



Scheme Document

ROVS - Restoration of Void Spaces with Crushed Inert Excavation, Construction and Demolition Waste

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[Link](#) to website

1. INTRODUCTION

This Scheme document is part of a package, which also includes the following documents:

- Common Provisions
- Frequently Asked Questions
- Application Form

Applicants are encouraged to read the Scheme document in conjunction with the abovementioned documents, prior to submitting an Application Form. These documents can be accessed online through the following [link](#).

The submission of an application does not guarantee that the grant will be awarded. The decision of the Evaluation Committee about applications related to this Scheme is final and cannot be appealed.

2. OVERVIEW

This Scheme is issued by the Environment and Resources Authority (ERA) under the scope of the Environment Fund (hereinafter referred to as the "Fund") which is established by virtue of Article 32 of the Environment Protection Act (Cap. 549).

3. SCOPE

As regulator of the environment, ERA has to ensure that quarry operations are carried out in accordance to the Waste Regulations (S.L. 549.63) and to the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations (S.L. 549.50). This Scheme aims to incentivise the crushing of inert excavation waste and Construction and Demolition Waste (hereinafter referred to as "CDW") prior to its recovery in void spaces by means of market-based mechanisms. This would increase the density of the backfilled material, thereby increasing the capacity of the void space in that more waste may be deposited due to better compaction, leading to restoration of void spaces with higher environmental standards.

Operators shall endeavour to recycle and/or reuse any waste that has the potential to be recycled and/or reused prior to resorting to backfilling of inert excavation, construction and demolition waste.

4. SCHEME OVERVIEW

This Scheme is being targeted towards quarry operators and/or quarry owners who are either:

1. already permitted to backfill suitable inert waste from excavation and construction and demolition; or
2. in the process/ have the intention to apply for a permit to backfill suitable inert waste from excavation and Construction and Demolition.

Quarry operators and/or quarry owners are to be aware that backfilling in the quarry identified in the application shall be restricted to crushed inert excavation waste and or CDW only. In the case of quarry operators and/or quarry owners falling under point 1 above, a variation to the respective environmental permit would be necessary to specify that the permitted activity within the quarry is for backfilling of crushed inert excavation waste and/or CDW only.

CDW can be either crushed at the quarry where it is backfilled or received at the quarry already crushed. Crushing needs to be affected in a manner so as to decrease the volume occupied by the waste by a minimum of 30%.

5. BUDGET ALLOCATION AND DURATION

The overall budget for this Scheme shall be EUR 350,000, with a maximum disbursement of EUR 50,000 to each successfully selected applicant. The budget shall be disbursed to eligible applicants on a first come first served basis according to the availability of funds, and the ERA may close the Scheme before the announced deadline if the allocated budget is taken up earlier, or for any reason deemed legitimate by the Authority.

The budget allocated for selected applicants shall be based on:

1. A land survey carried out by an independent land surveyor at the applicant's expense indicating the available void space for backfilling, and clearly identifying the area intended to be backfilled on a site plan. Such survey shall be carried out prior to the submission of the application not later than two (2) months prior to submission of the application. The date of when the survey was carried out shall be clearly indicated;
2. A calculation to determine the tonnage of crushed inert excavation waste and/or CDW that may be backfilled in the identified area in the quarry, that takes into consideration the additional volume gained through the crushing of inert excavation waste and/or CDW assumed at 30%.

The grant per tonne of crushed inert excavation waste and/or CDW backfilled shall be set at EUR 0.38 and disbursed up to a maximum capping of EUR 50,000, i.e. up to a maximum of 131,579 tonnes of crushed inert excavation waste and/or CDW, per every successfully selected applicant (tonnage is based on calculation as specified in point 2. above). Applicants may continue to benefit from this scheme for a maximum period of five (5) years from date of last signature of the Grant Agreement, or until exhaustion of all eligible funds under the Grant Agreement whichever comes first, provided that the Grant Agreement was signed during the validity of the scheme.

Payments shall be disbursed on a yearly basis, upon verification by the Authority in conformity with Section 10 of this document.

6. ELIGIBLE CRITERIA FOR FUNDING

Applicants considered eligible for funding under this Scheme, must be either:

- In possession of a development consent/clearance by the Planning Authority if and as may be required and an environmental permit by the Environment Resources Authority, to backfill inert excavation waste and/or CDW; or
- In the process of obtaining a development consent/clearance by the Planning Authority if and as may be required and an environmental permit by the Environment Resources Authority, to backfill inert excavation waste and/or CDW; or
- Intend to apply for a development consent/clearance by the Planning Authority if and as may be required and an environmental permit by the Environment Resources Authority, to backfill crushed inert excavation waste and/or CDW, within four (4) months from submission of application for funding and to acquire the required permits within one (1) year (subject to a one-time extension of a

maximum of six (6) months) from submission of application for funding. **Failure to adhere with these timelines will result in dismissal of the application.**

Applicants will only be disbursed funds if the relevant planning/environment permit/s is/are granted and subject to the verification process as per Section 10 of this document.

