A.L. 441 tal-2011

ATT DWAR L-AMBJENT U L-IPPJANAR TAL-IŻVILUPP (KAP. 504)

Regolamenti tal-2011 li Jemendaw ir-Regolamenti dwar l-Iskart

BIS-SAĦĦA 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: -

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2011 li Jemendaw ir-Regolamenti dwar l-Iskart, u għandhom jinqraw u jiftiehmu ħaġa waħda mar-Regolamenti tal-2011 dwar l-Iskart, hawn iżjed 'il quddiem imsejħa "ir-regolamenti prinċipali". A.L. 184 tal-2011.

Jemenda r-regolament 2 tar-regolamenti prinċipali.

2. Minflok is-subregolament (2) tar-regolament 2 tar-regolamenti prinċipali għandu jidħol dan li ġej:

"(2) L-iskop ta' dawn ir-regolamenti hu, għall-ħarsien tal-ambjent u s-saħħa tal-bniedem bil-prevenzjoni jew bir-riduzzjoni tal-impatti negattivi ta' ġ-ġenerar u l-immaniġġar ta' skart u bir-riduzzjoni tal-impatti kollha tal-użu ta' riżorsi u t-titjib tal-effiċenza ta' dak l-użu.".

Jemenda r-regolament 3 tar-regolamenti prinċipali.

3. (a) Minflok is-subregolament (1) tar-regolament (3) tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) Dawn li ġejjin għandhom ikunu esklużi mill-iskop ta' dawn ir-regolamenti:";

(b) minflok is-subregolament (1)(a) tar-regolament 3 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(a) effluwenti tal-gass maħruġa fl-atmosfera u d-dijossidu tal-karbonju miġbur u trasportat għall-iskopijiet tar-Regolamenti tal-2011 dwar il-Ħżin Ġeoloġiku tad-Dijossidu tal-Karbonju.". A.L. 346 tal-2011.

(ċ) minflok is-subregolament (2) tar-regolament 3 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(2) Dawn li ġejjin għandhom ikunu esklużi mill-iskop ta' dawn ir-regolamenti sakemm huma koperti b'liġi oħra nazzjonali jew tal-Komunità:".

Jemenda r-regolament 6 tar-regolamenti prinċipali.

4. Minnufih wara s-subregolament (5) tar-regolament 6 tar-regolamenti prinċipali, għandu jidħol dan is-subregolament ġdid li ġej:

"(6) Dawk l-istabbilimenti jew negozji u attivitajiet li huma eżentati mir-rekwiżit tas-subregolament (1) tar-regolament 19 ta' dawn ir-regolamenti u li ma jkunux reġistrati skond is-subregolament (1) tar-regolament 27 ta' dawn ir-regolamenti, li jkollhom l-intenzjoni li jimplimentaw kriterju ta' tmiem ta' skart stabbilit f'livell tal-Komunià għandhom jinformaw lill-awtorità kompetenti.".

Jemenda r-regolament 7 tar-regolamenti prinċipali.

5. Minflok is-subregolament (1) tar-regolament 7 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) Id-Deċiżjoni tal-Kummissjoni 2000/532/EC[1] li stabbilit lista ta' skart għandha tapplika. Il-lista ta' skart għandha tkun tassattiva għar-rigward tad-determinar tal-iskart li għandu jitqies bħala skart tossiku. L-inklużjoni ta' xi sustanza jew oġġett fil-lista ma għandux jitqies li jkun skart fiċ-ċirkostanzi kollha. Kull oġġett jew sustanza għandu jitqies li jkun skart biss fil-każ li t-tifsira msemmija fir-regolament 4 ta' dawn ir-regolamenti tiġi sodisfata.".

Jemenda r-regolament 11 tar-regolamenti prinċipali.

6. Minflok ir-regolament 11 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"11. L-Awtorità Kompetenti għandha tiżgura li, fil-każijiet fejn l-irkupru skond il-paragrafi 2 u 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti ma jkunx sar, l-iskart għandu jgħaddi minn proċess ta' rimi sikur skond id-dispożizzjonijiet tal-paragrafu 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti dwar l-ambjent u s-saħħa tal-bniedem.".

