

L.N. 451 of 2021

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

Waste (Amendment No. 2) Regulations, 2021

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

Citation. **1.** The title of these regulations is the Waste (Amendment No. 2) Regulations, 2021 and these regulations shall be read and construed as one with the Waste Regulations, hereinafter referred to as "the principal regulations".

S.L. 549. 63.

Amends the Arrangement of Regulations.

2. In the Arrangement of Regulations, immediately after the words "in regulation 7" there shall be added the following:

"Schedule 11	Waste Management Fund
Schedule 12	Examples of Economic Instruments and other Measures to Provide Incentives for the Application of the Waste Hierarchy referred to in regulation 4A
Schedule 13	Implementation Plan".

Amends regulation 4A of the principal regulations.

3. Sub-regulation (3) of regulation 4A of the principal regulations shall be substituted by the following new sub-regulation:

"(3) The Minister shall 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 or other appropriate instruments and measures."

Amends regulation 10C of the principal regulations.

4. Regulation 10C of the principal regulations shall be amended as follows:

(a) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(3) The Minister may postpone the deadlines for attaining the targets referred to in paragraphs (a), (b) and (c) of sub-regulation (2) by up to five (5) years, provided that:

(a) Malta has prepared for re-use and recycled less than twenty per cent (20%) or landfilled more than sixty per cent (60%) of its municipal waste generated in 2013 as reported under the Joint Questionnaire of the OECD and Eurostat; and

(b) at the latest twenty-four (24) months before the respective deadline laid down in paragraphs (a), (b) and (c) of sub-regulation (2), the Minister notifies the Commission of its intention to postpone the respective deadline and submits an implementation plan in accordance with Schedule 13."; and

(b) immediately after sub-regulation (3) thereof there shall be added the following new sub-regulations:

"(4) Within three (3) months of receipt of the implementation plan submitted pursuant to paragraph (b) of sub-regulation (3), the Commission may request Malta to revise the plan if the Commission considers that the plan does not comply with the requirements set out in Schedule 13. Malta shall submit a revised plan within three (3) months of the receipt of the Commission's request.

(5) In the event of postponing the attainment of the targets in accordance with sub-regulation (3), the Minister, in consultation with the competent authority and the agency, shall take the necessary measures to increase the preparing for re-use and the recycling of municipal waste:

(a) to a minimum of fifty per cent (50%) by 2025 in the event of postponing the deadline for attaining the target referred to in paragraph (a) of sub-regulation (2);

(b) to a minimum of fifty-five per cent (55%) by 2030 in the event of postponing the deadline for attaining the target referred to in paragraph (b) of sub-regulation (2);

(c) to a minimum of sixty per cent (60%) by 2035 in the event of postponing the deadline for attaining the target referred to in paragraph (c) of sub-regulation (2).".

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Amends
regulation 29 of
the principal
regulations.

5. In sub-regulation (2) of regulation 29 of the principal regulations, the words "Annex IVa to Directive 2008/98/EC" shall be substituted by the words "Schedule 12".

Adds new
Schedules to the
principal
regulations.

6. Immediately after Schedule 11 to the principal regulations there shall be added the following new Schedules:

"SCHEDULE 12
EXAMPLES OF ECONOMIC INSTRUMENTS AND OTHER
MEASURES TO PROVIDE INCENTIVES FOR THE
APPLICATION OF THE WASTE HIERARCHY REFERRED TO IN
REGULATION 4A

1. Charges and restrictions for the landfilling and incineration of waste which incentivise waste prevention and recycling, while keeping landfilling the least preferred waste management option.

2. "Pay-as-you-throw" schemes that charge waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste.

3. Fiscal incentives for donation of products, in particular food.

4. Extended producer responsibility schemes for various types of waste and measures to increase their effectiveness, cost efficiency and governance.

5. Deposit-refund schemes and other measures to encourage efficient collection of used products and materials.

6. Sound planning of investments in waste management infrastructure, including through European Union funds.

7. Sustainable public procurement to encourage better waste management and the use of recycled products and materials.

8. Phasing out of subsidies which are not consistent with the waste hierarchy.

9. Use of fiscal measures or other means to promote the uptake of products and materials that are prepared for re-use or recycled.

10. Support to research and innovation in advanced recycling technologies and remanufacturing.

11. Use of best available techniques for waste treatment.

12. Economic incentives for regional and local authorities, in particular to promote waste prevention and intensify separate collection schemes, while avoiding support to landfilling and incineration.

13. Public awareness campaigns, in particular on separate collection, waste prevention and litter reduction, and mainstreaming these issues in education and training.

14. Systems for coordination, including by digital means, between all competent public authorities involved in waste management.

15. Promoting continuous dialogue and cooperation between all stakeholders in waste management and encouraging voluntary agreements and company reporting on waste.

SCHEDULE 13
(Regulation 10C(3))
IMPLEMENTATION PLAN

The implementation plan to be submitted pursuant to sub-regulation (3) of regulation 10C shall contain the following:

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

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

3. Reasons for which Malta considers that it might not be able to attain the relevant target laid down in sub-regulation (2) of regulation 10C within the deadline set therein and an assessment of the time extension necessary to meet that target.

4. Measures necessary to attain the targets set out in sub-regulations (2) and (5) of regulation 10C that are applicable to Malta during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in regulation 4A and Schedule 12.

5. A timetable for the implementation of the measures identified in item 4, determination of the body competent for their implementation and an assessment of their individual contribution to

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attaining the targets applicable in the event of a time extension.

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

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