

L.N. 481 of 2020

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

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

**Restrictions on Placing on the Market of Single-Use Plastic
Products 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 and Industry 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 Single-Use Plastic Products Regulations, 2020. Citation-

2. (1) These regulations bring into effect Article 5 and Articles 6(1) and (2) of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment. Scope.

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

3. In these regulations, unless the context otherwise requires: Interpretation.

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

"oxo-degradable plastic" means plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition;

"packaging" means packaging as defined in regulation 3(1) of the Waste Management (Packaging and Packaging Waste) Regulations; S.L. 549. 43.

"placing on the market" means the first making available of a product on the market of Malta;

"plastic" means a material consisting of a polymer as defined in

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point 5 of Article 3 of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

"single-use plastic product" means a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived;

Prohibitions on placing on the market.

4. (1) As from 1 January 2021, the placing on the market of the single-use plastic products listed in Part A of the Schedule and of products made from oxo-degradable plastic shall be prohibited.

(2) As from 3 July 2024, the placing on the market of the single-use plastic products listed in Part B of the Schedule that have caps and lids made of plastic shall be prohibited:

Provided that single-use plastic products listed in Part B of the Schedule may be exempt from such prohibition only if the caps and lids remain attached to the containers during the products' intended use stage:

Provided further that for the purposes of this sub-regulation, metal caps or lids with plastic seals shall not be considered to be made of plastic.

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.

(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. Cap. 9.

SCHEDULE
(regulation 4)

Single-use Plastic Products Covered by the Prohibition on Placing on
the Market

Part A

(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:

- is intended for immediate consumption, either on-the-spot or take-away,

- is typically consumed from the receptacle, and

- 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;

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(i) Cups for beverages made of expanded polystyrene, including their covers and lids.

Part B

Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid, such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not:

- glass or metal beverage containers that have caps and lids made from plastic; and
 - beverage containers intended and used for food for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council (3) that is in liquid form.
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