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NOTIFIKAZZJONI TAL-GVERN

Nru. 791

ATT TA' L-2000 DWAR L-AWTORITÀ TA' MALTA DWAR IR-RIŻORSI
(ATT NRU. XXV TA' L-2000)

ATT TA' L-2001 DWAR IL-ĦARSIEN TA' L-AMBJENT
(ATT NRU. XX TA' L-2001)

BIS-SAĦĦA tal-poteri mogħtija bl-artikolu 28 (1) ta' l-Att ta' l-2000 dwar l-Awtorità ta' Malta dwar ir-Riżorsi u l-artikoli 9 u 10 ta' l-Att ta' l-2001 dwar il-Ħarsien ta' l-Ambjent, il-Ministru għall-Affarijiet Rurali u l-Ambjent, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar qegħdin b'din jippubblikaw dan l-abbozz ta' regolamenti fejn jippermettu lil kull persuna perjodu ta' erba' ġimgħat biex tagħmel rappreżentazzjonijiet lid-Direttur għall-Ħarsien ta' l-Ambjent ta' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, fejn tiddikjara kif fil-fehma tagħha r-regolamenti proposti ma jkunux jipproteġu biżżejjed l-ambjent jew kif dawn ikunu restrittivi ż-żejjed bla bżonn jew jikkaġunawlha diffikultà jew telf ekonomiku u titlob għal reviżjoni ta' dak l-abbozz:-

Regolamenti ta' l-2003 dwar l-Ippakkjar u l-Iskart ta' l-Ippakkjar fil-Maniġġar ta' Skart.

GOVERNMENT NOTICE

No. 791

MALTA RESOURCES AUTHORITY ACT, 2000
(ACT NO. XXV OF 2000)

ENVIRONMENT PROTECTION ACT, 2001
(ACT NO. XX OF 2001)

BY virtue of the powers conferred by article 28(1) of the Malta Resources Authority Act, 2000, and articles 9 and 10 of the Environment Protection Act, 2001, the Minister for Rural Affairs and the Environment, after consultation with the Malta Environment and Planning Authority are hereby publishing the following draft regulations to allow any person a period of four weeks to make representations to the Director for Environment Protection of the Malta Environment and Planning Authority, stating how in his opinion the proposed regulations do not sufficiently respect the environment or how they are too unnecessarily restrictive or cause him hardship or econonomic loss and asking for a revision of such draft:-

Waste Management (Packaging and Packaging Waste) Regulations, 2003.

ATT DWAR IL-ĦARSIEN TA' L-AMBJENT
(KAP. 435)

Abbozz ta' Regolamenti ta' l-2003 dwar l-Ippakkjar u l-Iskart ta' l-Ippakkjar fl-Maniġġar ta' Skart

BIS-SAĦĦA tas-setgħat mogħtija lilu bl-artikoli 6, 9, u 11 ta' l-Att dwar il-Ħarsien ta' l-Ambjent, hawn iżjed 'il quddiem imsejjaħ "l-Att", il-Ministru għall-Affarijiet Rurali u l-Ambjent, għamel dawn ir-regolamenti li ġejjin:-

Titolu.

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2003 dwar l-Ippakkjar u l-Iskart ta' l-Ippakkjar fil-Maniġġjar ta' Skart.

(2) Sakemm m'hemmx provdut mod ieħor fir-regolamenti, dawn ir-regolamenti għandhom jidħlu fis-seħħ f'dik id-data li l-Ministru responsabbli għall-ambjent jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet u għanijiet differenti ta' dawn ir-regolamenti.

Skop.

2. (1) Dawn ir-regolamenti japplikaw għall-ippakkjar li jkun jinsab fis-suq f'Malta kif ukoll għall-iskart ta' l-ippakkjar, kemm jekk dan huwa użat jew mormi f'livell industrijali, kummerċjali, uffiċini, ħwienet, servizzi, djar jew kull livell ieħor, irrispettiv mill-materjal użat, sakemm l-istess ippakkjar m'huwiex espressament eskluz min dawn ir-regolamenti. Dawn ir-regolamenti m'għandhomx japplikaw għall-ippakkjar li m' huwiex intiż li jkun użat fis-suq Malti.

(2) Sal-31 ta' Diċembru, 2007, dawn ir-regolamenti ma' għandhomx japplikaw għal kontenituri ta' xorb mhux alkoħoliku, kif definit fir-Regolamenti ta' l-1998 dwar il-Kontroll ta' Kontenituri għal Xorb Mhux-alkoħoliku, li għandhom, sa dik id-data, jibqgħu regolati mir-Regolamenti ta' l-1998 dwar il-Kontroll ta' Kontenituri għal Xorb Mhux-alkoħoliku.

(3) Wara l-31 ta' Diċembru 2007, l-ippakkjar kollu, inkluz il-kontenituri tax-xorb mhux-alkoħoliku, għandu jkun regolat minn dawn ir-regolamenti, liema regolamenti għandhom japplikaw mingħajr preġudizzju għal kull liġi jew regolament ieħor.

Tifsir.

Kap. 435.

3. (1) F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:-

"Awtorità Kompetenti" tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, u tali entità oħra jew persuna kif il-Ministru jista' b'ordni fil-Gazzetta jordna, u jistgħu jiġu hekk maħtura entitajiet differenti jew persuni bħala awtorità kompetenti għal disposizzjonijiet differenti u għal skopijiet differenti ta' dawn ir-regolamenti;

"bejjiegħ" tfisser persuna li tissuplixxi bl-ippakkjar lil terzi jew lill-konsumatur li jkun ser juża dak l-ippakkjar, sew jekk il-mili ta' l-istess ippakkjar isir f'dak il-waqt jew jekk le, u l-kelma "tbiegħ" għandha tiftiehem skond dan.

"ippakkjar" tfisser kull prodott magħmul min kull materjal intiż biex iservi ta' kontenitur, jew għall-protezzjoni, immaniġġar, tqassim jew għal preżentazzjoni ta' prodotti mill-produttur għal dik il-persuna li tkun ser tuża il-prodott jew għall-konsumatur, u liema materjal jista jvarja minn materja prima sa prodott komplut. Materjal użat għall-istess skop hawn fuq imsemmi, u li ma jkunx rikambjabbli, għandu wkoll jitqies bħala ppakkjar;

"ippakkjar" għandu jikkonsisti biss fi:

(a) ippakkjar intiż għall-bejgħ ta' prodotti jew ippakkjar primarju li jkun iservi bħala ppakkjar ta' prodott li jkun disponibbli għall-bejgħ lill-konsumatur;

(b) ippakkjar kollettiv jew ippakkjar sekondarju, intiż biex jgħaqqad għadd ta' prodotti disponibbli għall-konsumatur, sew jekk l-istess ikun intiż biex jinbiegħ hekk lill-konsumatur jew biex jiġu mimlija mill-ġdid l-ixkafef fil-post tal-bejgħ, u l-prodott ikun jista jitneħħa mill-ippakkjar mingħajr ma tinbidel il-karatteristika tal-prodott;

(ċ) ippakkjar intiż għat-trasport jew ippakkjar terzjarju li jintuża biex jitnaqqas ir-riskju ta' ħsara u biex jiffaċilita l-immaniġġjar u t-trasport ta' numru ta' prodotti sew individwali kif ukoll kollettivi;

"ippakkjar imħallat" tfisser ippakkjar magħmul minn materjal differenti, liema materjal ma jkunx jista' jiġi seperat bl-idejn;

"Ministru" tfisser il-Ministru reponsabbli għall-ambjent;

"persuna li timla jew li tippakkja" tfisser persuna li tippakkja l-affarijiet, u l-kelma "timla" u "tippakkja" jkollhom l-istess tifsira;

"presenza inċidentali" tfisser il-presenza mhux intenzjonata ta' metall bħala element fil-materjal ta' l-ippakkjar jew fl-ippakkjar;

"prevenzjoni" tfisser it-tnaqqis ta' l-ammont u tal-ħsara għall-ambjent ta':-

- materjal u sustanzi li jinsabu fl-ippakkjar u fl-iskart ta' l-ippakkjar;

- ippakkjar u skart ta' l-ippakkjar waqt l-istadju ta' l-ipproċessar, reklamar, tqassim, użu u r-rimi;

u b' mod partikolari billi jiġu żviluppati prodotti u teknologija li mhijiex ta' ħsara għall-ambjent;

"produttur" tfisser persuna li għal skopijiet kummerċjali jew fil-kors tan-negozju, timporta, timmanifattura, tbiddel, tqassam, timla, tippakkja, tbiegħ jew b' xi mod ieħor tissupplixxi lil persuni oħra, jew b'xi mod ieħor tqiegħed fis-suq Malti, materjal ta' l-ippakkjar jew ippakkjar, jew prodotti ippakkjati, u l-kelma "tipproduċi" ghandha tiftiehem skond dan;

