

**Ministry for Sustainable Development,
the Environment, and Climate Change**

Chairman, Environment and Resources Authority

L.N. of 2016

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

**Waste Management (Waste Batteries and Accumulators) (Amendment)
Regulations, 2016**

	By virtue of the powers conferred by articles XX and YY of the Environment Protection Act, the Minister has made the following regulations:-
Title and commencement S.L. 549.54	1. These regulations may be cited as the Waste Management (Waste Batteries and Accumulators) (Amendment) Regulations, 2016 and they shall be read and construed as one with the Waste Management (Waste Batteries and Accumulators) Regulations, 2010, hereinafter referred to as “the principal regulations”, and shall come into force on the XXXX 2016.
Amends Regulation 3 of the principal Regulations	2. (1) The definition of “the competent authority” of sub-regulation (1) of regulation 3 of the principal Regulations shall be substituted by the following: “the competent authority” has the same meaning as “the authority” as defined in article 2 of the Act;” (2) Before the definition of “the Minister“ of sub-regulation (1) of regulation 3 of the principal Regulations there shall be added the following new definition:- ““local agency” has the same meaning as “entity of government” as defined in Article 2 of the Act;”
Amends Regulation 5 of the principal Regulations	3. The following shall be added as sub-regulation 5 to regulation 5 of the principal Regulations as follows:- “Waste batteries and accumulators collected through systems funded by Local Councils or by any local agency, shall be deposited at facilities operated by a local agency designated by the Minister and shall thereafter be handed over to waste batteries and accumulators collection, treatment and recycling schemes: (a) at a price that shall reflect the total cost recovery of collection and storage up to the point of take-over by the respective scheme, which price shall be subject to the scrutiny and approval of the Minister; and (b) shall be proportionately distributed amongst authorised waste

	batteries and accumulators collection, treatment and recycling schemes on the basis of the average weight and category of batteries and accumulators placed on the market by schemes.
Amends regulation 11 of the principal Regulations	4. The following shall be added to regulation 11 of the principal Regulations as follows:- “any person disposing of waste batteries and accumulators in the form of unsorted municipal waste may be fined in accordance with the Schedule of Fines as per Schedule 7.”
Amends regulation 17 of the principal Regulations	5. Sub-regulation 3 of Regulation 17 shall be amended to read as follows:- “Where a producer ceases to place batteries and accumulators on the market, the producer shall apply for deregistration with the competent authority by completing the deregistration form.”
Amends regulation 18 of the principal Regulations	6. Sub-regulation 6 of Regulation 18 shall be deleted.
Amends regulation 22(1) of the principal Regulations	7. The first paragraph of sub-regulation (2) of regulation 22 of the principal Regulations shall be amended to read as follows:- “(2) Without prejudice to the Waste Regulations, an application for a permit with the competent authority, shall be accompanied by a fee of five hundred Euro (€500) and the following information as applicable:”
Amends regulation 22 of the principal Regulations	8. Sub-regulation (5) of regulation 22 of the principal Regulations shall be added to read as follows: “A waste batteries and accumulators collection, treatment and recycling scheme that has been granted a permit, shall upon granting of the permit or renewal be charged a fee as prescribed in Schedule 8.”
Amends Regulation 24 of the principal Regulations	9. Sub-regulation 5 of Regulation 24 shall be deleted.
Introduces new Regulation 25 to the principal Regulations Auditing	10. Immediately after regulation 24 of the principal regulations, there shall be added the following new regulation: “25. (1) Self-compliant producers, or authorised waste batteries and accumulators collection, treatment and recycling schemes shall use the services of an independent auditor, approved by the competent authority, to certify all of the information reported to the competent authority. (2) In the case of self-compliant producers, the auditor shall be required to certify that all the information reported to the competent authority is in conformity with the obligations of these regulations. (3) In the case of authorised waste batteries and accumulators collection, treatment and recycling schemes, the auditor shall be required to certify that all the information reported to the competent authority is as specified in the

	<p>Competent Authority's permit itself.</p> <p>(4) Both self-compliant producers or permit holders of the authorised waste batteries and accumulators collection, treatment and recycling schemes shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place for all waste batteries and accumulators managed.”</p>
Renumbering	11. Regulations 25, 26, and 27 of the principal Regulations shall be renumbered to read Regulations 26, 27 and 28 respectively.
Introduction of a new schedule to the principal Regulations	12. Immediately after Schedule 6 of the principal regulations there shall be added Schedule 1 and 2 of these Regulations.

SCHEDULE 1

“SCHEDULE 7 (Regulation 11)

Schedule of Fees for disposal of waste batteries and accumulators in the form of unsorted municipal waste

Any person disposing of waste batteries and accumulators in the form of unsorted municipal waste may be fined €100 per piece of batteries and accumulators disposed.”

SCHEDULE 2

“SCHEDULE 8 (Regulation 22)

Fee for an authorised waste batteries and accumulators collection, treatment and recycling scheme

The fee which is to be paid by an authorised waste batteries and accumulators collection, treatment and recycling scheme that has been granted a permit in Year X according to regulation 22 is calculated as follows:

$$A*B = SF$$

where:-

“A” is the number of registered producers participating in the scheme;

“B” is a fee of ten Euro (€10) to be charged for each registered producer participating in the scheme;

“SF” is the scheme fee.

The fee shall be submitted to the competent authority at the end of the second quarter of the operational Year X.”