



Public Consultation Submissions & Responses

Construction and Demolition Waste Framework Regulations

November 2023

Environment & Resources Authority



CONSULTATION FEEDBACK

Ref No.	Name of Stakeholder / Date	Comments Received	Response / Remarks
1	Mark Camilleri 20/10/2023	When dismantling an old house could ERA or Government provide space where old stone could be stored till used again.	The Construction and Demolition Waste Strategy for Malta 2021-2030, recognises the need for storage depots with the aim to temporary store construction and demolition waste re-use, recycling and other forms of recovery. This concept is further strengthened in the Construction and Demolition Waste Framework Regulations whereby any person has the possibility to establish and operate storage depots intended for, sorting or storage of construction and demolition materials or waste prior to eventual reuse, preparing for re-use, recycling, other recovery operations, or disposal, subject to authorisation from the ERA.
2	Environmental Health Directorate 23/10/2023	The Environmental Health Directorate would like to submit the following comments and proposal in relation subject mentioned above: Regulation 2 Interpretation: Proposed amendment: To include the definition of Environment as per CAP 549: <ul style="list-style-type: none"> "environment" means the whole of the elements and conditions, natural or man-made, whether together or in isolation, and in particular:(a) the air, water, land, soil and sea, including their bedrock, aquifers and subsurface features;(b) all the layers of the atmosphere;(c) all biodiversity; and(d) the landscape and its features; 	Whilst there is no specific reference to the term 'environment' in the proposed draft Construction and Demolition Waste Framework Regulations thereby rendering the inclusion of a definition futile, it should be noted that environment is defined in the principal Act, Chapter 549 of the Laws of Malta
		Regulation 7 (3) Proposed <ul style="list-style-type: none"> "Subject to obtaining a permit issued by the competent Authority, any person may establish and 	Regulating the impact of human health falls outside ERA's remit. Risks to the environment are considered as part of the environmental permitting process.

		<p>operate storage depots intended for, sorting or storage of construction and demolition materials or waste prior to eventual reuse, preparing for re-use, recycling, other recovery operations, or disposal.”</p> <p>Proposed amendment:</p> <ol style="list-style-type: none"> i. Subject to obtaining a permit issued by the competent Authority, any person may establish and operate storage depots intended for, sorting or storage of construction and demolition materials or waste prior to eventual reuse, preparing for re-use, recycling, other recovery operations, or disposal. ii. Presuming that a permit is granted for regulation 7 (3)(i), the storage depots area shall be located at a distance to the satisfaction of the competent authority in order to ensure that such activity does not pose a risk and or impact to human health, and environment. <p>Reason</p> <p>The reason behind this proposed amendment, is that from experience certain projects have an area to keep demolition and or construction waste, in the vicinity of a bathing area. In case of an accident and /or poor weather conditions, there is a risk that this waste ends into the bathing water which may have an impact on the water quality, human health, and marine environment.</p>	
		<p>SCHEDULE 1 PRE-DEMOLITION AUDIT (Regulation 4 (4))</p> <p>Proposed:</p> <p>The Pre-demolition Audit shall contain:</p> <ol style="list-style-type: none"> 1. identification of all waste streams foreseen to be generated; 2. estimated quantities of the identified waste streams; 	<p>This additional information is not within the scope and objectives of the PDA and falls outside ERA’s remit. It should also be noted that there are other applicable laws on the proper management of construction waste generated on site.</p>

