

WASTE REGULATIONS**ARRANGEMENT OF REGULATIONS**

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SUBSIDIARY LEGISLATION 549.63 WASTE REGULATIONS

1st June, 2011*

LEGAL NOTICE 184 of 2011, as amended by Legal Notices 441 of 2011, 384 of 2012, 6 of 2014, 382 of 2015, 164 of 2017, 146 and 451 of 2021 and 35 of 2023.

PART I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Citation.

1. The title of these regulations is the Waste Regulations.

Scope.

*Amended by:
L.N. 441 of 2011;
L.N. 382 of 2015;
L.N. 146 of 2021.*

2. (1) These regulations bring into effect the provisions of Directive 2008/98/EC[†] of the European Parliament and of the Council of 19 November 2008 on waste and repealing Directives 75/439/EEC[‡], 91/689/EEC[§] and 2006/12/EC^{**}.

(2) The objective of these regulations is to protect the environment and human health by preventing or reducing the generation of waste, the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use, which are crucial for the transition to a circular economy and for guaranteeing the European Union's long-term competitiveness.

(3) These regulations bring into effect:

- (a) Article 35 of Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006;
- (b) the provisions of Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives;
- (c) the provision of Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives;
- (d) the provisions of Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council

*See sub-regulation (2) of regulation 1, as originally promulgated, and Legal Notice 211 of 2011.

[†]OJ L 312, 22.11.2008, p. 3.

[‡]OJ L 194, 25.7.1975, p. 23.

[§]OJ L 377, 31.12.1991, p. 20.

**OJ L 114, 27.4.2006, p. 9.

as regards the hazardous property HP 14 ‘Ecotoxic’;
and

- (e) the provisions of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste.

3. (1) The following shall be excluded from the scope of these regulations:

Exclusions.
Amended by:
L.N. 441 of 2011
L.N. 382 of 2015;
L.N. 146 of 2021.

- (a) gaseous effluents emitted in the atmosphere and carbon dioxide captured and transported for the purposes of geological storage and geologically stored in accordance with of the Geological Storage of Carbon Dioxide Regulations, or excluded from the scope of the Geological Storage of Carbon Dioxide Regulations, pursuant to regulation 2(2) of the latter regulation;
- (b) land (*in situ*) including unexcavated contaminated soil and buildings permanently connected with land;
- (c) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
- (d) radioactive waste;
- (e) decommissioned explosives;
- (f) faecal matter, if not covered by sub-regulation 2(b), straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health.

S.L. 549.68

(2) The following shall be excluded from the scope of these regulations to the extent that they are covered by other national or Community legislation:

- (a) waste waters;
- (b) animal by-products including processed products covered by Regulation (EC) No 1774/2002*, except those which are destined for incineration, landfilling or use in a biogas or composting plant;
- (c) carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with Regulation (EC) No 1774/2002;

*OJ L 273, 10.10.2002, p. 1

- S.L. 549.50
- (d) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries covered by the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations;
- (e) substances that are destined for use as feed materials as defined in point (g) of Article 3(2) of Regulation (EC) No 767/2009 of the European Parliament and of the Council and that do not consist of or contain animal by-products*.
- (3) Without prejudice to obligations under other relevant Community and national legislation, sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation, shall be excluded from the scope of these regulations if it is proved that the sediments are non-hazardous.
- (4) Specific rules for particular instances, or supplementing those of these regulations, on the management of particular categories of waste, may be laid down by means of specific regulations.
- Definitions.
Amended by:
L.N. 384 of 2012;
L.N. 146 of 2021.
Cap. 549.
- S.L. 595. 28.
4. In these regulations, unless the context otherwise requires:
- "the Act" means the Environment Protection Act;
- "the Agency" means the Circular Economy Malta established by the Circular Economy Malta (Establishment) Order;
- "after-care obligations" means the duties which the competent authority may require a waste operator to carry out under regulation 22;
- "applicant" means any person who applies for an environmental permit as the case may be under these regulations;
- "backfilling" means any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes;
- S.L. 595. 76.
- "best available techniques" means best available techniques as defined in regulation 5 of the Industrial Emissions (Framework) Regulations;
- "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, offices, restaurants, wholesale, canteens, caterers and retail premises and comparable waste from food processing plants;
- "broker" means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

* OJ L 229, 1.9.2009, p. 1

"carrier" means the person who collects and carries out the transport, other than shipments of waste;

"collection" means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

"co-mingled collection" means the collection of waste streams intended for recycling together with each other but separately from other waste;

"commercial waste" means waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment, excluding:

- (a) household waste;
- (b) industrial waste;
- (c) extractive waste as defined in regulation 3(1) of the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations; S.L. 549.50
- (d) waste of any other description deemed as not commercial by the competent authority;

"the competent authority" has the same meaning as 'the authority' as defined in article 2 of the Act;

"consignee" means any natural or legal person who receives a waste consignment for recovery or disposal;

"consignment note" means a note that is to accompany the consignment of hazardous or non-hazardous waste, in the form set out in Schedule 9;

"consignment permit" means a permit that is to be obtained from the competent authority prior to a consignment of hazardous or non-hazardous waste;

"consignor" means any natural or legal person who initiates the transport, other than shipment, of waste, by requiring that the waste be removed from the place at which it is being held;

"construction and demolition waste" means waste generated by construction and demolition activities;

"dealer" means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

"disposal" means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Schedule 1 sets out a non-exhaustive list of disposal operations;

"food waste" means all food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council that has become waste*;

"hazardous waste" means waste which displays one or more of the hazardous properties listed in Schedule 3;

* OJ L 31, 1.2.2002, p. 1

"household waste" means waste generated by households;"

"industrial waste" means waste from any of the following premises:

Cap. 424.

- (a) any work place as defined in article 2(1) of the Occupational Health and Safety Authority Act;
- (b) any premises used for the purposes of, or in connection with, the provision to the public of transport services by land, water or air;
- (c) any premises used for the purposes of, or in connection with, the supply to the public of gas, water or electricity or the provision of sewerage services; or
- (d) any premises used for the purposes of, or in connection with, the provision to the public of postal or telecommunications services;

"material recovery" means any recovery operation, other than energy recovery and the reprocessing into materials that are to be used as fuels or other means to generate energy. It includes, *inter alia*, preparing for re-use, recycling and backfilling;

Cap. 363.

"local council" means a local council established under the Local Government Act;

"the Minister" means the Minister responsible for the environment;

"municipal waste" means:

- (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture;
- (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households.

Municipal waste does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or construction and demolition waste.

This definition is without prejudice to the allocation of responsibilities for waste management between public and private actors;"permit holder" means a person who has sought and obtained a permit from the competent authority;

"non-hazardous waste" means waste which is not covered by the definition "hazardous waste"

"Order" means a stop order or a compliance order issued under the Act;

"permit" means any permit issued by the competent authority under regulation 19;

"preparing for re-use" means checking, cleaning or repairing

recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

"prevention" means measures taken before a substance, material or product has become waste, that reduce:

- (a) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (b) the adverse impacts of the generated waste on the environment and human health; or
- (c) the content of hazardous substances in materials and products;

"recovery" means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Schedule 2 sets out a non-exhaustive list of recovery operations;

"recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

"regeneration of waste oils" means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

"regional council" means a regional council established under the Local Government Act;

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"remedial notice" means the notification document served upon a permit holder when the competent authority considers that the conditions of his permit are no longer adequate, or that his permitted waste production or waste management activity poses an unforeseen risk to human health or the environment;

"re-use" means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

"separate collection" means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

"shipment" is as defined in Article 2 (34) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste* ;

"treatment" means recovery or disposal operations, including preparation prior to recovery or disposal;

"waste holder" means the waste producer or the natural or legal

*OJ L 190, 12.7.2006, p. 1-98

person who is in possession of the waste;

"waste management" means the collection, transport, recovery (including sorting), and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

"waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

"waste producer" means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

"waste" means any substance or object which the holder discards or intends or is required to discard.

The Waste
Hierarchy.
Added by:
L.N. 146 of 2021.
Amended by:
L.N. 451 of 2021.

4A. (1) In all waste management legislation and policy the following waste hierarchy shall apply as a priority in the following order:

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery, e.g. energy recovery; and
- (e) disposal.

(2) When applying the waste hierarchy referred to in sub-regulation (1), the Minister, in consultation with the competent authority and the Agency, shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.

The Minister shall ensure that the development of waste legislation and policy is a fully transparent process, observing existing national rules about the consultation and involvement of citizens and stakeholders.

The Minister shall take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts, in accordance with regulation 2 and paragraph 3 of Part 1 of Schedule 5.

(3) The Minister shall make use of economic instruments and other measures to provide incentives for the application of the waste

hierarchy, such as those indicated in Schedule 12 or other appropriate instruments and measures.

4B. (1) The Minister, in consultation with the competent authority and the Agency shall take the necessary measures to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.

Principles of self-sufficiency and proximity.
Added by:
L.N. 146 of 2021.

(2) The network shall be designed to enable the European Union as a whole to become self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households, and to enable Malta to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

(3) The network shall enable waste to be disposed of or waste referred to in sub-regulation (1) to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

(4) The principles of proximity and self-sufficiency do not require that the full range of recovery facilities are located in Malta.

5. (1) The competent authority shall provide the necessary technical assistance to ensure that a substance or object resulting from a production process, the primary aim of which is not the production of that substance or object, is considered not to be waste, but to be a by-product if the following conditions are met:

By-products.
Substituted by:
L.N. 146 of 2021.

- (a) further use of the substance or object is certain;
- (b) the substance or object can be used directly without any further processing other than normal industrial practice;
- (c) the substance or object is produced as an integral part of a production process; and
- (d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

(2) Where criteria have not been set at European Union level, the competent authority may establish detailed criteria on the application of the conditions laid down in sub-regulation (1) to specific substances or objects and shall notify the European Commission of those detailed criteria in accordance with Directive (EU) 2015/1535* ..

* OJ L 241, 17.9.2015, p. 1

End-of-waste
status.
Amended by:
L.N. 441 of 2011.
Substituted by:
L.N. 146 of 2021.

6. (1) Waste which has undergone a recycling or other recovery operation is considered to have ceased to be waste if it complies with the following conditions:

- (a) the substance or object is to be used for specific purposes;
- (b) a market or demand exists for such a substance or object;
- (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

(2) 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. The competent authority may take into account the following requirements:

- (a) permissible waste input material for the recovery operation;
- (b) allowed treatment processes and techniques;
- (c) quality criteria for end-of-waste materials resulting from the recovery operation in line with the applicable product standards, including limit values for pollutants where necessary;
- (d) requirements for management systems to demonstrate compliance with the end-of-waste criteria, including for quality control and self-monitoring, and accreditation, where appropriate; and
- (e) a requirement for the submission of a statement of conformity, which shall contain the information set out in Part B of Schedule 10.

(3) Any natural or legal person intending to carry out recycling or other recovery operations in which waste ceases to be waste in accordance with sub-regulation (1) is to obtain a permit from the competent authority prior to any transfer of the resulting material:

Provided that an application for a permit to reach end-of-waste submitted by any person to the competent authority for a decision under sub-regulation (2) shall contain at least the information set out in Part A of Schedule 10.

- (4) The natural or legal person who -
- (a) uses, for the first time, a material that has ceased to be waste and that has not been placed on the market; or
 - (b) places a material on the market for the first time after it has ceased to be waste,

shall ensure that the material meets relevant requirements under the applicable chemical and product related legislation. The conditions laid down in sub-regulation (1) have to be met before the legislation on chemicals and products applies to the material that has ceased to be waste.

7. (1) Commission Decision 2000/532/EC* establishing a list of wastes shall apply. The list of waste shall be binding as regards determination of the waste which is to be considered as hazardous waste. The inclusion of a substance or object in the list shall not mean that it is waste in all circumstances. A substance or object shall be considered to be waste only where the definition laid down in regulation 4 is met.