Jemenda r-regolament 12 tar-regolamenti prinċipali.

7. (a) Minflok is-subregolament (1) tar-regolament 12 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) Għandu jkun l-obbligu ta' kull produttur oriġinali

[1] OJ L 226, 6.9.2000, p.3

ta' skart jew detentur ieħor ta' skart li jitratta l-iskart hu stess jew li jinkariga bit-trattament lil xi negozjant jew lil xi stabbiliment jew xi negozju li jagħmel proċess ta' trattament ta' skart jew bi ftehim ma' kollettur privat jew pubbliku ta' skart biex jiġi assigurat li l-iskart ikun immaniġġat skond il-paragrafi 2 u 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti u l-kundizzjonijiet imposti ma' kull permess.";

(b) minflok is-subregolament (8) tar-regolament 12 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(8) Stabbilimenti jew negozji li jiġbru jew jittrasportaw skart fuq bażi professjonali għandhom iqassmu l-iskart miġbur u trasportat lill-installazzjonijiet ta' trattament awtorizzati skond il-paragrafu 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti.".

Jemenda r-regolament 14 tar-regolamenti prinċipali.

8. Minflok is-subregolament (1) tar-regolament 14 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) L-Awtorità Kompetenti għandha tieħu l-azzjoni neċessarja biex tassigura li l-produzzjoni, il-ġbir u t-transportar ta' skart tossiku, kif ukoll il-ħżin u t-trattament tiegħu, isiru f'kondizzjonijiet li jipprovdu protezzjoni lill-ambjent u s-saħħa tal-bniedem sabiex jiġu milħuqa d-dispożizzjonijiet tal-paragrafu 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti.".

Jemenda r-regolament 16 tar-regolamenti prinċipali.

9. Minflok is-subregolament (2)(b) tar-regolament 16 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(b) id-dispożizzjonijiet tal-paragrafu 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti ikunu sodisfatti u l-effett negattiv tal-immaniġġar tal-iskart fuq is-saħħa tal-bniedem u l-ambjent ma jiżdiedx; u".

Jemenda r-regolament 17 tar-regolamenti prinċipali.

10. (a) Minflok is-subregolament (1) tar-regolament 17 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) Ir-regolamenti 14, 16 u 33 ta' dawn ir-regolamenti ma għandhomx japplikaw għal skart imħallat ġenerat mid-djar."; u

(b) minflok is-subregolament (2) tar-regolament 17 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(2) Ir-regolamenti 14 u 33 ta' dawn ir-regolamenti ma għandhomx japplikaw għal frazzjonijiet separati ta' skart tossiku ġenerat mid-djar sakemm dawn jiġu aċċettati għal ġbir, rimi jew irkupru minn xi stabbiliment jew negozju li jkun ottjena permess jew li jkun ġie reġistrat skond ir-regolamenti 19 jew 27 ta' dawn ir-regolamenti.".

Jemenda r-regolament 19 tar-regolamenti prinċipali.

11. Minflok is-subparagrafu (1) tar-regolament 19 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) Kull stabbiliment jew negozju li jkollu l-intenzjoni li jagħmel trattament ta' skart għandu jottjeni il-permess mingħand l-Awtorità Kompetenti.".

Jemenda r-regolament 21 tar-regolamenti prinċipali.

12. Minflok is-subregolament (1) tar-regolament 21 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) Meta l-Awtorità Kompetenti tqis li l-metodu ta' trattament intiż ma jkunx aċċettabli mill-għadd ta' ħarsien tal-ambjent, partikolarment meta l-metodu ma jkunx skond il-paragrafu 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti , hi għandha tirrifjuta li toħroġ il-permess.".

Jemenda r-regolament 23 tar-regolamenti prinċipali.

13. Minflok is-subregolament (6) tar-regolament 23 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(6) L-azzjoni mill-Awtorità Kompetenti taħt is-subregolamenti (3) u (4) ta' dan ir-regolament għandha tkun mingħajr preġudizzju għal regolamenti 34, 35 u 36 ta'dawn ir-regolamenti.".

