

**L.N. 444 of 2014**

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

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

**Waste Management (Packaging and Packaging Waste)  
(Amendment) Regulations, 2014**

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 Sustainable Development, the Environment and Climate Change and the Minister for Social Dialogue, Consumer Affairs and Civil Liberties have made the following regulations:-

Citation and commencement.

S.L. 504.72

**1.** (1) The title of these regulations is the Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2014, 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".

(2) These regulations shall come into force on 1st January 2015.

Amends regulation 2 of the principal regulations.

**2.** In sub-regulation (3) of regulation 2 of the principal regulations for 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." there shall be substituted the following:

"These regulations, with the exception of regulations 4, 5, 6, 7, 11, 18, and Schedule 2, shall not apply to:

(a) packaging not intended for putting on the market in Malta; and

(b) producers putting less than 100kgs on the market of packaging or packaging material."

Amends regulation 3 of the principal regulations.

**3.** Regulation 3 of the principal regulations shall be amended as follows:

(a) immediately after the definition "authorised waste management undertaking", there shall be added the following

new definition:

" "back-end store packaging" means any packaging or packaging material that remains at the warehouse, store or manufacturing facility, including that at the distributor's end. In the case of distributors, the packaging and packaging material remaining at their end, excluding 'consumer packaging', shall also be considered to be 'back-end store' packaging for which the producer can opt to be self-compliant. This may include outer boxes, pallets, shrink-wrap, metal straps, production scraps, etc.;";

(b) immediately after the definition "composite packaging", there shall be added the following new definition:

" "consumer packaging" means any packaging or packaging material that is sold with or without the product and ends at the final retailer or final consumer, for example, bottles, carton boxes, jars etc.; which consumer packaging waste is collected from the end users through systems which are in place;";

(c) immediately after the definition "to convert", there shall be added the following new definition:

" "distributor" means any person who provides packaging or packaging material on a commercial basis to the party who is going to use it, mainly the final retailer or the final consumer;".

4. Immediately after sub-regulation (3) of regulation 13 of the principal regulations, there shall be added the following new sub-regulations:

Amends  
regulation 13 of  
the principal  
regulations.

"(4) For the purposes of achieving the objectives, and satisfying the obligations of sub-regulation (1), producers are obliged to join a packaging waste recovery scheme duly authorized by the competent authority for all consumer packaging. Otherwise, producers can opt to be self-compliant for all packaging remaining at the back-end store.

(5) If the producer opts to self-comply, the producer is obliged to sign an agreement with the distributor(s) to collect back the 'back-end store' packaging waste.

If no agreement is in place, the 'back-end store' packaging and packaging material would be deemed to be consumer packaging and packaging material and hence participation in a

packaging waste recovery scheme for all of the packaging and packaging material at the distributor's end would be required.

(6) In the case of producers who opt to join an authorised packaging waste recovery scheme for the 'back-end store' packaging and packaging material, they should do so for all packaging waste streams.

(7) Both packaging waste recovery schemes and self-compliant producers shall use the services of an independent auditor (i.e. an auditor who would be eligible for appointment), approved by the Authority, to certify all of the information reported to the Authority.

In the case of packaging waste recovery schemes, the auditor would be required to certify that all the information reported to the Authority is as specified in the MEPA permit itself.

In the case of self-compliant producers, the auditor would be required to certify that all the information reported to the Authority is in conformity with the obligations of these regulations.

Both the permit holder of the packaging waste recovery scheme and self-compliant producers shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place for all the packaging waste managed."

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