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NOTIFIKAZZJONI TAL-GVERN**GOVERNMENT NOTICE****Nru. 819****No. 819****ATT DWAR IL-HARSIEN TAL-AMBJENT
(KAP. 435)****ENVIRONMENT PROTECTION ACT
(CAP. 435)**

BIS-SAHHA tal-poteri mogħtija bl-artikoli 9 u 10 tal-Att dwar il-Harsien tal-Ambjent, il-Prim Ministru, wara konsultazzjoni mal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, qiegħed b'dan l-avviż jippubblika dan l-abbozz ta' regolamenti fejn jippermetti lil kull persuna perijodu ta' erba' gimgħat biex tagħmel rappreżentazzjonijiet lid-Direttur għall-Harsien tal-Ambjent tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, fejn tiddikjara kif, fil-fehma tagħha, ir-regolamenti proposti ma jkunux jipproteġu biżżejjed l-ambjent jew kif dawn ikunu restrittivi ż-żejjed bla bżonn jew jikkaġunawliha diffikultà jew telf ekonomiku u titlob għal reviżjoni ta' dak l-abbozz:-

Regolamenti tal-2009 dwar Maniġġar ta' Skart (Batteriji u Akkumulaturi).

Is-16 ta' Ottubru, 2009

BY virtue of the powers conferred by articles 9 and 10 of the Environment Protection Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, is hereby publishing the following draft regulations to allow any person a period of four weeks to make representations to the Director for Environment Protection of the Malta Environment and Planning Authority, stating how, in his opinion, the proposed regulations do not sufficiently respect the environment or how they are too unnecessarily restrictive or cause him hardship or economic loss and asking for a revision of such draft:-

Waste Management (Waste Batteries and Accumulators) Regulations, 2009.

16th October, 2009

**ATT DWAR IL-HARSIEN TAL-AMBJENT
(KAP. 435)****Regolamenti tal-2009 dwar Maniġġar ta' Skart (Batteriji u Akkumulaturi)**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 9, 11(1)(b) u 28 ta' l-Att dwar il-Harsien ta' l-Ambjent, il-Prim Ministru, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, għamel dawn ir-regolamenti li ġejjin:-

Titolu u bidu
fis-Sehh.

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2009 dwar Maniġġar ta' Skart (Batteriji u Akkumulaturi).

(2) Dawn ir-regolamenti għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-ambjent jista', b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dawn ir-regolamenti.

Għan.

2. (1) Dawn ir-regolamenti jipprovdu d-dispożizzjonijiet tad-Direttiva 2006/66/KE¹ tal-Parlament Ewropew u tal-Kunsill tas-6 ta' Settembru 2006 dwar batteriji u akkumulaturi u skart ta' batteriji u akkumulaturi u li tħassar Direttiva 91/157/KEE² kif emendata bid-Direttiva 2008/12/KE³ tal-Parlament Ewropew u tal-Kunsill tal-11 ta' Marzu 2008, rigward l-implimentazzjoni tas-setgħat mogħtija lill-Kummissjoni.

(2) L-għan tad-Direttiva, b'kunsiderazzjoni ta' l-impatt ambjentali tat-trasport, huwa li jitkabbar l-għbir separat ta' skart ta' batteriji u akkumulaturi u jkun minimizzat ir-rimi ta' batteriji u akkumulaturi bħala skart municipali mhux magħżul sabiex jintlaħaq livell għoli ta' riċiklaġġ għall-iskart kollu ta' batteriji u akkumulaturi. Tipprova wkoll ittejjeb il-prestazzjoni ambjentali ta' batteriji u akkumulaturi u ta' l-attivitajiet ta' l-operaturi ekonomiċi kollha involuti fiċ-ċiklu tal-ħajja ta' batteriji u akkumulaturi, bħal produtturi, distributuri u utenti u, b'mod partikolari, dawk l-operaturi involuti direttament fit-trattament u r-riċiklaġġ ta' skart ta' batteriji u akkumulaturi.

(3) Dawn ir-regolamenti jipprovdu miżuri addizzjonali, proċeduri u gwida ma' dawk li hemm fir-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart, li jimmiraw li jstabilixxu regoli speċifiċi għall-għbir, trattament, riċiklaġġ u rimi ta' skart ta' batteriji u akkumulaturi biex iheggu livell għoli ta' għbir u riċiklaġġ ta' skart ta' batteriji u akkumulaturi.

A. L. 337
tal-2001.

Tifsir.

3. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

A. L. 63
tal-2007.

“apparat” tfisser kull tagħmir elettriku jew elettroniku, kif definit fir-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku), li huwa mhaddem kompletament jew parzjalment minn batteriji jew akkumulaturi jew jista' jkun hekk imhaddem;

Kap. 435.

“l-Att” tfisser l-Att dwar il-Ħarsien ta' l-Ambjent;

“l-Awtorità Kompetenti” tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar u korp jew persuna oħra bħal dik li l-Ministru responsabbli għall-Ambjent jista' b'ordni fil-Gazzetta jagħmel u korpi jew persuni differenti jistgħu jkunu nominati bħala l-awtorità kompetenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dawn ir-regolamenti;

¹ OJ L 266, 26.9.2006, p. 1.

² OJ L 78, 26.3.1991, p. 38.

³ OJ L 76, 19.3.2008, p. 39.

“batterija” jew “akkumulatur” tfisser kull sors ta' enerġija elettrika ġenerata bil-konverżjoni diretta ta' enerġija kimika u li tkun tikkonsisti f'“batterija primarja waħda jew aktar (mhux rikarikabbli), jew f'“celluli ta' batterija waħda jew aktar sekondarji (rikarikabbli);

“batteriji u akkumulaturi awtomotivi” tfisser kull batterija jew akkumulatur li tintuża bħala starter awtomotiv, sors ta' dawl jew biex taqbad il-magna;

“batterija jew akkumulatur industrijali” tfisser kull batterija jew akkumulatur maħsuba għal użu esklussivament industrijali jew professjonali jew użata f'kull tip ta' vettura elettrika;

“batterija jew akkumulatur portabbli” tfisser kull batterija, cellula ta' buttuna, pakkett ta' batteriji jew akkumulatur li:

(a) tkun issigillata; u

(b) tkun tista' tingarr fl-idejn; u

(ċ) la tkun batterija jew akkumulatur industrijali u lanqas ma tkun batterija jew akkumulatur awtomotiv;

“cellula buttuna” tfisser kull batterija jew akkumulatur tond, żgħir u portabbli li d-dijametru tiegħu jkun akbar mill-għoli tiegħu u li jkun użat għal għanijiet speċjali bħalma huwa apparat tas-smiġ, arloġġi, tagħmir portabbli żgħir u enerġija ta' rizerva;

“distributur” tfisser kull persuna li tipprovdi batteriji u akkumulaturi fuq bażi professjonali lil utent aħhari;

“ftehim” tfisser ftehim formali milhuq bejn l-Awtorità Kompetenti u l-operaturi ekonomiċi konċernati, li għandu jkun miftuħ għall-imsieħba kollha li jixtiequ josservaw il-kundizzjonijiet tal-ftehim bil-għan li jilhqqu l-għanijiet ta' dawn ir-regolamenti;

“kategorija ta' batterija jew akkumulatur” tfisser kull waħda minn dawn it-tip ta' batteriji jew akkumulaturi:

(a) batteriji jew akkumulaturi ta' vetturi;

(b) batteriji jew akkumulaturi industrijali; u

(c) batteriji jew akkumulaturi portabbli.

