

SUBSIDIARY LEGISLATION 549.89

**WASTE MANAGEMENT (ELECTRICAL AND
ELECTRONIC EQUIPMENT) REGULATIONS**

14th February, 2014*

*LEGAL NOTICE 204 of 2014, as amended by Legal Notice 232 of 2015,
148 and 455 of 2021.*

1. The title of these regulations is the Waste Management (Electrical and Electronic Equipment) Regulations. Citation.

2. (1) These regulations bring into effect the provisions of Directive 2012/19/EC of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment and repealing Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 as amended by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment. Scope.
*Amended by:
L.N. 148 of 2021.*

(2) These regulations lay down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipment (WEEE) and by reducing overall impacts of resource use and improving the efficiency of such use in accordance with regulation 2(2) and Schedule 5 of the Waste Regulations, thereby contributing to sustainable development. S.L. 549.63

(3) These regulations shall apply to electrical and electronic equipment (EEE) as follows:

- (a) from the coming into force of these regulations until 14 August 2018 subject to sub-regulation (1) of regulation 4, to EEE falling within the categories set out in Schedule 1. Schedule 2 contains an indicative list of EEE which falls within the categories set out in Schedule 1;
- (b) from 15 August 2018, subject to sub-regulations (1) and (2) of regulation 4, to all EEE. All EEE shall be classified within the categories set out in Schedule 3. Schedule 4 contains a non-exhaustive list of EEE which falls within the categories set out in Schedule 3 (open scope).

(4) These regulations shall be read and construed in the context of the provisions of the Extended Producer Responsibility Framework Regulations. L.N. 151 of 2021.

*see regulation 1(2) of these Regulations, as originally promulgated.

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Interpretation. <i>Amended by:</i> <i>L.N. 232 of 2015.</i>	3. (1) In these regulations, unless the context otherwise requires:
Cap. 549.	"the Act" means the Environment Protection Act;
S.L. 427.10	"active implantable medical device" means an active implantable medical device as defined in regulation 3 of the Active Implantable Medical Devices Regulations, relating to active implantable medical devices which is EEE;
	"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 the agreement with a view to working towards the objectives of these regulations;
S.L.549.141.	"authorised waste electrical and electronic equipment collective organisation" means a producer responsibility organisation as defined in regulation 3 of the Extended Producer Responsibility Framework Regulations, as authorised by the competent authority in accordance with these regulations, whose members, by virtue of these regulations and their membership of that organisation, are exempt from part of these regulations;
	"the Community" means the European Community;
	"the competent authority" has the same meaning as "the authority" as defined in article 2 of the Act;
	"the Directive" means Directive 2012/19/EC of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment and repealing Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003;
	"distributor" means any natural or legal person in the supply chain, who makes an EEE available on the market. This definition does not prevent a distributor from being, at the same time, a producer within the meaning of the term "producer";
	"electrical and electronic equipment" or "EEE" means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 Volts for alternating current and 1,500 Volts for direct current;
	"finance agreement" means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place;
S.L. 427.16	" <i>in vitro</i> diagnostic medical device" means an <i>in vitro</i> diagnostic device or accessory as defined in regulation 3.1.3 and 3.1.4 of the <i>In Vitro</i> Diagnostic Medical Devices Regulations, which is EEE;
	"large-scale fixed installation" means a large-size combination of several types of apparatus and, where applicable, other devices, which: (a) are assembled, installed and de-installed by professionals;

- (b) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
- (c) can only be replaced by the same specifically designed equipment;

"large-scale stationary industrial tools" means a large size assembly of machines, equipment, and, or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

"local agency" shall have the same meaning as "entity of Government" as defined in article 2 of the Act;

"making available on the market" means any supply of a product for distribution, consumption or use on the market in Malta in the course of a commercial activity, whether in return for payment or free of charge;

"medical device" means a medical device or accessory as defined in regulation 3 of the Medical Devices Regulations, concerning medical devices which are EEE;

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

"non-road mobile machinery" means machinery, with onboard power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;

"placing on the market" means the first making available of a product on the market within the territory of Malta on a professional basis;

"producer" means any natural or legal person who, irrespective of the selling technique used, including by means of distance contracts as defined in the Consumer Rights Regulations:

- (a) is established in Malta and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within the territory of Malta;
- (b) is established in Malta and resells within the territory of Malta, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the "producer" if the brand of the producer appears on the equipment, as provided for in paragraph (a);
- (c) is established in Malta and places on the market of Malta, on a professional basis, EEE from a third country or from another EU Member State;
- (d) sells EEE by means of distance communication directly to private households or to users other than private households in Malta and is established in another EU Member State or third country.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed to be a "producer" unless he also acts as a producer within the meaning of paragraphs (a) to (d);

"removal" means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;

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"waste electrical and electronic equipment" or "WEEE" means electrical and electronic equipment which is waste as defined in regulation 4 of the Waste Regulations, including all components, sub-assemblies and consumables which are part of the product at the time of discarding;

"WEEE from private households" means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private household. Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households.

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(2) All other terms, including the definitions of "hazardous waste", "collection", "separate collection", "prevention", "re-use", "treatment", "recovery", "preparing for re-use", "recycling" and "disposal" shall have the same meaning as that assigned to them in regulation 4 of the Waste Regulations.

Applicability.

4. (1) These regulations shall not apply to any of the following EEE:

- (a) equipment which is necessary for the protection of the essential interests of the security, including arms, munitions and war material intended for specifically military purposes;
- (b) equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of these regulations, which can fulfil its function only if it is part of that equipment;
- (c) filament bulbs.

(2) In addition to the equipment specified in sub-regulation (1), from 15 August 2018, these regulations shall not apply to the following EEE:

- (a) equipment designed to be sent into space;
- (b) large-scale stationary industrial tools;
- (c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;
- (d) means of transport for persons or goods, excluding

electric two-wheel vehicles which are not type-approved;

- (e) non-road mobile machinery made available exclusively for professional use;
- (f) equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;
- (g) medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.

(3) These regulations shall apply without prejudice to the requirements of Union legislation on safety and health, on chemicals, in particular Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency*, as well as of specific Union waste management or product design legislation.

5. (1) The competent authority shall adopt appropriate measures to minimise the disposal of WEEE in the form of unsorted municipal waste, to ensure the correct treatment of all collected WEEE and to achieve a high level of separate collection of WEEE, notably, and as a matter of priority, for temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, fluorescent lamps containing mercury, photovoltaic panels and small equipment as referred to in categories 5 and 6 of Schedule 3. Such measures shall include the following:

Separate collection.
Amended by:
L.N. 232 of 2015;
L.N. 148 of 2021.

