

**ENVIRONMENT PROTECTION ACT
(CAP. 549)**

Single-Use Plastic Framework Regulations, 2021

IN EXERCISE of the powers conferred by Articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Climate Change and Planning, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

1. The title of these regulations is the Single-Use Plastic Framework Regulations, 2021.

Scope.

2. (1) These regulations bring into effect Articles 2, 3, 4, 6(5), 7, 8, 9, 10, 11, 12, and 14 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.

(2) These regulations provide a framework for single-use plastic products listed in Schedule 1 of these Regulations, and for fishing gear containing plastic.

S.L. 549.43.
S.L. 549.63.
S.L. 549.141.

- (3) In the event that any of these regulations are in conflict with the provisions of the Waste Management (Packaging and Packaging Waste) Regulations, the Waste Regulations or the Extended Producer Responsibility Framework Regulations, these Regulations shall prevail.

Definitions.

3. (1) In these regulations, unless the context otherwise requires:

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“the Act” means the Environment Protection Act;

“Authority” or “competent authority” means the Authority as defined in Article 2 of the Act;

“biodegradable plastic” means a plastic capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO₂), biomass and water, and is, in accordance with European standards for packaging, recoverable through composting and anaerobic digestion;

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“catering establishment” means any catering establishment as defined in article 2 of the Malta Travel and Tourism Services Act, but excluding nightclubs and discoteques;

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“collection” means collection as defined in regulation 4 of the Waste Regulations;

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“extended producer responsibility scheme” means extended producer responsibility scheme as defined regulation 3 of the Extended Producer Responsibility Framework Regulations;

“fishing gear” means any item or piece of equipment that is used in fishing or aquaculture to target, capture or rear marine biological resources or that is floating on the sea surface, and is deployed with the objective of attracting and capturing or of rearing such marine biological resources;

“harmonised standard” means a harmonised standard as defined in point (1)(c) of Article 2 of Regulation (EU) No 1025/2012;

“making available on the market” means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge;

S.L. 549.43.

“packaging” means packaging as defined in regulation 3 of the Waste Management (Packaging and Packaging Waste) Regulations;

“placing on the market” means the first making available of a product on the market in Malta;

“plastic” means a material consisting of a polymer as defined in point 5 of Article 3 of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

S.L. 499.71.

“port reception facility” means a port reception facility as defined regulation 2 of the Port Reception Facilities for the Delivery of Waste from Ships Regulations;

S.L. 378.17.

“producer” means:

- (a) any natural or legal person established in Malta that professionally manufactures, fills, sells or imports, irrespective of the selling technique used, including by means of distance contracts as defined in regulation 2 of the Consumer Rights Regulations,

and places on the market in Malta single-use plastic products, filled single-use plastic products or fishing gear containing plastic, other than persons carrying out fishing activities as defined in point (28) of Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council; or

- (b) any natural or legal person established in one Member State or in a third country that professionally sells in Malta directly to private households or to users other than private households, by means of distance contracts as defined in in regulation 2 of The Consumer Rights Regulations, single-use plastic products, filled single-use plastic products or fishing gear containing plastic, other than persons carrying out fishing activities as defined in point (28) of Article 4 of Regulation (EU) No 1380/2013;

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“producer responsibility organisation” means producer responsibility organisation as defined in regulation 3 of the Extended Producer Responsibility Framework Regulations;

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“separate collection” means separate collection as defined in regulation 4 of the Waste Regulations;

“single-use plastic product” means a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived;

S.L. 595.28.

“the Agency” means the Circular Economy Malta established by the Circular Economy Malta (Establishment) Order ;

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“the Minister” means the Minister as defined in Article 2 of the Act;

S.L. 315.10.

“tobacco products” means tobacco products as defined in regulation 2 of the Manufacture, Presentation and Sale of Tobacco and Related Products Regulations;

S.L. 549.63.

