A.L. 84 ta' l-2010

**ATT DWAR L-EKO-KONTRIBUZZJONI
(KAP. 473)**

Regolamenti ta' l-2010 dwar Eżenzjonijiet fl-Eko-Kontribuzzjoni

BIS-SAĦĦA tas-setgħat mogħtija bl-artikoli 12 u 13 ta' l-Att dwar l-Eko-Kontribuzzjoni, il-Ministru għar-Riżorsi u Affarijiet Rurali bi ftehim mal-Ministru tal-Finanzi, l-Ekonomija u Investiment, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2010 dwar Eżenzjonijiet fl-Eko-Kontribuzzjoni. Titlu, bidu fis-seħħ u skop.

(2) Dawn ir-regolamenti għandhom jitqiesu li daħlu fis-seħħ fl-1 ta' Lulju 2009.

(3) Dawn ir-regolamenti jipprovdu miżuri, proċeduri u gwida addizzjonali ma' l-Att bil-għan li jirregolaw l-għoti ta' eżenzjonijiet fir-rigward ta' l-eko-kontribuzzjoni dovuta fuq il-prodotti mqiegħda fis-suq mill-produtturi li jipparteċipaw fl-irkupru ta' kontenituri skart ta' skart permezz ta' skemi għall-irkupru ta' skart.

(4) Dawn ir-regolamenti għandhom jinqraw u jiftiehmu fil-kuntest tad-dispożizzjonijiet tar-Regolamenti ta' l-2008 dwar il-Faċilità Approvata għall-Irkupru ta' l-Iskart fil-Ħlas ta' l-Eko-Kontribuzzjoni. A.L. 74 ta' l-2008.

2. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra: Tifsir.

"l-Att" tfisser l-Att dwar l-Eko-Kontribuzzjoni;

"bażi kummerċjali" tfisser tħaddim bil-għan li jsir profitt, u mingħajr ebda sostenn mill-finanzi pubbliċi, esklużi l-fondi mogħtijin mill-Unjoni Ewropea;

"borża riċiklabbli" tfisser borża, mingħajr ebda widna, ħolqa, fetħa jew kull karatteristika oħra li tiffaċilità l-użu tal-borża għat-trasport ta' oġġetti, u mingħajr ebda fursetta, li tintuża għar-rimi ta' skart;

"Faċilità Approvata għall-Irkupru ta' l-Iskart" tfisser faċilità approvata permezz tar-Regolamenti ta' l-2010 dwar Skema għall-Irkupru ta' l-Iskart, mill-Korp ta' Approvazzjoni mħaddma fl-irkupru ta' skart fuq bażi kummerċjali f'Malta jew barra minn Malta;

"irkupru ta' skart" jew "irkupru" tfisser l-irkupru u l-ġbir ta' skart mis-suq, bil-kunsinna lil Faċilità Approvat għall-Irkupru ta' l-Iskart għall-użu mill-ġdid, riċiklaġġ jew tiġdid tiegħu;

"kontenituri skart" tfisser skart imniżżel fi Skeda 1;

"Korp ta' Approvazzjoni" tfisser il-korp kostitwit taħt ir-regolament 7 ta' dawn ir-regolamenti;

"il-Ministru" tfisser il-Ministru responsabbli għall-immaniġġar ta' l-skart u tinkludi, fil-qjies ta' l-awtorità mogħtija, lil kull persuna, inkluż kull Korp ta' Approvazzjoni, awtorizzati għaldaqstant għal kull għan ta' l-Att;

"perjodu ta' eżenzjoni" tfisser il-perjodu ta' sena kalendarja, iżda dwar il-perjodu li jibda fl-1 ta' Lulju 2009, il-perjodu ta' eżenzjoni jkun il-perjodu li jibda għaddej mill-1 ta' Lulju 2009 sal-31 ta' Diċembru 2010;

"permess" tfisser kull permess maħruġ mill-Ministru skond ir-Regolamenti ta' l-2008 dwar il-Faċilita` Approvata għall-Irkupru ta' l-Iskart fil-ħlas tal-Eko-Kontribuzzjoni;

"prodotti" tfisser il-prodotti msemmija fi Skeda 1;

