- (12) The Minister, in consultation with the competent authority and the Agency, shall take measures to promote high quality recycling of packaging waste and to meet the necessary quality standards for the relevant recycling sectors. For that purpose, regulation 10C(1) of the Waste Regulations shall apply to packaging waste, including for composite packaging.
- S.L. 549.63.

Packaging Waste
Characterisation.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 369 of 2022.

14. (1) The competent authority shall conduct a packaging waste characterisation survey, determining the nature and the percentage (%) breakdown of the packaging waste in municipal waste.

(2) The survey referred to in sub-regulation (1) shall be conducted periodically every three (3) to five (5) years.

(3) The outcome of the packaging waste characterisation survey referred to in sub-regulation (1) may be applied for the purposes of:

- (a) calculating the actual rates of packaging waste recovered and recycled according to regulation 8; and

- (b) the establishment of the costs referred to in sub-regulation (8) and (9) of regulation 13.

15. (1) For packaging waste treated in Malta, it shall be the duty of the Regional Councils, self-compliant producers or third parties acting on behalf of producers, to acquire a signed declaration from local waste management undertakings or establishments, authorised by the competent authority according to the Waste Regulations indicating:

Proof of recovery or recycling.
Amended by:
L.N. 442 of 2012.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 369 of 2022.
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- (a) the actual rate that has been recovered and/or recycled by the facility;
- (b) that the packaging waste has been recovered or disposed of in an environmentally sound manner.

(2) For packaging waste exported for further treatment, it shall be the duty of the Regional Councils, self-compliant producers or third parties acting on behalf of producers, to acquire a signed declaration issued by the foreign facility recovering and/or recycling the packaging waste indicating:

- (a) the actual rate that has been recovered and/or recycled by the facility in the Member State or third country;
- (b) that the packaging waste has been recovered or disposed of in an environmentally sound manner.

(3) Without prejudice to commercial and industrial confidentiality, if Regional Councils, self-compliant producers or third parties acting on behalf of producers engage the services of an authorised waste management undertaking or establishment to export packaging waste for further treatment, then such undertaking or establishment is to provide the information referred to in sub-regulation (2) to the producers or third parties acting on their behalf.

(4) Packaging waste treated locally or abroad shall only count towards the fulfilment of the recovery and recycling targets set out in regulation 8, if Regional Councils, self-compliant producers or third parties acting on behalf of producers present the proof of recovery and/or recycling referred to in sub-regulations (1) and (2) to the competent authority.

16. (1) A producer is exempt from part of these regulations provided he is a member of an authorised packaging waste recovery organisation.

Participation in a packaging waste recovery organisation.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 152 of 2021;
L.N. 369 of 2022.

(2) For the purposes of achieving the objectives of these regulations in a cost-effective manner, the producers are obliged to join a packaging waste recovery organisation duly authorised by the competent authority for all packaging placed on the market:

Provided that producers can opt to be self-compliant for:

- (a) transport packaging or the share thereof placed on the market; and, or
- (b) sales packaging consisting of refillable gas cylinders, if they demonstrate to the satisfaction of the Authority that systems for the environmentally sound reuse of used gas

cylinders and the environmentally sound management of waste gas cylinders are in place.

(3) If the producer opts to self-comply, the producer is obliged to sign an agreement with the distributor(s) to collect back the packaging waste arising from transport packaging and, or refillable gas cylinders. If no agreement is in place, participation in a packaging waste recovery organisation for all such packaging at the distributor's end shall be required.

(4) *Repealed by Legal Notice 369 of 2022.*

(5) A producer, who opts to participate in an authorised packaging waste recovery organisation, shall upon request by the competent authority submit a copy of the signed agreement with the operator of the authorised packaging waste recovery organisation.

Operation of a
packaging waste
recovery
organisation.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 152 of 2021;
L.N. 369 of 2022.

17. (1) The operator of a packaging waste recovery organisation, authorised according to regulation 24 shall:

- (a) Bind himself to carry out the activities agreed to and on behalf of the producer in accordance with any existing laws and regulations, as well as all the conditions in the authorisation issued by the competent authority;
- (b) For the years 2023 and 2024, provide by 7th July of each year, the competent authority with a declaration containing information on the weight of sales and grouped packaging or packaging material placed on the national market by its members during the period between 1st January until 30th June of the said year, according to the format established by the Authority;
- (c) Provide the competent authority a statement of compliance by 31 March each year in respect of the recovery and recycling obligations in accordance with regulation 8 for the previous year. The provisions of Schedule 12 shall apply as regards the information to be contained in a statement of compliance;
- (d) Provide on a quarterly basis, a declaration, containing information on the actual weight of packaging or packaging material placed on the national market by the members of the authorised packaging waste recovery organisations during the previous quarter of the calendar year. Such declaration shall be submitted to the Authority, in the format established by the Authority, within one (1) calendar month following the end of that quarter.

The information referred to in paragraphs (b) and (c) shall be issued and signed by any of the authorised signatories referred to in Schedule 13.

(2) The authorised packaging waste recovery organisation shall submit a half-yearly report to the competent authority within three

(3) calendar months following the end of that period, whereas an annual report shall be submitted to the competent authority within four (4) calendar months of the closing of the year.

The half-yearly and annual reports shall contain at least the information set out in Part A and Part B of Schedule 7 together with any other information as specified in the authorisation issued by the competent authority.

The half-yearly and annual reports shall be issued and signed by any of the authorised signatories referred to in Schedule 13.

(3) Without prejudice to commercial and industrial confidentiality, a digital copy of the half-yearly and annual reports referred to in sub-regulation (2) shall be made available in accordance with the Freedom of Access to information on the Environment Regulations:

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Provided that only the information relating to Part A of Schedule 7 shall be made available.

