

**A.L. 285 ta' l-2011****ATT DWAR L-AMBJENT U L-IPPJANAR TAL-IŻVILUPP  
(KAP. 504)****Regolamenti ta' l-2011 dwar l-Immaniġġar ta' l-Iskart  
(Vjaġġi ta' Skart)**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 61 u 62 tal-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp, il-Prim Ministru, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, għamel dawn ir-regolamenti li ġejjin:-

**1.** (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2011 dwar l-Immaniġġar ta' l-Iskart (Vjaġġi ta' Skart).

Titolu, skop u bidu  
fis-seħh.

(2) L-iskop ta' dawn ir-regolamenti hu biex jittrasponu d-dispożizzjonijiet tar-Regolament tal-Kunsill (KE) Nru 1013/2006 dwar vjaġġi ta' skart biex jistabbilixxu sistema ta' superviżjoni u kontroll ta' vjaġġi ta' skart, sabiex jiggarrantixxu protezzjoni tas-saħħa tal-bniedem u l-ambjent.

(3) Dawn ir-regolamenti għandhom jidhlu fis-seħħ f'dik id-data li l-Ministru jista', b'avviż fil-Gazzetta, jistabbilixxi.

**2.** (1) Għall-finijiet ta' dawn ir-regolamenti sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort' oħra:

Tifsir.

“applikazzjoni” tfisser l-applikazzjoni preżentata minn xi persuna biex tikseb xi permess għall-importazzjoni, għall-passaġġ, għall-vjaġġi jew għall-esportazzjoni ta' skart;

“l-Att” tfisser l-Att dwar l-Ambjent u l-Ippjanar tal-Iżvilupp;

“l-Awtorità Kompetenti” tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar u kull korp jew persuna oħra li l-Ministru jista', b'ordni fil-Gazzetta, jordna, u jistgħu jiġu nominati korpi jew persuni differenti bħala l-awtorità kompetenti għal għanijiet differenti ta' dawn ir-regolamenti;

“awtorità kompetenti ta’ destinazzjoni” tfisser l-awtorità kompetenti li timporta skart ġewwa pajjiżha mingħand l-awtorità kompetenti ta’ tluq għal skopijiet kummerċjali;

“awtorità kompetenti ta’ passaġġ” tfisser l-awtorità kompetenti li jew:

(a) timporta skart biex dan wara jiġi trasferit jew vjaġġat bil-baħar lejn stat membru ieħor jew pajjiż ta’ destinazzjoni għal skopijiet kummerċjali; jew

(b) tesporta skart wara li tkun impurtat dak l-iskart ġewwa pajjiżha mill-pajjiż jew awtorità kompetenti ta’ tluq għal skopijiet kummerċjali;

“awtorità kompetenti ta’ tluq” tfisser l-awtorità kompetenti li tesporta skart minn ġewwa pajjiżha lill-awtorità kompetenti ta’ passaġġ jew ta’ destinazzjoni għal skopijiet kummerċjali;

“awtorizzazzjoni” tfisser kull awtorizzazzjoni maħruġa taħt dawn ir-regolamenti u, fir-rigward ta’ fornituri u servizzi awtorizzati, tfisser xi permess, liċenza, mandat, ħatra, konċessjoni jew kull deċiżjoni li jkollha x’taqsam ma’ aċċess għal xi attività ta’ servizz jew l-għoti tiegħu;

“fornitur awtorizzat” tfisser u tinkludi kull persuna li jkun negozjant jew importatur skond dawn ir-regolamenti u li jkun fil-pussess ta’ xi awtorizzazzjoni jew permess maħruġ lill-awtorità Kompetenti;

“il-Komunità” tfisser il-Komunità Ewropea kif stabbilita bit-Trattat tal-Unjoni Ewropea;

“kummerċ” tfisser għall-fini ta’ dawn ir-regolamenti, kummerċ bejn Stati Membri jew bejn xi Stat Membru u pajjiż terz fi vjaġġi ta’ skart, xi negozju jew xogħol biex isir qligħ jew gwadann, u jinkludi trattamenti f’xi attività ta’ negozju partikolari;

“il-Ministru” tfisser il-Ministru responsabbli għall-ambjent;

“pajjiż terz” tfisser xi pajjiż li ma jkunx stat membru tal-Unjoni Ewropea;

“persuna” tfisser kull persuna fiżika jew legali;

“Stat Membru” tfisser xi stat li jkun membru tal-Unjoni Ewropea;

“vjaġġi ta’ skart” tfisser u tinkludi l-attività ta’ trasportar ta’ skart b’vapuri jew bastimenti l-ġewwa, fi ħdan jew l-barra tal-Komunità;

(2) Il-frazzjiet l-oħra kollha għandu jkollhom l-istess tifsira bħal dik mogħtija lilhom fir-regolament 4 tar-Regolamenti ta’ l-2011 dwar l-Iskart. A.L. 184 tal-2011.

