

SUBSIDIARY LEGISLATION 549.54

**WASTE MANAGEMENT (WASTE BATTERIES
AND ACCUMULATORS) REGULATIONS**

30th May, 2010

*LEGAL NOTICE 55 of 2010, as amended by Legal Notices 245 of 2011,
296 of 2015, 145 of 2017 and 149 of 2021.*

1. The title of these regulations is the Waste Management (Waste Batteries and Accumulators) Regulations. Citation.

2. (1) These regulations bring into effect the provisions of Directive 2006/66/EC* of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC†, as amended by Directive 2008/12/EC‡ of the European Parliament and of the Council of 11 March 2008, Directive 2013/56/EU of the European Parliament and of the Council of 20 November 2013, and Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018. Scope.
*Amended by:
L.N. 149 of 2021.*

(2) The objective of the Directive, having regard to the environmental impact of transport, is to maximise the separate collection of waste batteries and accumulators and to minimise the disposal of waste batteries and accumulators as mixed municipal waste in order to achieve a high level of recycling for all waste batteries and accumulators. It also seeks to improve the environmental performance of batteries and accumulators and of the activities of all economic operators involved in the life cycle of batteries and accumulators, such as producers, distributors and end-users and, in particular, those operators directly involved in the treatment and recycling of waste batteries and accumulators.

(3) These regulations provide additional measures, procedures and guidance to those in the Waste Regulations, which aim at establishing specific rules for the collection, treatment, recycling and disposal of waste batteries and accumulators to promote a high level of collection and recycling of waste batteries and accumulators. S.L. 549.63

(4) These regulations shall be read and construed in the context of the provisions of the Extended Producer Responsibility Framework Regulations. S.L. 549.141

3. (1) In these regulations, unless the context otherwise requires: Interpretation.
*Amended by:
L.N. 145 of 2017.*

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

"agreement" means the formal agreement concluded between the competent authority and the economic operators concerned, which has to be open to all partners who wish to meet the conditions of

*OJ L 266, 26.9.2006, p. 1.

†OJ L 78, 26.3.1991, p. 38.

‡OJ L 76, 19.3.2008, p. 39.

	the agreement with a view to working towards the objectives of these regulations;
S.L. 549.89	"appliance" means any electrical or electronic equipment, as defined by the Waste Management (Electrical and Electronic Equipment) Regulations, which is fully or partly powered by batteries or accumulators or is capable of being so; "automotive battery or accumulator" means any battery or accumulator used for automotive starter, lighting or ignition power; "battery" or "accumulator" means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable); "battery pack" means any set of batteries or accumulators that are connected together and, or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open; "button cell" means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power; "category of battery or accumulator" means any of the following types of batteries or accumulators: (a) automotive batteries or accumulators; (b) industrial batteries or accumulators; and (c) portable batteries or accumulators;
S.L. 549.89	"collection rate" means, in a given calendar year, the percentage obtained by dividing the weight of waste portable batteries and accumulators collected in accordance with regulation 5(1) and (2) or with the Waste Management (Electrical and Electronic Equipment) Regulations, in that calendar year by the average weight of portable batteries and accumulators that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in Malta during that calendar year and the preceding two calendar years; "the Community" means the European Community; "the competent authority" has the same meaning as "the authority" as defined in article 2 of the Act;
S.L. 549.63	"disposal" means any of the applicable operations provided for in Schedule 4 to the Waste Regulations; "distributor" means any person that provides batteries and accumulators on a professional basis to an end-user; "economic operators" means producers, distributors, collectors, recoverers, recyclers or other treatment operators of waste batteries and accumulators; "industrial battery or accumulator" means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;

"local agency" has the same meaning as "entity of government" as defined in article 2 of the Act;

"the Minister" means the Minister responsible for the environment;

"portable battery or accumulator" means any battery, button cell, battery pack or accumulator that:

- (a) is sealed; and
- (b) can be hand-carried; and
- (c) is neither an industrial battery or accumulator nor an automotive battery or accumulator;

"producer" means any person in Malta who, irrespective of the selling technique used, including by means of distance communication as defined in the Distance Selling Regulations, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the territory of Malta on a professional basis; S.L. 378.08

"recycling" means the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery;

"treatment" means any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;

"waste" in addition to what is said in the Environment Protection Act, means any thing, substance, product or object, whether in solid or liquid form, whether hazardous or otherwise, which the holder discards, or intends, or is required to discard, or any other which is deemed to be waste by the competent authority nominated by the Minister responsible for the environment under the Environment Protection Act; Cap. 549.

