

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

**PRODUCT SAFETY ACT
(CAP. 427)**

**Waste Management (Packaging and Packaging Waste)
(Amendment) Regulations, 2022**

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, and by article 38 of the Product Safety Act, the Minister for the Environment, Energy and Enterprise, after consultation with the Environment and Resources Authority, and the Minister responsible for consumer affairs after consultation with the Malta Competition and Consumer Affairs Authority, have made the following regulations:

Citation and commencement.
S.L. 549.43.

1. (1) The title of these regulations is the Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Waste Management (Packaging and Packaging Waste) Regulations, hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force on such a date as the Minister responsible for the Environment may by notice in the Gazette declare.

Amends regulation 3 of the principal regulations.

2. Regulation 3 of the principal regulations shall be amended as follows:

(a) the definition "Agency" shall be substituted by the following new definition:

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

(b) immediately after the definition "product loops which are in a closed and controlled chain", there shall be added the following new definitions:

““refillable gas cylinders” means refillable cylinders used for various kinds of gas, but excludes fire extinguishers;”;

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"Regional Council" means a regional council established under the Local Government Act;".

Add new regulation 3A to the principal regulations.

3. Immediately after regulation 3 of the principal regulations there shall be added the following new regulation:

“Extended Producer Responsibility and Minimum Requirements for Extended Producer Responsibility.

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3A. (1) In line with regulation 4 of the Extended Producer Responsibility Framework Regulations, producers and authorised representatives shall bear the whole costs of the management of the packaging waste arising from the packaging and packaging material they place on the market of Malta.

(2) The financial contributions which shall be paid by producers of packaging and packaging material and authorised representatives participating in an authorised packaging waste recovery organisation to comply with their extended producer responsibility obligations shall be modulated, as far as possible, by taking into account the durability, repairability, re-usability and recyclability of the packaging and the presence of hazardous substances in the packaging:

Provided that producers participating in an authorised packaging waste recovery organisation who place reusable packaging on the market in Malta that is being reused in a system as referred to in sub-regulation (1) of regulation 10A shall be charged such financial contribution only upon the first placing on the market of such reusable packaging:

Provided further that such producers demonstrate, to the satisfaction of the Authority, that a system to reuse packaging in an environmentally sound manner is in place. Producers shall furnish authorised packaging waste recovery organisations with data on reuse of reusable packaging according to the formats established by the Authority.

(3) Without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant European Union and national legislation, an authorised packaging waste recovery organisation shall make publicly available information pertaining to:

(a) Its ownership and membership;

(b) the financial contributions paid by its members, per unit sold or per tonne of packaging or packaging material placed on the market in Malta; and

(c) the selection procedure for waste management operators.

(4) Without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant European Union and national legislation, Regional Councils shall make publicly available information pertaining to:

(a) the selection procedure for waste management operators;

(b) the costs charged to authorised packaging waste recovery organisations per tonne of municipal packaging waste collected and treated in line with sub-regulations (8) and (9) of regulation 13; and

(c) the attainment of the targets laid down in Schedule 3 with respect to the municipal packaging waste generated in their regions.”

Amends regulation 8 of the principal regulations.

4. Regulation 8 of the principal regulations shall be amended as follows:

(a) Sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

“(1) Regional Councils shall take the necessary measures to attain the targets laid down in Schedule 3 with respect to the municipal packaging waste generated in their regions.”

(b) Sub-regulations (2) to (12) thereof shall be renumbered as sub-regulations (3) to (13) respectively.

(c) Immediately after sub-regulation (1) thereof, there shall be added the following new sub-regulation:

“(2) Self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers shall take the necessary measures to attain the targets laid down in Schedule 3 with respect to the packaging waste arising from the transport packaging and, or refillable gas cylinders placed on the market in Malta.”

(d) In sub-regulation (6) as renumbered, the words “sub-regulation (4)(a)” shall be substituted by the words “sub-regulation (5)(a)”.

(e) In sub-regulation (7) as renumbered, the words “sub-regulations (4)(a) and 5(a) and (b)” shall be substituted by the words “sub-regulations (5)(a) and 6(a) and (b)”.

(f) In sub-regulation (12) as renumbered, the words “sub-regulation (1)” shall be substituted by the words “sub-regulations (1) and (2)”.