(4) An authorised packaging waste recovery organisation shall use the services of an independent auditor, approved by the competent authority, to certify all of the information reported to the competent authority. The auditor shall be required to certify that all the information reported is in conformity with the obligations of these regulations and is as specified in the authorisation issued by the competent authority.

Furthermore, the authorised packaging waste recovery organisation shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place for all the reusable packaging re-used and packaging waste managed.

(5) The authorised packaging waste recovery organisation shall submit the audit report referred to in sub-regulation (4) together with the annual report referred to in sub-regulation (2).

(6) It shall be the responsibility of an authorised packaging waste recovery organisation to retain for a minimum of five (5) years the information referred to in sub-regulations (1) and (2). Such records shall be made available on request to the competent authority.

18. (1) Producers shall ensure that the nature of any packaging material used is indicated on the packaging on the basis of Commission Decision 97/129/EC for the purposes of its identification and classification in order to facilitate the collection, reuse and recovery including recycling of packaging waste.

Marking and
identification
system.
Amended by:
L.N. 226 of 2017.

(2) Producers shall ensure that packaging bears the appropriate marking either on the packaging itself or on the label according to any existing laws and regulations. Such marking shall be clearly visible and easily legible, appropriately durable and lasting, even when the packaging is opened.

Duty of users and consumers of packaging.

19. The users and consumers of packaging and the holders of packaging waste shall co-operate with, and participate in any system set up for the reuse, recovery and recycling of packaging waste. Accordingly, they shall segregate, deposit and return packaging as required by the system.

Register of producers.
Amended by:
L.N. 226 of 2017.

20. (1) The competent authority shall maintain and make available in accordance with this regulation a register relating to the producers who register in accordance with regulation 21 and containing information relating to producer registration as prescribed in Schedule 6.

(2) The competent authority shall ensure that the register of producers is publicly available free of charge and shall be uploaded online on its website.

(3) The register may be kept in any form but shall be indexed and arranged so that members of the public can readily trace information contained in it.

(4) The competent authority shall amend the relevant entry in the register to record any change to the information entered and shall note the date on which the amendment is made.

(5) For the avoidance of doubt, nothing in this regulation shall require a register maintained by the competent authority to contain information relating to any criminal proceedings (including prospective proceedings) or to anything which is the subject matter of such proceedings, at any time before those proceedings are finally disposed of.

(6) Nothing in this regulation shall require a register maintained by the competent authority to contain any information which has been superseded by later information after four years have elapsed from that later information being entered in the register.

Registration.
Amended by:
L.N. 442 of 2012.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 152 of 2021;
L.N. 369 of 2022.

21. (1) Producers shall, during the calendar year of putting packaging or packaging material on the market for the first time within the territory of Malta, apply to be registered with the competent authority and shall be provided with a registration number upon registration:

Producers shall make the registration number clearly visible on their invoices and fiscal receipts.

(2) Producer registered under sub-regulation (1) shall renew their registration on an annual basis with the competent authority by the 31st March of each year:

Provided that as from 1 April of each year the competent authority shall accept renewals until the end of the year at an additional fee of seventy euro (€70) per month or part thereof of the fee/s prescribed in Schedule 8.

(3) An application for registration or renewal by a producer shall:

- (a) be made either online or in writing;
- (b) be signed by any of the authorised signatories referred to in Schedule 13; and
- (c) be accompanied by a fee as prescribed in Schedule 8.

(4) A producer shall not be deemed to be registered or to have renewed his registration until an acknowledgement notice is issued by the competent authority, approving the producer's application for registration or renewal.

The competent authority shall issue the acknowledgement notice within:

- (a) one (1) month of the date of receipt of an application for registration or renewal; or
- (b) one (1) month after the date of receipt of further information or particulars requested by the competent authority in relation to such application, whichever is the later.

(5) Where a producer ceases to put packaging or packaging material on the market, the producer shall apply for deregistration with the competent authority the following year of his ceasing to do so.

An application for deregistration shall be signed by any of the authorised signatories referred to in Schedule 13.

(6) Without prejudice to the obligations and liabilities of the person applying for deregistration relating to the time when the person was a registered producer, the competent authority shall terminate a person's registration with effect from the last day of the year during which such person ceased to be liable to be registered, and shall notify that person in writing:

Provided that any pending information is submitted by the person to the competent authority upon applying for de-registration according to sub-regulation (5).

(7) Without prejudice to regulation 28, any producer who either fails to apply for registration in accordance to sub-regulation (1) or who fails to renew his registration by the end of the year in accordance to sub-regulation (2) shall, on conviction, be liable to a fine as prescribed in Schedule 9.

(8) A producer who sells packaging or packaging material by means of distance communication directly to consumers in Malta and is established in another EU Member State or third country shall upon applying for registration according to sub-regulation (1) appoint a legal or natural person established in Malta as an authorised representative responsible for fulfilling his obligations in Malta, pursuant to these regulations, for the packaging or packaging material being sold on the territory of Malta.

Information and
reporting.
Amended by:
L.N. 442 of 2012.
Substituted by:
L.N.226 of 2017.
Amended by:
L.N. 369 of 2022.

(9) Appointment of an authorised representative shall be made by written mandate by means of a declaration as set out in Schedule 14.

22. (1) An application for registration by producers shall contain the information set out in Part A of Schedule 5 and that for renewal shall contain at least the reporting information set out in Part B of Schedule 5.

Furthermore, self-compliant producers shall not later than one (1) month of submitting an application for registration prepare a three-year implementation plan specifying the steps to be taken by the said producer in order to comply with the requirements of these regulations, including the steps which the producer intends to take to prevent or minimise packaging waste.

Where the three-year implementation plan expires, a self-compliant producer shall not later than one (1) month of submitting an application for renewal provide to the competent authority a revised version of the three-year implementation work plan.