"waste battery or accumulator" means any battery or accumulator which is waste.

(2) All other terms shall have the same meaning as that assigned to them in regulation 2 of the Waste Regulations. S.L. 549.63

4. (1) These regulations shall apply to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use: Applicability.

Provided that these regulations shall apply without prejudice to the Waste Management (End of Life Vehicles) Regulations, and the Waste Management (Electrical and Electronic Equipment) Regulations. S.L. 549.36
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(2) These regulations shall apply without prejudice to existing provisions, such as product safety requirements and specific legislation, in particular the Batteries and Accumulators Regulations. S.L. 427.08

(3) These regulations shall not apply to batteries and accumulators used in:

- (a) equipment connected with the protection of Malta's

essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; and

(b) equipment designed to be sent into space.

Separate
collection.
Amended by:
L.N. 296 of 2015;
L.N. 145 of 2017.

5. (1) Producers of portable batteries and accumulators, or third parties acting on their behalf, shall use existing collection systems or set up collection systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the collection of waste portable batteries and accumulators.

(2) Such collection systems:

(a) shall enable end-users to discard waste portable batteries or accumulators at an accessible collection point in their vicinity, having regard to population density, provided that such a collection point shall not be subject to the registration or permit requirements of the Waste Regulations, or the Waste Management (Activity Registration) Regulations;

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(b) shall require distributors to take back waste portable batteries or accumulators at no charge when supplying portable batteries or accumulators, unless an assessment shows that alternative existing collection systems are at least as effective in attaining the environmental aims of these regulations, provided that such an assessment shall be made public;

(c) shall not involve any charge to end-users when discarding waste portable batteries or accumulators, nor any obligation to buy a new battery or accumulator; and

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(d) may be run in conjunction with the collection systems referred to in the Waste Management (Electrical and Electronic Equipment) Regulations:

Provided that all economic operators and all competent public authorities may participate in these collection systems:

Provided further that these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(3) Producers of industrial batteries and accumulators, or third parties acting on their behalf, shall not refuse to take back waste industrial batteries and accumulators from end-users, regardless of chemical composition and origin.

Provided that:

(a) independent third parties may also collect waste industrial batteries and accumulators;

(b) all economic operators and all competent public authorities may participate in these collection systems; and

- (c) these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(4) Producers of automotive batteries and accumulators, or third parties acting on their behalf, shall use existing collection systems or set up collection systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the collection of waste automotive batteries and accumulators from end-users or from an accessible collection point in their vicinity, where collection is not carried out under the collection systems referred to in regulation 5(1) of the Waste Management (End of Life Vehicles) Regulations.

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Provided that:

- (a) in the case of automotive batteries and accumulators from private, non-commercial vehicles, such collection systems shall not involve any charge to end-users when discarding waste batteries or accumulators, or any obligation to buy a new battery or accumulator;
- (b) all economic operators and all competent public authorities may participate in these collection systems; and
- (c) these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(5) Waste batteries and accumulators collected through systems funded by Local Councils, or by any local agency, shall be deposited at facilities operated by a local agency designated by the Minister and shall thereafter be handed over to waste batteries and accumulators collective organisations:

- (a) at a price that shall reflect the total cost recovery of collection and storage up to the point of take-over by the respective producer responsibility organisation, which price shall be subject to the scrutiny and approval of the Minister; and
- (b) shall be proportionately distributed amongst authorised waste batteries and accumulators collective organisations on the basis of the average weight and category of batteries and accumulators placed on the market by producer responsibility organisations.

6. Economic instruments may be used to promote the use of batteries and accumulators containing less polluting substances, or promote the collection of waste batteries and accumulators, for instance by adopting differential tax rates.