List of waste.
Amended by:
L.N. 441 of 2011;
L.N. 146 of 2021.

(2) The competent authority may consider waste as hazardous waste where, even though it does not appear as such in Commission Decision 2000/532/EC†, it displays one or more of the properties listed in Schedule 3:

Provided that the competent authority shall notify the European Commission of any such cases without delay and provide it with all relevant information.

(3) Where the competent authority has evidence to show that a specific waste listed in Commission Decision 2000/532/EC as hazardous waste does not display any of the properties listed in Schedule 3, it may consider that waste as non-hazardous waste.

(4) The reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous laid down in Commission Decision 2000/532/EC.

(5) The competent authority may consider waste as non-hazardous waste in accordance with Commission Decision 2000/532/EC referred to in sub-regulation (1).

PART II

GENERAL REQUIREMENTS

8. *Repealed by Legal Notice 146 of 2021.*

Extended producer responsibility.

9. An establishment or undertaking which collects, transports or receives waste which has been separately collected shall not mix that waste with other waste or other material with different properties.

Prohibition of mixing separately collected waste.
Amended by:
L.N. 146 of 2021.

10. (1) Without prejudice to the Waste Management (Packaging and Packaging Waste) Regulations, the Extended Producer Responsibility Framework Regulations, 2021, and the Local Government Act, Local Councils are to set up systems in their locality for the separate collection (which includes co-mingled collection), and

Separate collection.
Substituted by:
L.N. 146 of 2021.
S.L. 549. 43.
S.L. 549. 141.
Cap. 363.

*OJ L 226, 6.9.2000, p.3

† OJ L 226, 6.9.2000, p.3

the Regional Councils are to ensure that such systems are set-up, for at least the following:

- (a) paper;
- (b) metal;
- (c) plastic;
- (d) glass; and
- (e) bio-waste,

in order to promote high quality recycling.

S.L. 549. 43. (2) Without prejudice to the Waste Management (Packaging and Packaging Waste) Regulations, Local Councils shall allocate space for the provision of Recycling Points for the separate collection of paper, metal, plastic and glass for every two thousand (2,000) inhabitants in each specific locality, and the Regional Councils are to ensure that such space is allocated:

Provided that Local Councils with less than two thousand (2,000) inhabitants shall provide space for at least one set of Recycling Points in their respective locality:

Provided further that for the purposes of Recycling Points under this sub-regulation separate collection shall not include co-mingled collection.

S.L. 549.72. (3) Local Councils that fail to comply with the provisions of sub-regulation (2) shall be liable to a penalty in accordance with the Daily Penalties (Environment) Regulations.

S.L. 549. 45. (4) Without prejudice to regulation 10B, any carrier registered in accordance with the Waste Management (Activity Registration) Regulations to carry waste as defined in regulation 4 who collects any one of the waste streams identified in sub-regulation (1) separately, shall keep all fractions collected separately.

(5) By 1 January 2025 there shall be systems set up for the separate collection of:

- (a) hazardous waste fractions produced by households to ensure that they are treated in accordance with regulation 4A and paragraph 3 of Part 1 of Schedule 5 and do not contaminate other municipal waste streams; and
- (b) textiles.

Prevention.
Added by:
L.N. 146 of 2021.

10A. (1) The Minister, in consultation with the competent authority and the Agency, shall take measures to prevent waste generation. Such measures shall, at least:

-
- (a) promote and support sustainable production and consumption models;
 - (b) encourage the design, manufacturing and use of products that are resource-efficient, durable (including in terms of life span and absence of planned obsolescence), repairable, re-usable and upgradable;
 - (c) target products containing critical raw materials to prevent that those materials become waste;
 - (d) encourage the re-use of products and the setting up of systems promoting repair and re-use activities, including in particular for electrical and electronic equipment, textiles and furniture, as well as packaging and construction materials and products;
 - (e) encourage, as appropriate and without prejudice to intellectual property rights, the availability of spare parts, instruction manuals, technical information, or other instruments, equipment or software enabling the repair and re-use of products without compromising their quality and safety;
 - (f) reduce waste generation in processes related to industrial production, extraction of minerals, manufacturing, construction and demolition, taking into account best available techniques;
 - (g) reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households as a contribution to the United Nations Sustainable Development Goal to reduce by 50% of the per capita global food waste at the retail and consumer levels and to reduce food losses along production and supply chains by 2030;
 - (h) encourage food donation and other redistribution for human consumption, prioritising human use over animal feed and the reprocessing into non-food products;
 - (i) promote the reduction of the content of hazardous substances in materials and products, without prejudice to harmonised legal requirements concerning those materials and products laid down at European Union level, and ensure that any supplier of an article as defined in point 33 of Article 3 of Regulation (EC) No 1907/2006* provides the information pursuant to Article 33(1) of that Regulation to the European Chemicals Agency as from 5 January 2021;
 - (j) reduce the generation of waste, in particular waste that is not suitable for preparing for re-use or recycling;
 - (k) identify products that are the main sources of littering, notably in natural and marine environments, and take

*OJ L 396, 30.12.2006, p. 1

appropriate measures to prevent and reduce litter from such products:

Provided that if the Minister, in consultation with the competent authority and the Agency, decides to implement this obligation through market restrictions, he shall ensure that such restrictions are proportionate and non-discriminatory;

- (l) aim to halt the generation of marine litter as a contribution towards the United Nations Sustainable Development Goal to prevent and significantly reduce marine pollution of all kinds;
- (m) develop and support information campaigns to raise awareness about waste prevention and littering.

(2) The competent authority and the Agency shall monitor and assess the implementation of the national measures on re-use by measuring re-use on the basis of the common methodology established in Commission Implementing Decision (EU) 2021/19 laying down a common methodology and a format for reporting on reuse in accordance with Directive 2008/98/EC of the European Parliament and of the Council.

(3) The competent authority and the Agency shall monitor and assess the implementation of national food waste prevention measures by measuring the levels of food waste on the basis of the methodology established by Commission Delegated Decision (EU) 2019/1597 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste.

Recovery.
Added by:
L.N. 146 of 2021

10B. (1) The Minister, in collaboration with the competent authority and the Agency, shall take the necessary measures to ensure that waste undergoes preparing for re-use, recycling or other recovery operations, in accordance with regulation 4A and the principles set out in paragraph 3 of Part 1 of Schedule 5.

(2) Where necessary to comply with sub-regulation (1), and to facilitate or improve preparing for re-use, recycling and other recovery operations, waste shall be subject to separate collection and shall not be mixed with other waste or other materials with different properties.

(3) The competent authority may grant derogations from sub-regulation (2) provided that at least one of the following conditions is met:

- (a) collecting certain types of waste together does not affect their potential to undergo preparing for re-use, recycling or other recovery operations in accordance with regulation 4A and results in output from those

operations which is of comparable quality to that achieved through separate collection;

- (b) separate collection does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;
- (c) separate collection is not technically feasible taking into consideration good practices in waste collection;
- (d) separate collection would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility:

Provided that the competent authority shall regularly review derogations under this paragraph taking into account good practices in separate collection of waste and other developments in waste management:

Provided further that a request for a derogation under this regulation shall be made in writing to the competent authority and the competent authority shall decide on a case-by-case basis.

(4) The Minister, in consultation with the competent authority and the Agency, shall take measures to ensure that waste that has been separately collected for preparing for re-use and recycling is not incinerated, with the exception of waste resulting from subsequent treatment operations of the separately collected waste for which incineration delivers the best environmental outcome in accordance with regulation 4A.

(5) Where necessary to comply with sub-regulation (1), and to facilitate and improve recovery, the Minister, in consultation with the competent authority, shall take the necessary measures, before or during recovery, to remove hazardous substances, mixtures and components from hazardous waste with a view to their treatment in accordance with regulation 4A and paragraph 3 of Part 1 of Schedule 5.

10C. (1) The Minister, in consultation with the competent authority and the Agency, shall take measures to promote preparing for re-use activities, notably by encouraging the establishment of, and support for, preparing for re-use and repair networks, by facilitating, where compatible with proper waste management, their access to waste held by collection schemes or facilities that can be prepared for re-use but is not destined for preparing for re-use by those schemes or facilities, and by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures.

Preparing for re-use and recycling targets.

Added by:

L.N. 146 of 2021.

Amended by:

L.N. 451 of 2021.

The Minister, in consultation with the competent authority and the Agency, shall take measures to promote high-quality recycling and, to this end, subject to regulation 10B(2) and (3), shall set up separate collection of waste.

The Minister, in consultation with the competent authority and the Agency, shall take measures to promote selective demolition in order to enable removal and safe handling of hazardous substances and facilitate re-use and high-quality recycling by selective removal of materials, and to ensure the establishment of sorting systems for construction and demolition waste at least for wood, mineral fractions (concrete, bricks, tiles and ceramics, stones), metal, glass, plastic and plaster.

(2) In order to comply with the objectives of these regulations and move towards a European circular economy with a high level of resource efficiency, the following targets shall be achieved:

- (a) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 55% by weight;
- (b) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight;
- (c) by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65% by weight:

Provided that the Minister may by notice in the Gazette place the responsibility for the achievement of the targets referred to in paragraphs (a), (b) and (c) on the Local Councils, or on the Regional Councils, or on both.

(3) The Minister may postpone the deadlines for attaining the targets referred to in paragraphs (a), (b) and (c) of sub-regulation (2) by up to five (5) years, provided that:

- (a) Malta has prepared for re-use and recycled less than twenty per cent (20%) or landfilled more than sixty per cent (60%) of its municipal waste generated in 2013 as reported under the Joint Questionnaire of the OECD and Eurostat; and
- (b) at the latest twenty-four (24) months before the respective deadline laid down in paragraphs (a), (b) and (c) of sub-regulation (2), the Minister notifies the Commission of its intention to postpone the respective deadline and submits an implementation plan in accordance with Schedule 13.

(4) Within three (3) months of receipt of the implementation plan submitted pursuant to paragraph (b) of sub-regulation (3), the Commission may request Malta to revise the plan if the Commission considers that the plan does not comply with the

requirements set out in Schedule 13. Malta shall submit a revised plan within three (3) months of the receipt of the Commission's request.

(5) In the event of postponing the attainment of the targets in accordance with sub-regulation (3), the Minister, in consultation with the competent authority and the agency, shall take the necessary measures to increase the preparing for re-use and the recycling of municipal waste:

- (a) to a minimum of fifty per cent (50%) by 2025 in the event of postponing the deadline for attaining the target referred to in paragraph (a) of sub-regulation (2);
- (b) to a minimum of fifty-five per cent (55%) by 2030 in the event of postponing the deadline for attaining the target referred to in paragraph (b) of sub-regulation (2);
- (c) to a minimum of sixty per cent (60%) by 2035 in the event of postponing the deadline for attaining the target referred to in paragraph (c) of sub-regulation (2).

10D. (1) For the purpose of calculating whether the targets laid down in regulation 10C(2) have been achieved:

- (a) the competent authority shall calculate the weight of the municipal waste generated and prepared for re-use or recycled in a given calendar year;
- (b) the weight of the municipal waste prepared for re-use shall be calculated as the weight of products or components of products that have become municipal waste and have undergone all necessary checking, cleaning or repairing operations to enable re-use without further sorting or pre-processing;
- (c) the weight of the municipal waste recycled shall be calculated as the weight of waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.

Rules on the calculation of the attainment of the targets.
Added by:
L.N. 146 of 2021.

(2) For the purposes of sub-regulation (1)(c), the weight of the municipal waste recycled shall be measured when the waste enters the recycling operation:

Provided that, by way of derogation from sub-regulation (1), the weight of the municipal waste recycled may be measured at the output of any sorting operation:

Provided further that:

- (a) such output waste is subsequently recycled; and

(b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.

