

**ENVIRONMENT PROTECTION ACT**

**(CAP. 549)**

**Extended Producer Responsibility (Tobacco Filters Containing Plastic) Regulations,  
2024**

IN EXERCISE of the powers conferred by Articles 54 and 55 of the Environment Protection Act, the Minister responsible for the Environment, after consultation with the Environment and Resources Authority, has made the following regulations:-

**Citation.**

**1.** The title of these regulations is the Extended Producer Responsibility (Tobacco Filters Containing Plastic) Regulations, 2024.

**Scope.**

**2.** (1) These regulations bring into effect Article 8 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment with respect to tobacco products with filters and filters marketed for use in combination with tobacco products.

S.L. 549.43.

S.L. 549.63.

S.L. 549.141.

(2) In the event that any provision of these regulations is in conflict with the provisions of the Waste Management (Packaging and Packaging Waste) Regulations, the Waste Regulations or the Extended Producer Responsibility Framework Regulations, these regulations shall prevail.

**Interpretation.**

**3.** In these regulations, unless the context otherwise requires:

**Cap. 549.**

"Act" means the Environment Protection Act;

"Authority" or "competent authority" means the Environment and Resources Authority as established by article 6 of the Act;

S.L. 549.63.

"collection" shall have the same meaning as assigned to it in regulation 4 of the Waste Regulations;

**Cap. 595.**

"Department" means the Department for Local Government established in the Second Schedule of the Public Administration Act;

**Cap. 595.**

"Division" means the Cleansing and Maintenance Department established in the Second Schedule of the Public Administration Act;

“producer” means:

S.L. 378.17.

- (a) Any natural or legal person established in Malta that professionally manufactures or imports, irrespective of the selling technique used, including by means of distance contracts as defined in regulation 2 of the Consumer Rights Regulations, and places on the market of Malta the single-use plastic products listed in Schedule 1; or

S.L. 378.17.

- (b) any natural or legal person established in one Member State or in a third country that professionally sells in Malta directly to private households or to users other than private households, by means of distance contracts as defined in regulation 2 of the Consumer Rights Regulations, the single-use plastic products listed in Schedule 1;

S.L. 549.141.

"producer responsibility organisation" shall have the same meaning as assigned to it in regulation 3 of the Extended Producer Responsibility Framework Regulations;

S.L. 315.10.

"tobacco products" shall have the same meaning as assigned to it in regulation 2 of the Manufacture, Presentation and Sale of Tobacco and Related Products Regulations;

S.L. 549.63.

"treatment" shall have the same meaning as assigned to it in regulation 4 of the Waste Regulations;

S.L. 549.63.

"waste" shall have the same meaning as assigned to it in regulation 4 of the Waste Regulations;

S.L. 549.149.

The definitions “placing on the market”, “plastic” and “single-use plastic product” shall have the same meaning as assigned in regulation 3 of the Single-Use Plastic Framework Regulations.

**Extended producer responsibility.**

S.L.549.141.

**4.** (1) Producers placing the single-use plastic products listed in Schedule 1 on the market in Malta shall have extended producer responsibility in accordance with the Extended Producer Responsibility Framework Regulations.

(2) Producers established in another Member State and placing such single-use plastic products on the market in Malta shall appoint a legal or natural person established in Malta as an authorised representative for the purposes of fulfilling the extended producer responsibility obligations established in these regulations on the territory of Malta:

Provided that such appointment shall be made by written mandate by means of a declaration as set out in Schedule 2.

(3) Producers established in Malta who sell such single-use plastic products in another Member State in which such producer is not established, shall appoint an authorised representative in that other Member State. The authorised representative shall be the person responsible for fulfilling the obligations of that producer pursuant to these regulations on the territory of that other Member State.

S.L. 549.149.

S.L. 549.141.

