

Environmental Permit

Environment Protection Act (CAP. 549)

Permit number **EP 02000/26**

The Environment and Resources Authority (hereinafter the Authority; or ERA) in exercise of its powers under the Environment Protection Act (CAP. 549) and its subsidiary legislation, hereby authorises:

AIS Environment Limited (hereinafter "the Permit Holder")
Company Registration number: C 18445

To operate a Producer Responsibility Organisation for Tobacco Filters containing Plastic under the name of:

Tabakk

This permit is valid until 31st December 2029. An application for renewal of this permit is to be submitted at least **six (6) months** prior to expiry of this permit.

Signed

Date

Nathalie Ellul Unit Manager (Env. Permitting) f/Director Regulatory Affairs	Permit Granted: 04/09/2026
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Authorised to sign on behalf of the Competent Authority

1. Scope

- 1.1. The Permit covers the operation of a Producer Responsibility Organisation for tobacco products with filters and filters marketed for use in combination with tobacco products containing plastic under the name of **Tabakk**, hereinafter referred to as the Organisation, by **AIS Environment Ltd.**, hereinafter referred to as the Permit Holder.
- 1.2. The Producer Responsibility Organisation shall be open to all producers, or their nominated representatives, who place tobacco filter products containing plastic on the Maltese market.
- 1.3. The Permit Holder shall take over the responsibilities of its members for the years 2026, 2027, 2028 and 2029 respectively.
- 1.4. All terms in this Permit shall have the same meaning as that assigned to them in CAP 549, the Environment Protection Act and its subsidiary legislations.

2. Objective

- 2.1. The Extended Producer Responsibility (Tobacco Filters Containing Plastic) Regulations, S.L. 549.175 places responsibilities on producers of Tobacco Filters containing Plastics (tobacco products with filters and filters marketed for use in combination with tobacco products), including the appointment of producers established in another European Member State and placing such single-use plastic products on the market in Malta, who shall appoint an a legal or natural person established in Malta as an authorised representative for the purpose of fulfilling the obligations of these regulations on the territory of Malta.
- 2.2. The Producer Responsibility Organisation shall cover collectively within the whole territory of Malta their extended-producer responsibility obligations under non-discriminatory conditions at least with regards to the following:
 - a. The costs of providing adequate information to waste holders as set out in Regulation 6 (3) (a) (ii) of the Extended Producer Responsibility Framework Regulations, S.L.549.141, and the costs related to awareness raising measures set out in Regulation 12 of the Single-Use Plastic Framework Regulations, S.L. 549.149 and the costs related to Regulation 4(4) of the Extended Producer Responsibility (Tobacco Filters containing Plastic) Regulations), S.L. 549.175;
 - b. The costs of cleaning up litter resulting from such products and the subsequent transport and treatment of such litter;
 - c. The costs of data gathering and reporting in accordance with regulation 6(3)(a)(iii) of the Extended Producer Responsibility Framework Regulations, S.L. 549.141; and
 - d. The costs of waste collection for relevant products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of such waste. The costs may include the setting up of specific infrastructure for the waste collection for those products, including waste receptacles in common litter hotspots.

Costs will be paid annually in arrears, with costs occurring from the entry into force of the Extended Producer Responsibility (Tobacco Filters containing Plastic) Regulations), S.L.549.175.
- 2.3. The methodology for calculating costs will be as set out in the Application, in line with Work Plan and in line with the published Commission's Guidelines C/2025/5646. Should any updates to the work plan be necessary an updated work plan is to be submitted to the Authority.
- 2.4. In order to cover the costs referred to in paragraph (a) of condition 2.2 on behalf of its producers, the Permit Holder shall organise and, or finance effective information and awareness raising campaigns to incentivise responsible consumer behaviour and inform consumers in accordance with regulation 12 of the Single-Use Plastic Framework Regulations, S.L. 549.149.