“il-Komunità” tfisser il-Komunità Ewropea;

“il-Ministru” tfisser il-Ministru responsabbli għall-ambjent;

“operaturi ekonomiċi” tfisser kull produttur, distributtur, kollettur, riċiklatur jew operatur ieħor ta' trattament ta' skart ta' batteriji u akkumulaturi;

“pakkett ta' batteriji” tfisser kull sett ta' batteriji jew akkumulaturi li jkunu konnessi flimkien u, jew miksijin b'tali mod li jiffurmaw unità kompluta li l-utent aħhari mhux intiz li jifred jew li jiftaħ;

“produttur” tfisser kull persuna f'Malta li, irrispettivament mit-teknika tal-bejgħ użata, inkluż permezz ta' komunikazzjoni mill-bogħod kif definit fir-Regolamenti ta' l-2001 dwar Bejgħ mill-Bogħod, tqiegħed batteriji jew akkumulaturi, inkluż daww inkorporati f'apparat jew vetturi, fis-suq għall-ewwel darba fit-territorju ta' Malta fuq bażi professjonali;

“rata ta' għbir” tfisser, f'sena kalendarja partikolari, il-perċentwal miksib mid-divizjoni tal-piż ta' l-iskart ta' batteriji u akkumulaturi portabbli miġbura skond isubregolamenti (1) u (2) ta' regolament 5 ta' dawn irregolamenti jew tar-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku), f'dik is-sena kalendarja bil-piż medju ta' batteriji u akkumulaturi portabbli li l-produtturi jew ibiġħu direttament lill-utent aħhari jew iqassmu lill-terzi sabiex ibiġħuhom lill-utenti aħharin f'Malta matul dik is-sena kalendarja u s-sentejn kalendarji ta' qabel;

“riċiklaġġ” tfisser l-ipproċessar mill-ġdid fi proċess ta' produzzjoni ta' materjal ta' skart għall-ghan oriġinali tiegħu jew għal għanijiet oħra, iżda jeskludi l-irkupru ta' l-enerġija;

“rimi” tfisser kull operazzjoni applikabbli kif previst fi Skeda 4 tar-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart;

“skart” b'żieda ma' dak li jingħad fl-Att dwar il-Harsien ta' l-Ambjent, tfisser kull haġa, sustanza,

A. L. 186
tal-2001.

prodott jew oġġett, f'għamla sew solida sew likwida, ta' xorta sew perikoluża sew xort'oħra, li pussessur jwarrab għar-rimi, jew ikun bi ħsiebu jew ikun meħtieġ li jwarrab għar-rimi, jew dak kollu li jitqies li jkun skart mill-awtorità kompetenti nominata mill-Ministru responsabbli għall-ambjent skond artikolu 6 ta' l-Att dwar il-Ħarsien ta' l-Ambjent;

“skart ta' batterija jew ta' akkumulatur” tfisser kull batterija jew akkumulatur li huma skart;

“trattament” tfisser kull attività mwettqa fuq skart ta' batteriji u akkumulaturi wara li dawn jkunu ġew mġhoddiva lil faċilità sabiex jintgħażlu, jiġu preparati għar-riċiklaġġ jew ippreparati għar-rimi.

(2) It-termini l-oħra kollha għandu jkollhom l-istess tifsir mogħti lilhom f'regolament 2 tar-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart.

Applikabilità.

4. (1) Dawn ir-regolamenti għandhom ikunu japplikaw għal kull tip ta' batterija u akkumulatur, irrispettivament mill-għamla, volum, piż, kompożizzjoni tal-materjal jew l-użu tagħhom.

A. L. 99
tal-2004.

Iżda dawn ir-regolamenti għandhom jkunu japplikaw mingħajr preġudizzju għar-Regolamenti ta' l-2004 dwar l-Imaniġġar ta' Skart (Vetturi fi Tmiem Żmienhom) u ir-Regolamenti ta' l-2007 dwar Maniġġar ta' Skart (Apparat Elettriku u Elettroniku).

A. L. 311
tal-2007.

(2) Dawn ir-regolamenti għandhom ikunu japplikaw bla ħsara għal dispożizzjonijiet eżistenti, bħal rekwiżiti għas-sigurtà tal-prodott u leġiżlazzjoni speċifika, b'mod partikolari r-Regolamenti ta' l-2007 dwar Batteriji u Akkumulaturi.

(3) Dawn ir-regolamenti m'għandhomx ikunu japplikaw għal batteriji u akkumulaturi użati:

(a) f'taġħmir konness mal-protezzjoni ta' l-interessi għas-sigurtà essenzjali ta' Malta, armi, munizzjon u materjal tal-gwerra, bl-eċċezzjoni għal prodotti li mhumiex maħsuba speċifikament għal għanijiet militari; u

(b) f'taġħmir maħsub biex jintbghat fl-ispazju.

Ġbir Separat.

5. (1) Produtturi ta' batteriji u akkumulaturi portabbli, jew terzi persuni għan nom tagħhom, għandhom jużaw sistemi eżistenti ta' ġbir jew jistabbilixxu sistemi ta' ġbir, individwalment jew kollettivament, jew it-tnejn, skond ligijiet u regolamenti eżistenti, sabiex jipprovdu għall-ġbir ta' skart ta' batteriji u ta' akkumulaturi.

