

INFORMATION ON INSPECTIONS OF SHIPMENTS OF WASTE TO BE MADE PUBLICLY
AVAILABLE PURSUANT TO ARTICLE 51(2) OF REGULATION (EC) No 1013/2006 ON
SHIPMENTS OF WASTE (WSR)

REFERENCE YEAR: 2017

REPORTING COUNTRY: MALTA

Article 24 and Article 50(1)	<p>Information on illegal shipments of waste</p> <p>Has there been any case? Yes No (please tick <i>✓</i> as appropriate) <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>If yes, please complete Table 5. Please provide information on how illegal shipments of waste are prevented, detected and penalised under national legislation:</p> <p>Pursuant to S.L. 549.65 Waste Management (Shipments of Waste) Regulations, the provisions laid down in Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste shall <i>mutatis mutandis</i> apply in Malta.</p> <p>Therefore, the Competent Authority shall have the power to conduct both regular and random inspections of sites, facilities and cargo, and to seize the shipments of hazardous wastes or other wastes which are deemed illegal in accordance to Art.2 (35) of the Waste Shipment Regulation.</p> <p>In this context, Malta submitted the inspection plan pursuant to Article 50 (2a) of the Waste Shipment Regulation to the Commission on 5 February 2018. This document provides a brief background on the current practices of waste shipments inspections within the Maltese Islands. The said plan also identifies various tools and practices particularly regarding increased cooperation between entities involved in shipments of waste inspections.</p> <p>In the case of an illegal transboundary movement of waste to another country, the take-back provisions laid down in Art.24 of the Waste Shipment Regulation fully apply in Malta.</p> <p>Pursuant to Regulation 6 of S.L. 549.65 Waste Management (Shipments of Waste) Regulations, any person who commits an offence against the said Regulations shall, on conviction, be liable: (a) on a first conviction, to a fine of not less than €1,170, but not exceeding €2,330; (b) on a second conviction or subsequent convictions, to a fine of not less than €2,330, but not exceeding €4,660, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.</p>
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Article 50(2)	<p>Summary information on the outcome of the inspections carried out pursuant to Article 50(2), including:</p> <p>Number of inspections, including physical checks, of establishments, undertakings, brokers and dealers, related to shipments of waste: 95</p> <p>Number of inspections of shipments of waste, including physical checks: 65</p> <p>Number of supposed illegalities concerning establishments, undertakings, broker and dealers, related to shipments of waste: 0</p> <p>Number of supposed illegal shipments ascertained during the inspections: 0</p> <p>Additional remarks: N/A</p>
Article 50 (2a)	<p>Information on the inspection plan(s)</p> <p>https://era.org.mt/en/Documents/MT%20-%20Waste%20Shipment%20Inspection%20Plan%20final.pdf</p> <p>This document provides a brief background on the current practices of waste shipments inspections within the Maltese Islands. However, the most important outcome of this plan is that it identifies various tools and practices particularly regarding increased cooperation between entities involved in shipments of waste inspections. The plan also takes into consideration the structure of the newly set up Environment and Resources Authority (ERA) as the Competent Authority responsible for shipments of waste as well as the current administrative and financial resources available for implementation.</p> <p>Number of inspection plan(s) for the entire geographical territory: 1</p> <p>The date of adoption of the inspection plan(s) and the period covered by them:</p> <p>January 2017 to December 2019</p> <p>The latest review date of the inspection plan(s):</p> <p>January 2017</p> <p>Indicate the persons or bodies to which concerns or irregularities can be reported:</p> <p>Environment and Resources Authority</p> <p>Customs Department</p> <p>Malta Police Force</p> <p>Transport Malta</p>

Table 5

INFORMATION ON ILLEGAL SHIPMENTS OF WASTE * (Article 24 and Article 50(1))

Waste identification (code)	Quantity (kg/litres)	Country of destination (De) and country of dispatch (Di)	Identification of the reason for illegality (possible reference to violated Articles)	Responsible for illegality (please tick ✓ as appropriate)			Measures taken including any penalties imposed
				Notifier	Consignee	Other	
10 01 18*	109,600 kg	Spain (De) and Malta (Di)	On 11 March 2017, hazardous wastes of fly ashes fell down from a broken container polluting a part of the area of the Port of Genova. From a control made by the Port Authority of Genova, it resulted that the shipment of waste did not have the necessary authorization for the transit through Italy according to Regulation EC 1013/2006. Therefore, the other 4 containers were seized until a way forward was in place – Article 24 of Regulation 1013/2006.	✓		✓ (Notifier informed the Maltese Competent Authority that the shipping route was changed abruptly without notice)	Port Authority of Genova proceeded by giving a mandate to the exporting company for the cleaning of the area polluted by the waste, in order to avoid further endangering of environment and human health. As competent authority of transit, the Italian Ministry of Environment waited for the decision of the Judiciary Authority in order to proceed with the competent Authority of Malta for the agreement of the procedures of take-back of the containers pursuant to Art.24 of the Regulation EC 1013/2006. The Maltese consent for take-back of the six containers was issued on 05/12/17 and once in Malta, Maltese officers inspected and sealed the containers on 03/01/18. The waste was re-exported under Permits MT17/XXX and MT18/XXX. An Out of court settlement agreement was issued to the exporter.

* Information on cases which have been closed during the reporting period.