- Provided that in case an authorised producer responsibility organisation finances campaigns organised by other entities, the costs that shall be covered by such organisation shall be established in a transparent manner between all actors concerned.
- Provided further that such campaigns shall be subject to the prior approval of the Authority.

2.5. In order to cover the costs established in paragraphs (b) and (d) of sub-regulation 4 of Regulation 4 of the Extended Producer Responsibility (Tobacco Filters containing Plastic) Regulations, S.L.549.175 on behalf of its producer, the Permit Holder shall make the necessary arrangements with the Division and the Department, through written agreements for:

- a. the financing of appropriate waste receptacles for the single-use plastic products, in this case the tobacco products with filters and filters marketed for use in combination with tobacco products, in the territory of Malta, particularly in common litter hotspots, which costs shall include the infrastructure and its operation, and the subsequent transport and treatment of such waste; and
 - b. the financing of cleaning up litter resulting from the single-use plastic products, in this case the tobacco products with filters and filters marketed for use in combination with tobacco products, and the subsequent transport and treatment of such litter.
- Provided that such written agreements shall establish the terms for the execution of the payments of those financial contributions by an authorised producer responsibility organisation. The said terms shall be duly notified to the Authority within one (1) month following the conclusion of the said written agreements.
 - Provided that the costs shall not exceed the costs that are necessary to provide those services in a cost-efficient way and shall be established in a transparent way between the Authority, the relevant authorised producer responsibility organisation, the Division and, or the Department, and any other actors concerned.
 - Provided that the costs referred shall be limited to the activities undertaken by the Local Councils, the Division or on their behalf.
 - Provided further that the calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way, shall take into consideration the proposals for the calculation of such costs submitted to the Authority in accordance with regulation 7 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L. 549.175 and any guidelines published by the European Commission in accordance with Article 8(4) of the Directive on the reduction of the impact of certain plastic products on the environment, (EU) 2019/904.

To minimise administrative costs, the Authority in consultation with the actors referred to in Regulation 4(7) and (8) of the Extended Producer Responsibility (Tobacco Filters containing Plastic), S.L. 549.175 may determine financial contributions towards the costs of cleaning up litter by setting appropriate multi-annual fixed amounts.

3. Financial Guarantee

- 3.1. The Authority may impose a financial guarantee so as to ensure compliance with the conditions of this Permit.
- 3.2. Any expenses incurred by the Authority to address any non-compliance by the Permit Holder that emanates from this permit or any Subsidiary Legislation under the Act or the Act itself, shall be considered as Civil Debt in line with procedure stipulated in Article 79 of the Environment Protection Act, Chapter 549.

4. Transferability of Permit

- 4.1 Upon the joint application of the Permit Holder and a proposed transferee, the Permit Holder may request to transfer the environment permit. The permit shall not be transferred from the Permit Holder without prior approval from the Authority. Upon the Authority's decision to transfer the permit to the transferee, all rights, obligations, liabilities shall subsist onto the transferee.

5. Modifications and Variations to Permit

- 5.1. The Authority shall vary this permit to reflect legal amendments that may come into force during the validity of the permit.
- 5.2. The Authority may add, amend, delete or substitute any of the conditions of this permit after notifying the Permit Holder of its intention and after describing the changes to the Permit Holder. This without prejudice to any prevailing circumstances that would preclude the Authority from following such a procedure.
- 5.3. The Permit Holder may apply for a modification/variation of the permit and shall seek the Authority's written agreement prior to any operational changes, by sending to the Authority:
- a. Written notice of the details of the proposed change, including an assessment of its possible effects or risks to the environment from the approved activity;
 - b. Any relevant supporting information;
 - c. Any relevant supporting assessments, and;
 - d. The proposed implementation date.
- 5.4. Any such change shall only be implemented following the issue of a variation of the permit by the Authority.