(2) Dawn is-sistemi ta' ġbir:

(a) għandhom jippermettu lill-utenti aħħara li jarmu skart ta' batteriji u ta' akkumulaturi portabbli f'punt tal-ġbir fil-vicinanza tagħhom, b'kont meħud tad-densità tal-popolazzjoni, iżda tali punt ta' ġbir m'għandux ikun soġġett għall-registrazzjoni jew permess kif rekwiżit fir-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart jew ir-Regolamenti ta' l-2007 dwar ir-Registrazzjoni ta' Attivitajiet fil-Maniġġar ta' Skart;

(b) għandhom jeħtieġu li d-distributuri jiehdu lura skart ta' batteriji jew akkumulaturi portabbli mingħajr ħlas meta jfornu batteriji u akkumulaturi portabbli, sakemm ma jkunx hemm valutazzjoni li turi li sistemi alternattivi huma għall-inqas ugwalmart effettivi sabiex jintlahqu l-miri ambjentali ta' dawn ir-regolamenti, iżda dawn il-valutazzjonijiet għandhom jsiru pubbliċi;

(c) m'għandu jintalab l-ebda ħlas lill-utenti aħħara meta jarmu skart ta' batteriji jew akkumulaturi portabbli, u bla ebda obbligu li jixtru xi batterija jew akkumulatur gdid; u

(d) jistgħu jitmexxew flimkien mas-sistemi ta' ġbir imsemmija fis-subregolament (2) tar-regolament 6 tar-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku):

Iżda l-operaturi ekonomiċi kollha u l-awtoritajiet pubbliċi kompetenti kollha jistgħu jippartecipaw f'dawn is-sistemi ta' ġbir:

Iżda wkoll dawn is-sistemi ta' ġbir għandhom ikunu japplikaw ukoll għal batteriji u akkumulaturi impurtati minn pajjiżi terzi taht kundizzjonijiet mhux diskriminatorji u għandhom ikunu mfassla b'mod li jevitaw ostakoli għall-kummerċ jew distorsjonijiet tal-kompetizzjoni.

(3) Produtturi ta' batteriji u akkumulaturi industrijali, jew terzi għan-nom tagħhom, m'għandhomx jirrifjutaw li jieħdu

A.L. 106
tal-2007.

lura skart ta' batteriji u ta' akkumulaturi industrijali mingħand utenti aħhara, irrispettivament mill-kompożizzjoni kimika u l-oriġini.

Iżda:

(a) terzi persuni indipendenti jistgħu wkoll jiġbru batteriji u akkumulaturi industrijali;

(b) l-operaturi ekonomiċi kollha u l-awtoritajiet pubbliċi kompetenti kollha jistgħu jipparteċipaw f'dawn is-sistemi ta' ġbir; u

(c) dawn is-sistemi ta' ġbir għandhom ikunu japplikaw ukoll għal batteriji u akkumulaturi importati minn pajjiżi terzi taħt kundizzjonijiet mhux diskriminatorji u għandhom ikunu mfassla b'mod li jevitaw ostakoli għall-kummerċ jew distorsjonijiet tal-kompetizzjoni.

(4) Produtturi ta' batteriji u akkumulaturi ta' vetturi, jew terzi persuni għan nom tagħhom, għandhom jużaw sistemi eżistenti ta' ġbir jew għandhom jistabilixxu sistemi ta' ġbir, individwalment jew kollettivament, jew it-tnejn, skond liġijiet u regolamenti eżistenti, sabiex jipprovdu għall-ġbir ta' skart ta' batteriji u ta' akkumulaturi ta' vetturi minn utenti aħhara jew minn punt ta' ġbir aċċessibli fil-viċinanza tagħhom, fejn il-ġbir ma jseħx skond is-sistemi ta' ġbir msemija fis-subregolament (1) ta' regolament 5 tar-Regolamenti ta' l-2004 dwar Maniġġar ta' Skart (Vetturi fi Tmiem Żmienhom).

Iżda:

(a) fil-każ ta' batteriji u akkumulaturi ta' vetturi minn vetturi privati u mhux kummerċjali, m'għandu jintalab l-ebda hlas lill-utenti aħhara għal sistemi ta' ġbir bħal daww meta jarmu skart ta' batteriji jew ta' akkumulaturi, u m'għandu jkun hemm ebda obbligu li jixtru batterija jew akkumulatur ġdid;

(b) l-operaturi ekonomiċi kollha u l-awtoritajiet pubbliċi kompetenti kollha jistgħu jipparteċipaw f'dawn is-sistemi ta' ġbir; u

(c) dawn is-sistemi ta' ġbir għandhom japplikaw ukoll għal batteriji u akkumulaturi importati minn pajjiżi terzi taħt kundizzjonijiet

mhux diskriminatorji u għandhom ikunu mfassla b'mod li jevitaw ostakoli għall-kummerċ jew distorsjonijiet tal-kompetizzjoni.

Strumenti
Ekonomiċi.

6. Jistgħu jintużaw strumenti ekonomiċi biex jippromwovu l-użu ta' batteriji u akkumulaturi li jkun fihom inqas sustanzi li jniġġsu, jew jippromwovu l-gbir ta' skart ta' batteriji u ta' akkumulaturi, per eżempju billi jadottaw rati ta' taxxi differenzjati.

Rati u Miri
ta' Gbir.

7. (1) L-Awtorità Kompetenti għandha tikkalkula r-rata ta' gbir għall-ewwel darba fir-rigward tal-hames sena kalendarja shiha wara d-dhul fis-seħh ta' dawn ir-regolamenti.

Izda:

(a) Mingħajr preġudizzju għar-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku), iċ-ċifri ta' gbir u ta' bejgħ annwali għandhom jinkludu batteriji u akkumulaturi inkorporati f'apparat;

(b) il-kalkolu tal-bejgħ annwali ta' batteriji u akkumulaturi portabbli lill-utenti aħhara f'sena partikolari, għandu jkun kalkolat skond il-piż tal-batteriji u akkumulaturi portabbli mqieghda fis-suq għall-ewwel darba f'Malta f'dik is-sena konċernata, u jeskludi dawk il-batteriji u akkumulaturi portabbli li telqu minn Malta f'dik is-sena qabel ma jkunu nbieghu lil utenti aħhara;

(c) it-tqeghid fis-suq għall-ewwel darba f'Malta ta' kull batterija għandu jingħadd darba; u

(d) il-kalkolu provdut għandu jkun ibbażat fuq *data* miġbura jew estimi statistikament sinifikanti bbażati fuq *data* miġbura.

(2) Produtturi, jew terzi persuni li jaġixxu f'isimhom, għandhom jieħdu l-miżuri kollha meħtieġa sabiex jilhqqu il-miri minimi ta' gbir li ġejjin:

(a) 25 % sas-26 ta' Settembru 2012;

(b) 30 % sas-26 ta' Settembru 2013;

(c) 35 % sas-26 ta' Settembru 2014;

(d) 40 % sas-26 ta' Settembru 2015; u

(e) 45 % sas-26 ta' Settembru 2016.