(g) Immediately after sub-regulation (13) as renumbered, the following new sub-regulations shall be added:

“(14) Regional Councils shall submit a half-yearly report to the competent authority within three (3) calendar months following the end of that period, whereas an annual report shall be submitted to the competent authority within four (4) calendar months of the closing of the year. Such reports shall be submitted both in an electronic version and a hard copy.

The half-yearly and annual reports shall contain at least the information set out in Schedule 16 together with any other information that might be requested by the competent authority.

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(15) Without prejudice to commercial and industrial confidentiality, a digital copy of the half-yearly and annual reports referred to in sub-regulation (14) shall be made available in accordance with the Freedom of Access to information on the Environment Regulations;

Provided that only the information relating to Part A of Schedule 16 shall be made available.

(16) Regional Councils shall use the services of an independent auditor, approved by the competent authority, to certify all of the information reported to the competent authority. The auditor shall be required to certify that all the information reported is in conformity with the obligations of these regulations:

Provided further that Regional Councils shall ensure that a sound auditing procedure for traceability, monitoring and control is put in place for all the municipal packaging waste managed.

(17) Regional Councils shall submit the audit report referred to in sub-regulation (16) together with the annual report referred to in sub-regulation (14), both in an electronic version and a hard copy.

(18) Regional Councils shall retain for a minimum of five (5) years the information referred to in sub-regulation (14). Such records shall be made available on request to the authority.

(19) The Authority may impose an administrative penalty upon:

- (i) a Regional Council, or
- (ii) a self-complaint producer, or
- (iii) an authorised packaging waste recovery organisation acting on behalf of producers who place transport packaging and, or refillable gas cylinders,

if it results that in any given year, any of the abovementioned has failed to achieve the applicable minimum overall recycling target laid down in Schedule 3. Such penalty shall be calculated in accordance with the mechanism laid down in Schedule 17.”.

Amends regulation 10A of the principal regulations.

5. Sub-regulation (2) of regulation 10A of the principal regulations shall be substituted by the following new sub-regulation:

“(2) The Minister may decide that an adjusted level of the targets referred to in sections 2 and 3 of Schedule 3 is to be attained for a given year, by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and reused as part of a system to reuse packaging:

Provided that the competent authority may decide that producers who opt to self-comply for refillable gas cylinders, attain an adjusted level of the targets referred to in sections 2 and 3 of Schedule 3 for a given year by taking into account the average share, in the preceding three years, of such reusable sales packaging placed on the market for the first time and reused as part of a system to reuse packaging.”.

Amends regulation 13 of the principal regulations.

6. Regulation 13 of the principal regulations shall be substituted by the following new regulation:

Collection, treatment and disposal of packaging waste.

“**13.** (1) Regional Councils shall, with respect to the municipal packaging waste generated in their regions, use existing systems or set up new systems, in accordance with any existing laws and regulations, to provide for the:

- (a) regional door-to-door collection of municipal packaging waste and its transport to authorised waste management establishments or undertakings; and

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- (b) environmentally sound treatment of all collected municipal packaging waste according to the waste hierarchy laid down in regulation 4A of the Waste Regulations.

(2) An authorised packaging waste recovery organisation shall make the necessary arrangements with Local Councils for the:

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- (a) provision and maintenance of recycling points for the separate collection, by categories, of municipal packaging waste generated according to the quota stipulated in regulation 10(2) of the Waste Regulations. For the purposes of recycling points under this paragraph, separate collection shall not include co-mingled collection in accordance with the definition of co-mingled collection in regulation 4 of the Waste Regulation. An authorised packaging waste recovery organisation shall maintain such sites in a good and clean state at all times; and
- (b) timely collection of such packaging waste and its transport to the authorised waste management establishments or undertakings selected by the respective Regional Council:

Provided that should authorised packaging waste recovery organisations fail to reach an agreement with particular Local Councils, the competent authority, in consultation with the EPR Consultative Committee, shall allocate those Local Councils without arrangements amongst authorised packaging waste recovery organisations on the basis of:

