No. 1623

MINISTRY FOR THE ENVIRONMENT, ENERGY AND PUBLIC CLEANLINESS

Explanatory Notes[1] on the (i) Waste Management (Waste Batteries) Regulations, 2025 and the (ii) Environmental Permitting (Procedure for Applications and their Determination) (Amendment) Regulations, 2025

1. Introduction

The Waste Management (Waste Batteries) Regulations, 2025 implement Chapter VIII of Regulation (EU) 2023/1542 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (hereinafter referred to as the "EU Regulation"). Chapter VIII of the EU Regulation establishes harmonised EU wide rules on the management of waste batteries, Extended Producer Responsibility (EPR) and reporting. However, the implementation of these rules in practice requires national legislation to define specific procedures and implementation details. Amendments to the Environmental Permitting (Procedure for Applications and their Determination) Regulations (S.L. 549.172) were also carried out to comply with the provisions of the EU Regulation.

2. Summary and background

(i) Waste Management (Waste Batteries) Regulations, 2025

These regulations implement the waste management chapter of the EU Regulation by addressing the areas that require national action. This includes, amongst others, appointing the national competent authority responsible for the implementation of Chapter VIII, the merging of the registration and authorisation procedures for self-compliant producers and auditing of the information submitted to the Authority.

(ii) Environmental Permitting (Procedure for Applications and their Determination) (Amendment) Regulations, 2025 (S.L. 549.172)

As part of the suite of new obligations emanating from the EU Regulation, self-compliant producers are now required to apply for a permit with ERA. In addition, and in order to reduce the administrative burden on producers and Producer Responsibility Organisations (PROs), the concept of renewal of producer registration is being phased out, while permits issued to self-complaint producers and PROs are now open-ended. The implementation of these changes require targeted amendments to the First Schedule, such that administrative fees for the processing of permit applications in line with the timeframe set in the EU Regulation, and for the maintenance of such permits are established.

3. Overview of the structure of the instruments

(i) Waste Management (Waste Batteries) Regulations, 2025

These regulations are made up of twelve (12) regulations and a Schedule and consist of the following:

Regulation 1: Citation and scope.
Regulation 2: Interpretation.
Regulation 3: Designation of competent authority.
Regulation 4: Extended producer responsibility.
Regulation 5: Register of producers.
Regulation 6: Independent expert.
Regulation 7: Individual fulfilment of extended producer responsibility obligations.
Regulation 8: Collection of waste batteries.
Regulation 9: Auditing of information submitted to the Authority.
Regulation 10: Administrative penalties.
Regulation 11: Repeal and saving.
Schedule.

[1]Dawn in-Noti ta' Spjegazzjoni huma skont u għall-fini tal-artikolu 3(2)(ċ) tal-Att dwar l-Intrapriżi ż-Żgħar (Kapitolu 512 tal-Liġijiet ta' Malta).

(ii) Environmental Permitting (Procedure for Applications and their Determination) (Amendment) Regulations, 2025 (S.L. 549.172)

These regulations are made up two (2) regulations and consist of the following:

Regulation 1: Citation.
Regulation 2: Amends the First Schedule to the principal regulations.

4. Commentary

(i) Waste Management (Waste Batteries) Regulations, 2025

Regulation 3:

Designates the Environment and Resources Authority as the national competent authority for the implementation of Chapter VIII of the EU Regulation.

Regulation 4:

Obliges producers established abroad that sell batteries to end-user (i.e. consumers and professional end-user) in Malta to appoint an authorised representative for EPR in Malta by written mandate through the declaration established in the Schedule.

Regulation 5:

Establishes a non-refundable fee of ten Euro (€10) for producer registration with the Authority. This fee only applies to producers that decide to participate in an authorised PRO to fulfil their EPR obligations. Self-compliant producers are subject to the fee stipulated in the Environmental Permitting (Procedure for Applications and their Determination) Regulations (S.L. 549.172)as the registration and authorisation procedures are treated as a single procedure under regulation 7. Furthermore, this regulation requires ERA to publish the register of producers on its website.