6. General Conditions

- 6.1. Services offered by the Permit Holder shall be:
- a. open to the participation of all producers without any non-discriminatory conditions and such participation shall not be refused or revoked without reasonable justification; and
 - b. designed so as to avoid any barriers to trade or distortions of competition in conformity with the relevant regulations.
- 6.2. The Permit Holder has the sole responsibility to ascertain compliance with legal obligations, permit conditions, directions or orders that may be given by the Authority and to undertake activities in line with good environmental practices at all times.
- 6.3. The Authority may carry out compliance checks that vary in frequency according to the Permit Holder's compliance with the permit conditions. Any checks or audits carried out by the Authority may be made at the Permit Holder's financial expense at a rate and arrangement communicated by ERA.
- 6.4. The Permit Holder shall collaborate on any survey, audit or study commissioned by the Authority.
- 6.5. The Authority's representatives shall be provided with any documentation or records, financial or otherwise, as may be requested.
- 6.6 The Authority may suspend or revoke this environmental permit in line with the provisions of CAP549.
- 6.7. This Permit is granted saving third party rights. The Permit Holder is not excused from obtaining any other permission required by law.

7. Membership

- 7.1 The Permit Holder shall sign an annual agreement with each producer who participates in the Collective Organisation which shall be submitted every year in line with the published procedure on ERA's website. The Permit Holder shall bind himself to carry out the activities agreed to and on behalf of the producer in accordance with any existing laws and regulations as well as all the conditions of this Permit, and shall provide the Competent Authority by 31 March of each year with the required information in respect of Tobacco filters containing plastics placed on the market by each producer participating in the producer responsibility organisation, in the previous year.
- 7.2. The Permit Holder shall submit an updated list of producers who participate in the Collective Organisation to the Authority in the half-yearly reports and annual report for the year 2026, 2027, 2028 and 2029 respectively, in accordance to conditions 10.1 and 10.2 of this Permit.
- 7.3. The Permit Holder shall ensure that if a producer registered with the Organisation terminates its agreement before the 31st December of any calendar year, the said producer shall pay the fees due to the Organisation based on the data it would have declared to the Permit Holder up to termination. In cases of such termination, where a producer joins another authorised Organisation, such other Organisation shall be required to report the said producer's data, and achieve their relevant obligations, for the whole year. No Organisation shall be allowed to report and achieve a producer's obligations for part of a year.
- 7.4. Any membership fees charged to parties entering into an agreement with the Permit Holder shall be made available to the Authority. The Permit Holder shall make publicly available information about: (i) its ownership and membership; (ii) the financial contributions paid by its members as producers of products per unit sold or per tonne of product placed on the market; and (iii) the selection procedure for authorised waste management operators.
- 7.5. The financial contributions shall not exceed the costs that are necessary to provide waste management services in a cost-efficient way. Such costs shall be established in a transparent way between the actors concerned.

8. Notifications by Permit Holder

- 8.1. For the purposes of issuing and signing official documentation including correspondence, the Authority shall only accept documentation from the Permit Holder that is signed by a Director or a company secretary.

9. Records

- 9.1. The Permit Holder shall keep records for at least five (5) years in relation to Tobacco filters containing plastics placed on the market by each producer who participates in the Organisation and in relation to those collected.

10. Reporting

- 10.1. The Permit Holder shall compile and submit a digital copy of the information contained in Annex I of this Permit, in accordance with the said Annex on a half-yearly and annual basis. The half-yearly and annual reports shall be issued and signed by any of the authorised signatories referred to in condition 8.1 of this Permit.
- 10.2. The Report shall cover the entire reporting period. Half-yearly reports shall be submitted to the Authority within three (3) months following the end of that period. In the case of annual reporting, the annual report must be submitted within four (4) months of the closing of the year.
- 10.3. All reporting and Audits to the Authority shall be made by e-mail on ceu.epr.era@era.org.mt.

