

**WASTE REGULATIONS**

## ARRANGEMENT OF REGULATIONS

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**SUBSIDIARY LEGISLATION 549.63****WASTE REGULATIONS**

1st June, 2011\*

*LEGAL NOTICE 184 of 2011, as amended by Legal Notices 441 of 2011, 384 of 2012, 6 of 2014 and 382 of 2015.*

**PART I****SUBJECT MATTER, SCOPE AND DEFINITIONS**

Citation.

**1.** The title of these regulations is the Waste Regulations.

Scope.  
Amended by:  
L.N. 441 of 2011;  
L.N. 382 of 2015.

**2.** (1) These regulations bring into effect the provisions of Directive 2008/98/EC<sup>†</sup> of the European Parliament and of the Council of 19 November 2008 on waste and repealing Directives 75/439/EEC<sup>‡</sup>, 91/689/EEC<sup>§</sup> and 2006/12/EC<sup>\*\*</sup>.

(2) The objective of these regulations is to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

**(3)** These regulations bring into effect:

- (a) Article 35 of Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006;
- (b) the provisions of Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives; and
- (c) the provision of Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

Exclusions.  
Amended by:  
L.N. 441 of 2011  
L.N. 382 of 2015.

**3.** (1) The following shall be excluded from the scope of these regulations:

\*See sub-regulation (2) of regulation 1, as originally promulgated, and Legal Notice 211 of 2011.

<sup>†</sup>OJ L 312, 22.11.2008, p. 3.

<sup>‡</sup>OJ L 194, 25.7.1975, p. 23.

<sup>§</sup>OJ L 377, 31.12.1991, p. 20.

\*\*OJ L 114, 27.4.2006, p. 9.

- (a) gaseous effluents emitted in the atmosphere and carbon dioxide captured and transported for the purposes of geological storage and geologically stored in accordance with of the Geological Storage of Carbon Dioxide Regulations, or excluded from the scope of the Geological Storage of Carbon Dioxide Regulations, pursuant to regulation 2(2) of the latter regulation; S.L. 549.68
- (b) land (*in situ*) including unexcavated contaminated soil and buildings permanently connected with land;
- (c) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
- (d) radioactive waste;
- (e) decommissioned explosives;
- (f) faecal matter, if not covered by sub-regulation 2(b), straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health.

(2) The following shall be excluded from the scope of these regulations to the extent that they are covered by other national or Community legislation:

- (a) waste waters;
- (b) animal by-products including processed products covered by Regulation (EC) No 1774/2002\*, except those which are destined for incineration, landfilling or use in a biogas or composting plant;
- (c) carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with Regulation (EC) No 1774/2002;
- (d) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries covered by the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations. S.L. 549.50

(3) Without prejudice to obligations under other relevant Community and national legislation, sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation, shall be excluded from the scope of these regulations if it is proved that the sediments are non-hazardous.

\*OJ L 273, 10.10.2002, p. 1

(4) Specific rules for particular instances, or supplementing those of these regulations, on the management of particular categories of waste, may be laid down by means of specific regulations.

Definitions.  
Amended by:  
L.N. 384 of 2012.  
Cap. 549.

4. In these regulations, unless the context otherwise requires:

"the Act" means the Environment Protection Act;

"after-care obligations" means the duties which the competent authority may require a waste operator to carry out under regulation 22;

"agreement" means the formal agreement concluded between the competent authority and the economic operators concerned, which has to be open to all partners who wish to meet the conditions of the agreement with a view to working towards the objectives of these regulations;

"applicant" means any person who applies for an environmental permit as the case may be under these regulations;

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"best available techniques" means best available techniques as defined in regulation 2 of the Integrated Pollution Prevention and Control Regulations;

"bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

"broker" means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

"carrier" means the person who collects and carries out the transport, other than shipments of waste;

"collection" means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

"co-mingled collection" means the collection of waste streams intended for recycling together with each other but separately from other waste;

"commercial waste" means waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment, excluding:

(a) household waste;

(b) industrial waste;

S.L. 549.50

(c) extractive waste as defined in regulation 3(1) of the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations;

(d) waste of any other description deemed as not commercial by the competent authority;

"the Community" means the European Community;

"the competent authority" has the same meaning as 'the authority' as defined in article 2 of the Act;

"consignee" means any natural or legal person who receives a waste consignment for recovery or disposal;

"consignment note" means a note that is to accompany the consignment of hazardous or non-hazardous waste, in the form set out in Schedule 9;

"consignment permit" means a permit that is to be obtained from the competent authority prior to a consignment of hazardous or non-hazardous waste;

"consignor" means any natural or legal person who initiates the transport, other than shipment, of waste, by requiring that the waste be removed from the place at which it is being held;

"dealer" means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

"disposal" means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Schedule 1 sets out a non-exhaustive list of disposal operations;

"enforcement notice" means the notification document that shall be served on a permit holder who is deemed by the competent authority to be, or likely to be, in breach of his permit conditions or these regulations in general;

"hazardous waste" means waste which displays one or more of the hazardous properties listed in Schedule 3;

"household waste" means waste from:

- (a) domestic property, that is to say, a building or self-contained part of a building which is used wholly for the purposes of living accommodation;
- (b) a residential home;
- (c) premises forming part of a university or school or other educational establishment;
- (d) premises forming part of a hospital or nursing home.

"industrial waste" means waste from any of the following premises:

- (a) any work place as defined in article 2(1) of the Occupational Health and Safety Authority Act;
- (b) any premises used for the purposes of, or in connection with, the provision to the public of transport services by land, water or air;
- (c) any premises used for the purposes of, or in connection with, the supply to the public of gas, water or electricity or the provision of sewerage services; or
- (d) any premises used for the purposes of, or in connection with, the provision to the public of postal or telecommunications services;

Cap. 424.

"inert waste" means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not

dissolve, burn or otherwise 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;

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

"municipal solid waste" means waste from households, as well as other commercial, industrial and institutional wastes which, because of its nature or composition, is similar to waste from households;

"permit holder" means a person who has sought and obtained a permit from the competent authority;

"permit" means any permit issued by the competent authority under regulation 19;

"preparing for re-use" means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

"prevention" means measures taken before a substance, material or product has become waste, that reduce:

- (a) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (b) the adverse impacts of the generated waste on the environment and human health; or
- (c) the content of harmful substances in materials and products;

"recovery" means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Schedule 2 sets out a non-exhaustive list of recovery operations;

"recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

"regeneration of waste oils" means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

"remedial notice" means the notification document served upon a permit holder when the competent authority considers that the conditions of his permit are no longer adequate, or that his permitted waste production or waste management activity poses an

unforeseen risk to human health or the environment;

"re-use" means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

"separate collection" means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

"shipment" is as defined in Article 2 (34) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste\*;

"treatment" means recovery or disposal operations, including preparation prior to recovery or disposal;

"waste holder" means the waste producer or the natural or legal person who is in possession of the waste;

"waste management" means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

"waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

"waste producer" means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

"waste" means any substance or object which the holder discards or intends or is required to discard.

5. A substance or object, resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste as defined by regulation 4 but as being a by-product only if the following conditions are met:

- (a) further use of the substance or object is certain;
- (b) the substance or object can be used directly without any further processing other than normal industrial practice;
- (c) the substance or object is produced as an integral part of a production process; and
- (d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

\*OJ L 190, 12.7.2006, p. 1-98

End-of-waste status.  
Amended by:  
L.N. 441 of 2011.

6. (1) Waste shall cease to be waste within the meaning of regulation 4 when it has undergone a recovery, including recycling, operation and complies with the following conditions:

- (a) the substance or object is commonly used for specific purposes;
- (b) a market or demand exists for such a substance or object;
- (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products;
- (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts; and
- (e) the substance or object shall be accompanied by a declaration as set out in Schedule 10.

(2) Where end-of-waste criteria have not been set at Community level, the competent authority shall decide on a case by case basis whether a certain waste has ceased to be a waste and may also develop specific criteria for certain waste streams. The criteria developed by the competent authority shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

(3) In cases where legislation and standards applicable to products do not exist for a recovered waste, the holder is to declare that legislation and standards applicable to products do not exist for that substance or object.

(4) In cases where, the substance or object is to be further treated to remove foreign materials prior to being used as a raw material in an industrial process, that substance or object shall not cease to be a waste within the meaning of regulation 4.

S.L. 549.43  
S.L. 549.89  
S.L. 549.36  
S.L. 549.54

(5) Waste which ceases to be waste in accordance with sub-regulation (1), shall also cease to be waste for the purpose of the recovery and recycling targets set out in the Packaging and Packaging Waste Regulations, the Electrical and Electronic Equipment Regulations, the End of Life Vehicles Regulations, and the Batteries and Accumulators Regulations, 2010 and other relevant Community legislation when the recycling or recovery requirements of that legislation are satisfied.

(6) Those establishments or undertakings and activities that are exempt from the requirement of regulation 19(1) and are not registered in accordance with regulation 27(1), who intend to implement end-of-waste criteria set at Community level are to notify the competent authority.