"rata ta' eżenzjoni" tfisser il-perċentwali ta' prodotti mqiegħda fis-suq li jkunu eżenti mill-eko-kontribuzzjoni bħala perċentwali ta' l-ammont tal-prodotti kollha mqiegħda fis-suq kif muri fi Skeda 2 għall-perjodu ta' eżenzjoni rilevanti;

"rata ta' rkupru" tfisser il-perċentwali ta' skart irkuprat bħala perċentwali ta' l-ammont totali ta' skart tal-prodotti murija fi Skedi 1 u 2 u mqiegħda fis-suq minn produttur għall-perjodu ta' eżenzjoni rilevanti;

"skema" jew "skema ta' rkupru ta' skart" tfisser sistema li permezz tagħha produttur ikun jista' juri għas-sodisfazzjon tal-Korp ta' Approvazzjoni l-irkupru ta' kontenituri skart domestiċi, kummerċjali u industrijali mqiegħda fis-suq minn dak il-produttur, meta dawk il-kontenituri skart jiġu kunsinnat lil xi wieħed jew aktar Faċilitajiet għall-Irkupru ta' l-Iskart kif hemm fir-Regolamenti ta' l-2010 dwar l-Skema ta' Rkupru ta' Skart.

(2) Kull frażi mhux imfissra f'dawn ir-regolamenti għandu jkollha l-istess tifsira bħal dik mogħtija lilha fl-Att.

Eżenzjoni mill-eko-kontribuzzjoni.

3. Produttur li jipparteċipa fi skema approvata ta' rkupru ta' skart jista' japplika għal eżenzjoni mill-ħlas ta' l-eko-kontribuzzjoni dovuta fuq il-prodotti meta il-produttur jindika li l-kontenituri skart ġenerati minn dawk il-prodotti jkunu ser jiġu rkuprati permezz ta' l-iskema ta' rkupru ta' skart:

Iżda l-prospett tal-eko-kontribuzzjoni għandha xorta waħda tiġi ppreżentata mill-produttur skond m'hemm fl-Att.

Mekkaniżmu ta' l-eżenzjoni.

4. (1) Meta eżenzjoni tkun mogħtija mill-Korp ta' Approvazzjoni, ebda eko-kontribuzzjoni m'għandha titħallas minn produttur fil-perjodu ta' eżenzjoni fuq kull prodott jew fuq perċentwali ta' prodotti kalkolati hekk kif tkun ir-rata ta' eżenzjoni u li jikkostitwixxu kontenituri skart mqegħda fis-suq mill-produttur kif stipulat fi Skeda 2:

Iżda, fir-rigward ta' l-ammont totali ta' kontenituri skart li jkunu ser jiġu dikjarati li tqegħdu mill-produtturi fis-suq, l-iskema ta' rkupru ta' skart tintrabat li tirkupra, tissepara u tirriċikla perċentaġġ ta' dawk il-kontenituri skart, bl-inqas rati ta' rkupru kif hemm fi Skeda 2, kalkulati b'riferenza għall-ammont ta' kontenituri skart mqiegħed fis-suq matul dak il-perjodu ta' eżenzjoni.

(2) Meta wara l-għoti ta' eżenzjoni, l-eko-kontribuzzjoni tkun ġiet mħallsa fil-perjodu ta' eżenzjoni rilevanti, il-produttur għandu jkun eliġibbli għal ħlas lura ta' l-eko-kontribuzzjoni mħallsa fuq kull prodott jew fuq perċentwali ta' prodotti mqegħda fis-suq kalkulata bir-rata ta' eżenzjoni stipulata fi Skeda 2.

(3) Meta ma jkunux milħuqa l-limiti stabbiliti fis-subregolament (1), l-eżenzjoni favur il-produttur għandha tiġi revokata u l-eko-kontribuzzjoni, li kieku kienet tkun dovuta li ma kienx xort'oħra minħabba fl-eżenzjoni, għandha tkun dovuta kollha kemm hi:

Iżda l-produttur għandu jitqies li jkollu eżenzjoni valida jekk dak il-produttur jidħol fi skema oħra approvata kif hemm fid-dispozizzjonijiet tal-proviso mas-subregolament (2) tar-regolament 4 tar-Regolamenti ta' l-2008 dwar il-Faċilità Approvata għall-Irkupru ta' l-Iskart fil-Ħlas ta' l-Eko-Kontribuzzjoni.

