

Transposition of the remaining Articles of the Single Use Plastics Directive

Overview of the proposed legal instruments

Single-Use Plastic Framework Regulations

The draft Single-Use Plastic Framework Regulations, 2021, transpose articles 2, 3, 4, 6(5), 7, 8, 9, 10, 11, 12, and 14 of the SUP Directive.

In order to achieve a sustained and measurable **reduction in the national consumption of SUP food containers and cups for beverages** by 2026 over 2022 levels, regulation 4 singles out a suite of ambitious national measures. In relation to take away consumption of food and beverages, the following measures are being proposed:

- SUP food containers and cups for beverages provided empty or filled at the point of sale by catering establishments shall be subject to a fee¹ charged upon supply of such products to consumers at the point of sale, which fee shall be clearly indicated in the related fiscal receipt;
- As from 1 January 2023, catering establishments shall offer (i) an adequate number of reusable alternatives to such SUP products as long as practically feasible, as well as (ii) adequate incentives to consumers who bring their own reusable alternatives; and
- Consumers are to be properly informed of such fee, the availability of reusable alternatives, the above-mentioned incentives as well as and the fact that no fee is charged should they opt for such reusable alternatives.

With regards to food and beverages consumed on the premises, the targeted SUP products shall not be provided empty or filled at the point of sale by any restaurant, bar, snack bar, lido and canteen, including canteens and cafeteria in schools, campus, hospitals or any government building as from 1 January 2023.

Regulation 5 establishes a **new product requirement on beverage bottles with a capacity up to three litres**, whereby:

- As from 1 January 2025, PET bottles shall contain at least 25% of recycled plastic, calculated as an average of all such bottles placed on the national market; and
- As from 1 January 2030, the plastic recycled content shall increase to 30%, calculated as an average of all such bottles placed on the market of Malta.

Producers may opt to achieve the above-mentioned targets either individually or collectively. In order to ascertain whether such targets have been attained, producers are obliged to submit to ERA information audited by an independent auditor on the recycled content in the beverage bottles placed

¹ The amount of such fee as well as the modalities whereby consumers are to be informed of the above, shall be prescribed by the Minister through publication in the Government Gazette.

on the market in Malta. In case of failure to achieve the stipulated targets, producers shall be liable to an environmental fee as per Schedule 2.

Regulation 6 transposes the **new marking requirements** emanating from the SUP Directive, whereby certain SUP products² are to bear conspicuous markings to inform consumers of the appropriate waste management options or waste disposal means to be avoided for that product, the presence of plastics in the product and the resulting negative environmental impact of littering or other inappropriate means of disposal. Such markings shall be in line with the harmonised standard set out in the [relevant Commission Implementing Regulation](#) and shall be both in **Maltese and English**. Products that do not comply with these requirements are prohibited from being placed on the national market in accordance with the Restrictions on Placing on the Market of Single-Use Plastic Products (Amendment No 2) Regulations.

Regulations 7 and 8 transpose article 8 of the SUP Directive on **Extended Producer Responsibility** (EPR). In line with regulation 7, the Minister, in consultation with ERA and Circular Economy Malta (CEM), shall establish EPR schemes with respect to SUP products listed in Part C of Schedule 1³ as well as fishing gear containing plastic.

With regards to fishing gear containing plastic, by 31 December 2024 producers⁴ shall cover the following costs:

- i. Separate collection of waste fishing gear containing plastic, its transport and treatment for the waste delivered to port reception facilities or other equivalent collection systems; and
- ii. Awareness raising measures.

In this regard, the Minister in consultation with ERA and [Circular Economy Malta](#) (CEMalta) shall set a national minimum annual collection rate of waste fishing gear containing plastic for recycling.

With respect to SUP products listed in Section III of part C of Schedule 1⁵, by 5 January 2023 producers shall cover the costs of:

- i. awareness raising measures;
- ii. cleaning up litter, its transport and treatment;
- iii. data gathering and reporting; and
- iv. waste collection, transport and treatment for those products that are discarded in public collection systems.

² Sanitary towels (pads), tampons and tampon applicators; Wet wipes, that is, pre-wetted personal care and domestic wipes; Tobacco products with filters and filters marketed for use in combination with tobacco products; and Cups for beverages.

³ Tobacco products with filters and filters marketed for use in combination with tobacco products.