Jemenda r-regolament 27 tar-regolamenti prinċipali.

14. Minflok is-subregolament (1)(c) tar-regolament 27 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(ċ) stabbilimenti jew negozji li huma soġġetti għall-eżenzjonijiet mir-rekwiżiti ta' permessi skond ir-regolament 26 ta' dawn ir-regolamenti, skond ir-Regolamenti tal-2007 dwar ir-Reġistrazzjoni ta' Attivitajiet fil-Maniġġar ta' Skart.".

A.L. 106 tal-2007.

Jemenda r-regolament 28 tar-regolamenti prinċipali.

15. (a) Minflok is-subregolament (1) tar-regolament 28 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) L-Awtorità Kompetenti għandha tistabbilixxi, skond ir-regolament 2 u Skeda 5 li tinsab ma' dawn ir-regolamenti , pjan ta' maniġġar ta' skart jew aktar. Dawn il-

pjanijiet għandhom, unikament jew f'kombinazzjoni, ikopru Malta kollha.";

(b) minflok is-subregolament (2) tar-regolament 28 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(a) jinkludi dikjarazzjoni tal-*policies* tal-awtorità fl-ilħuq tal-iskopijiet speċifikati f'Parti 1 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti; u

(b) jinkludi l-punti msemmija f'Parti 2 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti."; u

(ċ) minflok is-subregolament (3) tar-regolament 28 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(3) L-Awtorità Kompetenti għandha tqis, partikolarment, jekk kemm-il darba l-punti msemmija f'Parti 3 ta' Skeda 5 li tinsab ma' dawn ir-regolamenti għandhomx ikunu nklużi fil-pjanijiet għall-maniġġar ta' skart.".

Jemenda r-regolament 29 tar-regolamenti prinċipali.

16. (a) Minflok is-subregolament (1) tar-regolament 29 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(1) L-Awtorità Kompetenti għandha tistabbilixxi, skond ir-regolament 2 u Skeda 5 li tinsab ma' dawn ir-regolamenti, programmi ta' prevenzjoni ta' skart mhux aktar tard mit-12 ta' Diċembru 2013. Dawk il-programmi għandhom jew:"; u

(b) minflok is-subregolament (1)(a) tar-regolament 29 tar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(a) ikun integrat fil-pjanijiet tal-maniġġar ta' skart kif provdut fir-regolament 28 ta' dawn ir-regolamenti, jew".

Jemenda Skeda 4 mar-regolamenti prinċipali.

17. (a) Minflok it-titolu ta' Skeda 4 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"EŻENZJONIJIET MIR-REKWIŻITI MSEMMIJA FIS-SUBREGOLAMENT (1) TAR-REGOLAMENT 19";

(b) minflok Parti 1 ta' Skeda 4 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"Stabbilimenti jew negozji li jagħmlu l-operazzjonijiet li ġejjin għandhom jiġu eżentati mir-rekwiżiti msemmija fis-subregolament (1) tar-regolament 19 ta' dawn ir-regolamenti"; u

(ċ) minflok il-Parti 2 ta' Skeda 4 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"Attivitajiet esklużi mir-rekwiżiti msemmija fis-subregolament (1) tar-regolament 19 ta' dawn ir-regolamenti".

Jemenda Skeda 5 mar-regolamenti prinċipali.

18. Minflok il-paragrafu (6)(a) ta' Parti 2 ta' Skeda 5 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"(a) it-tip, kwantità u sors ta' skart ġenerat fit-territorju ta' Malta, l-iskart li x'aktarx ikun transportat minn jew lejn it-territorju nazzjonali, u kull evalwazzjoni ta' żvilupp ta' flussi ta' skart fil-futur;".

Jemenda Sdeka 6 mar-regolamenti prinċipali.

19. Minflok it-titolu ta' Skeda 6 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"EŻEMPJI TA' MIŻURI GĦAL PREVENZJONI TA' SKART IMSEMMIJA FIR-REGOLAMENT 29".

Jemenda Skeda 10 mar-regolamenti prinċipali.

