

Notice of Variation

Environmental Permit

Environment Protection Act (CAP. 549)

Variation number

EP 00106/20/V1

Permit number

EP 00106/20

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

Ing. Mario Schembri o.b.o. GreenPak Co-Op Society Ltd. (hereinafter “the Permit Holder”)

In the name of:

GreenPak Co-Op Society Limited

18, St. John Street,

Fgura, FGR 1447

To operate a waste batteries and accumulators collective organisation under the name of:




GreenPak Battery Recycle,

GreenPak Co-Op Society Limited

18, St. John Street,

Fgura, FGR 1447

This variation is effective from 1st January 2022 until the expiry of the permit EP 00106/20 which is **three (3) years** from 1st January 2021 i.e. 31st December 2023. An application for renewal is to be submitted at least **six (6) months** prior to expiry of EP 00106/20.

Signed	Date
 Prof. Victor Axiak Chairman	Permit granted:  First Variation notice granted: 

Authorised to sign on behalf of the Competent Authority

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Introductory Note

The enclosed notice of variation shall be read in conjunction to the permit with reference to EP 00106/20, and the variation notice EP 00106/20/V1 shall take effect as of 1st January 2022

The Authority is hereby varying:

The term “authorised batteries and accumulators compliance scheme” is substituted throughout with the term “authorised waste batteries and accumulators collective organisation”; the term “a waste batteries and accumulators compliance scheme” is substituted throughout with the term “a waste batteries and accumulators collective organisation” and “scheme” is substituted with “organisation”.

Section 1 – General conditions

The Status log shall be replaced by the following:

Detail	Date
Permit Issued WM 00001/16	22 December 2016
Renewal Issued WM 00001/16/A	21 December 2017
Renewal Issued WM 00001/16/B	7 December 2018
Renewal Issued WM 0098/19	20 December 2019
Renewal Issued EP 0106/20	10 December 2020
Variation determined by ERA Board	26 November 2021

Section 10 – Membership

Condition 10.2 shall be substituted to read as follows:

“The Permit Holder shall submit an updated list of producers who participate in the Organisation to the Authority in the half-yearly reports and annual report for the year 2021, 2022 and 2023 respectively, in accordance to conditions 13.1 and 13.2 of this Permit.”

Section 13 – Reporting

Condition 13.1 shall be substituted to read as follows:

“The Permit Holder shall compile and submit a digital copy of the information contained in Part A and Part B of Annex I of this Permit, in accordance to the template in the said Annex on a half-yearly and annual basis, together with all relevant documentation required to be submitted as per condition 8.4. The half-yearly and annual reports shall be issued and signed by any of the authorised signatories referred to in condition 11.2 of this Permit.”

Condition 13.2 shall be substituted to read as follows:

“The Report shall cover the whole of each reporting period. Half-yearly reports shall be submitted to the Authority within three (3) calendar months following the end of that period. In the case of annual reporting, the annual report must be submitted within four (4) calendar months of the closing year.”

Condition 13.4 shall be substituted to read as follows:

“Without prejudice to commercial and industrial confidentiality, a copy of the half-yearly and annual reports referred to in conditions 13.1 and 13.2 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.”

Section 14 – Audit

Condition 14.2 shall be substituted to read as follows:

“The Audit Report must be submitted within four (4) calendar months of the closing year (2021, 2022 and 2023 respectively) together with the submission of the annual report referred to in conditions 13.1 and 13.2 of this Permit.”

Section 16 – Use of Authorised Waste Management Undertakings

Condition 16.2 shall be substituted to read as follows:

“The Permit Holder shall submit an updated list of all authorised waste management undertakings and, or establishments for the carrying out of the waste management operations in the half-yearly and annual reports referred to in conditions 13.”

Section 18 – Information and Awareness Campaigns

Condition 18.2 shall be substituted to read as follows:

“The Permit Holder shall keep the Authority informed of the information and awareness campaigns referred to in condition 18.1 through the half-yearly and annual reporting referred to in conditions 13.”