(4) Producers of the single-use plastic products listed in Schedule 1 shall cover at least the following costs:

- (a) the costs of awareness raising measures laid down in regulation 12 of the Single-Use Plastic Framework Regulations;
- (b) the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter;
- (c) the costs of data gathering and reporting in accordance with point (iii) of paragraph (a) of sub-regulation (3) of regulation 6 of the Extended Producer Responsibility Framework Regulations; and
- (d) the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste. The costs may include the setting up of specific infrastructure for the waste collection for those products, such as appropriate waste receptacles in common litter hotspots.

(5) In order to achieve the objectives of this regulation in a cost-effective manner, producers and authorised representatives shall fulfil their extended-producer responsibility obligations collectively and, to that end, shall set up a producer responsibility organisation which shall be authorised in accordance with regulation 7, covering the single-use plastic products listed in Schedule 1 and the whole territory of Malta. Such producer responsibility organisation shall allow all producers and authorised representatives to fulfil their extended-producer responsibility obligations under non-discriminatory conditions:

Provided that until such producer responsibility organisation is set up and authorised in accordance with regulation 7, or if for a period there is no authorised PRO, the Authority may allocate the costs referred to in sub-regulation (4) to producers in accordance with the requirements of this regulation and their market share:

Provided further that in such cases the Authority may commission studies, at the expense of producers, to quantify such costs or part thereof.

S.L.549.149.

(6) In order to cover the costs set out in paragraph (a) of sub-regulation (4) on behalf of its producers, an authorised producer responsibility organisation shall organise and, or finance effective information and awareness raising campaigns to incentivise responsible consumer behaviour and inform consumers in accordance with regulation 12 of the Single-Use Plastic Framework Regulations:

Provided that in case an authorised producer responsibility organisation finances campaigns organised by other entities, the costs that shall be covered by that organisation shall be established in a transparent manner between all actors concerned:

Provided further that such campaigns shall be subject to the prior approval of the Authority.

(7) In order to cover the costs set out in paragraphs (b) and (d) of sub-regulation (4) on behalf of its producer, an authorised producer responsibility organisation shall make the necessary arrangements with the Division and the Department, through written agreements, for the:

(a) financing of appropriate waste receptacles for the single-use plastic products listed in Schedule 1 in the territory of Malta, particularly in common litter hotspots, which costs shall include the infrastructure and its operation, and the subsequent transport and treatment of that waste; and

(b) financing of cleaning up litter resulting from the single-use plastic products listed in Schedule 1 and the subsequent transport and treatment of that litter:

Provided that such written agreements shall *inter alia* establish the terms for the execution of the payments of those financial contributions by an authorised producer responsibility organisation. Such terms shall be duly notified to the Authority within one (1) month following the conclusion of the said written agreements.

(8) The costs referred to in sub-regulation (7) shall not exceed the costs that are necessary to provide those services in a cost-efficient way and shall be established in a transparent way between the Authority, the relevant authorised producer responsibility organisation, the Division and, or the Department, and any other actors concerned:

Provided that the costs referred to in sub-regulation (7)(b) shall be limited to the activities undertaken by the Local Councils, the Division or on their behalf:

Further provided that the calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way, taking into consideration the proposals for the calculation of such costs submitted to the Authority as per regulation 7 and any guidelines published by the European Commission in accordance with Article 8(4) of Directive (EU) 2019/904. To minimise administrative costs, the Authority in cooperation with the Department and the Division may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

**Producer registration.**

**5.** (1) Producers or authorised representatives of the single-use plastic products listed in Schedule 1 placing such products on the market within the territory of Malta, shall apply to be registered with the competent authority and shall be provided with a registration number upon registration. Producers shall make the registration number clearly visible on their invoices and fiscal receipts:

S.L.549.43.

Provided that producers which already hold a registration number in accordance with the Waste Management (Packaging and Packaging Waste) Regulations, shall be issued a unique registration number identifying them as producers of either both packaging and the single use plastic products listed in Schedule 1 or as producers of one of such, as applicable.

Provided further that the Authority shall integrate such information within the register of producers referred to in regulation 20 of the Waste Management (Packaging and Packaging Waste) Regulations.

