

L.N. _____ of 2020

**SUPPLIES AND SERVICES ACT
(CAP. 117)**

**ENVIRONMENT PROTECTION ACT
(CAP. 549)**

**Restrictions on Placing on the Market of Lightweight Plastic
Carrier Bags Regulations, 2020**

IN EXERCISE of the powers conferred by article 3 of the Supplies and Services Act, and articles 54 and 55 of the Environment Protection Act, the Minister for the Economy, Investment and Small Businesses and the Minister for the Environment, Climate Change and Planning, have made the following regulations:

1. The title of these regulations is the Restrictions on Placing on the Market of Plastic Carrier Bags Regulations, 2020. Citation.

2. (1) These regulations bring into effect the provisions of Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards Scope.

reducing the consumption of lightweight plastic carrier bags.

(2) The Environment and Resources Authority and the Customs Department shall collaborate and cooperate in enforcing these regulations.

(3) These regulations shall not apply to the plastic carrier bags not intended for placing on the market in Malta.

Interpretation.

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

"biodegradable and compostable plastic carrier bags" means plastic carrier bags certified by an accredited conformity assessment body to comply with harmonised standard EN 13432:2000 on requirements for packaging recoverable through composting and biodegradation;

"lightweight plastic carrier bags" means plastic carrier bags with a wall thickness below 50 microns;

"making available on the market" means any supply of plastic carrier bags for distribution, consumption or use on the market in Malta in the course of a commercial activity, whether in return for payment or free of charge;

"placing on the market" means the first making available of plastic carrier bags on the market in Malta;

"plastic" means a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of carrier bags;

"plastic carrier bags" means carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of goods or products;

"point of sale" means any retail premises, whether movable or immovable, or a retail website or similar online sales facility, including a telephone service;

"producer" means any natural or legal person who:

(a) is established in Malta and manufactures plastic carrier bags to be placed on the market in Malta;

(b) is established in Malta and places on the market of Malta, on a professional basis, plastic carrier bags, from a third country or from another EU Member State;

(c) sells plastic carrier bags by means of distance communication as defined in the Consumer Rights Regulations directly to consumers in Malta and is established in another EU Member State or third country;

S.L. 378. 17.

"reusable plastic carrier bags" means plastic carrier bags which have been conceived, designed and placed on the market to accomplish within its lifecycle multiple trips or rotations by being reused for the same purpose for which it was conceived;

"very lightweight plastic carrier bags" means plastic carrier bags with a wall thickness below 15 microns which are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage.

4. (1) As from 1 January 2021, the importation, intra-Community acquisition, and manufacturing for the circulation on the market in Malta, in the course of a commercial activity, of any lightweight plastic carrier bags shall be prohibited.

Restrictions on placing on the market.

(2) As from 1 January 2022, any supply of lightweight plastic carrier bags for distribution, consumption or use on the market in Malta, in the course of a commercial activity, whether in return for payment or free of charge, shall be prohibited.

(3) The following plastic carrier bags shall be exempt from the prohibitions referred to in sub-regulations (1) and (2):

- (a) very lightweight plastic carrier bags;
 - (b) biodegradable and compostable plastic carrier bags;
- and
- (c) reusable plastic carrier bags.

(4) Producers of biodegradable and compostable plastic carrier bags shall, upon applying to renew their registration in accordance with regulation 21(2) of the Waste Management (Packaging and Packaging Waste) Regulations, submit the certificates issued by an accredited conformity assessment body indicating that all the biodegradable and compostable plastic carrier bags placed on the national market in the course of a calendar year comply with harmonised standard EN 13432:2000:

S.L. 549. 43.

Provided that such certificates shall be made available to the Environment and Resources Authority upon request and to the Customs Department on importation, intra-Community acquisition, manufacturing or otherwise when requested.

(5) The biodegradable and compostable plastic carrier bags shall be labelled in accordance with the specifications provided for in the implementing act referred to in Article 8a of Directive 94/62/EC.

Offences and penalties.

5. (1) Any person who contravenes or fails to comply with the prohibitions under regulation 4, shall, on conviction, be guilty of an offence under these regulations.

(2) Any person who commits or attempts to commit an offence against these regulations shall, on conviction, be liable:

(a) on a first conviction to a fine (*multa*) not exceeding one thousand five hundred euro (€1, 500);

(b) on a second or subsequent conviction, to a fine (*multa*) not exceeding two thousand five hundred euro (€2,500):

Provided that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by any of the competent authorities as a result of the said offence and shall moreover order the confiscation of the products to which the offence relates, even though the owner thereof may not be a party to the proceedings.

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(3) The provisions of article 23 and 30(1) of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations.