(3) The competent authority shall establish an effective system of quality control and traceability of municipal waste to ensure that the conditions laid down in sub-regulations (1)(c) and (2) are met. To ensure the reliability and accuracy of the data gathered on recycled waste, the system may consist of electronic registries set up pursuant to regulation 33(5), technical specifications for the quality requirements of sorted waste, or average loss rates for sorted waste for various waste types and waste management practices respectively. Average loss rates shall only be used in cases where reliable data cannot be obtained otherwise and shall be calculated on the basis of the calculation rules established in line with Article 11a(10) of Directive 2008/98/EC.

(4) For the purpose of calculating whether the targets laid down in regulation 10C(2) have been attained, the amount of municipal biodegradable waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance:

Provided that where the output is used on land, the competent authority may count it as recycled only if this use results in benefits to agriculture or ecological improvement.

(5) As from 1 January 2027, the competent authority may count municipal bio-waste entering aerobic or anaerobic treatment as recycled only if, in accordance with paragraph of sub-regulation of regulation 10(1)(e) and paragraph 9 of Part 2 of Schedule 5, it has been separately collected or separated at source.

(6) For the purposes of calculating whether the targets laid down in regulation 10C(2) have been attained, the amount of waste materials that have ceased to be waste as a result of a preparatory operation before being reprocessed may be counted as recycled, provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes:

Provided that end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted towards the attainment of the recycling targets.

(7) For the purposes of calculating whether the targets laid down in regulation 10C(2) have been attained, the competent

authority may take into account the recycling of metals separated after incineration of municipal waste provided that the recycled metals meet the quality criteria laid down in Commission Implementing Decision (EU) 2019/1004 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012) 2384.

(8) Waste collected in Malta that is exported outside the Union for preparing for re-use or recycling shall count towards the attainment of the targets laid down in regulation 10C(2) only if the requirements of sub-regulation (3) of this regulation are met and if, in accordance with Regulation (EC) No 1013/2006*, the exporter can prove that the shipment of waste complies with the requirements of that Regulation and that the treatment of waste outside the Union took place in conditions that are broadly equivalent to the requirements of the relevant European Union environmental law.

(9) For the application of this regulation, the rules for calculation, verification and reporting of data laid down in Commission Implementing Decision (EU) 2019/1004 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012) 2384 shall apply.

11. The competent authority shall ensure that, where recovery in accordance with paragraph 11 of Schedule 5 is not undertaken, waste undergoes safe disposal operations which meet the provisions laid down in paragraph 3 of Schedule 5 on the protection of human health and the environment.

Disposal.
Substituted by:
L.N. 441 of 2011;
L.N. 6 of 2014.

PART III

WASTE MANAGEMENT

12. (1) It shall be the duty of any original waste producer or other waste holder who carries out the treatment of waste himself or has the treatment handled by a dealer or an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector to ensure that the waste is managed, in accordance with regulation 4A and paragraph 3 of Part 1 of Schedule 5 and the conditions attached to any permit.

Duty of care.
Amended by:
L.N. 441 of 2011;
L.N. 146 of 2021.

(2) It shall be the duty of any original waste producer or other waste holder to:

- (a) prevent any contravention of these regulations;
- (b) prevent the escape of such waste from his control or that of any other person;
- (c) ensure that such waste is managed by a person who is in possession of a permit.

*OJ L 190, 12.7.2006, p 1.

(3) Sub-regulations (1) and (2) shall not apply to an occupier of a household as respects the household waste produced on the property.

(4) It shall be the duty of the occupier of a household to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes.

(5) No person shall deposit any waste except in a waste management facility which is authorised to receive that waste by virtue of a permit.

(6) When the waste is transferred from the original producer or holder to one of the natural or legal persons referred to in sub-regulation (1) for preliminary treatment, the responsibility for carrying out a complete recovery or disposal operation shall not be discharged as a general rule. Without prejudice to Regulation (EC) No 1013/2006*, the competent authority may specify the conditions of responsibility and decide in which cases the original producer is to retain responsibility for the whole treatment chain or in which cases the responsibility of the producer and the holder can be shared or delegated among the actors of the treatment chain.

S.L. 549.141.

(7) Without prejudice to regulation 4(3) of the Extended Producer Responsibility Framework Regulations, in accordance with the polluter-pays principle, the costs of waste management, including for the necessary infrastructure and its operation, shall be borne by the original waste producer or by the current or previous waste holders depending on who has the duty of care for the waste in accordance with the provisions of this regulation.

(8) Establishments or undertakings which collect or transport waste on a professional basis shall deliver the waste collected and transported to appropriate treatment installations in accordance with paragraph 3 of Schedule 5.

Separation of
waste at source.
Added by:
L.N. 35 of 2023.

12A. (1) It shall be the duty of every person to separate the following recyclable waste streams at source prior to their separate collection:

- (a) paper;
- (b) metal;
- (c) plastic;
- (d) glass;
- (e) bio-waste; and
- (f) any other waste stream as determined by the Minister:

*OJ L 190, 12.7.2006, p. 1-98

Provided that co-mingled collection of certain streams may be allowed only if carried out in conformity with the provisions of Schedule 3 to the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations:

S.L. 549.40.

Provided further that with respect to waste generated in public places, this obligation applies only where bins for the separate collection are available.

(2) The enforcement of sub-regulation (1) shall be carried out in a phased approach as shall be prescribed by the Minister by means of a Government notice in the Gazette and in conformity with regulation 10(4A) of the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations.

S.L. 549.40.

13. By way of derogation from Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste*, incoming shipments of waste destined to incinerators that are classified as recovery shall be prohibited, where it has been established that such shipments would result in national waste having to be disposed of or waste having to be treated in a way that is not consistent with Malta's national waste management plan.

Limitation on incoming shipments of waste.

14. (1) The competent authority shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health in order to meet the provisions laid down in paragraph 3 of Schedule 5.

Control of hazardous waste and other waste. Amended by: L.N. 441 of 2011; L.N. 384 of 2012.

(2) Holders of hazardous waste shall ensure that, in the course of collection, transport, and temporary storage, such hazardous waste is securely packaged and labelled in accordance with international and national standards or as prescribed by the competent authority.

(3) Any person intending to transfer hazardous waste or any non-hazardous waste as prescribed by the competent authority, within Maltese territory or waters shall inform the competent authority of the intended transfer and at least fifteen working days before the actual transfer is planned to take place, the applicant shall submit to the competent authority a completed consignment permit in accordance with Schedule 8. Consignment permits shall be valid for such a time as the competent authority specifies.

(4) Whenever hazardous waste or any non-hazardous waste identified by the competent authority, is transferred within Maltese territory or waters, it shall be accompanied by a coded hazardous waste consignment note issued by the competent authority, a specimen of which is in Schedule 9.

(5) The competent authority shall subsequently provide this person with five copies of a coded consignment note containing the details to be filled in by the consignor, carrier and consignee, in

*OJ L 190, 12.7.2006, p. 1-98

accordance with Schedule 9, as follows:

- (a) Copy 1: prenotification copy to be sent by consignor to the competent authority;
- (b) Copy 2: consignor copy to be kept by the consignor;
- (c) Copy 3: carrier copy, to accompany the waste during transfer;
- (d) Copy 4: consignee copy to be kept by the consignee; and
- (e) Copy 5: deposit copy to be sent by the consignee to the competent authority.

(6) At least three working days before the actual transfer is planned to take place, the applicant shall submit to the competent authority a completed consignment note in accordance with Schedule 9.

(7) If the competent authority objects to the intended transfer, the competent authority shall inform the consignor at least 48 hours before the planned date of transfer.

(8) The competent authority may authorise a series of transfers of wastes having the same physical and chemical characteristics and occurring within twelve months from the issue of the authorisation to be covered by one prenotification.

(9) If there is no objection from the competent authority for the intended transfer, the transfer shall take place within thirty days from the date of the prenotification. In the case of a multiple transfer, the first transfer shall take place within thirty days from the date of the prenotification.

(10) Waste consignment notes shall be kept for a minimum of three years and made available on request to the competent authority.

(11) The competent authority may allow deviations from the provisions of this regulation in cases where the competent authority deems that the waste needs to be managed without undue delay, in an effort to minimise potential threats to the environment, humans and other living organisms. In such cases, the competent authority shall require the producer or holder of the waste to ensure traceability from production to final destination.

Fees.

15. (1) The competent authority may introduce processing fees to cover the expenses incurred in assessing and processing of applications, and in the issue of permits in conformity with regulations.

(2) The competent authority may request a bank guarantee to ensure compliance with the conditions laid down in a permit.

Ban on the mixing of hazardous waste.
Amended by:
L.N. 441 of 2011;
L.N. 6 of 2014;
L.N. 146 of 2021.

16. (1) Hazardous wastes shall not be mixed, either with other categories of hazardous waste or with other waste, substances or materials. Mixing shall include the dilution of hazardous substances.

(2) By way of derogation from sub-regulation (1), the

competent authority may allow mixing provided that:

- (a) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with regulation 19;
- (b) the provisions in paragraph 3 of Schedule 5 are complied with and the adverse impact of the waste management on human health and the environment is not increased; and
- (c) the mixing operation conforms to best available techniques.

(3) Where hazardous waste has been unlawfully mixed in breach of this regulation, the competent authority shall ensure, without prejudice to regulations 34 and 35, that separation is carried out where technically feasible and necessary to comply with regulation 4B.

Where separation is not required pursuant to sub-regulation (1), the competent authority shall ensure that the mixed waste is treated in a facility that has obtained a permit in accordance with regulation 19 to treat such a mixture..

17. (1) Regulations 14, 16 and 33 shall not apply to mixed waste produced by households.

Hazardous waste produced by households.
Amended by:
L.N. 441 of 2011.

(2) Regulations 14 and 33 shall not apply to separate fractions of hazardous waste produced by households until they are accepted for collection, disposal or recovery by an establishment or an undertaking which has obtained a permit or has been registered in accordance with regulations 19 or 27.

18. (1) Without prejudice to the provisions related to the management of hazardous waste laid down in regulations 14 and 16, waste oils -

Waste oils.
Amended by:
L.N. 6 of 2014.

- (a) shall be collected separately, unless separate collection is not technically feasible taking into account good practices;
- (b) shall be treated, giving priority to regeneration or alternatively to other recycling operations delivering an equivalent or a better overall environmental outcome than regeneration, in accordance with regulation 4A and paragraph 3 of Part 1 of Schedule 5;
- (c) of different characteristics shall not be mixed and waste oils are not to be mixed with other kinds of waste or substances, if such mixing impedes their regeneration or another recycling operation delivering an equivalent or a better overall environmental outcome than regeneration.

(2) Where technically feasible and economically viable, waste oils of different characteristics are not to be mixed and waste oils are not to be mixed with other kinds of waste or substances, if such mixing impedes their treatment.

(3) The competent authority may in accordance with Schedule

4 and where Articles 11 or 12 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste* apply, restrict the transboundary shipment of waste oils from Malta to incineration or co-incineration facilities in order to give priority to the regeneration of waste oils.

Bio-waste.
Added by:
L.N. 146 of 2021.

18A. (1) In order to comply with the objectives of these regulations and European Union legislation, and move to a European circular economy with a high level of resource efficiency, the Minister, in consultation with the competent authority and the Agency, shall take the necessary measures to ensure that by 31 December 2023 and subject to regulation 10B(2) and (3), bio-waste is either separated and recycled at source, or is collected separately and is not mixed with other types of waste.

(2) Waste with similar biodegradability and compostability properties which complies with relevant European standards or any equivalent national standards for packaging recoverable through composting and biodegradation, may be allowed to be collected together with bio-waste.

PART IV

PERMITS AND REGISTRATION

Issue of permits.
Amended by:
L.N. 441 of 2011;
L.N. 146 of 2021.