Annex 1 and Annex 2 -

Annex 1 and Annex 2 shall be substituted by the following:

Annex I

**Operation of a Waste Batteries and
Accumulators Collective
Organisation in terms of
S.L. 549.54
Waste Management (Waste
Batteries and Accumulators)
Regulations**

[Name of Organisation]

[Annual/Half-Yearly] Report

For

[Reference Year]

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Declaration

[Name of Permit Holder] hereby understands and agrees that the information provided under Part A of this report is of public nature and shall be made publicly available in accordance with Chapter 549 of the Laws of Malta - the Environment Protection Act.

Full Name: _____

Signature: _____

Date: _____

Part A of the [Annual/Half-Yearly] Report for [Reference Year]

Section A.1 – Statement of Compliance

[Name of Permit Holder] hereby declares that all the information provided is correct and complete in terms of S.L. 549.54.

Full Name: _____

Signature: _____

Date: _____

Section A.2 - Quantities of batteries and accumulators sold by the producers who participate in the Organisation (kg)

[Name of Permit Holder] hereby declares that the following information refers to the actual total amount of batteries and accumulators placed on the market during the period/year [Insert Half-Year/Year] in terms of S.L. 549.54 by its members within the same year.

Table A.2.1: Quantities of portable batteries or accumulators sold by the producers who participate in the Organisation (kg)

TYPE	SALES	
	Amount in Numbers (Quantity)	Total Weight (kg)
Total Lead (Pb) Acid		
Total Nickel-Cadmium (NiCd)		
Total Other ¹		
Total Portable Batteries or Accumulators		

Table A.2.2: Quantities of automotive batteries or accumulators sold by the producers who participate in the Organisation (kg)

TYPE	SALES	
	Amount in Numbers (Quantity)	Total Weight (kg)
Total Lead (Pb) Acid		
Total Nickel-Cadmium (NiCd)		
Total Other ¹		
Total Automotive Batteries or Accumulators		

Date of Submission: _____

Signature: _____

¹ This category shall not include NiCd and Lead acid batteries.

Table A.2.3: Quantities of industrial batteries or accumulators sold by the producers who participate in the Organisation (kg)

TYPE	SALES	
	Amount in Numbers (Quantity)	Total Weight (kg)
Total Lead (Pb) Acid		
Total Nickel-Cadmium (NiCd)		
Total Other ²		
Total Industrial Batteries or Accumulators		

Date of Submission: _____

Signature: _____

² This category shall not include NiCd and Lead acid batteries.

Section A.3 – Quantities of waste batteries and accumulators collected by the Organisation (kg)

[Name of Permit Holder] hereby declares that the following information refers to the total amount of waste batteries and accumulators collected during the period/year *[Insert Half-Year/Year]* in terms of S.L. 549.54.

Table A.3.1: Quantities of waste portable batteries or accumulators collected by the Organisation (kg)

Product category	Waste portable batteries or accumulators collected according to regulation 5(5) of S.L. 549.54 and handed over to Organisation (kg)	Waste portable batteries or accumulators collected by members of the Organisation through take-back systems		Waste portable batteries or accumulators collected directly by the Organisation		Total Waste Portable Batteries or Accumulators collected (kg)
Total Lead (Pb) Acid						
Total Nickel-Cadmium (NiCd)						
Total Other ³ :						
Total Waste Portable Batteries or Accumulators						

Date of Submission: _____

Signature: _____

³ This category shall not include NiCd and Lead acid batteries.