List of waste.  
Amended by:  
L.N. 441 of 2011.

7. (1) Commission Decision 2000/532/EC\* establishing a list of wastes shall apply. The list of waste shall be binding as regards determination of the waste which is to be considered as hazardous

\*OJ L 226, 6.9.2000, p.3



waste. The inclusion of a substance or object in the list shall not mean that it is waste in all circumstances. A substance or object shall be considered to be waste only where the definition laid down in regulation 4 is met.

(2) The competent authority may consider waste as hazardous waste where, even though it does not appear as such in Commission Decision 2000/532/EC, it displays one or more of the properties listed in Schedule 3.

(3) Where the competent authority has evidence to show that a specific waste listed in Commission Decision 2000/532/EC as hazardous waste does not display any of the properties listed in Schedule 3, it may consider that waste as non-hazardous waste.

(4) The reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous laid down in Commission Decision 2000/532/EC.

(5) The competent authority may consider waste as non-hazardous waste in accordance with Commission Decision 2000/532/EC referred to in sub-regulation (1).

## PART II

### GENERAL REQUIREMENTS

**8.** (1) The competent authority shall take into account the technical feasibility and economic viability and the overall environmental, human health and social impacts, respecting the need to ensure the proper functioning of the internal market when applying extended producer responsibility. The competent authority may introduce legislative measures for specific products, such as oils and tyres, in accordance with Schedule 7. In the case of the introduction of such measures, waste producers may be exempt partly or wholly from financing the costs of waste management in accordance with regulation 12(7), should it be decided that the costs of waste management be borne partly or wholly by the producer of the product from which the waste came and that the distributors of such products may share these costs.

Extended producer responsibility.

(2) The extended producer responsibility shall be applied without prejudice to the responsibility for waste management as provided for in regulation 12(1) and without prejudice to existing waste stream specific and product specific Community or Maltese legislation.

**9.** (1) An establishment or undertaking which collects, transports or receives waste which has been separately collected shall not mix that waste with other waste or other material with different properties.

Prohibition of mixing separately collected waste.

(2) The prohibition in sub-regulation (1) applies only where keeping waste separate facilitates or improves recovery.

**10.** (1) Subject to regulation 9, local councils shall by the 31st December, 2013 set up separate collection (which includes

Separate collection.

comingled collection) for at least the following -

- (a) paper,
- (b) metal,
- (c) plastic and
- (d) glass,

in order to promote high quality recycling.

S.L. 549.45

(2) Any carrier registered in accordance with the Waste Management (Activity Registration) Regulations to carry waste as defined in regulation 4 and collects waste paper, metal, plastic or glass separately, must keep all fractions collected separated.

(3) The duties in this regulation apply only where they are:

- (a) technically, environmentally and economically practicable; and
- (b) appropriate to meet the quality standards necessary for recycling.

Disposal.  
Substituted by:  
L.N. 441 of 2011;  
L.N. 6 of 2014.

**11.** The competent authority shall ensure that, where recovery in accordance with paragraph 11 of Schedule 5 is not undertaken, waste undergoes safe disposal operations which meet the provisions laid down in paragraph 3 of Schedule 5 on the protection of human health and the environment.

### PART III

#### WASTE MANAGEMENT

Duty of care.  
Amended by:  
L.N. 441 of 2011.

**12.** (1) It shall be the duty of any original waste producer or other waste holder who carries out the treatment of waste himself or has the treatment handled by a dealer or an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector to ensure that the waste is managed, in accordance with paragraphs 2 and 3 of Schedule 5 and the conditions attached to any permit.

(2) It shall be the duty of any original waste producer or other waste holder to:

- (a) prevent any contravention of these regulations;
- (b) prevent the escape of such waste from his control or that of any other person;
- (c) ensure that such waste is managed by a person who is in possession of a permit.

(3) Sub-regulations (1) and (2) shall not apply to an occupier of a household as respects the household waste produced on the property.

(4) It shall be the duty of the occupier of a household to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes.

(5) No person shall deposit any waste except in a waste management facility which is authorised to receive that waste by virtue of a permit.

(6) When the waste is transferred from the original producer or holder to one of the natural or legal persons referred to in sub-regulation (1) for preliminary treatment, the responsibility for carrying out a complete recovery or disposal operation shall not be discharged as a general rule. Without prejudice to Regulation (EC) No 1013/2006<sup>\*</sup>, the competent authority may specify the conditions of responsibility and decide in which cases the original producer is to retain responsibility for the whole treatment chain or in which cases the responsibility of the producer and the holder can be shared or delegated among the actors of the treatment chain.

(7) The costs of waste management shall be borne by the original waste producer or by the current or previous waste holders, depending on who has the duty of care for the waste as per provisions of this regulation.

(8) Establishments or undertakings which collect or transport waste on a professional basis shall deliver the waste collected and transported to appropriate treatment installations in accordance with paragraph 3 of Schedule 5.

**13.** By way of derogation from Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste<sup>†</sup>, incoming shipments of waste destined to incinerators that are classified as recovery shall be prohibited, where it has been established that such shipments would result in national waste having to be disposed of or waste having to be treated in a way that is not consistent with Malta's national waste management plan.

Limitation on incoming shipments of waste.

**14.** (1) The competent authority shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health in order to meet the provisions laid down in paragraph 3 of Schedule 5.

Control of hazardous waste and other waste.  
Amended by:  
L.N. 441 of 2011;  
L.N. 384 of 2012.

(2) Holders of hazardous waste shall ensure that, in the course of collection, transport, and temporary storage, such hazardous waste is securely packaged and labelled in accordance with international and national standards or as prescribed by the competent authority.

(3) Any person intending to transfer hazardous waste or any non-hazardous waste as prescribed by the competent authority, within Maltese territory or waters shall inform the competent authority of the intended transfer and at least fifteen working days before the actual transfer is planned to take place, the applicant shall submit to the competent authority a completed consignment permit in accordance with Schedule 8. Consignment permits shall be valid for such a time as the competent authority specifies.

<sup>\*</sup>OJ L 190, 12.7.2006, p. 1-98

<sup>†</sup>OJ L 190, 12.7.2006, p. 1-98

(4) Whenever hazardous waste or any non-hazardous waste identified by the competent authority, is transferred within Maltese territory or waters, it shall be accompanied by a coded hazardous waste consignment note issued by the competent authority, a specimen of which is in Schedule 9.

(5) The competent authority shall subsequently provide this person with five copies of a coded consignment note containing the details to be filled in by the consignor, carrier and consignee, in accordance with Schedule 9, as follows:

- (a) Copy 1: prenotification copy to be sent by consignor to the competent authority;
- (b) Copy 2: consignor copy to be kept by the consignor;
- (c) Copy 3: carrier copy, to accompany the waste during transfer;
- (d) Copy 4: consignee copy to be kept by the consignee; and
- (e) Copy 5: deposit copy to be sent by the consignee to the competent authority.

(6) At least three working days before the actual transfer is planned to take place, the applicant shall submit to the competent authority a completed consignment note in accordance with Schedule 9.

(7) If the competent authority objects to the intended transfer, the competent authority shall inform the consignor at least 48 hours before the planned date of transfer.

(8) The competent authority may authorise a series of transfers of wastes having the same physical and chemical characteristics and occurring within twelve months from the issue of the authorisation to be covered by one prenotification.

(9) If there is no objection from the competent authority for the intended transfer, the transfer shall take place within thirty days from the date of the prenotification. In the case of a multiple transfer, the first transfer shall take place within thirty days from the date of the prenotification.

(10) Waste consignment notes shall be kept for a minimum of three years and made available on request to the competent authority.

(11) The competent authority may allow deviations from the provisions of this regulation in cases where the competent authority deems that the waste needs to be managed without undue delay, in an effort to minimise potential threats to the environment, humans and other living organisms. In such cases, the competent authority shall require the producer or holder of the waste to ensure traceability from production to final destination.

Fees.

**15.** (1) The competent authority may introduce processing fees to cover the expenses incurred in assessing and processing of applications, and in the issue of permits in conformity with regulations.

(2) The competent authority may request a bank guarantee to ensure compliance with the conditions laid down in a permit.

**16.** (1) Hazardous wastes shall not be mixed, either with other categories of hazardous waste or with other waste, substances or materials. Mixing shall include the dilution of hazardous substances.

Ban on the mixing of hazardous waste.  
*Amended by:*  
*L.N. 441 of 2011;*  
*L.N. 6 of 2014.*

(2) By way of derogation from sub-regulation (1), the competent authority may allow mixing provided that:

- (a) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with regulation 19;
- (b) the provisions in paragraph 3 of Schedule 5 are complied with and the adverse impact of the waste management on human health and the environment is not increased; and
- (c) the mixing operation conforms to best available techniques.

(3) Subject to technical and economic feasibility criteria, where hazardous waste has been mixed in a manner contrary to sub-regulation (1), separation shall be carried out where possible and necessary in order to comply with the provisions laid down in paragraph 3 of Schedule 5.

