

L.N. -- of 2026

ENVIRONMENT PROTECTION ACT
(CAP. 549)

Waste Management (Shipments of Waste) (Amendment) Regulations, 2026

BY VIRTUE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister responsible for the Environment, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation, entry into force and applicability.

S.L. 549.65.

1. (1) The title of these regulations is the Waste Management (Shipments of Waste) (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Waste Management (Shipment of Waste) Regulations, hereinafter referred to as the “principal regulations”.

(2) These regulations shall enter into force on 21st May 2026:

Provided that the provisions of the Waste Management (Shipments of Waste) as in force immediately before 21st May 2026 shall continue to apply until 21st May 2027 only for those shipments subject to Article 37 of Regulation (EC) No 1013/2006:

Provided further that for those shipments for which a notification has been submitted in accordance with Article 4 of Regulation (EC) No 1013/2006 and for which the competent authority of destination has given its acknowledgement in accordance with Article 8 of such Regulation before 21st May 2026, the provisions of the Waste Management (Shipments of Waste) as in force immediately before 21st May 2026 shall continue to apply.

Amends regulation 1 of the principal regulations.

2. Regulation 1 of the principal regulations shall be amended as follows:

(a) Sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

“(2) The scope of these regulations is to implement the provisions of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.”

(b) Immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulations:

“(3) The provisions contained in the EU Regulation shall *mutatis mutandis* apply.

Prohibition on shipments for disposal to Malta.

(4) All shipments of waste to Malta destined for disposal shall be prohibited. Where a notification is submitted to the Authority, as a competent authority of destination, regarding a planned shipment of waste destined for disposal in Malta, the Authority shall *ipso jure* object.”

Amends regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be substituted by the following new regulation:

“2. (1) For the purposes of these regulations, and unless the context otherwise requires, the following definitions shall apply:

Cap. 549.

"Act" means the Environment Protection Act;

"Authority" means the Environment and Resources Authority as established in article 6 of the Act;

"EU Regulation" means Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006;

"Minister" means the Minister responsible for the environment.

S.L. 549.63.

(2) All other terms shall have the same meaning as that assigned to them in the EU Regulation and in regulation 4 of the Waste Regulations.”

Amends regulation 3 of the principal regulations.

4. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

“Designation of competent authority.

3. (1) The Authority is designated as the competent authority responsible for the implementation of the EU Regulation.

(2) The Authority shall be the competent authority of dispatch in respect to shipments of waste initiated or planned to be initiated from Malta, the competent authority of destination in respect to shipments carried out or planned to be carried out to Malta, and the competent authority of transit in respect to shipments carried out or planned to be carried out through Malta.”

Amends regulation 4 of the principal regulations.

5. Regulation 4 of the principal regulations shall be substituted by the following new regulation:

“Administrative fees.

S.L. 549.172.

4. (1) In accordance with regulation 25(1) of the Environmental Permitting (Procedure for Applications and their Determination) Regulations, when a notifier submits a prior written notification (‘notification’) to the Authority in line with Article 5 of the EU Regulation, the Authority shall charge the fees prescribed in paragraphs (1) and (4) of the Schedule:

Provided that for the processing of a notification by the Authority as the competent authority of transit, only the fee prescribed in paragraph (3) of the Schedule shall be paid upon submission of the notification. The fees prescribed in paragraph (4) of the Schedule shall be paid prior to receipt of confirmation by the Authority as the competent authority of transit that it is satisfied with the properly carried out notification:

Provided further that the notification shall not be processed further unless the notifier submits proof of payment of such fees within 5 working days.

(3) A person who arranges a shipment of waste referred to in Article 4(4) or (5) of the EU Regulation shall, upon completing the document set out in Annex VII in accordance with Article 18 of that Regulation, submit to the Authority proof of payment of the applicable fee specified in the Schedule no later than two (2) working days before the shipment is initiated.

(4) These regulations shall be without prejudice to rights and obligations imposed by the competent authority of destination and the competent authority or authorities of transit.”

Amends regulation 6 of the principal regulations.

6. Regulation 6 thereof shall be amended as follows:

(a) Regulation 6 thereof shall be renumbered as sub-regulation (1);

(b) In sub-regulation (1) as renumbered, the second proviso shall be substituted by the following new proviso:

“Provided further, that without prejudice to the penalties for which the offender may be held liable in terms of this regulation the Court may order any person who has been found guilty of committing an offence under these regulations to pay for the expenses incurred by the competent authority mentioned in these regulations as a result of the said offence, the revocation of the permit issued by the competent authority, and the confiscation of the *corpus delicti*, including the vehicle, if applicable, and may also be excluded from public procurement procedures for a specified time period.

(c) Immediately after sub-regulation (1), there shall be added the following new sub-regulation (2):

(2) When establishing the applicable penalty, due regard shall be given to the following, as applicable:

- (a) the nature, gravity and extent of the infringement;
- (b) where appropriate, the intentional or negligent character of the infringement;
- (c) the financial capacity of the natural or legal person held responsible;
- (d) the economic benefits derived from the infringement by the natural or legal person held responsible, insofar as they can be determined;
- (e) the environmental damage caused by the infringement;
- (f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;
- (g) the repetitive or singular character of the infringement;
- (h) any other aggravating or mitigating factor applicable to the circumstances of the case.

Amends the Schedule to the principal regulations.

7. The Schedule to the principal regulations shall be substituted by the following new Schedule:

“SCHEDULE

(Regulation 4)

ADMINISTRATIVE FEES CHARGED BY THE AUTHORITY

For the purposes of determining the applicable fees, a movement document referred to in paragraph 4 below, or an Annex VII document referred to in paragraph 5 below, shall cover a single container, trailer, barge, end-of-life ship, or other transport unit, as applicable and as determined by the Authority:

1. For the processing of a notification by the Authority as competent authority of dispatch, a fixed fee of three hundred fifty euro (€350) shall apply;
2. For the processing of a notification by the Authority as competent authority of destination, a fixed fee of five hundred euro (€500) shall apply;
3. For the processing of a notification by the Authority as competent authority of transit, a fixed fee of two hundred and fifty euro (€250) shall apply;

4. For the processing by the Authority of each movement document in accordance with article 5 of the EU Regulation, a fee of thirty-five euro (€35) shall be due to the Authority whether it is the competent authority of dispatch, of transit or of destination;
5. For the supervision procedure by the Authority on shipments of waste referred to in Article 4(4) and (5) of the EU Regulation, a fee of thirty-five euro (€35) shall be due to the Authority for every document set out in Annex VII to the EU Regulation completed by the person who arranges the shipment in accordance with Article 18 of the said Regulation for each shipment;
6. Any expenses relating to shipping of the notification documents by courier to the competent authorities concerned, and those relating to the consignee and/or treatment facility, shall be borne by the notifier.”

DRAFT