



Post Consultation Brief on the Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2018

August 2018

Environment and Resources Authority



EXECUTIVE SUMMARY / GENERAL COMMENTS

The draft Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2018, were issued for public consultation through MEUSAC for a period of four weeks, beginning on the 30th July and ending on the 27th August 2018. Members of the public were invited to make comments and suggestions as to how the proposed regulations could be improved to reach their ultimate aim. The comments received by email during the four week period, are outlined below, together with ERA's replies on the said comments.

DETAILED CONSULTATION FEEDBACK

Ref No.	Name of Stakeholder	Comments Received	ERA Response / Remarks
1	Dominic Mintoff	<p>It has become common practice in shops nowadays, to offer you for free a plastic bag to pack your purchases instead of a bag. Though this bag will be missing the ears/handles for convenience it still serves the purpose and probably is a loophole through the regulations. Please ensure that the new legal notice, will put a stop to this abuse and encourages customers to get multi use shopping bags, possibly by rewarding them a small discount at the till.</p>	<p>In accordance with the definition of plastic carrier bags, as laid down in the Waste Management (Packaging and Packaging Waste) Regulations, S.L. 549.43, such bags refer to carrier bags, with or without handle, made of plastic that are supplied to consumers at the point of sale of goods or products.</p> <p>In order to achieve a sustained reduction in the consumption of lightweight plastic carrier bags, Malta has opted for the imposition of fees and tariffs as provided for by the Excise Duty Act, Cap. 382, depending on the environmental impact of plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use, irrespective of their thickness, size and type (having handles or otherwise).</p>

			<p>The excise duty is charged and levied on plastic sacks and bags referred to in Schedule Five F of the Excise Duty Act, which are produced, imported and placed on the market in Malta, at the rates specified in the said Schedule to the aforementioned Act. The excise duty aims to discourage shops and supermarkets from opting for distributing such bags at the point of sale and instead distribute paper bags. In addition, in line with "polluter pays" principle, some of the retailers opt to shift such payment to the consumers of plastic carrier bags at the point of sale, with the aim to encourage consumers to adapt to the concept of SMART Shopping.</p> <p>Under the current regulatory regime, there is no legal requirement which provides that lightweight plastic carrier bags are not provided free of charge at the point of sale of goods or products. In this context, such charge at the point of sale remains at the discretion of the retailer.</p>
2	Sarah Micallef	<p>I agree to all the amendments and targets to reduce the number of plastic bags in Malta. I also read that such bags will be charged etc... These charges are already being implied , however many retail shops still find loop holes in the law and manage to still offer some kind of plastic bag to the customers. hence, those shops that do imply the law as it should be seem to be less competitive when compared to other shops that either manage to find the loop hole or do not care about the environment.</p>	<p>In order to achieve a sustained reduction in the consumption of lightweight plastic carrier bags, Malta has opted for the imposition of fees and tariffs as provided for by the Excise Duty Act, Cap. 382, depending on the environmental impact of plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use, irrespective of their thickness, size and type (having handles or otherwise).</p>

		<p>I do hope that strict measurements will be taken against those that do not follow the law.</p> <p>Lastly, when new laws are created please bare in mind the small shops and the self employed owners , who in my opinion are the least taken care of but sure make a substantial improvement in our economy.</p>	<p>The excise duty is charged and levied on plastic sacks and bags referred to in Schedule Five F of the Excise Duty Act, which are produced, imported and placed on the market in Malta, at the rates specified in the said Schedule. The excise duty aims to discourage shops and supermarkets from opting for distributing such bags at the point of sale and instead distribute paper bags. In addition, in line with ‘polluter pays’ principle, some of the retailers opt to shift such payment to the consumers of plastic carrier bags at the point of sale, with the aim to encourage consumers to adapt to the concept of SMART Shopping.</p> <p>Having said so, it is to be noted that under the current regulatory regime, there is no legal requirement which provides that lightweight plastic carrier bags are not provided free of charge at the point of sale of goods or products. In this context, such charge at the point of sale remains at the discretion of the retailer.</p>
3	Dr. Daniel Cauchi	<p>I refer to the consultation document on proposed changes to regulations aimed at reducing lightweight plastic carrier bags.</p> <p>These are important and welcome changes, and together with the bottle recycling scheme will help to reduce the severe problem of littering prevalent in Malta. My comments are the following:</p> <ul style="list-style-type: none"> • both measures (a) and (b) should be included; in isolation, it is unlikely that any single measure will have an impact 	<p>Directive (EU) 2015/720 provides Member States with the discretion to choose between applying measure (a) or (b), or both, however, at present, Malta has opted for the “equally effective instrument” option under point (b) through the imposition of fees and tariffs as provided for by the Excise Duty Act, Cap. 382. The fees and tariffs depend on the environmental impact of plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use, irrespective of their</p>

		<ul style="list-style-type: none"> • the sentence " <i>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</i> " is open to interpretation. How will the tariffs and taxes' effectiveness be assessed and evaluated? What fines will be administered for non-compliance? Is it hoped that the tariffs applied will be hefty enough to actually result in a change in behaviour. • Why are very lightweight plastic bags not included in this amendment? This is reminiscent of the loophole introduced that resulted in the proliferation of plastic bags without a handle. Ensure that the regulations apply to all plastic bags, irrespective of whether they have a handle or not, or whatever their weight, is key. • What about hybrid bags, composed mostly of paper but with plastic handles (or handles made of other non-compostable material)? These should also be considered to be plastic bags, and this should be made explicit in the regulations • It is unclear whether these regulations will be applicable to all vendors, including mobile vendors. <p>Thank you for this opportunity to provide feedback</p>	<p>thickness, size and type (having handles or otherwise).</p> <p>The excise duty is charged and levied on plastic sacks and bags referred to in Schedule Five F of the Excise Duty Act (Chapter 382 of the Laws of Malta), which are produced, imported and placed on the market in Malta, at the rates specified in the said Schedule to the aforementioned Act. The excise duty aims to discourage shops and supermarkets from opting for distributing such bags at the point of sale and instead distribute paper bags. The effectiveness of the excise duty charged and levied on plastic carrier bags, will ultimately be assessed on the basis of the number of plastic carried bags produced, imported and placed on the market in Malta, whereby a sustained decreasing trend as the result of the implementation of the said duty is expected to be observed in the coming years. Moreover, the penalties stipulated under the Excise Duty Act through, <i>inter alia</i>, article 16 therein, shall apply to any person found guilty of an offence under the said Act.</p> <p>With regard to very lightweight plastic carrier bags, only those used directly for food stuffs have been exempt. ERA would also like to clarify that in accordance with the definition for plastic carrier bags, as laid down in the Waste Management (Packaging and Packaging Waste) Regulations, S.L. 549.43, such bags refer to carrier bags, with or without handle, made of plastic that are supplied to consumers at the point of sale of goods or</p>
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