- (a) the latest quarterly declaration submitted by the authorised packaging waste recovery organisation in accordance with regulation 17(1); and
 - (b) the actual demographics of those Local Councils.
- (3) Self-compliant producers, or third parties acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market in Malta shall, with respect to used packaging and packaging waste arising from their activities, use existing systems or set up new systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the:
- (a) return and, or collection of used packaging and, or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;
 - (b) environmentally sound reuse of reusable packaging;
 - (c) preparing for reuse and recycling of the packaging waste collected, necessary, as a minimum, for the achievement of the targets set out in Schedule 3.
- (4) For the purposes of achieving the objectives of this regulation, producers or third parties acting on their behalf shall:
- (a) carry out information campaigns, highlighting the importance of separate collection of packaging waste, ensuring the correct treatment of packaging waste;
 - (b) provide adequate facilities at their premises or at other designated areas or premises for the deposition of packaging by customers at no net cost to the latter, and for the reception, segregation and storage of packaging waste;

(c) ensure that the facilities referred to in paragraph (b) are easily identifiable and accessible by customers;

(d) arrange for the packaging waste collected to be made available for preparing for reuse and recycling.

(5) Regional Councils, self-compliant producers or third parties acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, shall not dispose of collected packaging waste without first making it available for reuse or recovery including recycling.

(6) The systems referred to in sub-regulations (1) and (3) shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty on the Functioning of the European Union.

(7) The measures referred to in sub-regulations (1), (3), (4), (5) and (8) shall form part of a policy covering all packaging and packaging waste and shall take into account, in particular, requirements regarding the protection of the environment and consumer health, safety and hygiene, the protection of the quality, the authenticity and the technical characteristics of the packed goods and materials used, and the protection of industrial and commercial property rights.

(8) An authorised packaging waste recovery organisation shall finance any systems set up by the Regional Councils for the door-to-door collection, treatment, recovery and environmentally sound disposal of all municipal packaging waste generated, according to its annual market share:

Provided that an authorised packaging waste recovery organisation shall make the necessary arrangements with the Regional Councils for the payment of its financial contributions towards the above-mentioned systems. Such payment shall be executed within eight (8) months following the end of any calendar year.

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(9) Without prejudice to the Single-Use Plastic Framework Regulations, the financial contributions referred to in sub-regulation (8) shall as a minimum cover the costs established in sub-regulation (3)(a) of regulation 6 of the Extended Producer Responsibility Framework Regulations:

Provided that the financial contributions paid by an authorised packaging waste recovery organisation shall not exceed the costs that are necessary to provide waste management services in a cost-efficient way. Such costs shall be established in a transparent way between the Authority, the Regional Councils, the authorised packaging waste recovery organisations and any other actors concerned.

(10) The market share referred to in sub-regulation (8) shall be established by the Authority on the basis of the latest audited annual declaration submitted by the authorised packaging waste recovery organisations in accordance with regulation 17(1).

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(11) The competent authority, in consultation with the EPR Consultative Committee, shall ensure that by 31 December of 2024 extended producer responsibility schemes are established for all packaging in accordance with the provisions of the Extended Producer Responsibility Framework Regulations.

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(12) The Minister, in consultation with the competent authority and the Agency, shall take measures to promote high quality recycling of packaging waste and to meet the necessary quality standards for the relevant recycling sectors. To that end, regulation 10C(1) of the Waste Regulations shall apply to packaging waste, including for composite packaging.”.

Amends regulation 14 of the principal regulations.

7. Regulation 14 of the principal regulations shall be amended as follows:

- (a) In sub-regulation (1) thereof, the words “household waste and waste other than household waste.” shall be substituted by the words “municipal waste.”; and
- (b) Sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

“(3) The outcome of the packaging waste characterisation survey referred to in sub-regulation (1) may be applied for the purposes of:

 - (a) Calculating the actual rates of packaging waste recovered and recycled according to regulation 8; and
 - (b) The establishment of the costs referred to in sub-regulation (8) and (9) of regulation 13.”

Amends regulation 15 of the principal regulations.

8. Regulation 15 of the principal regulations shall be amended as follows:

- (a) In sub-regulation (1) thereof, the words “producers or third parties acting on their behalf” shall be substituted by the words “Regional Councils, self-compliant producers or third parties acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market in Malta,”;
- (b) In sub-regulation (2) thereof, the words “producers or third parties acting on their behalf” shall be substituted by the words “Regional Councils, self-compliant producers or third parties acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market in Malta,”;
- (c) In sub-regulation (3) thereof, the words “if producers or third parties acting on their behalf” shall be substituted by the words “if Regional Councils, self-compliant producers or third parties acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market in Malta,”; and

- (d) In sub-regulation (4) thereof, the words “if producers or third parties acting on their behalf” shall be substituted by the words “if Regional Councils, self-compliant producers or third parties acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market in Malta”.

