

Draft

**L.N. of 2020**

**ENVIRONMENT PROTECTION ACT  
(CAP. 549)**

**PRODUCT SAFETY ACT  
(CAP. 427)**

**Waste Management (Packaging and Packaging Waste)  
(Amendment No. 2) Regulations, 2020**

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, and by article 38 of the Product Safety Act, the Minister for the Environment, Climate Change, and Planning, after consultation with the Environment and Resources

Authority, and the Minister for Tourism and Consumer Protection, after consultation with the Malta Competition and Consumer Affairs Authority, have made the following regulations:-

Citation.

**1.** The title of these regulations is the Waste Management (Packaging and Packaging Waste) (Amendment No. 2) Regulations, 2020 and these regulations shall be read and construed as one with the Waste Management (Packaging and Packaging Waste) Regulations, hereinafter referred to as "the principal regulations".

S.L. 549. 43.

Amends regulation 2 of the principal regulations.

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

(a) in sub-regulation (1) thereof, the words "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 and 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" shall be substituted by the words "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."; and

(b) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(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."

Amends regulation 3 of the principal regulations.

**3.** Regulation 3 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be amended as follows:

(i) immediately after the definition "the Act", there shall be added the following new definition:

" "the Agency" means the Resource, Recovery and Recycling Agency established S.L. 595. 28. by the Resource, Recovery and Recycling Agency (Establishment) Order;"

(ii) the definition "authorised packaging waste recovery scheme" shall be substituted by the following new definition:

L.N. XX of 2020. " "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;"

(iii) the definition "back-end store packaging" shall be deleted;

(iv) the definition "composite packaging" shall be substituted by the following new definition:

" "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;"

(v) the definition "consumer packaging" shall be deleted;

(vi) the definition "disposal" shall be deleted;

(vii) the definition "energy recovery" shall be deleted;

(viii) immediately after the definition "distributor", there shall be added the following new

definition:

L.N. XX of 2020. " "Extended Producer Responsibility Consultative Committee" or "EPR Consultative Committee" means the committee established under regulation 5 of the Extended Producer Responsibility Framework Regulations;"

(ix) immediately after the definition "lightweight plastic carrier bags", there shall be added the following new definition:

" "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;"

(x) immediately after the definition "the Minister", there shall be added the following new definition:

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

(xi) the definition "organic recycling" shall be deleted;

(xii) the definition "packaging waste recovered or incinerated at waste incineration plants with energy recovery" shall be deleted;

(xiii) immediately after the definition "packaging waste" there shall be added the following new definition:

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

(xiv) the definition "prevention" shall be deleted;

(xv) the definition "put on the market" shall be deleted;

(xvi) the definition "rate of recovery or incineration at waste incineration plants with energy

recovery" shall be deleted;

(xvii) the definition "recovered packaging waste" shall be deleted;

(xviii) the definition "recycled packaging waste" shall be deleted;

(xix) the definition "recycling" shall be deleted;

(xx) the definition "recycling rate" shall be deleted;

(xxi) the definition "reuse" shall be deleted;

(xxii) immediately after the definition "product loops which are in a closed and controlled chain", there shall be added the following new definition:

"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;"; and

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

(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."

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4. Regulation 8 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 8 of the principal regulations.

"Recovery and recycling targets.

8. (1) Producers shall take necessary measures to attain the targets laid down in Schedule 3.

(2) Without prejudice to paragraphs (d) and (f) of Schedule 3, the Minister may postpone the deadlines for attaining the targets referred to in paragraphs (e) and (g) 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 (e)(v) and (vi) and paragraph (g)(v) and (vi) of Schedule 3 is not reduced below 60%; and

(d) at the latest twenty-four months before the respective deadline laid down in paragraphs (e) or (g) 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 Annex IV to Directive 94/62/EC. The Minister may combine that plan with an implementation plan submitted pursuant to the Waste Regulations.

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(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 paragraphs (d) to (g) 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.

