

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

**Chairman, Environment and Resources Authority**

L.N. of 2017

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

**Waste Management (Electrical and Electronic Equipment) (Amendment)  
Regulations, 2017**

	By virtue of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister has made the following regulations:-
Title and commencement  S.L. 549.89	1. These regulations may be cited as the Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2016 and they shall be read and construed as one with the Waste Management (Electrical and Electronic Equipment) Regulations, 2014, hereinafter referred to as “the principal regulations”, and shall come into force on the <del>XXXX</del> 2017.
Amends regulation 5 of the principal Regulations	2. Sub-regulation (1)(a) of regulation 5 of the principal Regulations shall be amended to read as follows:-  “any person disposing of WEEE in the form of unsorted municipal waste may be fined in accordance with the Schedule of Fines as per Schedule 15.”
Amends regulation 13A of the principal Regulations	3. Reference to “waste electrical and electronic compliance scheme” in sub-regulation 3, 6 and 7 of Regulation 13A shall be amended to read “waste electrical and electronic equipment compliance scheme”.
Amends regulation 13A of the principal Regulations	4. Sub-regulation 4 of Regulation 13A of the principal Regulations shall be amended to read as follows:-  “An authorised waste electrical and electronic equipment compliance scheme shall provide a financial guarantee that is to the satisfaction of the competent authority, that shall take the form of either a bank guarantee according to the rates prescribed in Schedule 14 or a recycling insurance. The financial guarantee shall be submitted to the competent authority within three months of the beginning of every operational year of the waste electrical and electronic equipment compliance scheme. The

	<p>scheme shall notify the competent authority if the average weight of EEE placed on the market by its members, increases by twenty-five per cent (25%) and shall thereafter within thirty (30) days review the financial guarantee to reflect such an increase.”</p>
Amends regulation 13A of the principal Regulations	<p>5. Sub-regulation (5) of regulation 13A of the principal Regulations shall be amended to read as follows:-</p> <p>“The recycling insurance referred to in sub-regulations (2) and (4) shall cover at least all of the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE that will arise from the electrical and electronic equipment placed on the market in Malta, for a period of not less than the life of the product: Provided that the competent authority may stipulate additional measures to be covered by the aforementioned insurance.”</p>
Amends regulation 16 of the principal Regulations	<p>6. Sub-regulation 5 of Regulation 16 shall be amended to read as follows:-</p> <p>“When a producer ceases to place electrical and electronic equipment on the market, the producer shall apply for deregistration with the competent authority.</p> <p>Without prejudice to the obligations and liabilities for the time when the person was a registered producer, the competent authority shall terminate a person’s registration following submission of the deregistration form with effect from the last day during which the person ceased to be liable to be registered:</p> <p>Provided that upon completion of the deregistration form the person shall indicate how he has ensured the environmentally sound management of WEEE in accordance with regulations 12 and 13, up until the last date he has placed EEE on the market, and further ensured that any pending information was submitted to the competent authority upon applying for deregistration.”</p>
Amends regulation 19(1) of the principal Regulations	<p>7. Sub-regulation (1) of regulation 19 of the principal Regulations shall be amended such that regulation 17 reads regulation 16.</p>
Amends regulation 19(2) of the principal Regulations	<p>8. Sub-regulation (2) of regulation 19 of the principal Regulations shall be amended such that regulation 17 reads regulation 16.</p>
Amends regulation 21(1) of the principal Regulations	<p>9. Sub-regulation (1) of regulation 21 of the principal Regulations shall be amended to read as follows:-</p>

Regulations	<p>“Without prejudice to the Waste Regulations, 2011, persons who intend to operate a waste electrical and electronic equipment compliance scheme as required under these regulations, including the collection, sorting, storage, treatment, export and recycling of waste electrical and electronic equipment, on behalf of producers, shall require and obtain a valid permit from the competent authority in accordance with the Environment Protection Act. An application for approval shall be accompanied by a fee of five hundred Euro (€500).”</p>
Amends regulation 21(5) of the principal Regulations	<p>10. Sub-regulation (5) of regulation 21 of the principal Regulations shall be added to read as follows:</p> <p>“A waste electrical and electronic equipment compliance scheme that has been granted a permit, shall upon granting of the permit or renewal be charged a fee as prescribed in Schedule 16.”</p>
Amends regulation 24(1) of the principal Regulations	<p>11. Sub-regulation (1) of regulation 24 of the principal Regulations shall be amended to read as follows:</p> <p>“Producers or authorised representatives as self-compliant producers, or authorised waste electrical and electronic equipment compliance 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.”</p>
Amends regulation 24(3) of the principal Regulations	<p>12. Sub-regulation (3) of regulation 24 of the principal Regulations shall be amended to read as follows:</p> <p>“In the case of authorised waste electrical and electronic equipment compliance schemes, the auditor shall be required to certify that all of the information reported to the competent authority is as specified in the Competent Authority’s permit itself.”</p>
Amends Schedule 9, Part A Point 1 of the principal Regulations	<p>13. Schedule 9, Part A Point 1 of the principal Regulations shall be amended such that regulation 16 reads regulation 17.</p>
Amends Schedule 13 of the principal Regulations	<p>14. Schedule 13 of the principal Regulations shall be amended such that regulation 12 reads regulation 13A.</p>
Amends Schedule 14 of the principal Regulations	<p>15. Schedule 14 of the principal Regulations shall be amended such that regulation 12 reads regulation 13A.</p>
Introduction of a new schedule to the principal Regulations	<p>16. Immediately after Schedule 14 of the principal regulations there shall be added Schedule 1 of these Regulations.</p>

Introduction of a new schedule to the principal Regulations	17. Immediately after Schedule 15 of the principal regulations there shall be added Schedule 2 of these Regulations.
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## **SCHEDULE 1**

### **“SCHEDULE 15 (Regulation 5)**

#### **Schedule of Fees for disposal of WEEE in the form of unsorted municipal waste**

Any person disposing of WEEE in the form of unsorted municipal waste may be fined €100 per piece of electrical and electronic equipment disposed.

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## **SCHEDULE 2**

### **“SCHEDULE 16 (Regulation 21)**

#### **Fee for an authorised waste electrical and electronic equipment compliance scheme**

The fee which is to be paid by an authorised waste electrical and electronic equipment compliance scheme upon being granted a permit or upon being granted a renewal of its permit according to regulation 21 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 within six (6) months of the issuance of the permit or its renewal.“