Amends regulation 16 of the principal regulations.

9. Regulation 16 of the principal regulations shall be amended as follows:

- (a) Sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

“(2) For the purposes of achieving the objectives of these regulations in a cost-effective manner, producers are obliged to join a packaging waste recovery organization duly authorised by the competent authority for all packaging placed on the market:

Provided that producers can opt to be self-compliant for:

- (a) transport packaging or the share thereof placed on the market; and, or
- (b) sales packaging consisting of refillable gas cylinders, if they demonstrate to the satisfaction of the Authority that systems for the environmentally sound reuse of used gas cylinders and the environmentally sound management of waste gas cylinders are in place.”
- (b) sub-regulation (3) thereof shall be amended as follows:
- (i) the words “the transport packaging waste.” shall be substituted by the words “the packaging waste arising from transport packaging and, or refillable gas cylinders.”; and
- (ii) the words “for all of the transport packaging” shall be substituted by the words “for all such packaging”.
- (c) Sub-regulation (4) thereof shall be deleted.

Amends regulation 17 of the principal regulations.

10. Regulation 17 of the principal regulations shall be amended as follows:

- (a) Paragraph (b) of sub-regulation (1) thereof shall be substituted by the following new paragraph:

“(b) Provide the competent authority by 31 March of each year a declaration containing information on the actual weight of sales and grouped packaging or packaging material placed on the national market by its members during the previous calendar year, according to the format established by the Authority. Such declaration shall be audited by an independent auditor as referred to in sub-regulation (4).”;

(b) in paragraph (c) of sub-regulation (1) thereof, the words “regulation 8 of these regulations” shall be substituted by the words “regulation 8 for the previous year”;

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- (c) In sub-regulation (3) thereof, the words “in accordance with the Act” shall be substituted by the words “in accordance with the Freedom of Access to information on the Environment Regulations”; and
- (d) Sub-regulation (4) thereof shall be amended as follows:
- (i) the words “approved in accordance with the Act,” shall be substituted by the words “approved by the competent authority,”; and
- (ii) immediately after the words “put into place for all the” there shall be added the words “reusable packaging re-used and”.

Amends regulation 21 of the principal regulations.

11. Regulation 21 of the principal regulations shall be amended as follows:

- (a) In the second paragraph of sub-regulation (2) thereof, the words “in Part A of Schedule 8” shall be substituted by the words “in Schedule 8”; and
- (b) In paragraph (c) of sub-regulation (3) thereof, the words “in Part A of Schedule 8” shall be substituted by the words “in Schedule 8”

Amends regulation 22 of the principal regulations.

12. Regulation 22 of the principal regulations shall be amended as follows:

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- (a) In sub-regulation (6) thereof, the words “in accordance with the Act” shall be substituted by the words “in accordance with the Freedom of Access to information on the Environment Regulations”;
- (b) Sub-regulation (7) shall be amended as follows:
- (i) the words “approved in accordance with the Act” shall be substituted by the words “approved by the competent authority”; and
- (ii) immediately after the words “put into place for all the” there shall be added the words “reusable packaging re-used and”.

- (c) Sub-regulation (10) thereof shall be substituted by the following new sub-regulation:

“(10) Producers or third parties acting on their behalf may provide, on a voluntary basis, such further data on packaging and packaging waste as is available. Such data may *inter alia* include data on production, exports and imports of empty packaging and specific sub-fractions of packaging;”.

Amends regulation 24 of the principal regulations.

13. Regulation 24 thereof shall be amended as follows:

- (a) In sub-regulation (7) thereof, the words “not later than one (1) month before the expiry of the authorisation” shall be substituted by the words “not later than six (6) months before the expiry of the authorisation”;
- (b) In sub-regulation (9) thereof, the words “in Part A of Schedule 11” shall be substituted by the words “in Schedule 11”; and
- (c) Sub-regulation (10) thereof shall be deleted.

Amends Schedule 3 of the principal regulations.