- (a) any person disposing of WEEE in the form of unsorted municipal waste may be fined in accordance with a Schedule of Fines to be published by the competent authority;
- (b) producers, authorised representatives, and third parties are required to carry out information campaigns, highlighting the importance of separate collection of WEEE, ensuring the correct treatment of all collected WEEE;
- (c) the competent authority shall ensure the availability and accessibility of the necessary collection facilities, taking into account, in particular, the population density, which measures include the availability of civic amenity sites.

(2) For WEEE from private households, the producers, authorised representatives, or third parties shall ensure that:

- (a) systems are set up allowing final holders and distributors to return such waste at least free of charge;

* OJL 396, 30.12.2006, p. 1.

- (b) when supplying a new product, distributors are responsible for ensuring that such waste can be returned to the distributor at least free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment;
- (c) distributors provide for the collection, at retail shops with sales areas relating to EEE of at least 400m², or in their immediate proximity, of very small WEEE (no external dimension more than 25cm) free of charge to end-users and with no obligation to buy EEE of an equivalent type. WEEE collected shall be properly treated in accordance with regulation 8;
- (d) without prejudice to paragraphs (a), (b) and (c), producers are allowed to set up and to operate individual and, or collective take-back systems for WEEE from private households provided that these are in line with the objectives of these regulations;
- (e) having regard to national and Union health and safety standards, WEEE that presents a health and safety risk to personnel because of contamination may be refused for return under paragraphs (a), (b) and (c). The last holder of the WEEE shall make specific arrangements for the safe handling by personnel for such WEEE.

With reference to the return of WEEE pursuant to paragraphs (a), (b) and (c) for cases in which the equipment does not contain its essential components, where such equipment contains waste other than WEEE, the return thereof may be refused.

(3) The competent authority may designate the operators that are allowed to collect WEEE from private households as referred to in sub-regulation (2).

(4) WEEE collected through systems funded by Local Councils or by any other local agency, shall be deposited at facilities operated by a local agency designated by the Minister and shall thereafter be handed over to authorised waste electrical and electronic equipment collective organisation:

- (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 by the local agency, by category, amongst the authorised waste electrical and electronic equipment collective organisations on the basis of the average weight of EEE placed on the market by the members of the producer responsibility organisations in the three preceding years, as shall be determined by the competent authority.

With reference to the distribution of WEEE pursuant to paragraphs (a) and (b), an authorised WEEE collective organisation

shall collect the share of the WEEE allocated to it within six months of notification by the local agency:

Provided that where the producer responsibility organisation fails to comply with such date, the local agency may treat such WEEE at the expense of the producer responsibility organisation subject to the Minister's approval.

(5) In the case of WEEE, other than WEEE from private households, and without prejudice to regulation 13, producers or third parties acting on their behalf shall provide for the collection of such waste.

(6) Producers, or authorised WEEE collective organisations acting on their behalf, shall ensure continuity of waste management services throughout the year, even if the collection targets laid down in regulation 7(1) are achieved.

6. (1) The competent authority shall prohibit the disposal of separately collected WEEE which has not yet undergone the treatment specified in regulation 8.

Disposal and transport of collected WEEE.

(2) The competent authority shall ensure that the collection and transport of separately collected WEEE is carried out in a way which allows optimal conditions for preparing for re-use, recycling and the confinement of hazardous substance.

In order to maximise preparing for re-use, the competent authority shall promote that, prior to any further transfer, collection producer responsibility organisations or facilities provide, where appropriate, for the separation at the collection points of WEEE that is to be prepared for re-use from other separately collected WEEE, in particular by granting access for personnel from re-use centres.

7. (1) Without prejudice to regulation 5(1), the competent authority shall ensure the implementation of the "producer responsibility" principle and, on that basis, that a minimum collection rate is achieved annually. Producers, or third parties acting on their behalf, shall take the necessary measures to achieve the following minimum collection targets, which collection rates shall be calculated on the basis of the total weight of WEEE collected in accordance with regulations 5 and 6 in a given year within Malta, expressed as a percentage of the average weight of EEE placed on the market in the three preceding years within Malta, as follows:

Collection rate.

- (a) 42% for the year 2016;
- (b) 45% for the year 2017;
- (c) 50% for the year 2018;
- (d) 55% for the year 2019;
- (e) 60% for the year 2020; and
- (f) 65% for the year 2021.

Until 31 December 2015, a rate of separate collection of at least 4 kilograms on average per inhabitant per year of WEEE from

private households or the same amount of weight of WEEE as was collected in Malta on average in the three preceding years, whichever is greater, shall continue to apply.

(2) In order to establish whether the minimum collection rate has been achieved, the competent authority shall ensure that information concerning the WEEE that is separately collected in accordance with regulation 5 is transmitted to the competent authority free of charge, including at least information on WEEE that has been:

- (a) received by collection and treatment facilities;
- (b) received by distributors;
- (c) separately collected by producers or third parties acting on their behalf.

Proper treatment.

8. (1) The competent authority shall ensure that all separately collected WEEE undergoes proper treatment.

(2) Proper treatment, other than preparing for re-use, and recovery or recycling operations shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Schedule 7.

(3) The competent authority shall ensure that producers or third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques. The systems may be set up by producers or authorised representatives appointed in accordance with regulation 17 individually or collectively.

The competent authority shall ensure that any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Schedule 8.

(4) For the purposes of environmental protection, the competent authority may set up minimum quality standards for the treatment of the WEEE that has been collected.

(5) The competent authority shall encourage establishments or undertakings which carry out treatment operations to introduce certified environmental management systems in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)*.

Proof of recovery, preparation for reuse, recycling or disposal.
Added by:
L.N. 148 of 2021.

8A. (1) For waste electrical and electronic equipment treated in Malta, it shall be the duty of the self-compliant producer or the waste electrical and electronic equipment collective organisation to acquire a signed declaration from local waste management undertakings or establishments, authorised by the competent authority according to the Waste Regulations indicating:

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- (a) the actual rate that has been recovered, prepared for reuse, recycled and, or disposed; and

* OJ L 342, 22.12.2009, p. 1.

(b) that the waste electrical and electronic equipment has been recovered or disposed of in an environmentally sound manner.

(2) For waste electrical and electronic equipment exported for further treatment, it shall be the duty of the self-compliant producer or the waste electrical and electronic equipment collective organisation to acquire a signed declaration issued by the foreign waste management undertaking or establishment handling the waste electrical and electronic equipment indicating:

(a) the actual rate that has been recovered, prepared for re-use, recycled and, or disposed by the facility in the Member State or third country; and

(b) that the waste electrical and electronic equipment has been recovered or disposed of in an environmentally sound manner.

(3) Without prejudice to commercial and industrial confidentiality, if a self-compliant producer or a waste electrical and electronic equipment collective organisation engages the services of an authorised waste management undertaking or establishment to export waste electrical and electronic equipment for further treatment, then such undertaking or establishment is to provide the information referred to in sub-regulation (2) to the self-compliant producer or the waste electrical and electronic equipment collective organisation.