19. (1) Any establishment or undertaking intending to carry out waste treatment, including but not limited to, storage of waste pending any recovery or disposal operations (excluding temporary storage of waste which is pending collection on the site where such waste is generated), shall obtain a permit from the competent authority.

(2) Permits shall specify at least the following:

- (a) the types and quantities of waste that may be treated;
- (b) for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
- (c) the safety and precautionary measures to be taken;
- (d) the method to be used for each type of operation;
- (e) such monitoring and control operations as may be necessary;
- (f) such closure and after-care provisions as may be necessary; and
- (g) any other information requested by the competent authority to assist it in its assessment of the application.

(3) Permits shall be valid for such a time as the competent authority specifies, and an application for renewal by the permit holder shall be decided upon by the competent authority in accordance with regulation 21.

(4) Permits under these regulations may also be issued or held

*OJ L 190, 12.7.2006, p. 1-98

in the name of partnerships, companies and other collective undertakings and corporate bodies.

(5) A permit holder shall be legally responsible and accountable to ensure that the waste management activity for which he has been granted a permit is carried out in accordance with these regulations and with the conditions stipulated in the permit.

(6) Employees of a permit holder shall be authorised to undertake waste management activities under these regulations by virtue of their employer's permit, provided that:

- (a) they are acting on their employer's behalf;
- (b) they are acting within the remit of their employer's permit and are in observance of the terms, conditions and rules attached thereto and these regulations in general;
- (c) they are duly qualified in accordance with regulation 20.

(7) Employees of a permit holder shall be deemed to be acting on their employer's behalf unless the contrary is proved.

(8) A permit shall not be transferable, unless the competent authority's approval has been sought and granted for this purpose.

(9) Subject to regulation 25, the competent authority shall decide whether or not to issue a permit within six months from the date on which it receives the application.

(10) It shall be a condition of any permit covering incineration or co-incineration with energy recovery that the recovery of energy takes place with a high level of energy efficiency.

(11) Insofar as the requirements of this regulation are complied with, any permit produced pursuant to other national or Community legislation may be combined with the permit required under sub-regulation (1) to form a single permit, where such a format obviates the unnecessary duplication of information and the repetition of work by the operator or the competent authority.

20. (1) Any person who collects or transports waste on a professional basis, dealers, brokers and waste treatment operators shall possess the minimum qualification requirements as defined by the competent authority. These minimum qualification requirements will take the form of a course with a duration and curriculum approved by the competent authority. The competent authority shall only accept certification by recognized training agencies institutions.

Qualifications of personnel.

(2) Such personnel as are mentioned in sub-regulation (1) may also be subject to random audits by officials of the competent authority.

21. (1) Where the competent authority considers that the intended method of treatment is unacceptable from the point of view of environmental protection, in particular when the method is not in accordance with paragraph 3 of Schedule 5, it shall refuse to issue the permit.

Refusal to issue a permit.
Amended by:
L.N. 441 of 2011.

(2) In determining whether to issue or refuse a permit to an applicant, the competent authority shall take into account:

- (a) the applicant's suitability to undertake the proposed activity, having regard to, as applicable:
 - (i) his record of compliance with these regulations, the Act and any other regulations made thereunder;
 - (ii) his financial capacity to comply with all obligations and liabilities that will or may arise from the proposed activity under these regulations, or his ability to offer such financial security therefore as the competent authority may require; and
 - (iii) his qualifications, experience and technical competence to carry out the proposed activity safely and with minimum risk to human health and the environment, and to abide by any conditions set in relation thereto by the competent authority;
- (b) the measures he proposes to take to minimise the risk of harm to human health and the environment arising from his proposed activity;
- (c) whether he proposes to recover waste, his proposed methods, and how he proposes to safely dispose of any residues;
- (d) use of best available technology not entailing excessive cost; and
- (e) any other relevant considerations which the competent authority deems fit to take into account.

(3) The competent authority shall inform the applicant of the grounds for its decision when it rejects an application for a permit.

(4) The competent authority may request from the applicant any information relevant to its deliberations under this regulation. Failure on the applicant's part to provide such information to the competent authority or to cooperate with its inquiries may constitute grounds for refusal of a permit.

After-care obligations.

22. The competent authority may issue a permit subject to such conditions and obligations as it deems necessary, including after-care obligations, and the provision of a suitable financial assurance to be made within a stipulated period by the applicant in favour of the competent authority.

Permit variations.
Amended by:
L.N. 441 of 2011;
L.N. 146 of 2021.

23. (1) Where the competent authority considers that the conditions attached to a permit are no longer adequate, or that the activity authorised by the permit poses an unforeseen risk to human health or the environment, it may:

- (a) alter the terms and conditions attached to the permit;
- (b) serve a remedial notice upon the permit holder setting out the steps which must be taken to comply with the

altered conditions and to remove the risk or actual harm as well as the period in which these steps must be completed:

Provided that the competent authority must include in its remedial notice the steps that the permit holder must comply with so as to remedy the situation as well as the time by which such steps must be taken.

(2) Where the unforeseen risk arising from an activity authorised by a permit cannot be mitigated by measures under sub-regulation (1), the competent authority may suspend the permit in whole or in part as necessary to avert the risk.

(3) Where the competent authority believes that a permit holder is, or is likely to be, in breach of the conditions attached to his permit or these regulations in general, the competent authority may issue an Order specifying the breach of the conditions, the steps which shall be taken to prevent it and the time in which these steps shall be completed.

(4) If a permit holder fails to comply with a remedial notice or an Order, the competent authority may revoke the permit in whole or in part and itself undertake the remedial action required, defraying the expenses incurred out of the permit holder's financial assurance.

(5) It may additionally bring into effect any punitive measures specified therein, including confiscation of all or part of the financial assurance:

Provided that, if the cost of this remedial action exceeds the financial assurance, the person responsible shall bear the additional costs.

(6) Action by the competent authority under sub-regulations (3) and (4) shall be without prejudice to regulations 34, 35 and 36.

24. (1) The competent authority may attach conditions to a permit, relating to the rehabilitation, monitoring and remedial action, as applicable, to be carried out after the cessation of a waste management and, or waste production activity or the closure of a waste management or waste production site, as the case may be.

Cease of operation.

(2) A permit holder shall notify the competent authority of his intention to cease the operations undertaken by him in accordance with his permit, at least three months prior to taking action therefore.

(3) Where a site that has been used for the purposes of a waste management activity, is to close down or otherwise cease operating, the competent authority shall assess the site in question, particularly in relation to:

- (a) its physical stability;
- (b) any contamination;
- (c) the presence of any residues; and
- (d) the presence of any discharges that require management.

(4) The competent authority may require the permit holder to provide any information relevant to its investigations, including:

- (a) the history and use of the waste management or waste production site;
- (b) the presence of pollution and contaminants; and
- (c) sampling and monitoring reports.

(5) Following its investigations under this regulation, the competent authority may:

- (a) confirm and bring into effect the after-care obligations attached to the permit in accordance with sub-regulation (1); and
- (b) require the permit holder to take such additional measures as it considers necessary in relation to the remedial action, rehabilitation, and monitoring of the waste management or waste production site.

(6) The permit holder shall continue to be bound by the after-care obligations imposed by the competent authority under sub-regulations (1) and (5) for such a period as it may stipulate, notwithstanding that the permit holder has ceased to operate or he no longer holds a permit.

(7) Any after-care obligations attached to a current or former waste management site shall be transferred to the new owner in the event of a change in ownership of the site in question. The previous owner shall inform the new owner about the waste related history of the site and, the new owner shall request such information from the previous owner of the site in question.

Exemptions from civil liability.

25. The competent authority shall be exempt from civil liability for anything done reasonably and in good faith in the execution of its duties under these regulations.

Exemptions from permit requirements.

26. Establishment or undertakings and activities laid down in Schedule 4 shall be exempt from the requirements laid down in regulation 19(1).

Registration.
Amended by:
L.N. 441 of 2011.

27. (1) Where the following are not subject to permit requirements, the competent authority shall keep a register of:

- (a) establishments or undertakings which collect or transport waste on a professional basis;
- (b) dealers or brokers; and
- (c) establishments or undertakings which are subject to exemptions from the permit requirements pursuant to regulation 26, in accordance with the Waste Management (Activity Registration) Regulations,

S.L. 549.45

(2) Where possible, existing records held by the competent authority shall be used to obtain the relevant information for this registration process in order to reduce the administrative burden.

PART V

PLANS AND PROGRAMMES

28. (1) The Minister, in consultation with the competent authority and the Agency, shall establish one or more waste management plans, in line with the objectives and the principles set out in regulation 2(2), regulations 4A and 4B, and paragraph 3 of Part 1 of Schedule 5. Such plans shall, alone or in combination, cover all Malta.

Waste Management Plans.
Amended by:
L.N. 441 of 2011;
L.N. 146 of 2021.

(2) The Minister, in consultation with the competent authority and the Agency, shall ensure that the waste management plan or plans:

- (a) include a statement of the Ministry's policies for attaining the objectives and principles specified in regulations 4A and 4B and paragraph 3 of Part 1 of Schedule 5; and
- (b) include the matters set out in Part 2 of Schedule 5.

(3) The Minister, in consultation with the competent authority and the Agency, shall consider, in particular, whether the matters set out in Part 3 of Schedule 5 should be included in the waste management plans.

(4) The Minister, in consultation with the competent authority and the Agency, shall ensure that the waste management plans conform to the waste planning requirements laid down in regulation 10 of the Waste Management (Packaging and Packaging Waste) Regulations, to the targets laid down in regulation 10C(2) of these regulations and to the requirements laid down in regulation 5 of the Waste Management (Landfill) Regulations, and for the purposes of litter prevention, to the requirements laid down in regulation 10 of the Marine Policy Framework Regulations and regulation 12 of the Water Policy Framework Regulations.

S.L. 549. 43.
S.L. 549. 29.
S.L. 549. 62.
S.L. 549.100.

(5) A statement of policy made before the coming into force of these regulations may be, or form part of, a waste management plan.

29. (1) The Minister, in consultation with the competent authority and the Agency, shall establish waste prevention programmes setting out at least the waste prevention measures as laid down in regulation 10A(1) in accordance with regulations 2(2) and 4A.

Waste prevention programmes.
Amended by:
L.N. 441 of 2011;
L.N. 146 of 2021;
L.N. 451 of 2021.

Such programmes shall be integrated either into the waste management plans required under regulation 28 or into other environmental policy programmes, as appropriate, or shall function as separate programmes. If any such programme is integrated into the waste management plan or into those other programmes, the waste prevention objectives and measures shall be clearly identified.

(2) When establishing such programmes, the competent authority and the Agency shall, where relevant, describe the contribution of instruments and measures listed in Schedule 12 to waste prevention and shall evaluate the usefulness of the examples of measures indicated in Schedule 6 or other appropriate measures. The programmes shall also describe existing waste prevention measures and their contribution to waste prevention.

(3) The Minister, in consultation with the competent authority and the Agency, shall adopt specific food waste prevention programmes within their waste prevention programmes.

Evaluation and review of plans and programmes.
Substituted by: L.N. 6 of 2014.

30. The competent authority shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Schedule 5 and other community measures.

Public participation.

31. All the relevant stakeholders and authorities and the general public shall have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with the Plans and Programmes (Public Participation) Regulations or, if relevant, the Strategic Environmental Assessment Regulations. They shall place the plans and programmes on a publicly available website.

S.L. 549.41
S.L. 549.61

PART VI

INSPECTIONS AND RECORDS

Inspections.

32. (1) Establishments or undertakings which carry out waste treatment operations, establishments or undertakings which collect or transport waste on a professional basis, brokers and dealers, and establishments or undertakings which produce hazardous waste shall be subject to appropriate periodic inspections by the competent authority.

(2) Inspections concerning collection and transport operations shall cover the origin, nature, quantity and destination of the waste collected and transported.