Table A.3.2: Quantities of waste automotive batteries or accumulators collected by the Organisation (kg)

Product category	Waste automotive batteries or accumulators collected according to regulation 5(5) of S.L. 549.54 and handed over to the Organisation (kg)	Waste automotive batteries or accumulators collected by members of the Organisation through take-back systems			Waste automotive batteries or accumulators collected directly by the Organisation		Total Waste Automotive Batteries or Accumulators collected (kg)
Total Lead (Pb) Acid							
Total Nickel-Cadmium (NiCd)							
Total Other ⁴ :							
Total Waste Automotive Batteries or Accumulators							

Date of Submission: _____

Signature: _____

⁴ This category shall not include NiCd and Lead acid batteries.

Table A.3.3: Quantities of waste industrial batteries or accumulators collected by the Organisation (kg)

Product category	Waste industrial batteries or accumulators collected according to regulation 5(5) of S.L. 549.54 and handed over to the Organisation (kg)	Waste industrial batteries or accumulators collected by members of the Organisation through take-back systems			Waste industrial batteries or accumulators collected directly by the Organisation		Total Waste Industrial Batteries or Accumulators collected (kg)
Total Lead (Pb) Acid							
Total Nickel-Cadmium (NiCd)							
Total Other ⁵ :							
Total Waste Industrial Batteries or Accumulators							

Date of Submission: _____

Signature: _____

⁵ This category shall not include NiCd and Lead acid batteries.

Section A.4 – Annual Collection Rate [%] achieved by the Organisation

[This Section is to be provided **ONLY** in the Annual Report to be submitted in accordance with conditions 13 of the Permit]

[Name of Permit Holder] hereby declares that the following information refers to the collection rate achieved for waste portable batteries and accumulators during the year [Insert Year] in terms of S.L. 549.54.

Total Sales of portable batteries and accumulators in Year A-2 (S_{A-2}) (in kg):	
Total Sales of portable batteries and accumulators in Year A-1 (S_{A-1}) (in kg):	
Total Sales of portable batteries and accumulators in Year A (S_A) (in kg):	
Total amount of waste portable batteries and accumulators collected in Year A (C_A) (in kg):	

N.B. Year A refers to the reporting year

$$\frac{3 \text{ multiplied by } C_A}{S_A + S_{A-1} + S_{A-2}} \times 100 = \text{the collection rate } [\%] \text{ achieved by the Organisation in Year A}$$

Date of Submission: _____

Signature: _____

Section A.5 – Quantities of waste batteries and accumulators treated by the Organisation (kg)

[Name of Permit Holder] hereby declares that the following information refers to the total amount of waste batteries and accumulators treated during the period/year [Insert Half-Year/Year] in terms of S.L. 549.54.

Table A.5.1: Quantities of waste portable batteries or accumulators (SECONDARY RECHARGEABLE) treated by the Organisation (kg)

TYPE	TREATED LOCALLY	EXPORTED FOR TREATMENT
	Total Weight (kg)	Total Weight (kg)
Total Lead (Pb) Acid		
Total Nickel-Cadmium (NiCd)		
Total Other ⁶		
Total Waste Portable Rechargeable Batteries or Accumulators		

Date of Submission: _____

Signature: _____

⁶ This category shall not include NiCd and Lead acid batteries.

Table A.5.2: Quantities of waste automotive batteries or accumulators treated by the Organisation (kg)

TYPE	TREATED LOCALLY	EXPORTED FOR TREATMENT
	Total Weight (kg)	Total Weight (kg)
Total Lead (Pb) Acid		
Total Nickel-Cadmium (NiCd)		
Total Other ⁷		
Total Waste Automotive Batteries or Accumulators		

Table A.5.3: Quantities of waste industrial batteries or accumulators treated by the Organisation (kg)

TYPE	TREATED LOCALLY	EXPORTED FOR TREATMENT
	Total Weight (kg)	Total Weight (kg)
Total Lead (Pb) Acid		
Total Nickel-Cadmium (NiCd)		
Total Other ⁷		
Total Waste Industrial Batteries or Accumulators		

Date of Submission: _____

Signature: _____

⁷ This category shall not include NiCd and Lead acid batteries.