“treatment” means treatment as defined in regulation 4 of the Waste Regulations;

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“waste” means waste as defined in regulation 4 of the Waste Regulations;

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“waste fishing gear” means any fishing gear covered by the definition of waste in regulation 4 of the Waste Regulations, including all separate components, substances or

materials that were part of or attached to such fishing gear when it was discarded, including when it was abandoned or lost.

Consumption Reduction.

4. (1) The Minister in consultation with the Competent Authority and the Agency shall take the necessary measures to achieve an ambitious and sustained reduction in the consumption of the single-use plastic products listed in Part A of Schedule 1, in line with the overall objectives of the Union's waste policy, in particular waste prevention, leading to a substantial reversal of increasing consumption trends. Those measures shall achieve a measurable quantitative reduction in the consumption of the single-use plastic products listed in Part A of Schedule 1 on the territory of Malta by the year 2026 compared to the year 2022.

(2) The Minister in consultation with the Competent Authority and the Agency may include national consumption reduction targets, measures ensuring that re-usable alternatives to the single-use plastic products listed in Part A of Schedule 1 are made available at the point of sale to the final consumer, economic instruments such as instruments ensuring that those single-use plastic products are not provided free of charge at the point of sale to the final consumer.

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(3) The Minister in consultation with the Competent Authority and the Agency may impose marketing restrictions in derogation from Regulation 11 laid down in The Waste Management (Packaging and Packaging Waste) Regulations for the purposes of preventing such products from becoming litter in order to ensure that they are substituted with alternatives that are re-usable or do not contain plastic. The measures may vary depending on the environmental impact of those single-use plastic products over their life cycle, including when they become litter.

(4) Measures adopted pursuant to this regulation shall be proportionate and non-discriminatory.

(5) Without prejudice to the generality of sub-regulations (1) and (2) of this regulation, single-use plastic products listed in Part A of Schedule 1 that are provided empty or filled at the point of sale shall not be provided free of charge to final consumers by catering establishments:

Provided that catering establishments shall properly inform consumers of the fee charged on such single-use plastic products at the point of sale;

Provided further that the Minister shall by way of publication in the government gazette prescribe the fee applicable to such single-use plastic products and the modalities whereby consumers shall be informed of such fees. The fee shall be charged to final consumers upon supply of such single-use plastic products and shall be clearly indicated in the related fiscal receipt.

(6) Without prejudice to existing national, European and International legislation, as from 1 January 2023 catering establishments shall provide an adequate number of

reusable alternatives to the single-use plastic products listed in Part A of Schedule 1 at the point of sale as long as practically feasible:

Provided that catering establishments shall properly inform consumers of the availability of reusable alternatives and that the fee referred to sub-regulation (5) of this regulation does not apply to such reusable alternatives.

(7) As from 1 January 2023, catering establishments shall offer adequate incentives to consumers who bring their own reusable alternatives to the single-use plastic products listed in Part A of Schedule 1 for take-away consumption of food or beverages:

Provided that catering establishments shall properly inform consumers of such incentives.

(8) Without prejudice to any lawfully established safety measures, as from 1 January 2023, the SUP products listed in Part A of Schedule 1 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, university campus, hospitals or any government building, for any food or beverages consumed on such premises.

(9) The Minister in consultation with the Competent Authority and the Agency shall prepare a description of the measures adopted pursuant to sub-regulation (1) of this regulation, notify the description to the European Commission and make it publicly available.

S.L. 549.62.
S.L. 549.100.
S.L. 549.63.
S.L. 499.71.

(10) The description of measures adopted pursuant to this regulation shall form an integral part of and be consistent with the:

- (i) programme of measures established pursuant to regulation 10 laid down in the Marine Policy Framework Regulations;
- (ii) programme of measures established pursuant to regulation 12 laid down in the Water Policy Framework Regulations;
- (iii) waste management plans and waste prevention programmes established pursuant to Regulation 28 and Regulation 29 laid down in the Waste Regulations; and
- (iv) waste reception and handling plans established pursuant to the Port Reception Facilities for the Delivery of Waste from Ships Regulations;

upon the first subsequent update of those plans or programmes in accordance with the relevant national legislation and Union legislative acts governing those plans or programmes, or into any other programmes drawn up specifically for that purpose.