(3) The competent authority may take account of registrations obtained under the Community Eco-Management and Audit Scheme (EMAS), in particular regarding the frequency and intensity of inspections.

Record keeping.
Amended by: L.N. 146 of 2021.

33. (1) The establishments and undertakings referred to in regulation 19(1), the producers of hazardous waste, and the establishments and undertakings which collect or transport hazardous waste on a professional basis, or act as dealers and brokers of hazardous waste, shall keep a chronological record of:

- (a) the quantity, nature and origin of that waste and the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations; and
- (b) where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste.

They shall make that data available to the competent authority through the electronic registry or registries to be established pursuant to sub-regulation (5).

(2) For hazardous waste, the records shall be preserved for at least three years except in the case of establishments and undertakings transporting hazardous waste which must keep such

records for at least twelve months.

(3) Documentary evidence that the management operations have been carried out shall be supplied at the request of the competent authority or of a previous holder.

(4) The competent authority may require the producers of non-hazardous waste to comply with sub-regulations (1) and (2).

(5) The competent authority shall set up an electronic registry or coordinated registries to record the data on hazardous waste referred to in sub-regulation (1) covering the entire geographical territory of Malta.

The competent authority may establish such registries for other waste streams, in particular for those waste streams for which targets are set in national and European Union legislation. The data on waste reported by industrial operators in the European Pollutant Release and Transfer Register set up under Regulation (EC) No 166/2006 of the European Parliament and of the Council* shall be used.

33A. (1) The establishments and undertakings referred to in regulation 19(1) and the establishments and undertakings which act as dealers and brokers of waste, shall submit annual reports to the competent authority within three (3) calendar months of the closing of the reference year.

Reporting.
Added by:
L.N. 146 of 2021.

The competent authority shall specify the format in which such information is to be made available, which format shall contain guidance concerning the presentation, structure and content of the annual report.

(2) The competent authority may carry out, at the expense of the operator, or may request the operator to carry out, an audit to certify that all of the information reported to the competent authority is in conformity with the obligations of these regulations.

(3) The operators referred to in sub-regulation (1) shall submit the audit report referred to in sub-regulation (2), where relevant, together with the annual report referred to in sub-regulation (1).

(4) It shall be the responsibility of all the operators referred to in sub-regulation (1) to retain for a minimum period of five (5) years the annual report referred to in sub-regulation (1) from the date of submission.

(5) The competent authority may request that the Regional Councils or the Local Councils, for the purposes of monitoring the systems set up under regulation 10(1), submit a report to the competent authority.

The competent authority shall specify the time-frame and

* OJ L 33, 4.2.2006, p. 1

the format in which such information is to be made available.

(6) Without prejudice to the confidentiality of commercially sensitive information, a copy of the reports referred to in sub-regulations (1) and (5) shall be made available in accordance with the Freedom of Access to Information on the Environment Regulations.

S.L. 549.39

Offences and
enforcement.
Amended by:
L.N. 146 of 2021.
S.L. 549. 40.

34. (1) Without prejudice to the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations, the Minister, in collaboration with the competent authority, shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled management of waste, including littering.

(2) Any person shall be guilty of an offence under these regulations if such person:

- (a) abandons, drops, dumps or otherwise handles waste not in accordance with the provisions of these regulations;
- (b) fails to comply with any provision 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
- (c) contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (d) acts in contravention of any of the provisions of these regulations; or
- (e) conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any of the provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

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

- (a) on a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-five euro (€1,165.00), but not exceeding two thousand and three hundred and thirty euro (€2,330.00);
- (b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and thirty euro (€2,330.00), but not exceeding four thousand and six hundred and sixty euro (€4,660.00), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held

liable in the same manner and degree:

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*, including the vehicle, if applicable.

36. (1) 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 year.

Applicability of the Criminal Code.
Cap. 9.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Cap. 9.

PART VII THE WASTE MANAGEMENT FUND

37. (1) Under the provisions of sub-article (9) of article 32 of the Act, the competent authority hereby sets up the Waste Management Fund.

The Waste Management Fund.
Added by:
L.N.164 of 2017.

(2) The funds listed in Schedule 11 shall be used at the discretion of the competent authority for matters related to waste management including but not limited to incentives, campaigns, plans, surveys, audits and investigations and as the Minister in consultation with the Authority may prescribe.

PART VIII FINAL PROVISIONS

38. Waste management permits issued under the Waste Management (Permit and Control) Regulations, 2001, which regulations are being revoked by these regulations, shall be construed as valid until their term of expiry or until superseded by a permit issued under these regulations.

Saving.
Amended by:
L.N.164 of 2017.

SCHEDULE 1

DISPOSAL OPERATIONS

- D 1 Deposit into or on to land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release to seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
- D 9 Physico-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea (*)
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 (†)
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced) (‡)

*This operation is prohibited by EU legislation and international conventions.

†If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.

‡Temporary storage means preliminary storage according to regulation 4.

SCHEDULE 2
RECOVERY OPERATIONS

*Amended by:
L.N. 382 of 2015;
L.N. 146 of 2021.*

- R 1 Use principally as a fuel or other means to generate energy (*)
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) (†)
- R 4 Recycling/reclamation of metals and metal compounds (‡)
- R 5 Recycling/reclamation of other inorganic materials (§)
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of waste obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (**)
- R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) (††)

*This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

- 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,

- 0.65 for installations permitted after 31 December 2008, using the following formula:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$

In which:

E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)

E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

E_i means annual energy imported excluding E_w and E_f (GJ/year)

0.97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

The energy efficiency formula value will be multiplied by a climate correction factor (CCF) as shown below:

1. CCF for installations in operation and permitted in accordance with applicable Union legislation before 1 September 2015.

$$\text{CCF} = 1 \text{ if } \text{HDD} \geq 3\,350$$

$$\text{CCF} = 1.25 \text{ if } \text{HDD} \leq 2\,150$$

$$\text{CCF} = (0.25/1\,200) \times \text{HDD} + 1.698 \text{ when } 2\,150 < \text{HDD} < 3\,350$$

2. CCF for installations permitted after 31 August 2015 and for installations under 1 after 31 December 2029:

$$\text{CCF} = 1 \text{ if } \text{HDD} \geq 3\,350$$

$$\text{CCF} = 1.12 \text{ if } \text{HDD} \leq 2\,150$$

$$\text{CCF} = (0.12/1\,200) \times \text{HDD} + 1.335 \text{ when } 2\,150 < \text{HDD} < 3\,350$$

(The resulting value of CCF will be rounded at three decimal places).

The value of HDD (Heating Degree Days) should be taken as the average of annual HDD values for the incineration facility location, calculated for a period of 20 consecutive years before the year for which CCF is calculated. For the calculation of the value of HDD the following method established by Eurostat should be applied: HDD is equal to $(18^\circ\text{C} - T_m) \times d$ if T_m is lower than or equal to 15°C (heating threshold) and is nil if T_m is greater than 15°C ; where T_m is the mean $(T_{\min} + T_{\max})/2$ outdoor temperature over a period of d days. Calculations are to be executed on a daily basis ($d=1$), added up to a year.

Substituted by:
L.N. 382 of 2015.
Amended by:
L.N. 146 of 2021.

SCHEDULE 3

PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

HP 1 "Explosive": waste which is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Pyrotechnic waste, explosive organic peroxide waste and explosive self-reactive waste is included.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 1, the waste shall be assessed for HP 1, where appropriate and proportionate, according to test methods. If the presence of a substance, a mixture or an article indicates that the waste is explosive, it shall be classified as hazardous by HP 1.

Table 1: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 1:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Unst. Expl.	H 200
Expl. 1.1	H 201
Expl. 1.2	H 202
Expl. 1.3	H 203
Expl. 1.4	H 204
Self-react. A	H 240
Org. Perox. A	
Self-react. B	H 241
Org. Perox. B	

HP 2 "Oxidising": waste which may, generally by providing oxygen, cause or contribute to the combustion of other materials.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 2, the waste shall be assessed for HP 2, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is oxidising, it shall be classified as hazardous by HP 2.

Table 2: Hazard Class and Category Code(s) and Hazard statement Code(s) for the classification of wastes as hazardous by HP 2:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Ox. Gas 1	H 270

† This includes preparing for re-use, gasification and pyrolysis using the components as chemicals and recovery of organic materials in the form of backfilling

‡ This includes preparing for re-use

§ This includes preparing for re-use, recycling of inorganic construction materials, recovery of inorganic materials in the form of backfilling, and soil cleaning resulting in recovery of the soil

**If there is no other R code appropriate, this can include preliminary operations prior to recovery including preprocessing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.

†† Temporary storage means preliminary storage according to regulation 4.

Ox. Liq. 1	H 271
Ox. Sol. 1	
Ox. Liq. 2, Ox. Liq. 3	H 272
Ox. Sol. 2, Ox. Sol. 3	

HP 3 "Flammable":

- *flammable liquid waste*: liquid waste having a flash point below 60°C or waste gas oil, diesel and light heating oils having a flash point > 55°C and ≤ 75°C;
- *flammable pyrophoric liquid and solid waste*: solid or liquid waste which, even in small quantities, is liable to ignite within five minutes after coming into contact with air;
- *flammable solid waste*: solid waste which is readily combustible or may cause or contribute to fire through friction;
- *flammable gaseous waste*: gaseous waste which is flammable in air at 20°C and a standard pressure of 101.3 kPa;
- *water reactive waste*: waste which, in contact with water, emits flammable gases in dangerous quantities;
- *other flammable waste*: flammable aerosols, flammable self-heating waste, flammable organic peroxides and flammable self-reactive waste.

When a waste contains one or more substances classified by one of the following hazard class and category codes and hazard statement codes shown in Table 3, the waste shall be assessed, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is flammable, it shall be classified as hazardous by HP 3.

Table 3: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 3:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Flam. Gas 1	H220
Flam. Gas 2	H221
Aerosol 1	H222
Aerosol 2	H223
Flam. Liq. 1	H224
Flam. Liq. 2	H225
Flam. Liq. 3	H226
Flam. Sol. 1	H228
Flam. Sol. 2	
Self-react. CD	H242
Self-react. EF	
Org. Perox. CD	
Org. Perox. EF	
Pyr. Liq. 1	H250
Pyr. Sol. 1	
Self-heat.1	H251
Self-heat. 2	H252

Water-react. 1	H260
Water-react. 2	H261
Water-react. 3	

HP 4 "**Irritant - skin irritation and eye damage**": waste which on application can cause skin irritation or damage to the eye.

When a waste contains one or more substances in concentrations above the cut-off value, that are classified by one of the following hazard class and category codes and hazard statement codes and one or more of the following concentration limits is exceeded or equalled, the waste shall be classified as hazardous by HP 4.

The cut-off value for consideration in an assessment for Skin corr. 1A (H314), Skin irrit. 2 (H315), Eye dam. 1 (H318) and Eye irrit. 2 (H319) is 1%.

If the sum of the concentrations of all substances classified as Skin corr. 1A (H314) exceeds or equals 1%, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified as H318 exceeds or equals 10%, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified H315 and H319 exceeds or equals 20%, the waste shall be classified as hazardous according to HP 4.

Note that wastes containing substances classified as H314 (Skin corr.1A, 1B or 1C) in amounts greater than or equal to 5% will be classified as hazardous by HP 8. HP 4 will not apply if the waste is classified as HP 8.

HP 5 "**Specific Target Organ Toxicity (STOT) / Aspiration Toxicity**": waste which can cause specific target organ toxicity either from a single or repeated exposure, or which cause acute toxic effects following aspiration.

When a waste contains one or more substances classified by one or more of the following hazard class and category codes and hazard statement codes shown in Table 4, and one or more of the concentration limits in Table 4 is exceeded or equalled, the waste shall be classified as hazardous according to HP 5. When substances classified as STOT are present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 5.