**17.** (1) Regulations 14, 16 and 33 shall not apply to mixed waste produced by households.

Hazardous waste produced by households.  
*Amended by:*  
*L.N. 441 of 2011.*

(2) Regulations 14 and 33 shall not apply to separate fractions of hazardous waste produced by households until they are accepted for collection, disposal or recovery by an establishment or an undertaking which has obtained a permit or has been registered in accordance with regulations 19 or 27.

**18.** (1) Without prejudice to the provisions related to the management of hazardous waste laid down in regulations 14 and 16, waste oils shall:

Waste oils.  
*Amended by:*  
*L.N. 6 of 2014.*

- (a) be collected separately, where this is technically feasible;
- (b) be treated in accordance with paragraphs 2 and 3 of Schedule 5;
- (c) not be used as a fuel in engines of road vehicles, air crafts or sea vessels.

(2) Where technically feasible and economically viable, waste oils of different characteristics are not to be mixed and waste oils are not to be mixed with other kinds of waste or substances, if such mixing impedes their treatment.

(3) The competent authority may in accordance with Schedule 4 and where Articles 11 or 12 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste\* apply, restrict the transboundary shipment of waste oils from Malta to incineration or co-incineration facilities in

order to give priority to the regeneration of waste oils.

#### PART IV

#### PERMITS AND REGISTRATION

Issue of permits.  
Amended by:  
L.N. 441 of 2011.

**19.** (1) Any establishment or undertaking intending to carry out waste treatment shall obtain a permit from the competent authority.

(2) Permits shall specify at least the following:

- (a) the types and quantities of waste that may be treated;
- (b) for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
- (c) the safety and precautionary measures to be taken;
- (d) the method to be used for each type of operation;
- (e) such monitoring and control operations as may be necessary;
- (f) such closure and after-care provisions as may be necessary; and
- (g) any other information requested by the competent authority to assist it in its assessment of the application.

(3) Permits shall be valid for such a time as the competent authority specifies, and an application for renewal by the permit holder shall be decided upon by the competent authority in accordance with regulation 21.

(4) Permits under these regulations may also be issued or held in the name of partnerships, companies and other collective undertakings and corporate bodies.

(5) A permit holder shall be legally responsible and accountable to ensure that the waste management activity for which he has been granted a permit is carried out in accordance with these regulations and with the conditions stipulated in the permit.

(6) Employees of a permit holder shall be authorised to undertake waste management activities under these regulations by virtue of their employer's permit, provided that:

- (a) they are acting on their employer's behalf;
- (b) they are acting within the remit of their employer's permit and are in observance of the terms, conditions and rules attached thereto and these regulations in general;
- (c) they are duly qualified in accordance with regulation 20.

(7) Employees of a permit holder shall be deemed to be acting on their employer's behalf unless the contrary is proved.

(8) A permit shall not be transferable, unless the competent

authority's approval has been sought and granted for this purpose.

(9) Subject to regulation 25, the competent authority shall decide whether or not to issue a permit within six months from the date on which it receives the application.

(10) It shall be a condition of any permit covering incineration or co-incineration with energy recovery that the recovery of energy takes place with a high level of energy efficiency.

(11) Insofar as the requirements of this regulation are complied with, any permit produced pursuant to other national or Community legislation may be combined with the permit required under sub-regulation (1) to form a single permit, where such a format obviates the unnecessary duplication of information and the repetition of work by the operator or the competent authority.

**20.** (1) Any person who collects or transports waste on a professional basis, dealers, brokers and waste treatment operators shall possess the minimum qualification requirements as defined by the competent authority. These minimum qualification requirements will take the form of a course with a duration and curriculum approved by the competent authority. The competent authority shall only accept certification by recognized training agencies institutions.

Qualifications of personnel.

(2) Such personnel as are mentioned in sub-regulation (1) may also be subject to random audits by officials of the competent authority.

**21.** (1) Where the competent authority considers that the intended method of treatment is unacceptable from the point of view of environmental protection, in particular when the method is not in accordance with paragraph 3 of Schedule 5, it shall refuse to issue the permit.

Refusal to issue a permit.  
Amended by:  
L.N. 441 of 2011.

(2) In determining whether to issue or refuse a permit to an applicant, the competent authority shall take into account:

- (a) the applicant's suitability to undertake the proposed activity, having regard to, as applicable:
  - (i) his record of compliance with these regulations, the Act and any other regulations made thereunder;
  - (ii) his financial capacity to comply with all obligations and liabilities that will or may arise from the proposed activity under these regulations, or his ability to offer such financial security therefore as the competent authority may require; and
  - (iii) his qualifications, experience and technical competence to carry out the proposed activity safely and with minimum risk to human health and the environment, and to abide by any conditions set in relation thereto by the competent authority;
- (b) the measures he proposes to take to minimise the risk

of harm to human health and the environment arising from his proposed activity;

- (c) whether he proposes to recover waste, his proposed methods, and how he proposes to safely dispose of any residues;
- (d) use of best available technology not entailing excessive cost; and
- (e) any other relevant considerations which the competent authority deems fit to take into account.

(3) The competent authority shall inform the applicant of the grounds for its decision when it rejects an application for a permit.

(4) The competent authority may request from the applicant any information relevant to its deliberations under this regulation. Failure on the applicant's part to provide such information to the competent authority or to cooperate with its inquiries may constitute grounds for refusal of a permit.

After-care obligations.

**22.** The competent authority may issue a permit subject to such conditions and obligations as it deems necessary, including after-care obligations, and the provision of a suitable financial assurance to be made within a stipulated period by the applicant in favour of the competent authority.

Permit variations.  
Amended by:  
L.N. 441 of 2011.

**23.** (1) Where the competent authority considers that the conditions attached to a permit are no longer adequate, or that the activity authorised by the permit poses an unforeseen risk to human health or the environment, it may:

- (a) alter the terms and conditions attached to the permit;
- (b) serve a remedial notice upon the permit holder setting out the steps which must be taken to comply with the altered conditions and to remove the risk or actual harm as well as the period in which these steps must be completed:

Provided that the competent authority must include in its remedial notice the steps that the permit holder must comply with so as to remedy the situation as well as the time by which such steps must be taken.

(2) Where the unforeseen risk arising from an activity authorised by a permit cannot be mitigated by measures under sub-regulation (1), the competent authority may suspend the permit in whole or in part as necessary to avert the risk.

(3) Where the competent authority believes that a permit holder is, or is likely to be, in breach of the conditions attached to his permit or these regulations in general, the competent authority may issue an enforcement notice specifying the breach of the conditions, the steps which shall be taken to prevent it and the time in which these steps shall be completed.

(4) If a permit holder fails to comply with a remedial or enforcement notice, the competent authority may revoke the permit in whole or in part and itself undertake the remedial action



required, defraying the expenses incurred out of the permit holder's financial assurance.

(5) It may additionally bring into effect any punitive measures specified therein, including confiscation of all or part of the financial assurance:

Provided that, if the cost of this remedial action exceeds the financial assurance, the person responsible shall bear the additional costs.

(6) Action by the competent authority under sub-regulations (3) and (4) shall be without prejudice to regulations 34, 35 and 36.

**24.** (1) The competent authority may attach conditions to a permit, relating to the rehabilitation, monitoring and remedial action, as applicable, to be carried out after the cessation of a waste management and, or waste production activity or the closure of a waste management or waste production site, as the case may be. Cease of operation.

(2) A permit holder shall notify the competent authority of his intention to cease the operations undertaken by him in accordance with his permit, at least three months prior to taking action therefore.

(3) Where a site that has been used for the purposes of a waste management activity, is to close down or otherwise cease operating, the competent authority shall assess the site in question, particularly in relation to:

- (a) its physical stability;
- (b) any contamination;
- (c) the presence of any residues; and
- (d) the presence of any discharges that require management.

(4) The competent authority may require the permit holder to provide any information relevant to its investigations, including:

- (a) the history and use of the waste management or waste production site;
- (b) the presence of pollution and contaminants; and
- (c) sampling and monitoring reports.

(5) Following its investigations under this regulation, the competent authority may:

- (a) confirm and bring into effect the after-care obligations attached to the permit in accordance with sub-regulation (1); and
- (b) require the permit holder to take such additional measures as it considers necessary in relation to the remedial action, rehabilitation, and monitoring of the waste management or waste production site.

(6) The permit holder shall continue to be bound by the after-care obligations imposed by the competent authority under sub-regulations (1) and (5) for such a period as it may stipulate,

notwithstanding that the permit holder has ceased to operate or he no longer holds a permit.

(7) Any after-care obligations attached to a current or former waste management site shall be transferred to the new owner in the event of a change in ownership of the site in question. The previous owner shall inform the new owner about the waste related history of the site and, the new owner shall request such information from the previous owner of the site in question.

Exemptions from civil liability.