		<ol style="list-style-type: none"> 3. which materials can be separated at source; 4. which materials are not suitable for re-use or recycling; 5. information on the management of the hazardous and non-hazardous waste fractions; 6. information on the recycling possibilities of demolition, excavation and construction; 7. an estimate of the percentage (%) re-use and recycling potential of material or waste to be generated; and 8. a reason for the need to demolish the existing structure. <p>Proposed Amendments: The Pre-demolition Audit shall contain:</p> <ol style="list-style-type: none"> 1. identification of all waste streams foreseen to be generated, 2. identification of any hazard's events and the mitigation measures to be adopted in the case of impact on human health and environment; 3. estimated quantities of the identified waste streams; 4. which materials can be separated at source; 5. which materials are not suitable for re-use or recycling; 6. information on the management of the hazardous and non-hazardous waste fractions; 7. information on the recycling possibilities of demolition, excavation, and construction; 8. an estimate of the percentage (%) re-use and recycling potential of material or waste to be generated; and 9. a reason for the need to demolish the existing structure; 	
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		<p>10. a site plan with indicates the area where the waste will be kept; and</p> <p>11. a time frame needed to carry out demolition and construction activities, which shall include the estimated start and end month and year of the activity.</p> <p>Reason The EHD proposed the above amendments: Point 2 was included to ensure that the necessary mitigation measures that may arise from such activity are controlled and do not have an impact on the human health and the environment within the area of influence (AOI). Point 10 was included to identify that the area where waste will be placed will be to the satisfaction to the CA, ensuring that it will have least impact on the AOI. Point 11 was included to have an indication of period the process and its impacts will take place. Furthermore, if the site is within the AOI of an official bathing site, works shall be limited so as to reduce the effect on bathers and the bathing water quality especially during the official bathing season.</p>	
3	<p>Fabrizio Gerada</p> <p>Malta Chamber of Construction Management</p> <p>13/11/2023</p>	<p>Introduction</p> <p>Following the kind invite by ERA officials to provide our feedback for the draft legal notice named Construction and Demolition Waste Framework Regulations 2023, we and other key stakeholders discussed how we think this draft law can be improved further and even more beneficial to the general public.</p> <p>Considering that the role of the Construction Project Manager and even the Construction Manager and Site Manager are roles that focus on the administration of the</p>	Comments have been duly noted.

	<p>project lifecycle, our feedback will tend to focus mainly on that aspect of the law.</p> <p>The format of this feedback is similar to previous reviews in which we break down the draft regulations into their specific items/clauses and we comment accordingly.</p> <p>Working Group Members Fabrizio Gerada MCIQB Karl Azzopardi FCIOB Edward Howell MCIQB Jesmond Chetcuti MCIQB</p>	
	<p>Item 1 Citation and Scope No Comment</p> <p>Item 2 Interpretation No Comment</p>	<p>Comments have been duly noted.</p>
	<p>Item 3 Responsibilities With regards to responsibilities, our suggestion is to reduce the responsibilities of the waste carriers, since currently many are just transporters, and thus they do not have the expertise to determine any wrongdoing. In principle, it would be somewhat more flexible for the contractor to transport the material from A to B. On the other hand, we propose more stringent controls at waste sites, since these would ultimately determine how such material can be recycled or reused in other products. Thus, the plant shall have and prepare the necessary documentation, validating its arrival and repurposing.</p>	<p>This comment is outside the scope of the proposed law, given that the obligation for the waste carriers to be authorised to transport inert waste is emanating from SL549.45. Notwithstanding the Authority provides guidance to waste carriers regarding their obligations and assists as necessary.</p> <p>No new obligations are being introduced on waste carriers by virtue of these regulations.</p>
	<p>When it comes to the site manager, our chamber believes that rather than placing the responsibility on the site manager, this will be passed to the Construction Project Manager, who is responsible for the whole life cycle of the</p>	<p>The site manager was identified as an adequate role in view of recognition under the Building and Construction Authority Act (Cap. 623). Amendments to this regulation to transfer such</p>

	<p>project. Therefore, the Construction Project Manager would be involved at the planning stage so eventually, the site manager would be informed accordingly before the initiation of work. Such an implementation means that the Construction Project Manager would be representing the client/developer, but not limited to, as eventually, the contribution provided to such projects would lead to proper planning, meaning an increased probability of reaching the goals of this law, with the least inconvenience to all stakeholders.</p>	<p>responsibility on the Construction Project Manager (CPM) may be considered once the role of the CPM is recognised at law.</p>
	<p>Item 4 Product Requirements No Comment</p> <p>Item 5 Environmentally Sound management of construction and demolition material waste generated on-site. No Comment</p> <p>Item 6 Separation and Storage of construction and demolition material or waste at source. No Comment</p> <p>Item 7 Environmentally sound treatment of construction and demolition materials and waste. No Comment</p> <p>Item 8 Rehabilitation of excavation voids No comment</p>	<p>Comments have been duly noted.</p>
	<p>Item 9 Waste Management Targets Since the material differs from one location to the other, the recommended targets are not always reachable. Therefore, it is suggested that the data be collected by associations representing the contractors and/or developers and the percentages are seen as a whole. Such a move would be able</p>	<p>The scope of the targets was always to be achieved on a project basis, rather than on a national basis. Having said this, in view that the ERA recognises challenges that may be faced by the industry due to varying recycling potential of different excavated materials, a proviso has been included to allow developers to achieve such target through set off from any</p>