(2) Producers registered under sub-regulation (1) shall renew their registration on an annual basis with the competent authority by the 31<sup>st</sup> March of each year:

Provided that as from 1<sup>st</sup> April of each year the competent authority shall accept renewals until the end of the year subject to the payment of an additional fee of seventy euro (€70) per month or part thereof, together with the fee/s prescribed in paragraph (c) of sub-regulation (3).

(3) An application for registration or renewal by a producer shall:

(a) be made either online or in writing;

(b) be signed by any of the authorised signatories referred to in Schedule 4; and

(c) be accompanied by a fee of €10 for online registration or €35 for manual registration.

(4) A producer shall not be deemed to be registered or to have renewed his registration until an acknowledgement notice is issued by the competent authority, approving the producer's application for registration or renewal. The competent authority shall issue the acknowledgement notice within:

(a) one (1) month of the date of receipt of an application for registration or renewal; or

(b) one (1) month after the date of receipt of further information or particulars requested by the competent authority in relation to such application, including the payment of any fees, whichever is the later.

(5) Where a producer ceases to place the single-use plastic products listed in Schedule 1 on the market, the producer shall apply for deregistration with the competent authority within the following year of his ceasing to do so. An application for deregistration shall be signed by any of the authorised signatories referred to in Schedule 4.

(6) Without prejudice to the obligations and liabilities of the person applying for deregistration relating to the time when the person was a registered producer, the competent authority shall terminate a person's registration with effect from the last day of the year during which such person ceased to be liable to be registered, and shall notify that person in writing:

Provided that any pending information is submitted by the person to the competent authority upon applying for de-registration according to sub-regulation (5).

(7) Any producer who either fails to apply for registration in accordance to this regulation or who fails to renew his registration by the end of the year, shall be liable to an administrative penalty as prescribed in Schedule 7.

(8) An authorised producer responsibility organisation may register or renew the registration of a producer on his behalf, subject to the consent of the said producer. In such cases, the authorised producer responsibility organisation shall be responsible for adhering to the

provisions of this regulation, including payment of the administrative penalty mentioned in sub-regulation (7), and the Authority may liaise with the authorised producer responsibility organisation in relation to such provisions.

**Registration and information.**

6. (1) An application for registration in accordance with regulation 5 shall contain the information set out in Part A of Schedule 5 and that for renewal shall contain at least the reporting information set out in Part B of Schedule 5.

(2) In the case the data submitted in accordance with the above sub-regulation changes, the relevant producer or where relevant, the authorised producer responsibility organisation on his behalf, shall inform the competent authority thereof no later than one month after the change.

(3) The information referred to in sub-regulation (1) shall be provided either online or in writing and shall be signed by any of the authorised signatories referred to in Schedule 4.

(4) It shall be the responsibility of a registered producer to retain for a minimum of five (5) years the information referred to in sub-regulation (1). Such records shall be made available to the competent authority upon request.

(5) Where a producer or where relevant, the authorised producer responsibility organisation on his behalf, fails or refuses to supply a complete application within one (1) month of the date of a request by the competent authority for a completed application, the competent authority shall refuse the application.

(6) The competent authority may take into account the particular problems of small and medium sized enterprises in providing detailed data.

**Authorisation to operate a producer responsibility organisation.  
S.L.549.63.**

7. (1) Without prejudice to the Waste Regulations, any person who intends to operate a producer responsibility organisation specifically for fulfilling the obligations imposed by these regulations, on behalf of producers of the single-use products listed Schedule 1 shall require and obtain a valid authorisation from the competent authority.

(2) An application for an authorisation under sub-regulation (1) shall:

(a) be made in writing;

(b) contain the information set out in Part A of Schedule 3;

(c) be signed by any of the authorised signatories referred to in Schedule 4;

(d) be accompanied by a non-refundable fee of five hundred euro (€500); and

(e) be accompanied by a work plan providing the information referred to in Part B of Schedule 3 and to the satisfaction of the competent authority.