Section A.6 – Recycling efficiencies for all waste batteries and accumulators

[Name of Permit Holder] hereby declares that the information in this Section refers to the recycling efficiencies achieved for all waste batteries and accumulators treated either in Malta or outside Malta during the period/year [Insert Half-Yearly/Year] pursuant to S.L. 549.54. The information being provided in this Section is in accordance to the requirements laid down in Commission Regulation (EU) No 493/2012.

Were the minimum recycling efficiencies for all batteries and accumulators achieved?

(a) Recycling of 65% by average weight of lead-acid waste batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs..... Y/N *Please insert the recycling efficiency achieved.*

(b) Recycling of 75% by average weight of nickel-cadmium waste batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs..... Y/N *Please insert the recycling efficiency achieved.*

(c) Recycling of 50% by average weight of other waste batteries and accumulators..... Y/N *Please insert the recycling efficiency achieved.*

Date of Submission: _____

Signature: _____

Section A.7 – List on Information and Awareness Campaigns

[Include list of any Information and Awareness campaigns set up to for general public and economic operators in accordance to condition 18 of the Permit]

Part B of the *[Annual/Half-Yearly]* Report for *[Reference Year]*

Section B.2 – Recycling efficiencies for all waste batteries and accumulators

[Name of Permit Holder] hereby declares that the information in this Section refers to the recycling efficiencies achieved for all waste batteries and accumulators treated either in Malta or outside Malta during the period/year *[Insert Half-Year/Year]* pursuant to S.L. 549.54.

[Pursuant to Commission Regulation No. 493/2012, the Permit Holder must submit a signed declaration, including the following information:-

- *A signed declaration issued by the person exporting the waste batteries and accumulators on your behalf, including the following information, must also be submitted;*
- *Details of the person exporting the waste batteries & accumulators;*
- *A declaration on whether the recycling efficiencies for the exported waste batteries and accumulators have been met, including the rate (%) achieved by the facility overseas in accordance to the calculation method laid down in Commission Regulation No.493/2012;*
- *The permit number under which the waste batteries & accumulators were exported;*
- *The country of export and the name of the facility overseas.]*

Date of Submission: _____

Signature: _____

Section B.3 – Return and Collection Systems

[Include an appropriate description of how the data has been compiled, including an explanation of any estimates used.]

As regard to the return and collection systems, include details on the collection of waste batteries and accumulators.]

Date of Submission: _____

Signature: _____

Section B.5 – Proof of recycling

[Pursuant to condition 8.3 of the Permit, if the recycling process commences in a facility situated in Malta, include a signed declaration from the said facility indicating that the waste batteries and accumulators have initiated and/or completed the recycling process in Malta as well as include the information shown in Annex IV, Annex V and Annex VI of Commission Regulation (EU) No 493/2012.

For exports of waste batteries and accumulators for further treatment in other Member States or third countries, include information requested in condition 8.4 of the Permit.]

Date of Submission: _____

Signature: _____

Section B.6 – Details on Information and Awareness Campaigns

[Include details of any Information and Awareness campaigns set up to for general public and economic operators in accordance to condition 18 of the Permit]

Date of Submission: _____

Signature: _____

Section B.7 – Additional information on financing

*[This Section is to be provided **ONLY** in the Annual Report to be submitted in accordance with the conditions 13 of the Permit.]*

The following information is to be provided:

- 1. The price per Kg charged to the members of the Organisation, for each type of battery and accumulator (distinguishing between type and chemistry of battery, and whether primary or secondary battery).*
- 2. The cost of the Organisation for the collection of waste batteries and accumulators per Kg and by type of battery and accumulator, during the period covered by this Permit.*

(N.B. To include also the price at which the waste batteries and accumulators collected by WasteServ Malta Ltd were handed over to the Organisation.)

- 3. The cost for treatment per Kg, for each type of battery, charged to the Organisation by the local treatment facility, covering the whole treatment process during the period covered by this Permit.*

(N.B. To provide also the rates charged to the Organisation by each operator during the periods indicated.)]

