



User Guidelines for the following Legal Notices:

(a) Waste (Amendment) Regulations, 2023

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

1. Introduction

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.

These Guidelines serve to explain the main obligations being imposed through these regulations that may impact the business environment.

2. Sectors covered by these regulations

The Legal Notices apply to every person – including households, businesses, government buildings, etc. Whether waste is generated at home, at work, or in public places, every person is obliged to dispose of such waste correctly within appropriate bins.

3. Overview of obligations

a) Waste (Amendment) Regulations, 2023

This Legal Notice amends the Waste Regulations (S.L. 549.63) so as to introduce a new regulation 12A with a duty upon every person to separate the following recyclable waste streams at source prior to their separate collection:

- ✓ paper;
- ✓ metal;

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

Notably, co-mingled collection of certain waste streams may be allowable if carried out in line with the provisions of Schedule 3 of S.L. 549.40 – at present, this refers to the co-mingled collection of recyclable paper, plastic and metal in the grey/green bags.

Furthermore, any waste generated in public places (at beaches, walking in the streets, etc) 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.

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

This Legal Notice amends the Abandonment, Dumping and Disposal of Waste in Streets and Public Places of Areas Regulations so as to introduce the obligation to separate waste as a new Regulation 4B, by cross-referencing to the obligation within regulation 12A of the Waste Regulations.

A number of amendments were carried out to S.L. 549.40 relating to the enforcement of this requirement, mainly amendments to:

- Regulation 8(1): 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, to allow for source separation of waste generated;
- Regulation 10: a new sub-regulation (4a) has been added to cater for contraventions of regulation 4B (the obligation to separate waste): Any person who contravenes this obligation shall be liable on first contravention to reprimand and admonition, on second contravention to a fine (*ammenda*) of twenty-five euro (€25), and in case of subsequent contraventions to a fine (*ammenda*) of fifty euro (€50). In the case of waste generated from commercial activities, the contravenor shall be liable on first contravention to reprimand and admonition, on second contravention to a fine (*ammenda*) of seventy five euro (€75), and in case of subsequent contraventions to a fine (*ammenda*) of one hundred and fifty (€150). Provided also that in the case of waste generated from commercial activities, action may be taken against any person responsible for the enterprise or engaged by it.

Notably, through the publication of Legal Notice 368 of 2022, Schedule 3 of S.L. 549.40 has been amended to specify a cut-off date (i.e. 1st July 2024) by which all mixed waste placed for collection must be done in transparent black bags, as opposed to current black bags, which will aid in the enforcement of this legislation.

Other ancillary amendments to S.L. 549.40 being introduced through this Legal Notice include:

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

4. Compliance with the amendment regulations

The provisions relating to mandatory separation within the Legal Notices will enter into force within two months from publication of the Legal Notices.

These regulations shall be enforced by ERA as well as the Police and LESA.

Notably, the enforcement of the obligation to separate waste at source will 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 in the Government Gazette by the Minister responsible for the environment.

5. Further Information

For further information please contact ERA: <https://era.org.mt/contact/>

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N.B. These Guidelines shall be considered solely as an interpretative and explanatory document, and are not intended to be an exhaustive description of the instrument nor a substitute or legislative supplement to it.