(4) Waste electrical and electronic equipment treated locally or abroad shall only count towards the fulfilment of the recovery targets set out in regulation 11 and Schedule 5, if the self-compliant producers or the waste electrical and electronic equipment collective organisation present the documentation referred to in sub-regulations (1), (2) or (3) to the competent authority.

9. (1) The competent authority shall ensure that any establishment or undertaking carrying out treatment operations obtains a permit from the competent authorities in compliance with regulations 19 to 24 of the Waste Regulations. Permits.
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(2) Exemptions from permit requirements, conditions for exemptions and registration shall be in compliance, respectively, with regulations 26 and 27 of the Waste Regulations. S.L. 549.63

(3) The competent authority shall ensure that the permit or the registration referred to in sub-regulations (1) and (2) includes all the conditions that are necessary for compliance with the requirements of regulation 8(2) and (3) and for the achievement of the recovery targets set out in regulation 11.

10. (1) The treatment operation may also be undertaken outside Malta provided that the shipment of WEEE is in compliance with Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA Shipments of
WEEE.

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 movements of wastes does not apply*.

(2) WEEE exported out of Malta shall only count towards the fulfilment of obligations and targets set out in regulation 11 if, in compliance with Regulation (EC) No 1013/2006 and (EC) No 1418/2007, the exporter can prove that the treatment took place in conditions that are equivalent to the requirements of these regulations.

Recovery targets.

11. (1) Regarding all WEEE separately collected in accordance with regulation 5 and sent for treatment in accordance with regulations 8, 9 and 10, producers or third parties acting on their behalf or on behalf of authorised representatives shall achieve the minimum targets set out Schedule 5.

(2) The achievement of the targets shall be calculated, for each category, by dividing the weight of the WEEE that enters the recovery or recycling/preparing for re-use facility, after proper treatment in accordance with regulation 8(2) with regard to recovery or recycling, by the weight of all separately collected WEEE for each category, expressed as a percentage.

Preliminary activities including sorting and storage prior to recovery shall not count towards the achievement of these targets.

(3) The competent authority shall ensure that, for the purpose of calculating these targets, producers or third parties acting on their behalf or on behalf of authorised representatives shall keep records on the weight of WEEE, its components, materials or substances when leaving (output) the collection facility, entering (input) and leaving (output) the treatment facilities and when entering (input) the recovery or recycling/preparing the re-use facility.

The competent authority shall also ensure that records on the weight of products and materials when leaving (output) the recovery or recycling/preparing for re-use facility are kept.

(4) The competent authority shall encourage the development of new recovery, recycling and treatment technologies.

Financing in
respect of WEEE
from private
households.
Amended by:
L.N. 232 of 2015.

12. (1) Each producer or authorised representative appointed under regulation 17 shall provide for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households that has been deposited at collection facilities either set up under regulation 5(2) or operated by either Local Councils or by any other local agency.

(2) Each producer or authorised representative appointed under regulation 17 shall also provide for the costs occurring for collection of WEEE from private households to collection facilities of the relevant amount of returned WEEE not deposited at a designated collection facility, such that the stipulated collection targets are achieved.

* OJ L 316, 4,12,2007, p. 6

(3) For products placed on the market later than 13 August 2005, each producer or authorised representative shall be responsible for financing the operations referred to in sub-regulation (1) relating to the waste from his own products. The producer, including authorised representatives when appointed in accordance with regulation 17, may choose to fulfil all the obligations either individually or by joining a producer responsibility organisation.

(4) The responsibility for the financing of the costs of the management of WEEE from products placed on the market on or before 13 August 2005 ('historical waste') shall be borne by one or more systems to which all producers or authorised representatives existing on the market when the respective costs occur contribute proportionately, e.g. in proportion to their respective share of the market by type of equipment.

(5) The competent authority shall take necessary measures to ensure that appropriate mechanisms or refund procedures are developed for the reimbursement of contributions to the producers or authorised representatives where EEE is transferred for placing on the market outside the territory of Malta. Such mechanisms or procedures may be developed by producers or third parties acting on their behalf or on behalf of authorised representatives.

13. (1) Each producer or authorised representative appointed under regulation 17 shall finance the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE from users other than private households resulting from products placed on the market after 13 August 2005.

Financing in respect of WEEE from users other than private households.

For historical waste being replaced by new equivalent products or by new products fulfilling the same function, the financing of the costs shall be provided for by producers of those products when supplying them.

For other historical waste, the financing of the costs shall be provided for by the users other than private households.

(2) Producers and users other than private households may, without prejudice to these regulations, conclude agreements stipulating other financing methods. The competent authority is to be informed if such agreements are concluded.

13A. (1) Each producer or authorised representative shall provide a guarantee when placing a product on the market showing that the management of all WEEE will be financed. This guarantee shall ensure that operations referred to in regulations 12(1) and 13(1) relating to his product will be financed.

Guarantee.
Added by:
L.N. 232 of 2015.
Amended by:
L.N. 148 of 2021.

(2) The guarantee referred to in sub-regulation (1) shall be to the satisfaction of the competent authority and shall take the form of a recycling insurance or a blocked bank account and shall be submitted to the competent authority upon registration or renewal with the competent authority pursuant to regulation 16. The blocked bank account for a producer or an authorized representative shall take the form of a bank guarantee according to the rates prescribed in Schedule 13.

(3) A producer or an authorized representative shall be exempt from sub-regulation (2) if he is a member of a waste electrical and electronic compliance scheme.

(4) The recycling insurance referred to in sub-regulation (2) shall cover at least all of the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE that will arise from the electrical and electronic equipment placed on the market in Malta by the producer, for a period of not less than the life of the product:

Provided that the competent authority may stipulate additional measures to be covered by the aforementioned insurance.

(5) In cases where a producer or an authorised representative acting as a self-compliant producer fails to achieve the obligations pursuant to regulations 12(1) and 13(1), the competent authority shall seize the financial guarantee to finance the operations related to the management of WEEE that has not been collected, treated, recovered and disposed of in an environmentally sound manner by such producer or authorised representative.

(6) Without prejudice to sub-regulation (1), in the event that the business of a producer or authorised representative -

- (a) ceases to trade, or
- (b) goes into liquidation,

the financial guarantee provided for in sub-regulation (2) shall not be used by any person or persons, including the liquidator, concerned for any purpose, including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees or indemnities, ordinary creditors or, subordinated creditors, other than for fulfilling the obligations of the producer concerned as laid down in regulations 12(1) and 13(1).

Information for
users.

14. (1) A producer or an authorised representative shall ensure that users of EEE in private households are given the necessary information about:

- (a) the requirement not to dispose of WEEE as unsorted municipal waste and to collect such WEEE separately;
- (b) the return and collection systems available to them, encouraging the coordination of information on the available collection points irrespective of the producers or other operators which have set them up;
- (c) their role in contributing to re-use, recycling and other forms of recovery of WEEE;
- (d) the potential effects on the environment and human health as a result of the presence of hazardous substances in EEE.