Economic instruments.

7. (1) The competent authority shall calculate the collection rate for the first time in respect of the year 2011.

Collection rates and targets.
Amended by:
L.N. 245 of 2011.

(2) Producers, or third parties acting on their behalf, shall take the necessary measures to achieve the following minimum

collection targets:

- (a) 25% by 26th September 2012;
- (b) 30% by 26th September 2013;
- (c) 35% by 26th September 2014;
- (d) 40% by 26th September 2015; and
- (e) 45% by 26th September 2016.

(3) The competent authority shall monitor compliance with such collection targets on a yearly basis as set out in Schedule 1.

Removal of waste
batteries and
accumulators.

8. *(Deleted by Legal Notice 296 of 2015).*

Treatment and
recycling.

9. (1) Not later than 26th September 2009:

- (a) producers, or third parties acting on their behalf, shall use existing treatment and recycling systems or set up treatment and recycling systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the treatment and recycling of waste batteries and accumulators, using best available techniques, in terms of the protection of health and the environment; and
- (b) all identifiable waste batteries and accumulators collected in accordance with regulation 5 or with the Waste Management (Electrical and Electronic Equipment) Regulations, shall undergo treatment and recycling through treatment and recycling systems that comply, as a minimum, with national legislation, in particular as regards health, safety and waste management:

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Provided that:

- (i) collected portable batteries or accumulators containing cadmium, mercury or lead may be disposed of in landfills or underground storage when no viable end market is available or as part of a strategy to phase out heavy metals which, on the basis of a detailed assessment of the environmental, economic, and social impacts, shows that this disposal option should be preferred over recycling;
- (ii) such an assessment shall be made public;
- (iii) all economic operators and all competent public authorities may participate in these treatment and recycling systems; and
- (iv) these treatment and recycling systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(2) Treatment shall meet the minimum requirements set out in

Part A of Schedule 2.

(3) Where batteries or accumulators are collected together with waste electrical and electronic equipment on the basis of the Waste Management (Electrical and Electronic Equipment) Regulations, batteries or accumulators shall be removed from the collected waste electrical and electronic equipment.

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(4) Recycling processes shall, not later than 26th September 2011, meet the recycling efficiencies and associated provisions set out in Part B of Schedule 2.

10. (1) The development of new recycling and treatment technologies all types of waste batteries and accumulators shall be encouraged.

New recycling technologies.

(2) Research into environmentally friendly and cost-effective recycling methods for all types of waste batteries and accumulators shall be promoted.

(3) Treatment facilities shall be encouraged to introduce certified environmental management schemes in accordance with Regulation (EC) No 761/2001^{*} of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

11. (1) The disposal in landfills or by incineration of waste industrial and automotive batteries and accumulators shall be prohibited:

Disposal.
Amended by:
L.N. 145 of 2017.

Provided that residues of any waste batteries and accumulators that have undergone both treatment and recycling in accordance with regulation 9(1) may be disposed of in landfills or by incineration.

(2) Any person disposing of waste batteries and accumulators in the form of unsorted municipal waste may be fined in accordance with the Schedule of Fines in Schedule 7.

12. (1) Treatment and recycling may be undertaken outside Malta or outside the Community, provided that the shipment of waste batteries and accumulators shall be in compliance with Regulation (EC) No 1013/2006[†] of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

Exports.

(2) Waste batteries and accumulators exported out of the Community in accordance with Regulation (EC) No 1013/2006[‡] of the European Parliament and of the Council of 14 June 2006 on shipments of waste, and Council Regulation (EC) No 1418/2007[§] of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary

^{*}OJ L 114, 24.4.2001, p. 1.

[†]OJ L 190, 12.7.2006, p. 1.

[‡]OJ L 190, 12.7.2006, p. 1.

[§]OJ L 316, 4.12.2007, p. 6.

movements of wastes does not apply, shall count towards the fulfilment of the obligations and recycling efficiencies laid down in Schedule 2 to these regulations only if there is sound evidence that the recycling operation took place under conditions equivalent to the requirements of these regulations.