(4) Ebda ħaġa li tinsab f'dawn ir-regolamenti m'għandha tipprekludi l-iskema mill-obbligi li għandha biex tikseb il-permessi meħtieġa li jagħtu l-jedd li jinġabru kontenituri skart mingħand il-proprjetarju jew id-detentur ta' dak l-iskart minn ġewwa lokalitajiet fejn il-ġbir ta' l-iskart jaqa' taħt ir-responsabbiltà tal-Kunsilli Lokali.

Applikazzjoni għall-eżenzjoni.

5. (1) L-applikazzjoni għal eżenzjoni mill-eko-kontribuzzjoni dovuta fuq il-prodotti tista' ssir fuq il-formola maħruġa mill-Korp ta' Approvazzjoni.

(2) L-applikazzjoni għandu jkollha magħha dokumenti li jixhdu u jkunu għas-sodisfazzjon tal-Korp ta' Approvazzjoni u li jkunu jindikaw il-kwantità u x-xorta ta' kontenituri skart irkuprati skond kif hemm fi Skeda 2 u li jkunu ser jiġu rkuprati mill-prodotti mqegħda fis-suq minn produttur matul il-perjodu ta' eżenzjoni rilevanti.

(3) L-eżenzjonijiet għandhom jingħataw fuq bażi proviżorja, u jsiru konklużivi biss wara li jinħareġ ċertifikat kif hemm fir-regolament 8.

Tqassim tal-boroż riċiklabbli.

6. (1) Bla ħsara għall-kondizzjoni stabbilita fis-subregolament (2) ta' dan ir-regolament, produtturi li jkunu eżentati kif stipulat f'dawn ir-regolamenti u li jqasmu l-boroż riċiklabbli b'xejn lill-pubbliku ġenerali u lill-Kunsilli Lokali għall-iskop li jinkoraġġixxi s-separazzjoni ta' skart domestiku għar-riċiklaġġ, ikunu eżentati mill-eko-kontribuzzjoni fuq dawk il-boroż.

(2) Il-boroż li jitqassmu għandhom ikunu dawk imnizzla fi Skeda 3 u għandhom ikunu stampati fuq kull naħa tagħhom, b'tipa ta' mhux inqas minn żewġ ċentimetri u b'mod li

jkun jidher sew, b'tikketta li tkun tikkonsisti fi, iżda li ma tkunx limitata għal din l-informazzjoni li ġejja:

(a) l-isem ta' l-iskema approvata, u jekk dan ma jkunx il-każ, l-isem ta' l-operatur ta' l-iskema approvata,

(b) l-indirizz tan-negozju ta' l-iskema approvata, u jekk dan ma jkunx il-każ, l-indirizz tan-negozju ta' l-operatur ta' l-iskema approvata.

7. Il-Korp ta' Approvazzjoni jkun magħmul minn rappreżentant wieħed minn kull waħda minn dawn li ġejjin: Korp ta' Approvazzjoni.

(a) l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar;

(b) il-Ministeru responsabbli għall-implimentazzjoni ta' l-istrateġija dwar l-immaniġġar ta' l-iskart; u

(ċ) il-Ministeru responsabbli għall-finanzi,

u għandu jirregola l-proċeduri tiegħu nnifsu fl-ipproċessar u fl-approvazzjoni ta' talbiet għal eżenzjonijiet mill-eko-kontribuzzjoni.

8. (1) Il-Korp ta' Approvazzjoni għandu joħroġ ċertifikat għal kull produttur jekk l-applikazzjoni tiegħu għal eżenzjoni mill-eko-kontribuzzjoni tiġi aċċettata. Ċertifikat.

(2) Iċ-ċertifikat ikun validu għall-perjodu ta' eżenzjoni rilevanti u jista' jiġi mġedded għal perjodi ta' eżenzjoni sussegwenti sakemm il-produttur jippreżenta dokumenti li jixhdu kif stipulat fis-subregolament (2) tar-regolament 5.

(3) Mingħajr preġudizzju għas-sub-regolament (3) tar-regolament 4 u għall-proviso li hemm miegħu, il-Korp ta' Approvazzjoni jista jirrevoka ċertifikat jekk xi kundizzjoni għall-applikazzjoni ta' l-eżenzjoni mill-eko-kontribuzzjoni ma tkunx intlaħqet jew ma tkunx ġiet sodisfatta.