All applications will be considered on a case-by-case basis at the sole discretion of the Evaluation Committee. Sites covered by an active Stop and/or Compliance Order by ERA or an active enforcement notice by the Planning Authority, and applications covering sites which are located in/adjacent to sensitive areas (including but not limited to cliffs and valleys), protected areas and/or scheduled sites may potentially be disqualified at application stage.

7. APPLICATION PROCESS

Application forms must be submitted to the ERA by 12:30pm of the 30th June 2023. Late applications will not be accepted. The ERA reserves the right to close the Scheme earlier than announced.

ERA may request rectifications from the applicant following submission of the application during the application period.

Application Forms are accessible from the following [link](#) or may be collected from ERA's reception desk, Hexagon House, Spencer Hill, Marsa from Monday to Friday between 9:00am and 12:30pm.

Eligible applicants may submit their applications prior the official deadline, by:

- i) leaving the complete application with ERA reception; or
- ii) sending the application by registered post to the following address: Environment & Resources Authority, Hexagon House, Spencer Hill, Marsa, MRS 1441, Malta; or
- iii) sending scanned application via email to the following address: envfund.era@era.org.mt, a physical copy of the application is still required to be submitted to the Authority.

8. EVALUATION PROCESS

Complete Applications will be evaluated on a first-come-first-served basis.

9. STATE AID RULES AND OBLIGATIONS

9.1 Applicable State Aid Rules

If the submitted application is approved, the beneficiary will benefit from de minimis State Aid in line with Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid [OJ L 352/1, 24.12.2013] (the de minimis Regulation), as amended by Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments OJ L 215/3, 7.07.2020].

The *de minimis* Regulation allows a 'single undertaking' to receive an aggregate maximum amount of de minimis aid of €200,000 (or €100,000 in the case of single undertakings performing road freight transport for hire or reward) under all de minimis aid measures, over a period of three consecutive fiscal years. This period covers the fiscal year concerned as well as the previous two fiscal years. 'Fiscal year' means the fiscal year as used for tax purposes by the undertaking concerned. For the purposes of this scheme, the term 'single undertaking' shall be defined as per the de minimis Regulation (see below).

This maximum threshold would include all State aid granted under this scheme and any other State aid measure granted under the de minimis rule including that received from any entity other than ERA. Any de minimis aid received in excess of the established threshold will have to be recovered, with interest from the undertaking receiving the aid.

The de minimis declaration form must be filled in and submitted together with the application form.

9.2 Applicability of the Aid

Assistance approved under this aid scheme is NOT:

- a) Aid granted to undertakings active in the fishery and aquaculture sector, as covered by Council Regulation (EC) No. 104/20002;
- b) Aid granted to undertakings active in the primary production of agricultural products;
- c) Aid granted to undertakings active in the sector of processing and marketing of agricultural products, in the following cases:
 - i. Where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;
 - ii. Where the aid is conditional on being partly or entirely passed on to primary producers;
- d) Aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- e) Aid contingent upon the use of domestic over imported goods;
- f) Aid for the acquisition of road freight transport vehicles granted to undertakings performing road freight transport for hire or reward.

Where an undertaking is active in the sectors referred to in points (a), (b) and (c) above as well as in other sectors falling within the scope of the de minimis Regulation, the Corporation will ensure a separation of the activities or distinction of costs. Only those sectors eligible for assistance under the de minimis Regulation will be assisted. Activities in the sectors excluded from the scope of the de minimis Regulation will not benefit from assistance under this aid scheme.

9.3 Cumulation

De minimis aid granted in accordance with this scheme may be cumulated with de minimis aid granted in accordance with Commission Regulation (EU) No 360/2012 up to the ceiling laid down in that Regulation. It may be cumulated with de minimis aid granted in accordance with other de minimis Regulations up to the relevant ceiling laid down in Article 3(2) of the de minimis Regulation.

De minimis aid awarded under this scheme shall not be cumulated with State aid in relation to the same eligible costs or with State aid for the same risk finance measure, if such cumulation would exceed the highest relevant aid intensity or aid amount fixed in the specific circumstances of each case by a block exemption Regulation or a decision adopted by the Commission. De minimis aid which is not granted for or attributable to specific eligible costs may be cumulated with other State aid granted under a block exemption Regulation or a decision adopted by the Commission.

10. VERIFICATION PROCESS

Beneficiaries must ensure that the implementation under this incentive is in full compliance with the grant agreement.