Regulation 6:

As part of the authorisation procedure for self-complaint producers and PROs, the EU Regulation allows for the verification of the arrangements put in place by self-compliant producers or PROs to fulfil certain EPR obligations, notably in terms of separate collection and measures to attain the collection targets (as applicable), to be carried out by an independent expert. In line with this, regulation 6 empowers the Authority to appoint an independent expert to carry out such verification at the applicant's expense.

Regulation 7:

The EU Regulation allows Member States to combine the registration procedure and authorisation procedure for self-compliant producers into one process. To minimise the administrative burden on economic operators, establishes that those procedures are to be treated as a unified procedure.

Regulation 8:

This regulation establishes an allocation mechanism for batteries collected through systems funded by Local Councils or by any local agency, which shall be deposited at facilities operated by a local agency designated by the Minister, to cater for:

- the costs of collection storage at said facilities of the collected waste batteries, which shall be covered by authorised PROs; and
- the handing over of collected batteries to PROs.

Regulation 9:

Obliges self-complaint producers and PROs to engage an independent auditor, approved by ERA, to certify that all information reported to the Authority complies with the obligations set out in Chapter VIII of the EU Regulation. This

regulation also sets a six (6) months deadline for submitting audited reports, aligning with the reporting timeframe established in the EU Regulation for producers and PROs.

Regulation 10:

Empowers ERA to impose administrative penalties in case of breach to Chapter VIII of the EU Regulation. It also clarifies that the administrative penalty for any person disposing of waste batteries in the form of unsorted municipal waste shall be one hundred euro (€100) per battery disposed.

Regulation 11:

Repeals the Waste Management (Waste Batteries and Accumulators) Regulations (S.L. 549.54).

Schedule:

The schedule contains the templates for the appointment of authorised representatives for EPR purposes in accordance with regulation 4.

(ii) Environmental Permitting (Procedure for Applications and their Determination) (Amendment) Regulations, 2025

The First Schedule has been amended by introducing two (2) new categories with respect to authorisations issued to self-compliant producers and PROs for batteries and waste batteries. Notably, applications for such permits constitute Level I application and such submissions are to be accompanied by the following, non-refundable fees:

- €500 + €20 per producer every year thereafter in the case of PROs; and
- €100 + €20 every year thereafter in the case of self-complaint producers.

5. Concluding sections

These regulations shall come into force upon their publication in the Government Gazette.
In case of queries, one may contact ERA through the following link: https://cc-eris.eraportal.org.mt/submit-case

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

14th October, 2025

Nru. 1624

ATT DWAR IL-ĦADDIEMA D-DEHEB U L-ĦADDIEMA L-FIDDA (ARĠENTIERA) (KAP. 46)

IL-KUMMISSARJU tat-Taxxi Interni jgħarraf illi, fid-data li tidher hawn taħt, il-prezz tad-deheb u l-fidda li fuqu huma bbażati l-valutazzjonijiet magħmulin mill-Konslu għall-Ħaddiema d-Deheb u l-Ħaddiema l-Fidda ġie ffissat għall-finijiet tal-artikolu 14 tal-imsemmi Att kif ġej:

No. 1624

GOLDSMITHS AND SILVERSMITHS ACT (CAP. 46)

THE Commissioner of Inland Revenue notifies that, on the date shown hereunder, the price of gold and silver on which valuations made by the Consul for Goldsmiths and Silversmiths are based has been fixed for the purposes of article 14 of the said Act as follows:

Data *Date*	Deheb Pur Gramma *Pure Gold* *Grams*	Fidda Pura Gramma *Pure Silver* *Grams*
14.10.2025	€110.878	€1.388

L-14 ta' Ottubru, 2025

14th October, 2025