



EXPLANATORY NOTES in relation to the following Regulations transposing the EU’s 2018 “Waste Legislative Package”:

- a) Waste Management (End of Life Vehicles) (Amendment) Regulations, 2021;**
- b) Waste Management (Waste Batteries & Accumulators) (Amendment) Regulations, 2021;**
- c) Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2021;**
- d) Waste Management (Landfill) (Amendment) Regulations, 2021;**
- e) Waste (Amendment) Regulations, 2021;**
- f) Extended Producer Responsibility Framework Regulations, 2021;**
- g) Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021.**

1. Introduction and background

The aim of the new EU “Waste Legislative Package”, which forms part of the Circular Economy Action Plan, is to improve waste management, in order to move further towards the European Union’s ambition to establish a true circular economy within the EU. This Waste package is comprised of four (4) EU Directives¹, and is being transposed into national law through the following seven (7) sets of Regulations: Waste Management (End of Life Vehicles) (Amendment) Regulations, 2021; Waste Management (Waste Batteries & Accumulators) (Amendment) Regulations, 2021; Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2021,; Waste Management (Landfill) (Amendment) Regulations, 2021; Waste (Amendment) Regulations, 2021; Extended Producer Responsibility Framework Regulations, 2021; and the Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021. Annex I provides Transposition Notes, showing the manner in which the provisions of the four Directives have been transposed into domestic law.

¹ Directive (EU) 2018/849 of the European Parliament and of the Council amending Directive 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment; Directive (EU) 2018/850 amending Directive 1999/31/EC on the landfill of waste; Directive (EU) 2018/851 amending Directive 2008/98/EC on waste; and Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste.

a) Waste Management (End of Life Vehicles) (Amendment) Regulations, 2021;

At national level, the EU Directive on ELVs (Directive 2000/53/EC on end-of-life vehicles) was transposed through the Waste Management (End of Life Vehicles) Regulations, S.L. 549.36. The latter regulations designate the Environment and Resources Authority, the Malta Competition and Consumer Affairs Authority and the Authority for Transport in Malta as the national competent authorities for the different provisions of these regulations according to their designated responsibilities.

b) Waste Management (Waste Batteries & Accumulators) (Amendment) Regulations, 2021;

At national level, the EU Directive on Batteries (Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators) was transposed through the Waste Management (Waste Batteries & Accumulators) Regulations, S.L. 549.54, wherein the Environment and Resources Authority is designated as the national competent authority.

c) Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2021;

The EU Directive on waste electrical and electronic equipment, WEEE, (Directive 2012/19/EU on waste electrical and electronic equipment) was transposed through the Waste Management (Electrical and Electronic Equipment) Regulations, S.L. 549.89, wherein the Environment and Resources Authority is designated as the national competent authority.

The Legal Notice serves to introduce a number of amendments with a view to further strengthening the implementation of the WEEE Directive in Malta.

d) Waste Management (Landfill) (Amendment) Regulations, 2021;

The EU Directive on Landfills (Directive 1999/31/EC on the landfill of waste) was transposed through the Waste Management (Landfill) Regulations, S.L. 549.29, wherein the Environment and Resources Authority is designated as the national competent authority.

e) Waste (Amendment) Regulations, 2021;

The Waste Framework Directive (Directive 2008/98/EC on waste) was transposed through the Waste Regulations, S.L. 549.63, wherein the Environment and Resources Authority is designated as the competent authority.

f) Extended Producer Responsibility Framework Regulations, 2021;

The proposed regulations form stand-alone framework regulations which serve to regulate Extended Producer Responsibility, “EPR”, which, in brief, means that a producer’s responsibility for a product is extended to the post-consumer stage of a product’s life cycle.

g) Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021.

The EU Directive on Packaging Waste (Directive 94/62/EC on packaging and packaging waste) was transposed through the Waste Management (Packaging and Packaging Waste) Regulations, S.L. 549.43, wherein the Environment and Resources Authority is designated as the national competent authority.

The proposed regulations not only transposes the relevant provisions from Directive 2018/852, it also serves to introduce a number of amendments which further implement Directive 94/62/EC.