**25.** The competent authority shall be exempt from civil liability for anything done reasonably and in good faith in the execution of its duties under these regulations.

Exemptions from permit requirements.

**26.** Establishment or undertakings and activities laid down in Schedule 4 shall be exempt from the requirements laid down in regulation 19(1).

Registration.  
Amended by:  
L.N. 441 of 2011.

**27.** (1) Where the following are not subject to permit requirements, the competent authority shall keep a register of:

- (a) establishments or undertakings which collect or transport waste on a professional basis;
- (b) dealers or brokers; and
- (c) establishments or undertakings which are subject to exemptions from the permit requirements pursuant to regulation 26, in accordance with the Waste Management (Activity Registration) Regulations,

S.L. 549.45

(2) Where possible, existing records held by the competent authority shall be used to obtain the relevant information for this registration process in order to reduce the administrative burden.

## PART V

### PLANS AND PROGRAMMES

Waste Management Plans.  
Amended by:  
L.N. 441 of 2011.

**28.** (1) The competent authority shall establish, in accordance with regulation 2 and Schedule 5, one or more waste management plans. Such plans shall, alone or in combination, cover all Malta.

(2) The competent authority shall ensure that the waste management plan or plans:

- (a) include a statement of the authority's policies for attaining the objectives specified in Part 1 of Schedule 5; and
- (b) include the matters set out in Part 2 of Schedule 5.

(3) The competent authority shall consider, in particular, whether the matters set out in Part 3 of Schedule 5 should be included in the waste management plans.

(4) The competent authority shall ensure that the waste management plans conform to the strategy for the reduction of biodegradable waste going to landfill, referred to in regulation 5 of the Waste Management (Landfill) Regulations.

S.L. 549.29

(5) A statement of policy made before the coming into force of these regulations may be, or form part of, a waste management

plan.

**29.** (1) The competent authority shall establish, in accordance with regulations 2 and Schedule 5, waste prevention programmes not later than 12 December 2013. Such programmes shall either:

Waste prevention programmes.  
Amended by:  
L.N. 441 of 2011.

- (a) be integrated into the waste management plans provided for in regulation 28, or
- (b) be integrated into other environmental policy programmes, as appropriate, or
- (c) function as separate programmes:

Provided that if any such programme is integrated into the waste management plan or into other programmes, the waste prevention measures shall be clearly identified.

(2) The programmes provided for in sub-regulation (1) shall set out the waste prevention objectives. The competent authority shall describe the existing prevention measures and evaluate the usefulness of the examples of measures indicated in Schedule 6 or other appropriate measures.

(3) The competent authority shall determine appropriate specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress of the measures and may determine specific qualitative or quantitative targets and indicators, to assess the value of waste prevention programmes.

**30.** The competent authority shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Schedule 5 and other community measures.

Evaluation and review of plans and programmes.  
Substituted by:  
L.N. 6 of 2014.

**31.** All the relevant stakeholders and authorities and the general public shall have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with the Plans and Programmes (Public Participation) Regulations or, if relevant, the Strategic Environmental Assessment Regulations. They shall place the plans and programmes on a publicly available website.

Public participation.

S.L. 549.41  
S.L. 549.61

## PART VI

### INSPECTIONS AND RECORDS

**32.** (1) Establishments or undertakings which carry out waste treatment operations, establishments or undertakings which collect or transport waste on a professional basis, brokers and dealers, and establishments or undertakings which produce hazardous waste shall be subject to appropriate periodic inspections by the competent authority.

Inspections.

(2) Inspections concerning collection and transport operations shall cover the origin, nature, quantity and destination of the waste collected and transported.

(3) The competent authority may take account of registrations

obtained under the Community Eco-Management and Audit Scheme (EMAS), in particular regarding the frequency and intensity of inspections.

Record keeping.

**33.** (1) The establishments or undertakings referred to in regulation 19(1), the producers of hazardous waste and the establishments and undertakings which collect or transport hazardous waste on a professional basis, or act as dealers and brokers of hazardous waste, shall keep a chronological record of the quantity, nature and origin of the waste, and, where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste, and shall make that information available, on request, to the competent authority.

(2) For hazardous waste, the records shall be preserved for at least three years except in the case of establishments and undertakings transporting hazardous waste which must keep such records for at least twelve months.

(3) Documentary evidence that the management operations have been carried out shall be supplied at the request of the competent authority or of a previous holder.

(4) The competent authority may require the producers of non-hazardous waste to comply with sub-regulations (1) and (2).

Offences and enforcement.

**34.** (1) The competent authority shall take all necessary measures to prohibit the abandonment, dumping or uncontrolled management of waste.

(2) Any person shall be guilty of an offence under these regulations if such person:

- (a) abandons, drops, dumps or otherwise handles waste not in accordance with the provisions of these regulations;
- (b) 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
- (c) contravenes any restriction, prohibition or requirement imposed by or under these regulations; or
- (d) acts in contravention of any of the provisions of these regulations; or
- (e) 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.

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

- (a) on a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-five euro (€1,165.00), but not exceeding two thousand and three hundred and thirty euro (€2,330.00);
- (b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and thirty euro (€2,330.00), but not exceeding four thousand and six hundred and sixty euro (€4,660.00), 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.

**36.** (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

Applicability of the Criminal Code.  
Cap. 9.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Cap. 9.

## PART VII

### FINAL PROVISIONS

**37.** Waste management permits issued under the Waste Management (Permit and Control) Regulations, 2001, which regulations are being revoked by these regulations, shall be construed as valid until their term of expiry or until superseded by a permit issued under these regulations.

Saving.

## SCHEDULE 1

## DISPOSAL OPERATIONS

- D 1 Deposit into or on to land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release to seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
- D 9 Physico-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea (\*)
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 (†)
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced) (‡)

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\*This operation is prohibited by EU legislation and international conventions.

†If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.

‡Temporary storage means preliminary storage according to regulation 4.

SCHEDULE 2  
RECOVERY OPERATIONS

*Amended by:  
L.N. 382 of 2015.*

- R 1 Use principally as a fuel or other means to generate energy (\*)
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) (†)
- R 4 Recycling/reclamation of metals and metal compounds
- R 5 Recycling/reclamation of other inorganic materials (‡)
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of waste obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (§)
- R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) (\*\*)

\*This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

- 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,

- 0.65 for installations permitted after 31 December 2008, using the following formula:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$

In which:

$E_p$  means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)

$E_f$  means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

$E_w$  means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

$E_i$  means annual energy imported excluding  $E_w$  and  $E_f$  (GJ/year)

0.97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

The energy efficiency formula value will be multiplied by a climate correction factor (CCF) as shown below:

1. CCF for installations in operation and permitted in accordance with applicable Union legislation before 1 September 2015.

$$\text{CCF} = 1 \text{ if } \text{HDD} > = 3\,350$$

$$\text{CCF} = 1,25 \text{ if } \text{HDD} < = 2\,150$$

$$\text{CCF} = (0,25/1\,200) \times \text{HDD} + 1,698 \text{ when } 2\,150 < \text{HDD} < 3\,350$$

2. CCF for installations permitted after 31 August 2015 and for installations under 1 after 31 December 2029:

$$\text{CCF} = 1 \text{ if } \text{HDD} > = 3\,350$$

$$\text{CCF} = 1,12 \text{ if } \text{HDD} < = 2\,150$$

$$\text{CCF} = (0,12/1\,200) \times \text{HDD} + 1,335 \text{ when } 2\,150 < \text{HDD} < 3\,350$$

(The resulting value of CCF will be rounded at three decimal places).

The value of HDD (Heating Degree Days) should be taken as the average of annual HDD values for the incineration facility location, calculated for a period of 20 consecutive years before the year for which CCF is calculated. For the calculation of the value of HDD the following method established by Eurostat should be applied: HDD is equal to  $(18^\circ\text{C} - T_m) \times d$  if  $T_m$  is lower than or equal to  $15^\circ\text{C}$  (heating threshold) and is nil if  $T_m$  is greater than  $15^\circ\text{C}$ ; where  $T_m$  is the mean  $(T_{\text{min}} + T_{\text{max}})/2$  outdoor temperature over a period of  $d$  days. Calculations are to be executed on a daily basis ( $d=1$ ), added up to a year.

Substituted by:  
L.N. 382 of 2015.

## SCHEDULE 3

## PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

**HP 1 "Explosive"**: waste which is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Pyrotechnic waste, explosive organic peroxide waste and explosive self-reactive waste is included.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 1, the waste shall be assessed for HP 1, where appropriate and proportionate, according to test methods. If the presence of a substance, a mixture or an article indicates that the waste is explosive, it shall be classified as hazardous by HP 1.

*Table 1: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 1:*

Hazard Class and Category Code(s)	Hazard statement Code(s)
Unst. Expl.	H 200
Expl. 1.1	H 201
Expl. 1.2	H 202
Expl. 1.3	H 203
Expl. 1.4	H 204
Self-react. A	H 240
Org. Perox. A	
Self-react. B	H 241
Org. Perox. B	

**HP 2 "Oxidising"**: waste which may, generally by providing oxygen, cause or contribute to the combustion of other materials.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 2, the waste shall be assessed for HP 2, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is oxidising, it shall be classified as hazardous by HP 2.

