

L.N. 147 of 2021

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

Waste Management (Landfill) (Amendment) 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:-

1. The title of these regulations is the Waste Management (Landfill) (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Waste Management (Landfill) Regulations, hereinafter referred to as "the principal regulations".
Citation.
S.L. 549. 29.
2. Regulation 1 of the principal regulations shall be amended as follows:
Amends regulation 1 of the principal regulations.
 - (a) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) With a view to supporting the European Union's transition to a circular economy and meeting the requirements of Directive 2008/98/EC of the European Parliament and of the Council^{*}, and in particular Articles 4 and 12 thereof, the aim of these regulations is to ensure a progressive reduction of landfilling of waste, in particular of waste that is suitable for recycling or other recovery, and, by way of stringent operational and technical requirements on the waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.";
 - (b) in sub-regulation (3) thereof, the words "Integrated Pollution Prevention and Control Regulations", wherever they

^{*} OJ L 312, 22.11.2008, p. 3.

B 1148

occur, shall be substituted by the words "Industrial Emissions (Integrated Pollution Prevention and Control) Regulations"; and

(c) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(4) These regulations bring into effect the provisions of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste as amended by Council Directive 2011/97/EU amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste and Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste."

Amends
regulation 2 of
the principal
regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately before the definition "biogradable waste" there shall be added the following new definition:

" "applicant" means any person who applies for a landfill operating permit under these regulations;"

(b) immediately after the definition "eluate" there shall be added the following new definition:

" "inert waste" means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and, or groundwater;" and

(c) immediately after the definition "underground storage", the words "All other terms shall have the same meaning as that assigned to them in the Waste Regulations."

shall be substituted by the words:

"The words "waste", "hazardous waste", "non-hazardous waste", "municipal waste", "waste producer", "waste holder", "waste management", "separate collection", "recovery", "preparing for re-use", "recycling" and "disposal" shall have the same meaning as that assigned to them in regulation 4 of S.L. 549. 63. the Waste Regulations."

4. Regulation 3 of the principal regulations shall be amended as follows:

Amends regulation 3 of the principal regulations.

(a) in paragraph (c) of sub-regulation (2) thereof, the words "and its sub-soil;" shall be substituted by the words "and its sub-soil.";

(b) paragraph (d) of sub-regulation (2) thereof shall be deleted; and

(c) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulation:

"(3) The management of waste from land-based extractive industries, that is to say, the waste arising from the prospecting, extraction, including the pre-production development stage, treatment and storage of mineral resources and from the working of quarries, shall be excluded from the scope of these regulations where it falls within the scope of other European Union legislative acts."

5. Regulation 5 of the principal regulations shall be amended as follows:

Amends regulation 5 of the principal regulations.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Maximum quantities of municipal waste allowed to landfill."; and

(b) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulations:

"(3) By 2035 the amount of municipal waste landfilled is to be reduced to 10% or less of the total amount of municipal waste generated (by weight).

B 1150

(4) By 2030 the Minister may consider to postpone the deadline for attaining the target referred to in sub-regulation (3) by up to five years, provided that Articles 5(6), 5(7), 5(8) and Annex IV of Council Directive 1999/31/EC* as amended, are adhered to."

Adds new regulation to the principal regulations.

6. Immediately after regulation 5 of the principal regulations there shall be added the following new regulation:

Rules on the calculation of the attainment of the targets.

5A. (1) For the purpose of calculating whether the targets laid down in regulation 5(3) and (4) have been attained:

(a) the weight of the municipal waste generated and directed to landfilling shall be calculated in a given calendar year;

(b) the weight of waste resulting from treatment operations prior to recycling or other recovery of municipal waste such as sorting or mechanical biological treatment, which is subsequently landfilled shall be included in the weight of municipal waste reported as landfilled;

(c) the weight of municipal waste that enters incineration disposal operations and the weight of waste produced in the stabilization operations of the biodegradable fraction of municipal waste in order to be subsequently landfilled shall be reported as landfilled;

(d) the weight of waste produced during recycling or other recovery operations of municipal waste which is subsequently landfilled shall not be included in the weight of municipal waste reported as landfilled.

(2) The competent authority shall establish an effective system of quality control and traceability of the municipal waste landfilled to ensure that the conditions laid down in sub-regulation (1) are met.

* OJL 182 16.7.1999, p. 1

** OJL 190, 12.7.2006, p. 1

(3) Where municipal waste is shipped to another Member State or exported from the European Union for the purposes of landfilling, in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council**, it shall be counted towards the amount of waste landfilled in Malta, in accordance with sub-regulation (1)."

7. Regulation 6 of the principal regulations shall be amended as follows:

Amends regulation 6 of the principal regulations.