2. Overview and Structure of the Instruments

a) Waste Management (End of Life Vehicles) (Amendment) Regulations, 2021;

The Waste Management (End of Life Vehicles)(Amendment) Regulations, 2021, amend the Waste Management (End of Life Vehicles) Regulations (S.L. 549.36), which fall under the Environment Protection Act (Cap 549). The amending regulations consist of 5 regulations, which amend the following regulations from S.L. 549.36;

- Amend regulations 1, 2, 5, and 6

b) Waste Management (Waste Batteries & Accumulators) (Amendment) Regulations, 2021;

The Waste Management (Waste Batteries & Accumulators) (Amendment) Regulations, 2021, amend the Waste Regulations S.L. 549.54 which fall under the Environment Protection Act (Cap 549) and are composed of 5 regulations, which amend the following regulations and schedules from S.L. 549.63;

- Amend regulations 2 and 24
- Add a new regulation 14A
- Substitute particular wording throughout the principal regulations.

c) Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2021;

The Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2021, amend the Waste Management (Electrical and Electronic Equipment) Regulations, S.L. 549.89, which fall under the Environment Protection Act (Cap 549). They consist of 18 regulations, which amend the following regulations and schedules from S.L. 549.89;

- Amend regulations 2, 3, 5, 13A, 16, 19, 21, 22, 23 and 24
- Amend Schedules 9, 13 and 14
- Add new Schedule 15 and 16
- Add new regulation 8A and 15A
- Amend particular wording throughout various provisions

d) Waste Management (Landfill) (Amendment) Regulations, 2021;

The Waste Management (Landfill) (Amendment) Regulations, 2021, amend the Waste Management (Landfill) Regulations, S.L. 549.29, which fall under the Environment Protection Act (Cap 549). They consist of 18 regulations, which amend the following regulations and schedules from S.L. 549.29;

- Amend regulations 1, 2, 3, 5, 6, 8, 10, 11, 12, 14 and 15
- Add new regulation 5A and 17A
- Amend Schedule 1, 2 and 3
- Amend particular wording throughout the principal regulations.

e) Waste (Amendment) Regulations, 2021;

The Waste (Amendment) Regulations, 2021, amend the Waste Regulations (S.L. 549.63) which fall under the Environment Protection Act (Cap 549). They consist of 28 regulations, which amend the following regulations and schedules from S.L. 549.63;

- Amend regulations 2, 3, 4, 5, 6, 7, 9, 10, 12, 16, 18, 19, 23, 28, 29, 33, 34
- Amend Schedules 2, 3, 5, 10,
- Add new regulations 4A, 4B, 10A, 10B, 10C, 10D, 18A, 33A
- Delete regulation 8 and Schedule 7

f) Extended Producer Responsibility Framework Regulations, 2021;

The EPR Framework Regulations fall under the Environment Protection Act (Chapter 549 of the Laws of Malta) and the Local Government Act (Chapter 363 of the Laws of Malta) and consist of 10 regulations, set out in the following manner;

- Regulations 1, 2 and 3, relate to citation, scope and interpretation respectively.

- Regulation 4 sets out the concept of extended producer responsibility and lays out the responsibilities and powers of the Minister, the Authority and the Agency as well as the responsibilities of the producer.
- Regulation 5 establishes the Extended Producer Responsibility Consultative Committee and its functions.
- Regulation 6 establishes the general minimum requirements for extended producer responsibility schemes.
- Regulation 7 endows the Authority with the power to conduct investigations either in collaboration with the EPR Consultative Committee or of its own motion or at the request of the Minister, and regulates such investigations.
- Regulation 8 regulates the identification and protection of confidential information.
- Regulation 9 endows any aggrieved party with the right to appeal.
- Regulation 10 establishes what constitutes an offence under these regulations and the relevant punishment.

g) Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021.

The Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021, amend the, Waste Management (Packaging and Packaging Waste) Regulations, S.L. 549.43 which fall under the Environment Protection Act (Cap 549) and the Product Safety Act (Cap 427). They consist of 21 regulations, which amend the following regulations and schedules from S.L. 549.43;

- Amend regulations 2, 3, 8, 9, 10, 13, 16, 17, 21 and 24
- Add new regulation 10A
- Amend Schedules 2, 3, 5, 7, 8 and 11
- Add new Schedule 13
- Delete Schedule 4
- Amend particular wording throughout various provisions

3. Commentary on parts and articles

a) Waste Management (End of Life Vehicles) (Amendment) Regulations, 2021;

As per the amended regulation 2 and 6, a number of changes have been made to definitions in order to harmonise these with EU legislation as well as the Waste Regulations (S.L. 549.63).

The amended regulation 5 clarifies that certificates of destruction issued by authorised treatment facilities established in other Member States are to be mutually recognised and accepted in Malta.

b) Waste Management (Waste Batteries & Accumulators) (Amendment) Regulations, 2021;

By means of the new regulation 14A, the amendments introduce the possibility of making use of economic instruments and other measures to provide incentives for the application of the waste hierarchy.

