



**EXPLANATORY NOTES<sup>1</sup> in relation to the following regulations:**

**(a) Waste (Amendment) Regulations, 2023**

**(b) Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas (Amendment) Regulations, 2023**

**1. Introduction and background.**

In order to increase recycling efforts and the quality of recyclable material, these Legal Notices have introduced mandatory separation at source requirements within national legislation. Such efforts are also expected to decrease the amount of waste being landfilled, in line with EU commitments.

**2. Overview and Structure of the Instruments.**

**(a) Waste (Amendment) Regulations, 2023**

This Legal Notice amends the Waste Regulations (S.L. 549.63) whereby a new regulation (i.e. regulation 12A) is being introduced.

**(b) the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas (Amendment) Regulations, 2023**

This Legal Notice amends the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations (S.L. 549.40). The said Legal Notice contains the addition of a new regulation (i.e. regulation 4B) together with ancillary amendments.

**3. Commentary on parts and articles.**

The amendments proposed in the Waste (Amendment) Regulations, 2023 introduce the obligation upon every person to separate the following recyclable waste streams at source prior to their separate collection:

- ✓ paper;

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<sup>1</sup> These Explanatory Notes are in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

- ✓ metal;
- ✓ plastic;
- ✓ glass;
- ✓ bio-waste; and
- ✓ any other waste stream as determined by the Minister.

Therefore, when waste is generated, whether at home, at work or in public places, this is to be disposed of correctly within appropriate bins. In the case of waste generated in public places (at beaches, streets, countryside etc.), this will only need to be separated where relevant bins for the separate collection are so available to the public, otherwise the standard mixed waste bins would need to be used.

Notably, co-mingled collection of certain waste streams may be allowed if carried out in conformity with the provisions of Schedule 3 to the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations (S.L. 549.40). At present, this refers to the co-mingled collection of recyclable paper, plastic and metal in the grey/green bags.

A number of amendments were carried out to the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations. Such amendments relate to the following:

- Regulation 8(1) was amended so as to ensure that every hawker or street seller operating in a public place is to have such number of bins as approved by Government during its operating times in order to allow for source separation of waste generated;
- Regulation 10 was amended so as to introduce a new sub-regulation (i.e. sub-regulation (4a)) in order to cater for contraventions to the obligation to separate waste as stipulated in regulation 4B. Furthermore, a distinction is made between fines applicable for waste generated from commercial activities and other instances, with the former having higher fines. In the case of waste generated from commercial activities, actions may be taken against any person responsible for the enterprise or engaged by it; and
- Regulation 15 was amended to include a reference to regulation 4B in relation to the Environment Fund.

Notably, the enforcement of the obligation to separate waste at source shall be enforced gradually by the respective authorities, in a phased approach so as to allow for a period of adaptation. To ensure transparency and legal certainty, the enforcement plan shall be published by means of a Government notice in the Gazette by the Minister responsible for the environment.

Other ancillary amendments to Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations being introduced through this Legal Notice include:

- An amendment to regulation 10(4) to allow for a minimum fine of four hundred euro (€400) to be applicable in certain instances relating to unlawful dumping of waste where the amount of waste is considered minimal, as opposed to the current minimum fine of three thousand euro (€3,000) for the dumping of any waste not listed in paragraphs (a), (b) and (c) of regulation 10(4); and
- An amendment to regulation 12(1) to incorporate the new regulation 4A, thus making it an aggravating circumstance to dump waste within the sites listed therein due to their historical or environmental importance.

#### **4. Concluding section.**

Both Legal Notices shall come into force within two (2) months from their publication in the Gazette.

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Please also refer to the User Guidelines published concurrently with these Explanatory Notes for further information.

**N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute or legislative supplement to it. These Notes do not purport to be an authoritative ruling on the interpretation of the legislation.**