**3.** (1) Id-dispożizzjonijiet tar-Regolament tal-Kunsill (KE) Nru. 1013/2006 dwar vjaġġi ta’ skart għandhom *mutatis mutandis* japplikaw. Applikabilità.

(2) Il-vjaġġi kollha ta’ skart destinati għar-rimi f’Malta hu projbit. Meta xi notifikazzjoni tkun depożitata għand l-Awtorità Kompetenti, bħala l-awtorità kompetenti ta’ destinazzjoni, li tkun tirrigwarda xi vjaġġ ippjanat ta’ skart iddestinat għar-rimi ġewwa Malta, l-Awtorità Kompetenti għandha *ipso jure* togġezzjona.

(3) Dawn ir-regolamenti għandhom ikunu mingħajr preġudizzju għad-drittijiet u l-obbligi taħt il-liġi internazzjonali u għandhom japplikaw mingħajr preġudizzju għar-Regolamenti tal-2011 dwar l-Iskart, u liġijiet nazzjonali oħra eżistenti li jistgħu japplikaw f’dan ir-rigward.

**4.** (1) L-applikazzjonijiet għal permess għall-ispedizzjoni ta’ skart transkonfini skond dawn ir-regolamenti, għandhom ikollhom magħhom dritt kif jista’ jiġi ordnat mill-awtorità kompetenti kif imfisser fl-Iskeda li tinsab ma’ dawn ir-regolamenti. Drittijiet.

(2) Dawn ir-regolamenti għandhom ikunu mingħajr preġudizzju għad-drittijiet u l-obbligi imposti mill-awtorità kompetenti ta’ destinazzjoni u l-awtorità jew awtoritajiet kompetenti ta’ passaġġ.

**5.** Persuna tkun hatja ta’ reat taħt dawn ir-regolamenti jekk dik il-persuna - Reati.

(a) tonqos milli tikkonforma ruħha ma’ xi dispożizzjoni ta’ dawn ir-regolamenti jew tonqos milli tikkonforma ruħha mal-kundizzjonijiet tal-permess jew ma’ xi ordni skond il-liġi jew skond xi dispożizzjoni ta’ dawn ir-regolamenti; jew

(b) tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawn ir-regolamenti; jew

(ċ) tikkonfossa jew tittanta, jew tgħin, jew tinkoraġixxi lil xi persuna oħra, b'xi mezz, inkluż ir-reklamar, pariri jew l-akkwist biex tikser id-dispożizzjonijiet ta' dawn ir-regolamenti jew biex tonqos milli tikkonforma ruħha ma' xi dispożizzjoni bħal dawk, inkluż xi ordni mogħtija skond il-liġi kif hemm f'xi dispożizzjoni ta' dawn ir-regolamenti, jew biex tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawn ir-regolamenti.

Pieni.

**6.** Kull persuna li tagħmel reat kontra dawn ir-regolamenti kif imfisser fir-regolament 5 hawn aktar qabel għandha, meta tinsab ħatja, teħel:

(a) għall-ewwel kundanna, multa ta' mhux inqas minn elf u mija u sebgħin euro (€1,170), iżda mhux iżjed minn elfejn u tliet mija u tletin euro (€2,330);

(b) għat-tieni kundanna jew kundanni sussegwenti, multa ta' mhux inqas minn elfejn u tliet mija u tletin euro (€2,330), iżda mhux aktar minn erbat elef u sitt mija u sittin euro (€4,660), jew priġunerija għal żmien ta' mhux aktar minn sentejn, jew dik il-multa u priġunerija flimkien:

Izda mingħajr preġudizzju għal paragrafi (a) u (b) ta' dan ir-regolament, kull meta persuna tinsab ħatja ta' reat taħt dawn ir-regolamenti kommess permezz ta' vettura, is-sid ta' dik il-vettura, jekk ikun il-każ, għandu jinżamm responsabbli bl-istess mod u grad:

Izda wkoll, mingħajr preġudizzju għall-pieni li dik il-persuna misjuba hekk ħatja tista' tinżamm responsabbli skond dan ir-regolament, il-qorti tista' tordna lil kull persuna li tigi misjuba ħatja ta' reat taħt dawn ir-regolamenti biex tħallas l-ispejjeż li l-Awtorità Kompetenti tinkorri skond dawn ir-regolamenti bħala riżultat ta' l-imsemmi reat, ir-revoka tal-permess maħruġ mill-Awtorità Kompetenti u l-konfiska tal-*corpus delicti*, inkluża l-vettura, jekk dan ikun il-każ.