(2) A producer or an authorised representative shall ensure that consumers participate in the collection of WEEE and to encourage them to facilitate the process of re-use, treatment and recovery.

This information shall be provided by the producer or an authorised representative and, or distributor e.g. in the instructions for use, at the point of sale and through public awareness campaigns.

15. In order to facilitate the preparation for re-use and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, the competent authority shall take the necessary measures to ensure that producers provide information free of charge about preparation for re-use and treatment in respect of each type of new EEE placed for the first time on the market in the European Union within one year after the equipment is placed on the market. This information shall identify, as far as it is needed by centres which prepare for re-use and treatment and recycling facilities in order to comply with the provisions of these regulations, the different EEE components and materials, as well as the location of dangerous substances and mixtures in EEE. It shall be made available to centres which prepare for re-use and treatment and recycling facilities by producers of EEE in the form of manuals or by means of electronic media (e.g. CD-ROM, online services).

Information for treatment facilities.

15A. 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, such as those indicated in Schedule 12 of the Waste Regulations or other appropriate instruments and measures.

Incentives for the application of the waste hierarchy.
Added by:
L.N. 148 of 2021.
Amended by:
L.N. 455 of 2021.
S.L. 549.63.

16. (1) The competent authority shall, in accordance with sub-regulation (2), draw up and make available a register of producers, including producers supplying EEE by means of distance communication. That register shall include the collection of information, including substantiated estimates, on an annual basis, on the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within Malta, and on separately collected WEEE exported, by weight, to serve to monitor compliance with the requirements of these regulations.

Registration, information and reporting.
Amended by:
L.N. 232 of 2015;
L.N. 148 of 2021.

Producers supplying EEE by means of distance communication as defined in the definition for "producer" in regulation 3 shall be registered in Malta, if they sell locally, or shall be registered through their authorized representative according to regulation 17(2).

Links to other national registers in all Member States are to be provided on the competent authority's website to facilitate registration of producers or authorised representatives where appointed under regulation 17.

(2) Producers or authorised representatives appointed under regulation 17 shall, upon placing electrical and electronic equipment 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.

(3) Producers or authorised representatives registered under sub-regulation (2) shall renew their registration on an annual basis

with the competent authority by the 31st March of each year:

Provided that as from 1 April of each year the competent authority shall accept renewals until the end of the year at an additional fee of twenty euro (€20) per month or part thereof of the fee/s prescribed in Schedule 12.

(4) An application for registration by producers or authorised representatives appointed under regulation 17 shall contain the information set out in Part A of Schedule 9 and that for renewal shall contain at least the reporting information set out in Part B of Schedule 9.

Furthermore, an application for registration or renewal by a producer or an authorised representative appointed under regulation 17 shall:

(a) be made either online or in writing; and

(b) be accompanied by a fee as prescribed in Schedule 12.

(5) When a producer ceases to place electrical and electronic equipment on the market, the producer shall apply for deregistration with the competent authority in accordance with the relevant administrative procedure prescribed by the Authority.

(6) In the case the data submitted by the producer or an authorised representative in accordance with Schedule 9 changes, the said producer shall inform the competent authority thereof no later than one month after the change.

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

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(8) Without prejudice to commercial and industrial confidentiality, the information referred to in sub-regulation (4) shall be made available in accordance with the Freedom of Access to Information on the Environment Regulations.

(9) 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.

(10) 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.

(11) Without prejudice to regulation 27, as from 1 September 2015:

(a) any producer or authorised representative who fails to apply for registration in accordance to sub-regulation (2) shall, on conviction, be liable to a fine of seven

hundred and fifty euro (€750) per tonne of EEE placed on the market from the first placing of EEE on the market until he applies for registration; and

- (b) any producer or authorised representative who fails to renew his registration by the end of the year in accordance to sub-regulation (3) shall, on conviction, be liable to a fine of seven hundred and fifty euro (€750) per tonne of EEE placed on the market from the beginning of the year in which he should have renewed until he applies for renewal.

(12) It shall be the responsibility of a registered producer to retain for a minimum of five (5) years the information referred to in sub-regulation (4). Such records shall be made available on request to the competent authority.

(13) A self-compliant producer shall submit to the competent authority a statement of compliance in respect of his collection, recovery and recycling obligations in accordance with regulations 7 and 11, upon applying to renew his registration according to sub-regulation (3).

The provisions of Schedule 16 shall apply as regards the information to be contained in the statement of compliance.

17. (1) A producer other than a producer who sells EEE by means of distance communication directly to private households or to users other than private households in Malta, and is established in another Member State or third country may, by way of exception to regulation 3(1), appoint a legal or natural person established in Malta as the authorised representative that is responsible for fulfilling the obligations of that producer, pursuant to these regulations in Malta.

Authorised
representative.
Amended by:
L.N. 232 of 2015.

(2) A producer who sells EEE by means of distance communication directly to private households or to users other than private households in Malta shall appoint an authorised representative in Malta as the person responsible for fulfilling the obligations in Malta of that producer, pursuant to these regulations, for the EEE being sold on the territory of Malta.

(3) A producer who is established in Malta and who places EEE on the market in any Member State other than Malta by means of distance communication shall comply with the obligations under the Directive in that Member State.

(4) Appointment of an authorised representative shall be by written mandate by means of a declaration as set out in Schedule 11.

(5) Where the provisions of sub-regulation (2) are not complied with, the EEE introduced into the Customs territory of Malta may be seized until that producer complies with the provisions of this regulation.

18. The competent authority shall ensure cooperation with competent authorities of other EU Member States for implementing the Directive, in particular to establish an adequate flow of

Administrative
cooperation and
exchange of
information.

information to ensure that producers comply with the provisions of the Directive and, where appropriate, provide each other and the Commission with information in order to facilitate the proper implementation of the Directive. The administrative cooperation and exchange of information, in particular between national registers, shall include electronic means of communication.

The competent authority shall grant access to the competent authority of other EU Member States to the relevant documents and information including the results of any inspections, subject to the provisions of the data protection law in force.

Transfer of a
producer's
business to
another.
*Amended by:
L.N. 148 of 2021.*

19. (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 electrical and electronic equipment in respect of which he has made an application to register under regulation 16, 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 electrical and electronic equipment under these regulations.

(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 16; and
- (b) undertake to meet the stipulated targets in regulations 7 and 11.

Agreements.

20. (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.

21. (1) Without prejudice to the Waste Regulations, any person who intends to operate a waste electrical and electronic equipment collective organisation as required under these regulations, including the collection, sorting, storage, treatment, export and recycling of waste electrical and electronic equipment, on behalf of producers, shall require and obtain a valid permit from the competent authority.