20. (a) Minflok it-titolu ta' Skeda 10 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"DIKJARAZZJONI TA' KRITERJI DWAR TMIEM TA' SKART, IMSEMMIJA FIR-REGOLAMENT 6"; u

(b) minflok il-*footnote* 1 ta' Skeda 10 li tinsab mar-regolamenti prinċipali, għandu jidħol dan li ġej:

"Irreferi għal Skeda 2 tal-A.L. 184 tal-2011".

L.N. 441 of 2011

ENVIRONMENT AND DEVELOPMENT PLANNING ACT (CAP. 504)

The Waste (Amendment) 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:-

Title.

1. The title of these regulations is the Waste (Amendment) Regulations, 2011, and they shall be read and construed as one with the Waste Regulations, 2011, hereinafter referred to as "the principal regulations".

L.N. 184 of 2011.

Amends regulation 2 of the principal regulations.

2. For sub-regulation (2) of regulation 2 of the principal regulations there shall be substituted the following :-

"(2) The objective of these regulations is, to protect the environment and human health by preventing or reducing 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.".

Amends regulation 3 of the principal regulations.

3. (a) For sub-regulation (1) of regulation 3 of the principal regulations there shall be substituted the following:-

"(1) The following shall be excluded from the scope of these regulations:";

(b) for sub-regulation (1)(a) of regulation 3 of the principal regulations there shall be substituted the following:-

"(a) gaseous effluents emitted in the atmosphere and carbon dioxide captured and transported for the purposes of the Geological Storage of Carbon Dioxide Regulations, 2011.";

L.N. 346 of 2011.

(c) for sub-regulation (2) of regulation 3 of the principal regulations there shall be substituted the following:-

"(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:".

Amends regulation 6 of the principal regulations.

4. Immediately after sub-regulation (5) of regulation 6 of the principal regulations, there shall be added the following new sub-regulation:

"(6) Those establishments or undertakings and activities that are exempt from the requirement of sub-regulation (1) of regulation 19 of these regulations and are not registered in accordance with sub-regulation (1) of regulation 27 of these regulations, who intend to implement end-of-waste criteria set at Community level are to notify the competent authority.".

Amends regulation 7 of the principal regulations.

5. For sub-regulation (1) of regulation 7 of the principal regulations there shall be substituted the following:-

"(1) Commission Decision 2000/532/EC[1] 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 of these regulations is met.".

Amends regulation 11 of the principal regulations.

6. For regulation 11 of the principal regulations there shall be substituted the following:-

"11. The Competent Authority shall ensure that, where recovery in accordance with paragraphs 2 and 3 of Schedule 5 to these regulations is not undertaken, waste undergoes safe disposal operations which meet the provisions laid down in paragraph 3 of Schedule 5 to these regulations on the protection of human health and the environment.".

Amends regulation 12 of the principal regulations.

7. (a) For sub-regulation (1) of regulation 12 of the principal regulations there shall be substituted the following:-

"(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 paragraphs 2 and 3 of Schedule 5 to these regulations and the conditions attached to any permit.";

[1] OJ L 226, 6.9.2000, p.3

(b) for sub-regulation (8) of regulation 12 of the principal regulations there shall be substituted the following:-

"(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 to these regulations.".

8. For sub-regulation (1) of regulation 14 of the principal regulations there shall be substituted the following:- Amends regulation 14 of the principal regulations.

"(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 to these regulations.".

9. For sub-regulation (2)(b) of regulation 16 of the principal regulations there shall be substituted the following:- Amends regulation 16 of the principal regulations.

"(b) the provisions in paragraph 3 of Schedule 5 to these regulations are complied with and the adverse impact of the waste management on human health and the environment is not increased; and".

10. (a) For sub-regulation (1) of regulation 17 of the principal regulations there shall be substituted the following:- Amends regulation 17 of the principal regulations.

"(1) Regulations 14, 16 and 33 of these regulations shall not apply to mixed waste produced by households."; and

(b) for sub-regulation (2) of regulation 17 of the principal regulations there shall be substituted the following:-

"(2) Regulations 14 and 33 of these regulations 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 of these regulations.".

