L.N. 215 of 2026

ENVIRONMENT PROTECTION ACT (CAP. 549)

Waste Management (Shipments of Waste) (Amendment) Regulations, 2026

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister responsible for the Environment, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

1. The title of these regulations is the Waste Management (Shipments of Waste) (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Waste Management (Shipment of Waste) Regulations, hereinafter referred to as the "principal regulations".

S.L. 549.65.

Amends regulation 1 of the principal regulations.

2. Regulation 1 of the principal regulations shall be amended as follows:

(a) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) The scope of these regulations is to implement the requirements of the provisions of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.";

(b) immediately after sub-regulation (2) thereof, as substituted, there shall be added the following new sub-regulations:

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

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

B 2446

Substitutes regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be substituted by the following new regulation:

"Interpretation.

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

Cap. 549.

"Act" means the Environment Protection Act;

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

"Minister" means the Minister responsible for the environment;

"Regulation (EU) 2024/1157" or "EU Regulation" means Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.

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

S.L. 549.63.

Amends regulation 3 of the principal regulations.

4. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

"Competent authority.

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

(2) The Authority shall act as the competent authority of:

(a) dispatch in relation to shipments of waste initiated or planned to be initiated from Malta;

(b) destination in relation to shipments carried out or planned to be carried out to Malta; and

(c) transit in respect to shipments carried out or planned to be carried out through Malta.".

Substitutes regulation 4 of the principal regulations.

5. Regulation 4 of the principal regulations shall be

substituted by the following new regulation:

"Administrative fees.

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

S.L. 549.172.

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

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

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

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

Substitutes regulation 6 of the principal regulations.

6. Regulation 6 of the principal regulations shall be substituted by the following new regulation:

"Penalties.

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

(a) for a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and seventy euro (€1,170), but not exceeding two thousand and three hundred and thirty euro (€2,330);

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

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

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

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

(a) the nature, gravity and extent of the breach;

(b) the intentional or negligent character of the breach, where appropriate;

(c) the financial capacity of the natural or legal person held responsible;

(d) the economic benefits derived from the breach by the natural or legal person held responsible, insofar as they may be determined;

(e) the environmental damage caused by the breach;

(f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;

(g) the repetitive or isolated nature of the breach;

(h) any other aggravating or mitigating factor applicable to the circumstances of the case.".

7. The Schedule to the principal regulations shall be substituted by the following new Schedule:

Substitutes the Schedule to the principal regulations.

"SCHEDULE
(Regulation 4)

ADMINISTRATIVE FEES CHARGED BY THE AUTHORITY

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

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

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

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

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

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

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

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.54