When a waste contains one or more substances classified as Asp. Tox. 1 and the sum of those substances exceeds or equals the concentration limit, the waste shall be classified as hazardous by HP 5 only where the overall kinematic viscosity (at 40 °C) does not exceed 20.5 mm²/s.*

Table 4: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 5:

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
STOT SE 1	H370	1%
STOT SE 2	H371	10%
STOT SE 3	H335	20%
STOT RE 1	H372	1%

* The kinematic viscosity shall only be determined for fluids.

STOT RE 2	H373	10%
Asp. Tox. 1	H304	10%

HP 6 "**Acute Toxicity**": waste which can cause acute toxic effects following oral or dermal administration, or inhalation exposure.

If the sum of the concentrations of all substances contained in a waste, classified with an acute toxic hazard class and category code and hazard statement code given in Table 5, exceeds or equals the threshold given in that table, the waste shall be classified as hazardous by HP 6. When more than one substance classified as acute toxic is present in a waste, the sum of the concentrations is required only for substances within the same hazard category.

The following cut-off values shall apply for consideration in an assessment:

- For Acute Tox. 1, 2 or 3 (H300, H310, H330, H301, H311, H331): 0.1%;
- For Acute Tox. 4 (H302, H312, H332): 1%.

Table 5: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 6:

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Acute Tox.1 (Oral)	H300	0,1%
Acute Tox. 2 (Oral)	H300	0,25%
Acute Tox. 3 (Oral)	H301	5%
Acute Tox. 4 (Oral)	H302	25%
Acute Tox.1 (Dermal)	H310	0,25%
Acute Tox. 2 (Dermal)	H310	2,5%
Acute Tox. 3 (Dermal)	H311	15%
Acute Tox. 4 (Dermal)	H312	55%
Acute Tox. 1 (Inhal.)	H330	0,1%
Acute Tox. 2 (Inhal.)	H330	0,5%
Acute Tox. 3 (Inhal.)	H331	3,5%
Acute Tox. 4 (Inhal.)	H332	22,5%

HP 7 "**Carcinogenic**": waste which induces cancer or increases its incidence.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 6, the waste shall be classified as hazardous by HP 7. When more than one substance classified as carcinogenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 7.

Table 6: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 7:

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Carc. 1A	H350	0,1%
Carc. 1B		
Carc. 2	H351	1,0%

HP 8 "Corrosive": waste which on application can cause skin corrosion.

When a waste contains one or more substances classified as Skin corr.1A, 1B or 1C (H314) and the sum of their concentrations exceeds or equals 5%, the waste shall be classified as hazardous by HP 8.

The cut-off value for consideration in an assessment for Skin corr. 1A, 1B, 1C (H314) is 1.0 .

HP 9 "Infectious": waste containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

HP 10 "Toxic for Reproduction": waste which has adverse effects on sexual function and fertility in adult males and females, as well as developmental toxicity in the offspring.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 7, the waste shall be classified hazardous according to HP 10. When more than one substance classified as toxic for reproduction is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 10.

Table 7: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 10:

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Repr. 1A	H360	0,3%
Repr. 1B		
Repr. 2	H361	3,0%

HP 11 "Mutagenic": waste which may cause a mutation, that is a permanent change in the amount or structure of the genetic material in a cell.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 8, the waste shall be classified as hazardous according to HP 11. When more than one substance classified as mutagenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 11.

Table 8: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 11:

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Muta. 1A	H340	0,1%
Muta. 1B		
Muta. 2	H341	1,0%

HP 12 "Release of an acute toxic gas": waste which releases acute toxic gases (Acute Tox. 1, 2 or 3) in contact with water or an acid.

When a waste contains a substance assigned to one of the following supplemental hazards EUH029, EUH031 and EUH032, it shall be classified as hazardous by HP 12 according to test methods or guidelines.

HP 13 "Sensitising": waste which contains one or more substances known to cause sensitising effects to the skin or the respiratory organs.

When a waste contains a substance classified as sensitising and is assigned to one of the hazard statement codes H317 or H334 and one individual substance equals or exceeds the concentration limit of 10%, the waste shall be classified as hazardous by HP 13.

HP 14 "Ecotoxic": waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

Waste which fulfils any of the following conditions shall be classified as hazardous by HP 14:

- Waste which contains a substance classified as ozone depleting assigned the hazard statement code H420 in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council and the concentration of such a substance equals or exceeds the concentration limit of 0,1%.

- [c(H420) ≥ 0,1%]

- Waste which contains one or more substances classified as aquatic acute assigned the hazard statement code H400 in accordance with Regulation (EC) No 1272/2008 and the sum of the concentrations of those substances equals or exceeds the concentration limit of 25%. A cut-off value of 0,1% shall apply to such substances.

- [$\Sigma c (H400) \geq 25\%$]

- Waste which contains one or more substances classified as aquatic chronic 1, 2 or 3 assigned to the hazard statement code(s) H410, H411 or H412 in accordance with Regulation (EC) No 1272/2008, and the sum of the concentrations of all substances classified as aquatic chronic 1 (H410) multiplied by 100 added to the sum of the concentrations of all substances classified as aquatic chronic 2 (H411) multiplied by 10 added to the sum of the concentrations of all substances classified as aquatic chronic 3 (H412) equals or exceeds the concentration limit of 25%. A cut-off value of 0,1% applies to substances classified as H410 and a cut-off value of 1% applies to substances classified as H411 or H412.

- [$100 \times \Sigma c (H410) + 10 \times \Sigma c (H411) + \Sigma c (H412) \geq 25\%$]

- Waste which contains one or more substances classified as aquatic chronic 1, 2, 3 or 4 assigned the hazard statement code(s) H410, H411, H412 or H413 in accordance with Regulation (EC) No 1272/2008, and the sum of the concentrations of all substances classified as aquatic chronic equals or exceeds the concentration limit of 25%. A cut-off value of 0,1% applies to substances classified as H410 and a

cut-off value of 1% applies to substances classified as H411, H412 or H413.

- $[\Sigma c \text{ H410} + \Sigma c \text{ H411} + \Sigma c \text{ H412} + \Sigma c \text{ H413} \geq 25\%]$
- Where: Σ = sum and c = concentrations of the substances.

HP 15 "Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste"

When a waste contains one or more substances assigned to one of the hazard statements or supplemental hazards shown in Table 9, the waste shall be classified as hazardous by HP 15, unless the waste is in such a form that it will not under any circumstance exhibit explosive or potentially explosive properties.

Table 9: Hazard statements and supplemental hazards for waste constituents for the classification of wastes as hazardous by HP 15:

Hazard Statement(s)/Supplemental Hazard(s)	
May mass explode in fire	H205
Explosive when dry	EUH001
May form explosive peroxides	EUH019
Risk of explosion if heated under confinement	EUH044

In addition, the competent authority may characterise a waste as hazardous by HP 15 based on other applicable criteria, such as an assessment of the leachate.

Note

Attribution of the hazardous property HP 14 is made on the basis of the criteria laid down

Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures*.

Test Methods

The methods to be used are described in Council Regulation (EC) No 440/2008[†] and in other relevant CEN notes or other internationally recognised test methods and guidelines.

Amended by:
L.N. 441 of 2011;
L.N. 384 of 2012;
L.N. 382 of 2015.

SCHEDULE 4
EXCLUSIONS FROM THE REQUIREMENTS
LAID DOWN IN REGULATION 19(1)

Part 1

Establishments or undertakings carrying out the following operations shall be excluded from the requirements laid down in regulation 19(1)

1. Disposal or recovery of their own non-hazardous waste on the site of generation;
2. Preliminary storage of waste pending collection, at the place of production.

Part 2

* OJ L 353 31.12.2008, p. 1

† Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) ([OJ L 142, 31.5.2008, p. 1](#))

Activities excluded from the requirements laid down in regulation 19(1)

3. Generation and management of waste at the household

(1) The generation and management of household waste by the householder generating that waste.

(2) The generation of hazardous wastes in quantities typically found in household waste.

(3) The storage of any wastes mentioned in (1) and (2) for recycling or disposal, for a period not longer than 1 calendar month.

(4) The transport, by means of private cars, of any wastes mentioned in (1) and (2) to authorized disposal/collection facilities.

Provided that:

(a) Waste is disposed of at a designated waste collection point, and temporary storage of waste is done within the premises where waste is being generated and in line with any other requirements of these regulations; and

(b) A householder in (1) is also taken to mean any person generating waste in a camper or private boat or similar.

4. Generation and management of waste other than in households

(1) The generation and management, by industrial, commercial, administrative and social establishments and institutions (including: churches, religious organizations, offices, shops, schools, restaurants, entertainment establishments, farms and waste arising from one-off social activities), of waste.

(2) The generation of hazardous wastes by the establishments mentioned in (1) above in quantities typically found in household waste.

Provided that:

(a) The secure storage of waste in appropriate containers.

(b) The management of the generated waste is done within the premises where it is generated.

(c) The transportation of waste is carried out by means of an authorized waste carrier.

(d) The transportation of any category of waste is done to an authorized facility.

(e) The generation of hazardous wastes in quantities greater than 10 kilograms per day is subject to registration providing details about quantities, type and how this waste will be managed (i.e. secure storage and disposal method).

(f) The competent authority is notified prior to the movement of waste that requires prior notification in line with regulation 14 or any other legislation adding to or replacing them.

(g) The provisions of this paragraph do not apply to establishments generating more than 5 tonnes of waste per day and undertakings listed in paragraph 2 of this schedule or any other legislation adding to or replacing them.

5. Composting biodegradable waste

(1) Composting biodegradable waste at the place where the waste is produced or

where the compost is to be used, including home composting, if the total quantity of waste being composted at that place at any time does not exceed 25 cubic metres.

(2) The storage of biodegradable waste that is to be composted if that storage is at the place where the waste is produced or is to be composted.

(3) In this paragraph, "composting" includes any biological transformation process that results in materials that may be spread on land for the benefit of agriculture or ecological improvement.

6. Storage of returned faulty goods

The storage of returned goods that are waste, for a period not exceeding one year, by their manufacturer, distributor or retailer, where either -

- (a) they are intended to be prepared for reuse or submission to a recovery operation; or
- (b) they are being stored, at the place where the intention to discard them was formed, pending their disposal.

7. Healthcare waste (including waste pharmaceuticals and medicines)

(1) The generation and handling of healthcare waste by a pharmacy or a medical, nursing, dental, or veterinary practice within their own premises.

(2) The secure storage at a pharmacy, or any other authorised facility, pending their disposal, of waste medicines (including those which are hazardous waste) which have been returned from households or by individuals if -

- (a) the total quantity of such returned waste medicines at the pharmacy or any other authorised facility does not exceed 5 cubic metres at any time; and
- (b) any waste medicine so returned to the pharmacy or other authorised is not stored there for longer than twelve months;
- (c) in the case of the storage of hazardous waste exceeding 1 tonne, registration should be accompanied by a site plan showing the location on the premises where this storage is being effected as well as a description of measures taken to ensure safe storage of the wastes;
- (d) all pharmaceutical waste is removed from premises by an authorised healthcare waste carrier; and
- (e) a full audit trail of waste that leaves the premises shall be kept.

(3) The storage at the authorised premises of a medical, nursing, dental or veterinary practice of healthcare/clinical waste (including hazardous waste) produced in carrying on that practice provided that:

- (a) storage of healthcare waste at ambient temperature conditions is limited to a maximum permitted storage period on premises of twenty-four hours;
- (b) waste stored in refrigerated conditions may be stored on premises for a maximum period of seven days;
- (c) amalgam waste generated by dental clinics is stored under water;
- (d) amalgam waste is stored on premises for a maximum period of one calendar year;
- (e) all healthcare waste is removed from the premises by an authorised waste carrier;

- (f) healthcare waste is passed on to authorised carriers in rigid containers that are capable of withstanding the transit from the premises to the destination disposal facility without allowing any waste to escape;
- (g) the total quantity of healthcare waste at the premises does not at any time exceed ten cubic metres; and
- (h) a full audit trail of waste that leaves the premises shall be kept.