(4) Il-Korp ta' Approvazzjoni jista' joħroġ lista ta' produtturi li jkollhom ċertifikat validu u l-prodotti korrispondenti li dwarhom tkun tapplika l-eżenzjoni mill-eko-kontribuzzjoni.

9. Id-dispożizzjonijiet li jirregolaw l-appelli kif stipulati fl-Att għandhom japplikaw għal appelli minn deċiżjonijiet tal-Korp ta' Approvazzjoni li jsiru quddiem il-Bord ta' l-Appelli. Dritt ta' appell.

SKEDA 1

Regolament 3

Kontenituri skart

Damiġġjani, fliexken, *flasks*, vażetti u kontenituri oħra magħmulin mill-plastik, ħġieġ jew metall, li jkun fihom xi waħda mix-xarbiet li ġejjin:

Gruppi ta' prodotti	Nru tal-Kodiċi HS
Ilmijiet, inklużi ilmijiet naturali jew minerali artifiċjali u ilmijiet effervexxenti li la jkun fihom zokkor miżjud jew materjal ieħor li jagħmel ħelu lanqas ma jkunu imħawwrin; silġ u borra	2201
Ilmijiet, inklużi ilmijiet minerali u ilmijiet effervexxenti li fihom zokkor miżjud jew xi materja oħra ta' ħlewwa jew togħma, u xorb ieħor mhux alkoħoliku, li ma jinkludix il-frott jew il-meraq tal-ħaxix taħt l-intestatura 2009	2202
Birra magħmula mix-xgħir	2203
Inbid ta' għeneb frisk, inklużi inbejjed imsaħħin; most li ma jkunx dak taħt l-intestatura 2009	2204
Vermut u nbid ieħor ta' għeneb frisk imħawwrin bi pjanti jew sustanzi aromatiċi	2205
Xorb ieħor iffermentat (per eżempju, *cider perry*, *mead*); taħlit ta' xorb iffermentat u taħlit ta' xorb iffermentat u xorb mhux alkoħoliku, li mhumiex speċifikati jew inklużi band'oħra	2206
Alkoħol etiliku mhux żnaturat b'saħħa alkoħolika li jkollu volum ta' inqas minn 80 % vol; spirti, likuri u xorb spirituż ieħor	2208

Damiġġjani, fliexken, *flasks*, vażetti u kontenituri oħra vojta magħmulin mill-plastik, ħġieġ jew metall taħt dan li ġej:

Gruppi ta' prodotti	Nru tal-Kodiċi HS
Oġġetti għall-ġarr jew l-ippakkjar ta' xorb	3923
Oġġetti għall-ġarr jew l-ippakkjar ta' xorb	7010
Bottijiet ta' l-aluminju għall-ġarr jew ippakkjar ta' xorb	7612

Oġġetti li jintużaw fil-kamra tal-banju u preparazzjonijiet tal-ħasil, taħt l-intestaturi li ġejjin:

Gruppi ta' prodotti	Nru tal-Kodiċi HS
Fwejjaħ u *toilet waters*	3303
Preparazzjonijiet tas-sbuħija jew tħejjijiet u preparazzjonijiet biex tiġi trattata l-ġilda (minbarra medikamenti), inklużi prodotti ta' protezzjoni mix-xemx jew kontra t-tixmix; manikjur jew pedikjur. Madankollu eskluż it-trab tat-trabi mingħajr fwieħa ppakkjat f'kaxxi tal-kartun ta' piż li ma jaqbiżx 70 gramma u lozjoni ta' l-idejn u tal-ġilda f'kontenituri li ma jaqbżux 50ml	3304