Regulation 5 of the amending regulations substitutes certain phrases and wording of the principal regulations (S.L. 549.54) for the purposes of clarity and consistency.

The reporting obligations have also been revised slightly so as to remove the quarterly reporting and replace this with a bi-annual report.

c) Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2021;

These amendments have the aim of transposing relevant EU legislation whilst also designing an effective system which reinforces the current legal framework.

The revised regulation 5, is being amended to clarify that producers or authorised WEEE collective organisations are to ensure continuity of waste management services throughout the year, even if the collection targets are achieved.

Regulations 13A and 21 and Schedule 14 have been amended in order to better regulate the bank guarantee that WEEE collective organisations are required to submit, and the method of its calculation.

New Schedules 15 and 16 have been added in line with the amendments made to regulations 16 and 23, particularly concerning the information to be contained in the statement of compliance and the information to be contained in the half-yearly and annual reports of an authorised waste electrical and electronic equipment collective organisation.

In order to promote a shift towards a more circular economy, the new regulation 15A, provides that economic instruments and other measures may be utilised to provide incentives for the application of the waste hierarchy.

These regulations also amend particular wording throughout the principal regulations (S.L. 549.89) for the sake of clarity and consistency.

d) Waste Management (Landfill) (Amendment) Regulations, 2021;

Notably, as per revised regulation 5, new targets imposed on Malta through the amended Landfill Directive are transposed. By 2023 the amount of municipal waste to be landfilled is to be reduced to 10%, which deadline may be postponed by up to five (5) years provided that the relevant provisions of the Directive are adhered to. Such targets are to be calculated in accordance with new regulation 5A.

The revised regulation 6 establishes a list of waste streams that cannot be accepted in a landfill, which now also includes waste that has been separately collected for preparing for re-use and recycling. Furthermore, an effort will be made to ensure that as of 2030, all waste suitable for recycling or other recovery shall not be accepted in a landfill.

In order to promote a shift towards a more circular economy, the new regulation 17A provides that economic instruments and other measures may be utilised to provide incentives for the application of the waste hierarchy.

The schedules have been revised in order to cater for the amendments brought about to the regulations.

These regulations also amend particular wording throughout the principal regulations for the sake of clarity and consistency.

e) Waste (Amendment) Regulations, 2021;

The amendments brought about by the Waste (Amendment) Regulations, 2021, mainly focus on better implementation of the waste hierarchy at the national level. The proposed regulations provide for the use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. In this context, measures shall be taken to prevent waste generation as well as to ensure that waste undergoes preparing for re-use, recycling or other recovery operations. Malta shall also be obliged to collect and report data on food waste as well as reuse activities.

Regulation 4, as amended, sets out a number of new definitions for the purposes of legal clarity.

The amended regulation 6 and the related Schedule 10 amend the end-of-waste criteria, clarifying the procedure to be followed and the information to be provided by the applicant.

In accordance with revised regulation 10, and in order to promote separation of waste, Local Councils are to set up systems for the separate collection of certain waste streams, and to allocate space for the Packaging Waste Recovery Organisations to set-up Recycling Points (previously known as “bring-in sites”), with penalties imposed for non-compliance by Local

Councils. By 2025, systems for the separate collection of hazardous waste fractions produced by households and textiles shall also be set up.

The proposed amendments also establish new targets for re-use and recycling in line with Directive 2018/851. As per new regulation 10C, such targets, which are also coupled with stricter calculation rules, require that the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of:

- a) 55% by weight by 2025;
- b) 60% by weight by 2030; and
- c) 65% by weight by 2035.

As per new regulation 10C, the achievement of these targets may be placed on the Local Councils and/or Regional Councils, or on both. The achievements of these targets may be postponed for up to five years in line with the procedure set out in the Directive.

The new regulation 10D requires the establishment of electronic registries or coordinated registries for traceability of municipal waste.

The new regulation 18A on bio-waste requires measures to be taken to ensure that by 2023, bio-waste is either separated and recycled at source, or is collected separately and is not mixed with other types of waste.

f) Extended Producer Responsibility Framework Regulations, 2021;

The Extended Producer Responsibility Framework Regulations, 2021 establish rules on EPR and transpose the new general minimum requirements for EPR schemes and producer responsibility organisations as outlined in the directive.