Financing.
Amended by:
L.N. 296 of 2015.

13. (1) Producers, or third parties acting on their behalf, shall finance any net costs arising from:

- (a) the collection, treatment and recycling of all waste portable batteries and accumulators collected in accordance with regulation 5(1) and (2); and
- (b) the collection, treatment and recycling of all waste industrial and automotive batteries and accumulators collected in accordance with regulation 5(3) and (4).
Any draft exemption measures shall be made public:

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Provided that any double charging of producers in the case of batteries or accumulators collected under treatment and recycling systems set up in accordance with the Waste Management (End of Life Vehicles) Regulations or the Waste Management (Electrical and Electronic Equipment) Regulations shall be avoided:

Provided further that producers which, relative to the size of the market, place very small quantities of batteries or accumulators on the market for the first time within Malta, may be exempted on the condition that this does not impede the proper functioning of the collection systems set up on the basis of regulation 5 and the treatment and recycling systems set up on the basis of regulation 9.

(2) Producers, or third parties acting on their behalf, shall finance any net costs arising from public information campaigns on the collection, treatment and recycling of all waste portable batteries and accumulators.

(3) The costs of collection, treatment and recycling shall not be shown separately to end-users at the time of sale of new portable batteries and accumulators.

(4) Producers and users of industrial and automotive batteries and accumulators may conclude agreements stipulating financing arrangements other than the ones referred to in subregulation (1).

(5) This regulation shall apply to all waste batteries and accumulators, irrespective of the date of their placing on the market for the first time within Malta.

(6) Producers supplying batteries and accumulators by means of distance communication shall also comply with the requirements set out in this regulation for the batteries and accumulators supplied in the Member State where the purchaser of that equipment resides.

Information for
end-users.

14. Economic operators shall ensure, in particular through information campaigns, that end-users are fully informed of:

- (a) the potential effects on the environment and human

health of the substances used in batteries and accumulators;

- (b) the desirability of not disposing of waste batteries and accumulators as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;
- (c) the collection systems and treatment and recycling systems available to them;
- (d) their role in contributing to the recycling of waste batteries and accumulators;
- (e) the meaning of the symbol of the crossed-out wheeled bin shown in Schedule 3 and the chemical symbols Hg, Cd and Pb in accordance with the Batteries and Accumulators Regulations:

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Provided that, where distributors are required to take back waste portable batteries and accumulators pursuant to regulation 5, such distributors shall inform end-users about the possibility of discarding waste portable batteries or accumulators at their sales points.

14A. In order to contribute to the objectives laid down in these regulations, the Minister may make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, under regulation 4A of the Waste Regulations, such as those indicated in Annex IVa to Directive 2008/98/EC or other appropriate instruments and measures.

Incentives for the application of the waste hierarchy.
Added by:
L.N. 149 of 2021.

15. End-users of batteries and accumulators and the holders of waste batteries and accumulators shall co-operate with, and participate in, any system set up for the collection of waste batteries and accumulators and facilitate the process of treatment and recycling. Accordingly, they shall segregate, deposit and return waste batteries and accumulators as required by the collection system.

Duties of end-users of batteries and accumulators.

16. (1) The competent authority shall maintain and make available in accordance with this regulation a register relating to the producers who register in accordance with regulation 17 and containing information relating to the producer registration as prescribed in Schedule 5.

Register of producers.

(2) The competent authority shall:

- (a) ensure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours; and
- (b) permit members of the public to obtain copies of entries in the register on payment of a fee as may be prescribed in Schedule 8 to the Waste Regulations.

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(3) The register may be kept in any form but shall be indexed and arranged so that members of the public can readily trace information contained in it.

(4) The competent authority shall amend the relevant entry in

the register to record any change to the information entered and shall note the date on which the amendment is made.

(5) For the avoidance of doubt, nothing in this regulation shall require a register maintained by the competent authority to contain information relating to any criminal proceedings (including prospective proceedings) or to anything which is the subject matter of such proceedings, at any time before those proceedings are finally disposed of.

(6) Nothing in this regulation shall require a register maintained by the competent authority to contain any information which has been superseded by later information after four years have elapsed from that later information being entered in the register.