14. Schedule 3 of the principal regulations shall be amended as follows:

- (a) In paragraph (1) thereof, the words “Producers or authorised packaging waste recovery organisations acting on their behalf” shall be substituted by the words “Regional Councils, self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market,”;
- (b) In paragraph (2) thereof, the words “producers or authorised packaging waste recovery organisations acting on their behalf” shall be substituted by the words “Regional Councils, self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market,”; and
- (c) In paragraph (3) thereof, the words “producers or authorised packaging waste recovery organisations acting on their behalf” shall be substituted by the words “Regional Councils, self-compliant producers or authorised packaging waste recovery organisations acting on behalf of producers who place transport packaging and, or refillable gas cylinders on the market,”.

Amends Schedule 5 to the principal regulations.

15. In Schedule 5 of the principal regulations, immediately after the fourth sub-paragraph of part B thereof, there shall be added the following new sub-paragraph:

“- Quantities of grouped packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;”.

Amends Schedule 7 to the principal regulations.

16. Schedule 7 to the principal regulations shall be amended as follows:

- (a) Immediately after the third sub-paragraph of Part A thereof, there shall be added the following new sub-paragraphs:
 - “- Quantities of grouped packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Quantities of transport packaging or packaging material placed on the national market, by weight and by material during the specific reporting period in accordance with the reporting formats to be established by the competent authority;”.

(b) In the fourth sub-paragraph of Part B thereof, the words “packaging by consumers;” shall be substituted by the words “transport packaging and, or refillable gas cylinders by end-users;”.

Amends Schedule 8 to the principal regulations.

17. Schedule 8 to the principal regulations shall be amended as follows:

(a) The heading thereof shall be replaced by the following new heading:

“SCHEDULE 8
(Regulation 21)
FEE FOR A PRODUCER OF PACKAGING OR PACKAGING
MATERIAL”;

(b) The words “Part A: Fee for a producer of packaging or packaging material” thereof shall be deleted;

(c) Part B thereof shall be deleted.

Amends Schedule 10 to the principal regulations.

18. Part B of Schedule 10 to the principal regulations shall be amended as follows:

(a) In the ninth sub-paragraph thereof, immediately after the words “of packaging waste” there shall be added the words “arising from transport packaging and, or refillable gas cylinders”;

(b) In the eleventh sub-paragraph thereof, the word “packaging” shall be substituted by the words “transport packaging and, or refillable gas cylinders”;

(c) Immediately after the eleventh sub-paragraph thereof, there shall be added the following new sub-paragraph:

“- Details of the proposed system to be adopted in order to ensure the provision of recycling points to Local Councils for the separate collection, by categories, of municipal packaging waste generated according to the quota stipulated in regulation 10(2) of the Waste Regulations, as well as their maintenance and timely collection and transfer of such packaging waste to the waste management undertaking(s) selected by the relevant Regional Councils;”;

(d) In the thirteenth sub-paragraph thereof as renumbered, the word “consumer” shall be replaced by the word “end-user”, and the words “packaging waste;” shall be substituted by the words “packaging waste arising from transport packaging and, or refillable gas cylinders;” and

- (e) In the seventeenth sub-paragraph thereof as renumbered, immediately after the words “producer responsibility organisation”, there shall be added the words “for all categories of packaging”.

Amends Schedule 11 to the principal regulations.

19. Schedule 11 to the principal regulations shall be amended as follows:

- (a) The heading thereof shall be substituted by the following new heading:

“SCHEDULE 11
(Regulation 24)
FEE FOR AN AUTHORISED PACKAGING WASTE RECOVERY
ORGANISATION”;

- (b) The words “Part A: Fee for an authorised packaging waste recovery organisation” thereof shall be deleted.
- (c) Part B thereof shall be deleted.

Amends Schedule 12 to the principal regulations.

20. In Schedule 12 to the principal regulations, the last sub-paragraph shall be substituted by the following new sub-paragraph:

“- Certification by the approved person as to whether the relevant producer has complied with his Extended Producer Responsibility Obligations. With respect to producers placing on the market transport packaging and, or refillable gas cylinders, certification as to whether the relevant producer has complied with his recovery and recycling obligations.”.

Amends Schedule 15 to the principal regulations.

21. In Schedule 15 to the principal regulations, the words “paragraph (d) of sub-regulation (2) of regulation 8” shall be substituted by the words “paragraph (d) of sub-regulation (3) of regulation 8”.