	<p>to give a better picture on a national level rather than focusing on a specific project. With such a system, the authority will reduce the burden on contractors and developers to avoid fines, especially since these are applied well after the compliance certificates. Therefore, to encourage the practice of reuse and recycling, we shall not focus on fines, but on ease of use.</p>	<p>other developments as long as an adequate audit trail is provided to the satisfaction of the Authority.</p>
	<p>Item 10 Record Keeping The record-keeping shall be standardised by the authority so it can be homogeneous throughout all projects. Such standardisation would facilitate the implementation of such law, but will also pave the way for future updating of the law when the application of such law would be also required for smaller projects. This documentation can be easily kept by the project management team where all the information would be stored in a project at the completion stage.</p>	<p>Any templates or reporting formats shall be established by the Authority.</p>
	<p>Item 11 Inspections by the competent authority No Comment</p> <p>Item 12 Register of operational and closed waste facilities No comment</p> <p>Item 13 Administrative Penalties No Comment</p> <p>Schedule 1 No comment</p> <p>Schedule 2 No Comment</p>	<p>Comments have been duly noted.</p>

4	<p>Gabby Grech Larsson</p> <p>The Malta Chamber</p> <p>15/11/2023</p>	<p>General comment: Construction and Demolition Waste remains the most voluminous waste stream generated in the Maltese islands and The Malta Chamber has, in its past two pre-budget proposals 2023 and 2024, presented recommendations on how Malta must not only increase the quantity of secondary raw materials, but also their quality. This should be done whilst guaranteeing safety and proper standards for the protection of human health and the environment.</p> <p>The Malta Chamber welcomes the implementation of a new regulatory framework for C&D waste to improve the management of this waste stream while promoting a transition to a circular economy. In this year's pre-budget 2024 document, The Malta Chamber specifically stated that as a country we need to , <i>"Implement a New Regulatory Framework for construction and demolition waste to facilitate transition to a more circular economy and the development of secondary markets for end-of-life resources, including (i) establishing a minimum percentage of construction material, verified through an audit function, that should be made up of reused material or materials recycled locally with a possibility of further reuse or recycling at the building's end of life and (ii) proper waste classification and source separation with the goal of identifying the construction and demolition waste being generated to ensure the proper deconstruction of buildings ultimately improving the quality of waste for reuse, recycling and recovery.</i></p> <p>Regulations typically focus on penalties for non-compliance, however, to encourage early or exemplary compliance, more incentives are required as these encourage proactiveness in better waste management. The Malta Chamber proposes the following:</p>	<p>This comment is in line with the scope of the draft construction and demolition waste framework regulations which are structured to promote:</p> <ul style="list-style-type: none"> (i) the prevention and better management of CDW, (ii) separation of waste at source, (iii) secondary markets through the setting of targets, and (iv) a shift from recovery and disposal to reuse and recycling. <p>These recommendations will be taken into consideration during the setting up of schemes for R&I or for investment aids by the relevant entities.</p>
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		<p>Regulation – feedback and recommendations</p> <ul style="list-style-type: none"> To meet the requirements of this regulation, minimum skill requirements for the construction workers (mandatory skill card or equivalent) must include construction waste management and must be continuously maintained through lifelong learning and continuous professional development. 	<p>The requirement for contractors to be licenced under the Construction Industry Licensing Regulations (S.L.623.09) will definitely have a positive impact in this regard.</p> <p>This will be brought to the attention to the relevant competent authorities.</p>
		<ul style="list-style-type: none"> The Malta Chamber believes that the regulation should go beyond an immediate and short term approach and take a longer-term approach. While the application of the regulation to larger 	<p>These regulations apply to all developments, regardless of size, with sub-regulations 5(4) and 9 only being applicable to major developments and high-density residential developments serving sixteen or more units, in line with the Construction and</p>