*Table 2: Hazard Class and Category Code(s) and Hazard statement Code(s) for the classification of wastes as hazardous by HP 2:*

Hazard Class and Category Code(s)	Hazard statement Code(s)
Ox. Gas 1	H 270
Ox. Liq. 1	H 271
Ox. Sol. 1	

†This includes gasification and pyrolysis using the components as chemicals.

‡This includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.

§If there is no other R code appropriate, this can include preliminary operations prior to recovery including preprocessing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.

\*\*Temporary storage means preliminary storage according to regulation 4.



Ox. Liq. 2, Ox. Liq. 3	H 272
Ox. Sol. 2, Ox. Sol. 3	

**HP 3 "Flammable":**

- *flammable liquid waste*: liquid waste having a flash point below 60°C or waste gas oil, diesel and light heating oils having a flash point > 55°C and ≤ 75°C;
- *flammable pyrophoric liquid and solid waste*: solid or liquid waste which, even in small quantities, is liable to ignite within five minutes after coming into contact with air;
- *flammable solid waste*: solid waste which is readily combustible or may cause or contribute to fire through friction;
- *flammable gaseous waste*: gaseous waste which is flammable in air at 20°C and a standard pressure of 101.3 kPa;
- *water reactive waste*: waste which, in contact with water, emits flammable gases in dangerous quantities;
- *other flammable waste*: flammable aerosols, flammable self-heating waste, flammable organic peroxides and flammable self-reactive waste.

When a waste contains one or more substances classified by one of the following hazard class and category codes and hazard statement codes shown in Table 3, the waste shall be assessed, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is flammable, it shall be classified as hazardous by HP 3.

*Table 3: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 3:*

Hazard Class and Category Code(s)	Hazard statement Code(s)
Flam. Gas 1	H220
Flam. Gas 2	H221
Aerosol 1	H222
Aerosol 2	H223
Flam. Liq. 1	H224
Flam. Liq. 2	H225
Flam. Liq. 3	H226
Flam. Sol. 1	H228
Flam. Sol. 2	
Self-react. CD	H242
Self-react. EF	
Org. Perox. CD	
Org. Perox. EF	
Pyr. Liq. 1	H250
Pyr. Sol. 1	
Self-heat. 1	H251
Self-heat. 2	H252
Water-react. 1	H260

Water-react. 2	H261
Water-react. 3	

HP 4 "**Irritant - skin irritation and eye damage**": waste which on application can cause skin irritation or damage to the eye.

When a waste contains one or more substances in concentrations above the cut-off value, that are classified by one of the following hazard class and category codes and hazard statement codes and one or more of the following concentration limits is exceeded or equalled, the waste shall be classified as hazardous by HP 4.

The cut-off value for consideration in an assessment for Skin corr. 1A (H314), Skin irrit. 2 (H315), Eye dam. 1 (H318) and Eye irrit. 2 (H319) is 1%.

If the sum of the concentrations of all substances classified as Skin corr. 1A (H314) exceeds or equals 1%, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified as H318 exceeds or equals 10%, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified H315 and H319 exceeds or equals 20%, the waste shall be classified as hazardous according to HP 4.

Note that wastes containing substances classified as H314 (Skin corr.1A, 1B or 1C) in amounts greater than or equal to 5% will be classified as hazardous by HP 8. HP 4 will not apply if the waste is classified as HP 8.

HP 5 "**Specific Target Organ Toxicity (STOT) / Aspiration Toxicity**": waste which can cause specific target organ toxicity either from a single or repeated exposure, or which cause acute toxic effects following aspiration.

When a waste contains one or more substances classified by one or more of the following hazard class and category codes and hazard statement codes shown in Table 4, and one or more of the concentration limits in Table 4 is exceeded or equalled, the waste shall be classified as hazardous according to HP 5. When substances classified as STOT are present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 5.

When a waste contains one or more substances classified as Asp. Tox. 1 and the sum of those substances exceeds or equals the concentration limit, the waste shall be classified as hazardous by HP 5 only where the overall kinematic viscosity (at 40 °C) does not exceed 20.5 mm<sup>2</sup>/s.\*

*Table 4: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 5:*

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
STOT SE 1	H370	1%
STOT SE 2	H371	10%
STOT SE 3	H335	20%
STOT RE 1	H372	1%
STOT RE 2	H373	10%

\* The kinematic viscosity shall only be determined for fluids.

Asp. Tox. 1	H304	10%
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HP 6 "**Acute Toxicity**": waste which can cause acute toxic effects following oral or dermal administration, or inhalation exposure.

If the sum of the concentrations of all substances contained in a waste, classified with an acute toxic hazard class and category code and hazard statement code given in Table 5, exceeds or equals the threshold given in that table, the waste shall be classified as hazardous by HP 6. When more than one substance classified as acute toxic is present in a waste, the sum of the concentrations is required only for substances within the same hazard category.

The following cut-off values shall apply for consideration in an assessment:

- For Acute Tox. 1, 2 or 3 (H300, H310, H330, H301, H311, H331): 0.1%;
- For Acute Tox. 4 (H302, H312, H332): 1%.

*Table 5: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 6:*

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Acute Tox.1 (Oral)	H300	0,1%
Acute Tox. 2 (Oral)	H300	0,25%
Acute Tox. 3 (Oral)	H301	5%
Acute Tox. 4 (Oral)	H302	25%
Acute Tox.1 (Dermal)	H310	0,25%
Acute Tox. 2 (Dermal)	H310	2,5%
Acute Tox. 3 (Dermal)	H311	15%
Acute Tox. 4 (Dermal)	H312	55%
Acute Tox. 1 (Inhal.)	H330	0,1%
Acute Tox. 2 (Inhal.)	H330	0,5%
Acute Tox. 3 (Inhal.)	H331	3,5%
Acute Tox. 4 (Inhal.)	H332	22,5%

HP 7 "**Carcinogenic**": waste which induces cancer or increases its incidence.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 6, the waste shall be classified as hazardous by HP 7. When more than one substance classified as carcinogenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 7.

*Table 6: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 7:*

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Carc. 1A	H350	0,1%
Carc. 1B		

Carc. 2	H351	1,0%
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HP 8 "**Corrosive**": waste which on application can cause skin corrosion.

When a waste contains one or more substances classified as Skin corr.1A, 1B or 1C (H314) and the sum of their concentrations exceeds or equals 5%, the waste shall be classified as hazardous by HP 8.

The cut-off value for consideration in an assessment for Skin corr. 1A, 1B, 1C (H314) is 1.0 .

HP 9 "**Infectious**": waste containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

**HP 10 "Toxic for Reproduction"**: waste which has adverse effects on sexual function and fertility in adult males and females, as well as developmental toxicity in the offspring.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 7, the waste shall be classified hazardous according to HP 10. When more than one substance classified as toxic for reproduction is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 10.

*Table 7: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 10:*

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Repr. 1A	H360	0,3%
Repr. 1B		
Repr. 2	H361	3,0%

**HP 11 "Mutagenic"**: waste which may cause a mutation, that is a permanent change in the amount or structure of the genetic material in a cell.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 8, the waste shall be classified as hazardous according to HP 11. When more than one substance classified as mutagenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 11.

*Table 8: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 11:*

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Muta. 1A	H340	0,1%
Muta. 1B		
Muta. 2	H341	1,0%

**HP 12 "Release of an acute toxic gas"**: waste which releases acute toxic gases (Acute Tox. 1, 2 or 3) in contact with water or an acid.

When a waste contains a substance assigned to one of the following supplemental hazards EUH029, EUH031 and EUH032, it shall be classified as hazardous by HP 12 according to test methods or guidelines.

**HP 13 "Sensitising"**: waste which contains one or more substances known to cause sensitising effects to the skin or the respiratory organs.

When a waste contains a substance classified as sensitising and is assigned to one of the hazard statement codes H317 or H334 and one individual substance equals or exceeds the concentration limit of 10%, the waste shall be classified as hazardous by HP 13.

HP 14 "**Ecotoxic**": waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

**HP 15 "Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste"**

When a waste contains one or more substances assigned to one of the hazard statements or supplemental hazards shown in Table 9, the waste shall be classified as hazardous by HP 15, unless the waste is in such a form that it will not under any circumstance exhibit explosive or potentially explosive properties.

*Table 9: Hazard statements and supplemental hazards for waste constituents for the classification of wastes as hazardous by HP 15:*

Hazard Statement(s)/Supplemental Hazard(s)	
May mass explode in fire	H205
Explosive when dry	EUH001
May form explosive peroxides	EUH019
Risk of explosion if heated under confinement	EUH044

In addition, the competent authority may characterise a waste as hazardous by HP 15 based on other applicable criteria, such as an assessment of the leachate.