Adds new schedules to the principal regulations.

22. Immediately after Schedule 15 to the principal regulations there shall be added the following new Schedules:

“SCHEDULE 16
(Regulation 8)
INFORMATION TO BE CONTAINED IN THE HALF-YEARLY AND
ANNUAL REPORTS OF REGIONAL COUNCILS

Part A: Environmental Information on the waste management operations of the Regional Council

- Statement of Compliance with the obligations of these regulations;
- Quantities, by weight and by material, of municipal packaging waste generated in the territory of the Regional Council during the specific reporting period in accordance with the reporting formats to be established by the competent authority;

- Quantities, by weight and by material, of collected municipal packaging waste that has been recycled and recovered during the specific reporting period in accordance with the reporting formats to be established by the competent authority; and
- Information about packaging waste considered as hazardous due to contamination by product contents, within the meaning of the Waste Regulations, in particular if it is not suitable for recovery.

Part B: Commercial and other information on the waste management operations of the Regional Council

- List of Authorised Waste Management Undertakings used during the reporting period for the carrying out of the waste management operations pertaining to the municipal packaging waste generated in the territory of the Regional Council;
- An appropriate description of how the data has been compiled, including any explanation of any estimates used; and
- A description of the system(s) adopted by the Regional Council for the collection and treatment of all municipal packaging waste generated in its territory.”; and

“SCHEDULE 17
(Regulation 8)
ADMINISTRATIVE PENALTY

The Authority may impose an administrative penalty in accordance with regulation 8(19) and article 81 of the Act upon a Regional Council, or a self-compliant producer, or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, that failed to achieve the applicable minimum overall recycling target during the previous year. Such administrative penalty is calculated as follows:

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

where:-

In the case of a self-compliant producer or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, "A" is the total weight, in tonnes of such packaging placed on the market in Malta by the self-compliant producer or the members of the producer responsibility organisation during the operational (calendar) year;

In the case of a Regional Council, “A” is the total weight, in tonnes of municipal packaging waste generated within its territory during the operational (calendar) year. “B” is the minimum overall recycling target set out in Schedule 3 applicable for that operational (calendar) year;

In the case of a self-compliant producer or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, “C” is the total rate of packaging waste arising from such packaging recycled by the self-compliant producer or the producer

responsibility organisation during the operational year, provided that if C is greater than or equal to B, AP would be considered to be equal to zero (0);

In the case of a Regional Council, "C" is the rate of total municipal packaging waste recycled by the Regional Council during that operational (calendar) year.

"D" is a fee equivalent to

In the case of a Regional Council:

- one hundred euro (€100) per tonne if the difference between "B" and "C" is more than 25 percentage points;
- seventy-five euro (€75) per tonne if the difference between "B" and "C" is between 10 to 25 percentage points, both inclusive; and
- fifty-five euro (€55) per tonne if the difference between "B" and "C" is less than 10 percentage points;

In the case of a self-compliant producer or a producer responsibility organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders:

- three hundred and twenty euro (€320) per tonne if the difference between "B" and "C" is more than 25 percentage points;
- two hundred and fifty euro (€250) per tonne if "B" is less than 50% but greater than or equal to 25%; and
- one hundred and eighty euro (€180) per tonne if "B" is less than 55% but greater than or equal to 50%.

"AP" is the administrative penalty for a Regional Council, or a self-compliant producer or an authorised packaging waste recovery organisation acting on behalf of producers placing on the market transport packaging and, or refillable gas cylinders, that fails to achieve the minimum overall recycling target applicable for that operational (calendar) year:

Provided that the Authority may waive the administrative fine in case where the party notified with the Authority's intention to issue an administrative fine provides evidence to the satisfaction of the Authority that the non-attainment of target is due to exceptional reasons beyond his control:

Provided further that any pending additional fees at the entry into force of this Legal Notice shall no longer be due.”.

Amends various regulations in the principal regulations.

- 23.** (1) In the Maltese version of the principal regulations only, the words "packaging waste recovery scheme", wherever they occur, shall be substituted by the words "packaging waste recovery organisation".

(2) In the Maltese version of the principal regulations only, the word "scheme", wherever it occurs so long as it is not part of the phrase "packaging waste recovery scheme", shall be substituted by the words "producer responsibility organisation".

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