Amends regulation 19 of the principal regulations.

11. For sub-regulation (1) of regulation 19 of the principal regulations there shall be substituted the following:-

"(1) Any establishment or undertaking intending to carry out waste treatment shall obtain a permit from the Competent Authority.".

Amends regulation 21 of the principal regulations.

12. For sub-regulation (1) of regulation 21 of the principal regulations there shall be substituted the following:-

"(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 to these regulations, it shall refuse to issue the permit.".

Amends regulation 23 of the principal regulations.

13. For sub-regulation (6) of regulation 23 of the principal regulations there shall be substituted the following:-

"(6) Action by the Competent Authority under sub-regulations (3) and (4) of this regulation shall be without prejudice to regulations 34, 35 and 36 of these regulations.".

Amends regulation 27 of the principal regulations.

14. For sub-regulation (1)(c) of regulation 27 of the principal regulations there shall be substituted the following:-

"(c) establishments or undertakings which are subject to exemptions from the permit requirements pursuant to regulation 26 of these regulations, in accordance with the Waste Management (Activity Registration) Regulations, 2007.".

L.N. 106 of 2007.

Amends regulation 28 of the principal regulations.

15. (a) For sub-regulation (1) of regulation 28 of the principal regulations there shall be substituted the following:-

"(1) The Competent Authority shall establish, in accordance with regulation 2 and Schedule 5 to these regulations, one or more waste management plans. Such plans shall, alone or in combination, cover all Malta.";

(b) for sub-regulation (2) of regulation 28 of the principal regulations there shall be substituted the following:-

"(a) include a statement of the authority's policies for attaining the objectives specified in Part 1 of Schedule 5 to these regulations; and

(b) include the matters set out in Part 2 of Schedule 5 to these regulations."; and

(c) for sub-regulation (3) of regulation 28 of the principal regulations there shall be substituted the following:-

"(3) The Competent Authority shall consider, in particular, whether the matters set out in Part 3 of Schedule 5 to these regulations should be included in the waste management plans.".

Amends regulation 29 of the principal regulations.

16. (a) For sub-regulation (1) of regulation 29 of the principal regulations there shall be substituted the following:-

"(1) The Competent Authority shall establish, in accordance with regulations 2 and Schedule 5 to these regulations, waste prevention programmes not later than 12 December 2013. Such programmes shall either:"; and

(b) for sub-regulation (1)(a) of regulation 29 of the principal regulations there shall be substituted the following:-

"(a) be integrated into the waste management plans provided for in regulation 28 of these regulations, or".

Amends Schedule 4 to the principal regulations.

17. (a) For the title of Schedule 4 to the principal regulations there shall be substituted the following:-

"EXCLUSIONS FROM THE REQUIREMENTS LAID DOWN IN SUB-REGULATION (1) OF REGULATION 19";

(b) for Part 1 of Schedule 4 to the principal regulations there shall be substituted the following:-

"Establishments or undertakings carrying out the following operations shall be excluded from the requirements laid down in sub-regulation (1) of regulation 19 of these regulations"; and

(c) for Part 2 of Schedule 4 to the principal regulations there shall be substituted the following:-

"Activities excluded from the requirements laid down in sub-regulation (1) of regulation 19 of these regulations".

Amends Schedule 5 to the principal regulations.

18. For paragraph (6) (a) of Part 2 of Schedule 5 to the principal regulations there shall be substituted 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;".

Amends Schedule 6 to the principal regulations.

19. For the title of Schedule 6 to the principal regulations there shall be substituted the following:-

"EXAMPLES OF WASTE PREVENTION MEASURES REFERRED TO IN REGULATION 29".

Amends Schedule 10 to the principal regulations.

20. (a) For the title of Schedule 10 to the principal regulations there shall be substituted the following:-

"END-OF-WASTE CRITERIA DECLARATION, REFERRED TO IN REGULATION 6"; and

(b) for the footnote 1 of Schedule 10 to the principal regulations there shall be substituted the following:-

"Refer to Schedule 2 of L.N. 184 of 2011.".

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