The competent authority shall specify the format in which such information is to be made available and shall issue guidance concerning the presentation, structure and content of the three-year implementation plan.

(2) In the case the data submitted by the producer in accordance with Schedule 5 changes, the said producer shall inform the competent authority thereof no later than one month after the change.

(3) The information referred to in sub-regulation (1) shall be provided either online or in writing and shall be signed by any of the authorised signatories referred to in Schedule 13.

(4) It shall be the responsibility of a registered producer to retain for a minimum of five (5) years the information referred to in sub-regulation (1). Such records shall be made available on request to the competent authority.

(5) Where a producer fails or refuses to supply a complete application within one (1) month of the date of a request by the competent authority for a completed application, the competent authority shall refuse and return such incomplete application to the producer.

(6) Without prejudice to commercial and industrial confidentiality, the information referred to in sub-regulation (1) shall be made available in accordance with the Freedom of Access to information on the Environment Regulations.

(7) A self-compliant producer shall use the services of an independent auditor, approved by the competent authority, to certify that all of the information reported to the competent authority is in conformity with the obligations of these regulations.

Furthermore, the self-compliant producer shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place for all the reusable packaging re-used and packaging waste managed.

A self-compliant producer is exempt from such provision provided that:

The said producer provides evidence of participating in a certified environmental management system(s) in accordance with international or European Union standards.

And further provided he fulfils any requirements that the competent authority may introduce in relation to such exemption.

(8) Self-compliant producers shall submit the audit report referred to in sub-regulation (7) upon applying to renew their registration according to 21(2) together with the information referred to in sub-regulation (1).

(9) A self-compliant producer shall submit to the competent authority a statement of compliance in respect of his recovery and recycling obligations in accordance with regulation 8, upon applying to renew his registration according to regulation 21(2).

The provisions of Schedule 12 shall apply as regards the information to be contained in a statement of compliance. Furthermore, the statement of compliance shall be issued and signed by any of the authorised signatories referred to in Schedule 13.

(10) The producers or third parties acting on their behalf may provide, on a voluntary basis, such further data on packaging and packaging waste as is available. The said data may, *inter alia*, include data on production, exports and imports of empty packaging and specific sub-fractions of packaging;

(11) The competent authority may take into account the particular problems of small and medium sized enterprises in providing detailed data.

23. (1) Where the business of a producer is transferred in whole or in part to another person the producer shall be treated as remaining responsible for packaging and packaging material in respect of which he has made an application to register under regulation 21, unless he is able to demonstrate to the competent authority that the person to whom the transfer has been made has agreed to meet the producer's obligations in respect of any such packaging and packaging material under these regulations.

Transfer of a producer's business to another.

(2) Where subregulation (1) applies, the person to whom the whole or part of a business is transferred is a producer for the purposes of these regulations, and that person shall:

- (a) apply to the competent authority for registration under regulation 21; and

- (b) undertake to meet the recovery and recycling targets in regulation 8.

Authorisation to
operate a
packaging waste
recovery
organisation.

Substituted by:

L.N.226 of 2017.

Amended by:

L.N. 152 of 2021;

L.N. 369 of 2022.

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24. (1) Without prejudice to the Waste Regulations, persons who intend to operate a packaging waste recovery organisation as required under these regulations, including the collection, sorting, storage, export, recovery and recycling of packaging waste, on behalf of producers, shall require and obtain a valid authorisation from the competent authority.

(2) An application for an authorisation under sub-regulation (1) shall:

- (a) be made in writing;
- (b) contain the information set out in Part A of Schedule 10;
- (c) be signed by any of the authorised signatories referred to in Schedule 13;
- (d) be accompanied by a non-refundable fee of five hundred euro (€500); and
- (e) be accompanied by a work plan providing the information referred to in Part B of Schedule 10 and to the satisfaction of the competent authority."

(3) The competent authority may specify the format in which the work plan referred to in sub-regulation (2) is to be made available.

(4) An authorisation to operate a packaging waste recovery organisation shall be processed in accordance with the Act.

An authorisation granted by the competent authority shall be subject to conditions included in the authorisation, inter alia, the requirement that the services offered by an authorised packaging waste recovery organisation shall be:

- (i) open to the participation of all producers under non-discriminatory conditions and such participation shall not be refused or revoked without reasonable justification; and
- (ii) designed so as to avoid any barriers to trade or distortions of competition in conformity with the relevant regulations.

(5) An authorisation granted by the competent authority under these regulations shall be valid for a period of time determined in the authorisation itself.

(6) Where it appears to the competent authority that an authorised packaging waste recovery organisation is in breach of any conditions of its authorisation, or that relevant packaging waste recovery and recycling targets, including material specific recycling targets, have not been or are not being met, the competent authority may by a decision revoke or modify an authorisation granted under this regulation.

Where the competent authority proposes to revoke or

modify an authorisation granted under this regulation, the competent authority shall give notice in writing to the authorised packaging waste recovery organisation of the proposed decision and the reasons thereof.

(7) Where an authorisation granted under sub-regulation (4) is due to expire, an authorised packaging waste recovery organisation that wants to continue to operate as an authorised packaging waste recovery organisation shall, not later than three (3) months before the expiry of the authorisation:

- (a) make an application to the competent authority to renew the authorisation granted under sub-regulation (4);
- (b) provide to the competent authority a revised version of the work plan for the operation of the producer responsibility organisation that complies with Part B of Schedule 10, signed by any of the authorised signatories referred to in Schedule 13.

(8) The renewal of the authorisation to operate a packaging waste recovery organisation shall be approved where the competent authority is satisfied as to the contents of the revised version of the work plan provided as required by sub-regulation (7)(b).

(9) A packaging waste recovery organisation that has been granted an authorisation according to sub-regulation (4) and (8) is to be charged a fee as prescribed in Schedule 11.