"produttur kbir" tfisser persuna li għal skopijiet kummerċjali jew fil-kors tan-negozju, timporta, timmanifattura, tbiddel, tqassam, timla, tippakkja, tbiegħ jew b' xi mod ieħor tissupplixxi lil persuni oħra, jew b' xi mod ieħor tpoġġi fuq is-suq Malti, materjal ta' l-ippakkjar jew ippakkjar, jew prodotti ippakjati, fejn, matul sena kalendarja, il-piż totali tal-materjal ta' l-ippakkjar jew ippakkjar jeċċedi, jew ikun mistenni li jeċċedi, il-25 tunellata;

"prodotti użati f'sistema kontrollata" tfisser dawk il-prodotti li jintużaw f' sistema kkontrollata ta' distribuzzjoni u ta' użu mill-ġdid ta' l-istess prodotti, f'liema sistema jistgħu biss jitnehħew l-istess prodotti permezz ta' proċedura speċifika, u f'liema sistema jistgħu jiġu introdotti biss, għadd minimu ta' prodotti li ma jkunux parti minn dik is-sistema;

"riċiklaġġ" tfisser l-iproċċessar mill-ġdid, fi proċess ta' produzzjoni, tal-materjali ta' skart għall-iskop oriġinali jew skopijiet oħra, inkluż ir-riċiklaġġ organiku, imma mhux għall-irkupru ta' enerġija;

"riċiklaġġ organiku" tfisser sistema li, taħt kundizzjonijiet kontrollati, u permezz ta' trattament aerobiku u anaerobiku, u bl-użu tal-mikro organiżmi ta' l-elementi bio-degradabbli ta' l-iskart ta' l-ippakkjar tikkreja fdalijiet organiċi u metanu. *Landfill* m' għandiex tkun meqjusa bħala riċiklaġġ organiku;

"rkupru ta' l-enerġija" tfisser l-uzu u l-ħruq ta' ippakkjar kombustibbli, bħala mezz għall-ġenerazzjoni ta' enerġija permezz ta' inċinerazzjoni diretta ma' skart ieħor jew għalih, bi rkupru tas-sħana;

"skart ta' l-ippakkjar" tfisser kull ippakkjar jew materjal ta' l-ippakkjar li huwa kopert bit-tifsira ta' skart fir-Regolamenti ta' l-2001 dwar il-Permessi u Kontrolli fil-Maniġġar ta' Skart, iżda ma jinkludix fdalijiet mill-produzzjoni;

"skema approvata ta' rkupru ta' l-iskart ta' l-ippakkjar" tfisser skema ta' rkupru ta' l-iskart ta' l-ippakkjar li tkun mħaddma minn persuna li tkun detentur ta' permess taħt ir-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart;

"tbiddel" tfisser l-użu jew il-modifika ta' ippakkjar jew materjal ta' l-ippakkjar fil-produzzjoni ta' l-ippakkjar;

"tipi ta' ippakkjar" tfisser ħġieġ, aluminju, azzar, karta u *fibreboard*, plastik, injam u tessuti, jew kull tip ieħor ta' ippakkjar li l-Awtorità Kompetenti tispeċifika minn żmien għal ieħor;

"użu jew użat mill-ġdid" tfisser l-użu mill-ġdid ta' materjal ta' l-ippakkjar, liema materjal kien intiż li jservi għal għadd minimu ta' drabi, sew jekk l-istess ippakkjar jerġa jimtela bl-użu ta' apparat awżiljarju jew jekk le. Dan l-ippakkjar isir skart ta' l-ippakkjar sakemm ma jkunx jista jerġa jintuża mill-ġdid;

"żieda intenzjonata" jew "miżjud intenzjonalment" tfisser l-att li permezz tiegħu tiġi deliberatament użata sustanza fil-produzzjoni ta' materjal ta' l-ippakkjar jew komponent tal-materjal ta' l-ippakkjar b' mod kontinwu, permezz ta' liema l-istess materjal ta' l-ippakkjar jew komponent tal-materjal ta' l-ippakkjar jieħu karatteristika, apparenza jew kwalita speċifika. L-użu ta' materjal riċiklat, bhall-għalf, fil-produzzjoni ta' materjal ta' l-ippakkjar ġdid, m'għandux jitqies bħala żieda intenzjonata, minkejja li jkun jinkludi xi metall regolat;

(2) Il-frażijiet l-oħra kollha għandu jkollhom l-istess tifsir mogħti lilhom fl-artikolu 2 tar-Regolamenti ta' l-2001 dwar Permessi u Kontroll fil-Maniġġar ta' l-Iskart.

Elementi essenzjali ta' l- ippakkjar.

4. (1) Il-produtturi għandhom jimportaw, jimmanifatturaw, jissupplixxu jew jużaw dak il-materjal ta' l-ippakkjar li huwa konformi mar-rekwiżiti essenzjali ta' dawn ir-regolamenti.

(2) l-Ippakkjar għandu jitqies bħala konformi mar-rekwiżiti essenzjali ta' l-iskeda I li tinsab ma' dawn ir-regolamenti kemm il-darba dan ikun konformi mal-*harmonised standard* EN 13428:2000 jew EN 13432:2000. Għandu jkun magħruf illi l-*harmonised standard* EN 13428:2000 ma jkoprix ir-rekwiżiti essenzjali ta' l-istess Skeda I, u dan kif speċifikat fl-ewwel u t-tielet paragrafu ta' l-artikolu (1) ta' l-istess Skeda.

(3) Il-provvedimenti tas-subregolament (1) ta'dan ir-regolament, ma japplikawx għall-ippakkjar li kien jintuża għall-prodotti speċifiċi qabel il-31 ta' Diċembru, 1999.

Il-livell ta' konċentrament ta' metall regolat fl-ippakkjar.

5. (1) Il-produtturi m'għandhomx jimportaw, jimmanifatturaw, jissuplixxu jew jużaw ippakkjar jew materjal ta' l-ippakkjar jekk il-konċentrament totali ta' ċomb, kadmju, merkurju u *hexavalent chromium* preżenti f' kull ippakkjar jew materjal ta' l-ippakkjar jeċċedi l-livell ta' 100 parti kull miljun (ppm) fil-piż;

(2) Il-konċentrament imsemmi fis-subregolament (1) ta' dan ir-regolament ma japplikax f' każ ta' ippakkjar magħmul kollu kemm hu minn *lead crystal glass* kif definit fir-regolamenti relevanti.

Deroga għall-ċestuni tal-plastik u palitti tal-plastik.

6. (1) Mingħajr preġudizzju għall-provvedimenti tar-regolament 5 ta' dawn ir-regolamenti, sat-8 ta' Frar, 2009, il-konċentrament totali ta' ċomb, kadmju, merkurju u *hexavalent chromium* jista jeċċedi l-livell ta' 100 parti kull miljun (ppm) fil-piż fil-każ ta' ċestuni tal-plastik u palitti tal-plastik li jservu bħala prodotti użati f' sistema kontrollata.

(2) Iċ-ċestuni tal-plastik u l-palitti tal-plastik imsemmija fis-subregolament (1) ta' dan ir-regolament għandhom ikunu:

(a) ġew manifatturati f'sistema ta' riċiklaġġ kontrollat, fejn il-materjal riċiklat ikun jikkonsisti biss minn ċestuni tal-plastik jew palitti tal-plastik ohra, u fejn l-introduzzjoni ta' materjal estranju huwa l-inqas teknikament possibbli, sa massimu ta' 20% tal-piż. Dawk iċ-ċestuni jew palitti li jkunu ġew ritornati u li ma jistgħux jiġu użati mill-ġdid, għandhom jiġu ttrattati skond il-provvedimenti tal-paragrafu (b) ta' dan is-subregolament:

Iżda, ħlief meta tirriżulta xi presenza inċidentali, l-ebda ċomb, kadmju, merkurju u *hexavalent chromium* ma' għandu jiġi miżjud

intenzjonalment bħala element fl-istadju tal-manifattura jew distribuzzjoni.

Iżda ukoll l-eċċess fil-livell ta' konċentrament fiċ-ċestuni u palitti li għalihom tapplika din id-deroga, għandu jirriżulta minn żieda ta' materjal riċiklat.

(b) introdotti f'sistema kontrollata ta' distribuzzjoni u ta' użu mill-ġdid li tkun konformi ma dawn il-kondizzjonijiet:

(i) Iċ-ċestuni tal-plastik u l-palitti tal-plastik ġodda li jkun fihom il-metall regolat, għandhom ikunu mmarkati b' mod permanenti u viżibbli;

(ii) Il-produttur għandu, bi qbil ma l-Awtorità Kompetenti, jistabbilixxi sistema ta' inventarju, li tkun tinkludi sistema ta' kontabilita regolatorja u finanzjarja u li tkun tinkludi dawk l-ammonti ta' ċestuni u palitti li jkunu ġew ritornati lill-manifattur jew lil dik il-persuna li tippakkja u/jew li timla jew lil xi rappreżentant awtorizzat, u dan biex ikun jista jiġi verifikat il-ħarsien ta' din id-deroga;

(iii) Kull ċestun jew palitt li jkunu gew ritornati, u li ma jkunux jistgħu jerġgħu jintużaw, għandhom jiġu mormija skond proċedura speċifka awtorizzata mill-Awtorità Kompetenti, jew inkella jiġu riċiklati permezz ta' proċess li jkun jinkludi l-istess ċestuni tal-plastik u palitti tal-plastik flimkien ma l-introduzzjoni l-inqas teknikament possibbli ta' materjal estranju, sa massimu ta' 20% fil-piż;

(iv) Dik il-persuna li tqieghed il-prodott fis-suq ghandha tissottometti lill-Awtorità Kompetenti darba fis-sena, dikjarazzjoni dwar il-ħarsien ta' din id-deroga u ghandha tinkudi rapport annwali li juri kif huwa kien konformi mal-kondizzjonijiet ta' din id-deroga. L-istess rapport għandu jinkludi kull tibdil fis-sistema jew tar-rappreżentant awtorizzat.