(a) regulation 6 shall be re-numbered as sub-regulation (1);

(b) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) The following wastes shall not be accepted in a landfill:

- liquid waste;
- waste which, in the conditions of landfill, is explosive, corrosive, oxidising, highly flammable or flammable as defined in Schedule 3 to the Waste Regulations;
- S.L. 549. 63. - hospital and other clinical waste arising from medical or veterinary establishments, which are infectious as defined by property HP9 of Schedule 3 to the Waste Regulations and waste chemical substances arising from research and development or teaching activities which are not identified and, or are new and whose effects on man and, or the environment are not known (e.g. laboratory residues, etc.);
- S.L. 549. 63. - whole used tyres, excluding tyres used as engineering material and bicycle tyres and tyres with an outside diameter above 1,400 mm;
- shredded used tyres excluding bicycle tyres and tyres with an outside diameter above 1,400 mm;
- any other type of waste which does not fulfil the acceptance criteria determined in accordance with Schedule 2;

B 1152

- S.L. 549. 63.
- waste that has been separately collected for preparing for re-use and recycling pursuant to regulation 10 of the Waste Regulations, with the exception of waste resulting from subsequent treatment operations of the separately collected waste for which landfilling delivers the best environment outcome in accordance with regulation 4A of the Waste Regulations;
 - any other type of waste which the competent authority declares as not acceptable in a landfill."; and

(b) immediately after sub-regulation (1) thereof, as re-numbered, there shall be added the following new sub-regulation:

S.L. 549. 63.

"(2) The competent authority shall endeavour, through, *inter alia*, the establishment of guidelines and, or a landfill operating permit, to ensure that as of 2030, all waste suitable for recycling or other recovery, in particular municipal waste, shall not be accepted in a landfill with the exception of waste for which landfilling delivers the best environmental outcome in accordance with regulation 4A of the Waste Regulations.

S.L. 549. 63.

Information on the measures taken pursuant to this sub-regulation shall be included in the waste management plans referred to in regulation 28 of the Waste Regulations or in other strategic documents covering the entire territory of Malta."

Amends
regulation 8 of
the principal
regulations.

8. In sub-regulation (1) of regulation 8 of the principal regulations, immediately after the words "hazards to human health or the environment." there shall be added the following new paragraph:

S.L. 549. 63.

"The competent authority shall ensure that measures taken in accordance with this sub-regulation do not compromise the achievement of the objectives of the Waste Regulations, notably on the waste hierarchy and on the increase of preparing for re-use and recycling as set out in regulation 4A of those regulations."

9. In sub-regulation (1) of regulation 10 of the principal regulations, the words "Waste Management Regulations" shall be substituted by the words "Waste Regulations".

Amends regulation 10 of the principal regulations.

10. In regulation 11 of the principal regulations, the words "Integrated Pollution Prevention and Control Regulations" shall be substituted by the words "Industrial Emissions (Integrated Pollution Prevention and Control) Regulations".

Amends regulation 11 of the principal regulations.

11. In regulation 12 of the principal regulations, the words "regulation 10(i)(d)" shall be substituted by the words "regulation 10(1)(d)".

Amends regulation 12 of the principal regulations.

12. Regulation 14 of the principal regulations shall be amended as follows:

Amends regulation 14 of the principal regulations.

(a) in paragraph (a) of sub-regulation (3) thereof, the words "Environment Protection (Control of Transboundary Movement of Toxic and other Substances) Regulations" shall be substituted by the words "Waste Management (Shipments of Waste) Regulations"; and

(b) in sub-regulation (5) thereof, the words "Environment Protection (Control of Transboundary Movement of Toxic and other Substances) Regulations" shall be substituted by the words "Waste Management (Shipments of Waste) Regulations".

13. In sub-regulation (3) of regulation 15 of the principal regulations, the words "a competent agency" shall be substituted by the words "a competent laboratory".

Amends regulation 15 of the principal regulations.

14. Immediately after regulation 17 of the principal regulations, there shall be added the following new regulation:

Adds a new regulation to the principal regulations.

"Instruments to promote a shift to a more circular economy. S.L. 549. 63.

17A. In order to contribute to the objectives laid down in these regulations, the Minister shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy under regulation 4A of the Waste Regulations. Such instruments may include those indicated in Annex IVa to Directive 2008/98/EC or other appropriate instruments and measures."

15. Paragraph 3.5 in Schedule 1 to the principal regulations shall be substituted by the following new paragraph:

Amends Schedule 1 to the principal regulations.

B 1154

"3.5 The method for the determination of the permeability coefficient for landfills, in the field and for the whole extension of the site, shall be determined by the Commission through the adoption of implementing acts in accordance with article 15b of Directive 1999/31/EC."

Amends
Schedule 2 to
the principal
regulations.

16. Paragraph 5 in Schedule 2 to the principal regulations shall be substituted by the following new paragraph:

"5. Sampling of Waste

The Commission shall adopt implementing acts in accordance with article 15c of Directive 1999/31/EC, to develop a standard for sampling of waste.

Provided that until such implementing acts are adopted, national standards and procedures shall apply."

Amends
Schedule 3 to
the principal
regulations.

17. Schedule 3 to the principal regulations shall be amended as follows:

(a) In paragraph 2 therein, the words "The operator shall supply information on the methodology used to collect meteorological data (in situ, national meteorological network, etc)." shall be deleted;

(b) In paragraph 5 therein, the words "Every six months(1)" shall be deleted.

Amends various
provisions of
the principal
regulations.

18. In the Maltese version of the principal regulations, the words "skart inattiv", wherever they occur, shall be substituted by the words "skart inerti".