(10) *Repealed by Legal Notice 369 of 2022.*

25. (1) A registered producer who during the course of his activity puts less than 100kgs on the market of packaging or packaging material in a calendar year shall:

- (i) not apply for renewal as a producer of packaging or packaging material;
- (ii) inform the competent authority that he is putting less than 100kgs on the market of packaging or packaging material, provided that the communication is issued and signed by any of the authorised signatories referred to in Schedule 13;
- (iii) retain for a minimum of three (3) years the information referred to in regulation 22(1); and
- (iv) remain responsible for fulfilling his obligations relating to the time when the producer was putting more than 100kgs on the market of packaging or packaging material.

Producers putting less than 100kgs on the market of packaging or packaging material.
*Substituted by:
L.N.226 of 2017.*

(2) The competent authority shall terminate the registration of the producer referred to in sub-regulation (1) after three (3) calendar years:

Provided that any producer referred to in sub-regulation (1) shall apply for renewal as a producer of packaging or packaging material if he puts more than 100kgs on the market of packaging or packaging material within those three (3) years.

Agreements.

26. (1) For the purposes of achieving the objectives, and satisfying the provisions of these regulations, economic operators may be parties to agreements with the competent authority. Such agreements shall specify the detailed rules of implementation of these regulations.

(2) Moreover:

- (a) these agreements shall be enforceable at law;
- (b) they shall specify the objectives with the corresponding deadlines;
- (c) they shall be published in the Gazette;
- (d) the results achieved under an agreement shall be monitored regularly, reported to the competent authorities and made available to the public under the conditions set out in the agreement;
- (e) the competent authorities shall make provisions to examine the progress reached under an agreement.

Offences under these regulations.

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

- (a) he fails to comply with any provision of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or
- (b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (c) he acts in contravention of any of the provisions of these regulations; or
- (d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any of the provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.
Amended by:
L.N. 426 of 2007.

28. Any person who commits an offence against these regulations shall, on conviction, be liable:

- (a) on a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69), but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);
- (b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), but not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents

(€4,658.75), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that 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, is held liable in the same manner and degree:

Provided further that the court may order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the competent authority mentioned in these regulations 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.

29. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences 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.

Applicability of
Criminal Code.
Cap. 9.

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

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Cap. 9.

*Substituted by:
L.N. 358 of 2013.*

SCHEDULE I
ILLUSTRATIVE EXAMPLES FOR THE
CRITERIA REFERRED TO IN REGULATION 3

1. Illustrative examples for criterion (i):
 - (a) Packaging
 - Sweet boxes;
 - Film overwrap around a CD case;
 - Mailing pouches for catalogues and magazines (with a magazine inside);
 - Cake doilies sold with a cake;
 - Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit;
 - Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time;
 - Glass bottles for injection solutions;
 - CD spindles (sold with CDs, not intended to be used as storage);
 - Clothes hangers (sold with a clothing item);
 - Matchboxes;
 - Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product);
 - Beverage system capsules (e.g. coffee, cacao, milk) which are left empty after use; and
 - Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers.
 - (b) Non-packaging
 - Flower pots intended to stay with the plant throughout its life time;
 - Tool boxes;
 - Tea bags;
 - Wax layers around cheese;
 - Sausage skins;
 - Clothes hangers (sold separately);
 - Beverage system coffee capsules, coffee foil pouches, and filter paper coffee pods disposed together with the used coffee product;
 - Cartridges for printers;
 - CD, DVD and video cases (sold together with a CD, DVD or video inside);
 - CD spindles (sold empty, intended to be used as storage);
 - Soluble bags for detergents;
 - Grave side lights (containers for candles); and
 - Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill).

2. Illustrative examples for criterion (ii):
 - (a) Packaging, if designed and intended to be filled at the point of sale
 - Paper or plastic carrier bags;
 - Disposable plates and cups;
 - Cling film;
 - Sandwich bags;
 - Aluminium foil; and
 - Plastic foil for cleaned clothes in laundries.
 - (b) Non-packaging
 - Stirrer;
 - Disposable cutlery;
 - Wrapping paper (sold separately);
 - Paper baking cases (sold empty); and
 - Cake doilies sold without a cake.
 3. Illustrative examples for criterion (iii):
 - (a) Packaging
 - Labels hung directly on or attached to a product.
 - (b) Part of packaging
 - Mascara brush which forms part of the container closure;
 - Sticky labels attached to another packaging item;
 - Staples;
 - Plastic sleeves;
 - Device for measuring dosage which forms part of the container closure for detergents; and
 - Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper).
 - (c) Non-packaging
 - Radio frequency identification (RFID) tags.
-

Amended by:
L.N. 152 of 2021.

SCHEDULE 2

ESSENTIAL REQUIREMENTS ON THE COMPOSITION AND
THE REUSABLE AND RECOVERABLE, INCLUDING
RECYCLABLE, NATURE OF PACKAGING

1. Requirements specific to the manufacturing and composition of packaging:
 - Packaging shall be so manufactured that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer.
 - Packaging shall be designed, produced and commercialised in such a way as to permit its reuse or recovery, including recycling, in line with the waste hierarchy, and to minimise its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.
 - Packaging shall be so manufactured that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimized with regard to their presence in emissions, ash or leachate when packaging or residues from management operations or packaging waste are incinerated or landfilled.
2. Requirements specific to the reusable nature of packaging:

The following requirements must be simultaneously satisfied:

 - the physical properties and characteristics of the packaging shall enable a number of trips or rotations in normally predictable conditions of use,
 - possibility of processing the used packaging in order to meet health and safety requirements for the workforce,
 - fulfil the requirements specific to recoverable packaging when the packaging is no longer reused and thus becomes waste.
3. Requirements specific to the recoverable nature of packaging:
 - (a) Packaging recoverable in the form of material recycling

Packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used into the manufacture of marketable products, in compliance with current standards in the European Community. The establishment of this percentage may vary, depending on the type of material of which the packaging is composed.
 - (b) Packaging recoverable in the form of energy recovery

Packaging waste processed for the purpose of energy recovery shall have a minimum inferior calorific value to allow optimization of energy recovery.
 - (c) Packaging recoverable in the form of composting

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it does not hinder the separate collection and the composting process or activity into which it is introduced.
 - (d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water. Oxo-degradable plastic packaging shall not be considered as biodegradable.