Registration.
Amended by:
L.N. 296 of 2015;
L.N. 145 of 2017.

17. (1) Producers shall upon placing batteries and accumulators on the market for the first time within the territory of Malta, apply to be registered with the competent authority and shall be provided with a registration number upon registration.

(2) Producers registered under sub-regulation (1) shall renew their registration on an annual basis with the competent authority by 31 March of each year:

Provided that as from the 1st of April of each year the competent authority shall accept renewals until the end of the year at an additional charge of twenty euro (€20) per month or part thereof of the fee/s prescribed in Schedule 6.

(3) Where a producer ceases to place batteries and accumulators on the market, the producer shall apply for deregistration with the competent authority by completing the deregistration form.

(4) An application for registration or renewal by a producer shall -

- (a) be made either online or in writing;
- (b) contain at least the information in Schedule 4; and
- (c) be accompanied by a fee as prescribed in Schedule 6.

(5) The details provided by a producer in compliance with the obligations referred to in sub-regulations (1), (2) and (3) shall be included in the Register of Producers to be maintained by the competent authority under regulation 16.

(6) The competent authority shall confirm receipt of a producer's application for registration in writing within twenty working days of receipt and shall process that application within twenty working days of confirming receipt.

(7) In the case the data submitted by the producer in accordance with Schedule 4 changes, the said producer shall inform the competent authority thereof no later than one month after the change.

18. (1) Upon renewal according to regulation 17(2), registered producers are to provide to the competent authority the following information:

Information and reporting.
Amended by:
L.N. 296 of 2015;
L.N. 145 of 2017.

- (a) the categories of batteries or accumulators which the registered producer has placed on the market within Malta between 1 January and 31 December of the immediately preceding year, and
- (b) the quantities and weight of batteries and accumulators which the registered producer has placed on the market within Malta between 1 January and 31 December of the immediately preceding year.

(2) The information referred to in sub-regulation (1) shall be provided either online or in writing.

(3) The competent authority may specify the format in which such information shall be made available.

(4) The competent authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations.

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(5) Producers supplying batteries and accumulators by means of distance communication shall provide the competent authority with information on the compliance with the requirements of regulation 13(6) and with the information referred to in sub-regulation (1) of this regulation, relating to the quantities and categories of batteries or accumulators placed on the market for the first time in the Member State where the purchaser of that battery or accumulator resides.

19. Where a producer supplies batteries and accumulators by means of distance communication he shall:

Distance sellers.

- (a) register in accordance with regulation 17;
- (b) notify the competent authority at the time of registration that he supplies batteries and accumulators by means of distance communication and that this regulation applies; and
- (c) upon a request from the competent authority undertake to provide it with information that demonstrates he has complied with his obligation to provide financing for the collection, treatment, recycling and environmentally sound disposal of waste batteries and accumulators deposited at collection points in the Member State where the purchaser of the battery or accumulator resides.

20. (1) Where the business of a producer is transferred in whole or in part to another person, the producer shall be treated as remaining responsible for batteries and accumulators in respect of which he has made an application to register under regulation 17, unless he is able to demonstrate to the competent authority that the person to whom the transfer has been made has agreed to meet the producer's obligations in respect of any such batteries and accumulators under these regulations.

Transfer of a producer's business to another.

(2) Where sub-regulation (1) applies, the person to whom the whole or part of a business is transferred is a producer for the purposes of these regulations, and that person shall:

- (a) apply to the competent authority for registration under regulation 17; and
- (b) undertake to meet the collection targets in regulation 7.

Agreements.

21. (1) For the purposes of achieving the objectives, and satisfying the provisions of these regulations, economic operators may be parties to agreements with the competent authority.

(2) Such agreements shall specify the detailed rules of implementation of these regulations. Moreover, these agreements:

- (a) shall be enforceable at law;
- (b) shall specify the objectives with the corresponding deadlines;
- (c) shall be published in the Gazette;
- (d) shall have the results achieved under them monitored regularly, reported to the competent authority and made available to the public under the conditions set out in the agreement;
- (e) shall have the progress made under them examined in terms of provisions to be made by the competent authority.

