



**TERMS OF REFERENCE FOR AUDITS  
BY A SELF-COMPLIANT PRODUCER OF  
BATTERIES**

**[CHAPTER VIII OF REGULATION (EU) 2023/1542 AND  
S.L. 549.178 – THE WASTE MANAGEMENT  
(WASTE BATTERIES) REGULATIONS]**

- The independent, certified auditor shall be approved by the Environment & Resources Authority (ERA). The auditor should fulfil the requirements set by ERA, which requirements can be downloaded from the Authority's website.

*[N.B. Only those parties listed on ERA's website shall be considered to be suitable Auditors, approved by ERA, to conduct audits under S.L. 549.178 – the Waste Management (Waste Batteries) Regulations]*

- The auditor would be required to certify that all the information reported to the Authority by the Self-Compliant Producer is correct and in conformity with Chapter VIII of Regulation (EU) 2023/1542 and S.L. 549.178.
- A sound auditing procedure for traceability, monitoring, and control should be in place for all the waste batteries managed in terms of Chapter VIII of Regulation (EU) 2023/1542 and S.L. 549.178.
- The audit trail should cover all waste batteries from the point of generation or collection to the end recovery or disposal facility (local or foreign).

**The points overleaf shall be covered by the auditors in such audits, providing a detailed report of their findings. The Authority may reserve the right to request clarifications and further information from the auditors other than that provided in the audit report.**

**Should you require further assistance please contact us on:**

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	<i>Nature and extent of audit procedures</i>	<i>Timing</i>	<i>Done by and date</i>
1	<p><b>Objective: To verify whether the quantities declared in the declaration form by the producer are reasonable.</b></p> <ul style="list-style-type: none"> <li>- To obtain all ancillary documents and verify that the amounts for batteries, by category of battery, placed on the market declared to the Authority are reasonable, tallying with the net weight of the batteries placed on the market by the producer.</li> <li>- To verify that the information and amounts declared in the producer’s reporting are correct and consistent.</li> </ul>		
2	<p><b>Objective: To ensure that the producer has only engaged waste management undertakings or establishments that are duly authorised by the Authority in compliance with regulations 19 to 24 of Subsidiary Legislation 549.63 – the Waste Regulations.</b></p> <ul style="list-style-type: none"> <li>- To obtain from the Authority a list of all waste management undertakings or establishments, dealers or brokers, duly authorised during the specific time period covered by the Audit Report. This list is to be submitted together with the Audit report.</li> <li>- To confirm, by cross-checking against the list provided by the Authority, that the producer has utilised only waste management undertakings or establishments, dealers or brokers, duly Authorised by the Authority during the time period covered by the Audit Report.</li> </ul>		
3	<p><b>Objective: To ensure that the quantities being reported by the producer accurately reflect waste batteries that have been declared as collected, treated and recycled.</b></p> <ul style="list-style-type: none"> <li>- To check and confirm that the quantities of waste batteries, by category of battery, reported as collected and treated are indeed waste batteries.</li> </ul>		

	<ul style="list-style-type: none"> <li>- To provide a detailed calculation of the quantities of waste portable batteries and LMT batteries collected and verify whether the producer has met the collection rate requirements set out in Chapter VIII of Regulation (EU) 2023/1542 and S.L. 549.178.</li> <li>- To ensure that the amounts reported as recycled, for each category of battery, represent the actual quantities recycled, and do not represent the total quantities collected and/or transferred for further treatment, whether locally or abroad.</li> <li>- To verify that the total weight of waste batteries, for each category of battery, declared as recycled, reconciles with the quantities processed at the authorised waste management undertakings or establishments. To confirm that all reported recycling amounts are supported by proper evidence issued by these entities.</li> <li>- To verify and confirm that producer has achieved the minimum recycling efficiencies required under Chapter VIII of Regulation (EU) 2023/1542.</li> </ul>		
<p><b>4</b></p>	<p><b>Objective: To verify and confirm that the producer has complied with the following requirements.</b></p> <ul style="list-style-type: none"> <li>- To verify and confirm that, where the recycling process begins at a facility situated in Malta, the producer has submitted to the Authority: <ul style="list-style-type: none"> <li>a) a signed declaration from the Maltese facility confirming that the waste batteries have initiated and/or completed the recycling process in Malta; and</li> <li>b) all information required under Commission Delegated Regulation (EU) 2025/606.</li> </ul> </li> <li>- To verify and confirm that, where waste batteries are exported for treatment or recycling in other Member States or third countries, the producer has submitted to the Authority: <ul style="list-style-type: none"> <li>a) a declaration issued by the receiving facility in the Member State or third country confirming that the recycling operations are</li> </ul> </li> </ul>		

	<p>carried out in conditions equivalent to those required under EU Legislation;</p> <p>b) the information required under Commission Delegated Regulation (EU) 2025/606;</p> <p>c) For exports withing the EU: a copy of the permit issued by the competent authority of the Member State where the facility is located. For exports to third countries: a declaration from the competent authority of the country in which the facility is located confirming that the receiving facility is authorised to carry out waste batteries treatment operations in accordance with national procedures, including any applicable legal requirements.</p> <p>- To verify and confirm that in cases of non-compliance to the above, the corresponding quantities of such waste batteries treated has not been counted towards the fulfilment of obligations and targets set out in Chapter VIII of Regulation (EU) 2023/1542 and S.L. 549.178.</p>		
<p>5</p>	<p><b>Objective: To ensure that the producer presents to the Authority adequate proof of all movements and disposal operations carried out for waste batteries.</b></p> <p>- To verify and confirm that any movements of hazardous waste batteries undertaken by the producer were covered by a valid Consignment Permit (CP) and that each transfer was accompanied by a Consignment Note (CN) as proof of such movement.</p> <p>- To verify and confirm that the producer has submitted copies of all relevant documentation, outlined in the above point, to the Authority.</p>		