*Note*

Attribution of the hazardous property HP 14 is made on the basis of the criteria laid down

Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures\*.

*Test Methods*

The methods to be used are described in Council Regulation (EC) No 440/2008<sup>†</sup> and in other relevant CEN notes or other internationally recognised test methods and guidelines.

\* OJ L 353 31.12.2008, p. 1

† Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) ([OJ L 142, 31.5.2008, p. 1](#))

Amended by:  
L.N. 441 of 2011;  
L.N. 384 of 2012;  
L.N. 382 of 2015.

SCHEDULE 4  
EXCLUSIONS FROM THE REQUIREMENTS  
LAID DOWN IN REGULATION 19(1)

Part 1

Establishments or undertakings carrying out the following operations shall be excluded from the requirements laid down in regulation 19(1)

1. Disposal or recovery of their own non-hazardous waste on the site of generation;
2. Preliminary storage of waste pending collection, at the place of production.

Part 2

Activities excluded from the requirements laid down in regulation 19(1)

3. Generation and management of waste at the household
  - (1) The generation and management of household waste by the householder generating that waste.
  - (2) The generation of hazardous wastes in quantities typically found in household waste.
  - (3) The storage of any wastes mentioned in (1) and (2) for recycling or disposal, for a period not longer than 1 calendar month.
  - (4) The transport, by means of private cars, of any wastes mentioned in (1) and (2) to authorized disposal/collection facilities.

Provided that:

- (a) Waste is disposed of at a designated waste collection point, and temporary storage of waste is done within the premises where waste is being generated and in line with any other requirements of these regulations; and
  - (b) A householder in (1) is also taken to mean any person generating waste in a camper or private boat or similar.
4. Generation and management of waste other than in households
  - (1) The generation and management, by industrial, commercial, administrative and social establishments and institutions (including: churches, religious organizations, offices, shops, schools, restaurants, entertainment establishments, farms and waste arising from one-off social activities), of waste.
  - (2) The generation of hazardous wastes by the establishments mentioned in (1) above in quantities typically found in household waste.

Provided that:

- (a) The secure storage of waste in appropriate containers.
- (b) The management of the generated waste is done within the premises where it is generated.
- (c) The transportation of waste is carried out by means of an authorized waste carrier.
- (d) The transportation of any category of waste is done to an authorized facility.

- (e) The generation of hazardous wastes in quantities greater than 10 kilograms per day is subject to registration providing details about quantities, type and how this waste will be managed (i.e. secure storage and disposal method).
- (f) The competent authority is notified prior to the movement of waste that requires prior notification in line with regulation 14 or any other legislation adding to or replacing them.
- (g) The provisions of this paragraph do not apply to establishments generating more than 5 tonnes of waste per day and undertakings listed in paragraph 2 of this schedule or any other legislation adding to or replacing them.

#### 5. Composting biodegradable waste

(1) Composting biodegradable waste at the place where the waste is produced or where the compost is to be used, including home composting, if the total quantity of waste being composted at that place at any time does not exceed 25 cubic metres.

(2) The storage of biodegradable waste that is to be composted if that storage is at the place where the waste is produced or is to be composted.

(3) In this paragraph, "composting" includes any biological transformation process that results in materials that may be spread on land for the benefit of agriculture or ecological improvement.

#### 6. Storage of returned faulty goods

The storage of returned goods that are waste, for a period not exceeding one year, by their manufacturer, distributor or retailer, where either -

- (a) they are intended to be prepared for reuse or submission to a recovery operation; or
- (b) they are being stored, at the place where the intention to discard them was formed, pending their disposal.

#### 7. Healthcare waste (including waste pharmaceuticals and medicines)

(1) The generation and handling of healthcare waste by a pharmacy or a medical, nursing, dental, or veterinary practice within their own premises.

(2) The secure storage at a pharmacy, or any other authorised facility, pending their disposal, of waste medicines (including those which are hazardous waste) which have been returned from households or by individuals if -

- (a) the total quantity of such returned waste medicines at the pharmacy or any other authorised facility does not exceed 5 cubic metres at any time; and
  - (b) any waste medicine so returned to the pharmacy or other authorised is not stored there for longer than twelve months;
  - (c) in the case of the storage of hazardous waste exceeding 1 tonne, registration should be accompanied by a site plan showing the location on the premises where this storage is being effected as well as a description of measures taken to ensure safe storage of the wastes;
  - (d) all pharmaceutical waste is removed from premises by an authorised healthcare waste carrier; and
  - (e) a full audit trail of waste that leaves the premises shall be kept.
- (3) The storage at the authorised premises of a medical, nursing, dental or

veterinary practice of healthcare/clinical waste (including hazardous waste) produced in carrying on that practice provided that:

- (a) storage of healthcare waste at ambient temperature conditions is limited to a maximum permitted storage period on premises of twenty-four hours;
- (b) waste stored in refrigerated conditions may be stored on premises for a maximum period of seven days;
- (c) amalgam waste generated by dental clinics is stored under water;
- (d) amalgam waste is stored on premises for a maximum period of one calendar year;
- (e) all healthcare waste is removed from the premises by an authorised waste carrier;
- (f) healthcare waste is passed on to authorised carriers in rigid containers that are capable of withstanding the transit from the premises to the destination disposal facility without allowing any waste to escape;
- (g) the total quantity of healthcare waste at the premises does not at any time exceed ten cubic metres; and
- (h) a full audit trail of waste that leaves the premises shall be kept.

#### 8. Samples of waste

The deposit or storage of samples of waste, including samples of waste which is hazardous waste, which are being or are to be subjected to testing and analysis, at any place where they are being or are to be tested or analysed, if the samples are taken -

- (a) in the exercise of any power under the Act;
- (b) by or on behalf of the holder of a waste management permit in pursuance of the conditions of that permit;
- (c) by or on behalf of a person carrying on an activity to determine the constituents or characteristics of such waste as part of an activity linked with (a) and (b) above.

#### 9. Burial of pets

(1) Subject to sub-paragraph (2) below, the burial of a dead domestic pet up to 40 kilograms in weight in the garden of a domestic property where the pet lived or in land owned by the owner of the pet.

(2) This paragraph does not apply if -

- (a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or
- (b) the burial is carried out by an establishment or undertaking (such as a veterinary clinic).

#### 10. Management of waste from public recreation activities

(1) The generation and management of waste similar to household waste, in public places as a result of small scale public recreation activities that involve householders generating and managing waste outside their households, and specifically excluding one-off large scale social activities (including feasts, mass rallies, etc.) that would otherwise be covered by paragraph 2 of this Schedule.

(2) The generation of hazardous wastes in quantities typically found in household waste.



(3) The transport by means of private cars, of any wastes mentioned in sub-paragraphs (1) and (2) to authorized disposal/collection facilities.

Provided that:

- (a) any waste produced by householders during the activity outside their household should be managed in line with the requirements of paragraph 1;
- (b) no waste is to escape in any way into public areas at any time from the time the waste is being generated to the time the waste is being disposed of in an appropriate manner;
- (c) littering of public places is prevented.

#### 11. Cesspits

Domestic cesspits, with the exclusion of cesspits for the collection of industrial effluents, provided that they are covered by other national legislation.

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SCHEDULE 5  
WASTE PREVENTION PROGRAMMES AND  
WASTE MANAGEMENT PLANS

*Amended by:  
L.N. 441 of 2011;  
L.N. 6 of 2014.*

Part 1  
Objectives

#### Overall objective

1. To protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing the overall impacts of resource use and improving the efficiency of such use.

#### Waste Hierarchy

2. (1) The following waste hierarchy shall apply as a priority order in waste prevention and management legislation and policy:

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery, e.g. energy recovery; and
- (e) disposal.

(2) When applying the waste hierarchy referred to in sub-regulation (1) of this regulation, the competent authority shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by lifecycle thinking on the overall impacts of the generation and management of such waste.

The competent authority shall take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts.

(3) The competent authority shall ensure that the development of waste legislation and policy is a fully transparent process, observing existing national rules about the consultation and involvement of citizens and stakeholders.

Protection of human health and the environment

3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

Principles of self-sufficiency and proximity

4. (1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.

(2) The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households, and to enable Malta to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

(3) The network shall enable waste to be disposed of or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

(4) This provision does not require that the full range of recovery facilities are located in the Malta.

Part 2

Matters which must be included in waste management plans

Analysis of current waste management situation

5. An analysis of the current waste management situation in Malta, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of these regulations.

General policies in relation to waste

6. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:

- (a) the type, quantity and source of waste generated within the Maltese territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
- (b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific national and community legislation;
- (c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in

accordance with paragraph 4 of this Schedule, and, if necessary, the investments related thereto;

- (d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

#### Policies in relation to packaging waste

7. In pursuance of the objectives and measures laid down in the Packaging and Packaging Waste Regulations, a chapter on the management of packaging and packaging waste.

#### Policies in relation to separate collection

8. Measures to promote high quality recycling and, to this end, shall set up separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.