(3) The competent authority may specify the format in which the work plan referred to in sub-regulation (2) is to be made available.

(4) An authorisation granted by the competent authority shall be subject to conditions included in the authorisation, *inter alia*, the requirement that the services offered by an authorised producer responsibility organisation shall be:

(a) open to the participation of all producers under non-discriminatory conditions and such participation shall not be refused or revoked without reasonable justification; and

(b) designed so as to avoid any barriers to trade or distortions of competition in conformity with the relevant regulations.

(5) An authorisation granted by the competent authority under these regulations shall be valid for a period of time determined in the authorisation itself.

(6) Where an authorisation granted under sub-regulation (4) is due to expire, an authorised producer responsibility organisation that wants to continue to operate as an authorised producer responsibility organisation shall, not later than six (6) months before the expiry of the authorisation:

(a) make an application to the competent authority to renew the authorisation granted under these regulations;

(b) provide to the competent authority a revised version of the work plan for the operation of the producer responsibility organisation that complies with Part B of Schedule 3, signed by any of the authorised signatories referred to in Schedule 4.

(7) The renewal of the authorisation to operate a producer responsibility organisation shall be approved where the competent authority is satisfied as to the contents of the revised version of the work plan provided as required by sub-regulation (6)(b).

(8) An authorised producer responsibility organisation is to be charged a fee as prescribed in Schedule 6 for each operational year.

(9) An authorised producer responsibility organisation acting on behalf of producers placing on the market the single-use plastic products listed in Schedule 1 shall, within four (4) months of the issuance of the authorisation, be required to submit an adequate financial guarantee in accordance with the criteria established by the Authority, covering the costs established in sub-regulations (6) and (7) of regulation 4 with respect to the single-use plastic products placed on the market by its producers in any given year, in case of failure of the producer responsibility organisation to fulfil such obligations:

Provided that any money drawn by the Authority from the guarantee shall be used to contribute towards financing the activities laid down in sub-regulations (6) and (7) of regulation 4 with respect to the single-use plastic products placed on the market by the producers participating in such producer responsibility organisation.

**Information and reporting.**

**8.** (1) An authorised producer responsibility organisation shall submit an annual report to the Authority within four (4) calendar months of the closing of the preceding year.

The annual reports shall contain at least the following information:

- (a) List of producers participating in the producer responsibility organisation during the reporting period;
- (b) Quantities of the single-use plastic products listed in Schedule 1 placed on the national market by the producers who participate in the producer responsibility organisation, by weight and number of items during the specific reporting period in accordance with the reporting formats to be established by the Authority;
- (c) Quantities of post-consumption waste of the single-use plastic products listed in Schedule 1 collected as litter and through public waste collection systems in accordance with sub-regulation (7) of regulation 4, by weight and number of items during the reporting period in accordance with the reporting formats to be established by the Authority;
- (d) Details on the information and awareness-raising campaigns financed by the producer responsibility organisation in accordance with sub-regulation (6) of regulation 4;
- (e) Any other information as specified by the Authority.

**S.L.549.39.**

(2) Without prejudice to commercial and industrial confidentiality, a digital copy of the annual report referred to in sub-regulation (1) shall be made available in accordance with the Freedom of Access to information on the Environment Regulations.

(3) An authorised producer responsibility organisation shall use the services of an independent auditor, approved by the authority. The auditor shall be required to certify that all the information reported to the Authority is in conformity with the obligations of this regulation and is as specified in the authorisation issued by the Authority. Furthermore, an authorised producer responsibility organisation shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place to appraise:

- (a) its financial management, including compliance with the requirements laid down in sub-regulations (6) and (7) of regulation 4; and
- (b) the quality of data collected and reported in accordance with these regulations.

(4) An authorised producer responsibility organisation shall submit the audit report prepared in accordance with sub-regulation (3) together with the annual report referred to in sub-regulation (1).