(v) Din il-persuna ghandha taghmel dan ir-rapport disponibbli lill-Awtorità Kompetenti ghal perjodu ta' mhux anqas minn erba' snin.

Provi permezz ta' dokumenti.

7. Mingħajr preġudizzju għall-provvedimenti tar-regolament 5 ta' dawn ir-regolamenti, sat-30 ta' Ġunju, 2006, il-konċentrament totali ta' ċomb, kadmju, merkurju u *hexavalent chromium* jista jeċċedi

l-livell ta' 100 parti kull miljun (ppm) fil-piż, fil-każ ta' ippakkjar tal-ħġieġ, kemm il-darba:

(a) l-ebda ċomb, kadmju, merkurju u *hexavalent chromium* ma' għandu jiġi miżjud intenzjonalment fl-istadju tal-manifattura. Il-livell ta' konċentrament jista però jeċċedi il-livelli massimmi minħabba ż-żieda ta' materjal riċiklat;

(b) fejn, matul il-kontrolli li jsiru matul perjodu ta' tnax il-xahar konsekuttivi fil-produzzjoni individwali ta' fran li jaħdmu il-ħġieġ, l-ammont totali tal-konċentrament għoli tal-metalli jeċċedi il-livelli ta' 200 ppm fil-produzzjoni normali u regolari, il-manifattur jew ir-rappreżentant awtorizzat li qieghed il-prodott fuq is-suq, għandu jissottometti rapport lill-Awtorità Kompetenti;

(ċ) Ir-rapport imsemmi fil-paragrafu (b) ta' dan il-proviso, għandu jinkludi:

- ir-riżultati tal-kontrolli;

- deskrizzjoni tal-metodu użat fil-ġbir tal-informazzjoni;

- is-sors maħsub li jkun wassal għall-preżenza ta' metall fil-livelli għolja ta' konċentrament;

- deskrizzjoni dettalja dwar il-miżuri li jkunu ttieħdu biex jitnaqqas il-livell għoli ta' konċentrament ta' mettall;

(d) Ir-riżultati tal-kontrolli fis-siti tal-produzzjoni kif ukoll id-deskrizzjoni tal-metodu użat fil-ġbir ta' l-informazzjoni, għandhom jitqiegħdu għad-disposizzjoni ta' l-Awtorità Kompetenti f' kull ħin li dawn jintalbu.

Irkupru u miri fir-riċiklaġġ.

8. L-Awtorità Kompetenti għandha, permezz ta' miżuri ekonomiċi u miżuri oħra meqjusa opportuni, u b' konsultazzjoni mal-produtturi u organizzazzjonijiet ta' l-industrija, u kif il-Ministru jista' jippreskrivi, tara illi:

(a) sa' l-1 ta' Mejju, 2004:

(i) minimu ta' 20% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun irkuprat;

(ii) minimu ta' 18% sa massimu ta' 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 25% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 27% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 5% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 25% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar;

(b) sal-31 ta' Diċembru, 2004:

(i) minimu ta' 27% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun irkuprat; u

(ii) minimu ta' 21% sa massimu ta' 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 30% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 31% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 5% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 30% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar;

(ċ) sal-31 ta' Diċembru, 2005:

(i) minimu ta' 28% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fuq is-suq, ikun irkuprat;

(ii) minimu ta' 25% sa massimu ta' 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fuq is-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 35% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 34% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 5% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 35% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar;

(d) sal-31 ta' Diċembru, 2006:

(i) minimu ta' 34% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fuq is-suq, ikun irkuprat; u

(ii) minimu ta' 29% sa massimu ta' 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 43% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 38% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 7% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 42% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar;

(e) sal-31 ta' Diċembru, 2007:

(i) minimu ta' 41% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun irkuprat;

(ii) minimu ta' 35% sa massimu ta' 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 50% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 41% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 10% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 50% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar;

(f) sal-31 ta' Diċembru, 2008:

(i) minimu ta' 47% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun irkuprat;

(ii) minimu ta' 41% sa massimu ta' 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 55% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 46% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 13% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 60% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar;

(g) sal-31 ta' Diċembru, 2009:

(i) minimu ta' 51% sa massimu ta' 65% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar mqiegħed fis-suq, ikun irkuprat;

(ii) 45% tal-piż ta' l-iskart ta' l-ippakkjar kollu li jirriżulta mill-ippakkjar u mill-materjal ta' l-ippakkjar

mqiegħed fis-suq, ikun riċiklat. Dan għandu jinkludi minimu ta' 60% fil-piż ta' ħġieġ li jkun hemm fl-iskart ta' l-ippakkjar, 50% fil-piż ta' metall li jkun hemm fl-iskart ta' l-ippakkjar, 15% fil-piż ta' plastik li jkun hemm fl-iskart ta' l-ippakkjar, 65% fil-piż ta' karti u kartun li jkun hemm fl-iskart ta' l-ippakkjar.

Database dwar ippakkjar.

9. L-Awtorità Kompetenti għanda żżomm *database* skond il-format stabbilit fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti, bir-rapporti annwali dwar l-ippakkjar u l-iskart ta' l-ippakkjar.

Obbligi ta' l-Awtorità Kompetenti. A.L. 217 ta' l-2001.

10. Fil-qadi tad-dmirijiet tagħha skond dawn ir-regolamenti, l-Awtorità Kompetenti, b'konsultazzjoni mal-produtturi u organizzazzjonijiet ta' l-industrija skond kif tqis opportun, u kif il-Ministru jista jippreskrivi, għanda:

(i) timplimenta programmi biex jitnaqqas l-iskart ta' l-ippakkjar;

(ii) tieħu miżuri biex tinkoraġixxi sistemi ta' użu mill-ġdid ta' l-ippakkjar, liema użu mill-ġdid għandu jsir bl-iskop li jiġi mħares l-ambjent skond dawn ir-regolamenti u skond regolamenti oħra rilevanti;

(iii) tinkoraġixxi l-użu ta' materjal prodott minn skart ta' l-ippakkjar riċiklat fil-manifattura ta' ippakkjar u prodotti oħra;

(iv) torganizza kampanji ta' informazzjoni għall-konsumaturi, produtturi u għal min juża l-ippakkjar dwar:

(a) il-miżuri u l-miri stabbiliti f'dawn ir-regolamenti;

(b) is-sistemi disponibbli dwar ir-ritorn, il-kollezzjoni u l-irkupru;

(ċ) ir-rwol li l-konsumatur, il-produttur u min juża l-ippakkjar għandu fl-użu mill-ġdid, l-irkupru u r-riċiklaġġ ta' l-ippakkjar u ta' l-iskart ta' l-ippakkjar;

(d) it-tifsira tas-sinjali u l-kitba li hemm fuq l-ippakkjar li hemm fis-suq;

(e) l-elementi tal-pjani stabbiliti f' dawn ir-regolamenti dwar l-immaniġġjar ta' l-ippakkjar u l – iskart ta' l-ippakkjar.

Id-dritt li tqiegħed ippakkjar fuq is-suq.

11. Mingħajr preġudizzju għall-Liġijiet u regolamenti oħra, l-Awtorità Kompetenti m'għandiex twaqqaf it-tqegħid ta' ippakkjar fuq is-suq li jkun kompatibbli mal-provvedimenti ta' dawn ir-regolamenti.

L-Awtorità Kompetenti tista' titlob drittijiet.

12. L-Awtorità Kompetenti tista tiġbor mingħand il-produtturi dawk id-drittijiet neċessarji biex tkopri l-ispejjeż ta' l-amministrazzjoni ta' dawn ir-regolamenti.

Il-produtturi ta' l-ippakkjar.

13. (1) Kull produttur għandu jieħu dawk il-miżuri prattiċi biex jiżgura illi l-iskart ta' l-ippakkjar li jirriżulta mill-operat tiegħu, ikun irkuprat. Kull produttur għandu jara illi dan l-iskart għandu:

(i) jittieħed lura min xi ħadd li jissuplixxi, jew

(ii) jiġi rkuprat, jew

(iii) ikun disponibbli biex jiġi rkuprat, u dan billi jkun ġie mifrud, offrut mingħajr ħlas lil min jirriċikla u maħżun sakemm jinġabar mill-persuna li tkun ser tirriċiklaħ.

(2) L-ebda produttur m'għandu jiddisponi mill-iskart ta' l-ippakkjar qabel ma jkun għamel l-istess skart disponibbli għall-irkupru jew għal użu mill-ġdid.