(7) For the purposes of calculating whether the targets laid down in paragraphs (d) to (g) 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 paragraphs (d) to (g) in 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 paragraphs (d) to (g) 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-regulation (1) 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."

5. Regulation 9 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 9 of the principal regulations.

"Information systems and reporting.

9. The competent authority shall maintain a database containing annual records about packaging and packaging waste according to the format specified in Article 12(2) and Annex III to Directive 94/62/EC, as amended."

6. Regulation 10 of the principal regulations shall be amended as follows:

Amends regulation 10 of the principal regulations.

(a) the marginal note thereof shall be substituted by the words "National measures.";

(b) in sub-regulation (1) thereof, the words "The competent authority shall take such measures" shall be substituted by the words "The Minister, in consultation with the competent authority and the Agency, shall take measures"; and

(c) paragraph (a) of sub-regulation (1) thereof shall be substituted by the following new paragraph:

"(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 Annex IVa to Directive 2008/98/EC or other appropriate instruments and measures;".

Adds new regulation to the principal regulations.

7. Immediately after regulation 10 of the principal regulations, there shall be added the following new regulation:

"Reuse.  
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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 competent authority may decide that producers or third parties acting on their behalf attain an adjusted level of the targets referred to paragraphs (d) to (g) in Schedule 3 for a given year by taking into account the average share, in the preceding three years, of 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 paragraphs (d) and (f) 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 paragraphs (e) and (g) 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 (d), (e)(ii), (f), and (g)(ii) 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)."

8. Regulation 13 of the principal regulations shall be amended as follows:

Amends regulation 13 of the principal regulations.

(a) sub-regulation (1) thereof shall be amended as follows:

(i) in paragraph (a) thereof the words ", ensuring

that these systems are open to all economic operators" shall be deleted;

(ii) in paragraph (b) thereof, the words "packaging waste collected;" shall be substituted by the words "packaging waste collected."; and

(iii) paragraph (c) thereof shall be deleted;

(b) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(4) The systems referred to in sub-regulation (1) shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They 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 distortions of competition in conformity with the Treaty on the Functioning of the European Union.";

(c) sub-regulation (5) thereof shall be substituted by the following new sub-regulation:

"(5) The measures referred to in sub-regulations (1), (4) 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.";

(d) sub-regulation (6) thereof shall be substituted by the following new sub-regulation:

"(6) Those producers who opt to self-comply for transport packaging shall ensure that packaging waste arising on their premises undergoes proper treatment, necessary for the achievement of the recovery and recycling targets set out in Schedule 3.

Without prejudice to regulation 28, a self-compliant producer who fails to achieve the minimum

overall recycling target set out in regulation 8 shall submit to the competent authority an additional fee as prescribed in Part B of Schedule 8:

Provided that until the producer submits to the competent authority the additional fee as prescribed in Part B of Schedule 8, he shall not be deemed to have renewed his registration in accordance with regulation 21(2).";

(e) sub-regulation (7) thereof shall be substituted by the following new sub-regulation:

"(7) An authorised packaging waste recovery organisation shall finance any systems set up for the collection, treatment, recovery and environmentally sound disposal of municipal packaging waste generated:

Provided that an authorised packaging waste recovery organisation shall make the necessary arrangements with Local Councils for:

(a) the door-to-door collection of municipal packaging waste generated; and

(b) the provision of bring-in sites 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 bring-in sites under this provision, separate collection shall not include co-mingled collection in accordance with the definition of co-mingled collection in regulation 4 of the Waste Regulations:

Provided further that should 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) the latest quarterly declaration submitted by the authorised packaging waste recovery organisation in accordance with regulation 17(1); and

(b) the actual demographics of those Local Councils.

(f) immediately after sub-regulation (7) thereof, there shall be added the following new sub-regulations:

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

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(9) 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. To that end, regulation 10C(1) of the Waste Regulations shall apply to packaging waste, including for composite packaging."

S.L. 549. 63.

Amends regulation 16 of the principal regulations.