(5) Without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant legislation, an authorised producer responsibility organisation shall make publicly available information pertaining to:

- (a) its ownership and membership; and
- (b) the financial contributions paid by its members, per unit sold or per tonne of the single-use plastic products listed in Schedule 1 placed on the market in Malta.

(6) An authorised producer responsibility organisation shall also submit a half yearly report to the Authority within three (3) calendar months following the end of that period, which report shall contain at least the information indicated in sub-regulation (1).

**Offences.**

**9.** Any person shall be guilty of an offence under these regulations if he:

- (a) fails to comply with any provisions of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or
- (b) contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (c) acts in contravention of any of the provisions of these regulations; or
- (d) conspires, aids or abets any other person by whatever means, including advertising, counselling or procurement to carry out any of the breaches indicated in paragraphs (a) to (c); or
- (e) attempts any of the breaches indicated in paragraphs (a) to (d).

**Penalties.**

**10.** Any person who commits an offence against these regulations shall, on conviction, be liable:

- (a) on a first conviction, to a fine (*multa*) not exceeding two thousand and three hundred and thirty euro (€2,330);
- (b) on a second conviction or subsequent convictions, to a fine (*multa*) not exceeding four thousand and six hundred and sixty euro (€4,660):

Provided further that the Court may order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the competent authority mentioned in these regulations as a result of the said offence, the revocation of the permit issued by the competent authority and the confiscation of the *corpus delicti*, if applicable.

**11.** The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one (1) year.

## SCHEDULE 1

### SINGLE-USE PLASTIC PRODUCTS COVERED BY THESE REGULATIONS

- Tobacco products with filters and filters marketed for use in combination with tobacco products.
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SCHEDULE 2  
(Regulation 4)

WRITTEN MANDATE DECLARATION

Name of Producer:

Address:

hereby appoints

Name of legal or natural person established in Malta:

Address:

, as the producer's authorised representative in Malta in accordance with regulation 4.

Name of legal or natural person established in Malta:

hereby represents and undertakes the responsibilities as the authorised representative in Malta for

Name of Producer:

, in accordance with the Extended Producer Responsibility (Tobacco Filters Containing Plastic) Regulations.

This mandate, signed by both parties, commences on the date of signature unless otherwise declared, and will cease once either party informs the competent authority in Malta managing the national register that this mandate has been terminated.

On one part,

Name of Producer:

Signature:

Date:

On one other part,

Name of Authorised Representative:

Signature:

Date:

SCHEDULE 3  
(Regulation 7)

INFORMATION TO BE SUBMITTED ON APPLYING FOR AN  
AUTHORISATION TO OPERATE A PRODUCER RESPONSIBILITY  
ORGANISATION UNDER THESE REGULATIONS

*Part A: Information to be included in an application for registration of a producer responsibility organisation*

- The name of the producer responsibility organisation;
- The name of the operator and, where the operator is a partnership, the names of all the partners;
- The address and telephone number of the registered office of the operator or, if not a company, the main place of business of the operator, and, if more than one, all the operators; and
- A signed declaration stating the information provided is true.

*Part B: Information to be contained in the work plan to operate a producer responsibility organisation*

- A copy of the Memorandum and Articles of Association;
- A copy of the Certificate of Registration issued by the Registry of Companies, where applicable;
- A business and financial plan in relation to the proposed organisation;
- Quality Control and Quality Assurance measures to be adopted by the proposed organisation;
- Administrative measures to be adopted to ensure effective control of the process;
- A copy of the rules of membership of the producer responsibility organisation;
- A description of the modalities whereby the objectives of regulation 4 will be achieved together with details of the membership fee structure;
- A description, including projected amounts by weight and number of items of the single-use plastic products placed on the national market by the producers participating in the organisation;

- Proposals for an adequate guarantee referred to in regulation 7(3), intended to cover the costs established in sub-regulations (6) and (7) of regulation 4 in case the authorisation is revoked or in case of permanent cessation of its operation or insolvency
- Proposals for the calculation of the costs referred to in sub-regulations (6) and (7) of regulation 4;
- Proposals of how the information under the provisions of these regulations will be compiled and made available to the Authority;
- Intended public awareness campaigns to be financed and, or organised by the proposed organisation;
- Projected date of commencement for the activity;
- Any other relevant information as required by these regulations or as requested by the Authority.