		<p>developments may seem sufficient today, the construction C&D regulation requires criteria that can assist in forecasting waste generation in the future as today's buildings are demolished. Therefore, projects of any size should only be approved if mass, weight, and description of construction materials form part of the building application, ideally including the % used in the project that is reused/recycled as well as a description and respective % of what can be reused/recycled once demolished.</p>	<p>Demolition Waste Strategy. However, the possibility to expand the scope of these requirements to other types of development in the future is not excluded.</p>
		<ul style="list-style-type: none"> The concept of a 'material passport' which documents what materials are used could help in the reuse or recycling of materials at the end of the building's life. 	<p>This comment will be brought to the attention of the relevant competent authority.</p>
		<ul style="list-style-type: none"> The scope of the developments covered by the regulation disregard small-scale developments and renovations – collectively these generate a significant amount of waste which will not be properly managed. 	<p>Although these regulations set out new obligations on major projects or high-density residential developments serving sixteen (16) or more units, namely the requirement for the submission of a PDA and the achievement of the targets set out in regulation 9 (1) of the draft regulations, it is to be pointed out the waste management regulations apply for all waste generated. That is, waste generated from small scale development or renovations will still need to be managed in line with the waste regulations.</p>
		<ul style="list-style-type: none"> While the waste carrier shall ensure that any collected waste is transported in accordance with applicable regulations to facilities authorized under the Waste Regulations, the regulation does not stipulate a time frame within which such collection and removal should take place. Construction waste which is left on site for long periods of time because of delayed or abandoned projects create a significant 	<p>The storage of waste on a construction site is regulated under S.L. 623.08, whereby it shall be ensured that the work is carried out in a manner that causes the least nuisance.</p> <p>Notwithstanding, this comment will be brought to the attention of the relevant competent authority.</p>

		aesthetic and environmental nuisance and could also lead to a deterioration in its quality.	
		<ul style="list-style-type: none"> While material separation on site presents benefits in terms of reduced transportation requirements amongst others, this process should be done within an environment that minimizes noise, dust, or additional pollutants to the extent possible. Such works should be approved by a competent authority and carried out by a licensed demolition contractor with the necessary skills. 	<p>The storage of waste on a construction site is regulated under S.L. 623.08, whereby it shall be ensured that the work is carried out in a manner that causes the least nuisance. Furthermore the requirement for contractors to be licenced under S.L.623.09 will definitely have a positive impact in this regard.</p> <p>Notwithstanding, this comment will be brought to the attention of the relevant competent authority.</p>
		<ul style="list-style-type: none"> Since the regulation applies to developers applying for a major project or for a high-density residential development serving sixteen units or more, it should be ensured that developers cannot split project applications to avoid the requirements of the construction and demolition waste regulation. 	<p>This comment will be brought to the attention of the relevant competent authority.</p>
		<ul style="list-style-type: none"> How is excavated volume or weight calculated and who shall calculate and record the amount of excavation waste that will be generated in advance to calculate the minimum excavated material that should be transported or left on site for re-use or sent for recycling, and how much can legally be sent to landfill? 	<p>The excavated volume may be calculated based on the foot print of the development site and the depth of the excavations planned as part of the development. There are currently no limits on the amount of waste that can be backfilled however the Pre-demolition audit will aid any developer to identify the waste streams that will be generated on site, and determine their re-use and recycling potential, even in view of the targets that need to be achieved for major developments or high-density residential developments serving sixteen (16) or more units.</p>
		<ul style="list-style-type: none"> While there is mention of inspections by the competent authority to ensure compliance with the regulations, their frequency, thoroughness, and effectiveness of these inspections should be ensured. If the authority does not have sufficient resources to 	<p>Your comment has been duly noted.</p>