(3) L-Awtorità Kompetenti għandha tissorvelja l-konformità ma' dawn il-miri ta' għbir fuq bażi annwali kif stabbilit fi Skeda 1 li tinsab ma' dawn ir-regolamenti.

Tnehhija ta' skart ta' batteriji u akkumulaturi.

8. Il-manifatturi għandhom ifasslu l-apparat b'mod li l-iskart ta' batteriji u akkumulaturi jkun jista' jitneħħa faċilment:

Iżda apparat li jkollu batteriji u akkumulaturi nkorporati għandhom jiġu akkumpanjati minn istruzzjonijiet li juru kif jistgħu jitneħħew mingħajr periklu u, fejn hu xieraq, jinfurmaw lill-utent aħħari bit-tip ta' batteriji u akkumulaturi inkorporati:

Iżda wkoll dan ir-regolament m'għandux japplika fejn, għal-raġunijiet ta' sigurtà, ta' prestazzjoni, ta' integrità medika jew tad-*data*, tkun meħtieġa l-kontinwita' tal-provvista ta' l-enerġija u tkun teħtieġ konnessjoni permanenti bejn l-apparat u l-batterija jew l-akkumulatur.

Trattament u riċiklaġġ.

9. (1) Mhux aktar tard mis-26 ta' Settembru 2009:

(a) produtturi, jew terzi persuni li jaġixxu f'isimhom, għandhom jużaw sistemi ta' trattament u ta' riċiklaġġ eżistenti, jew jistabbilixxu sistemi ta' trattament u ta' riċiklaġġ, b'mod individwali jew kollettivament, jew it-tnejn, skond liġijiet u regolamenti eżistenti, sabiex jipprovdu għat-trattament u r-riċiklaġġ ta' skart ta' batteriji u akkumulaturi, bl-użu ta' l-aħjar tekniki disponibbli, rigward il-protezzjoni tas-saħħa u ta' l-ambjent; u

(b) il-batteriji u l-akkumulaturi kollha identifikabbli miġbura skond regolament 5 ta' dawn ir-regolamenti jew skond ir-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku), għandhom jiġu trattati u riċiklati permezz ta' sistemi ta' trattament u ta' riċiklaġġ li jikkonformaw, mill-inqas, mal-legiżlazzjoni nazzjonali, b'mod partikolari rigward is-saħħa, is-sigurtà u l-immaniġġar ta' l-iskart:

Iżda:

(i) batteriji u akkumulaturi portabbli miġbura li jkun fihom il-kadmju, il-merkurju jew iċ-*comb* jistgħu jintremew f'miżbliet jew f'hażniet taħt l-art meta ma jkun disponibbli l-ebda suq aħħari vijabbli

jew bħala parti minn strategija sabiex jinqatgħu gradwalment metalli tqal li, fuq il-bażi ta' valutazzjoni dettaljata ta' l-impatti ambjentali, ekonomiċi u soċjali, turi li din l-għażla ta' rimi għandha tkun preferuta fuq ir-riċiklaġġ;

(ii) valutazzjoni bħal din għandha ssir pubblika;

(iii) l-operaturi ekonomiċi kollha u l-awtoritajiet pubbliċi kompetenti kollha jistgħu jipparteċipaw f'dawn is-sistemi ta' trattament u ta' riċiklaġġ; u

(iv) dawn is-sistemi ta' trattament u ta' riċiklaġġ għandhom japplikaw ukoll għal batteriji u akkumulaturi importati minn pajjiżi terzi taħt kundizzjonijiet mhux diskriminatorji u għandhom ikunu mfassla b'mod li jevitaw ostakoli għall-kummerċ jew distorsjonijiet tal-kompetizzjoni.

(2) It-trattament għandu jissodisfa r-rekwiżiti minimi stabbiliti f'Parti A ta' Skeda 2 li tinsab ma' dawn ir-regolamenti.

(3) Fejn batteriji jew akkumulaturi jkunu miġbura flimkien ma' skart ta' tagħmir elettriku u elettroniku fuq il-bażi tar-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku), il-batteriji jew l-akkumulaturi għandhom jitneħħew mill-iskart ta' tagħmir elettriku u elettroniku miġbur.

(4) Il-proċessi ta' riċiklaġġ għandhom, sa mhux aktar tard mis- 26 ta' Settembru 2010 jissodisfaw l-effiċjenzi ta' riċiklaġġ u d-dispożizzjonijiet assoċjati li hemm stabbiliti f'Parti B ta' Skeda 2 li tinsab ma' dawn ir-regolamenti.

Teknoloġiji
godda
għar-riċiklaġġ.

10. (1) L-iżvilupp ta' teknoloġiji godda għar-riċiklaġġ u t-trattament ta' skart ta' batteriji u akkumulaturi għandu jkun imhegġeġ.

(2) Riċerka f'metodi ta' riċiklaġġ li jkunu favur l-ambjent u li jkunu ekonomikament vijabli għal kull tip ta' batteriji u akkumulaturi għandhom jkunu promossi.

(3) Għandhom ikunu promossi faċilitajiet għat-trattament biex jintroduċu skemi ċċertifikati għall-immaniġġar

ta' l-ambjent skond Regolament (KE) Nru 761/2001⁴ tal-Parlament Ewropew u tal-Kunsill tad-19 ta' Marzu 2001 li jippermetti l-partecipazzjoni volontarja ta' organizzazzjonijiet fi skema Komunitarja għall-immanigġar ta' l-ambjent u l-verifika (EMAS).

Rimi.

11. Ir-rimi f' mizbliet jew bil-ħruq ta' skart ta' batteriji u ta' akkumulaturi industrijali u awtomotivi għandu jkun projbit:

Izda ir-residwi ta' kull batterija u akkumulatur li jkun sarilhom sew trattament sew riċiklaġġ skond is-subregolament (1) tar-regolament 9 ta' dawn ir-regolamenti jistgħu jintremew f' mizbliet jew jinħarqu.

Esportazzjonijiet.

12. (1) It-trattament u r-riċiklaġġ jistgħu jsiru barra minn Malta jew barra mill-Komunità, izda l-vjaġġi ta' skart ta' batteriji u ta' akkumulaturi għandhom ikunu konformi mar-Regolament (KE) Nru 1013/2006⁵ tal-Parlament Ewropew u tal-Kunsill ta' l-14 ta' Ġunju 2006 dwar vjaġġi ta' skart.