9. Regulation 16 of the principal regulations shall be amended as follows:

(a) in sub-article (1) thereof, the second figure "16." shall be deleted; and

(2) sub-regulations (2), (3) and (4) thereof shall be substituted by the following new sub-regulations:

"(2) For the purposes of achieving the objectives of these regulations, producers are obliged to join a

packaging waste recovery organization duly authorized by the competent authority for all packaging placed on the market:

Provided that producers can opt to be self-compliant for transport packaging or the share thereof placed on the market.

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

(4) In the case of producers who opt to join an authorised packaging waste recovery organisation for the transport packaging, they shall do so for all categories of packaging."

**10.** Regulation 17 of the principal regulations shall be amended as follows:

Amends regulation 17 of the principal regulations.

(a) in paragraph (c) of sub-regulation (1) thereof, the words "in a statement of compliance.", shall be substituted by the words "in a statement of compliance;", and immediately thereafter there shall be added the following new paragraph:

"(d) Provide on a quarterly basis, an audited 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 and shall be certified by an independent auditor in accordance with sub-regulation (4).";

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

"(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 three (3) 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."; and

(c) in sub-regulation (3) thereof, the words "a copy of the quarterly" shall be substituted by the words "a digital copy of the half-yearly".

Amends regulation 21 of the principal regulations.

**11.** Immediately after sub-regulation (7) of regulation 21 of the principal regulations, there shall be added the following new sub-regulations:

"(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.

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

Amends regulation 24 of the principal regulations.

**12.** Sub-regulation (10) of regulation 24 of the principal regulations shall be substituted by the following new sub-regulation:

"(10) Without prejudice to regulation 28, an authorised packaging waste recovery organisation that fails to achieve the minimum overall recycling target set out in regulation 8 shall submit to the competent authority an additional fee as prescribed in Part B of Schedule 11."

Amends Schedule 2 to the principal regulations.

**13.** Schedule 2 to the principal regulations shall be amended as follows:

(a) the second sub-paragraph under paragraph 1 thereof shall be substituted by the following:

"- 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.";

(b) in sub-paragraph (c) of paragraph 3 thereof, the word "should" shall be substituted by the word "does"; and

(c) in sub-paragraph (d) thereof, immediately after the words "biomass and water." there shall be added the words "Oxo-degradable plastic packaging shall not be considered as biodegradable.".

14. Schedule 3 to the principal regulations shall be substituted by the following new Schedule:

Substitutes  
Schedule 3 to  
the principal  
regulations.

### "SCHEDULE 3

(Regulation 8)

#### RECOVERY AND RECYCLING TARGETS

Producers shall take the necessary measures to ensure that in any year, for the aggregate weight of packaging waste which is collected by the producers or third parties acting on their behalf:

(a) not less than 60% of the aggregate weight of packaging or packaging material placed on the market is recovered or incinerated at waste incineration plants with energy recovery;

(b) a minimum of 55% and a maximum of 80% of the aggregate weight of packaging or packaging material placed on the market is recovered by way of recycling, and where appropriate;

(c) a minimum of -

(i) 60% by weight for glass packaging or packaging material, and as appropriate,

(ii) 60% by weight for paper and board packaging or packaging material, and as appropriate,

(iii) 50% by weight for metals packaging or packaging material, and as appropriate,

(iv) 22.5% by weight for plastics packaging or packaging material, and as appropriate,

(v) 15% by weight for wood packaging or packaging material,

placed on the market is recovered by way of recycling;

(d) no later than 31 December 2025 a minimum of 65% by weight of all packaging waste will be recycled;

(e) no later than 31 December 2025 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;

(f) no later than 31 December 2030 a minimum of 70% by weight of all packaging waste will be recycled;

(g) no later than 31 December 2030 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."

**15.** Schedule 4 to the principal regulations shall be deleted.

16. Schedule 5 to the principal regulations shall be amended as follows:

Amends  
Schedule 5 to  
the principal  
regulations.