**7.** (1) Mingħajr preġudizzju għar-regolament 6 hawn aktar qabel, id-dispożizzjonijiet ta' l-artikoli 23 u 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, japplikaw għall-proċedimenti fir-rigward ta' reati kontra dawn ir-regolamenti, b'dan illi l-iskwalifika

milli tinzamm jew tinkiseb liċenza, permess jew awtorità m'għandha f'ebda każ tkun għal inqas minn sena.

(2) Minkejja d-dispożizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, proċedimenti għal xi reat kontra dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond il-każ, u għandhom ikunu skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem il-qrati msemmija bħala qrati ta' ġudikatura kriminali.

(3) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti tal-Appell Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) bħala qrati ta' ġudikatura kriminali fir-rigward ta' kull proċediment għal xi reat kontra dawn ir-regolamenti.

**8.** Ir-Regolamenti ta' l-2000 dwar il-Harsien tal-Ambjent (Kontroll ta' Moviment Transkonfini ta' Sustanzi Tossiċi u Sustanzi oħra), qegħdin b'dawn jiġu revokati.

Jirrevoka A.L. 205 tal-2000.

**SKEDA**

(Regolament 5)

**DRITTIJJET DOVUTA LILL-AWTORITÀ KOMPETENTI**

1. Għall-ipproċessar ta' notifika bil-miktub mill-Awtorità Kompetenti, bhala Awtorità Kompetenti ta' tluq jew ta' vjaġġ, dritt fiss ta' €350 hu dovut. Kull spiża relatata ma' invjar tad-dokumenti ta' notifika permezz ta' kurrier lill-awtoritajiet kompetenti ta' passaġġ u ta' destinazzjoni u dawk relatati mal-facilità ta' trattament fil-pajjiż ta' destinazzjoni, għandha tiġhallas min-notifikant.

2. Għall-ipproċessar ta' notifika bil-miktub mill-Awtorità Kompetenti, bhala Awtorità Kompetenti ta' destinazzjoni, dritt fiss ta' €500 hu dovut.

3. Għall-ipproċessar ta' dokument ta' moviment għal kull vjaġġ (kull *container*) mill-Awtorità Kompetenti, bhala Awtorità Kompetenti ta' tluq jew ta' trasferiment jew bhala Awtorità Kompetenti ta' destinazzjoni, dritt fiss ta' €35 hu dovut.

4. Għall-ipproċessar ta' notifika bil-miktub mill-Awtorità Kompetenti, bhala Awtorità Kompetenti ta' passaġġ, dritt fiss ta' €250 hu dovut.

**L.N. 285 of 2011**

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT  
(CAP. 504)**

**Waste Management (Shipments of Waste) Regulations, 2011**

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

**1.** (1) The title of these regulations is the Waste Management (Shipments of Waste) Regulations, 2011.

Title, scope and commencement.

(2) The scope of these regulations is to transpose the provisions of Council Regulation (EC) No 1013/2006 on shipments of waste in order to establish a system of supervision and control of shipments of waste, so as to guarantee protection of human health and the environment.

(3) These regulations shall come into force on such date as the Minister may establish by means of a notice in the Gazette.

**2.** (1) For the purposes of these regulations, and unless the context otherwise requires, the following definitions shall apply:

Definitions.

“the Act” means the Environment and Development Planning Act;

“application” means the application submitted by any person to obtain a permit for the importation, transit, transshipment or exportation of waste;

“authorisation” means any authorisation granted under these regulations and in relation to authorised providers and services means a permit, licence, warrant, appointment, concession or any decision concerning access to a service activity or the exercise thereof;

“authorised provider” means and includes any person who is a trader or importer in terms of these regulations and who is in possession of an authorisation or permit issued in his favour by the Competent Authority;

“the Community” means the European Community as established by the Treaty of the European Union;

“the Competent Authority” means the Malta Environment and Planning Authority and such other body or person as the Minister may, by order in the Gazette prescribe, and such other bodies or persons as may be designated for different purposes of these regulations;

“competent authority of destination” means the competent authority which imports waste into its country from the competent authority of dispatch for trading purposes;