Produtturi kbar ta' l-ippakkjar.

14. L-Awtorità Kompetenti tista', f'dak li jirrigwarda l-iskart ta' l-ippakkjar li jirriżulta mill-attivitajiet tal-produtturi l-kbar, tobbliga lill-istess produtturi kbar biex:

(i) jipprovdu faċilitajiet adegwati f'kull stabbiliment fejn l-iskart ta' l-ippakkjar ikun jista jiġi depożitat b'xejn mill-konsumatur, u fejn l-istess skart ikun jista jintlaqa', jiġi mifrud u maħżun;

(ii) jilqgħu mingħand kull persuna materjal ta' l-ippakkjar offrut lilhom;

(iii) iqegħdu tabella fuq il-bini biex jindikaw illi l-iskart ta' l-ippakkjar tat-tip mqiegħed minnhom fis-suq, jista jiġi depożitat hemmhekk b'xejn;

(iv) jilqgħu mingħand kull persuna skart ta' l-ippakkjar tat-tip imqiegħed minnhom fis-suq;

(v) jiġbru, jekk jiġi hekk mitlub minnhom, l-iskart ta' l-ippakkjar li jirriżulta minn ippakkjar jew prodotti ippakkjati li huma jkunu jissupplixxu;

(vi) jieħdu dawk il-miżuri biex l-iskart ta' l-ippakkjar milqugħ u/jew miġbur minnhom:

(a) jittieħed lura minn min ikun issupplixxa l-istess ippakkjar, jew

(b) jiġi rkuprat mill-produttur jew min operatur liċenzat biex jirkupra l-iskart, jew

(ċ) ikun disponibbli biex jiġi rkuprat, u dan billi jkun ġie mifrud u offrut mingħajr ħlas lil operaturi li jkollhom liċenza biex jirkupraw l-iskart.

Rendikont.

15. (1) Kull produttur kbir għandu jżomm rendikont għal perjodi ta' tlett snin rigward l-ippakkjar prodott minnu, u l-iskart ta' l-ippakkjar li ġie użat mill-ġdid jew irkuprat minn kull stabbiliment, u l-istess rendikont għandu jispeċifika l-piż ta' kull kategorija ta' l-istess materjal.

(2) Kull produttur kbir li jimporta prodotti ippakkjati, jew li jippakkja jew jimla, għandu jieħu dawk il-miżuri neċessarji biex jiżgura illi ta' l-inqas 40% fil-piż ta' l-ippakkjar li huwa jkun issupplixxa, jiġi ritornat lilu jew miġbur minnu.

Dikjarazzjonijiet dwar l-ippakkjar.

16. (1) Il-produtturi l-kbar għandhom, kull sitt xhur, jipprovdu lill-Awtorità Kompetenti, dikjarazzjoni dwar l-ippakkjar relattiva għall-perjodu tas-sitt xhur ta' qabel, liema dikjarazzjoni għanda tinkludi:

(i) l-isem u l-indirizz tal-produttur li jkun ħa lura l-materjal ta' l-ippakkjar;

(ii) il-piż ta' l-ippakkjar ta' kull kategorija mqiegħda fis-suq;

(iii) il-piż ta' l-ippakkjar ta' kull kategorija li jkun ġie ritornat f'kull stabbiliment;

(iv) deskrizzjoni tas-sistema użata biex l-iskart ta' l-ippakkjar jiġi aċċettat mingħajr ħlas għall-konsumatur, mifrud, maħżun u trasportat;

(v) dettalji ta' xi skema ta' depożitu u rifużjoni intiża biex tassigura li l-ippakkjar jiġi ritornat mill-konsumaturi;

(vi) dettalji dwar kif l-iskart ta' l-ippakkjar f'kull kategorija ġie użat mill-ġdid, irkuprat u/jew riċiklat, u kif dak li kien baqa' żejjed, mormi;

(vii) dettalji dwar il-metodu użat biex il-konsumaturi jkunu mgħarrfa bis-sistema tal-ġbir ta' l-iskart;

(viii) informazzjoni dwar il-livell ta' konċentrament ta' ċomb, kadmju, merkurju u *hexavalent chromium* fl-ippakkjar, kif ukoll dwar il-presenza ta' sustanzi noċivi jew perikoluż u materjal ieħor definit f'xi Liġi jew regolament ieħor;

(ix) informazzjoni dwar l-iskart ta' l-ippakkjar li ma jkunx jista' jiġi rkuprat peress illi jkun ikkunsidrat bħala perikoluż minħabba kontaminazzjoni mill-prodott li jkun ġewwa fih;

(x) deskrizzjoni dwar il-metodu użat fil-ġbir ta' l-informazzjoni li jkun hemm fid-dikjarazzjoni, flimkien ma' dettalji ta' xi stimi użati fil-kalkolu tal-kwantità u r-rati ta' l-iskart ta' l-ippakkjar li jkun ġie rkuprat u riċiklat u tar-rati dwar kemm l-istess skart ikun reġa ġie użat mill-ġdid;

(xi) kull informazzjoni oħra meqjusa bħala rilevanti u mitluba mill-Awtorità Kompetenti.

(2) L-Awtorità Kompetenti tista' tispeċifika l-format li fih din l-informazzjoni għandha tingħata.

(3) L-Awtorità Kompetenti għandha tagħmel dawn ir-rapporti disponibbli skond il-provvedimenti tar-Regolamenti ta'l-2001 dwar il-Libertà ta' l-Aċċess għall-Informazzjoni dwar l-Ambjent. A.L. 217 ta' l-2001.

Parteċipazzjoni fi skema ta' l-irkupru ta' l-iskart ta' l-ippakkjar.

17. L-Awtorità Kompetenti tista' teżenta lill kull produttur mill-provvedimenti ta' dawn ir-regolamenti, kemm il-darba l-istess produttur juri lill-Awtorità Kompetenti li huwa jipparteċipa fi skema approvata ta' l-irkupru ta' l-iskart.

Ftehim iffirmat ma' operatur ta' skema ta' l-irkupru ta' l-iskart.

18. (1) Jekk produttur jagħżel li juża skema ta' l-irkupru ta' l-iskart eżistenti u approvata, huwa għandu jissottometti lill-Awtorità Kompetenti kopja ffirmata tal-ftehim ma' l-operatur ta' l-iskema ta' l-irkupru ta' l-iskart approvata biex jiġi verifikat jekk l-iskema hijiex kompatibbli mal-provvedimenti ta' dawn ir-regolamenti.

(2) Il-produttur għandu wkoll, kull sitt xhur, jissottometti lill-Awtorità Kompetenti dikjarazzjoni ffirmata mill-operatur ta' l-iskema ta' l-irkupru ta' l-iskart, li l-attivitajiet tiegħu huma konformi mal-provvedimenti ta' dawn ir-regolamenti.

(3) L-operatur ta' l-iskema ta' l-irkupru ta' l-iskart msemmija fis-subregolamenti (1) ta' dan ir-regolament għandu:

(i) jintrabat li jopera skond il-provvedimenti tal-Ligijiet u regolamenti oħra, dak li jkun maqbul ma' u f'isem il-produttur;

(ii) ta' kull sitt xhur, jipprovdi lill-Awtorità Kompetenti l-informazzjoni mitluba fis-subregolament (1) tar-regolament 16, li għandu japplika *mutatis mutandis* bħal fil-każ tal-produttur;

(iii) ta' kull sitt xhur, jipprovdi lill-Awtorità Kompetenti konferma li l-attivitajiet tal-produttur huma konformi mal-provvedimenti ta' dawn ir-regolamenti.

(4) L-Awtorità Kompetenti tista' tispeċifika l-format li din l-informazzjoni għandha tingħata fih.

A.L. 217 ta' l-2001.

(5) L-Awtorità Kompetenti għandha tagħmel dawn ir-rapporti disponibbli skond il-provvedimenti tar-Regolamenti ta'l-2001 dwar il-Libertà ta' l-Aċċess għall-Informazzjoni dwar l-Ambjent.

Sistema ta' sinjali u identifikazzjoni.

19. (1) Il-produtturi għandhom jaċċertaw li t-tip ta' materjal ta' l-ippakkjar ikun indikat fuq l-istess ippakkjar, u dan biex l-istess materjal ikun jista jiġi identifikat u kklassifikat biex jiġi aġevolat il-ġbir, l-użu mill-ġdid, l-irkupru u r-riċiklaġġ ta' l-iskart ta' l-ippakkjar.

(2) Il-produtturi għandhom jaċċertaw illi fuq l-ippakkjar jew fuq it-tabella, ikun hemm dawk is-sinjali neċessarji skond il-provvedimenti tal-Ligijiet u regolamenti. Dawn is-sinjali għandhom ikunu ċari u faċilment leġibbli, u ta' kwalità u reżistenza suffiċjenti, anke meta l-ippakkjar jinfetaħ.

L-obbligi ta' min juża u tal-konsumaturi.

20. Kull minn juża u jikkonsma l-ippakkjar, u kull min iżomm skart ta' l-ippakkjar għandu jikkopera u jipparteċipa f'kull sistema intiża għal użu mill-ġdid, irkupru u riċiklaġġ ta' skart ta' l-ippakkjar. Għal dan il-għan, huma għandhom jifirdu, jiddepożitaw u jirritornaw l-ippakkjar kif mitlub minnhom.