Permit required to operate a waste electrical and electronic equipment collective organisation.
Amended by:
L.N. 148 of 2021.
S.L. 549.63

(2) Without prejudice to the Waste Regulations, in applying for such a permit, any such person shall provide the competent authority with the following information as applicable:

S.L. 549.63

- (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 electrical and electronic equipment in accordance with the provisions of these regulations;
- (d) a financial plan in relation to the proposed producer responsibility organisation;
- (e) the annual weights of waste electrical and electronic equipment in each category to be collected, treated and recycled;
- (f) the annual stipulated targets to be achieved under the proposed producer responsibility organisation;
- (g) proposals for determining and verifying the level of collection, recovery and recycling of waste electrical and electronic equipment have been met under the proposed producer responsibility organisation, including estimations and assumptions to be made in this process;
- (h) proposals for the certification of producers who will make use of the proposed producer responsibility organisation;
- (i) proposals of how the information under the provisions of these regulations will be compiled and made available to the competent authority;
- (j) any other relevant information requested by the competent authority.

Cap. 552.

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

(4) A WEEE collective organisation shall, upon being granted a permit or a renewal of its permit, be required to submit a bank guarantee in accordance with Schedule 14 to ensure compliance with the conditions of the permit and these regulations:

Provided that a newly established WEEE collective organisation shall not be required to submit a bank guarantee during its first operational year.

S.L. 549.39

(5) The competent authority shall make any non-confidential information available in accordance with the Freedom of Access to Information on the Environment Regulations.

Participation in an authorised waste electrical and electronic equipment collective organisation.
*Substituted by:
L.N. 148 of 2021.*

22. (1) A producer shall be exempt from part of these regulations provided he is a member of an authorised waste electrical and electronic equipment collective organisation.

(2) A producer, who opts to participate in an authorised waste electrical and electronic equipment collective organisation shall, upon request by the competent authority, submit a copy of the signed agreement with the operator of the authorised waste electrical and electronic equipment collective organisation.

Operation of a waste electrical and electronic equipment collective organisation.
*Substituted by:
L.N. 148 of 2021.*

23. (1) The operator of a waste electrical and electronic equipment collective organisation, authorised according to regulation 21, 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, as well as all the conditions in the permit issued by the competent authority;

(b) provide the competent authority by 31 March of each year with the required information in respect of electrical and electronic equipment placed on the market by each producer participating in the producer responsibility organisation, in the previous year;

(c) provide the competent authority with a statement of compliance by 31 March each year in respect of the collection, recovery and recycling obligations in accordance with regulations 7 and 11. The provisions of Schedule 15 shall apply as regards the information to be contained in the statement of compliance.

(2) The authorised waste electrical and electronic equipment collective organisation shall submit a half-yearly report to the competent authority within three (3) months following the end of that period, whereas an annual report shall be submitted to the competent authority within four (4) months of the closing of the year.

The half-yearly and annual reports shall contain at least the information set out in Part A and Part B of Schedule 16 together with any other information as specified in the authorisation issued by the competent authority.

S.L. 549. 39.

(3) Without prejudice to commercial and industrial confidentiality, a digital copy of the half-yearly and annual reports referred to in sub-regulation (2) shall be made available in accordance with the Freedom of Access to Information on the Environment Regulations:

Provided that only the information relating to Part A of Schedule 16 shall be made available.

(4) It shall be the responsibility of an authorised waste electrical and electronic equipment collective organisation to retain for a minimum of five (5) years the information referred to in sub-regulations (1) and (2). Such records shall be made available on request to the competent authority.

24. (1) The producers or authorised representatives as self-compliant producers, or authorised waste electrical and electronic equipment 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.
Amended by:
L.N. 148 of 2021.*

(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. Self-compliant producers shall submit the audit report upon applying to renew their registration according to regulation 16(3) together with the information referred to in regulation 16(4).

(3) In the case of an authorised waste electrical and electronic equipment collective organisation, the auditor shall be required to certify that all of the information reported to the competent authority is in conformity with the obligations of these regulations and is as specified in the permit issued by the competent authority. The authorised waste electrical and electronic equipment collective organisation shall submit the audit report together with the annual report referred to in regulation 23(2).

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

25. (1) Appropriate inspections and monitoring to verify the proper implementation of these regulations shall be carried out. Those inspections shall at least cover:

*Inspection and
monitoring.*

- (a) information reported in the framework of the register of producers;
- (b) shipments, in particular exports of WEEE outside the Union in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007; and
- (c) the operations at treatment facilities in accordance with the Waste Regulations, and Schedule 7 of these regulations.

S.L. 549.63

(2) The competent authority shall ensure that shipments of used EEE suspected to be WEEE are carried out in accordance with the minimum requirements in Schedule 6 and shall monitor such shipments accordingly.

(3) The costs of appropriate analyses and inspections, including storage costs, of used EEE suspected to be WEEE shall

be charged to the producers, to third parties acting on their behalf or to other persons arranging the shipment of used EEE suspected to be WEEE.

Offences under these regulations.

26. Any person shall be guilty of an offence under these regulations if:

- (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.

Penalties.

27. Any person who commits an offence against these regulations shall, on conviction, be liable:

- (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, shall be 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.

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.

Applicability of the
Criminal Code.
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.

Cap. 9.

Schedule 1

(Regulation 2(3)(a))

Categories of EEE covered by these regulations during the transitional period as provided for in regulation 2(3)(a)

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment and photovoltaic panels
5. Lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

Schedule 2

(Regulation 2(3)(a))

Indicative list of EEE which falls within the categories of Schedule 1

1. **LARGE HOUSEHOLD APPLIANCES**
 - Large cooling appliances
 - Refrigerators
 - Freezers
 - Other large appliances used for refrigeration, conservation and storage of food
 - Washing machines
 - Clothes dryers
 - Dish washing machines
 - Cookers
 - Electric stoves
 - Electric hot plates
 - Microwaves
 - Other large appliances used for cooking and other processing of food
 - Electric heating appliances
 - Electric radiators
 - Other large appliances for heating rooms, beds, seating furniture
 - Electric fans

Air conditioner appliances

Other fanning, exhaust ventilation and conditioning equipment

2. SMALL HOUSEHOLD APPLIANCES

Vacuum cleaners

Carpet sweepers

Other appliances for cleaning

Appliances used for sewing, knitting, weaving and other processing for textiles

Irons and other appliances for ironing, mangling and other care of clothing

Toasters

Fryers

Grinders, coffee machines and equipment for opening or sealing containers or packages

Electric knives

Appliances for hair cutting, hair drying, tooth brushing, shaving, massage and other body care appliances

Clocks, watches and equipment for the purpose of measuring, indicating or registering time

Scales

3. IT AND TELECOMMUNICATIONS EQUIPMENT

Centralised data processing

Mainframes

Minicomputers

Printer units

Personal computing:

Personal computers (CPU, mouse, screen and keyboard included)

Laptop computers (CPU, mouse, screen and keyboard included)

Notebook computers

Notepad computers

Printers

Copying equipment

Electrical and electronic typewriters

Pocket and desk calculators

and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means

User terminals and systems

Facsimile machine (fax)

Telex

Telephones

Pay telephones

Cordless telephones

Cellular telephones

Answering systems

and other products or equipment of transmitting sound, images or other information by telecommunications.