Permit required to operate a waste batteries and accumulators collection, treatment and recycling scheme.
Amended by:
L.N. 296 of 2015;
L.N. 145 of 2017.
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22. (1) Without prejudice to the Waste Regulations, persons who intend to operate a waste batteries and accumulators collective organisation as required under these regulations, including the collection, sorting, storage, treatment, export and recycling of waste batteries and accumulators, on behalf of producers, shall require and obtain a valid permit from the competent authority in accordance to the these regulations.

(2) Without prejudice to the Waste Regulations, an application for a permit with the competent authority, shall be accompanied by a fee of five hundred euro (€500) and the following information as applicable:

- (a) a copy of the Memorandum and Articles of Association;
- (b) a copy of a valid development permit issued under the Development Planning Act;
- (c) a description of the proposed system which will provide for the collection, treatment and recycling of waste batteries and accumulators in accordance with the provisions of these regulations;
- (d) details of any deposit-refund system or other system adopted in order to ensure the return of waste batteries and accumulators by consumers;

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- (e) a financial plan in relation to the proposed producer responsibility organisation;
- (f) the annual weights of waste batteries and accumulators in each category to be collected, treated and recycled;
- (g) the annual collection targets to be achieved under the proposed producer responsibility organisation;
- (h) proposals for determining and verifying the level of recycling of waste batteries and accumulators as well as whether the recycling efficiencies referred to in Part B of Schedule 2 have been met under the proposed producer responsibility organisation, including estimations and assumptions to be made in this process;
- (i) proposals for the certification of producers who will make use of the proposed producer responsibility organisation;
- (j) proposals of how the information under the provisions of these regulations will be compiled and made available to the competent authority;
- (k) any other relevant information requested by the competent authority.

(3) The competent authority may specify the format in which such information shall be made available.

(4) The competent authority shall make this information⁹ available in accordance with the Freedom of Access to Information on the Environment Regulations.

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(5) A waste batteries and accumulators collective organisation that has been granted a permit shall, upon granting of the permit or renewal, be charged a fee as prescribed in Schedule 8.

23. The competent authority may exempt a producer from all or part of these regulations provided the producer provides evidence to the competent authority of participating in an authorised waste batteries and accumulators collective organisation.

Participation in an authorised waste batteries and accumulators collection, treatment and recycling scheme.

24. (1) If a producer chooses to make use of an existing authorised waste batteries and accumulators collective organisation, he shall be required to submit to the competent authority a signed agreement with the operator of the authorised waste batteries and accumulators collective organisation to prove that the producer responsibility organisation complies with the provisions by these regulations.

Signed agreement with an operator of an authorised waste batteries and accumulators collection, treatment and recycling scheme.
Amended by:
L.N. 296 of 2015;
L.N. 145 of 2017;
L.N. 149 of 2021.

(2) The producer shall moreover submit to the competent authority, by 31 March each year, a statement of compliance with the provisions of these regulations, signed by the operator of the authorised waste batteries and accumulators collective organisation, in respect of batteries and accumulators which have been placed on the market within Malta by the producer between 1 January and 31 December of the immediately preceding year.

(3) The operator of the authorised waste batteries and accumulators collective organisation referred to in sub-regulation (1) shall:

- (a) bind himself to carry out the activities agreed to and on behalf of the producer in accordance with any existing laws and regulations;
- (b) ensure that all economic operators and all competent public authorities may participate in the scheme;
- (c) ensure that the scheme shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition;
- (d) provide the competent authority with information on any measures taken to encourage developments affecting the impact of batteries and accumulators on the environment, mainly:
 - (i) developments, including voluntary steps taken by the scheme members, to reduce the quantities of heavy metals and other hazardous substances contained in batteries and accumulators;
 - (ii) new recycling and treatment techniques;
 - (iii) economic operators' participation in environmental management schemes;
 - (iv) research in those fields; and
 - (v) measures taken to promote waste prevention;
- (e) provide the competent authority, by 31 March each year, with the information referred to in regulations 14 and 16 as it applies *mutatis mutandis* to the producer, in respect of batteries and accumulators placed on the market within Malta by the producer between 1 January and 31 December of the immediately preceding year;
- (f) provide the competent authority, by 31 March each year, with a statement of compliance of the producer with the provisions of these regulations, in respect of batteries and accumulators placed on the market within Malta by the producer between 1 January and 31 December of the immediately preceding year.