		conduct thorough inspections, compliance will be hard to enforce.	
		<ul style="list-style-type: none"> There are requirements for developers to maintain records for a minimum period and make them available upon request. The effectiveness of this provision depends on the robustness of the record-keeping systems and the ease of accessing these records during inspections. This data should be recorded with a public entity as it will also serve as a sound basis for projections and future policy. 	The Authority may request such records for monitoring purposes.
		<ul style="list-style-type: none"> While penalties are outlined for non-compliance with waste management targets, the regulation must also provide clear guidelines on the process of imposing these penalties, appeals processes, and collection mechanisms. If these processes are not well-defined and enforceable, compliance and effectiveness will be undermined. 	The process of imposing penalties is established under the Environment Protection Act (Cap. 549), appeals process are regulated through both Cap. 549 and the Environment and Planning Review Tribunal Act (Cap. 551).
		<ul style="list-style-type: none"> The requirement for pre-demolition audits and annual declarations prepared by an independent body could be challenging if there are not enough qualified bodies to perform these audits or if the criteria for independence are not clearly defined. 	Independent body as defined in the permits of the relevant facilities may be an independent warranted architect, engineer or environment Consultant, therefore the availability of qualified bodies should not be an issue.
		<ul style="list-style-type: none"> The regulation specifies targets for reuse and recycling of excavated materials and construction waste. However, there may be gaps in how these targets are to be met, the specifics of material handling, and what constitutes "reuse" and "recycling," which could lead to different interpretations. 	Re-use and recycling activities are defined in the waste regulations and the same definitions shall apply for the scope of these regulations.

		<ul style="list-style-type: none"> Regulations mention specific deadlines (e.g., January 2028 for certain targets). There could be gaps in interim milestones that would help ensure progress toward these deadlines, and lack of such milestones could lead to last-minute efforts that may not meet the intended goals. 	The timeframes indicated in the Regulation are in line with the timeframes set out in the approved Construction and Demolition Waste Strategy.
		<ul style="list-style-type: none"> Compliance might also depend on the availability of recycling and waste management technology and infrastructure. If such infrastructure is lacking, meeting the targets can be challenging. 	Currently in Malta, there are a number of facilities that are permitted to recycle construction and demolition waste. The targets set out in these regulations aim to increase the demand for secondary raw materials and recycled products.
5	Marthese Cassar GRDA 15/11/2023	<p>Setting the scene in Gozo</p> <p>The past ten years have seen a boom in the construction industry in fact this has been noted in an average contribution of 0.39 % (2016 – 2021 period) in regional GVA to total economy¹. Despite this, the negative repercussions of this industry range differently depending on the development being carried out. There is a positive correlation, between development and generation of waste, since as developments increase, the generation of construction and demolition waste also increases. According to data published in the Regional Statistics 2023², the share of construction and demolition waste at tal-Kus in Gozo, has increased, where in 2021, it amounted to 1,627 tonnes. Hence, it could be concluded that construction and demolition waste contributed to the highest share of non-hazardous waste. Furthermore, in Gozo there are five quarries which receive construction and demolition waste³. Such scenario, along with the small size of free land, poses future questions on what will happen next, once quarries are filled with waste.</p> <p>Hence, to tackle the nation-wide issue of increased construction and demolition waste, a strategy by the Environment & Resources Authority was published in 2021⁴.</p>	Your comment has been duly noted.

	<p>This strategy will now be further supported with these draft framework regulations, which regulations will oblige involved parties to stick to the given parameters.</p> <p>1 https://nso.gov.mt/wp-content/uploads/Regional-Statistics-Malta-2023-Edition.pdf</p> <p>2 https://nso.gov.mt/wp-content/uploads/Regional-Statistics-Malta-2023-Edition.pdf</p> <p>3 https://era.org.mt/topic/permitted-quarries/</p> <p>4 https://era.org.mt/construction-and-demolition-waste-strategy-for-malta-2021-2030-managing-construction-demolition-resources/</p>	
	<p>Feedback and comments by the Gozo Regional Development Authority</p> <p>The Gozo Regional Development Authority (GRDA) will be providing general feedback on the scope of such regulations and not on the actual regulations framework. The GRDA believes that these regulations if enforced properly, will result in the reduction of construction and demolition waste. Hence this will also increase the longevity of quarries as backfilling sites. The recycling of construction and demolition waste can be a new potential niche, leading to vast research and innovation, creating high quality jobs for the Gozitans, Maltese as well as foreigners. The recently published Regional Development Strategy for Gozo⁵ makes an emphasis on the importance of supporting and encouraging research, innovation and new economy niches. Moreover, given that the Globigerina limestone (tal-Franka) is becoming limited in supply, reusing what once was considered as waste, will help in securing traditional Maltese character. As a result, this concept is ingrained in the circular economy principle. Additionally, the Regional Development Strategy for Gozo</p>	<p>This comment is in line with the scope of the draft construction and demolition waste framework regulations which are structured to promote:</p> <ul style="list-style-type: none"> (i) the prevention and better management of CDW, (ii) separation of waste at source, (iii) secondary markets through the setting of targets, and (iv) a shift from recovery and disposal to reuse and recycling.

