

**L.N. 441 of 2011**

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

**The Waste (Amendment) Regulations, 2011**

IN EXERCISE of the powers conferred by articles 61 and 62 of the Environment and Development Planning Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

**1.** The title of these regulations is the Waste (Amendment) Regulations, 2011, and they shall be read and construed as one with the Waste Regulations, 2011, hereinafter referred to as “the principal regulations”. Title.  
L.N. 184 of 2011.

**2.** For sub-regulation (2) of regulation 2 of the principal regulations there shall be substituted the following :- Amends  
regulation 2  
of the principal  
regulations.

“(2) The objective of these regulations is, to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.”.

**3.** (a) For sub-regulation (1) of regulation 3 of the principal regulations there shall be substituted the following:- Amends  
regulation 3  
of the principal  
regulations.

“(1) The following shall be excluded from the scope of these regulations:”;

(b) for sub-regulation (1)(a) of regulation 3 of the principal regulations there shall be substituted the following:-

“(a) gaseous effluents emitted in the atmosphere and carbon dioxide captured and transported for the purposes of the Geological Storage of Carbon Dioxide Regulations, 2011.”; L.N. 346 of 2011.

(c) for sub-regulation (2) of regulation 3 of the principal regulations there shall be substituted the following:-

“(2) The following shall be excluded from the scope of these regulations to the extent that they are covered by other national or Community legislation:”.

Amends  
regulation 6  
of the principal  
regulations.

**4.** Immediately after sub-regulation (5) of regulation 6 of the principal regulations, there shall be added the following new sub-regulation:

“(6) Those establishments or undertakings and activities that are exempt from the requirement of sub-regulation (1) of regulation 19 of these regulations and are not registered in accordance with sub-regulation (1) of regulation 27 of these regulations, who intend to implement end-of-waste criteria set at Community level are to notify the competent authority.”.

Amends  
regulation 7  
of the principal  
regulations.

**5.** For sub-regulation (1) of regulation 7 of the principal regulations there shall be substituted the following:-

“(1) Commission Decision 2000/532/EC<sup>1</sup> establishing a list of wastes shall apply. The list of waste shall be binding as regards determination of the waste which is to be considered as hazardous waste. The inclusion of a substance or object in the list shall not mean that it is waste in all circumstances. A substance or object shall be considered to be waste only where the definition laid down in regulation 4 of these regulations is met.”.

Amends  
regulation 11  
of the principal  
regulations.

**6.** For regulation 11 of the principal regulations there shall be substituted the following:-

“11. The Competent Authority shall ensure that, where recovery in accordance with paragraphs 2 and 3 of Schedule 5 to these regulations is not undertaken, waste undergoes safe disposal operations which meet the provisions laid down in paragraph 3 of Schedule 5 to these regulations on the protection of human health and the environment.”.

Amends  
regulation 12  
of the principal  
regulations.

**7. (a)** For sub-regulation (1) of regulation 12 of the principal regulations there shall be substituted the following:-

“(1) It shall be the duty of any original waste producer or other waste holder who carries out the treatment of waste himself or has the treatment handled by a dealer or an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector to ensure that the waste is managed, in accordance with paragraphs 2 and 3 of Schedule 5 to these regulations and the conditions attached to any permit.”;

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<sup>1</sup> OJ L 226, 6.9.2000, p.3

(b) for sub-regulation (8) of regulation 12 of the principal regulations there shall be substituted the following:-

“(8) Establishments or undertakings which collect or transport waste on a professional basis shall deliver the waste collected and transported to appropriate treatment installations in accordance with paragraph 3 of Schedule 5 to these regulations.”.

**8.** For sub-regulation (1) of regulation 14 of the principal regulations there shall be substituted the following:-

Amends  
regulation 14  
of the principal  
regulations.

“(1) The Competent Authority shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health in order to meet the provisions laid down in paragraph 3 of Schedule 5 to these regulations.”.

**9.** For sub-regulation (2)(b) of regulation 16 of the principal regulations there shall be substituted the following:-

Amends  
regulation 16  
of the principal  
regulations.

“(b) the provisions in paragraph 3 of Schedule 5 to these regulations are complied with and the adverse impact of the waste management on human health and the environment is not increased; and”.

**10.** (a) For sub-regulation (1) of regulation 17 of the principal regulations there shall be substituted the following:-

Amends  
regulation 17  
of the principal  
regulations.

“(1) Regulations 14, 16 and 33 of these regulations shall not apply to mixed waste produced by households.”; and

(b) for sub-regulation (2) of regulation 17 of the principal regulations there shall be substituted the following:-

“(2) Regulations 14 and 33 of these regulations shall not apply to separate fractions of hazardous waste produced by households until they are accepted for collection, disposal or recovery by an establishment or an undertaking which has obtained a permit or has been registered in accordance with regulations 19 or 27 of these regulations.”.