Preparazzjonijiet għall-użu fuq ix-xagħar, madankollu esklużi l-oġġetti li jaqgħu taħt l-intestatura 3305 10 00	3305
Shampoos, f'kontenituri li jeċċedu 50 ml	3305 10 00
Preparazzjonijiet għall-iġjene orali jew tas-snien, inklużi pasti u trabijiet għall-inkollar tad-dentaturi; ħjut użati għat-tindif bejn is-snien (floss dentali), f'pakki individwali bl-imnut	3306
Preparati għal qabel, waqt u wara t-tqaxxir tal-leħja, deodoranti personali, preparazzjonijiet tal-banju, preparazzjonijiet ta' depilazzjoni u profumerija oħra, ta' kosmetiċi jew ta' affarijiet li jintużaw fil-kamra tal-banju, li mhux speċifikati jew inklużi band'oħra; *deodorisers* tal-kmamar, kemm jekk imfewħa kemm jekk m'humiex jew li jkollhom proprjetajiet diżinfettanti. Madankollu jeskludu l-ġel tal-banju u tad-doċċa f'konteníturi li ma jaqbżux 50 ml	3307
Aġenti organiċi attivi għal fuq il-ġilda (minbarra sapun); preparazzjonijiet għal fuq il-ġilda attivi, preparazzjonijiet għall-ħasil (inklużi preparazzjonijiet awżiljarji għall-ħasil) u preparazzjonijiet għat-tindif, kemm jekk fihom kemm jekk ma fihomx is-sapun, minbarra dawk ta' titlu 3401, li ma jinkludux preparazzjonijiet taħt l-intestatura 3401, minbarra dawk ta' taħt l-intestatura 3402 20 jew taħt 3402 90	3402
Aġenti organiċi attivi fuq il-ġilda (minbarra sapun); preparazzjonijiet fuq il-ġilda attivi, preparazzjonijiet għall -ħasil (inklużi preparazzjonijiet awżiljarji għall-ħasil) u preparazzjonijiet għat-tindif, kemm jekk fihom is-sapun, li ma jinkludux preparazzjonijiet taħt l-intestatura 3401, li jinsabu taħt l-intestatura 3402 20 jew taħt it- titlu 3402 90	3402

SKEDA 2
Regolament 4

Rata ta' rkupru:	**Rata ta' Eżenżjoni:**
Sa u inklużi 40% tal-ammont tal-prodotti mqegħda fis-suq	0%
Aktar minn 40% u sa u inklużi 50% mill-ammont tal-prodotti mqegħda fis-suq	50%
Aktar minn 50% u sa u inklużi 60% mill-ammont tal-prodotti mqegħda fis-suq	60%
Aktar minn 60% u sa u inklużi 70% mill-ammont tal-prodotti mqegħda fis-suq	70%
Iżjed minn 70% mill-ammont ta' prodotti mqegħda fis-suq	100%

Fil-każijiet kollha, mill-inqas 60% tal-kontenituri skart kollha li jiġu rkuprati għandhom jinġabru fil-ġbir li jsir bieb bieb u minn siti domestiċi fejn jintefa' l-iskart.

SKEDA 3
Regolament 6(2)

Boroż tal-plastik:

Gruppi ta' prodotti	Nru tal-Kodiċi HS
Boroż riċiklabbli, mingħajr ebda widna, ħolqa, fetħa jew kull karatteristika oħra li tiffaċilità l-użu tal-borża għat-trasport ta' oġġetti, u mingħajr ebda fursetta, li tintuża għar-rimi ta' skart u li jitqassmu b'xejn lill-pubbliku ġenerali u lill-Kunsilli Lokali għall-iskop li jinkoraġixxi s-separazzjoni ta' skart domestiku għar-riċiklaġġ.	3923

L.N. 84 of 2010

ECO-CONTRIBUTION ACT
(CAP. 473)

Eco-Contribution (Exemptions) Regulations, 2010

IN exercise of the powers conferred by articles 12 and 13 of the Eco-Contribution Act, the Minister for Resources and Rural Affairs in concurrence with the Minister of Finance, the Economy and Investment, has made the following regulations:-

Citation, commencement and scope.

1. (1) The title of these regulations is the Eco-Contribution (Exemptions) Regulations, 2010.

(2) These regulations shall be deemed to have come into force on the 1st July, 2009.

(3) These regulations provide measures, procedures and additional guidance to the Act and aim to regulate the granting of exemptions in respect of the eco-contribution due on products placed on the market by producers who participate in the recovery of packaging waste through waste recovery schemes.