4. CONSUMER EQUIPMENT AND PHOTOVOLTAIC PANELS

Radio sets

Television sets

Video cameras

Video recorders

Hi-fi recorders

Audio amplifiers

Musical instruments

and other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications

Photovoltaic panels

5. LIGHTING EQUIPMENT

Luminaires for fluorescent lamps with the exception of luminaries in households

Straight fluorescent lamps

Compact fluorescent lamps

High intensity discharge lamps, including pressure sodium lamps and metal halide lamps

Low pressure sodium lamps

Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

6. ELECTRICAL AND ELECTRONIC TOOLS (WITH THE EXCEPTION OF LARGE-SCALE STATIONARY INDUSTRIAL TOOLS)

Drills

Saws

Sewing machines

Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials

Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses

Tools for welding, soldering or similar use

Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means

-
- Tools for moving or other gardening activities
 - 7. TOYS, LEISURE AND SPORTS EQUIPMENT
 - Electric trains or car racing sets
 - Hand-held video game consoles
 - Video games
 - Computers for biking, diving, running, rowing, etc.
 - Sports equipment with electric or electronic equipment
 - Coin slot machines
 - 8. MEDICAL DEVICES (WITH THE EXCEPTION OF ALL IMPLANTED AND INFECTED PRODUCTS)
 - Radiotherapy equipment
 - Cardiology equipment
 - Dialysis equipment
 - Pulmonary ventilators
 - Nuclear medicine equipment
 - Laboratory equipment for in vitro diagnosis
 - Analysers
 - Freezers
 - Fertilization tests
 - Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability
 - 9. MONITORING AND CONTROL INSTRUMENTS
 - Smoke detector
 - Heating regulators
 - Thermostats
 - Measuring, weighing or adjusting appliances for household or as a laboratory equipment
 - Other monitoring and control instruments used in industrial installations (e.g. in control panels)
 - 10. AUTOMATIC DISPENSERS
 - Automatic dispensers for hot drinks
 - Automatic dispensers for hot or cold bottles or cans
 - Automatic dispensers for solid products
 - Automatic dispensers for money
 - All appliances which deliver automatically all kinds of products
-

Schedule 3

(Regulation 2(3)(b))

Categories of EEE covered by these regulations

1. Temperature exchange equipment
2. Screens, monitors, and equipment containing screens having a surface greater than 100cm²
3. Lamps
4. Large equipment (any external dimension more than 50cm) including, but not limited to:
Household appliances; IT and telecommunication equipment; consumer equipment; luminaires; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3.
5. Small equipment (no external dimension more than 50cm) including, but not limited to:
Household appliances; consumer equipment; luminaries; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3 and 6.
6. Small IT and telecommunication equipment (no external dimension more than 50cm)

Schedule 4

(Regulation 2(3)(b))

Non-exhaustive list of EEE which falls within the categories listed in Schedule 3

1. TEMPERATURE EXCHANGE EQUIPMENT
Refrigerators, Freezers, Equipment which automatically delivers cold products. Air conditioning equipment, Dehumidifying equipment, Heat pumps, Radiators containing oil and other temperature exchange equipment using fluids other than water for the temperature exchange.
2. SCREENS, MONITORS, AND EQUIPMENT CONTAINING SCREENS HAVING A SURFACE GREATER THAN 100 CM²
Screens, Televisions, LCD photo frames, Monitors, Laptops, Notebooks.
3. LAMPS
Straight fluorescent lamps, Compact fluorescent lamps, Fluorescent lamps, High intensity discharge lamps – including pressure sodium lamps and metal halide lamps, Low pressure sodium lamps, LED.

4. LARGE EQUIPMENT
Washing machines, Clothes dryers, Dish washing machines, Electric stoves, Electric hot plates, Luminaires, Equipment reproducing sound or images, Musical equipment (excluding pipe organs installed in churches), Appliances for knitting and weaving, Large computer-mainframes, large printing machines, Copying equipment, Large coin slot machines, Large medical devices, Large monitoring and control instruments, Large appliances which automatically deliver products and money. Photovoltaic panels.
5. SMALL EQUIPMENT
Vacuum cleaners, Carpet sweepers, Appliances for sewing, Luminaires, Microwaves, Ventilation equipment, Irons, Toasters, Electric knives, Electric kettles, Clocks and Watches, Electric shavers, Scales, Appliances for hair and body care, Calculators, Radio sets, Video cameras, Video recorders, Hi-fi equipment, Musical instruments, Equipment reproducing sound or images, Electrical and electronic toys, Sports equipment, Computers for biking, diving, running, rowing, etc., Smoke detectors, Heating regulators, Thermostats, Small Electrical and electronic tools, Small medical devices, Small Monitoring and control instruments, Small Appliances which automatically deliver products, Small equipment with integrated photovoltaic panels.
6. SMALL IT AND TELECOMMUNICATION EQUIPMENT (NO EXTERNAL DIMENSION MORE THAN 50 CM)
Mobile phones, GPS, Pocket calculators, Routers, Personal computers, Printers, Telephones.

Schedule 5
(Regulation 11)

Minimum Recovery Targets referred to in regulation 11

Part 1: Minimum targets applicable by category from 13 August 2012 until 14 August 2015 with reference to the categories listed in Schedule 1:

- (a) for WEEE falling within category 1 or 10 of Schedule 1,
80% shall be recovered, and
75% shall be recycled;
- (b) for WEEE falling within category 3 or 4 of Schedule 1,
75% shall be recovered, and
65% shall be recycled;
- (c) for WEEE falling with category 2, 5, 6, 7, 8 or 9 of Schedule 1,
70% shall be recovered, and
50% shall be recycled;
- (d) for gas discharge lamps, 80% shall be recycled.

Part 2: Minimum targets applicable by category from 15 August 2015 until 14 August 2018 with reference to the categories listed in Schedule 1:

- (a) for WEEE falling within category 1 or 10 of Schedule 1, 85% shall be recovered, and 80% shall be prepared for re-use and recycled;
- (b) for WEEE falling within category 3 or 4 of Schedule 1, 80% shall be recovered, and 70% shall be prepared for re-use and recycled;
- (c) for WEEE falling with category 2, 5, 6, 7, 8 or 9 of Schedule 1, 75% shall be recovered, and 55% shall be prepared for re-use and recycled;
- (d) for gas discharge lamps, 80% shall be recycled.