Permess għal operaturi ta' skemi ta' rkupru ta' skart ta' l-ippakkjar.

21. (1) Kull persuna li tixtieq tħaddem skema ta' rkupru ta' l-iskart ta' l-ippakkjar, inkluż il-ġbir, l-issortjar, il-ħażna, l-esportazzjoni, l-irkupru u r-riċiklaġġ ta' skart ta' l-ippakkjar fuq inkarigu ta' produtturi, għandha tottjeni permess maħrug mill-Awtorità Kompetenti skond il-

provvedimenti tar-Regolamenti ta' l-2001 dwar il-Permessi u Kontrolli fil-Maniġġar ta' Skart.

(2) Mingħajr preġudizzju għall-provvedimenti tar-Regolamenti ta' l-2001 dwar il-Permessi u Kontrolli fil-Maniġġar ta' Skart, kull persuna li tapplika għal dan il-permess, għandha tipprovdi lill-Awtorità Kompetenti b'din l-informazzjoni, skond il-każ:

(a) kopja tal-Memorandum u l-Istatut ta' l-Assoċjazzjoni;

(b) kopja ta' permess għall-izvilupp validu maħruġ taħt l-Att dwar l-Ippjanar;

(ċ) deskrizzjoni tas-sistema proposta li tkun ser taċċetta mingħajr l-ebda ħlas għall-konsumatur, tifred, taħżen u tittrasporta l-iskart ta' l-ippakkjar;

(d) dettalji ta' xi skema ta' depożitu u rifużjoni, jew skema oħra, intiża biex tassigura li l-ippakkjar jiġi ritornat mill-konsumaturi;

(e) pjan finanzjarju dwar l-iskema proposta;

(f) il-piżijiet fuq bażi annwali ta' l-iskart ta' l-ippakkjar maqsum f'kategoriji, u li ser ikun użat mill-ġdid, irkuprat u riċiklat;

(g) miri rigward l-irkupru ta' l-iskart skond l-istess skema, liema miri għandom ikunu maħduma fuq bażi annwali;

(h) proposti dwar kif ser ikunu determinati u verifikati l-livelli ta' rkupru ta' skart ta' l-ippakkjar, inkluż l-istimi u s-supposizzjonijiet li ser jintużaw fil-proċess;

(i) proposti dwar iċ-ċertifikazzjoni tal-produtturi li ser jagħmlu użu mill-iskema;

(j) proposti dwar kif l-informazzjoni mitluba fir-regolament 16 ta' dawn ir-regolamenti ser tinġabar u tingħata lill-Awtorità Kompetenti;

(k) kull informazzjoni oħra meqjusa bħala rilevanti u mitluba mill-Awtorità Kompetenti.

(3) L-Awtorità Kompetenti tista' tispeċifika l-format li fih din l-informazzjoni għandha tingħata.

A.L. 217 ta' l-2001.

(4) L-Awtorità Kompetenti għandha tagħmel dawn ir-rapporti disponibbli skond il-provvedimenti tar-Regolamenti ta'l-2001 dwar il-Libertà ta' l-Aċċess għall-Informazzjoni dwar l-Ambjent.

Servizzi offruti min operaturi ta' skemi.

22. Is-servizzi offruti minn operaturi ta' skemi ta' rkupru ta' skart ta' l-ippakkjar għandhom ikunu:

(a) disponibbli għall-produtturi kollha, inklużi importaturi ta' l-ippakkjar, mingħajr ebda diskriminazzjoni, u għandhom josservaw il-prinċipji ta' kompetizzjoni ġusta kif provdut fir-regolamenti relevanti; u

(b) għandhom jieħdu in konsiderazzjoni, u b'mod partikolari, il-ħarsien ta' l-ambjent u tas-saħħa, is-sigurtà u l-iġene tal-konsumatur, il-protezzjoni tal-kwalità, l-awtentiċità u l-karatteristiċi tekniċi tal-prodotti ppakkjati u tal-materjal użat, u l-protezzjoni tad-drittijiet kummerċjali u industrijali.

Reati taħt dawn ir-regolamenti.

23. Persuna tkun ħatja ta' reat taħt dawn ir-regolamenti jekk:

(a) tonqos milli tikkonforma ruħha ma xi disposizzjoni ta' dawn ir-regolamenti jew tonqos milli tikkonforma ruħha mal-kundizzjonijiet tal-permess jew ma' xi ordni mogħtija leġittimament skond xi disposizzjoni ta' dawn ir-regolamenti; jew

(b) tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposti minn jew taħt dawn ir-regolamenti; jew

(ċ) taġixxi bi ksur ta' xi disposizzjoni ta' dawn ir-regolamenti; jew

(d) tikkonfoffa jew tittanta, jew tgħin jew tħajjar lil xi ħadd ieħor b'liema mezz ikun, inkluż ir-reklamar, l-għoti ta' pariri jew ta' flus biex jinkisru d-disposizzjonijiet ta' dawn ir-regolamenti jew biex persuna tonqos milli tikkonforma ma' dawk id-disposizzjonijiet (inkluża kull ordni leġittimament mogħtija skond xi disposizzjoni ta' dawn ir-regolamenti) jew biex tikser xi

restrizzjoni, projbizzjoni jew ħtieġa imposti minn jew taħt dawn ir-regolamenti.

Pieni.

24. Kull min jagħmel reat taħt dawn ir-regolamenti jista, meta jinsab ħati, jeħel:

(a) meta jinsab ħati għall-ewwel darba, multa ta' mhux anqas minn ħames mitt lira (Lm500) iżda mhux iżjed minn elf lira (Lm1,000);

(b) meta jinsab ħati għat-tieni darba jew iżjed drabi, multa ta' mhux anqas minn elf lira (Lm1,000) iżda mhux iżjed minn elfejn lira (Lm2,000) jew għal priġunerija għal żmien mhux iżjed minn sentejn, jew għal dik il-multa u priġunerija flimkien:

Iżda kull meta persuna tinsab ħatja li tkun għamlet reat taħt dawn ir-regolamenti permezz ta' xi vettura, sid dik il-vettura, għandu meta dan ikun japplika, jinżamm responsabbli bl-istess mod u fl-istess grad;

Iżda wkoll il-qorti tista' tordna lil kull min ikun instab ħati li għamel reat kontra dawn ir-regolamenti li jħallas dawk l-ispejjeż li l-Awtorità Kompetenti tkun għamlet u li huma msemmija f'dawn ir-regolamenti bħala riżultat ta' dak ir-reat, ir-revoka tal-permess maħruġ mill-Awtorità Kompetenti u l-konfiska tal-*corpus delicti*, inkluża l-vettura, jekk dan ikun japplika.

Applikabilità ta' Kap. 9

25. (1) Id-disposizzjonijiet ta' l-artikoli 23 u 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, ikunu japplikaw għal proċeduri dwar reati kontra dawn ir-regolamenti, hekk illi l-iskwalifika milli tinżamm jew tinkiseb liċenza, permess jew xi awtorità, ma' għandhom f'ebda każ ikunu għal inqas minn sena.

(2) Minkejja d-disposizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond ma jista jkun il-każ, u għandhom ikunu skond id-disposizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-Qrati, bħala Qrati ta' ġudikatura kriminali.

(3) Minkejja d-disposizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' Appell quddiem il-Qorti ta' l-Appell Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar proċedimenti għal xi reat kontra dawn ir-regolamenti.

Lista ta' Skedi.

26. L-Iskedi I u II li jinsabu ma' dawn ir-regolamenti qegħdin jiġu ppubblikati fil-lingwa Ingliża flimkien mat-test Ingliż ta' dawn ir-regolamenti.

ENVIRONMENT PROTECTION ACT, 2001
(CAP. 435)

Waste Management (Packaging and Packaging Waste) Regulations, 2003

BY VIRTUE of the powers conferred by articles 6, 9 and 11 of the Environment Protection Act, 2001, hereinafter referred as "the Act", the Minister for Rural Affairs and the Environment has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Waste Management (Packaging and Packaging Waste) Regulations, 2003.

(2) Unless otherwise provided in the provisions of these regulations, these regulations shall come into force on such date as the Minister responsible for the environment may, by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

Scope.

2. (1) These regulations shall apply to all packaging placed on the market in Malta and all packaging waste, whether it is used or released at industrial, commercial, office, shop, service, household or any other level, regardless of the material used, unless such packaging is expressly excluded from the application of these regulations. These regulations shall not apply to packaging not intended for placing on the market in Malta.

(2) These regulations shall, until 31st December, 2007, not apply to packaging of non-alcoholic beverages, as defined in Non-alcoholic Beverages (Control of Containers) Regulations, 1998. Until such date, such packaging shall continue to be regulated by the Non-alcoholic Beverages (Control of Containers) Regulations, 1998.

L.N. 158 of 1998.

(3) After the 31st of December, 2007, all packaging, including non-alcoholic beverages, shall be regulated by these regulations which shall, in any case, apply without prejudice to any other existing laws or regulations.