Date of Submission: _____

Signature: _____

Annex II

**Terms of reference for Compliance Audits related to authorised
Waste Batteries and Accumulators Collective Organisation**

The independent, certified auditor shall be approved by the Environment and Resources Authority, and should fulfil the requirements set by the Authority.

The auditor would be required to certify that all the information reported to the Authority by the Waste Batteries and Accumulators Collective Organisation is as specified in the permit itself.

A sound auditing procedure for traceability, monitoring, and control should be in place for all the waste batteries and accumulators managed pursuant to S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations and as specified in the Organisation's Permit.

The audit trail should cover all waste batteries and accumulators 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 request clarifications and further information from the auditors other than that provided in the audit report.

The terms of reference may be amended by the Authority from time to time. Any changes will come into force immediately, and shall be communicated to the Permit Holder accordingly.

Nature and extent of audit procedures	
1	<p>Objective: To confirm that there was a signed agreement between the waste batteries and accumulators' collective organisation and its members for the year 2021, 2022 and 2023 respectively.</p> <p>1.1. <i>Choose a random sample of 10% of the total no. of members, confirming that all members have signed the relevant agreements with the Permit Holder and verify the period for which such members have been represented by the Permit Holder.</i></p> <p>1.2. <i>Choose a random sample of 10% of the total no. of members and confirm that the participation fee charged by the Permit Holder is in line with the schedule of fees in the agreement.</i></p> <p>1.3. <i>For the sample chosen, inspect the file containing communications between the selected members and the waste batteries and accumulators' collective organisation and report any notifications of inaccuracies or inconsistencies.</i></p> <p>The stratified sample should represent the members as follows:-</p> <ul style="list-style-type: none"> - 6% of the sample representing those member who place on the market less than 500 kilograms; - 3% of the sample representing those members who place on the market more than 500 kilograms but less than 1 tonne; - 1% of the sample representing those members who place on the market more than 1 tonnes <p><u>The documentation related to the chosen sample shall be attached to the Audit Report.</u></p>
2	<p>Objective: To confirm that members for the year 2021, 2022 and 2023 respectively have provided the organisation with the relevant information on the actual quantities of batteries and accumulators placed on the market in the year 2021, 2022 and 2023 respectively.</p> <p>2.1. <i>Choose a random sample of 10% of the total no. of members, confirming that the members have provided the necessary information to the Organisation and that the actual amounts for batteries and accumulators placed on the market, by category of battery or accumulator, in the year 2021, 2022 and 2023 respectively declared to the Organisation tally with the actual weight of batteries and accumulators actually placed on the market by the members in the year 2021, 2022 and 2023 respectively.</i></p> <p><u>The same sample approach highlighted under Objective 1 shall be applied.</u></p> <p>2.2. <i>The auditor is to highlight any over-/under- estimations reported by both the members and the waste batteries and accumulators collective organisation.</i></p> <p>2.3. <i>The auditor is to reconcile the actual quantities of batteries and accumulators placed on the market by each member with the global declaration for batteries and</i></p>