SCHEDULE 3

(Regulation 8)

RECOVERY AND RECYCLING TARGETS

*Substituted by:
L.N.226 of 2017;
L.N.152 of 2021.
Amended by:
L.N. 369 of
2022.*

1. Regional Councils, self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market, shall take the necessary measures to ensure that in any year:

- (a) 60% as a minimum by weight of packaging waste is recovered or incinerated at waste incineration plants with energy recovery; and
- (b) a minimum of 55% and a maximum of 80% by weight of packaging waste is recycled; and
- (c) the following minimum recycling targets for materials contained in packaging waste are attained:
 - (i) 60% by weight for glass;
 - (ii) 60% by weight for paper and board;
 - (iii) 50% by weight for metals;
 - (iv) 22.5% by weight for plastics;
 - (v) 15% by weight for wood.

2. By not later than 31 December 2025, Regional Councils, self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market, shall take the necessary measures to ensure that in any year:

- (a) a minimum of 65% by weight of all packaging waste will be recycled; and
- (b) the following minimum targets by weight for recycling will be met regarding the following specific materials contained in packaging waste:
 - (i) 50% of plastic;
 - (ii) 25% of wood;
 - (iii) 70% of ferrous metals;
 - (iv) 50% of aluminium;
 - (v) 70% of glass;
 - (vi) 75% of paper and cardboard.

3. By not later than 31 December 2030, Regional Councils, self-compliant producers or authorised packaging waste recovery organisations acting on behalf of

producers who place transport packaging and, or refillable gas cylinders on the market, shall take the necessary measures to ensure that in any year:

- (a) a minimum of 70% by weight of all packaging waste will be recycled; and
- (b) the following minimum targets by weight for recycling will be met regarding the following specific materials contained in packaging waste:
 - (i) 55% of plastic;
 - (ii) 30% of wood;
 - (iii) 80% of ferrous metals;
 - (iv) 60% of aluminium;
 - (v) 75% of glass;
 - (vi) 85% of paper and cardboard.

*Substituted by:
L.N. 452 of 2021.*

SCHEDULE 4
(Regulation 9)

DATA TO BE INCLUDED BY THE COMPETENT
AUTHORITY IN ITS DATABASE ON PACKAGING AND
PACKAGING WASTE (IN ACCORDANCE WITH TABLES
1 TO 4)

1. For primary, secondary and tertiary packaging:
 - (a) quantities, for each broad category of material, of packaging consumed within the country (produced + imported - exported) (Table 1);
 - (b) quantities reused (Table 2).
2. For household and non-household packaging waste:
 - (a) quantities for each broad category of material, recovered and disposed of within the country (produced + imported - exported) (Table 3);
 - (b) quantities recycled and quantities recovered for each broad category of material (Table 4).

TABLE 1: Quantity of packaging (primary, secondary and tertiary) consumed within the national territory

	Tonnage Produced	- Tonnage Exported	+ Tonnage imported	= Total
Glass				
Plastic				
Paper/cardboard (including composite)				
Ferrous metal				
Aluminium				
Wood				
Other				
Total				

TABLE 2: Quantity of packaging (primary, secondary and tertiary) reused within the national territory

	Tonnage of packaging placed on the market for the first time	Reusable packaging		Reusable sales packaging	
		Tonnage	Percentage	Tonnage	Percentage
Glass					
Plastic					
Paper/cardboard (including composite)					
Ferrous metal					
Aluminium					
Wood					
Other					
Total					

TABLE 3: Quantity of packaging waste recovered and disposed of within the national territory

	Tonnage of waste produced	- Tonnage of waste exported	+ Tonnage of waste imported	= Total
Household waste				
Glass packaging				
Plastic packaging				
Paper/cardboard packaging				
Cardboard composite packaging				
Ferrous metal packaging				
Aluminium packaging				
Wood packaging				
Total household packaging waste				
Non-household waste				
Glass packaging				
Plastic packaging				
Paper/cardboard packaging				
Cardboard composite packaging				
Ferrous metal packaging				
Aluminium packaging				
Wood packaging				
Total non-household packaging waste				

TABLE 4: Quantity of packaging waste recycled or recovered within the national territory

	Total tonnage recovered and disposed of	Quantity recycled		Quantity recovered	
		Tonnage	Percentage	Tonnage	Percentage
Household waste					
Glass packaging					
Plastic packaging					
Paper/cardboard packaging					
Cardboard composite packaging					
Ferrous metal packaging					
Aluminium packaging					
Wood packaging					
Total household packaging waste					
Non-household waste					
Glass packaging					
Plastic packaging					
Paper/cardboard packaging					
Cardboard composite packaging					
Ferrous metal packaging					
Aluminium packaging					
Wood packaging					
Total non-household packaging waste					

SCHEDULE 5
(Regulation 22)
INFORMATION TO BE CONTAINED
IN AN APPLICATION
FOR REGISTRATION OR RENEWAL

*Substituted by:
A.L. 226 tal-2017.
Amended by
A.L. 227 tal-2017;
L.N. 152 of 2021;
L.N. 369 of 2022.*

Part A: Information to be submitted upon registration

- Name and address of the producer and where:
 - (i) the producer is a company, the registered office;
 - (ii) the producer is not a company, the principal place of business.
- National identification code of the producer, including the national tax number and the company number (where applicable) of the producer
- The NACE Code and the employment size of the company, where applicable
- The details of the contact person to whom the competent authority shall address any communications
- Details on the commercial nature of the producer (e.g. manufacturer, importer or distance seller)
- Type of packaging or packaging material placed on the market (sales packaging or grouped packaging or transport packaging)
- Information on how the producer meets his/her responsibilities, either individually or collectively
- A signed declaration stating the information provided is true.
- The date of the application for registration.