(2) Skart ta' batteriji u ta' akkumulaturi esportati barra mill-Komunità skond ir-Regolament (KE) Nru 1013/2006⁶ tal-Parlament Ewropew u tal-Kunsill ta' l-14 ta' Ġunju 2006 dwar vjaġġi ta' skart, u r-Regolament tal-Kunsill (KE) Nru 1418/2007⁷ tad-29 ta' Novembru 2007 li jikkonċerna l-esportazzjoni ta' ċertu skart għal irkupru msemmija f' Anness III jew IIIA mar-Regolament (KE) Nru 1013/2006 tal-Parlament Ewropew u tal-Kunsill lejn ċertu pajjiżi li għalihom ma tapplikax id-Deċizjoni OECD dwar il-kontroll ta' movimenti transkonfinali ta' l-iskart, għandhom jgħoddu fir-rigward tat-twettiq ta' l-obbligi u l-effiċjenzi stabbiliti fi Skeda 2 li tinsab ma' dawn ir-regolamenti biss jekk ikun hemm evidenza soda li l-operazzjoni ta' riċiklaġġ tkun saret taht kundizzjonijiet ekwivalenti għar-rekwiziti ta' dawn ir-regolamenti.

Finanzjament.

13. (1) Produtturi, jew terzi persuni li jaġixxu f' isimhom, għandhom jiffinanzjaw kull spiza netta li tirrizulta:

(a) mill-ġbir, mit-trattament u mir-riċiklaġġ ta' l-iskart kollu ta' batteriji u ta' akkumulaturi portabbli miġbur skond is-subregolamenti (1) u (2) ta' regolament 5 ta' dawn ir-regolamenti; u

(b) mill-ġbir, mit-trattament u mir-riċiklaġġ ta' l-

⁴ OJ L 114, 24.4.2001, p. 1.

⁵ OJ L 190, 12.7.2006, p. 1.

⁶ OJ L 190, 12.7.2006, p. 1.

⁷ OJ L 316, 4.12.2007, p. 6.

iskart kollu ta' batteriji u ta' akkumulaturi industrijali u ta' vetturi miġbur skond is-subregolamenti (3) u (4) ta' regolament 5 ta' dawn ir-regolamenti:

Iżda għandu jkun evitat hlas doppju mill-produtturi fil-każ ta' batteriji jew akkumulaturi miġbura taht sistemi ta' trattament u ta' riċiklaġġ stabbiliti skond ir-Regolamenti ta' l-2004 dwar Maniġġar ta' Skart (Vetturi fi Tmiem Żmienhom), jew ir-Regolamenti ta' l-2007 dwar l-Immaniġġar ta' l-Iskart (Apparat Elettriku u Elettroniku):

Iżda wkoll produtturi li, b'mod relattiv mal-qies tas-suq, iqiġghdu fis-suq kwantitajiet żgħar ħafna ta' batteriji jew akkumulaturi għall-ewwel darba f'Malta, jistgħu jiġu eżentati, b'kundizzjoni li dan ma jwaqqafx il-funzjonament adegwat tas-sistemi ta' ġbir stabbiliti skond ir-regolament 5 ta' dawn ir-regolamenti u is-sistemi ta' trattament u ta' riċiklaġġ stabbiliti skond ir-regolament 9 ta' dawn ir-regolamenti.

(2) Produtturi, jew terzi persuni li jaġixxu f'isimhom, għandhom jiffinanzjaw kull spiza netta li tirriżulta minn kampanji pubbliċi ta' informazzjoni dwar il-ġbir, it-trattament u r-riċiklaġġ ta' l-iskart kollu ta' batteriji u akkumulaturi.

(3) L-ispejjeż tal-ġbir, tat-trattament u tar-riċiklaġġ m'għandhomx jintwerew separatament lill-utenti aħhara fil-mument tal-bejgħ ta' batteriji u akkumulaturi portabbli ġodda.

(4) Produtturi u utenti ta' batteriji u akkumulaturi industrijali u ta' vetturi jistgħu jilhqqu ftehim fejn jiġu stipulati l-arranġamenti għall-finanzjamenti ta' xort'oħra minn dawk imsemmija fis-subregolament (1) ta' dan ir-regolament.

(5) Dan ir-regolament għandu japplika għall-iskart ta' batteriji u akkumulaturi kollha, irrISPETTIVAMENT mid-data tat-tqegħid fis-suq għall-ewwel darba f'Malta.

(6) Produtturi li jfornu batteriji u akkumulaturi b'mezz ta' komunikazzjoni mill-bogħod għandhom jikkonformaw ukoll ma' dawn ir-rekwiżiti kif stabbiliti f'dan ir-regolament għal batteriji u akkumulaturi forniti fi Stat Membru fejn ix-xerrej ta' dak l-apparat joqgħod.

Informazzjoni
għal
utenti aħhara.

14. (1) L-operaturi ekonomiċi għandhom jiżguraw, b'mod partikolari permezz ta' kampanji ta' informazzjoni, illi l-utenti aħhara ikunu infurmati b'mod sħiħ dwar:

(a) l-effetti potenzjali dwar l-ambjent u s-saħħa

tal-bniedem tas-sustanzi użati f'batteryi u akkumulaturi;

(b) ix-xewqa li l-iskart ta' batteryi u ta' akkumulaturi ma jintremiex bħala skart municipali mhux magħżul u li jipparteċipaw fil-ġbir separat ta' dan l-iskart sabiex jiġi faċilitat it-trattament u r-riċiklaġġ;

(c) is-sistemi ta' ġbir, ta' trattament u ta' riċiklaġġ disponibbli għalihom;

(d) ir-rwol tagħhom sabiex jikkontribwixxu għar-riċiklaġġ ta' skart ta' batteryi u akkumulaturi;

(e) it-tifsira tas-simbolu tal-barmil ta' l-iskart bir-roti maqtuġh b'salib kif muri fi Skeda 3 li tinsab ma' dawn ir-regolamenti u is-simboli kimiċi Hg, Cd u Pb skond ir-Regolamenti ta' l-2007 dwar Batteryi u Akkumulaturi:

Izda, meta jkun meħtieġ li d-distributuri jieħdu lura l-iskart ta' batteryi u akkumulaturi portabbli skond ir-regolament 5 ta' dawn ir-regolamenti, dawn id-distributuri għandhom jinfurmaw lill-utenti aħħara dwar il-possibilità li l-iskart ta' batteryi u akkumulaturi portabbli jista' jintrema fil-postijiet tal-bejgħ tagħhom.