Interpretation.

3. (1) In these regulations, unless the context otherwise requires:

"authorised packaging waste recovery scheme" means a recovery scheme for packaging waste that is operated by a person that has a valid waste management permit under the Waste Management (Permit and Control) Regulations, 2001;

"categories of packaging" means glass, aluminium, steel, paper and fibreboard, plastics, wood and textiles, or such other categories as may be from time to time be specified by the Competent Authority. An item of packaging waste shall be deemed to be comprised of the constituent material which is proportionally largest by weight;

"Competent Authority" means the Malta Environment and Planning Authority and such other body or person as the Minister may by order in the Gazette, prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

"composite" means packaging made of different materials, and which cannot be separated by hand;

"to convert" means to use or modify packaging or packaging material in the production or formulation of packaging;

"energy recovery" means the use of combustible packaging waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

"filler" or "packer" means a person who puts goods into packaging, and "fill" and "pack" shall be construed accordingly;

"incidental presence" means the presence of a metal as an unintended ingredient of a packaging or packaging component;

"intentional introduction" means the act of deliberately utilising a substance in the formulation of a packaging or a packaging component where its continued presence is desired in the final packaging or packaging component to provide a specific characteristic, appearance or quality. The use of recycled materials as feedstock for the manufacture of new packaging materials, where some portion of the recycled materials may contain amounts of regulated metals, is not considered intentional introduction;

"major producer" means a person who for the purpose of trade or otherwise in the course of business, imports, manufactures, converts, distributes, fills, packs, sells or otherwise supplies to other persons or otherwise puts on the Maltese market packaging material or packaging, or packaged products, where the aggregate weight of packaging material and packaging exceeds or may be expected to exceed 25 tonnes in a calendar year;

"Minister" means the Minister responsible for the environment;

"organic recycling" means the aerobic (composting) or anaerobic (biomethanization) treatment, under controlled conditions and using microorganisms, of the biodegradable parts of packaging waste, which produces stabilized organic residues or methane. Landfill shall not be considered a form of organic recycling;

"packaging waste" means any packaging or packaging material covered by the definition of waste in the Waste Management (Permit and Control) Regulations, 2001, excluding production residues;

"packaging" means all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. "Non-returnable" items used for the same purposes shall also be considered to constitute packaging;

"packaging" consists only of –

(a) sales packaging or primary packaging, which is packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;

(b) grouped packaging or secondary packaging, which is packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics;

(c) transport packaging or tertiary packaging, which is packaging conceived so as to facilitate handling and

transport of a number of sales units or grouped packagings in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers;

"prevention" means the reduction of the quantity and of the harmfulness for the environment of:

- materials and substances contained in packaging and packaging waste,

- packaging and packaging waste at production process level and at the marketing, distribution, utilization and elimination stages,

in particular by developing "clean" products and technology;

"producer" means a person who for the purpose of trade or otherwise in the course of business, imports, manufactures, converts, distributes, fills, packs, sells or otherwise supplies to other persons or otherwise puts on the Maltese market packaging material or packaging, or packaged products; and "produce" shall be construed accordingly;

"product loops which are in a closed and controlled chain" means product loops in which products circulate with a controlled reuse and distribution system and in which the recycled material originates only from these entities in the chain so that the introduction of external material is just the minimum technically feasible and from which these entities may only be removed in a specially authorised procedure so that return rates are maximised;

"recycling" means the reprocessing in a production process of the waste materials for the original purpose or for other purposes including organic recycling but excluding energy recovery;

"reuse" means any operation whereby packaging, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the packaging to be refilled; such reused packaging will become packaging waste when no longer subject to reuse;

"seller" means a person who supplies packaging to a user or a consumer of that packaging, whether or not the filling of the

package has taken place at the time of the supply, and "sell" shall be construed accordingly.

(2) All other terms shall have the same meaning as that assigned to them in regulation 2 of the Waste Management (Permit and Control) Regulations, 2001.

Essential requirements of packaging.

4. (1) Producers shall import, manufacture, supply or use packaging material and packaging only if it complies with all essential requirements defined by these regulations .

(2) Packaging shall be deemed to comply with the essential requirements of Schedule 1 to these regulations if it complies with harmonised standard EN 13428:2000 or EN 13432:2000. Users of harmonised standard EN 13428:2000 shall note that this standard does not cover the essential requirements of the said Schedule, as specified in the first and third indents of the said Schedule .

(3) Sub-regulation (1) hereat does not apply to packaging that was used for a given product prior to the 31st December, 1999.

Concentration levels of regulated metals in packaging.

5. (1) Producers shall not import, manufacture, supply or use packaging material and packaging if the aggregate concentrations of lead, cadmium, mercury and hexavalent chromium present in each packaging material or packaging exceeds 100 parts per million (ppm) by weight.

(2) The concentration levels referred to in sub-regulation (1) hereat shall not apply to packaging entirely made of lead crystal glass as defined in the relevant regulations.

Derogation for plastic crates and plastic pallets.

6. (1) Without prejudice to regulation 5 of these regulations, plastic crates and plastic pallets shall, until the 8th February, 2009, be allowed to exceed the limits of 100 ppm by weight of the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium. This provision applies exclusively to plastic crates and plastic pallets used in product loops which are in a closed and controlled chain.

(2) Plastic crates and plastic pallets referred to in sub-regulation (1) hereat shall have been:

(a) manufactured in a controlled recycling process, in which the recycled material originates only from other plastic crates or plastic pallets and in which the introduction of external material

is just the minimum technically feasible, up to a maximum of 20% by weight. Returned entities that are no longer reusable shall be treated in accordance with paragraph (b) hereof:

Provided that no lead, cadmium, mercury or hexavalent chromium shall be intentionally introduced as an element during the manufacture or distribution as opposed to the incidental presence of any of these elements:

Provided further that the plastic crate or plastic pallet to which this derogation applies may only exceed the concentration limits as a result of the addition of recycled materials;

(b) introduced in a controlled distribution and reuse system complying with the following conditions:

(i) new plastic crates or pallets containing the regulated metals shall be identified in a permanent and visible way,

(ii) the producer establishes to the satisfaction of the Competent Authority a system of inventory and record keeping, including a method of regulatory and financial accountability, to document the compliance with this derogation including the return rates, that is the percentage of returnable entities which are not discarded after use but are returned to the manufacturer or packer and, or filler or an authorised representative. Such return rate shall be as high as possible and shall in no case be lower than 90% over the life cycle of the plastic crates or plastic pallets. The system shall account for all the reusable entities put into, and removed from service,

(iii) all returned entities that are no longer reusable shall be either disposed of by a procedure specifically authorised by the Competent Authority or be recycled in a recycling process, in which the recycled material is made up of plastic crates or plastic pallets in the circuit, and the introduction of external material is the minimum technically feasible, up to a maximum of 20% by weight,

(iv) the person who places the product on the market shall draw up and submit to the Competent Authority on an annual basis a written declaration of conformity, including an annual report demonstrating how the conditions of this derogation have been complied with. Possible changes to the

system and to authorised representatives shall be contained therein,

(v) the person who places the product on the market shall make this documentation at the disposal of the Competent Authority for inspection purposes for at least four years.

Derogation for glass packaging.

7. Without prejudice to regulation 5 hereat, glass packaging shall, until the 30th June, 2006, be allowed to exceed the limit of 100 ppm by weight of the sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium.

Provided that:

(a) no lead, cadmium, mercury or hexavalent chromium shall be intentionally introduced during the manufacturing process. The packaging material may only exceed the concentration limits because of the addition of recycled materials;

(b) where the average heavy metals concentrations levels on any twelve consecutive monthly controls made from the production of each individual glass furnace, representative of normal and regular production activity, exceeds the 200 ppm limit, the manufacturer or this authorised representative who places the product on the Market shall submit a report to the competent authority;

(ċ) such report as is mentioned in paragraph (b) of this proviso shall provide information as to:-

- measure values,

- description of measurement methods employed,

- suspected sources for the presence of heavy metals concentration levels,

- detailed description of the measures taken to reduce the heavy metals concentration levels;

(d) measurement results from production sites and measurement methods employed shall be made available at any time to the Competent Authority if requested.

Recovery and recycling targets.

8. The Competent Authority shall, by means of economic or other instruments as it deems appropriate and in consultation with producers and industry organisations and as the Minister may prescribe, ensure that:

(a) by the 1st May, 2004:

(i) 20% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 18% as a minimum and 45% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 25% by weight for glass contained in packaging waste, 27% by weight for metals contained in packaging waste, 5% by weight for plastics contained in packaging waste, 25% by weight for paper and board contained in packaging waste.

(b) by the 31st December, 2004:

(i) 27% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 21% as a minimum and 45% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 30% by weight for glass contained in packaging waste, 31% by weight for metals contained in packaging waste, 5% by weight for plastics contained in packaging waste, 30% by weight for paper and board contained in packaging waste;

(c) by the 31st December, 2005:

(i) 28% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 25% as a minimum and 45% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 35% by weight for glass contained in packaging waste, 34% by weight for metals contained in packaging

waste, 5% by weight for plastics contained in packaging waste, 35% by weight for paper and board contained in packaging waste.

