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L.N. 452 of 2021

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

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

**Waste Management (Packaging and Packaging Waste)
(Amendment No. 2) Regulations, 2021**

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, and by article 38 of the Product Safety Act, the Minister for the Environment, Climate Change, and Planning, after consultation with the Environment and Resources Authority, and the Minister for Tourism and Consumer Protection, on the advice of the Director General (Technical Regulations), have made the following regulations:-

Citation.

1. The title of these regulations is the Waste Management (Packaging and Packaging Waste) (Amendment No. 2) Regulations, 2021 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. 549. 43.

Amends
regulation 8 of
the principal
regulations.

2. Paragraph (d) of sub-regulation (2) of regulation 8 of the principal regulations, shall be substituted by the following new paragraph:

S.L. 549. 63.

"(d) at the latest twenty-four (24) months before the respective deadline laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3, the Minister notifies the European Commission of his intention to postpone the respective deadline and submits an implementation plan in accordance with Schedule 15. The Minister may combine that plan with an implementation plan submitted pursuant to the Waste Regulations:

Provided that within three (3) months of receipt of the implementation plan submitted, the Commission may request Malta to revise the plan if the Commission considers that the plan does not comply with the requirements set out in Schedule 15. Malta shall submit a revised plan within three (3) months of receipt of the Commission's request."

3. Regulation 9 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 9 of the principal regulations.

"Information systems and reporting.

9. The competent authority shall maintain a database containing annual records about packaging and packaging waste according to the format specified in Schedule 4 and shall provide in particular information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the national level, including information on the toxicity or danger of packaging materials and components used for their manufacture."

4. In paragraph (a) of sub-regulation (1) of regulation 10 of the principal regulations, the words "Annex IVa to Directive 2008/98/EC" shall be substituted by the words "Schedule 12 of the Waste Regulations".

Amends regulation 10 of the principal regulations. S.L. 549. 63.

5. Schedule 4 to the principal regulations shall be substituted by the following new Schedule:

Substitutes Schedule 4 to the principal regulations.

"SCHEDULE 4
(Regulation 9)

DATA TO BE INCLUDED BY THE COMPETENT AUTHORITY IN
ITS DATABASE ON PACKAGING AND PACKAGING WASTE (IN
ACCORDANCE WITH TABLES 1 TO 4)

1. For primary, secondary and tertiary packaging:

(a) quantities, for each broad category of material, of packaging consumed within the country (produced + imported - exported) (Table 1);

(b) quantities reused (Table 2).

2. For household and non-household packaging waste:

(a) quantities for each broad category of material, recovered and disposed of within the country (produced + imported - exported) (Table 3);

(b) quantities recycled and quantities recovered for each broad category of material (Table 4).

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TABLE 1: Quantity of packaging (primary, secondary and tertiary) consumed within the national territory

	Tonnage Produced	- Tonnage Exported	+ Tonnage imported	= Total
Glass				
Plastic				
Paper/ cardboard (including composite)				
Ferrous metal				
Aluminium				
Wood				
Other				
Total				

TABLE 2: Quantity of packaging (primary, secondary and tertiary) reused within the national territory

	Tonnage of packaging placed on the market for the first time	Reusable packaging		Reusable sales	
		Tonnage	Percentage	Tonnage	Percentage
Glass					
Plastic					
Paper/ cardboard (including composite)					
Ferrous metal					
Aluminium					
Wood					
Other					
Total					

TABLE 3: Quantity of packaging waste recovered and disposed of within the national territory

	Tonnage of waste produced	- Tonnage of waste exported	+ Tonnage of waste imported	= Total
Household waste				
Glass packaging				
Plastic packaging				
Paper/cardboard packaging				
Cardboard composite packaging				
Ferrous metal packaging				
Aluminium packaging				
Wood packaging				
Total household packaging waste				
Non-household waste				
Glass packaging				
Plastic packaging				
Paper/cardboard packaging				
Cardboard composite packaging				
Ferrous metal packaging				
Aluminium packaging				
Wood packaging				
Total non-household packaging waste				

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TABLE 4: Quantity of packaging waste recycled or recovered within the national territory

	Total tonnage recovered and disposed of	Quantity recycled		Quantity recovered	
		Tonn age	Percen tage	Ton nage	Perce ntage
Household waste					
Glass packaging					
Plastic packaging					
Paper/ cardboard packaging					
Cardboard composite packaging					
Ferrous metal packaging					
Aluminium packaging					
Wood packaging					
Total household packaging waste					
Non- household waste					
Glass packaging					
Plastic packaging					
Paper/ cardboard packaging					
Cardboard composite packaging					
Ferrous metal packaging					
Aluminium packaging					
Wood packaging					

Total non-household packaging waste					
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6. Immediately after Schedule 14 to the principal regulations there shall be added the following new Schedule:

Adds new Schedule to the principal regulations.

**"SCHEDULE 15
(Regulation 8)
IMPLEMENTATION PLAN**

The implementation plan to be submitted pursuant to paragraph (d) of sub-regulation (2) of regulation 8 shall contain the following:

1. Assessment of the past, current and projected rates of recycling, landfilling and other treatment of packaging waste and the streams of which it is composed.

2. Assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to regulations 28 and 29 of the Waste Regulations.

3. Reasons for which Malta considers that it might not be able to attain the relevant target laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3 within the deadline set therein and an assessment of the time extension necessary to meet that target.

4. Measures necessary to attain the targets laid down in paragraph (b) of section 2 and paragraph (b) of section 3 of Schedule 3 that are applicable to Malta during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in regulation 4A and Schedule 12 of the Waste Regulations.

5. A timetable for the implementation of the measures identified in point 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension.

6. Information on funding for waste management in line with the polluter-pays principle.

7. Measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management."