Dmirijiet ta' utenti aħħarin ta' batteryi u akkumulaturi.

15. L-utenti aħħara ta' batteryi u akkumulaturi u detenturi ta' skart ta' batteryi u akkumulaturi għandhom jikkoperaw ma', u jipparteċipaw, f'kull sistema stabbilita għall-ġbir ta' skart ta' batteryi u akkumulaturi u jiffaċilitaw il-proċess tat-trattament u tar-riċiklaġġ. Għaldaqstant, dawn għandhom jifirdu, jiddepożitaw u jirritornaw skart ta' batteryi u akkumulaturi kif meħtieġ mis-sistema tal-ġbir.

Reġistru ta' produtturi.

16. (1) L-Awtorità Kompetenti għandha izzomm reġistru relatat mal-produtturi li jirreġistraw skond ir-regolament 17 ta' dawn ir-regolamenti u jkollu informazzjoni relatata mar-reġistrazzjoni tal-produtturi kif preskritt fi Skeda 5 li tinsab ma' dawn ir-regolamenti u tagħmlu disponibbli skond dan ir-regolament.

(2) L-Awtorità Kompetenti għandha :

(a) tiżgura li r-reġistru jkun disponibbli għal-spezzjonijiet fl-uffiċċju prinċipali tagħha minn membri tal-pubbliku bla hłas, f'ħinijiet raġjonevoli; u

(b) tipperemetti lil membri tal-pubbliku li jiksbu

kopji ta' annotazzjonijiet mir-registru bi hlas ta' dritt skond kif preskritt fi Skeda 8 li tinsab mar-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart.

(3) Ir-registru jista' jinżamm f'kull għamla iżda għandu jkun b'indici u mqassam sabiex membri tal-pubbliku jkun jistgħu jsibu l-informazzjoni minnu.

(4) L-Awtorità Kompetenti għandha temenda l-annotazzjoni relevanti fir-registru sabiex turi kull tibdil fl-informazzjoni mdaħħla u għandha tinkludi d-data ta' meta saret l-emenda.

(5) Sabiex jiġi evitat kull dubju, xejn f'dan ir-regolament m'għandu jitlob registru miżmum mill-Awtorità Kompetenti li jkun fih informazzjoni relatata ma' proċeduri kriminali (inkluż proċeduri prospettivi) jew ma' xi haġa li tkun soġġetta għal proċeduri bħal dawk, f'kull hin qabel dawk il-proċeduri ma jintremew.

(6) Xejn f'dan ir-regolament m'għandu jitlob li, registru miżmum mill-Awtorità Kompetenti, jkun fih xi informazzjoni li giet sostitwita b'informazzjoni oħra, wara li jgħaddu erba' snin minn meta iddaħlet fir-registru dik l-informazzjoni l-għdida.

Registrazzjoni.

17. (1) Sat-30 ta' Ġunju 2009 kull produttur għandu japplika ma' l-Awtorità Kompetenti għar-registrazzjoni, u mill-1 ta' Jannar 2010 kull produttur għandu japplika ma' l-Awtorità Kompetenti sal-31 ta' Jannar 2010, u wara dan kull produttur għandu japplika ma' l-Awtorità Kompetenti sal-31 ta' Jannar ta' kull sena.

(2) Meta produttur ma jibqax iqiegħed batteriji u akkumulaturi fis-suq għall-ewwel darba f'Malta, dan għandu jinforma lill-Awtorità Kompetenti fi żmien għoxrin gurnata tax-xogħol minn meta jieqaf jagħmel dan.

(3) Applikazzjoni minn produttur sabiex jirregistra għandha:

(a) ssir bil-miktub;

(b) jkollha minn ta' l-inqas l-informazzjoni ta' Skeda 4 li tinsab ma' dawn ir-regolamenti; u

(c) tkun akkumpanjata minn dritt skond kif jista'

jkun preskritt fi Skeda 8 li tinsab mar-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart.

(4) Id-dettalji provduti minn produttur skond l-obbligazzjonijiet msemmija fis-subregolamenti (1), (2) u (3) ta' dan ir-regolament għandhom jiġu inklużi fir-Registru tal-Produtturi li għandu jinżamm mill-Awtorità Kompetenti skond ir-regolament 16 ta' dawn ir-regolamenti.

(5) L-Awtorità Kompetenti għandha tikkonferma li tkun irċeviet l-applikazzjoni tal-produttur għar-registrazzjoni bil-miktub fi żmien għoxrin gurnata tax-xogħol minn meta tkun irċevietha u għandha tmexxi l-applikazzjoni fi żmien għoxrin gurnata tax-xogħol mill-konferma tar-riċevuta.

Informazzjoni u
rappurtaġġ.

18. (1) Sat-30 ta' Ġunju 2009 kull produttur li japplika għal registrazzjoni skond is-subregolament (1) tar-regolament 17 ta' dawn ir-regolamenti għandu jipprovdi lill-Awtorità Kompetenti din l-informazzjoni li ġejja għas-sena 2008:

(a) il-kategoriji tal-batteriji jew ta' l-akkumulaturi li jkun qiegħed fis-suq għall-ewwel darba f'Malta; u

(b) il-kwantitajiet u l-piż tal-batteriji u ta' l-akkumulaturi li jkun qiegħed fis-suq għall-ewwel darba f'Malta.

(2) Sal-31 ta' Jannar 2010 kull produttur għandu jipprovdi lill-Awtorità Kompetenti l-informazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament, fir-rigward ta' batteriji u akkumulaturi mqiegħda fis-suq għall-ewwel darba f'Malta bejn l-1 ta' Jannar 2009 u l-31 ta' Diċembru 2009, u wara l-informazzjoni għandha tkun provduta sal-31 ta' Jannar kull sena fir-rigward ta' batteriji u akkumulaturi mqiegħda fis-suq għall-ewwel darba f'Malta fis-sena li tkun għadha kif għaddiet.

(3) L-informazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament għandha tkun provduta bil-miktub.

(4) L-Awtorità Kompetenti tista' tispeċifika l-format li bih din l-informazzjoni għandha tkun disponibbli.

A. L. 116
tal-2005.

(5) L-Awtorità Kompetenti għandha tagħmel din l-informazzjoni disponibbli skond ir-Regolamenti ta' l-2005 dwar il-Libertà ta' Aċċess għal Informazzjoni dwar l-Ambjent.