(4) All the information shall be provided in half-yearly and annual reports. A waste batteries and accumulators collective organisation shall submit half-yearly reports to the competent authority within three (3) calendar months following the end of that period, whereas annual reports shall be submitted to the competent authority within four (4) calendar months of the closing of the year.

(5) *Deleted by Legal Notice 145 of 2017.*

(6) The competent authority may specify the format in which such information shall be made available.

(7) The competent authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations. S.L. 549.39

25. (1) Self-compliant producers, or authorised waste batteries and accumulators collective organisations, shall use the services of an independent auditor, approved by the competent authority, to certify all of the information reported to the competent authority. Auditing.
Added by:
L.N. 145 of 2017.

(2) In the case of self-compliant producers, the auditor shall be required to certify that all the information reported to the competent authority is in conformity with the obligations of these regulations.

(3) In the case of authorised waste batteries and accumulators collective organisations, the auditor shall be required to certify that all the information reported to the competent authority is as specified in the competent authority's permit itself.

(4) Both self-compliant producers or permit holders of the authorised waste batteries and accumulators collective organisations shall ensure that a sound auditing procedure for traceability, monitoring and control is put into place for all waste batteries and accumulators managed.

26. Any person shall be guilty of an offence under these regulations if: Offences under these regulations.
Amended by:
L.N. 145 of 2017.

- (a) he fails to comply with any provisions of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or
- (b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (c) he acts in contravention of any of the provisions of these regulations; or
- (d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provisions of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

27. Any person who commits an offence against these regulations shall, on conviction, be liable: Penalties.
Amended by:
L.N. 145 of 2017.

- (a) on a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69), but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);
- (b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three

hundred and twenty-nine euro and thirty-seven cents (€2,329.37), but not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that 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, is held liable in the same manner and degree:

Provided further that the court may 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 mentioned in 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 applicable.

Applicability of the
Criminal Code.
Amended by:
L.N. 145 of 2017.
Cap. 9.

28. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences 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.

Cap. 9.

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

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

SCHEDULE 1

(Regulation 7)

Monitoring of compliance with collection targets

Year	Data collection		Calculation of Collection rate	Collection Target
2009	2009 sales (S1)			
2010	2010 sales (S2)	-	-	
2011	2011 sales (S3)	2011 collection (C3)	$3 \times C3 / (S1 + S2 + S3)$	
2012	2012 sales (S4)	2012 collection (C4)	$3 \times C4 / (S2 + S3 + S4)$	25%
2013	2013 sales (S5)	2013 collection (C5)	$3 \times C5 / (S3 + S4 + S5)$	30%
2014	2014 sales (S6)	2014 collection (C6)	$3 \times C6 / (S4 + S5 + S6)$	35%
2015	2015 sales (S7)	2015 collection (C7)	$3 \times C7 / (S5 + S6 + S7)$	40%
2016	2016 sales (S8)	2016 collection (C8)	$3 \times C8 / (S6 + S7 + S8)$	45%
2017	2017 sales (S9)	2017 collection (C9)	$3 \times C9 / (S7 + S8 + S9)$	45%
2018	2018 sales (S10)	2018 collection (C10)	$3 \times C10 / (S8 + S9 + S10)$	45%
2019	Etc.	Etc.	Etc.	45%

Etc.

SCHEDULE 2

(Regulation 9)

Detailed treatment and recycling requirements

PART A: TREATMENT

1. Treatment shall, as a minimum, include removal of all fluids and acids.
2. Treatment and any storage, including temporary storage, at treatment facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.

PART B: RECYCLING

3. Recycling processes shall achieve the following minimum recycling efficiencies:
 - (a) recycling of 65% by average weight of lead-acid waste batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;
 - (b) recycling of 75% by average weight of nickel-cadmium waste batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and
 - (c) recycling of 50% by average weight of other waste batteries and accumulators.