(11) The Competent Authority and the Agency shall monitor the single-use plastic products listed in Part A of Schedule 1 placed on the market and the reduction measures taken on the basis of the methodology established by the European Commission in accordance with article 4(2) of Directive (EU) 2019/904.

Product Requirements.

5. (1) From 1 January 2025, beverage bottles listed in Part D of Schedule 1 placed on the market on the territory of Malta, which are manufactured from polyethylene terephthalate as the major component ('PET bottles') shall contain at least 25% recycled plastic, calculated as an average for all PET bottles placed on the market on the territory of Malta.

(2) From 1 January 2030, beverage bottles listed in Part D of Schedule 1 placed on the market on the territory of Malta, shall contain at least 30% recycled plastic, calculated as an average for all such beverage bottles placed on the market on the territory of Malta.

(3) Producers placing on the market beverage bottles listed in Part D of Schedule 1 shall achieve the targets laid down in sub-regulation (1) and (2) of this regulation, either individually or collectively.

(4) In order to demonstrate the attainment of the targets laid down in sub-regulations (1) and (2) of this regulation, for any given year producers shall submit to the Authority information on the recycled content in the beverage bottles placed on the market in Malta and whether such targets are being achieved individually or collectively, within four (4) months of the closing of the year, according to the procedure established by the Authority:

Provided that the first reference year for which the information referred to in this sub-regulation shall be submitted to the Authority is 2023;

Provided further that any information submitted to the Authority shall be audited by an independent auditor approved by the Authority.

(5) If it results that in any given year, a producer, whether individually or collectively, has failed to achieve the targets laid down in sub-regulations (1) and (2) of this regulation, the producer or producers shall submit to the competent authority an environmental fee as prescribed in Schedule 2.

Marking Requirements.

S.L. 549.63.

6. (1) Each single-use plastic product listed in Part B of Schedule 1 placed on the market shall bear a conspicuous, clearly legible and indelible marking on its packaging or on the product itself on the basis of Commission Implementing Regulation (EU) 2020/2151 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment, informing consumers of the following:

(a) appropriate waste management options for the product or waste disposal means to be avoided for that product, in line with the waste hierarchy laid down regulation 4A of the Waste Regulations; and

(b) the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.

S.L. 315.10.

(2) The provisions of this regulation are in addition to any other labelling and marking requirements contained in other national or European legislation, including inter alia, those laid down in the Manufacture, Presentation and Sale of Tobacco and Related Products Regulations in relation to tobacco products.

S.L. 549.140.

(3) The placing on the market of the single-use plastic products listed in Part B of Schedule 1 that do not comply with the requirements of this regulation shall be prohibited in accordance with the Restrictions on Placing on the Market of Single-Use Plastic Products Regulations.

Extended Producer Responsibility for the single-use plastic products listed in Section III of Part C of Schedule 1 and fishing gear
S.L. 549.141.

7. (1) The Minister in consultation with the Competent Authority and the Agency shall establish producer responsibility schemes for the single-use plastic products listed in Section III of Part C of Schedule 1 and fishing gear containing plastics which are placed on the market of Malta, in accordance with the Extended Producer Responsibility Framework Regulations:

Provided that such schemes shall be established by 5 January 2023 for the single-use plastic products listed in Section III of Part C of Schedule 1 and by 31 December 2024 for fishing gear containing plastic:

Provided further that the fishermen themselves, but excluding those fishermen who import fishing gear containing plastic directly, and artisanal makers of fishing gear containing plastic shall not be considered as producers and shall not be held responsible for fulfilling the extended producer responsibility obligations under this regulation.