The regulations allow for the utilisation of legislative or other measures to subject new products to EPR, in accordance with the provisions included therein. Therefore the EPR regulations, including the new general minimum requirements, are to apply to any new EPR scheme set up, as well as to existing EPR schemes.

As per regulation 5, the EPR Consultative Committee is established, whose role shall be to assist ERA in the carrying out of its functions vis-à-vis the implementation of the EPR principle in Malta and shall be composed of representatives of multiple relevant public authorities.

In line with article 14(2) of the Waste Framework Directive, the draft regulations also clarify that the costs of waste management are to be borne wholly by the producer of the product from which the waste came, provided that the distributors of such product may share these costs.

The regulations include provisions on the right of ERA to conduct investigations, the identification and protection of confidential information, the right of appeal and the applicable offences.

g) Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021.

The revised regulation 8 together with the revised Schedule 3 establish new recycling targets emanating from the amended Packaging Directive, as presented in the table below, and which are also coupled with stricter calculation rules:

	2013	2025	2030
Overall recycling	55%	65%	70%
Plastic	22.5%	50%	55%
Wood	15%	25%	30%
Ferrous metal	50% (metals)	70%	80%
Aluminium		50%	60%
Glass	60%	70%	75%
Paper and cardboard	60%	75%	85%

As per revised regulation 8, these targets may be postponed by up to 5 years if certain conditions defined in the Directive are satisfied.

The revised regulation 10 establishes the possibility to make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy.

New regulation 10A imposes on the Minister the duty to take measures to encourage the increase in the share of reusable packaging placed on the market and of systems to reuse packaging in an environmentally sound manner and the regulations establish the related reporting obligations.

The amended regulation 13 requires that an authorised packaging waste recovery organisation (previously referred to as a 'scheme') shall finance any system set up for the collection and treatment of all municipal packaging waste.

This same revised regulation 13 also amends the provisions governing the allocation of Local Councils with no agreement in place, which will be based on audited declarations on placement on the market, to be submitted by authorised packaging waste recovery organisations on a quarterly basis.

The revised regulation 17 has amended the reporting frequency by authorised packaging waste recovery organisations, which is now on a half-yearly basis, in accordance with the revised information to be contained in the report as provided for in the revised Schedule 7.

4. Concluding section

The Regulations referred to in this Explanatory Note shall come into force upon their publication in the Gazette.

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Please also refer to the User Guidelines published concurrently with these Explanatory Notes for further information.

N.B. This Explanatory Note is not intended to be an exhaustive description of the instrument nor a substitute or legislative supplement to it. This Note does not purport to be an authoritative ruling on the interpretation of the legislation.

Annexes

(for the purpose of paragraph (vi) of Schedule III of Chapter 512 of the Laws of Malta)

Transposition Notes/Correlation Tables for the transposition of the following Directives:

- Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0849&qid=1616060052294>

- Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0850&qid=1616058214016>

- Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0851&qid=1616060586296>

- Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0852&qid=1616058328004>

Table of Concordance between
Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment
and
the national transposing regulations

Text of Directive (EN)	National Regulations (EN)
<p style="text-align: center;">Article 1: Amendment of Directive 2000/53/EC</p> <p>The following articles from Directive 2000/53/EC are being amended, deleted or inserted, through this Article:</p>	<p style="text-align: center;">Article 1 of the Directive has been transposed through the Waste Management (End of Life Vehicles) (Amendment) Regulations, 2021</p> <p>These regulations amend S.L. 549.36 (i.e. the principal regulations).</p> <p>The relevant regulations from the principal regulations, as amended, are being referenced below:</p>
Article 4(2), point (b)	N/A
Article 5, paragraph 5	Regulation 5(5)
<p>Article 6:</p> <p>(a) paragraph 1</p> <p>(b) paragraph 6</p>	<p><i>Regulation 6 of S.L. 549.36 already catered for this provision;</i></p> <p><i>Article 6(6) does not require transposition</i></p>
Article 7(2), third subparagraph	N/A
Article 8, paragraph 2	N/A
<p>Article 9:</p> <p>(a) paragraph 1 is deleted;</p> <p>(b) paragraphs 1a, 1b, 1c and 1d added</p>	<p><i>Article 9 was not previously transposed and likewise the amendments do not require transposing as they relates to the reporting requirements imposed on Member States.</i></p>
Article 9a inserted	N/A