Part 3: Minimum targets applicable by category from 15 August 2018 with reference to the categories listed in Schedule 3:

- (a) for WEEE falling within category 1 or 4 of Schedule 3, 85% shall be recovered, and 80% shall be prepared for re-use and recycled;
- (b) for WEEE falling within category 2 of Schedule 3, 80% shall be recovered, and 70% shall be prepared for re-use and recycled;
- (c) for WEEE falling with category 5 or 6 of Schedule 3, 75% shall be recovered, and 55% shall be prepared for re-use and recycled;
- (d) for WEEE falling within category 3 of Schedule 3, 80% shall be recycled.

Schedule 6

(Regulation 25)

Minimum requirements for shipments

1. In order to distinguish between EEE and WEEE where the holder of the object claims that he intends to ship or is shipping used EEE and not WEEE, the competent authority shall require the holder to have available the following to substantiate this claim:

- (a) a copy of the invoice and contract relating to the sale and/or transfer of ownership of the EEE which states that the equipment is destined for direct re-use and that it is fully functional;
- (b) evidence of evaluation or testing in the form of a copy of the records (certificate of testing, proof of functionality) on every items within the consignment and a protocol containing all record information according to point 3;
- (c) a declaration made by the holder who arranges the transport of the EEE that none of the material or equipment within the consignment is waste as defined by regulation 4 of the Waste Regulations (S.L. 549.63); and

- (d) appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.

2. By way of derogation, point 1(a) and (b) and point 3 do not apply where it is documented by conclusive proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:

- (a) the EEE is sent back to the producer or a third party acting on his behalf as defective for repair under warranty with the intention of re-use; or
- (b) the used EEE for professional use is sent to the producer or a third party acting on his behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements if wastes destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or
- (c) the defective used EEE for professional use, such as medical devices or their parts, is sent to the producer or a third party acting on his behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on his behalf.

3. In order to demonstrate that the items being shipped constitute used EEE rather than WEEE, the competent authority shall require the following steps for testing and record keeping for used EEE to be carried out:

Step 1: Testing

- (a) Functionality shall be tested and the presence of hazardous substances shall be evaluated. The tests to be conducted depend on the kind of EEE. For most of the used EEE a functionality test of the key functions is sufficient.
- (b) Results of evaluation and testing shall be recorded.

Step 2: Record

- (a) The record shall be fixed securely but not permanently on either the EEE itself (if not packed) or on the packaging so it can be read without unpacking the equipment.
- (b) The record shall contain the following information:
 - name of item (name of equipment if listed in Schedule 2 or Schedule 4, as appropriate, and category set out in Schedule 1 or Schedule 3, as appropriate).
 - identification number of the item (type No) where applicable,
 - years of production (if available),
 - name and address of the company responsible for evidence of functionality,
 - result of tests as described in step 1 (including date of the functionality test),
 - kind of tests performed.

4. In addition to the documentation requested in points 1, 2 and 3, every load (e.g. shipping container, lorry) of used EEE shall be accompanied by:

- (a) a relevant transport document, e.g. CMR or waybill;

(b) declaration by the liable person on its responsibility.

5. In the absence of proof that an object is used EEE and not WEEE through the appropriate documentation required in points 1, 2, 3 and 4 and of appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the holder who arranges the transport, the competent authorities shall consider that an item is WEEE and presume that the load comprises an illegal shipment. In these circumstances the load will be dealt with in accordance with Articles 24 and 25 of Regulation (EC) No 1013/2006.

Schedule 7
(Regulation 8)

Selective treatment for materials and components of waste electrical and electronic equipment referred to in regulation 8(2)

1. As a minimum the following substances, mixtures and components have to be removed from any separately collected WEEE.

- Polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),
- mercury containing components, such as switches or backlighting lamps,
- batteries,
- printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,
- toner cartridges, liquid and paste, as well as colour toner,
- plastic containing brominated flame retardants,
- asbestos waste and components which contain asbestos,
- cathode ray tubes,
- chlorofluorocarbons (CFC), hydrochlorofluoro-carbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC),
- gas discharge lamps,
- liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those back-lighted with gas discharge lamps,
- external electric cables,
- components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress for the 23rd time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances,
- components containing radioactive substances with the exception of

components that are below the exemption thresholds set in Article 3 of and Annex I to Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation,

- electrolyte capacitors containing substances of concern (height > 25 mm, diameter > 25 mm or proportionately similar volume).

These substances, mixtures and components shall be disposed of or recovered in compliance with the Waste Regulations (S.L. 549.63).

2. The following components of WEEE that is separately collected have to be treated as indicated:

- cathode ray tubes: the fluorescent coating has to be removed,
- equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits: the gases must be properly extracted and properly treated. Ozone-depleting gases must be treated in accordance with Regulation (EC) No 1005/2009,
- gas discharge lamps: the mercury shall be removed.

3. Taking into account environmental considerations and the desirability of preparation for re-use and recycling, points 1 and 2 shall be applied in such a way that environmentally-sound preparation for re-use and recycling of components or whole appliances is not hindered.

Schedule 8
(Regulation 8)

Technical requirements referred to in regulation 8(3)

1. Sites for storage (including temporary storage) of WEEE prior to its treatment (without prejudice to the requirements of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste):

- impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
- weatherproof covering for appropriate areas.

2. Sites for treatment of WEEE:

- scales to measure the weight of the treated waste,
- impermeable surfaces and waterproof covering for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
- appropriate storage for disassembled spare parts,
- appropriate containers for storage of batteries, PCBs/PCTs containing capacitors and other hazardous waste such as radioactive waste,
- equipment for the treatment of water in compliance with health and environmental regulations.

Amended by:
L.N. 148 of 2021.

Schedule 9
(Regulation 16)

Information to be contained in an application for producer registration and reporting referred to in regulation 16

A. Information to be submitted upon registration:

1. Name and address of the producer or of the authorised representative where appointed under regulation 17 (postal code and location, street name and number, country, telephone and fax number, e-mail, as well as a contact person to whom the competent authority may address communications). In the case of an authorised representative as defined in regulation 17, the contact details of the producer that is represented should also be stated. Where the producer is a company, the details should be of the registered office. Where the producer is not a company, the details should be of the principal place of business. The business name is to be provided if different from that referred to above.

2. The national identification code of the producer, including the national tax (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.

3. Category of EEE set out in Schedules I or III, as appropriate.

4. Type of EEE (household or other than household equipment).

5. Brand name of EEE.

6. 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 electrical and electronic equipment collective organisation of which the producer is a member;
- the name of the operator of the authorised waste electrical and electronic equipment collective organisation; and
- the address and telephone number of the registered office of the operator of the authorised waste electrical and electronic equipment collective organisation or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste electrical and electronic equipment collective organisation in Malta.