Part B: Information to be submitted upon renewal

- Registration number of the producer and any national identification code of the producer, including the national tax number and the company number (where applicable) of the producer;
- The NACE Code and the employment size of the company, where applicable;
- Quantities of packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
- Quantities of sales packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
- Quantities of grouped packaging or packaging material placed on the

national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Quantities of reusable packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - Quantities of reusable sales packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - The number of rotations for all reusable packaging during the specific reporting period multiplied by their mass in accordance with the reporting formats to be established by the competent authority;
 - The number of rotations for all reusable sales packaging during the specific reporting period multiplied by their mass in accordance with the reporting formats to be established by the competent authority;
 - Quantities, by weight, of wooden packaging, that has been repaired during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - Quantities, by weight and by material, of collected packaging waste that has been recycled and recovered during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - A signed declaration stating the information provided is true;
 - The date of the application for renewal of registration;
 - An audit report referred to in sub-regulation (7) of regulation 22;
 - A statement of compliance referred to in sub-regulation (9) of regulation 22 in respect of his recovery and recycling obligations in accordance with regulation 8;
 - List of Authorised Waste Management Undertakings used by the producer for the carrying out of the waste management operations;
 - An appropriate description of how the data has been compiled, including any explanation of any estimates used; and
 - Proof of reuse, recycling, recovery or incineration at waste incineration plants with energy recovery as well as disposal in accordance with regulation 15.
 - Quantity of plastic carrier bags put on the national market, by weight and by thickness during the specific reporting period;
-

SCHEDULE 6
(Regulation 20)
PUBLIC REGISTER

*Substituted by:
L.N.226 of 2017.*

The following information shall be contained in the register in relation to a producer whose application for registration has been processed by the competent authority under regulation 21.

- Name of the producer and locality from where the producer operates;
- Registration number of the producer;
- Information as to whether the producer self-complies or is a member of an authorised packaging waste recovery organisation.

SCHEDULE 7
(Regulation 17)
INFORMATION TO BE CONTAINED IN THE
HALF-YEARLY AND ANNUAL REPORTS OF AN
AUTHORISED PACKAGING WASTE RECOVERY
ORGANISATION

*Added by:
L.N.226 of 2017.
Amended by:
L.N, 152 of
2021.
L.N. 369 of
2022.*

Part A: Environmental Information on the operations of the packaging waste recovery organisation

- Statement of Compliance with the obligations of these regulations;
 - Quantities of packaging or packaging material placed on the national market by the producers who participate in the producer responsibility organisation, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - Quantities of sales packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - Quantities of reusable packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
 - Quantities of grouped packaging or packaging material placed on the national market, by weight and by material during the

specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Quantities of transport packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Quantities of reusable sales packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- The number of rotations for all reusable packaging during the specific reporting period multiplied by their mass in accordance with the reporting formats to be established by the competent authority;

- The number of rotations for all reusable sales packaging during the specific reporting period multiplied by their mass in accordance with the reporting formats to be established by the competent authority;

- Quantities, by weight, of wooden packaging, that has been repaired during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Quantities, by weight and by material, of collected packaging waste that has been recycled and recovered during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Information about concentration levels of heavy metals such as lead, cadmium, mercury and hexavalent chromium present in packaging material or packaging placed on the market within the meaning of regulations 5 and 7, and the presence of noxious and other hazardous substances and materials within the meaning of the third indent of point 1 of Schedule 2;

- Information about packaging waste considered as hazardous due to contamination by product contents, within the meaning of the Waste Regulations, in particular if it is not suitable for recovery; and

- List on information and awareness campaigns carried out by the producer responsibility organisation.

Part B: Commercial and other information on the operations of the packaging waste recovery organisation

- List of Producers participating in the producer responsibility organisation during the reporting period;
- List of Authorised Waste Management Undertakings used during the

- reporting period for the carrying out of the waste management operations involved in the producer responsibility organisation;
- An appropriate description of how the data has been compiled, including any explanation of any estimates used;
 - A description of any system(s) adopted by the producer responsibility organisation to ensure the return of transport packaging and, or refillable gas cylinders by end-users;
 - A description of the return, collection and recovery systems used or set up in accordance with regulation 13;
 - Proof of reuse, recycling, recovery or incineration at waste incineration plants with energy recovery as well as disposal in accordance with regulation 15; and
 - Details on information and awareness campaigns carried out by the producer responsibility organisation.
-

Added by:
L.N.226 of 2017.
Amended by
L.N. 152 of 2021;
L.N. 369 of 2022.

SCHEDULE 8
(Regulation 21)
FEE FOR A PRODUCER OF PACKAGING OR
PACKAGING MATERIAL

<i>Category of Activity</i>	<i>Fee (€)</i>
Online Registration for producers of packaging or packaging material	10
Manual Registration for producers of packaging or packaging material	35

SCHEDULE 9
(Regulation 21)

Added by:
L.N.226 of 2017.

SCHEDULE OF FINES FOR A PRODUCER OF
PACKAGING OR PACKAGING MATERIAL

- Any producer who fails to apply for registration in accordance to sub-regulation (1) shall, on conviction, be liable to a fine of seven hundred and fifty euro (€750) per tonne of packaging or packaging material placed on the market from the first putting of packaging or packaging material on the market until he applies for registration.
- Any producer who fails to renew his registration by the end of the year in accordance to sub-regulation (2) shall, on conviction, be liable to a

fine of seven hundred and fifty euro (€750) per tonne of packaging or packaging material placed on the market from the beginning of the year in which he should have renewed until he applies for renewal.