	<p><i>accumulators placed on the market in the Organisation's Annual Report, by category of battery or accumulator.</i></p> <p><i>2.4. The audit is to indicate whether the actual total amount of batteries and accumulators placed on the market, by category of battery or accumulator, declared in the Annual Report by the Permit Holder requires re-calculation for correctness and accuracy purposes.</i></p>
<p>3</p>	<p>Objective: To ensure that the waste batteries and accumulators collective organisation has only used waste management undertakings or establishments authorised by the Authority in accordance with regulations 19 to 24 of S.L. 549.63 – the Waste Regulations.</p> <p><i>3.1. The auditor is to obtain and submit together with the Audit Report a list from the Authority of waste management undertakings or establishments, duly authorised by the Authority during the time period covered by the Audit Report.</i></p> <p><i>3.2. The auditor is to confirm with the list provided by the Authority that the Organisation has only used authorised waste management undertakings or establishments.</i></p>
<p>4</p>	<p>Objective: To ensure that the amounts being reported are indeed reflecting waste batteries and accumulators being declared as collected, treated and recycled.</p> <p><i>4.1 The auditor is to check and confirm that the amounts of waste batteries and accumulators, by category of battery or accumulator, being declared as being collected and treated are indeed waste batteries and accumulators as defined in S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations.</i></p> <p><i>4.2. The auditor is to provide a detailed calculation of the amount of waste portable batteries and accumulators collected and confirm whether the collection rate stipulated in the Organisation's Permit in accordance to regulation 7 of S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations has been attained.</i></p> <p><i>4.3. The auditor is to ensure that the amounts quoted as being recycled, for each category of battery or accumulator, are indeed reflecting the actual amounts being recycled, and do not represent the total amounts collected and sent for further treatment, either locally or overseas.</i></p> <p><i>4.4. The auditor is to verify that the total weight of waste batteries and accumulators, for each category of battery or accumulator, declared as recycled by the Organisation reconciles with the amount of waste processed at the authorised waste management undertakings or establishments, and that such amounts are supported by evidence issued by such undertakings or establishments.</i></p>

	<p>4.5. <i>The auditor is to verify and confirm that the minimum recycling efficiencies stipulated in Part B of Schedule 2 in accordance to regulation 9 of S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations have been attained by the Organisation.</i></p>
<p>5</p>	<p>Objective: To check and confirm that the waste batteries and accumulators collective organisation has abided to the conditions 8.3 and 8.4 of the Permit.</p> <p>5.1 <i>To verify and confirm that in the case that the recycling process commenced in a facility situated in Malta, the waste batteries and accumulators collective organisation has submitted to the Authority a signed declaration from the said facility indicating that the waste batteries and accumulators have initiated and/or completed the recycling process in Malta as well as has provided the information shown in Annex IV, Annex V and Annex VI of Commission Regulation (EU) No 493/2012.</i></p> <p>5.2 <i>To verify and confirm that in cases of exports of waste batteries and accumulators in other Member States or third countries, the waste batteries and accumulators collective organisation has submitted to the Authority:</i></p> <ul style="list-style-type: none"> <i>a. a declaration issued by the facility in the Member State or third country recycling the waste batteries and accumulators indicating that the operations are taking place in conditions that are equivalent to the requirements prescribed by the Community Legislation;</i> <i>b. the information shown in Annex IV, Annex V and Annex VI of Commission Regulation (EU) No 493/2012, submitted by the first recycler starting the recycling process abroad; and</i> <i>c. a copy of the permit issued by the competent authority in which the facility is situated for waste batteries and accumulators exported within the EU or in the cases of waste batteries and accumulators exported to third countries a declaration by the competent authority in which the facility is situated stating that the facility receiving the waste batteries and accumulators is authorised to conduct waste batteries and accumulators treatment operations in accordance with national procedures, including any applicable legal requirements.</i> <p>5.3 <i>To verify and confirm that in cases of non-compliance to conditions 8.3 and 8.4 of the Permit, the amount of such waste batteries and accumulators treated has not been counted towards the fulfilment of obligations and targets of condition 8.2 of the Permit.</i></p>
<p>6</p>	<p>Objective: To check and confirm that the Permit Holder has abided to the conditions 17.3 and 17.4 of the Permit.</p> <p>6.1 <i>The auditor is to verify and confirm that any movements of hazardous waste batteries and accumulators carried out by the Permit Holder was covered by a valid Consignment Permit (CP) and each transfer was accompanied by a Consignment Note (CN) as proof of such movement.</i></p>

	<p><i>6.2 The auditor is to verify and confirm that the Permit Holder has provided a copy of the documentation referred to in condition 17.4 of the Permit to the Authority.</i></p>
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END OF NOTICE