(6) Produtturi li jfornu batteriji u akkumulaturi b'mezz ta' komunikazzjoni mill-bogħod għandhom jipprovdu lill-Awtorità Kompetenti b'informazzjoni dwar il-konformità marrekwiżiti tas-subregolament (6) tar-regolament 13 ta' dawn ir-regolamenti u bl-informazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament, rigward il-kwantitajiet u l-kategoriji ta' batteriji jew akkumulaturi mqieghda fis-suq għall-ewwel darba fl-Istat Membru fejn ix-xerrej ta' dik il-batterija jew ta' l-akkumulatur ikun joqgħod.

Bejjiegha mill-bogħod.

19. Meta produttur jforni batteriji u akkumulaturi b'mezz ta' komunikazzjoni mill-bogħod għandu:

(a) jirregistra skond ir-regolament 17 ta' dawn ir-regolamenti;

(b) jinnotifika lill-Awtorità Kompetenti fiż-żmien tar-registrazzjoni li jforni batteriji u akkumulaturi b'mezz ta' komunikazzjoni mill-bogħod u li dan ir-regolament japplika ; u

(ċ) meta mitlub mill-Awtorità Kompetenti sabiex jipprovdiha informazzjoni li turi li jkun konformi ma' l-obbligi sabiex jiffinanzja il-ġbir, it-trattament, ir-riċiklaġġ u r-rimi ambjentalment xieraq ta' skart ta' batteriji u akkumulaturi depożitati f'punti ta' ġbir fl-Istat Membru fejn ix-xerrej tal-batterija jew akkumulatur ikun joqgħod.

Trasferiment ta' negozju minn produttur għal iehor.

20. (1) Meta n-negozju ta' produttur jiġi trasferit kollu jew parti minnu lil persuna oħra, il-produttur għandu jibqa' responsabbli għal dawk il-batteriji u l-akkumulaturi li għalihom ikun għamel applikazzjoni ta' registrazzjoni skond ir-regolament 17 ta' dawn ir-regolamenti, sakemm ma jurix lill-Awtorità Kompetenti li l-persuna li lilha sar it-trasferiment qablet li tikkonforma ma' l-obbligazzjonijiet tal-produttur fir-rigward ta' dawk il-batteriji u akkumulaturi skond dawn ir-regolamenti.

(2) Fejn japplika s-subregolament (1) ta' dawn ir-regolamenti, il-persuna li lilha ġie trasferit in-negozju kollu jew parti minnu hija produttur għall-għanijiet ta' dawn ir-regolamenti, u dik il-persuna għandha:

(a) tapplika għal registrazzjoni ma' l-Awtorità Kompetenti skond ir-regolament 17 ta' dawn ir-regolamenti; u

(b) tara li tilhaq il-miri ta' ġbir tar-regolament 7 ta' dawn ir-regolamenti.

Ftehim.

21. (1) Għall-finijiet li jintlaħqu l-għanijiet, u jkunu sodisfatti id-dispożizzjonijiet ta' dawn ir-regolamenti, operaturi ekonomiċi jistgħu jkunu partijiet fil-ftehim ma' l-Awtorità Kompetenti.

(2) Ftehim bħal dan għandu jispeċifika regoli dettaljati ta' implimentazzjoni ta' dawn ir-regolamenti. Madanakollu, dan il-ftehim:

(a) għandu jkun inforzat fil-liġi;

(b) għandu jispeċifika l-għanijiet bl-iskadenzi korrispondenti;

(c) għandu jiġi pubblikat fil-Gazzetta;

(d) għandu jkollu r-rizultati miksuba sorveljati regolament, u rapportati lill-Awtorità Kompetenti, u magħmula disponibbli għall-pubbliku taħt il-kundizzjonijiet stabbiliti fil-ftehim;

(e) għandu jiġi eżaminat il-progress magħmul fihom skond id-dispożizzjonijiet li jsiru mill-Awtorità Kompetenti.

Permess mehtieg għall-operat ta' skema ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi.

22. (1) Persuni ntizi li joperaw skema ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi kif mehtieg skond dawn ir-regolamenti, inkluż il-ġbir, għażla, hażna, trattament, esportazzjoni u riċiklaġġ ta' skart ta' batteriji u ta' akkumulaturi, għan nom ta' produtturi, għandhom bżonn jiksbu permess validu mill-Awtorità Kompetenti skond ir-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart.

(2) Mingħajr preġudizzju għar-Regolamenti ta' l-2001 dwar Permessi u Kontrolli fil-Maniġġar ta' Skart, meta tapplika għal dan il-permess, kull persuna għandha ttiprovdi lill-Awtorità Kompetenti bl-informazzjoni li ġejja skond kif japplika:

(a) kopja tal-*Memorandum* u ta' l-Artikoli ta' *Assoċjazzjoni*;

(b) kopja ta' permess ta' żvilupp validu maħruġ skond l-Att dwar l-Ippjanar ta' l-Iżvilupp;

Kap. 356.

(c) deskrizzjoni tas-sistema proposta li tkun se tipprovdi għall-gbir, trattament u riċiklaġġ ta' skart ta' batteriji u ta' akkumulaturi skond id-dispożizzjonijiet ta' dawn ir-regolamenti;

(d) dettalji ta' sistemi ta' depożitu-rifuzjoni adottati sabiex ikun assigurat ir-ritorn ta' skart ta' batteriji u akkumulaturi mill-konsumaturi;

(e) pjan finanzjarju fir-rigward ta' l-iskema proposta;

(f) il-pizijiet annwali ta' skart ta' batteriji u akkumulaturi f'kull kategorija li se jingabru, jiġu trattati u riċiklati;

(g) il-miri ta' gbir annwali li se jinkisbu taht l-iskema proposta;

(h) proposti sabiex jiġi determinat u verifikat il-livell ta' riċiklaġġ ta' skart ta' batteriji u akkumulaturi kif ukoll jekk l-effiċjenzi ta' riċiklaġġ msemmija f'Parti B ta' Skeda 2 li tinsab ma' dawn ir-regolamenti ġewx milhuqa skond l-iskema proposta, inkluż stimi u suppożizzjonijiet li se jsiru f'dan il-proċess;

(i) proposti għaċ-ċertifikat tal-produtturi li se jagħmlu użu mill-iskema proposta;

(j) proposti ta' kif l-informazzjoni skond id-dispożizzjonijiet ta' dawn ir-regolamenti għandha tkun mimlija u magħmula disponibbli għall-Awtorità Kompetenti;

(k) kull informazzjoni oħra rilevanti mitluba mill-Awtorità Kompetenti.

(3) L-Awtorità Kompetenti tista' tispeċifika l-format li bih din l-informazzjoni għandha tkun disponibbli.