Added by:
L.N.226 of 2017.
Amended by:
L.N. 369 of 2022.

SCHEDULE10

(Regulation 24)

INFORMATION TO BE SUBMITTED ON APPLYING FOR AN AUTHORISATION TO OPERATE A PACKAGING WASTE RECOVERY ORGANISATION

Part A: Information to be included in an application for registration of a producer responsibility organisation

- The name of the producer responsibility organisation;
- The name of the operator and, where the operator is a partnership, the names of all the partners;
- The address and telephone number of the registered office of the operator or, if not a company, the main place of business of the operator, and, if more than one, all the operators; and
- A signed declaration stating the information provided is true.

Part B: Information to be contained in the work plan to operate a packaging waste recovery organisation

- A copy of the Memorandum and Articles of Association;
- A copy of the Certificate of Registration issued by the Registry of Companies, where applicable;
- A business and financial plan in relation to the proposed producer responsibility organisation;
- Quality Control and Quality Assurance measures to be adopted by the proposed producer responsibility organisation;
- Administrative measures to be adopted to ensure effective control of the process;
- A copy of the rules of membership of the packaging waste recovery organisation together with details of the membership fee structure;
- Proposals for the certification of producers for the purpose of regulation 16;
- A description of the type of packaging waste to be handled and incorporated in the producer responsibility organisation;

- Information on the projected quantities and weights of packaging waste arising from transport packaging and, or refillable gas cylinders to be handled by the producer responsibility organisation;
- Annual packaging waste recovery and recycling targets, including material specific recycling targets, to be achieved by the proposed producer responsibility organisation;
- Details of any system to be adopted in order to ensure the return of transport packaging and, or refillable gas cylinders by end-users;
- Details of the proposed system to be adopted in order to ensure the provision of recycling points to Local Councils for the separate collection, by categories, of municipal packaging waste generated according to the quota stipulated in regulation 10(2) of the Waste Regulations, as well as their maintenance and timely collection and transfer of such packaging waste to the waste management undertaking(s) engaged by the producer responsibility organisation;
- A description of the proposed system which will provide for the acceptance, at no net cost to the end-user segregation, storage and transportation of the packaging waste arising from transport packaging and, or refillable gas cylinders;
- Information on the waste management undertakings that would be required for the producer responsibility organisation to operate;
- Proposals on how the level of recovery and recycling of packaging waste under the proposed producer responsibility organisation will be determined and verified, including estimations and assumptions to be made in this process;
- Proposals of how the information under the provisions of these regulations will be compiled and made available to the competent authority;
- Public awareness campaigns to be carried out by the proposed producer responsibility organisation for all categories of packaging;
- Projected date of commencement for the activity;
- Any other relevant information as required by these regulations or as requested by the competent authority.

The fee which is to be paid by a packaging waste recovery organisation upon being granted a authorisation or upon being granted a renewal of its authorisation according to regulation 24 is calculated as follows:-

$$A * B = SF$$

where:-

"A" is the number of registered producers participating in the producer responsibility organisation;

"B" is a fee of ten euro (€10) to be charged for each registered producer participating in the producer responsibility organisation;

"SF" is the producer responsibility organisation fee.

The fee shall be submitted to the competent authority within six (6) months of the issuance of the authorisation or its renewal.

SCHEDULE 12
(Regulation 17 and 22)
INFORMATION IN THE STATEMENT OF
COMPLIANCE

Added by:
L.N.226 of 2017.
Amended by:
*L.N. 369 of
2022.*

- The information to be contained in a statement of compliance is:-
 - The name and address of the approved person who is issuing and signing the certificate;
 - The date of the certificate;
 - The producer in respect of whom the approved person is issuing the certificate; and
 - Certification by the approved person as to whether the relevant producer has complied with his Extended Producer Responsibility Obligations. With respect to producers placing on the market transport packaging and, or refillable gas cylinders, certification as to whether the relevant producer has complied with his recovery and recycling obligations.
-

SCHEDULE 13

Added by:
L.N.226 of 2017.

LIST OF AUTHORISED SIGNATORIES

For the purposes of issuing and signing official documentation including correspondence, the competent authority shall only accept documentation from a producer or an authorised packaging waste recovery organisation that is signed by the following person:-

- A natural person, if the producer is a natural person;
- A partner, where the producer or an authorised packaging waste recovery organisation is a partnership;
- A director or company secretary of that company, where the producer or an authorised packaging waste recovery organisation is a company registered in Malta;
- A person who has control or management of the body, where the producer or an authorised packaging waste recovery organisation is an unincorporated body;
- The president or any other member of the committee of management, where the producer or an authorised packaging waste recovery organisation is a co-operative.

Schedule 14

Added by:
L.N.152 of 2021.

(Regulation 21A)

Written Mandate Declaration

Name of Producer:

Address:

hereby appoints

Name of legal or natural person established in Malta:

Address:

, as the producer's authorised representative in Malta in accordance with regulation 21A.

Name of legal or natural person established in Malta:

hereby represents and undertakes the responsibilities as the authorised representative in Malta for

Name of Producer:

, in accordance with the Waste Management (Packaging & Packaging Waste) Regulations.

This mandate, signed by both parties, commences on the date of signature unless otherwise declared, and will cease once either party informs the competent authority in Malta managing the national register that this mandate has been terminated.