(2) The Minister in consultation with the Competent Authority and the Agency shall ensure that producers of single-use plastic products listed in Section III of Part C of Schedule 1 cover at least the following costs:

- (i) the costs of awareness raising measures laid down in Regulation 11 of these Regulations;
- (ii) the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter; and
- (iii) the costs of data gathering and reporting in accordance with point (iii) of paragraph (a) of sub-regulation (3) of Regulation 6 of The Producer Responsibility Framework Regulations:

Provided that producers of single-use plastic products listed in Section III of Part D of Schedule 1, shall also cover the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste. The costs may include the setting up of specific infrastructure for the waste collection for those products, such as appropriate waste receptacles in common litter hotspots.

(3) The costs to be covered referred to in sub-regulation (2) of this regulation 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 the actors concerned. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval of the Authority.

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. To minimise administrative costs, the Minister in consultation with the Competent Authority and the Agency may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

(4) The Minister in consultation with the Competent Authority and the Agency shall define in a clear way the roles and responsibilities of all relevant actors involved.

(5) Producers established in another Member State and placing products on the market in Malta shall appoint a legal or natural person established in Malta as an authorised representative for the purposes of fulfilling the obligations of a producer related to extended producer responsibility schemes on the territory of Malta.

(6) A producer established in Malta, which sells single-use plastic products listed in Section III of Part C of Schedule 1 and fishing gear containing plastic in another Member State in which it is not established, shall appoint an authorised representative in that other Member State. The authorised representative shall be the person responsible for fulfilling the obligations of that producer pursuant to these Regulations on the territory of that other Member State.

(7) The Minister in consultation with the Competent Authority and the Agency shall set a national minimum annual collection rate of waste fishing gear containing plastic for recycling.

(8) The Competent Authority shall monitor and gather data on fishing gear containing plastic placed on the market as well as waste fishing gear containing plastic collected.

S.L. 499.71.

(9) With regard to the extended producer responsibility schemes established pursuant to sub-regulation (1) of this regulation, the Minister in consultation with the Competent Authority and the Agency shall ensure that the producers of fishing gear containing plastic cover the costs of the separate collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities in accordance with the Port Reception Facilities for the Delivery of Waste from Ships Regulations or to other equivalent collection systems that fall outside the scope of those Regulations and the costs of its subsequent transport and treatment. The producers shall also cover the costs of the awareness raising measures referred to in regulation 11 regarding fishing gear containing plastic.

The requirements laid down in this sub-regulation supplement the requirements applicable to waste from fishing vessels in national and Union law on port reception facilities

(10) Without prejudice to the objectives set out in this regulation, the Minister in consultation with the Authority and the Agency may decide to achieve the objectives set for fishing gear containing plastic, by means of agreements between the Competent Authority and the economic sectors concerned. Such agreements shall meet the following requirements:

- a. agreements shall be enforceable;
- b. agreements need to specify objectives with the corresponding deadlines;
- c. agreements shall be published in the Government Gazette and transmitted to the European Commission;
- d. the results achieved under an agreement shall be monitored regularly, reported to the Authority and to the Commission and made available to the public under the conditions set out in the agreement;
- e. the Authority shall make provisions to examine the progress reached under an agreement; and
- f. in case of non-compliance with an agreement the Minister in consultation with the Authority and the Agency shall implement the relevant provisions of these Regulations by legislative, regulatory or administrative measures.

Extended Producer Responsibility for the single-use plastic products listed in Sections I and II of Part C of Schedule 1
S.L. 549.43.

- 8.** (1) Without prejudice to the Waste Management (Packaging and Packaging Waste) Regulations, by 5th January 2023 producers of the single-use plastic products listed in Section I and Section II of Part C of Schedule 1 shall, in order to fulfil their obligations under these Regulations, participate in a Packaging Waste Recovery Organisation authorised in accordance with the Waste Management (Packaging and Packaging Waste) Regulations, whether or not such products are packaging as defined in regulation 3.

