



GOVERNMENT OF MALTA

Government response to the Restrictions on Placing on the Market of Single-Use Plastic Products (Amendment) Regulations, 2021

July 2022

Environment and Resources Authority
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Contents

CONTENTS

Contents.....	3
Executive Summary	4
Introduction and overview	4
Responses to the consultation and process used to seek stakeholder views	5
Summary of responses and decisions.....	5
Implementation.....	6
Contact Details	6

Executive Summary

Introduction and overview

On 24th June 2021, the Environment and Resources Authority (ERA), in collaboration with the Ministry for the Environment, Climate Change and Planning published the *Restrictions on Placing on the Market of Single-Use Plastic Products (Amendment) Regulations, 2021* for public consultation.

As part of the 2021 Budget speech, the Government announced a new measure (i.e. No. 144), whereby the sale and distribution of certain single use plastic (SUP) items, which are prohibited from being placed on the market of Malta as from 1st January 2021, will be prohibited in 2022.

In December 2020, Malta enacted the Restrictions on Placing on the Market of Single-Use Plastic Products Regulations (S.L. 549.140), transposing Article 5 and Article 6 (1) and 6 (2) of the SUP Directive (Directive 2019/904). In line with the SUP Directive, S.L. 549.140 prohibits the placing on the market of products made from oxo-degradable plastic as well as the SUP products listed in Part A of its Schedule, namely Cotton bud sticks; Cutlery; Plates; Straws; Beverage stirrers; Sticks to be attached to and to support balloons; certain food containers made of expanded polystyrene; Beverage containers made of expanded polystyrene, including their caps and lids; and Cups for beverages made of expanded polystyrene.

In order to implement the 2021 Budget measure No. 144, an amendment to S.L. 549.140 has been drafted with a view to setting a new cut-off date for the distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, of those targeted products which had been placed on the market before 1st January 2021.

The proposed amendment will ban the distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, products made from oxo-degradable plastic as well as the following SUP products set out in Part A of the Schedule to S.L.549.140, which placing on the market has been prohibited as from 1st January 2021:

- a) Cotton bud sticks, except if they fall within the scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC;
- b) Cutlery (forks, knives, spoons, chopsticks);
- c) Plates;
- d) Straws, except if they fall within the scope of Directive 90/385/EEC or Directive 93/42/EEC;
- e) Beverage stirrers;
- f) Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks;

- g) Food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food which:
- a. is intended for immediate consumption, either on-the spot or take-away,
 - b. is typically consumed from the receptacle, and
 - c. is ready to be consumed without any further preparation, such as cooking, boiling or heating,
- including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;
- h) Beverage containers made of expanded polystyrene, including their caps and lids;
- i) Cups for beverages made of expanded polystyrene, including their covers and lids.
- j) All oxo-degradable plastic items.

The Legal Notice was published for public consultation from 24th June 2021 to 5th August 2021 in line with Article 55(1) of the Environment Protection Act (Cap. 549).

The objective of the public consultation was to invite the public to make submissions to ERA with their comments as to why and how these regulations could be amended in line with articles 55(1) of the Environment Protection Act (Cap. 549).

This consultation sought views on why and how these regulations could be amended in line with articles 55(1) of the Environment Protection Act (Cap. 549).

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

The *Restrictions on Placing on the Market of Single-Use Plastic Products (Amendment) Regulations, 2021* were subject to a six-week public consultation period, which ran from 24th June 2021 to 5th August 2021. The public consultation was available online on the ERA and konsultazzjoni.gov.mt websites. No comments were received during the said consultation period.

No consultation meetings were held in relation to this public consultation.

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

1. Statistics.

- Total feedback received: 0

- Total feedback received by individuals: X
- Total feedback received by organisations: X
- Total feedback received through email: X
- Total feedback received through online form: X
- Total feedback received by post: X

No comments were received during the consultation period.

In the absence of any submission on how to amend the proposed Regulations, no amendments to the legal text were required following public consultation.

Implementation

The Legal Notice was published as LN 499 of 2021 on 24th December 2021.

Contact Details

If you have any questions regarding this response, please contact: era.policy@era.org.mt