Eligible beneficiaries must submit the following for verification purposes, to the Authority:

- i. An Annual Declaration by an independent body (an independent warranted architect, engineer or environment consultant) complementing the Annual Environment Report (AER) submitted in line with the Environmental Permit, confirming that the material backfilled in the same year is crushed inert excavation waste and/or CDW, together with the tonnage backfilled, as per template provided in Annex I to this document.
- ii) Weighbridge receipts confirming tonnage of crushed inert excavation waste and/or CDW backfilled. Such receipts shall also be presented for inert excavation waste and/or CDW crushed on site. Weighbridge receipts need to be issued by facilities permitted by the ERA.

The independent body must meet the below set criteria:

1. Two (2) years experience, particularly in the environment sector;
2. Their involvement in a minimum of three (3) projects in the previous two (2) years.
3. In the case of an environment consultant, the independent consultant must hold as a minimum, a bachelor's degree in a relevant subject to ERA's discretion.

The above criteria are to be supported by a CV and documentary evidence.

The Authority may carry out random inspections including but not limited to the use of drones, to ensure that only crushed suitable inert excavation waste and/or CDW is being backfilled in the area identified in the site plan submitted with the application, and ascertain that the overall implementation is being carried out as identified in the application, as per ERA's guidelines and requirements and as per the terms and conditions laid under this Scheme and Grant Agreement. The disbursement of funds will be affected by the ERA once all requirements have been honoured by the beneficiary and in case of non-fulfilment of obligations by the beneficiary, ERA reserves the right to terminate the Grant Agreement at any time.

11. SUMMARY OF IMPORTANT CONSIDERATIONS FOR APPLICANTS/BENEFICIARIES

Applicants must read and understand this document, ensure the submission of a complete Application Form and full compliance with the eligibility criteria present therein. Beneficiaries must ensure that the implementation under this incentive is in full compliance with the grant agreement.

Quality check at evaluation stage: Should the applicant fail to adhere to the eligibility criteria, the application will be dismissed.

Stop and/or Compliance Order at application stage and/or verification stage: Applications related to sites that are associated with a Stop and/or Compliance Order issued by ERA and/or an enforcement notice issued by

the Planning Authority, will be evaluated on a case-by-case basis, and may be potentially disqualified at the application stage. If at Verification stage, the quarry has a Stop and/or Compliance Order issued by ERA and/or an enforcement notice issued by the Planning Authority associated with the quarry, the ERA reserves the right to nullify the grant agreement at any point.

Quality checks at verification stage: Successful applications may be subjected to a quality check by the Authority at any point in time during the duration of the grant agreement and before any disbursement of funds, as indicated in Section 10 of this document.

The ERA reserves the right to terminate the agreement and recover already disbursed funds in the eventuality of:

- i) false declarations; or
- ii) non-compliance to the conditions set out in the grant agreement.

Quarry at/near environmentally sensitive areas: Applications related to sites that are located in/adjacent to environmentally sensitive areas, environment protected areas and/or scheduled sites, will be evaluated on a case-by-case basis.

Inspection: The Authority may carry out random inspections on eligible beneficiaries to ensure that only crushed suitable inert excavation waste and/or CDW is being backfilled and ascertain that the overall implementation is being carried out as identified in the application and as per ERA's guidelines and requirements.

Condition: Quarry operators eligible for funding shall backfill only crushed suitable inert excavation waste and/or CDW with the aim to maximise the void volume available. This shall apply to material crushed at the quarry where it is backfilled or at another permitted facility.

Dismissal/Expiration of grant agreement: Should the grant agreement be terminated for any reason or expired, the applicant shall ensure that activities carried out on-site are in line with activities authorised in the permit.

Single Undertaking: includes all enterprises having at least one (1) of the following relationships with each other:

1. one (1) enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
2. one (1) enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
3. one (1) enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;
4. one (1) enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

Enterprises having any of the relationships referred to in points (1) to (4) above through one or more other enterprises shall also be considered to be a single undertaking.

A group of linked enterprises is considered as one single undertaking for the application of the de minimis rule, but that enterprises which have no relationship with each other except for the fact that each of them has a direct link to the same public body or bodies are not treated as being linked to each other. The specific situation of enterprises controlled by the same public body or bodies, which may have an independent power of decision, is therefore taken into account.

12. CONTACT DETAILS

For further guidance on this Scheme, please contact ERA via email envfund.era@era.org.mt or call Customer Care on +356 2292 3500.

Annex I

Verification process – ROVS

Annual declaration

I, the undersigned, appointed by _____ as an independent body, hereby declare that the waste used for backfilling at _____ during the year _____ was crushed inert excavation waste and/or C&D waste.

Amount backfilled for the same year was _____ tonnes.

I certify that the above information is complete, correct and to my best knowledge.

Weighbridge receipts confirming tonnage of crushed C&D waste backfilled attached.

Name: _____

Date: _____

Signature: _____