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**Chairman, Environment and  
Resources Authority**

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

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**Chairman, Malta Competition and  
Consumer Affairs Authority**

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**Minister for Social Dialogue,  
Consumer Affairs and Civil Liberties**

**L.N. of 2016**

**ENVIRONMENT PROTECTION ACT  
(CAP. 549)  
PRODUCT SAFETY ACT  
(CAP. 427)**

**The Waste Management (Packaging and Packaging Waste)(Amendment) Regulations, 2016**

BY VIRTUE 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 Sustainable Development, the Environment and Climate Change and the Minister for Social Dialogue, Consumer Affairs and Civil Liberties, after consultation with the Environment and Resources Authority and the Malta Competition and Consumer Affairs Authority, have made the following regulations:-

Title and commencement  S.L. 504.72	1. (1) The title of these regulations is the Waste Management (Packaging and Packaging Waste) Regulations, 2016, and these regulations shall be read and construed as one with the Waste Management (Packaging and Packaging Waste) Regulations, 2006, hereinafter referred to as “the principal Regulations”.  (2) These regulations shall come into force upon publication.
Amends regulation 2 of the principal	2. (1) For sub-regulation (2) of regulation 2 of the principal Regulations there shall be substituted the following:-

Regulations	<p>“2(2) 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 and Directive 2015/720/EU 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.”</p>
Amends regulation 3 of the principal Regulations	<p>3. The following definitions shall be added to sub-regulation (1) of regulation 3 of the principal Regulations:-</p> <p>““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<sup>1</sup>, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of carrier bags;</p> <p>“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;</p> <p>“lightweight plastic carrier bags” means plastic carrier bags with a wall thickness below 50 microns;</p> <p>“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;</p> <p>“oxo-degradable plastic carrier bags” means plastic carrier bags made of plastic materials that include additives which catalyse the</p>

<sup>1</sup> OJ L 396, 30.12.2006, p. 1

<p>Amends regulation 10 of the principal Regulations</p>	<p style="text-align: center;">fragmentation of the plastic material into micro-fragments;”</p> <p>4. Regulation 10 of the principal Regulations shall be amended as follows:-</p> <p style="padding-left: 40px;">(a) immediately after sub-paragraph (v) of paragraph (b) of sub-regulation (1) there shall be added the following new sub-paragraph:-</p> <p style="padding-left: 80px;">“(vi) the adverse environmental impact of the excessive consumption of lightweight plastic carrier bags.”</p> <p style="padding-left: 40px;">(b) immediately after paragraph (f) of sub-regulation (1) there shall be added the following new paragraph:-</p> <p style="padding-left: 80px;">“(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:-</p> <p style="padding-left: 120px;">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;</p> <p style="padding-left: 120px;">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.</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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.</p>
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	Very lightweight plastic carrier bags may be excluded from these measures.”
Amends Schedule 5 of the principal Regulations	5. In Part B of Schedule 5 of the principal Regulations there shall be added the following new paragraph:- “ - Quantity of plastic carrier bags put on the national market, by weight and by thickness during the specific reporting period; ”

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