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(2) Without prejudice to sub-regulation (3) of Regulation 6 of the Extended Producer Responsibility Framework Regulations and the Waste Management (Packaging and Packaging Waste) Regulations, a packaging waste recovery organisation authorised in accordance with the Waste Management (Packaging and Packaging Waste) Regulations acting on behalf of the producers referred in sub-regulation (1) shall, insofar as not already included, cover the following costs pertaining to the single-use plastic products listed in Section I of Part C of Schedule 1:

- (i) the awareness raising measures laid down in regulation 9 of these Regulations;
- (ii) the waste collection for those products that are discarded in public collection systems, including infrastructure and its operation, and the subsequent transport and treatment of waste; and
- (iii) cleaning up litter resulting from those products and the subsequent transport and treatment of that litter:

Provided that the costs to be covered referred to in this sub-regulation 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 the actors concerned:

Provided further that the costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval of the Authority. 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. To minimise administrative costs, the Minister in consultation with the Competent Authority and the Agency may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

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(3) Without prejudice to sub-regulation (3) of regulation 6 of the Extended Producer Responsibility Framework Regulations and the Waste Management (Packaging and Packaging Waste) Regulations, a packaging waste recovery organisation authorised in accordance with the Waste Management (Packaging and Packaging Waste) Regulations acting on behalf of the producers referred in sub-regulation (1) shall, insofar as not already included, cover the following costs pertaining to the single-use plastic products listed in Section II of Part C of Schedule 1:

- (i) the awareness raising measures laid down in regulation 9 of these Regulations;
- (ii) cleaning up litter resulting from those products and the subsequent transport and treatment of that litter;
- (iii) data gathering and reporting in accordance with point (iii) of paragraph (a) of sub-regulation (3) of regulation (6) of the Extended Producer Responsibility Framework Regulations:

Provided that the costs to be covered referred to in this sub-regulation 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 the actors concerned;

Provided further that the costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. Such activities shall be subject to prior approval of the Authority. 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. To minimise administrative costs, the Minister in consultation with the Competent Authority and the Agency may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

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(4) Producers of the single-use plastic products listed in Sections I and II of Part C of Schedule 1, whether or not such products are packaging as defined in regulation 3 shall register and report in accordance with regulations 21 and 22 of the Waste Management (Packaging and Packaging Waste) Regulations:

Provided that in making use of existing databases established under regulation 9 of the Waste Management (Packaging and Packaging Waste) Regulations, the Competent Authority shall ensure that such databases contain separate entries for packaging and single-use plastics covered by this regulation so as to ensure that data for packaging and single-use plastics can be identified for the purposes of this regulation:

Provided further that producers, including those producers which already hold a registration number under the Waste Management (Packaging and Packaging Waste) Regulations, shall be issued a unique registration number identifying them as producers of either both packaging and single use plastic products or producers of single-use plastic products listed in Sections I and II of Part C of Schedule 1.

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(4) Without prejudice to the Waste Management (Packaging and Packaging Waste) Regulations, a producer established in Malta, which sells single-use plastic products listed in Sections I and II of Part C of Schedule 1, whether or not such products are packaging as defined in regulation 3, in another Member State in which it is not established, shall appoint an authorised representative in that other Member State. The authorised representative shall be the person responsible for fulfilling the obligations of that producer pursuant to these Regulations on the territory of that other Member State.

Authorisation to operate a producer responsibility organisation.

S.L. 549.63.

9. Without prejudice to the Waste Regulations, persons who intend to operate a producer responsibility organisation specifically for fulfilling the obligations imposed by these regulations, on behalf of producers of single-use products listed in Section and III of Part C of Schedule 1 and/or fishing gear containing plastic, shall require and obtain a valid authorisation from the competent authority under these Regulations in accordance with the Act.

Charging of fees by the competent authority.