7. Information on financial guarantee.

8. Selling technique used (e.g. distance selling).

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

10. The date of the application for registration.

B. Information to be submitted for reporting:

1. National identification code of the producer.
2. Reporting period.
3. Category of EEE set out in Schedules I or III, as appropriate.
4. Quantity of EEE placed on the national market, by weight, category.
5. Quantity, by weight, of waste of EEE separately collected, recycled (including prepared for re-use), recovered and disposed of within the Member State or shipped within or outside the Union, by category.

Schedule 10
(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 16.

1. The name of the producer and any brand name under which the producer operates in Malta.
2. 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.
3. Information as to whether the producer meets its responsibilities under these regulations individually or collectively.
4. The producer's registration number.
5. A statement each year as to whether the producer has met his obligation under regulation 23 to furnish a statement of compliance.

Schedule 11

(Regulation 17)

Written Mandate Declaration

Company Name

Address

.....

.....

Hereby appoints

Name

Address

.....

.....

as the Company's authorised representative in Malta in accordance with regulation 17.

This mandate is for the following categories:

.....

.....

.....

(NAME OF AUTHORISED REPRESENTATIVE)
hereby represents and undertakes the responsibilities as the authorised
representative for (COMPANY NAME) in Malta,
in accordance with the Waste Management (Electrical and Electronic Equipment)
Regulations.

This mandate, signed by both parties, commences on the date of signature unless
otherwise declared, and will cease once either party informs the competent
authority in Malta managing the national register that this mandate has been
terminated.

On one part,

NAME OF PRODUCER

SIGNATURE

DATE

On one other part,

NAME OF AUTHORISED REPRESENTATIVE

SIGNATURE

DATE

Schedule 12
(Regulation 16)

*Substituted by:
L.N. 232 of 2015.*

Schedule of Fees for Registration as a Producer

Category of Activity	Fee (€)
Online registration/renewal for producers of electrical and electronic equipment	10
Manual registration/renewal for producers of electrical and electronic equipment	35

Schedule 13
(Regulation 13A (2))

*Added by:
L.N. 232 of 2015.
Amended by:
L.N. 148 of 2021.*

Bank Guarantee for self-compliant producers

- In 2016, two hundred and ten euro (€210) per tonne of the average weight of EEE placed on the market in Malta in the three preceding years;
- In 2017, two hundred and twenty-five euro (€225) per tonne of the average weight of EEE placed on the market in Malta in the three preceding years;
- In 2018, two hundred and fifty euro (€250) per tonne of the average weight of EEE placed on the market in Malta in the three preceding years;
- In 2019, two hundred and seventy-five euro (€275) per tonne of the average weight of EEE placed on the market in Malta in the three preceding years;
- In 2020, three hundred (€300) per tonne of the average weight of EEE placed on the market in Malta in the three preceding years; and
- In 2021 and onwards, three hundred and twenty-five (€325) per tonne of the average weight of EEE placed on the market in Malta in the three preceding years.

For the purpose of this Schedule any amount less than one (1) tonne shall be taken to be equal to one (1) tonne for all years.

Added by:
L.N. 232 of 2015.
Substituted by:
L.N. 148 of 2021.

Schedule 14
[Regulation 21(4)]

Bank Guarantee for an authorised waste electrical and electronic equipment
collective organisation

A bank guarantee in favour of the Authority shall be submitted to the competent authority within four (4) months of the issuance of the permit or its renewal and shall cover the WEEE collective organisation's operations and obligations as prescribed in these regulations and any permits granted by the Authority in favour of such WEEE collective organisation. The bank guarantee covering any operational year may only be released once the Authority confirms that the WEEE collective organisation has complied and fulfilled its obligations for that respective year that the release of the bank guarantee is being requested for:

Provided that in cases of renewal of a permit, the same bank guarantee may be extended for the duration of the renewed permit and shall be updated in terms of value to reflect the calculation below whilst still be applicable for any expired permit which the Authority is still in the process of verifying compliance with;

Provided further that during the validity of the permit, within four (4) months of the commencement of each operational year, the permit holder shall recalculate the value of the bank guarantee and update it as may be necessary so that the value of the bank guarantee in favour of the Authority reflects the calculation below.

The amount of bank guarantee shall be calculated as follows:

$$A*B = \text{Bank Guarantee}_{\text{PRO}}$$

where:

"A" is the average of the actual weight, in tonnes, of the EEE placed on the market as declared by the authorised WEEE collective organisation in its annual reports submitted in accordance with regulation 23(2), covering the three (3) preceding operational years:

Provided that in such cases where the authorised WEEE collective organisation has been operating for a period of three (3) years or less, but more than one (1) year, "A" shall be the average of the actual weight, in tonnes, of the EEE placed on the market during its preceding operational year/s as declared by the WEEE collective organisation in its annual report/s submitted in accordance with regulation 23(2); and

"B" is equivalent to a flat rate of thirty-five euro (€35) per tonne.

*Added by:
L.N. 148 of 2021.*

SCHEDULE 15
(Regulations 16 and 23)

Information in the statement of compliance

The statement of compliance shall contain the following information:

- name and address of the approved person who is issuing and signing the certificate;
- date of the certificate;
- the producer in respect of whom the approved person is issuing the certificate; and
- certification by the approved person as to whether the relevant producer has complied with his collection, recovery and recycling obligations.

*Added by:
L.N. 148 of 2021.*

SCHEDULE 16
(regulation 23)

Information to be contained in the half-yearly and annual report
of an authorised waste electrical and electronic equipment collective
organisation

Part A: Environmental Information on the operations of the waste electrical and electronic equipment collective organisation

- Statement of Compliance with the obligations of these regulations;
- General details on its ownership and membership;
- Quantities of electrical and electronic equipment (EEE) placed on the market by the members of the producer responsibility organisation;
- Quantities of WEEE collected and annual collection rate achieved by the producer responsibility organisation;
- Quantities of WEEE treated and quantities of WEEE recovered, prepared for reuse and recycled;
- The financial contributions paid by the members of the producer responsibility organisation per tonne of electrical and electronic equipment placed on the market;

- The selection procedure for waste management operators;
- List on information and awareness campaigns carried out by the producer responsibility organisation.

Part B: Commercial and other information on the operations of the waste electrical and electronic equipment collective organisation

- List of producers who were members of the producer responsibility organisation during the reporting period;
 - Information on the financial guarantee covering the reporting period;
 - A description of the return, collection and recovery systems used or set up by the producer responsibility organisation, including details on the collection of WEEE from private households;
 - An appropriate description of how the data has been compiled, including any explanation of any estimates used;
 - Information on the authorised waste management undertakings or establishments used during the reporting period for the carrying out of the waste management operations;
 - Proof of recovery, preparation for reuse or recycling as well as disposal;
 - Additional, detailed financial information other than the information provided under Part A;
 - Details on information and awareness campaigns carried out by the producer responsibility organisation.
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