On one part,

Name of Producer:

Signature:

Date:

On one other part,

Name of Authorised Representative:

Signature:

Date:

*Added by:
L.N. 452 of 2021.*

SCHEDULE 15
(Regulation 8)
IMPLEMENTATION PLAN

The implementation plan to be submitted pursuant to paragraph (d) of sub-regulation (2) of regulation 8 shall contain the following:

1. Assessment of the past, current and projected rates of recycling, landfilling and other treatment of packaging waste and the streams of which it is composed.
2. Assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to regulations 28 and 29 of the Waste Regulations.
3. Reasons for which Malta considers that it might not be able to attain the relevant target laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3 within the deadline set therein and an assessment of the time extension necessary to meet that target.
4. Measures necessary to attain the targets laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3 that are applicable to Malta during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in regulation 4A and Schedule 12 of the Waste Regulations.

5. A timetable for the implementation of the measures identified in point 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension.

6. Information on funding for waste management in line with the polluter-pays principle.

7. Measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.

*Added by:
L.N. 369 of 2022.*

SCHEDULE 16
(Regulation 8)

INFORMATION TO BE CONTAINED IN THE HALF-
YEARLY AND ANNUAL REPORTS OF REGIONAL
COUNCILS

Part A: Environmental Information on the waste management operations of the Regional Council

- Statement of Compliance with the obligations of these regulations;
- Quantities, by weight and by material, of municipal packaging waste generated in the territory of the Regional Council during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
- Quantities, by weight and by material, of collected municipal packaging waste that has been recycled and recovered during the specific reporting period in accordance with the reporting formats to be established by the competent authority; and
- Information about municipal packaging waste considered as hazardous due to contamination by product contents, within the meaning of the Waste Regulations, in particular if it is not suitable for recovery.

Part B: Commercial and other information on the waste management operations of the Regional Council

- List of Authorised Waste Management Undertakings used during the reporting period for the carrying out of the waste management operations pertaining to the municipal packaging waste generated in the territory of the Regional Council;
- An appropriate description of how the data has been compiled, including any explanation of any estimates used; and
- A description of the system(s) adopted by the Regional Council for the collection and treatment of all municipal packaging waste generated in its territory.

Added by:
L.N. 369 of 2022.
Amended by:
L.N. 331 of 2024.

SCHEDULE 17
(Regulation 8)

ADMINISTRATIVE PENALTY

The Authority may impose an administrative penalty in accordance with regulation 8(18) and article 81 of the Act upon a Regional Council, or a self-compliant producer, or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, that failed to achieve the applicable minimum overall recycling target during the previous year. Such administrative penalty is calculated as follows:

$$A*(B - C)*D = AP$$

where:-

In the case of a self-compliant producer or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, "A" is the total weight, in tonnes of such packaging placed on the market in Malta by the self-compliant producer or the members of the producer responsibility organisation during the operational (calendar) year;

In the case of a Regional Council, "A" is the total weight, in tonnes of municipal packaging waste generated within its territory during the operational (calendar) year.

"B" is the minimum overall recycling target set out in Schedule 3 applicable for that operational (calendar) year;

In the case of a self-compliant producer or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, "C" is the total rate of packaging waste arising from such packaging recycled by the self-compliant producer or the producer responsibility organisation during the operational year, provided that if C is greater than or equal to B, AP would be considered to be equal to zero (0);

In the case of a Regional Council, "C" is the rate of total municipal packaging waste recycled by the Regional Council during that operational (calendar) year.

"D" is a fee equivalent to:

(a) In the case of a Regional Council or a producer responsibility organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders:

- one hundred euro (€100) per tonne if the difference between "B" and "C" is more than 25 percentage points;

- seventy-five euro (€75) per tonne if the difference between "B" and "C" is between 10 to 25 percentage points, both inclusive; and

- fifty-five euro (€55) per tonne if the difference between "B" and "C" is less than 10 percentage points;

(b) In the case of a self-compliant producer:

- three hundred and twenty euro (€320) per tonne if the difference between "B" and "C" is more than twenty-five (25) percentage points;

- two hundred and fifty euro (€250) per tonne if the difference between "B" and "C" is between ten (10) to twenty-five (25) percentage points, both inclusive; and

- one hundred and eighty euro (€180) per tonne if the difference between "B" and "C" is less than ten (10) percentage points.

"AP" is the administrative penalty for a Regional Council, or a self-compliant producer or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, that fails to achieve the minimum overall recycling target applicable for that operational (calendar) year:

Provided that the Authority may waive the administrative fine in case where the party notified with the Authority's intention to issue an administrative fine provides evidence to the satisfaction of the Authority that the non-attainment of target is due to exceptional reasons beyond his control:

Provided further that any pending additional fees at the entry into force of this Legal Notice shall no longer be due.

*Added by:
L.N. 369 of 2022.*

SCHEDULE 18
(Regulation 13)

METHODOLOGY FOR THE ESTABLISHMENT OF MARKET SHARE

The market share of the authorised packaging waste recovery organisations shall be established by the Authority as follows:

(i) From the entry into force of this Legal Notice up to 30th June 2023, the market share shall be established on the basis of the latest annual audited reports submitted by the authorised packaging waste recovery organisations (i.e. for reference year 2021) in accordance with regulation 17;

(ii) For the period 1st July 2023 – 30th June 2024, the market share shall be established on the basis of a declaration on the placing on the market by their members until 30th June 2023 submitted by the authorised packaging waste recovery organisations in line with paragraph (b) of sub-regulation (1) of regulation 17;

(iii) For the period 1st July 2024 – 31st December 2024, the market share shall be established on the basis of a declaration on the placing on the market by their members until 30th June 2024 submitted by the authorised packaging waste recovery organisations in line with paragraph (b) of sub-regulation (1) of regulation 17;

(iv) As from 1st January 2025 and for any subsequent calendar year the market share shall be established on the basis of the latest annual audited reports submitted by the authorised packaging waste recovery organisations in accordance with regulation 17;

Provided that in the event that an authorised packaging waste recovery organisation fails to provide any of the above-mentioned declarations, the Authority may rely on the previously established market share.