(d) by the 31st December, 2006:

(i) 34% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 29% as a minimum and 45% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 43% by weight for glass contained in packaging waste, 38% by weight for metals contained in packaging waste, 7% by weight for plastics contained in packaging waste, 42% by weight for paper and board contained in packaging waste;

(e) by the 31st December 2007:

(i) 41% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 35% as a minimum and 45% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 50% by weight for glass contained in packaging waste, 41% by weight for metals contained in packaging waste, 10% by weight for plastics contained in packaging waste, 50% by weight for paper and board contained in packaging waste;

(f) by the 31st December, 2008:

(i) 47% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 41% as a minimum and 45% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 55% by weight for glass contained in packaging waste, 46% by weight for metals contained in packaging waste, 13% by weight for plastics contained in packaging

waste, 60% by weight for paper and board contained in packaging waste;

(ġ) by the 31st December, 2009:

(i) 51% as a minimum and 65% as a maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recovered; and

(ii) 45% as a minimum and maximum by weight of all packaging waste resulting from packaging and packaging material put on the market be recycled with a minimum of 60% by weight for glass contained in packaging waste, 50% by weight for metals contained in packaging waste, 15% by weight for plastics contained in packaging waste, 65% by weight for paper and board contained in packaging waste.

Database for packaging.

9. The Competent Authority shall maintain a database containing annual records about packaging and packaging waste according to the format specified in Schedule 2 to these regulations.

Obligations of Competent Authority.

10. In fulfilling the obligations arising from these regulations, the Competent Authority, in consultation with producers and industry organisations as it deems appropriate and as the Minister may prescribe, shall -

(i) implement programmes to reduce the formation of packaging waste;

(ii) take measures to encourage reuse systems of packaging, which can be reused in an environmentally sound manner in accordance with these and other relevant regulations;

(iii) encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products;

(iv) conduct information campaigns for users or consumers and producers of packaging on :

(a) the measures and targets referred to in these regulations,

(b) the return, collection and recovery systems available to them,

(c) their role in contributing to reuse, recovery and recycling of packaging and packaging waste,

(d) the meaning of markings on packaging existing on the market,

(e) the appropriate elements of the management plans for packaging and packaging waste as referred to in these regulations.

Freedom to place on the market.

11. Without prejudice to other existing laws and regulations, the Competent Authority shall not impede the placing on the market of packaging that satisfies the provisions of these regulations.

Charging of fees by Competent Authority.

12. The Competent Authority may charge producers such fees as necessary to cover the costs of the administration of these regulations.

Producers of packaging.

13. (1) All producers must take such steps as are practicable to secure the recovery of packaging waste arising from their activities. All producers must arrange to have such waste:

(i) taken back by a supplier, or

(ii) recovered, or

(iii) made available for recovery, namely that it is segregated, offered free of charge to recyclers and stored pending collection by a recycler.

(2) no producer shall dispose of such packaging waste without first making it available for reuse or recovery.

Major Producers of packaging.

14. The Competent Authority may, with respect to packaging waste arising from their activities, require any major producers to:

(i) provide adequate facilities at each premises for the deposition of packaging by customers at no net cost to the latter, and for the reception, segregation and storage of packaging waste;

(ii) accept back from any person, any packaging material offered to them;

(iii) display a notice on each premises indicating that packaging waste of the type placed on the market by the producer will be accepted, free of charge;

(iv) accept from any person, waste packaging of the type supplied by that producer;

(v) collect upon request, packaging waste from any other producer to whom packaging or packaged products are supplied by the producer;

(vi) arrange for the waste packaging so accepted and/or collected to be:

(a) taken back by a supplier of such packaging, or

(b) recovered by the producer or by a licensed recovery operator,

or

(c) made available for recovery, namely to be segregated, offered free of charge to waste recoverers.

Records.

15. (1) A major producer must keep three-year records in relation to packaging produced and packaging waste reused or recovered at each premises, by weight for each category of material specified.

(2) A major producer who imports packaged products, or is a packer and or filler must take the necessary steps to ensure that the amount of packaging waste returned to him or collected is not less than 40% by weight of packaging supplied by that major producer.

Packaging declaration.

16. (1) Major producers shall every six months, provide the Competent Authority with a packaging declaration for the previous six months, which shall include the following information:

(i) names and addresses of producers who took back packaging material;

(ii) weights of packaging in each category put on the market;

(iii) weights of packaging waste in each category taken back at each premises;

(iv) a description of the system provided for the acceptance, at no net cost to the consumer, segregation, storage and transportation of the packaging waste;

(v) details of any deposit-refund scheme or other scheme adopted in order to ensure the return of packaging by consumers;

(vi) how the packaging waste in each category was reused, recovered and, or recycled, and how the balance was disposed of;

(vii) how the consumers were informed of his packaging waste collection service;

(viii) information about concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging, and the presence of noxious and other hazardous substances and materials as defined in any existing laws and regulations;

(ix) information about packaging waste considered as hazardous due to contamination by product contents, in particular if it is not suitable for recovery;

(x) a description of how the above data has been compiled, indicating any estimations used in the calculation of the quantities and rates of packaging waste recovered and recycled and of the rates of reuse;

(xi) any other additional relevant information as required by the Competent Authority.

(2) The Competent Authority may specify the format in which such information is to be made available.

(3) The Competent Authority shall make these reports available in accordance with the Freedom of Access to Information on the Environment Regulations, 2001.

Participation in a packaging waste recovery scheme.

17. The Competent Authority may exempt a producer from all or part of these regulations provided the producer provides evidence to the Competent Authority of participating in an authorised packaging waste recovery scheme.

Signed agreement with operator of a packaging waste recovery scheme.

18. (1) If a producer chooses to make use of an existing authorised waste recovery scheme, he shall be required to submit to the Competent Authority a signed agreement with the operator of the authorised waste recovery scheme to prove that the scheme complies with the provisions of these regulations.

(2) The producer shall moreover submit to the Competent Authority every six months a statement of compliance with the provision of these regulations, signed by the operator of the packaging waste recovery scheme.

(3) The operator of the packaging waste recovery scheme referred to in subregulation (1) of this regulation shall :

(i) bind himself to carry out the activities agreed to and on behalf of the producer in accordance with any existing laws and regulations,

(ii) provide the Competent Authority every six months with the information referred to in sub-regulation (1) of regulation 16 as it applies *mutatis mutandis* to the producer, and

(iii) provide to the Competent Authority every six months basis a statement of compliance of the producer with the provisions of these regulations.

(4) The Competent Authority may specify the format in which such information is to be made available.

(5) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2001.

Marking and identification system.

19. (1) Producers shall ensure that the nature of any packaging material used is indicated on the packaging for the purposes of its identification and classification in order to facilitate the collection, reuse and recovery including recycling of packaging waste.

(2) Producers shall ensure that packaging bears the appropriate marking either on the packaging itself or on the label according to any existing laws and regulations. Such marking shall be clearly visible and easily legible, appropriately durable and lasting, including when the packaging is opened.

Duty of users and consumers of packaging.

20. The users and consumers of packaging and the holders of packaging waste shall cooperate with, and participate in any system set up for the reuse, recovery and recycling of packaging waste. Accordingly, they shall segregate, deposit and return packaging as required by the system.

Permit required by operators of packaging waste recovery schemes.

21. (1) Persons who intend to operate a packaging waste recovery scheme as required under these regulations, including the collection, sorting, storage, export, recovery and recycling of packaging waste on behalf of producers shall require and obtain a valid permit from the Competent Authority in terms of the Waste Management (Permit and Control) Regulations, 2001.

Application for permit to operate a packaging waste recovery scheme.

(2) Without prejudice to the Waste Management (Permit and Control) Regulations, 2001, in applying for such a permit, any such person shall provide the Competent Authority with the following information as applicable:

(a) a copy of the memorandum of 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 acceptance, at no net cost to the consumer, segregation, storage and transportation of the packaging waste;

(d) details of any deposit-refund scheme or other scheme adopted in order to ensure the return of packaging by consumers;

(e) a financial plan in relation to the proposed scheme;

(f) annual weights of packaging waste in each category to be reused, recovered and recycled;

(g) annual packaging waste recovery targets to be achieved under the proposed scheme;

(h) proposals for determining and verifying the level of recovery of packaging waste under the proposed scheme, including estimations and assumptions to be made in this process;

(i) proposals for the certification of producers who will make use of this scheme;

(j) proposals of how the information in regulation 16 hereof will be compiled and made available to the Competent Authority;

(k) any other relevant information requested by the Competent Authority.

(3) The Competent Authority may specify the format in which such information is to be made available.

(4) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2001.

Services offered by scheme operators.

22. The services offered by operators of packaging waste recovery schemes shall:

(a) be available to all producers, including importers of packaging, under non-discriminatory conditions and shall be designed so as to avoid any barriers to trade or distortions of competition in conformity with the relevant regulations; and

(b) take into account, in particular, requirements regarding the protection of environmental and consumer health, safety and hygiene, the protection of the quality, the authenticity and the technical characteristics of the packed goods and materials used; and the protection of industrial and commercial property rights.