Amends  
regulation 19  
of the principal  
regulations.

**11.** For sub-regulation (1) of regulation 19 of the principal regulations there shall be substituted the following:-

“(1) Any establishment or undertaking intending to carry out waste treatment shall obtain a permit from the Competent Authority.”.

Amends  
regulation 21  
of the principal  
regulations.

**12.** For sub-regulation (1) of regulation 21 of the principal regulations there shall be substituted the following:-

“(1) Where the Competent Authority considers that the intended method of treatment is unacceptable from the point of view of environmental protection, in particular when the method is not in accordance with paragraph 3 of Schedule 5 to these regulations, it shall refuse to issue the permit.”.

Amends  
regulation 23  
of the principal  
regulations.

**13.** For sub-regulation (6) of regulation 23 of the principal regulations there shall be substituted the following:-

“(6) Action by the Competent Authority under sub-regulations (3) and (4) of this regulation shall be without prejudice to regulations 34, 35 and 36 of these regulations.”.

Amends  
regulation 27  
of the principal  
regulations.

**14.** For sub-regulation (1)(c) of regulation 27 of the principal regulations there shall be substituted the following:-

“(c) establishments or undertakings which are subject to exemptions from the permit requirements pursuant to regulation 26 of these regulations, in accordance with the Waste Management (Activity Registration) Regulations, 2007.”.

L.N. 106 of 2007.

Amends  
regulation 28  
of the principal  
regulations.

**15.** (a) For sub-regulation (1) of regulation 28 of the principal regulations there shall be substituted the following:-

“(1) The Competent Authority shall establish, in accordance with regulation 2 and Schedule 5 to these regulations, one or more waste management plans. Such plans shall, alone or in combination, cover all Malta.”;

(b) for sub-regulation (2) of regulation 28 of the principal regulations there shall be substituted the following:-

“(a) include a statement of the authority’s policies for attaining the objectives specified in Part 1 of Schedule 5 to these regulations; and

(b) include the matters set out in Part 2 of Schedule 5 to these regulations.”; and

(c) for sub-regulation (3) of regulation 28 of the principal regulations there shall be substituted the following:-

“(3) The Competent Authority shall consider, in particular, whether the matters set out in Part 3 of Schedule 5 to these regulations should be included in the waste management plans.”.

**16.** (a) For sub-regulation (1) of regulation 29 of the principal regulations there shall be substituted the following:-

Amends regulation 29 of the principal regulations.

“(1) The Competent Authority shall establish, in accordance with regulations 2 and Schedule 5 to these regulations, waste prevention programmes not later than 12 December 2013. Such programmes shall either:”; and

(b) for sub-regulation (1)(a) of regulation 29 of the principal regulations there shall be substituted the following:-

“(a) be integrated into the waste management plans provided for in regulation 28 of these regulations, or”.

**17.** (a) For the title of Schedule 4 to the principal regulations there shall be substituted the following:-

Amends Schedule 4 to the principal regulations.

“EXCLUSIONS FROM THE REQUIREMENTS LAID DOWN IN SUB-REGULATION (1) OF REGULATION 19”;

(b) for Part 1 of Schedule 4 to the principal regulations there shall be substituted the following:-

“Establishments or undertakings carrying out the following operations shall be excluded from the requirements laid down in sub-regulation (1) of regulation 19 of these regulations”; and

(c) for Part 2 of Schedule 4 to the principal regulations there shall be substituted the following:-

“Activities excluded from the requirements laid down in sub-regulation (1) of regulation 19 of these regulations”.

Amends  
Schedule 5  
to the principal  
regulations.

**18.** For paragraph (6) (a) of Part 2 of Schedule 5 to the principal regulations there shall be substituted the following:-

“(a) the type, quantity and source of waste generated within the Maltese territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;”.

Amends  
Schedule 6  
to the principal  
regulations.

**19.** For the title of Schedule 6 to the principal regulations there shall be substituted the following:-

“EXAMPLES OF WASTE PREVENTION MEASURES REFERRED TO IN REGULATION 29”.

Amends  
Schedule 10  
to the principal  
regulations.

**20.** (a) For the title of Schedule 10 to the principal regulations there shall be substituted the following:-

“END-OF-WASTE CRITERIA DECLARATION, REFERRED TO IN REGULATION 6”; and

(b) for the footnote 1 of Schedule 10 to the principal regulations there shall be substituted the following:-

“Refer to Schedule 2 of L.N. 184 of 2011.”.