Article 10a inserted	N/A
Article 11	N/A
<p>Article 2: Amendment of Directive 2006/66/EC</p> <p>The following articles from Directive 2006/66/EC are being amended, deleted or inserted, through this Article:</p>	<p>Article 2 of the Directive has been transposed through the Waste Management (Waste Batteries and Accumulators) (Amendment) Regulations, 2021</p> <p>These regulations amend S.L. 549.54 (i.e. the principal regulations)</p> <p>The relevant regulations from the principal regulations, as amended, are being referenced below:</p>
Article 10, paragraph 3	<p><i>The first part of article 10(3) has already been transposed through regulation 7 and Schedule 1; and remains unchanged by this amending directive.</i></p> <p><i>The second part of article 10(3) does not require transposition.</i></p>
Article 12, paragraph 5	<p><i>Article 12(5) was not previously transposed and likewise the amendment does not require transposing as it relates to the reporting requirements imposed on Member States.</i></p>
Article 22 deleted;	<p><i>Article 22 was not previously transposed as it related to the reporting requirements imposed on Member States.</i></p>
Article 22a added;	Regulation 14A
Article 23 paragraph 1 and paragraph 2	N/A
<p>Article 3: Amendment of Directive 2012/19/EU</p> <p>The following articles from Directive 2012/19/EU are being amended, deleted or inserted, through this Article:</p>	<p>Article 3 of the Directive has been transposed through the Waste Management (Electrical and Electronic Equipment) (Amendment) Regulations, 2020</p> <p>These regulations amend S.L. 549.89 (i.e. the principal regulations)</p>

	The relevant regulations from the principal regulations, as amended, are being referenced below:
Article 16: (a) paragraph 5 is deleted; (b) paragraphs (6), (7), (8) and (9) added	<i>Article 15(5) was not previously transposed as it related to the reporting requirements imposed on Member States.</i> <i>Likewise, sub-articles (6) – (9) do not require transposition.</i>
Article 16a inserted	Regulation 15A
Article 19, first paragraph	N/A
Article 4: Transposition	
Article 4 paragraphs (1) and (2)	<i>Reference to the Directive is made within each of the principal regulations;</i> <i>S.L. 549.36: Regulation 1(3)</i> <i>S.L. 549.54: Regulation 2(1)</i> <i>S.L. 549.89: Regulation 2(1)</i>
Article 5: Entry into force This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	N/A
Article 6: Addressees This Directive is addressed to the Member States.	N/A

Table of Concordance between
**Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending
Directive 1999/31/EC on the landfill of waste**
and
the national transposing regulations

Text of Directive (EN)	National Regulations (EN)
Article 1: Amendments The following articles from Directive 1999/31/EC are being amended, deleted or inserted, through this Article:	Article 1 of the Directive has been transposed through the Waste Management (Landfill) (Amendment) Regulations, 2021 These regulations amend S.L. 549.29 (i.e. the principal regulations) The relevant regulations from the principal regulations, as amended, are being referenced below:
Article 1, paragraph 1	Regulation 1(2)
Article 2 (a)	Regulation 2
Article 2 points (b), (c), (d) and (n) are deleted;	<i>These points were previously not transposed as cross-reference to the Waste Regulations was made instead.</i>
Article 2 point (r)	<i>Not transposed into legislation as not applicable.</i>
Article 3: (a) in paragraph 2, the last indent is deleted; (b) paragraph 3 is replaced	Regulation 3
Article 5 paragraph 2 deleted	N/A
Article 5, paragraph 3, point (r) added	Regulation 6(1)
Article 5, paragraph 3a added	Regulation 6(2)
Article 5, paragraph 5, paragraph 6, paragraph 7, paragraph 8, paragraph 9 added	Regulation 5(3) and (4) <i>Sub-article 9 of the directive does not require transposition.</i>
Article 5a paragraphs 1 to 4 inserted;	Regulation 5A

	<i>Sub-article 4 of the directive does not require transposition.</i>
Article 5b inserted;	N/A
Article 6, point a;	Regulation 8 (1)
Article 11(2), the second subparagraph is deleted;	<i>Article 11(2) was not transposed as it related to reporting obligations of Member States.</i>
Article 15	<i>Article 15 was not transposed as it related to reporting obligations of Member States.</i>
Article 15a inserted;	Regulation 17A
Article 15b	Schedule 1, Paragraph 3.5
Article 15c	Schedule, 2 Paragraph 5
Article 16	N/A
Article 17	N/A
Annex I, point 3.5 is deleted;	<i>Catered for through amendment to Schedule 1</i>
Annex II, point 5 is deleted;	<i>Catered for through amendment to Schedule 2</i>
Annex III, point 2, the first subparagraph is deleted;	<i>Catered for through amendment to Schedule 3, paragraph (2)</i>
Annex IV is added	<i>This Annex was not transposed into the regulations – instead, direct reference to the Annex within the directive is being made in the relevant regulation (i.e. regulation 5).</i>
Article 2: Transposition	
Article 2, paragraphs (1) and (2)	Regulation 1(4)
Article 3: Entry into force This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	N/A
Article 4: Addressees This Directive is addressed to the Member States.	N/A

ANNEX IV
Annex added

This Annex was not transposed into the regulations – instead, direct reference to the Annex within the directive is being made in the relevant regulation (i.e. regulation 5).