(4) These regulations shall be read and construed in the context of the provisions of the Eco-Contribution (Approved Waste Recovery Facilities) Regulations, 2008. L.N. 74 of 2008.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

"the Act" means the Eco-Contribution Act;

"Approved Waste Recovery Facility" means a facility approved in terms of the Waste Recovery Scheme Regulations, 2010 by the Approving Body as being engaged in the recovery of waste on a commercial basis in Malta or outside Malta;

"Approving Body" means the body constituted under regulation 7 of these regulations;

"commercial basis" means operating with the aim of making a profit and without any support from public finances, excluding funding granted by the European Union;

"exemption period" means a period of one calendar year, provided that for the period commencing 1st July 2009, the exemption period means a period running from 1st July 2009 until 31st December 2010;

"exemption rate" means the percentage of products placed on the market which are exempt from eco-contribution as a percentage of the amount of total products placed on the market as shown in Schedule 2 for the relevant exemption period;

"recycling bag" means a bag without any handles, loops, slots or any other feature that facilitates the use of the bag for the conveyance of goods, and without any gussets, used for the disposal of waste;

"the Minister" means the Minister responsible for waste management and includes, to the extent of the authority given, any person, including any Approving Body, authorised in that behalf for any purpose of the Act;

"packaging waste" means waste listed in Schedule 1;

"permit" means any permit issued by the Minister in terms of the Eco-Contribution (Approved Waste Recovery Facilities) Regulations, 2008;

"products" means the products listed in Schedule 1;

"recovery of waste" or "recovery" means the recovery and collection of waste from the market, by delivery to an Approved Waste Recovery Facility for the subsequent re-use, recycling or reclamation thereof;

"recovery rate" means the percentage of waste recovered as a percentage of the total amount of waste of products shown in the Schedules 1 and 2 and placed on the market by a producer for the relevant exemption period;

"scheme" or "waste recovery scheme" means a system through which any producer can demonstrate to the satisfaction of the Approving Body the recovery of domestic, commercial and industrial packaging waste placed by such producer on the market, when the packaging waste is delivered to one or more Approved Waste Recovery Facilities in terms of the Waste Recovery Scheme Regulations, 2010.

(2) Any term not defined in these regulations shall have the same meaning as that assigned to it in the Act.

Exemption from eco-contribution.

3. A producer who participates in an approved waste recovery scheme may, apply for an exemption from payment of eco-contribution due on products where the producer indicates that packaging waste generated from such products will be recovered through the waste recovery scheme:

Provided that the eco-contribution return shall still be duly filed by the producer in terms of the Act.

Exemption mechanism.

4. (1) Upon an exemption being granted by the Approving Body, no eco-contribution shall be payable by a producer in an exemption period on all or a percentage of products calculated in terms of the exemption rate and which constitute packaging waste placed on the market by the producer as stipulated in Schedule 2:

Provided that, in respect of the total amount of packaging waste that will be declared as placed by such producer on the market, the waste recovery scheme undertakes to recover, separate and recycle a percentage of such packaging waste, with the minimum recovery rates in terms of Schedule 2, calculated by reference to the amount of packaging waste placed on the market during such exemption period.

(2) Where following the grant of an exemption, eco-contribution would have been paid in the relevant exemption period, the producer shall be eligible to a refund of eco-contribution paid on all or on a percentage of products placed on the market calculated in terms of the exemption rate as stipulated in Schedule 2.

(3) Where the thresholds set in sub-regulation (1) are not reached, the exemption in favour of the producer shall be revoked and the eco-contribution, which would have been due other than owing to the exemption, shall be due in full:

Provided that the producer shall be deemed to be in possession of a valid exemption if such producer subscribes to another approved scheme in terms of the proviso to sub-regulation (2) of regulation 4 of the Eco-Contribution (Approved Waste Recovery Facilities) Regulations, 2008.

(4) Nothing included in these regulations shall preclude the scheme from its obligations to acquire the necessary permits granting access to collect such packaging waste from the owner or holder of such waste from within localities where waste collection falls under the responsibility of Local Councils.

Application for exemption.

5. (1) An application for an exemption from eco-contribution due on products may be made on a form issued by the Approving Body.

(2) The application shall be accompanied by such documentary evidence to the satisfaction of the Approving Body indicating the quantity and nature of packaging waste recovered as per Schedule 2 and which will be recovered from the products placed on the market by a producer during the relevant exemption period.

(3) Exemptions shall be granted on a provisional basis, and shall become final only when a certificate is issued in terms of regulation 8.

Distribution of recycling bags.

6. (1) Subject to the condition set out in sub-regulation (2) hereof, producers exempted in terms of these regulations who distribute recycling bags free of charge to the general public and to Local Councils for the purpose of encouraging the separation of domestic waste for recycling, shall be exempt from eco-contribution on such bags.