## SCHEDULE 4

### LIST OF AUTHORISED SIGNATORIES

For the purposes of issuing and signing official documentation including correspondence, the competent authority shall only accept documentation from a producer or an authorised producer responsibility organisation that is signed by the following person:-

- A natural person, if the producer is a natural person;
- A partner, where the producer or an authorised producer responsibility organisation is a partnership;
- A director or company secretary of that company, where the producer or an authorised producer responsibility organisation is a company registered in Malta;
- A person who has control or management of the body, where the producer or an authorised producer responsibility organisation is an unincorporated body;
- The president or any other member of the committee of management, where the producer or an authorised producer responsibility organisation is a co-operative.

## SCHEDULE 5

(Regulation 6)

### INFORMATION TO BE CONTAINED IN AN APPLICATION FOR REGISTRATION OR RENEWAL

#### *Part A: Information to be submitted upon registration:*

- Name and address of the producer and where:
  - (i) the producer is a company, the registered office;
  - (ii) the producer is not a company, the principal place of business.
- National identification code of the producer, including the national tax number and the company number (where applicable) of the producer;
- The NACE Code and the employment size of the company, where applicable;
- The details of the contact person to whom the competent authority shall address any communications;
- Details on the commercial nature of the producer (e.g. manufacturer, importer or distance seller);
- Type of single-use plastic products listed in Schedule 1;
- A signed declaration stating the information provided is true;
- The date of the application for registration;
- Name of the Producer Responsibility Organisation that the producer is a member of and a copy of the agreement with such Organisation.

#### *Part B: Information to be submitted upon renewal*

- Registration number of the producer and any national identification code of the producer, including the national tax number and the company number (where applicable) of the producer;
- The NACE Code and the employment size of the company, where applicable;
- Quantities of the single-use plastic products listed in Schedule 1 placed on the national market, by weight and number of items during the specific reporting period in accordance with the reporting formats to be established by the competent authority;
- A signed declaration stating the information provided is true;
- The date of the application for renewal of registration; and
- An appropriate description of how the data has been compiled, including any explanation of any estimates used;
- Name of the Producer Responsibility Organisation that the producer is a member of and an affirmation of the agreement with such Organisation.



## SCHEDULE 6

(Regulation 7)

### FEE FOR AN AUTHORISED PRODUCER RESPONSIBILITY ORGANISATION

The annual fee shall be calculated as follows:

$$A * B = SF$$

where:

"A" is the number of registered producers participating in the producer responsibility organisation;

"B" is a fee of ten euro (€10) to be charged for each registered producer participating in the producer responsibility organisation;

"SF" is the producer responsibility organisation fee.

The fee shall be submitted to the competent authority within six (6) months following the end of the previous operational year.

## SCHEDULE 7

### (Regulation 5)

#### SCHEDULE OF ADMINISTRATIVE PENALTIES FOR NON-REGISTRATION AND NON-RENEWAL

- Any producer who fails to apply for registration in accordance with sub-regulation (1) of regulation 5 shall be liable to an administrative penalty of thirty euro (€30) per 15,000 single-use tobacco filters containing plastic placed on the market, from the first placing of such single-use plastic products on the market until he applies for registration.
- Any producer who fails to renew his registration by the end of the year in accordance with sub-regulation (2) of regulation 5 shall be liable to an administrative penalty of thirty euro (€30) per 15,000 single-use tobacco filters containing plastic placed on the market, from the beginning of the year in which he should have renewed until he applies for renewal.

Provided that where the authorised producer responsibility organisation has agreed to register or renew the registration of a producer on his behalf, the administrative penalty abovementioned shall, in either case, be due by the authorised producer responsibility organisation who failed to apply or renew.