- 10.4. Without prejudice to commercial and industrial confidentiality, a digital copy of the half-yearly and annual reports referred to in conditions 10.1 and 10.2 of this Permit shall be made available in accordance with the Environment Protection Act; provided that only the information relating to Part A of Annex I of this Permit, shall be made available.
- 10.5. The Permit Holder shall send, in accordance with the reporting template in Annex I, an appropriate description of how the data has been compiled. A detailed explanation including justifications shall be included on any estimates made for compiling such data.
- 10.6. The Permit Holder shall submit any other additional information, including revised reporting, significant corrections and financial information, as may be requested from time to time by the Authority. Any information requested by the Authority shall be submitted by the Permit Holder within one (1) calendar month following the request made by the Authority.

11. Audit

- 11.1. The Permit holder shall use the services of an independent auditor, approved by the Authority. The auditor shall be required to certify that all the information reported to the Authority is in conformity with the obligations of these regulations and is as specified in the authorisation issued by the Authority. Furthermore, an authorised producer responsibility organisation shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place to appraise:
- a. its financial management, including compliance with the requirements established in sub-regulations (6) and (7) of regulation 4 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L. 549.175; and
 - b. the quality of data collected and reported in accordance with the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L. 549.175,
- 11.2. The Permit Holder shall submit the audit report prepared in accordance with sub-regulation (3) together with the annual report referred to in sub-regulation (1) of Regulation 8 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L. 549.175.

12. Shipments of Tobacco Filters containing Plastics

- 12.1. Transboundary movement of waste shall be carried out in accordance with the following regulations, as amended from time to time:
- a. 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; and
 - b. Any other applicable legislation.

13. Use of Authorised Waste Management Undertakings

- 13.1. In case of clean-up activities directly carried out or organised by the Permit Holder only waste management undertakings and, or establishments authorised by the Authority in accordance with the Waste Regulations, S.L.549.63 and Waste Management (Activity Registration) Regulations, SL 549.45, whichever is applicable shall be used.
- 13.2. If clean-up activities are directly carried out or organised by the Permit Holder, an updated list of all authorised waste management undertakings and, or establishments used for the carrying out of the waste management operations shall be submitted in the half-yearly and annual reports referred to in conditions 10.

14. Information and Awareness Campaigns

- 14.1. The Permit Holder shall organise educational and awareness raising campaigns among its members and for the general public and economic operators.
- 14.2. The Permit Holder shall be responsible for the cost associated with the awareness raising measures to inform consumers and incentivise responsible consumer behaviour in respect of tobacco filter products containing plastic. The cost of these awareness raising measures shall be recouped from the Producer Responsibility Organisation through producer fees.
- 14.3. The Permit Holder shall keep the Authority informed of the information and awareness campaigns referred to in condition 14.1 of this Permit through the half-yearly and annual reporting referred to in conditions 10.

15. Permit Fee

- 15.1. In line with Part A of Schedule 6 of SL 549.175, the Permit Holder shall pay the organisation fee every June, which fee shall reflect all the registered producers participating in the organisation in the previous year.

ANNEX 1 – INFORMATION TO BE CONTAINED IN REPORTING

- a. the list of producers participating in the authorised Producer Responsibility Organisation during the reporting period;
- b. the quantities of the single-use plastic products listed in Schedule 1 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L.549.175 placed on the national market by the producers who participated in the Producer Responsibility Organisation, by weight and number of items during the specific reporting period in accordance with the reporting formats to be established by the Authority;
- c. the quantities of post-consumption waste of the single-use plastic products listed in Schedule 1 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L.549.175 collected as litter and through public waste collection systems in accordance with sub-regulation (7) of regulation 4 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L.549.175, by weight and number of items during the reporting period in accordance with the reporting formats to be established by the Authority;
- d. the details on the information and awareness-raising campaigns financed by the producer responsibility organisation in accordance with sub-regulation (6) of regulation 4 of the Extended Producer Responsibility (Tobacco Filters containing Plastics) Regulations, S.L.549.175;
- e. any other information as specified by the Authority.