Table of Concordance between
Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste
and
the national transposing regulations

Text of Directive (EN)	National Regulations (EN)
<p>Article 1: Amendments</p> <p>The following articles from Directive 2008/98/EC are being amended, deleted or inserted, through this Article:</p>	<p>Article 1 of the Directive has been transposed through</p> <ul style="list-style-type: none"> - the Waste (Amendment) Regulations, 2021 (amending S.L. 549.63); and - the Extended Producer Responsibility Framework Regulations, 2021 (EPR) <p>The relevant regulations from S.L. 549.63, as amended, and the new EPR Regulations, are being referenced below:</p>
Article 1	<p><i>S.L. 549.63:</i></p> <p>Regulation 2, sub-regulation (2)</p>
Article 2(2), point e inserted	<p><i>S.L. 549.63:</i></p> <p>Regulation 3, sub-regulation (2) (e)</p>
Article 3, point 2b, point 2b and point 2c	<p><i>S.L. 549.63:</i></p> <p>Regulation 4</p>
Article 3, point 4	<p><i>S.L. 549.63:</i></p> <p>Regulation 4</p>
Article 3, point 4a inserted	<p><i>S.L. 549.63:</i></p> <p>Regulation 4</p>
Article 3, point 9	<p><i>S.L. 549.63:</i></p> <p>Regulation 4</p>

Article 3, point 12, point (c)	<i>S.L. 549.63:</i> Regulation 4
Article 3, point 15a inserted	<i>S.L. 549.63:</i> Regulation 4
Article 3, point 17a inserted	<i>S.L. 549.63:</i> Regulation 4
Article 3, point 21 inserted	<i>EPR Regulations:</i> Regulation 3, sub-regulation (1)
Article 4, paragraph 3 inserted	<i>S.L. 549.63:</i> Regulation 4A, sub-regulation (3)
Article 5 is amended as follows: (a) paragraph 1	<i>S.L. 549.63:</i> Regulation 5, sub-regulation (1)
(b) paragraph 2	N/A
(c) Paragraph 3 inserted	<i>S.L. 549.63:</i> Regulation 5, sub-regulation (2)
Article 6 is amended as follows: (a) paragraph 1	<i>S.L. 549.63:</i> Regulation 6, sub-regulation (1)(a)
(a) paragraphs 2, 3 and 4	<i>Article 6(2) and (3) do not require transposition.</i> <i>S.L. 549.63:</i> Regulation 6, sub-regulation (2)
(b) Paragraph 5 inserted	<i>S.L. 549.63:</i> Regulation 6, sub-regulation (4)
Article 7 is amended as follows: (a) paragraph 1	N/A
(b) paragraph 2	<i>S.L. 549.63:</i> Regulation 7, Sub-regulation (2)
(c) paragraph 5 deleted;	N/A
Article 8 is amended as follows: (a) paragraph 1	<i>Regulations 9 and 27 of the Waste (Amendment) Regulations delete regulation 8 and Schedule 7</i>