⁴ Fishermen that do not import their own fishing gear and artisanal makers of fishing gear containing plastic shall not be subject to the above-mentioned EPR obligations

⁵ Tobacco products with filters and filters marketed for use in combination with tobacco products.

According to regulation 8, producers of the SUP products listed in Sections I and II of Part C of Schedule 1⁶, whether they are packaging or not, shall join a Packaging Waste Producer Responsibility Organisation (PRO) established under the Waste Management (Packaging and Packaging Waste) Regulations (S.L. 549.43) to cover the following additional costs by 5 January 2023:

For the SUP products listed in Section I

- i. awareness raising measures;
- ii. waste collection and treatment for those products that are discarded in public collection systems; and
- iii. cleaning up litter, transport and treatment of that litter.

For the SUP products listed in Section II

- i. awareness raising measures;
- ii. cleaning up litter, transport and treatment of that litter; and
- iii. data gathering and reporting.

The above-mentioned additional EPR costs shall not exceed the costs that are necessary to provide such services in a cost-efficient way and shall be established in a transparent way between the actors concerned. With regards to the costs pertaining to cleaning up litter, they shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval of ERA.

Regulation 11 establishes **mandatory separate collection for recycling targets for beverage bottles with a capacity up to three litres**. Producers of such beverage bottles shall comply with the Beverage Containers Recycling Regulations (S.L. 549.134) in order to attain such targets.

In line with regulation 12, the Minister, in consultation with ERA and CEMalta, shall take measures to **inform consumers and to incentivise responsible consumer behaviour** to reduce litter from products covered by these Regulations, as well as to inform consumers of the SUP products listed in Part E of Schedule 1⁷ and users of fishing gear containing plastic about the availability of re-usable alternatives, re-use systems and waste management options; as well as the environmental impact of littering and other inappropriate waste disposal, including waste disposal on the sewer network.

⁶ Section I: SUP food containers for ready-to-eat food; Packets and wrappers made from flexible material containing ready-to-eat food; Beverage containers with a capacity of up to three litres excluded from S.L.549.134; Cups for beverages, including their covers and lids; Lightweight plastic carrier bags.

Section II: Wet wipes, that is, pre-wetted personal care and domestic wipes; and Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers.

⁷ SUP food containers for ready-to-eat food; Packets and wrappers made from flexible material containing ready-to-eat food; Beverage containers with a capacity of up to three litres; Cups for beverages, including their covers and lids; tobacco products with filters and filters marketed for use in combination with tobacco products; Lightweight plastic carrier bags; Wet wipes; Sanitary towels (pads), tampons and tampon applicators; and Balloons.

Restrictions on Placing on the Market of Single-Use Plastic Products (Amendment No 2) Regulations

In line with measures 12 and 20 from the national SUP Strategy for Malta, these Regulations will **prohibit the placing on the market** of the following SUP products within two months from publication:

- (i) Pizza lid supports;
- (ii) Sticks to be attached to and to support lollipops that are placed on the market on their own;
- (iii) Kebab sticks; and
- (iv) Toothpicks.

In addition, the placing on the market of the following SUP products that do not comply with the **marking requirements** laid down in regulation 6 of the SUP Framework Regulations will also be prohibited:

- (i) Sanitary towels (pads), tampons and tampon applicators;
- (ii) Wet wipes, that is, pre-wetted personal care and domestic wipes;
- (iii) Tobacco products with filters and filters marketed for use in combination with tobacco products; and
- (iv) Cups for beverages.

Beverage Containers Recycling (Amendment) Regulations, 2021

In line with the amended regulation 8(1), producers placing on the market SUP beverage containers with a capacity of up to three litres falling within the scope of the BCRS Regulations, shall cover the following **additional EPR costs by 31 December 2024**:

- Awareness raising measures;
- Waste collection, transport and treatment for those products that are discarded in public collection system; and
- Cleaning up litter and the subsequent transport and treatment of that litter.

Those costs shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between CEMalta, the operator and any other actors concerned. With regards to the costs pertaining to cleaning up litter, they shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval of CEMalta.

The fifth Schedule to the BCRS Regulations is also being amended such that the **collection targets** are now also by material, thus ensuring compliance also with the targets on SUP beverage containers stipulated in the SUP Directive.