SCHEDULE 3

(Regulation 14)

Symbols for batteries, accumulators and battery packs for separate collection

The symbol indicating 'separate collection' for all batteries and accumulators shall be the crossed-out wheeled bin shown below:



SCHEDULE 4

(Regulation 17)

Information to be contained in an application for producer registration

1. The date of the application for registration.
2. The name of the producer and any brand name under which the producer operates or intends to operate in Malta.
3. The following contact details for the producer:
 - (a) the full postal address (including post code) and telephone number of:
 - the producer's registered office; or
 - if the producer is not a company registered in Malta, the producer's principal place of business in Malta;
 - (b) a website address; and
 - (c) where available, a fax number and e-mail address.
4. The name and telephone number of a contact person for the producer, and, where available, a fax number and e-mail address, for that person.
5. The national identification code of the producer, including the VAT number, the NACE code, the company registration number and the range of the number of employees of the company (1-9, 10-29, 30-49, 50-99, 100-149, 150-249, 250-499, 500+), where applicable.
6. An indication of which categories of batteries or accumulators the producer is placing or intends to place on the market in Malta.
7. Information as to:
 - (a) whether the producer is meeting or intends to meet its responsibilities under these regulations individually or collectively; and

(b) if collectively:

- the name of the authorised waste batteries and accumulators collective organisation of which the producer is a member;
- the name of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme; and
- the address and telephone number of the registered office of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme in Malta.

8. A signed declaration of the truth of the information provided and the name and title of the signatory of the declaration.

SCHEDULE 5
(Regulation 16)
Public Register

The following information shall be contained in the register in relation to a producer whose application for registration has been processed by the competent authority under regulation 17.

1. The name of the producer and any brand name under which the producer operates in Malta.
2. The following contact details for the producer:
 - (a) the full postal address (including post code) and telephone number of:
 - the producer's registered office; or
 - if the producer is not a company registered in Malta, the producer's principal place of business in Malta;
 - (b) a website address; and
 - (c) where available, a fax number and e-mail address.
3. An indication of the categories of batteries or accumulators placed on the market by the producer.
4. Information as to:
 - (a) whether the producer meets its responsibilities under these regulations individually or collectively; and
 - (b) if collectively:
 - the name of the authorised waste batteries and accumulators collection, treatment and recycling scheme of which the producer is a member;
 - the name of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme; and
 - the address and telephone number of the registered office of the operator of the authorised waste batteries and accumulators

collection, treatment and recycling scheme or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme in Malta.

5. The producer's registration number.
6. The date of the application for registration.
7. A statement each year as to whether the producer has met his obligation under regulation 24 to furnish a statement of compliance.

SCHEDULE 6

*Added by:
L.N. 296 of 2015.*

Schedule of Fees for Registration/Renewal as a
Producer

Category of Activity	Fee (€)
Online registration/renewal for producers of batteries and accumulators	10
Manual registration/renewal for producers of batteries and accumulators	35

SCHEDULE 7

*Added by:
L.N. 145 of 2017.*

(Regulation 11)

Schedule of Fees for disposal of waste batteries and accumulators
in the form of unsorted municipal waste

Any person disposing of waste batteries and accumulators in the form of unsorted municipal waste may be fined €100 per piece of batteries and accumulators disposed.

SCHEDULE 8

*Added by:
L.N. 145 of 2017.*

(Regulation 22)

Fee for an authorised waste batteries and accumulators collective organisation

The fee which is to be paid by an authorised waste batteries and accumulators collective organisation upon being granted a permit or upon being granted a renewal of its permit according to regulation 22 is calculated as follows:

$$A \times B = SF$$

where:

"A" is the number of registered producers participating in the producer responsibility organisation;

"B" is a fee of ten euro (€10) to be charged for each registered producer participating in the producer responsibility organisation;

"SF" is the producer responsibility organisation fee.

The fee shall be submitted to the competent authority within six (6) months of the issuance of the permit or its renewal.