(a) the words "Name and address" shall be substituted by the words "- Name and address", and the phrase shall become the first paragraph of Part A thereof;

(b) the sixth paragraph of Part A thereof shall be substituted by the following new paragraph:

"- Type of packaging or packaging material placed on the market (sales packaging or grouped packaging or transport packaging)"; and

(c) the third and fourth paragraphs of Part B thereof shall be substituted by the following new paragraphs:

"- 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 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;".

Amends  
Schedule 7 of  
the principal  
regulations.

17. Schedule 7 to the principal regulations shall be amended as follows:

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

"Information to be contained in the half-yearly and annual reports of an authorised packaging waste recovery organisation"; and

(b) the second and third paragraphs of Part A thereof shall be substituted by the following new paragraphs:

"- 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 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;".

18. Part B of Schedule 8 to the principal regulations shall be substituted by the following new Part: Amends Schedule 8 to the principal regulations.

*"Part B: Additional fee for a self-compliant producer of packaging or packaging material*

A self-compliant producer of packaging or packaging material who failed to achieve the overall minimum recycling target set out in Schedule 3 during the previous operational year, shall submit an additional fee to the Authority within 3 months of the following year, calculated as follows:

$$A*(B - C)*D = AF_{\text{self-compliant}}$$

where:

"A" is the weight, in tonnes of transport packaging placed on the market in Malta during the operational year;

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

"C" is the rate of transport packaging waste recycled by the

self-compliant producer during the previous operational year, provided that, if C is greater than or equal to B,  $AF_{\text{self-compliant}}$  would be considered to be equal to zero (0);

"D" is a fee equivalent to:

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

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

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

" $AF_{\text{self-compliant}}$ " is the additional fee for a self-compliant producer who failed to achieve the overall minimum recycling target.

The competent authority shall indicate the administrative procedure for the issuing and collection of such additional fee, and shall notify the producer accordingly.

All revenue generated under Part B of this Schedule shall be payable to the Waste Management Fund as established in regulation 37 of the Waste Regulations (S.L. 549.63).".

**19.** Part B of Schedule 11 to the principal regulations shall be substituted by the following new Part:

*"Part B: Additional fee for an authorised packaging waste recovery organisation*

A packaging waste recovery organisation that failed to achieve the overall minimum recycling target set out in Schedule 3 during the previous operational year shall submit an additional fee to the Authority within 6 months of the following year, calculated as follows:

$$A*(B - C)*D = AF_{\text{PRO}}$$

where:

"A" is the total weight, in tonnes of packaging or packaging material put on the market in Malta by its members

during the previous operational year;

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

"C" is the rate of total packaging waste recycled by the packaging waste recovery organisation during the previous operational year, provided that, if C is greater than or equal to B,  $AF_{PRO}$  would be considered to be equal to zero (0);

"D" is a fee equivalent to:

- 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;

" $AF_{PRO}$ " is the additional fee for an authorised packaging waste recovery organisation that failed to achieve the overall minimum recycling target.

The competent authority shall indicate the administrative procedure for the issuing and collection of such additional fee, and shall notify the authorised packaging waste recovery organisation accordingly.

All revenue generated under this Schedule shall be payable to the Waste Management Fund as established in regulation 37 of the Waste Regulations (S.L.549.63)."

**20.** Immediately after Schedule 13 to the principal regulations there shall be added the following new Schedule:

Adds a new schedule to the principal regulations.

"Schedule 14

(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:".

**21.** (1) In the principal regulations, the words "packaging waste recovery scheme", wherever they occur, shall be substituted by the words "packaging waste recovery organisation".

Amends various provisions of the principal regulations.

(2) In the principal regulations, the word "scheme", wherever it occurs, provided that such word is not part of the phrase "packaging waste recovery scheme", shall be substituted by the words "producer responsibility organisation".

(3) In the principal regulations, the words "put on the market", wherever they occur, shall be substituted by the words "placed on the market"; and for the words "putting on the market", wherever they occur, there shall be substituted the words "placing on the market".

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