

L.N. 84 of 2019

**ENVIRONMENT PROTECTION ACT
(CAP. 549)**

Waste Management (Ship Recycling) Regulations, 2019

IN EXERCISE of the powers conferred by articles 54 and 55(2) of the Environment Protection Act, the Minister for the Environment, Sustainable Development and Climate Change, after consultation with the Environment and Resources Authority, has made the following regulations:-

1. (1) The title of these regulations is the Waste Management (Ship Recycling) Regulations, 2019. Citation.

(2) These regulations establish a system of penalties for failure by an operator of a ship recycling facility to comply with the requirements set out in Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as amended, hereinafter referred to as "the EU Ship Recycling Regulation". Scope.

(3) These regulations shall be deemed to have come into force on 31st December 2018. Commencement.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"the Act" means the Environment Protection Act; Cap. 549.

"the competent authority" means the Environment and Resources Authority as responsible for ship recycling facilities.

(2) All other terms shall have the same meaning as that assigned to them in the EU Ship Recycling Regulation.

3. It shall be the duty of an operator of a ship recycling facility to ensure that it is authorised by the competent authority to conduct ship recycling operations and to ensure compliance with the requirements of the EU Ship Recycling Regulations and the provisions of the Act. Duty to ensure compliance.

4. (1) An operator of a ship recycling facility who fails to comply with any provisions of these regulations and the provisions of the EU Ship Recycling Regulation shall, on conviction, be guilty of an Offences and penalties.

offence under these regulations.

(2) Any person who commits or attempts to commit an offence against these regulations shall, on conviction, be liable:

(a) in the case of a first offence, a fine (*multa*) of not less than ten thousand euro (€10,000) but not exceeding fifty thousand euro (€50,000);

(b) in the case of a second or subsequent offence, a fine (*multa*) of not less than twenty thousand euro (€20,000) but not exceeding one hundred thousand euro (€100,000), or imprisonment not exceeding two years, or both such fine and imprisonment:

Provided further that the court shall 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 as a result of the said offence, to undertake mitigation or prevention measures in order to address offence-related damages, the revocation of the authorisation issued by the competent authority and the confiscation of the *corpus delicti*, if applicable.