		<p>also makes reference to designing according to context, where the use of recycled material may be incorporated.</p> <p>5 https://grda.mt/wp-content/uploads/2023/09/GRDA_RDS-Documents_A4_VH_2023_Web-1.pdf</p>	
6	<p>Adrian Mallia</p> <p>Adi Associates Environmental Consultants Ltd.</p> <p>15/11/2023</p>	<p>Thank you for the opportunity to provide our feedback on these regulations. These are being submitted on behalf of Adi Associates Environmental Consultants Ltd.</p> <p>1. Article 2 - Interpretation. Following the publication of the standard SM 810:2022 Recycling-oriented Deconstruction, Controlled Excavation Works and Classification of Waste, consideration should be given to a review of the terminology used to describe demolition and excavation. In keeping with the aims of the framework, consider using the terms 'deconstruction' as opposed to 'demolition' and 'controlled excavation' as opposed to simply 'excavation'. This would place more emphasis on a circular economy.</p> <p>2. Article 4 (2) – Product requirements - Waste which has undergone a recycling or other recovery operation, is considered to have ceased to be waste if it has achieved an end-of-waste status in line with regulation 6 of the Waste Regulations. Given that no EU or National end-of-waste (EoW) criteria for C&D waste exists, sub-regulation 6 (2) of the Waste Regulation applies: Where end-of-waste criteria have not been set at European Union level, the competent authority may decide on a case-by-case basis that a certain waste has ceased to be waste on the basis of the conditions laid down in sub-regulation (1) and taking into account limit values for pollutants and any possible adverse environmental and human health impacts. In view of this, is a National EoW criteria for C&D waste being considered to avoid the</p>	<p>The definitions used are aligned with existing legislation.</p> <p>In line with regulation 1(3) of the draft Regulations, the Authority may establish criteria for the proper implementation of these regulations.</p>

	<p>Authority having to decide on a case-by-case basis? Italy and Ireland have adopted national EoW criteria for C&D waste. It would be advisable if Malta follows suit.</p>	
	<p>3. Article 7 – Environmentally sound treatment of construction and demolition materials and waste. Article 7 (1) specifies that Demolition, excavation and construction waste shall only be recycled or otherwise recovered at an establishment or undertaking duly permitted by the Authority. In the case of a redevelopment project, an ideal scenario, which promotes a circular economy, would be the processing of suitable C&D waste on site (via mobile plant) in order to produce construction materials such as aggregates, sand, and concrete to be used within the project. We understand that the regulation of such an activity would not fall within ERA’s remit. Our question would be, which Authority’s remit would such activities fall within and what legislation is required to be complied with in terms of environmental protection?</p>	<p>Noted. Feedback will be considered in proposals to other legislation.</p>
	<p>4. Article 8 (1) Rehabilitation of excavation voids – Currently the limits applied by ERA for contamination analyses of material to be used for the backfilling of excavation voids are as per Italian Decreto 152 of 3rd April 2006. Is consideration being given to develop a national criterion which would include those parameters and limit values that are more relevant / applicable to the land and groundwater of the Maltese Islands?</p>	<p>As per Regulation 1 (3), the Authority may issue guidelines or criteria to provide information, guidance or impose restrictions in order to better implement these regulations.</p>
	<p>5. Article 9 – Waste Management Targets. Whilst it is noted that a pre-demolition audit, to be compiled by a qualified perit or duly qualified environmental consultant, is to be submitted prior to the issuance of an executable development permit as per Article 5 (4) of the Regulations, an audit does not appear to be a requirement of the</p>	<p>An amendment has been carried out to cater for the possibility of ERA requesting audits on the declarations.</p>