(2) The bags distributed shall be those identified in Schedule 3 and shall have printed on each side, in a character font of not less than two centimetres and in a manner which is clearly visible, a label consisting of, but not limited to, the following information:

(a) the name of the approved scheme, and in the absence thereof, the name of the operator of the approved scheme,

(b) the business address of the approved scheme, and in the absence thereof, the business address of the operator of the approved scheme.

Approving Body.

7. The Approving Body shall be composed of one representative from each of the following:

(a) the Malta Environment and Planning Authority;

(b) the Ministry responsible for waste management and strategy implementation; and

(c) the Ministry responsible for finance,

and shall regulate its own procedures in processing and approving requests for exemptions from eco-contribution.

Certificate.

8. (1) The Approving Body shall issue a certificate in respect of each producer whose application for exemption from eco-contribution is accepted.

(2) The certificate shall be valid for the relevant exemption period and may be renewed for subsequent exemption periods subject to the producer submitting documentary evidence as stipulated in sub-regulation (2) of regulation 5.

(3) Without prejudice to sub-regulation (3) of regulation 4 and the proviso thereto, the Approving Body may revoke a certificate if any of the conditions for the application of the exemption from eco-contribution is not satisfied or no longer adhered to.

(4) The Approving Body may issue a list of producers in possession of a valid certificate and the corresponding products on which the exemption from eco-contribution is applicable.

Right of appeal.

9. The provisions regulating appeals set out in the Act shall be applicable to appeals from decisions of the Approving Body made to the Appeals Board.

SCHEDULE 1

Regulation 3

Packaging waste

Carboys, bottles, flasks, jars and other containers made of plastic, glass or metal, containing any of the following beverages:

Clusters of products	HS Code Number
Waters, including natural or artificial mineral waters and aerated waters not containing added sugar or other sweetening matter nor flavoured; ice and snow	2201
Waters, including mineral waters and aerated waters containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	2202
Beer made from malt	2203
Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009	2204
Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	2205
Other fermented beverages (for example, cider perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included	2206
Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages	2208

Empty carboys, bottles, flasks, jars and other containers made of plastic, glass or metal under the following:

Clusters of products	HS Code Number
Articles for the conveyance or packaging of beverages	3923
Articles for the conveyance or packaging of beverages	7010
Cans of aluminium for the conveyance or packaging beverages	7612

Toiletries and washing preparations, under the following headings:

Clusters of products	HS Code Number
Perfumes and toilet waters	3303
Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or suntan preparations; manicure or pedicure preparations. But excluding unscented nursery powder packed in cartons of a	3304

weight not exceeding 70 grams and hand and body lotion in containers not exceeding 50ml	
Preparations for use on the hair, but excluding items falling under heading 3305 10 00	3305
Shampoos, in containers exceeding 50 ml	3305 10 00
Preparations for oral or dental hygiene, including denture fixative pastes and powders; yarn used to clean between the teeth (dental floss), in individual retail packages	3306
Pre-shave, shaving or aftershave preparations, personal deodorants, bath preparations, depilatories and other perfumer, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorisers, whether or not perfumed or having disinfectant properties. But excluding bath and shower gel in containers not exceeding 50 ml	3307
Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading 3401, not including preparations of heading 3402 20 or of heading 3402 90	3402
Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading 3401, carried under heading 3402 20 or of heading 3402 90	3402

SCHEDULE 2
Regulation 4

Recovery rate:	**Exemption rate:**
Up to and including 40% of the amount of products placed on the market	0%
Exceeding 40% and up to and including 50% of the amount of products placed on the market	50%
Exceeding 50% and up to and including 60% of the amount of products placed on the market	60%
Exceeding 60% and up to and including 70% of the amount of products placed on the market	70%
In excess of 70% of the amount of products placed on the market	100%

In all cases, a minimum of 60% of the total packaging waste which is recovered shall be collected from door-to-door collection and domestic bring-in sites.

SCHEDULE 3
Regulation 6(2)

Plastic Bags:

Clusters of products	HS Code Number
Recycling bags, without any handles, loops, slots or any other feature that facilitates the use of the bag for the conveyance of goods, and without any gussets, used for the disposal of waste and which are distributed to the general public and Local Councils for the purpose of encouraging the separation of domestic waste for recycling	3923

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