

L.N. 442 of 2012

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

**PRODUCT SAFETY ACT
(CAP. 427)**

**Waste Management (Packaging and Packaging Waste)
(Amendment) Regulations, 2012**

BY VIRTUE of the powers conferred by articles 2, 61, 64, and 66 the Environment and Development Planning Act, and by article 38 of the Product Safety Act, the Minister for Tourism, Culture and the Environment and the Minister for Fair Competition Small Business and Consumers, after consultation with the Malta Environment and Planning Authority, have made the following regulations:-

Citation.

1. The title of these regulations is the Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2012, and these regulations shall be read and construed as one with the Waste Management (Packaging and Packaging Waste) Regulations, hereinafter referred to as "the principal regulations".

S.L. 504.72

Amends
regulation 2 of
the principal
regulations.

2. In sub-regulation (3) of regulation 2 of the principal regulations, for the words "These regulations shall not apply to packaging not intended for putting on the market in Malta", there shall be substituted the words "These regulations, with the exception of regulations 4, 5, 6, 7, 11, 18, and Schedule 2, shall not apply to packaging not intended for putting on the market in Malta".

Amends
regulation 4 of
the principal
regulations.

3. The first paragraph (but not the proviso) in sub-regulation (1) of regulation 4 of the principal regulations shall be substituted by the following:

"The competent authority shall take necessary measures to ensure that all packaging complies with all essential requirements defined by the regulations including Schedule 2:".

Amends
regulation 10 of
the principal
regulations.

4. In sub-regulation (1) of regulation 10 of the principal regulations, for the words "The competent authority, in consultation with producers and industry organisations and as the Minister may prescribe, may take such measures it may deem appropriate in order to -", there shall be substituted the words "The competent authority shall take such measures in order to -".

5. Paragraph (a) of sub-regulation (1) of regulation 13 of the principal regulations shall be substituted by the following:

Amends
regulation 13 of
the principal
regulations.

"(a) the return and, or collection of used packaging and, or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives, ensuring that these systems are open to all economic operators;"

6. Regulation 15 of the principal regulations shall be amended as follows:

Amends
regulation 15 of
the principal
regulations.

(a) in sub-regulation (1) thereof, for the words "Notwithstanding the provisions of regulation 13, producers or third parties acting on their behalf, shall provide the competent authority with a packaging declaration on a quarter and annual basis, which shall include the following information:", there shall be substituted the words "Notwithstanding the provisions of regulation 13, producers or third parties acting on their behalf, shall provide the competent authority with a packaging declaration on an annual basis, whereas authorised packaging waste recovery schemes shall provide the competent authority with a packaging declaration on a quarter and annual basis, which shall include the following information:"; and

(b) paragraph (a) of sub-regulation (2) thereof shall be substituted by the following:

"(a) producers or third parties acting on their behalf shall complete the tables shown in Schedule 4 on an annual basis, whereas authorised packaging waste recovery schemes shall complete the tables shown in Schedule 4 on a quarter and annual basis:

Provided that the tables referred to herein shall cover the whole of each reporting period (quarter or calendar year, where appropriate). In the case of authorised packaging waste recovery schemes, quarterly reports shall be submitted to the competent authority within forty working days following the end of that period, whereas annual reports shall be submitted to the competent authority within six calendar months of the closing of the year."

7. Sub-regulation (1) of regulation 21 of the principal regulations shall be substituted by the following:

Amends
regulation 21 of
the principal
regulations.

"(1) By 31 January 2006 each producer shall apply to

the competent authority for registration, and from 1 January 2006 each producer shall register with the competent authority by 31 January, and each producer shall register with the competent authority by 31 March each year thereafter."

Amends
regulation 22 of
the principal
regulations.

8. Sub-regulation (2) of regulation 22 of the principal regulations shall be substituted by the following:

"(2) By 31 January 2007 each producer shall provide to the competent authority the information referred to in sub-regulation (1), in respect of packaging and packaging material put on the market between 1 January 2006 and 31 December 2006, and thereafter the information shall be provided by 31 March each year in respect of the packaging and packaging material which has been put on the market during the immediately preceding year".

