



GOVERNMENT OF MALTA

Government response to the Consultation on **the
Waste Management (Packaging and Packaging Waste)
(Amendment) Regulations, 2020**

17th August 2020

*Ministry for the Environment, Climate Change and Planning
(Environment and Resources Authority (ERA))*

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Executive Summary

Introduction and overview

1. A brief introduction about the subject.

The Waste Management (Packaging and Packaging Waste) (Amendment) Regulations, 2020, aim to streamline the Waste Management (Packaging and Packaging Waste) Regulations (S.L. 549.43), with the Beverage Containers Recycling Regulations.

The amendment being carried out through the Legal Notice, serves to partially exclude certain packaging and producers from the scope of S.L 549.43 owing to the fact that such packaging are now regulated by the Beverage Containers Recycling Regulations, and thereby avoiding duplication and overlap of regulation.

The amending regulations in question see the addition of a new sub-regulation (6) to regulation 2 of S.L. 549.43, which lays down the scope of the legislation.

The proposed sub-regulation 2(6), as presented in the Legal Notice, will specifically exclude from the scope of the Waste Management (Packaging and Packaging Waste) Regulations, within the limits further defined therein and to the extent that these are covered by the Beverage Containers Recycling Regulations:

- a) Beverages in beverage containers intended to be placed on the national market, and
- b) A producer of beverages in beverage containers, i.e. any person importing, bottling, canning or otherwise filling beverages in beverage containers intended to be placed on the market within the territory of Malta.

The sub-regulation further clarifies that producers of beverages in beverage containers who place other packaging or packaging material on the market (other than the beverage containers referred to in the Beverage Containers Recycling Regulations), are not so excluded.

Finally, the sub-regulation clarifies that certain provisions of S.L 549.43 will nonetheless remain applicable to all - namely, regulations 4, 5, 6, 7, 11, 18 and Schedule 2, which essentially govern the placement of packaging on the market of Malta.

2. The public consultation date.

Include the objective and purpose of the public consultation.

The draft Waste Management (Packaging & and Packaging Waste) (Amendment) Regulations, 2020, were issued for public consultation for a period of four weeks, beginning on the 4th June. Members of the public were invited to make comments and suggestions as to how the proposed regulations could be improved to reach their ultimate aim.

3. This consultation sought views on:

- The content of the draft Legal Notice

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.

4. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 3rd July 2020. The draft regulations, together with a consultation brief, were uploaded online both on ERA's website, as well as the public consultation.gov.mt website for a total of 4 weeks. Only one comment was received via email during the said consultation period.

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

N/A

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.

6. Statistics.

- Total feedback received: 1
- Total feedback received by individuals: 1
- Total feedback received by organisations: 0
- Total feedback received through email: 1
- Total feedback received through online form: 0
- Total feedback received by post: 0

7. Summary of feedback received.

One comment was received from an individual in which it was pointed out that such regulations may serve to prevent or limit the scope for future innovation and change.

8. Your assessment and the Government's decision (list the Government's decisions).

ERA has noted the feedback received, however no amendments to the draft regulations were carried out post-consultation. The overarching objective of the regulations at issue is indeed to avoid placing excessive burden on the relevant economic operators, with a view to striking the right balance between economic considerations and environmental benefits, while also not limiting the scope of the principal regulations for future innovation and change.

Implementation

9. When you intend to implement the decisions

The Regulations have been published on 31st July 2020, though [Legal Notice 310 of 2020](#) (Gov. Gazette No. 20,452).

Contact Details

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

Annex A: List of respondents

Organisation
N/A
Private Individuals:
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