8. Samples of waste

The deposit or storage of samples of waste, including samples of waste which is hazardous waste, which are being or are to be subjected to testing and analysis, at any place where they are being or are to be tested or analysed, if the samples are taken -

- (a) in the exercise of any power under the Act;
- (b) by or on behalf of the holder of a waste management permit in pursuance of the conditions of that permit;
- (c) by or on behalf of a person carrying on an activity to determine the constituents or characteristics of such waste as part of an activity linked with (a) and (b) above.

9. Burial of pets

(1) Subject to sub-paragraph (2) below, the burial of a dead domestic pet up to 40 kilograms in weight in the garden of a domestic property where the pet lived or in land owned by the owner of the pet.

(2) This paragraph does not apply if -

- (a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or
- (b) the burial is carried out by an establishment or undertaking (such as a veterinary clinic).

10. Management of waste from public recreation activities

(1) The generation and management of waste similar to household waste, in public places as a result of small scale public recreation activities that involve householders generating and managing waste outside their households, and specifically excluding one-off large scale social activities (including feasts, mass rallies, etc.) that would otherwise be covered by paragraph 2 of this Schedule.

(2) The generation of hazardous wastes in quantities typically found in household waste.

(3) The transport by means of private cars, of any wastes mentioned in sub-paragraphs (1) and (2) to authorized disposal/collection facilities.

Provided that:

- (a) any waste produced by householders during the activity outside their household should be managed in line with the requirements of paragraph 1;
- (b) no waste is to escape in any way into public areas at any time from the time the waste is being generated to the time the waste is being disposed of in an appropriate manner;
- (c) littering of public places is prevented.

11. Cesspits

Domestic cesspits, with the exclusion of cesspits for the collection of industrial effluents, provided that they are covered by other national legislation.

SCHEDULE 5
WASTE PREVENTION PROGRAMMES AND
WASTE MANAGEMENT PLANS

*Amended by:
L.N. 441 of 2011;
L.N. 6 of 2014.*

Part 1
Objectives

Overall objective

1. The objective of the plan is to take into account the principles set out in regulation 2(2) and regulations 4A and 4B, together with the principle set out in paragraph 3.

Waste Hierarchy

2. *Repealed by Legal Notice 146 of 2021.*

Protection of human health and the environment

3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

Principles of self-sufficiency and proximity

4. *Repealed by Legal Notice 146 of 2021.*

Part 2

Matters which must be included in waste management plans

Analysis of current waste management situation

5. An analysis of the current waste management situation in Malta, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of these regulations.

General policies in relation to waste

6. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:

- (a) the type, quantity and source of waste generated within the Maltese territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
- (b) existing major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste, waste containing significant amounts of critical raw materials, or waste streams

addressed by specific national and European Union legislation;

- (c) an assessment of the need for closure of existing waste installations, and for additional waste installation infrastructure in accordance with regulation 4B of these regulations.

The competent authority shall ensure that an assessment of the investments and other financial means, including for local authorities, required to meet those needs is carried out. This assessment shall be included in the relevant waste management plans or in other strategic documents covering the entire territory of Malta;

- (d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems;
- (f) information on the measures to attain the objective laid down in regulation 6(2) of the Waste Management (Landfill) Regulations or in other strategic documents covering the entire territory of Malta;
- (g) an assessment of existing waste collection schemes, including the material and territorial coverage of separate collection and measures to improve its operation, of any derogations granted in accordance with regulation 10B(3) of these regulations, and of the need for new collection schemes;
- (h) measures to combat and prevent all forms of littering and to clean up all types of litter;
- (i) appropriate qualitative or quantitative indicators and targets, including on the quantity of generated waste and its treatment and on municipal waste that is disposed of or subject to energy recovery.

Policies in relation to packaging waste

7. In pursuance of the objectives and measures laid down in the Packaging and Packaging Waste Regulations, a chapter on the management of packaging and packaging waste.

Policies in relation to separate collection

8. Measures to promote high quality recycling and, to this end, shall set up separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.

Policies in relation to bio-waste

9. Measures in accordance with regulation 4A and paragraph 3 of Part 1 of this Schedule in order to:

- (a) encourage the recycling, including composting and digestion, of bio-waste in a way that fulfils a high level of environment protection and results in output which meets relevant high-quality standards;
- (b) encourage home composting;
- (c) promote the use of materials produced from bio-waste.

Policies in relation to re-use

10. Measures, as appropriate, to promote the re-use of products and preparing for re-use activities, in particular:

- (a) measures to encourage the establishment and support of re-use and repair networks,
- (b) the use of economic instruments,
- (c) the use of procurement criteria,
- (d) the setting of quantitative objectives.

Policies in relation to recovery

11. The necessary measures to ensure that waste undergoes recovery operations in accordance with part 1 of this schedule.

Re-use, Recycling and recovery targets

12. (1) The necessary measures to achieve the following targets by 2020:

- (a) the preparing for re-use and the recycling of paper, metal, plastic and glass from households, shall be increased to a minimum of overall 50% by weight;
- (b) the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste* shall be increased to a minimum of 70% by weight.

(2) The necessary measures to achieve the targets established in regulation 10C(2).

Cooperation

13. Cooperation as appropriate with other competent authorities and Member States concerned and the Commission to draw up the waste management plans and the waste prevention programmes in accordance with regulations 28 and 29.

Part 3

Matters which may be included in waste management plans

Matters which may be included in waste management plans

14. Taking into account the geographical level and geographical area to which the statement relates:

- (a) organisational aspects related to waste management, such as collection frequency and collection times, including a description of the allocation of responsibilities between public and private actors carrying out waste management;
- (b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;
- (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;
- (d) historical contaminated waste disposal sites and measures for their rehabilitation.

*OJ L 226, 6.9.2000, p. 3

Policies in relation to waste oils

15. Measures, as appropriate, and in accordance with paragraph 3 of this schedule, to encourage the regeneration of waste oils where technically feasible.

*Amended by:
L.N. 441 of 2011.*

SCHEDULE 6
EXAMPLES OF WASTE PREVENTION
MEASURES REFERRED TO IN REGULATION 29

Measures that can affect the framework conditions related to the generation of waste

1. The use of planning measures, or other economic instruments promoting the efficient use of resources.
2. The promotion of research and development into the area of achieving cleaner and less wasteful products and technologies and the dissemination and use of the results of such research and development.
3. The development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from product comparisons at Community level through action by local authorities to national measures.

Measures that can affect the design and production and distribution phase

4. The promotion of eco-design (the systematic integration of environmental aspects into product design with the aim to improve the environmental performance of the product throughout its whole life cycle).
5. The provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques by industry.
6. Organise training of competent authorities as regards the insertion of waste prevention requirements in permits under these regulations and the Integrated Pollution Prevention and Control Regulations.
7. The inclusion of measures to prevent waste production at installations not falling under the Integrated Pollution Prevention and Control Regulations. Where appropriate, such measures could include waste prevention assessments or plans.
8. The use of awareness campaigns or the provision of financial, decision making or other support to businesses. Such measures are likely to be particularly effective where they are aimed at, and adapted to, small and medium sized enterprises and work through established business networks.
9. The use of voluntary agreements, consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.
10. The promotion of creditable environmental management systems, including EMAS and ISO 14001.

Measures that can affect the consumption and use phase

11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.

12. The use of awareness campaigns and information provision directed at the general public or a specific set of consumers.

13. The promotion of creditable eco-labels.

14. Agreements with industry, such as the use of product panels such as those being carried out within the framework of Integrated Product Policies or with retailers on the availability of waste prevention information and products with a lower environmental impact.

15. In the context of public and corporate procurement, the integration of environmental and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on environmental public procurement published by the Commission on 29 October 2004.

16. The promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational, economic, logistic or other measures such as support to or establishment of accredited repair and reuse-centres and networks especially in densely populated regions.

SCHEDULE 7

EXTENDED PRODUCER RESPONSIBILITY

Repealed by L.N. 146 of 2021.

SCHEDULE 8

CONSIGNMENT PERMIT - DETAILS TO BE FILLED IN
BY CONSIGNOR, CARRIER AND CONSIGNEE

WASTE CONSIGNMENT PERMIT APPLICATION	
Waste Consignment Permit No. CP ^{Nº}	
A) CONSIGNMENT DETAILS	
1. The waste described below is to be removed from: Company name _____ Address _____	2. The waste producer was (if different from 1): Company name _____ Address _____
3. The consignment(s) will be: one single <input type="checkbox"/> a succession <input type="checkbox"/> carrier's round <input type="checkbox"/> other <input type="checkbox"/> (please specify) _____	
4. Expected removal date of first consignment: _____ last consignment: _____	
5. Notifier's Name _____ Address _____	6. Notifier's Tel. No. _____ Notifier's Fax No. _____ Notifier's Mob. No. _____
B) DESCRIPTION OF THE WASTE	
1. The waste is _____	
2. Hazardous Waste <input type="checkbox"/> Biodegradable Waste <input type="checkbox"/> Others <input type="checkbox"/>	
3. EWC code _____	4. Packaging Type * _____
5. Physical Characteristics * _____	6. Number of packages _____
7. Estimated total quantity for removal (include units kg/tns/tonnes etc): _____	
8. The chemical/biological components that make the waste hazardous are:	
Component	Concentration (% or mg/kg)
Component	Concentration (% or mg/kg)
9. The hazard code(s) is (are) (e.g. H7) * _____	
10. Special Handling Requirements: _____	
C) CARRIER'S DETAILS	
1. Name & Surname _____ On behalf of _____ Address _____	2. Carrier Tel. No. _____ Carrier Fax No. _____
3. Waste Management Registration No. _____	
4. Vehicle Reg. No. (or mode of transport if not road) _____	
D) CONSIGNEE'S DETAILS	
1. Waste Management Facility _____	2. Type of disposal/recovery operation * _____
3. Address _____	4. Facility Tel. No. _____ Facility Fax No. _____
5. Waste Management permit/registration no. _____ authorises the management of waste described in B.	
6. PLEASE ATTACH COPY OF CONFIRMATION FROM AN AUTHORISED REPRESENTATIVE OF THE WASTE MANAGEMENT FACILITY INDICATING AGREEMENT TO ACCEPT THE WASTE.	
E) CONSIGNOR'S DECLARATION	
I certify that the information in A, B, C and D above is correct, that the carrier is registered and was advised of the appropriate precautionary measures.	
1. Name & Surname _____ Address _____	2. On behalf of _____
3. Signature _____ Date _____	
PLEASE COMPLETE IN BLOCK CAPITALS	
a: See attached list	
This document contains 2 forms	

GUIDANCE NOTES

B4 Packaging Type

- | | |
|------------------|------------------------|
| 1. Drum | 5. Bag |
| 2. Wooden barrel | 6. Composite packaging |
| 3. Jerrican | 7. Pressure receptacle |
| 4. Box | 8. Bulk |
| | 9. Other (Specify) |

B5 Physical Characteristics

- | | |
|-------------------|--------------------|
| 1. Powdery/powder | 4. Sludge |
| 2. Solid | 5. Liquid |
| 3. Viscous/paste | 6. Gaseous |
| | 7. Other (Specify) |

B9 PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS (HAZARD CODES)

H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H3-A 'Highly flammable':

- liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or - gaseous substances and preparations which are flammable in air at normal pressure, or - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.

H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.