Offences under these regulations.

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

(a) he fails to comply with any provision 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 provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties

24. 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 five hundred Maltese liri (Lm500), but not exceeding one thousand Maltese liri (Lm1,000);

(b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than one thousand Maltese liri (Lm1,000), but not exceeding two thousand Maltese liri (Lm2,000), 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, is 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.

Applicability of Cap. 9.

25. (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.

(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.

(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.

Language of Annexes.

26. Schedules I and II that are annexed to these regulations are being published in the English language with the English text of these regulations.

SCHEDULE 1

ESSENTIAL REQUIREMENTS ON THE COMPOSITION AND THE REUSABLE AND RECOVERABLE, INCLUDING RECYCLABLE, NATURE OF PACKAGING

1. Requirements specific to the manufacturing and composition of packaging:

- Packaging shall be so manufactured that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer.

- Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.

- Packaging shall be so manufactured that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimized with regard to their presence in emissions, ash or leachate when packaging or residues from management operations or packaging waste are incinerated or landfilled.

2. Requirements specific to the reusable nature of packaging:

The following requirements must be simultaneously satisfied:

- the physical properties and characteristics of the packaging shall enable a number of trips or rotations in normally predictable conditions of use,

- possibility of processing the used packaging in order to meet health and safety requirements for the workforce,

- fulfil the requirements specific to recoverable packaging when the packaging is no longer reused and thus becomes waste.

3. Requirements specific to the recoverable nature of packaging:

(a) *Packaging recoverable in the form of material recycling*

Packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used into the manufacture of marketable products, in compliance with current standards in the European Community. The establishment of this percentage may vary, depending on the type of material of which the packaging is composed.

(b) *Packaging recoverable in the form of energy recovery*

Packaging waste processed for the purpose of energy recovery shall have a minimum inferior calorific value to allow optimization of energy recovery.

(c) *Packaging recoverable in the form of composting*

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should not hinder the separate collection and the composting process or activity into which it is introduced.

(d) *Biodegradable packaging*

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water.

SCHEDULE 2

DATA TO BE INCLUDED BY THE COMPETENT AUTHORITY IN ITS DATABASE ON PACKAGING AND PACKAGING WASTE

(IN ACCORDANCE WITH TABLES 1 TO 5)

Table 1:Quantity of packaging placed on the market within Malta, tonnes

Material		Production of empty packaging	Imports (empty packaging plus filled packaging)	Exports (empty packaging plus filled packaging)	Quantity placed on the market
(1)		(2)	(3)	(4)	(5)
GLASS					
PLASTIC	PET				
	PE				
	PVC				
	PP				
	PS				
	Other				
	Total				
PAPER & FIBREBOARD					

METALS	Steel				
	Aluminium				
	Total				
COMPOSITES					
WOOD					
OTHER					
TOTAL					

NOTE: Shaded boxes are to be completed on a voluntary basis.

1. Columns 2, 3 and 4 are to be completed in case the methodology used to complete column 5 refers to production and to imports and exports statistics

2. Columns 3 and 4 may be split into empty and filled packaging

3. The data referring to the split into different plastic categories, to the split of metals into steel and aluminium, to the item on composites and to the item on wood are to be compiled on a voluntary basis

4. Data on composites may be either included according to the predominant material by total weight or separately specified.

Table 2: Reusable packaging

Material	Type of packaging	Product	Quantity of product in reusable packaging	Total quantity of product in reusable and in same type one way packaging	Units of reusable in circulation	Mean annual trip figure	Life time	Units of same type one way packaging put on the market
GLASS	bottles	drinks						
		other						
	containers							
PLASTICS	Drums – barrels >20L <250L	Food						
		Non-food						
	Barrels >250 L	Food						
		Non-food						
	Big bags							
	Bottles	Drinks						
		Other						
	Boxes							
	Containers							
	Crates							
	Pallets							
FIBREBOARD	Bottles							

		Barrels							
		Containers							
		Pallets							
METALS	aluminium	Containers drums <50 L	Food						
			Non-food						
		Containers drums >50 L - <300L	Food						
			Non-food						
	steel	Containers drums <50 L	Food						
			Non-food						
		Containers drums >50 L - <300L	Food						
			Non-food						
WOOD		Boxes							
		Crates							
		Drums							
		Pallets-boxes							

NOTE: Black boxes are considered not relevant in all cases. Shaded boxes are to be completed on a voluntary basis.

The table is intended only for those product and/or packaging categories which are considered by the Competent Authority relevant in the context of the reuse of packaging. Accordingly, the columns on packaging types and products intended to encompass the potentially

relevant ones in the reuse area, but only those items pertinent in the context of the national reuse systems are to be filled. If necessary the headings may be adapted to the actual systems.

If the data is available the general items drinks/food/non-food may be split into generic elements such as mineral water, soft drinks, milk, alcoholic beverages, meat, fish, detergent powder, etc.

The data to be provided and their accuracy should be in line with their availability and the costs involved and may be adapted to local situations.

'Units in circulation': means the number of units circulating in the return scheme

'Annual trip figure': means the average annual number of rotations the units accomplish

Quantities relating to drinks/liquids will be given in Litres, and in Kilograms in all cases.

Table 3: Quantities of packaging waste (in tonnes) arising and managed in Malta

Material		Total	Sorted for recycling	Recovered by						Disposed by	
				Organic recycling	Other forms of recycling	Total recycling	Energy recovery	Other forms of recovery	Total recovery	Incineration	Landfill
GLASS											
PLASTIC	PET										
	PE										
	PVC										
	PP										
	PS										
	Other										
	Total										
PAPER & FIBREBOARD											
METALS	Aluminium										
	Steel										
	Total										
COMPOSITES											
WOOD											
OTHER											
TOTAL											

NOTE: Black boxes are considered not relevant in all cases. Shaded boxes are to be completed on a voluntary basis.

The data to be included concerning the weight of packaging waste recycled or recovered refer to the inputs of packaging waste to an effective recycling or recovery process.

Only waste originating from packaging placed on the market may be considered for the calculation of these inputs, excluding any kind of production residues from the production of packaging or of packaging materials or from any other production process.

The split of data on organic recycling, other forms of recycling, energy recovery and other forms of recovery, incineration and landfill, as well as the data required under the column heading "sorted for recycling", shall be made on a voluntary basis.

The provision of data required in the columns headed "total", "total recycling"and "total recovery" shall be obligatory. The packaging materials for which the provision of data is obligatory shall be glass, plastics, paper and fibreboard and metals.

Table 4: Monitored quantities of packaging waste (in tonnes) arising within Malta and recovered outside Malta

Material		Recovered by					
		Organic recycling	Other forms of recycling	Total recycling	Energy recovery	Other forms of recovery	Total recovery
GLASS							
PLASTIC	PET						
	PE						
	PVC						
	PP						
	PS						
	Other						
	Total						
PAPER & FIBREBOARD							
METALS	Aluminium						
	Steel						
	Total						
COMPOSITES							
WOOD							
OTHER							
TOTAL							

NOTE: Black boxes are considered not relevant in all cases. Shaded boxes are to be completed on a voluntary basis.

The data to be included concerning the weight of packaging waste recycled or recovered refer to the inputs of packaging waste to an effective recycling or recovery process.

Only waste originating from packaging placed on the market may be considered for the calculation of these inputs, excluding any kind of production residues from the production of packaging or of packaging materials or from any other production process.

The split of data on organic recycling, other forms of recycling, energy recovery and other forms of recovery, incineration and landfill, as well as the data required under the column heading "sorted for recycling", shall be made on a voluntary basis.

The provision of data required in the columns headed "total", "total recycling" and "total recovery" shall be obligatory. The packaging materials for which the provision of data is obligatory shall be glass, plastics, paper and fibreboard and metals.

Table 5: Monitored quantities of packaging waste (in tonnes) arising outside Malta and recovered in Malta

Material		Recovered by					
		Organic recycling	Other forms of recycling	Total recycling	Energy recovery	Other forms of recovery	Total recovery
GLASS							
PLASTIC	PET						
	PE						
	PVC						
	PP						
	PS						
	Other						
	Total						
PAPER & FIBREBOARD							
METALS	Aluminium						
	Steel						
	Total						
COMPOSITES							
WOOD							
OTHER							
TOTAL							

NOTE: Black boxes are considered not relevant in all cases. Shaded boxes are to be completed on a voluntary basis.

The data to be included concerning the weight of packaging waste recycled or recovered refer to the inputs of packaging waste to an effective recycling or recovery process.

Only waste originating from packaging placed on the market may be considered for the calculation of these inputs, excluding any kind of production residues from the production of packaging or of packaging materials or from any other production process.

The split of data on organic recycling, other forms of recycling, energy recovery and other forms of recovery, incineration and landfill, as well as the data required under the column heading "sorted for recycling", shall be made on a voluntary basis.

The provision of data required in the columns headed "total", "total recycling" and "total recovery" shall be obligatory. The packaging materials for which the provision of data is obligatory shall be glass, plastics, paper and fibreboard and metals.

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