“competent authority of dispatch” means the competent authority which exports waste from its country to the competent authority of transit or destination for trading purposes;

“competent authority of transit” means the competent authority which either:

(a) imports waste so that it is then transferred or transhipped to another member state or country of destination for trading purposes; or

(b) who exports waste after having imported such waste into its country from the country or competent authority of dispatch for trading purposes;

“Member State” means a state which is a member of the European Union;

“the Minister” means the Minister responsible for the environment;

“person” means any natural or legal person;

“third country” means a country which is not a member state of the European Union;

“transhipment of waste” means and includes the activity of transporting waste by ships or vessels in, within or out of the Community;

“trade” means for the purpose of these regulations,



trade between Member States or between a Member State and a third country in transshipment of waste, a business or occupation to make profit or gain, and includes dealings in a particular business activity.

(2) All other terms shall have the same meaning as that assigned to them in regulation 4 of the Waste Regulations, L.N. 184 of 2011, 2011.

**3.** (1) The provisions contained in Council Regulation (EC) No 1013/2006 on shipments of waste shall *mutatis mutandis* apply. Applicability.

(2) All shipments of waste destined for disposal in Malta shall be prohibited. Where a notification is submitted to the Competent Authority, as a competent authority of destination, regarding a planned shipment of waste destined for disposal in Malta, the Competent Authority shall *ipso jure* object.

(3) These regulations shall be without prejudice to rights and obligations under international law and shall apply without prejudice to the Waste Regulations, 2011, and other existing national legislation which may apply in this regard.

**4.** (1) Applications for a permit for the transshipment of waste according to these regulations, shall be accompanied by a fee as may be prescribed by the Competent Authority set out in the Schedule to these regulations. Fees.

(2) These regulations shall be without prejudice to rights and obligations imposed by the competent authority of destination and the competent authority or authorities of transit.

**5.** Any person shall be guilty of an offence under these regulations if: Offences.

(a) he fails to comply with or breaches any provisions of these regulations or fails to comply with permit conditions or with any order lawfully issued in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or fails to abide by any requirement imposed by or issued under these regulations; or

(c) he unlawfully conspires, aids, instigates, or abets, or attempts to conspire, aid, instigate or abet any other person, by whatever means, including advertising, counselling or procurement to contravene any of the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully issued in terms of any such provisions, or to contravene any restriction, prohibition or to fail to abide by any requirement imposed by or issued under the said regulations.

Penalties.

**6.** Any person who commits an offence against these regulations in terms of regulation 5 hereof shall, on conviction, be liable:

(a) on a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and seventy euro (€1,170), but not exceeding two thousand and three hundred and thirty euro (€2,330);

(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), but not exceeding four thousand and six hundred and sixty euro (€4,660), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that, without prejudice to paragraphs (a) and (b) of this regulation, 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, shall be held liable in the same manner and degree:

Provided further, that without prejudice to the penalties for which the offender may be held liable in terms of this regulation, the court may order any person who has been found guilty of committing an offence under these regulations to pay for the expenses incurred by the Competent Authority in terms of 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 the case may be.

Applicability of  
the Criminal Code.  
Cap. 9.

**7.** (1) Without prejudice to regulation 6 hereof, the provisions of articles 23 and 30 of the Criminal Code shall *mutatis mutandis* apply to proceedings in respect of offences committed

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.

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

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal before the Court of Criminal Appeal from any judgment given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) both as a court of criminal judicature in respect of any proceedings for any offence committed against these regulations.

**8.** The Environment Protection (Control of Transboundary Movement of Toxic and Other Substances) Regulations, 2000 are hereby being revoked.

Revokes L.N. 205 of 2000.

**SCHEDULE**

(Regulation 5)

**APPLICATION FEES CHARGED BY THE COMPETENT AUTHORITY**

1. For the processing of a written notification by the Competent Authority as Competent Authority of dispatch or transhipment, a fixed fee of €350 shall apply. Any expenses relating to shipping of the notification documents by courier to the competent authorities of transit and destination, and those relating to the treatment facility in the country of destination, shall be borne by the notifier.

2. For the processing of a written notification by the Competent Authority as Competent Authority of destination, a fixed fee of €500 shall apply.

3. For the processing of a movement document for every shipment (per container) by the Competent Authority, as Competent Authority of dispatch or transfer or as Competent Authority of destination, a fixed fee of €35 shall apply.

4. For the processing of a written notification by the Competent Authority as Competent Authority of transit, a fixed fee of €250 should apply.