#### Policies in relation to bio-waste

9. Measures, as appropriate, and in accordance with paragraph 3 of this schedule, to encourage:

- (a) the separate collection of bio-waste with a view to the composting and digestion of bio-waste;
- (b) the treatment of bio-waste in a way that fulfils a high level of environmental protection;
- (c) the use of environmentally safe materials produced from bio-waste.

#### Policies in relation to re-use

10. Measures, as appropriate, to promote the re-use of products and preparing for re-use activities, in particular:

- (a) measures to encourage the establishment and support of re-use and repair networks,
- (b) the use of economic instruments,
- (c) the use of procurement criteria,
- (d) the setting of quantitative objectives.

#### Policies in relation to recovery

11. The necessary measures to ensure that waste undergoes recovery operations in accordance with part 1 of this schedule.

#### Re-use, Recycling and recovery targets

12. The necessary measures to achieve the following targets by 2020:

- (a) the preparing for re-use and the recycling of paper, metal, plastic and glass from households, shall be increased to a minimum of overall 50% by weight;
- (b) the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste

excluding naturally occurring material defined in category 17 05 04 in the list of waste\* shall be increased to a minimum of 70% by weight.

#### Cooperation

13. Cooperation as appropriate with other competent authorities and Member States concerned and the Commission to draw up the waste management plans and the waste prevention programmes in accordance with regulations 28 and 29.

#### Part 3

Matters which may be included in waste management plans

Matters which may be included in waste management plans

14. Taking into account the geographical level and geographical area to which the statement relates:

- (a) organisational aspects related to waste management, such as collection frequency and collection times, including a description of the allocation of responsibilities between public and private actors carrying out waste management;
- (b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;
- (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;
- (d) historical contaminated waste disposal sites and measures for their rehabilitation.

Policies in relation to waste oils

15. Measures, as appropriate, and in accordance with paragraph 3 of this schedule, to encourage the regeneration of waste oils where technically feasible.

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*Amended by:  
L.N. 441 of 2011.*

#### SCHEDULE 6 EXAMPLES OF WASTE PREVENTION MEASURES REFERRED TO IN REGULATION 29

Measures that can affect the framework conditions related to the generation of waste

1. The use of planning measures, or other economic instruments promoting the efficient use of resources.
2. The promotion of research and development into the area of achieving cleaner and less wasteful products and technologies and the dissemination and use of the results of such research and development.
3. The development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from product

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\*OJ L 226, 6.9.2000, p. 3

comparisons at Community level through action by local authorities to national measures.

Measures that can affect the design and production and distribution phase

4. The promotion of eco-design (the systematic integration of environmental aspects into product design with the aim to improve the environmental performance of the product throughout its whole life cycle).

5. The provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques by industry.

6. Organise training of competent authorities as regards the insertion of waste prevention requirements in permits under these regulations and the Integrated Pollution Prevention and Control Regulations.

7. The inclusion of measures to prevent waste production at installations not falling under the Integrated Pollution Prevention and Control Regulations. Where appropriate, such measures could include waste prevention assessments or plans.

8. The use of awareness campaigns or the provision of financial, decision making or other support to businesses. Such measures are likely to be particularly effective where they are aimed at, and adapted to, small and medium sized enterprises and work through established business networks.

9. The use of voluntary agreements, consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.

10. The promotion of creditable environmental management systems, including EMAS and ISO 14001.

Measures that can affect the consumption and use phase

11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.

12. The use of awareness campaigns and information provision directed at the general public or a specific set of consumers.

13. The promotion of creditable eco-labels.

14. Agreements with industry, such as the use of product panels such as those being carried out within the framework of Integrated Product Policies or with retailers on the availability of waste prevention information and products with a lower environmental impact.

15. In the context of public and corporate procurement, the integration of environmental and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on environmental public procurement published by the Commission on 29 October 2004.

16. The promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational, economic, logistic or other measures such as support to or establishment of accredited repair and reuse-centres and networks especially in densely populated regions.

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## SCHEDULE 7

## EXTENDED PRODUCER RESPONSIBILITY

(1) The competent authority may introduce legislative measures to ensure that producers of oils, tyres and other specific products not regulated by existing national or Community legislation, or third parties acting on their behalf, with respect to waste oils arising from their activities, use existing systems or set up systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for:

- (a) the return and, or collection of waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;
- (b) the recovery, including regeneration in the case of waste oils, where technically feasible and economically viable of the waste collected.

(2) For the purposes of achieving the objectives, and satisfying the provisions of sub-regulation (1) hereof, the competent authority may, with respect to waste arising from their activities, require producers of specific products to:

- (a) provide adequate facilities at their premises or at other designated areas or premises for the deposition of waste by customers at no net cost to the latter, and for the reception, segregation and storage of waste;
  - (b) display a notice on such areas or premises indicating that waste of the type put on the market by the producer will be accepted, free of charge;
  - (c) accept from any person, waste of the type of products supplied by that producer;
  - (d) arrange for the collection of waste from any other producer to whom products are supplied by the producer;
  - (e) arrange for the waste so accepted and/or collected to be:
    - (i) taken back by a supplier of such products, or
    - (ii) recovered by the producer or by an operator of an authorised waste oils recovery scheme, or
    - (iii) made available for regeneration or recovery, namely that it is segregated, offered to regenerators or recoverers and stored pending collection by a regenerator or recoverer.
-

SCHEDULE 8  
CONSIGNMENT PERMIT - DETAILS TO BE FILLED IN  
BY CONSIGNOR, CARRIER AND CONSIGNEE

<b>WASTE CONSIGNMENT PERMIT APPLICATION</b>			
			Waste Consignment Permit No. <b>CP</b> № _____
<b>A) CONSIGNMENT DETAILS</b>			
1. The waste described below is to be removed from:		2. The waste producer was (if different from 1):	
Company name _____		Company name _____	
Address _____		Address _____	
3. The consignment(s) will be: one single <input type="checkbox"/> a succession <input type="checkbox"/> carrier's round <input type="checkbox"/> other <input type="checkbox"/> (please specify) _____			
4. Expected removal date of first consignment: _____		last consignment: _____	
5. Notifier's Name _____		6. Notifier's Tel. No. _____	
Address _____		Notifier's Fax No. _____	
		Notifier's Mob. No. _____	
<b>B) DESCRIPTION OF THE WASTE</b>			
1. The waste is _____			
2. Hazardous Waste <input type="checkbox"/> Biodegradable Waste <input type="checkbox"/> Others <input type="checkbox"/>			
3. EWC code _____		4. Packaging Type <sup>a</sup> _____	
5. Physical Characteristics <sup>a</sup> _____		6. Number of packages _____	
7. Estimated total quantity for removal (include units kg/ltrs/tonnes etc): _____			
8. The chemical/biological components that make the waste hazardous are:			
Component	Concentration (% or mg/kg)	Component	Concentration (% or mg/kg)
9. The hazard code(s) is (are) (e.g. H7) <sup>a</sup> : _____			
10. Special Handling Requirements: _____			
<b>C) CARRIER'S DETAILS</b>			
1. Name & Surname _____		2. Carrier Tel. No. _____	
On behalf of _____		Carrier Fax No. _____	
Address _____		3. Waste Management Registration No. _____	
		4. Vehicle Reg. No. (or mode of transport if not road) _____	
<b>D) CONSIGNEE'S DETAILS</b>			
1. Waste Management Facility _____		2. Type of disposal/recovery operation <sup>a</sup> _____	
3. Address _____		4. Facility Tel. No. _____	
		Facility Fax No. _____	
5. Waste Management permit/registration no. _____ authorises the management of waste described in B.			
6. PLEASE ATTACH COPY OF CONFIRMATION FROM AN AUTHORISED REPRESENTATIVE OF THE WASTE MANAGEMENT FACILITY INDICATING AGREEMENT TO ACCEPT THE WASTE.			
<b>E) CONSIGNOR'S DECLARATION</b>			
I certify that the information in A, B, C and D above is correct, that the carrier is registered and was advised of the appropriate precautionary measures.			
1. Name & Surname _____		2. On behalf of _____	
Address _____			
		3. Signature _____ Date _____	
PLEASE COMPLETE IN BLOCK CAPITALS			a: See attached list

## GUIDANCE NOTES

**B4 Packaging Type**

- |                  |                        |
|------------------|------------------------|
| 1. Drum          | 5. Bag                 |
| 2. Wooden barrel | 6. Composite packaging |
| 3. Jerrican      | 7. Pressure receptacle |
| 4. Box           | 8. Bulk                |
|                  | 9. Other (Specify)     |

**B5 Physical Characteristics**

- |                   |                    |
|-------------------|--------------------|
| 1. Powdery/powder | 4. Sludge          |
| 2. Solid          | 5. Liquid          |
| 3. Viscous/paste  | 6. Gaseous         |
|                   | 7. Other (Specify) |

**B9 PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS (HAZARD CODES)**

H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

**H3-A 'Highly flammable':**

- liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or - gaseous substances and preparations which are flammable in air at normal pressure, or - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.