H9 'Infectious': substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 'Teratogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may include hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 'Ecotoxic': substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

D2 DISPOSAL OPERATIONS

- D1 Deposit into or onto land (e.g. landfill, etc.)
 D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
 D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
 D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
 D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
 D6 Release into a water body except seas/oceans
 D7 Release into seas/oceans including seabed insertion
 D8 Biological treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12
 D9 Physico-chemical treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
 D10 Incineration on land
 D11 Incineration at sea
 D12 Permanent storage (e.g. emplacement containers in a mine, etc.)
 D13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12
 D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
 D15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced)

D2 RECOVERY OPERATIONS

- R1 Use principally as a fuel or other means to generate energy
 R2 Solvent reclamation/regeneration
 R3 Recycling/reclamation of organic substances, which are not used as solvents (including composting and other biological transformation processes)
 R4 Recycling/reclamation of metals and metal compounds
 R5 Recycling/reclamation from catalysts
 R6 Regeneration of acids or bases
 R7 Recovery of components used for pollution abatement
 R8 Recovery of components from catalysts
 R9 Oil re-refining or other reuses of oil
 R10 Land treatment resulting in benefit to agriculture or ecological improvement
 R11 Use of wastes obtained from any of the operations numbered R 1 to R 1
 R12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11
 R13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where it is produced)

SCHEDULE 9

CONSIGNMENT NOTE - DETAILS TO BE FILLED IN
BY CONSIGNOR, CARRIER AND CONSIGNEE

PRENOTIFICATION COPY	
Waste Consignment Permit No. CP <input type="text"/>	Waste Consignment Note No. CN <input type="text"/>
A) CONSIGNMENT DETAILS	
1. The waste described below is to be removed from: Company Name _____ Address _____	2. The waste will be taken to: Company Name _____ Address _____
3. The consignment(s) is (are): one single <input type="checkbox"/> a succession <input type="checkbox"/> carrier's round <input type="checkbox"/> other <input type="checkbox"/> (please specify) _____	
4. Removal date of first consignment: _____ last consignment: _____	
5. Notifier's Name _____ Address _____	6. Notifier Tel. No. _____ Notifier Fax. No. _____ Notifier Mob. No. _____
B) DESCRIPTION OF THE WASTE	
1. The waste is _____	
2. Hazardous Waste <input type="checkbox"/> Biodegradable Waste <input type="checkbox"/> Others <input type="checkbox"/>	
3. EWC code _____	4. Packaging Type * _____
5. Physical Characteristics * _____	6. Number of packages _____
7. Estimated total quantity for removal (include units kg/ltrs/tonnes etc) _____	
8. The hazard code(s) is (are)(e.g. H7) * _____	
9. Special Handling Requirements: _____	
C) CARRIER'S CERTIFICATE	
I certify that I today collected the consignment and that the details in A1, A2 and B1 are correct. The quantity collected is:	
1. Name & Surname _____ On behalf of _____ Address _____	3. Waste registration no. _____ 4. Vehicle reg. no. (or mode of transport if not road) _____
2. Carrier Tel. No. _____ Carrier Fax. No. _____	5. Signature _____ 6. Date _____ Time _____
D) CONSIGNOR'S CERTIFICATE	
I certify that the information in A, B and C above is correct, that the carrier is registered and was advised of the appropriate precautionary measures.	
1. Name & Surname _____ Address _____	2. On behalf of _____ 3. Signature _____ Date _____
E) CONSIGNEE'S CERTIFICATE	
1. I received this waste on _____ at _____ hrs.	2. Quantity received (include units kg/ltrs/tonnes etc) _____
3. Vehicle registration no. _____	4. Type of disposal/recovery operation * _____
5. I certify that waste management permit/registration no. _____ authorises the management of waste described in B.	
6. Name & Surname _____ On behalf of _____ Address _____	7. Facility Tel. No. _____ Facility Fax. No. _____ 8. Signature _____ 9. Date _____ Time _____
PLEASE COMPLETE IN BLOCK CAPITALS THE PRENOTIFICATION COPY SHOULD BE FAXED ON 2166 9188 PRIOR TO CONSIGNMENT AND THE ORIGINAL COPY SHOULD BE DELIVERED BY MAIL TO THE ADDRESS ABOVE	
a: See annex This document contains	

GUIDANCE NOTES

B4 Packaging Type

- | | |
|------------------|------------------------|
| 1. Drum | 5. Bag |
| 2. Wooden barrel | 6. Composite packaging |
| 3. Jerrican | 7. Pressure receptacle |
| 4. Box | 8. Bulk |
| | 9. Other (Specify) |

B5 Physical Characteristics

- | | |
|-------------------|--------------------|
| 1. Powdery/powder | 4. Sludge |
| 2. Solid | 5. Liquid |
| 3. Viscous/paste | 6. Gaseous |
| | 7. Other (Specify) |

B9 PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS (HAZARD CODES)

H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H3-A 'Highly flammable':

- liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or - gaseous substances and preparations which are flammable in air at normal pressure, or - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.

H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.

H9 'Infectious': substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 'Teratogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may include hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 'Ecotoxic': substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

D2 DISPOSAL OPERATIONS

- D1 Deposit into or onto land (e.g. landfill, etc.)
 D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
 D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
 D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
 D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
 D6 Release into a water body except seas/oceans
 D7 Release into seas/oceans including seabed insertion
 D8 Biological treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12
 D9 Physico-chemical treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
 D10 Incineration on land
 D11 Incineration at sea
 D12 Permanent storage (e.g. emplacement containers in a mine, etc.)
 D13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12
 D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
 D15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced)

R2 RECOVERY OPERATIONS

- R1 Use principally as a fuel or other means to generate energy
 R2 Solvent reclamation/regeneration
 R3 Recycling/reclamation of organic substances, which are not used as solvents (including composting and other biological transformation processes)
 R4 Recycling/reclamation of metals and metal compounds
 R5 Recycling/reclamation from catalysts
 R6 Regeneration of acids or bases
 R7 Recovery of components used for pollution abatement
 R8 Recovery of components from catalysts
 R9 Oil re-refining or other reuses of oil
 R10 Land treatment resulting in benefit to agriculture or ecological improvement
 R11 Use of wastes obtained from any of the operations numbered R 1 to R 11
 R12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11
 R13 Storage of wastes pending any of the operations numbered R 1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)

SCHEDULE 10

*Amended by:
L.N. 441 of 2011.*

(Regulation 6)

INFORMATION TO BE SUBMITTED ON
APPLYING FOR AN END-OF-WASTE PERMIT

Part A: Information to be included in an application for an End-of-Waste permit

An application for an end-of-waste permit shall at least contain the following information:

- a description of the intended use, including the related processes and functions of the material once it ceases to be waste;
- a description of the substituted primary material;
- a description of the existent or potential market for the material once it ceases to be waste;
- evidence that the product has a market demand, which may be in the form of possible sales evidence or a letter of intent to purchase or obtain the said material or any other documentation that substantiates that a market exists;
- information on any relevant technical requirements, legislation and, or standards which the material would need to adhere to in order for it to cease to be waste;
- a description and the EWC Code^{*} of the type of waste entering the recovery operation;
- the expected quantity, in kilogram, of waste entering the recovery operation and the output, in kilogram, expected to reach end-of-waste status;
- a description of the recovery operation applied in order to achieve the end-of-waste status, including the following information:
 - ◆ the R code pursuant to Schedule 2;
 - ◆ the type of pre-treatment required (if any);
 - ◆ information about mixing processes and, or ratios to be applied if more than one waste stream is mixed;
 - ◆ information on any primary material and, or non-waste materials to be mixed with the waste(s) to produce the waste-derived product, including details on any ratios applied; and
 - ◆ information on any waste materials or substances that are to be removed throughout the recovery operation and are not expected to reach the end-of-waste status.

Part B: Information to be contained in the statement of conformity

The information to be contained in a statement of conformity is:

- a signed declaration stating that the material that has ceased to be waste has met all the criteria and permit conditions set by the Authority.
- details on whether the placement on the market for the first time after the material has ceased to be waste is in conformity with the relevant national, EU or

^{*} This refers to the classification of waste based on the European List of Waste – Commission Decision 2000/532/EC and Schedule 3 of these Regulations.

international chemical and product related legislation;

- quantity, in kilogram, of the material that is placed on the market for the first time after it has ceased to be waste;
- the HS Code of the material if it is to be exported for use in another Member State or third country.

*Added by:
L.N.164 of 2017.*

SCHEDULE 11
WASTE MANAGEMENT FUND

The Waste Management Fund shall include:

- (a) any revenue generated through any out of court settlement agreement regulated by article 83 of the Act in relation to:
 - (i) S.L. 549.43 – Waste Management (Packaging and Packaging Waste)
 - (ii) S.L. 549.89 – Waste Management (Electrical and Electronic Equipment) Regulations
 - (iii) S.L. 549.54 – Waste Management (Waste Batteries and Accumulators) Regulations
 - (iv) S.L. 549.36 – Waste Management (End of Life Vehicles) Regulations
 - (b) any additional fees taken as an environmental gain pursuant to producers or schemes failing to achieve targets set out in regulation 8 of the Waste Management (Packaging and Packaging Waste);
 - (c) any funds arising out of forfeiture of financial guarantees under:
 - (i) S.L. 549.43 – Waste Management (Packaging and Packaging Waste)
 - (ii) S.L. 549.89 – Waste Management (Electrical and Electronic Equipment) Regulations
 - (iii) S.L. 549.54 – Waste Management (Waste Batteries and Accumulators) Regulations
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*Added by:
L.N.451 of 2021.*

SCHEDULE 12
EXAMPLES OF ECONOMIC INSTRUMENTS AND
OTHER MEASURES TO PROVIDE INCENTIVES
FOR THE APPLICATION OF THE WASTE
HIERARCHY REFERRED TO IN REGULATION 4A

1. Charges and restrictions for the landfilling and incineration of waste which incentivise waste prevention and recycling, while keeping landfilling the least preferred waste management option.
2. "Pay-as-you-throw" schemes that charge waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste.
3. Fiscal incentives for donation of products, in particular food.
4. Extended producer responsibility schemes for various types of waste and measures to increase their effectiveness, cost efficiency and governance.
5. Deposit-refund schemes and other measures to encourage efficient collection of used products and materials.
6. Sound planning of investments in waste management infrastructure, including through European Union funds.
7. Sustainable public procurement to encourage better waste management and the use of recycled products and materials.
8. Phasing out of subsidies which are not consistent with the waste hierarchy.
9. Use of fiscal measures or other means to promote the uptake of products and materials that are prepared for re-use or recycled.
10. Support to research and innovation in advanced recycling technologies and remanufacturing.
11. Use of best available techniques for waste treatment.
12. Economic incentives for regional and local authorities, in particular to promote waste prevention and intensify separate collection schemes, while avoiding support to landfilling and incineration.
13. Public awareness campaigns, in particular on separate collection, waste prevention and litter reduction, and mainstreaming these issues in education and training.
14. Systems for coordination, including by digital means, between all competent public authorities involved in waste management.
15. Promoting continuous dialogue and cooperation between all stakeholders in waste management and encouraging voluntary agreements and company reporting on waste.

*Added by:
L.N.451 of 2021.*

SCHEDULE 13
(Regulation 10C(3))
IMPLEMENTATION PLAN

The implementation plan to be submitted pursuant to sub-regulation (3) of regulation 10C shall contain the following:

1. Assessment of the past, current and projected rates of recycling, landfilling and other treatment of municipal waste and the streams of which it is composed.
 2. Assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to regulations 28 and 29.
 3. Reasons for which Malta considers that it might not be able to attain the relevant target laid down in sub-regulation (2) of regulation 10C within the deadline set therein and an assessment of the time extension necessary to meet that target.
 4. Measures necessary to attain the targets set out in sub-regulations (2) and (5) of regulation 10C that are applicable to Malta during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in regulation 4A and Schedule 12.
 5. A timetable for the implementation of the measures identified in item 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension.
 6. Information on funding for waste management in line with the polluter-pays principle.
 7. Measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.
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