10. The Competent Authority may charge producers such fees as necessary to cover the costs of the administration of these regulations.

Separate Collection.

S.L. 549.134.

11. (1) Producers of the products listed in Part D of Schedule 1 shall comply with the Beverage Containers Recycling Regulations in order to ensure that the following minimum separate collection for recycling targets are attained:

- (a) By 1st January 2025, an amount of waste single-use plastic products listed in Part E of Schedule 1 equal to 77% of such single-use plastic products placed on the market in a given year by weight; and
- (b) by 1st January 2029, of an amount of waste single-use plastic products listed in Part E of the Schedule equal to 90% of such single-use plastic products placed on the market in a given year by weight;

Provided that single-use plastic products listed in Part E of Schedule 1 placed on the market in Malta may be deemed to be equal to the amount of waste generated from such products, including as litter, in the same year in Malta:

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Provided further that such collection is without prejudice to sub-regulation (3)(a) of regulation 10B of the Waste Regulations and/or any other obligations under the Beverage Containers Recycling Regulations.

(2) The methodology for the calculation and verification of the separate collection targets laid down in this regulation, as established by the Commission through article 9(3) of Directive (EU) 2019/904, shall apply.

Awareness Raising.
S.L. 549.63.

12. The Minister in consultation with the Competent Authority and the Agency shall take measures to inform consumers and to incentivise responsible consumer behaviour, in order to reduce litter from products covered by these Regulations, and shall take measures to inform consumers of the single-use plastic products listed in Part E of Schedule 1 and users of fishing gear containing plastic about the following:

- a. the availability of re-usable alternatives, re-use systems and waste management options for those single-use plastic products and for fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with paragraph 3 of Part 1 of Schedule 5 laid down in The Waste Regulations;
- b. the impact of littering and other inappropriate waste disposal of those single-use plastic products and of fishing gear containing plastic on the environment, in particular on the marine environment; and
- c. the impact of inappropriate means of waste disposal of those single-use plastic products on the sewer network.

Specifications and guidelines on single-use plastic products.

13. In order to determine whether a food container is to be considered as a single-use plastic product for the purposes of these Regulations, in addition to the criteria listed in Schedule 1 as regards food containers, its tendency to become litter, due to its volume or size, in particular single-serve portions, shall play a decisive role:

Provided that food containers with dried food or food that is sold cold requiring further preparation, containers containing food in more than single-serve portions or single-serve portion-sized food containers sold in more than one unit are not to be considered as single-use plastic products for the purposes of these Regulations.

Offences.

14. Any person shall be guilty of an offence under these regulations if:

- a. he fails to comply with any provisions of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or
- b. he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- c. he acts in contravention of any of the provisions of these regulations; or
- d. he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms

of any of the provisions of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

15. Any person who commits an offence against these Regulations shall, on conviction, be liable:

(a) on a first conviction, to a fine (multa) not exceeding two thousand and three hundred and thirty euro (€2,330.00);

(b) on a second conviction or subsequent convictions, to a fine (multa) not exceeding four thousand and six hundred and sixty euro (€4,660.00):

Provided that whenever any person is found guilty of committing an offence under these Regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the Court may order any person who has been found guilty of committing an offence against these Regulations to pay for the expenses incurred by the Competent Authority mentioned in these regulations as a result of the said offence, the revocation of the permit issued by the Competent Authority and the confiscation of the *corpus delicti*, including the vehicle, if applicable.

Applicability of the Criminal Code.