H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.

H9 'Infectious': substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 'Teratogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may include hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 'Ecotoxic': substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

**D2 DISPOSAL OPERATIONS**

- D1 Deposit into or onto land (e.g. landfill, etc.)  
 D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)  
 D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)  
 D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)  
 D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)  
 D6 Release into a water body except seas/oceans  
 D7 Release into seas/oceans including seabed insertion  
 D8 Biological treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12  
 D9 Physico-chemical treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)  
 D1 Incineration on land  
 D11 Incineration at sea  
 D12 Permanent storage (e.g. emplacement containers in a mine, etc.)  
 D13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12  
 D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13  
 D15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced)

**D2 RECOVERY OPERATIONS**

- R1 Use principally as a fuel or other means to generate energy  
 R2 Solvent reclamation/regeneration  
 R3 Recycling/reclamation of organic substances, which are not used as solvents (including composting and other biological transformation processes)  
 R4 Recycling/reclamation of metals and metal compounds  
 R5 Recycling/reclamation from catalysts  
 R6 Regeneration of acids or bases  
 R7 Recovery of components used for pollution abatement  
 R8 Recovery of components from catalysts  
 R9 Oil re-refining or other reuses of oil  
 R10 Land treatment resulting in benefit to agriculture or ecological improvement  
 R11 Use of wastes obtained from any of the operations numbered R 1 to R 1  
 R12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11  
 R13 Storage of wastes pending any of the operations numbered R 1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)



## SCHEDULE 9

CONSIGNMENT NOTE - DETAILS TO BE FILLED IN  
BY CONSIGNOR, CARRIER AND CONSIGNEE

PRENOTIFICATION COPY	
Waste Consignment Permit No. <b>CP</b> <input type="text"/>	Waste Consignment Note No. <b>CN</b> <input type="text"/>
<b>A) CONSIGNMENT DETAILS</b>	
1. The waste described below is to be removed from: Company Name _____ Address _____	2. The waste will be taken to: Company Name _____ Address _____
3. The consignment(s) is (are): one single <input type="checkbox"/> a succession <input type="checkbox"/> carrier's round <input type="checkbox"/> other <input type="checkbox"/> (please specify) _____	
4. Removal date of first consignment: _____ last consignment: _____	
5. Notifier's Name _____ Address _____	6. Notifier Tel. No. _____ Notifier Fax. No. _____ Notifier Mob. No. _____
<b>B) DESCRIPTION OF THE WASTE</b>	
1. The waste is _____	
2. Hazardous Waste <input type="checkbox"/> Biodegradable Waste <input type="checkbox"/> Others <input type="checkbox"/>	
3. EWC code _____	4. Packaging Type * _____
5. Physical Characteristics * _____	6. Number of packages _____
7. Estimated total quantity for removal (include units kg/ltrs/tonnes etc) _____	
8. The hazard code(s) is (are)(e.g. H7) * _____	
9. Special Handling Requirements: _____	
<b>C) CARRIER'S CERTIFICATE</b>	
I certify that I today collected the consignment and that the details in A1, A2 and B1 are correct. The quantity collected is:	
1. Name & Surname _____ On behalf of _____ Address _____	3. Waste registration no _____ 4. Vehicle reg. no. (or mode of transport if not road) _____
2. Carrier Tel. No. _____ Carrier Fax. No. _____	5. Signature _____ 6. Date _____ Time _____
<b>D) CONSIGNOR'S CERTIFICATE</b>	
I certify that the information in A, B and C above is correct, that the carrier is registered and was advised of the appropriate precautionary measures.	
1. Name & Surname _____ Address _____	2. On behalf of _____ 3. Signature _____ Date _____
<b>E) CONSIGNEE'S CERTIFICATE</b>	
1. I received this waste on _____ at _____ hrs.	2. Quantity received (include units kg/ltrs/tonnes etc) _____
3. Vehicle registration no. _____	4. Type of disposal/recovery operation * _____
5. I certify that waste management permit/registration no. _____ authorises the management of waste described in B.	
6. Name & Surname _____ On behalf of _____ Address _____	7. Facility Tel. No. _____ Facility Fax. No. _____ 8. Signature _____ 9. Date _____ Time _____
PLEASE COMPLETE IN BLOCK CAPITALS THE PRENOTIFICATION COPY SHOULD BE FAXED ON 2166 9168 PRIOR TO CONSIGNMENT AND THE ORIGINAL COPY SHOULD BE DELIVERED BY MAIL TO THE ADDRESS ABOVE	
a: See attach This document contains:	

## GUIDANCE NOTES

**B4 Packaging Type**

- |                  |                        |
|------------------|------------------------|
| 1. Drum          | 5. Bag                 |
| 2. Wooden barrel | 6. Composite packaging |
| 3. Jerrican      | 7. Pressure receptacle |
| 4. Box           | 8. Bulk                |
|                  | 9. Other (Specify)     |

**B5 Physical Characteristics**

- |                   |                    |
|-------------------|--------------------|
| 1. Powdery/powder | 4. Sludge          |
| 2. Solid          | 5. Liquid          |
| 3. Viscous/paste  | 6. Gaseous         |
|                   | 7. Other (Specify) |

**B9 PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS (HAZARD CODES)**

H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

**H3-A 'Highly flammable':**

- liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or - gaseous substances and preparations which are flammable in air at normal pressure, or - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.

H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.

H9 'Infectious': substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 'Teratogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may include hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 'Ecotoxic': substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

**D2 DISPOSAL OPERATIONS**

- D1 Deposit into or onto land (e.g. landfill, etc.)  
 D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)  
 D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)  
 D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)  
 D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)  
 D6 Release into a water body except seas/oceans  
 D7 Release into seas/oceans including seabed insertion  
 D8 Biological treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12  
 D9 Physico-chemical treatment not specified elsewhere in this Annex, which results in final compounds or mixtures, which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)  
 D1 Incineration on land  
 D11 Incineration at sea  
 D12 Permanent storage (e.g. emplacement containers in a mine, etc.)  
 D13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12  
 D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13  
 D15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced)

**R2 RECOVERY OPERATIONS**

- R1 Use principally as a fuel or other means to generate energy  
 R2 Solvent reclamation/regeneration  
 R3 Recycling/reclamation of organic substances, which are not used as solvents (including composting and other biological transformation processes)  
 R4 Recycling/reclamation of metals and metal compounds  
 R5 Recycling/reclamation from catalysts  
 R6 Regeneration of acids or bases  
 R7 Recovery of components used for pollution abatement  
 R8 Recovery of components from catalysts  
 R9 Oil re-refining or other reuses of oil  
 R10 Land treatment resulting in benefit to agriculture or ecological improvement  
 R11 Use of wastes obtained from any of the operations numbered R 1 to R 1  
 R12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11  
 R13 Storage of wastes pending any of the operations numbered R 1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)

SCHEDULE 10  
END-OF-WASTE CRITERIA DECLARATION,  
REFERRED TO IN REGULATION 6

*Amended by:  
L.N. 441 of 2011.*

<b>1. Waste Producer</b> Registration No.: Name: Address: Contact Person: Tel.:                      Fax: E-mail:	<b>2. Recovery facility</b> Registration No.: Environmental Permit No.: Name: Address: Contact Person: Tel.:                      Fax: E-mail:
<b>3. Waste recovered:</b> EWC code: Quantity (kg):	
<b>4. Recovery Operation</b> R code <sup>(1)</sup> : Technology employed <sup>(2)</sup> :	
<b>5. Percentage of foreign material/pollutants present in the recovered substance if applicable <sup>(3)</sup>:</b> Pollutant: Quantity (mg/kg):	
<b>6. Does the substance require further treatment prior to use:</b> <div style="text-align: center;">           No <input type="checkbox"/>                      Yes (please specify) <input type="checkbox"/> </div> <hr/> <hr/>	

1. Refer to Schedule 2 of the Waste Regulations.
2. Attach details if necessary.
3. The competent authority reserves the right to refuse an end-of-waste certification should the percentage of foreign material/pollutant lead to possible adverse environmental effects of the substance or object.

7. a) Market use (demand):	
b) Customs code(s) (HS):	
8. Relevant contractual agreements, legislation and standards applicable to the substance <sup>(4)</sup> : (Where relevant, main technical provisions of a customer specification such as composition, size, type and properties)	
9. Generator's/Producer's declaration	
I certify that the information is complete and correct to my best knowledge.	
Generator's/producer's name:	Signature:
Date:	
<b>FOR USE BY THE COMPETENT AUTHORITY</b>	
10. Approval from the Malta Environment and Planning Authority	
Documentation received on:	
Certification approved:	
No <input type="checkbox"/>	Yes <input type="checkbox"/>
Stamp and/or signature:	

<sup>4</sup> Attach relevant documentation and/or certification, clearly showing that the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable or a declaration that no such standards apply to the product that has achieved end-of-waste status.