		<p>declaration to be submitted to ERA indicating the percentage rate of the waste management targets achieved as per Article 9 (2) of said regulations. As is the case with the Producer Responsibility requirements, all declarations should be subject to an audit (unless ISO 14001 accredited), This should include the waste management targets declaration.</p>	
		<p>6. Schedule 1 – Pre-demolition audit. It would be advantageous to request the pre-demolition audit to be carried out in line with standard SM 810:2022 Recycling-oriented Deconstruction, Controlled Excavation Works and Classification of Waste.</p>	<p>A template and guidance on how the PDA is to be compiled will be made available and reference to the waste catalogue in SM 810:2022 will be made.</p>

Stakeholder Consultation Meetings with the Malta Developers Association (MDA), the Malta Chamber for Construction Managers (MCCM), the Chamber of Architects (KTP), the Chamber of Commerce and the Chamber of SMEs carried out on the 30/10/2023 and 31/10/2023.

Malta Developers Association	Concerns were expressed in relation to the achievement of certain targets, in particular target (i) and (iii). In relation to target (i) it was indicated that the achievement of such target will depend primarily on the geological material which is excavated from the particular site, as different materials have different recycling potential. An option to mitigate this could be for developers to achieve such target through set off from any other developments. Furthermore, stakeholders indicated that target (iii) should not be limited to materials recycled locally, and should also reflect recycled materials used during the finishing stage of a building.	The scope of the targets was always to be achieved on a project basis, rather than on a national basis. Having said this, in view that the ERA recognises challenges that may be faced by the industry due to varying recycling potential of different excavated materials, a proviso has been included to allow developers to achieve such target through set off from any other developments as long as an adequate audit trail is provided to the satisfaction of the Authority.
	A quantity surveyor is also a good candidate to prepare the pre-demolition audit, over and above architects and environmental consultants.	Apart from a warranted Perit, and a duly qualified environmental consultant, surveyors will also be able to carry out pre-demolition audits as per amendment included in the regulations.
	The PDA should be a requirement for all developments	Although the requirement for the PDA has been set for major developments and residential developments serving 16 or more units, it is not excluded that the scope of this obligation will be expanded in the future. Having said this, it is important to note that the preparation of a waste catalogue is already a requirement for all developments as per S.L. 623.08.
	Waste carriers carrying waste from construction sites should not require a waste carrier permit.	This comment is outside the scope of the proposed law, given that the obligation for the waste carriers to be authorised to transport inert waste is emanating from SL549.45. Notwithstanding the Authority provides guidance to waste carriers regarding their obligations and assists as necessary. No new obligations are being introduced on waste carriers by virtue of these regulations.
Kamra tal-Periti	Regarding the submission of the pre-demolition audit prior to the issuance of an executable permit at application stage, the developer would not have enough information on the waste to be generated during excavation and demolition, and it might be the case that	Amendments to the regulation were carried out so as to ensure that the PDA is a requirement prior to the issuance of clearance by the Building and Construction Authority.

	a permit is not even issued, therefore it would be unreasonable to request for the PDA prior to the executable permit.	
	Not enough consultations were carried out with the Kamra tal-Periti on the Construction and Demolition Waste Strategy.	Apart from the public consultation carried out as part of the drafting of the Construction and Demolition Waste Strategy, targeted stakeholder consultations were also carried out with all major stakeholders including the Kamra Tal-Periti. It is worth noting that some comments that were submitted by the KTP as part of the consultation were also taken into consideration in the final version of the Strategy.
	The industry is not ready for the change that these regulations intend to bring about.	The timeframes indicated in the Regulation are in line with the timeframes set out in the approved Construction and Demolition Waste Strategy.
	Such regulations should be enacted under the Building and Construction Authority Act and not under the Environment Protection Act.	Whilst these regulations are being enacted under the Environment Protection Act, cooperation between the ERA and the BCA is imperative for the successful implementation of these regulations.
Malta chamber for Construction Managers	The MCCM provided their comments in writing, which may be found earlier in this document.	
Malta chamber of SMEs	No comments were provided by the Chamber of SMEs.	
Malta Chamber of Commerce	Did not attend the Stakeholder meeting but sent their comments in writing, which may be found earlier in this document.	