	<p><i>of S.L. 549.63 which tackled EPR. This has now been incorporated into the EPR regulations.</i></p> <p><i>EPR Regulations:</i></p> <p>Regulation 4, sub-regulation (6)</p>
(b) paragraph 2	<p><i>EPR Regulations:</i></p> <p>Regulation 4, sub-regulation (8)</p>
(c) Paragraph 5 inserted	N/A
<p>Article 8a inserted:</p> <p>Paragraph 1;</p> <p>Paragraph 2;</p> <p>Paragraph 3;</p> <p>Paragraph 4(a);</p> <p>Paragraph 4(b);</p> <p>Paragraph 5;</p> <p>Paragraph 6;</p> <p>Paragraph 7;</p> <p>Paragraph 8.</p>	<p><i>EPR Regulations:</i></p> <p>Regulation 4, sub-regulation (4);</p> <p>Regulation 4, sub-regulation (7);</p> <p>Regulation 6, sub-regulation (1);</p> <p>Regulation 6, sub-regulations (3)(a) and (4);</p> <p>Regulation 6, sub-regulation (3)(b) and (c);</p> <p>Regulation 4, sub-regulation (5);</p> <p><i>Article 8a(5) is also implemented through regulation 7 of the EPR regulations on investigations, as well as through regulation 5 establishing the Extended Producer Responsibility Consultative Committee to act as an advisor to the Authority;</i></p> <p>Regulation 5, sub-regulation (2)(a);</p> <p>Proviso in regulation 4(4);</p> <p>Regulation 6, sub-regulation (2);</p>
Article 9	<p><i>S.L. 549.63:</i></p> <p>Regulation 10A</p> <p><i>Article 9(3) is transposed through para 6(i) of Schedule 5.</i></p> <p><i>Articles 9(2) and 9(6) to (9) do not require transposition.</i></p>
Article 10	<p><i>S.L. 549.63:</i></p> <p>Regulation 10B</p> <p><i>Article 10(6) does not require transposition.</i></p>
Article 11	N/A
(a) paragraph 1	<p><i>S.L. 549.63:</i></p> <p>Regulation 10C, sub-regulation (1)</p>

	<i>S.L. 549.63:</i> Regulation 10, sub-regulations (1) – (4)
(b) paragraph 2	<i>S.L. 549.63:</i> Regulation 10C, sub-regulation (2)
(c) paragraphs 3, 4 and 5	<i>S.L. 549.63:</i> Regulation 10C, sub-regulation (3)
(d) paragraphs 6 and 7 inserted	N/A
Article 11a points (1) – (10) inserted Article 11b inserted	<i>S.L. 549.63:</i> Regulation 10D. <i>Article 11a (10) and article 11b do not require transposition.</i>
Article 12	<i>The requirement under article 12(1) is already found in regulation 11 of S.L. 549.63.</i> <i>Article 12(2) does not require transposition.</i>
Article 14	<i>S.L. 549.63:</i> Regulation 12, sub-regulation (7) <i>EPR Regulations:</i> Regulation 4, sub-regulation (3)
Article 18, paragraph 3	<i>S.L. 549.63:</i> Regulation 14, sub-regulation (3)
Article 20	<i>S.L. 549.63:</i> Regulation 10, sub-regulation (5)(a)
Article 21: (a) paragraph 1, points (a), (b) and (c)	<i>S.L. 549.63:</i> Regulation 18, sub-regulation (1)
(b) paragraph 4 inserted	N/A
Article 22	<i>S.L.549.63:</i> Regulation 18A; Schedule 5, Paragraph 9. <i>Article 22(3) of the Directive does not require transposing.</i>
Article 27: (a) paragraph 1;	N/A

(b) paragraph 4	
Article 28: (a) paragraph 3: (i) points (b) and (c) amended (ii) points (ca) and (cb) inserted (iii) points (f) and (g) inserted	<i>S.L. 549.63:</i> Schedule 5, sub-paragraphs (b) and (c) of paragraph 6; Schedule 5, sub-paragraphs (f), (g), (h) and (i) of paragraph 6;
(b) paragraph 5	<i>S.L. 549.63:</i> Regulation 28, Sub-regulation (4)
Article 29: (a) Paragraph 1	<i>S.L. 549.63:</i> Regulation 29, Sub-regulation (1)
(b) paragraph 2, the first subparagraph	<i>S.L. 549.63:</i> Regulation 29, Sub-regulation (2)
(c) paragraph 2a inserted	<i>S.L. 549.63:</i> Regulation 29, Sub-regulation (3)
(d) paragraphs 3 and 4 deleted;	<i>Paras 3 & 4 were originally transposed through regulation 29(3) of S.L. 549.63, which has now been amended.</i>
Article 30, paragraph 2	N/A
Article 33, paragraph 2	N/A
Article 35: (a) paragraph (1)	<i>S.L. 549.63:</i> Regulation 33, Sub-regulation (1)
(b) Paragraph (4) and (5) inserted	<i>S.L. 549.63:</i> Regulation 33, Sub-regulation (5) <i>Article 35(5) does not require transposition.</i>
Article 36, paragraph 1	<i>S.L. 549.63</i> Regulation 34, sub-regulation (1)
Article 37	<i>This article does not require transposition.</i>
Article 38	N/A
Article 38a inserted	N/A