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16. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these Regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

SCHEDULE 1

PART A

Single-use plastic products covered by Regulation 4 on consumption reduction

- (1) Cups for beverages, including their covers and lids;
- (2) Food containers, that is, receptacles such as boxes, with or without a cover, used to contain food which:
 - (a) is intended for immediate consumption, either on-the-spot or take-away,
 - (b) is typically consumed from the receptacle, and
 - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

PART B

Single-use plastic products covered by Regulation 5 on marking requirements

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

PART C

I. Single-use plastic products covered by regulation 8 on extended producer responsibility

- (1) Food containers, that is, receptacles such as boxes, with or without a cover, used to contain food which:
 - (a) is intended for immediate consumption, either on-the-spot or take-away,
 - (b) is typically consumed from the receptacle, and
 - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;

- (2) Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;

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- (3) Beverage containers with a capacity of up to three litres, that is, receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic, excluding those single-use plastic beverage containers that fall within the scope of the Beverage Containers Recycling Regulations;

- (4) Cups for beverages, including their covers and lids;

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- (5) Lightweight plastic carrier bags as defined in Regulation 3 laid down in the Restrictions on Placing on the Market of Lightweight Plastic Carrier Bags Regulations.

II. Single-use plastic products covered by Regulation 8 on extended producer responsibility

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

III. Single-use plastic products covered by Regulation 7 on extended producer responsibility

- (1) Tobacco products with filters and filters marketed for use in combination with tobacco products.

PART D

Single-use plastic products covered by Regulation 5 on product requirements and Regulation 11 on separate collection

Beverage bottles with a capacity of up to three litres, including their caps and lids, but not:

- (a) glass or metal beverage bottles that have caps and lids made from plastic,
- (b) beverage bottles intended and used for food for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 that is in liquid form.

PART E

S.L. 549.139.

Single-use plastic products covered by Regulation 8 on awareness raising

- (1) Food containers, that is, receptacles such as boxes, with or without a cover, used to contain food which:
 - (a) is intended for immediate consumption, either on-the-spot or take-away,
 - (b) is typically consumed from the receptacle, and
 - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;
- (2) Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;
- (3) Beverage containers with a capacity of up to three litres, that is, receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic;
- (4) Cups for beverages, including their covers and lids;
- (5) Tobacco products with filters and filters marketed for use in combination with tobacco products;
- (6) Wet wipes, that is, pre-wetted personal care and domestic wipes;
- (7) Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers;
- (8) Lightweight plastic carrier bags as defined in Regulation 3 laid down in the Restrictions on Placing on the Market of Lightweight Plastic Carrier Bags Regulation;
- (9) Sanitary towels (pads), tampons and tampon applicators.

SCHEDULE 2

Environmental Fee under regulation 5

Producers of the beverage bottles listed in Part E of Schedule 1 that failed, either individually or collectively, to achieve the applicable plastic recycled content target set out in regulation 5 during the previous operational year shall submit an environmental fee, either individually or collectively as applicable, to the Authority within 6 months of the following year, calculated as follows:

$$A*(B - C)*D = EF$$

where:

"A" is the total weight, in tonnes of the beverage bottles listed in Part E of Schedule 1 placed on the market during the previous operational year;

"B" is the minimum recycled plastic content target set out in regulation 5 applicable for that operational year;

"C" is the content of recycled plastic in PET bottles, calculated as an average for all PET bottles placed on the market in Malta by the producers, either individually or collectively, during the previous operational year, provided that if C is greater than or equal to B, EF would be considered to be equal to zero (0);

"D" is a fee equivalent to:

- one hundred euro (€100) per tonne if the difference between "B" and "C" is more than 15 percentage points;
- seventy-five euro (€75) per tonne if the difference between "B" and "C" is between 15 to 10 percentage points, both inclusive; and
- fifty-five euro (€55) per tonne if the difference between "B" and "C" is less than 10 percentage points;

"EF" is the environmental fee for the producers of the beverage bottles listed in Part E of Schedule 1 that failed, either individually or collectively, to achieve the minimum recycled plastic content target.

The Authority shall indicate the administrative procedure for the issuing and collection of such environmental fee, and shall notify the producer or producers.

S.L. 549.63.

All revenue generated under this Schedule shall be payable to the Waste Management Fund as established in regulation 37 of the Waste Regulations.