Article 39	N/A
Annex II, operations R 3, R 4 and R 5	<i>S.L. 549.63:</i> Schedule 2, Items R 3, R 4 and R 5
New Annexes IVa and IVb inserted	<i>See below</i>
Article 2: Transposition	
Article 2, points (1) and (2)	<i>S.L. 549.63:</i> Regulation 2, sub-regulation (3)(e) <i>EPR Regulations:</i> Regulation 2, sub-regulation (1)
Article 3: Entry into force This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	N/A
Article 4: Addressees This Directive is addressed to the Member States.	N/A
ANNEX The following Annexes are inserted:	
ANNEX IVa:	<i>Annex IVa has not been transposed – direct reference to the annex is made where applicable and relevant in S.L. 549.63.</i>
ANNEX IVb:	<i>Annex IVb has not been transposed – direct reference to the annex is made where applicable and relevant in S.L. 549.63.</i>

Table of Concordance between
**Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018
amending Directive 94/62/EC on packaging and packaging waste**
and
the national transposing regulations

Text of Directive (EN)	National Regulations (EN)
Article 1: Amendments The following articles from Directive 94/62/EC are being amended, deleted or inserted, through this Article:	Article 1 of the Directive has been transposed through the Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2021 These regulations amend S.L. 549.43 (i.e. the principal regulations) The relevant regulations from the principal regulations, as amended, are being referenced below:
Article 1, paragraph 2	Regulation 2(4)
Article 3, point 1	N/A
Article 1, point 2	<i>This definition is already transposed in regulation 3 of S.L. 549.43 with reference made to the Waste Regulations (transposing directive 2008/98)</i>
Article 1, paragraphs 2a and 2b	Regulation 3(1)
Article 1, paragraph 2c	Regulation 3(2)
Article 1, paragraphs 3 to 10 deleted;	<i>This is catered for through the amendment to regulation 3(1)</i>
Article 4, paragraph 1	Regulation 10(1)
Article 4, paragraph 3 deleted;	N/A
Article 5	Regulation 10A
Article 6: (a) in paragraph 1, point (f), point (g), point (h), point (i) inserted;	Schedule 3
(b) paragraph 1a, paragraph 1b, and paragraph 1c inserted:	Regulation 8(2)

	<i>Paragraphs (1b) and (1c) do not require transposition</i>
(c) paragraphs 2, 3, 5, 8 and 9 are deleted;	<i>This is catered for through the amendment to regulation 8</i>
Article 6a	Regulation 8 (3) – (12)
Article 6b	N/A
Article 7: (a) paragraph 1; (b) paragraph 2; (c) paragraph 3; (d) paragraph 4;	Regulation 13(1) and (4) <i>Regulation 13(7) and (8) serve to further implement the requirements of article 7(1);</i> Regulation 13(8) Regulation 13(5) Regulation 13, sub-regulation (9)
Article 9, paragraph 5 inserted	N/A
Article 11(3)	N/A
Article 12: (a) title change; (b) paragraph 2 (c) paragraph 3 deleted; (d) paragraph 3a, 3b, 3c, and 3d inserted (e) paragraph 5 is deleted;	Regulation 9 <i>Article 12(3a)-(3d) do not require transposition as they relate to reporting obligations of the Member States.</i> <i>Article 12(3) and (5) were not transposed.</i>
Article 17 deleted	<i>Article 17 was not transposed as it related to reporting obligations of the Member States.</i>
Article 19	N/A
Article 20	N/A
Article 21	N/A
Article 21a inserted .	N/A
Annexes II and III are amended as set out in the Annex to this Directive;	<i>See rows below on the amendments to Schedules 2 and the deletion of Schedule 4.</i>

Annex IV is added as set out in the Annex to this Directive.	<i>Annex IV has not been transposed – direct reference to the annex is made where applicable and relevant (regulation 8)</i>
Article 2: Transposition	
Article 2, paragraphs 1 and 2	Regulation 2, sub-regulation (1)
Article 3: Entry into force This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	N/A
Article 4: Addressees This Directive is addressed to the Member States.	N/A
ANNEX	
(1) Annex II: (a) point 1 (b) point 3, points (c) and (d)	Schedule 2
(2) Annex III: (a) Tables 1 and 2; (b) Table 2; (c) Tables 3 and 4	<i>Annex III was previously transposed through Schedule 4 which is being deleted by regulation 15 of the amending regulations. Instead, regulation 9 now makes direct reference to the Annex.</i>
(3) Annex IV added	<i>Annex IV has not been transposed – direct reference to the annex is made where applicable and relevant (regulation 8)</i>