(4) L-Awtorità Kompetenti għandha tagħmel din l-informazzjoni disponibbli skond ir-Regolamenti ta' l-2005 dwar il-Libertà ta' Aċċess għal Informazzjoni dwar l-Ambjent.

Parteċipazzjoni fi skemi awtorizzati ta' gbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi.

23. L-Awtorità Kompetenti tista' teżenta lil produttur minn kull jew parti ta' dawn ir-regolamenti kemm-il darba l-produttur jipprovdi xhieda lill-Awtorità Kompetenti ta' parteċipazzjoni fi skema awtorizzata ta' gbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi.

Ftehim iffirmat ma' operatur ta' skema awtorizzata ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi.

24. (1) Jekk produttur jagħmel li jagħmel użu minn skema awtorizzata eżistenti ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi, għandu jeħtieġ jissottometti lill-Awtorità Kompetenti ftehim iffirmat ma' l-operatur ta' l-iskema awtorizzata ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi sabiex juri li l-iskema tikkonforma mad-dispożizzjonijiet ta' dawn ir-regolamenti.

(2) Sat-30 ta' Settembru 2009, il-produttur għandu wkoll jissottometti lill-Awtorità Kompetenti dikjarazzjoni ta' konformità mad-dispożizzjonijiet ta' dawn ir-regolamenti, ffirmat mill-operatur ta' l-iskema awtorizzata ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi, fir-rigward ta' batteriji u akkumulaturi mqieghda fis-suq mill-produttur bejn l-1 ta' Jannar 2008 u l-31 ta' Diċembru 2008, u wara l-informazzjoni għandha tkun provduta sal-31 ta' Jannar kull sena fir-rigward ta' batteriji u akkumulaturi li tqieghdu fis-suq għall-ewwel darba f'Malta mill-produttur fis-sena li tkun għadha kif għaddiet.

(3) L-operatur ta' l-iskema awtorizzata eżistenti ta' ġbir, trattament u riċiklaġġ ta' skart ta' batteriji u akkumulaturi msemmi fis-subregolament (1) ta' dan ir-regolament għandu:

(a) jintrabat li jwettaq l-attivitajiet mifthiema għan-nom tal-produttur skond kull liġi u regolamenti eżistenti;

(b) jiżgura li l-operaturi ekonomiċi kollha u l-awtoritajiet pubbliċi kompetenti kollha jistgħu jipparteċipaw fl-iskema;

(c) jiżgura li l-iskema għandha tapplika wkoll għal batteriji u akkumulaturi importati minn pajjiżi terzi taħt kundizzjonijiet mhux diskriminatorji u għandhom ikunu mfassla b'mod li jevitaw ostakoli għall-kummerċ jew distorsjonijiet tal-kompetizzjoni;

(d) jipprovdi sat-30 ta' Settembru 2009 lill-Awtorità Kompetenti l-informazzjoni dwar kull miżura li l-produttur jieħu sabiex iġib 'il quddiem żviluppi li jaffettwaw l-impatt tal-batteriji u ta' l-akkumulaturi fuq l-ambjent, fir-rigward ta' batteriji u akkumulaturi li tqieghdu fis-suq għall-ewwel darba f'Malta mill-produttur bejn l-1 ta' Jannar 2008 u l-31 ta' Diċembru 2008, u wara din l-informazzjoni għandha tkun provduta sal-31 ta' Jannar kull sena fir-rigward ta' batteriji u akkumulaturi li tqieghdu fis-suq għall-ewwel darba f'Malta mill-produttur matul is-sena li tkun għadha kif għaddiet, b'mod partikolari:

(i) żviluppi, inkluż passi volontarji meħudha mill-produttur, li jnaqqsu l-kwantitajiet ta' metalli ta' densità għolja u sustanzi perikolużi oħra li jkun hemm f' batteriji u akkumulaturi;

(ii) tekniki godda ta' riċiklaġġ u ta' trattament;

(iii) il-partecipazzjoni ta' operaturi ekonomiċi fi skemi ta' maniġġar ambjentali;

(iv) riċerka f' dawk l-oqsma; u

(v) mizuri meħudha biex jipromwovu l-prevenzjoni ta' l-iskart;

(e) jipprovdi sat-30 ta' Settembru 2009 lill-Awtorità Kompetenti l-informazzjoni msemmija fir-regolamenti 14 u 16 ta' dawn ir-regolamenti kif tapplika *mutatis mutandis* għal produttur, fir-rigward ta' batteriji u akkumulaturi li tqiegħdu fis-suq għall-ewwel darba f' Malta mill-produttur bejn l-1 ta' Jannar 2008 u l-31 ta' Diċembru 2008, u wara dikjarazzjoni ta' konformità għandha tkun provduta sal-31 ta' Jannar kull sena fir-rigward ta' batteriji u akkumulaturi li tqiegħdu fis-suq għall-ewwel darba f' Malta mill-produttur matul is-sena li tkun għadha kif għaddiet; u

(f) jipprovdi sat-30 ta' Settembru 2009 lill-Awtorità Kompetenti dikjarazzjoni ta' konformità tal-produttur bid-dispożizzjonijiet ta' dawn ir-regolamenti, fir-rigward ta' batteriji u akkumulaturi li jkunu tqiegħdu fis-suq għall-ewwel darba f' Malta mill-produttur bejn l-1 ta' Jannar 2008 u l-31 ta' Diċembru 2008, u wara din l-informazzjoni għandha tkun provduta sal-31 ta' Jannar kull sena fir-rigward ta' batteriji u akkumulaturi li jkunu tqiegħdu fis-suq għall-ewwel darba f' Malta mill-produttur matul is-sena li tkun għadha kif għaddiet.

(4) L-Awtorità Kompetenti tista' tispeċifika l-format li bih din l-informazzjoni għandha tkun disponibbli.

(5) L-Awtorità Kompetenti għandha tagħmel din l-informazzjoni disponibbli skond ir-Regolamenti ta' l-2005 dwar il-Libertà ta' Aċċess għal Informazzjoni dwar l-Ambjent.

Reati kontra dawn ir-regolamenti.

25. Persuna tinsab hatja ta' reat kontra dawn ir-regolamenti jekk:

(a) tonqos milli tikkonforma ruħha ma' xi dispozizzjoni ta' dawn ir-regolamenti, jew tonqos milli tikkonforma ruħha mal-kundizzjonijiet tal-permess jew ma' xi ordni oħra mogħtija skond il-liġi skond xi dispozizzjoni ta' dawn ir-regolamenti; jew

(b) tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawn ir-regolamenti; jew

(c) taġixxi bi ksur ta' xi dispozizzjoni ta' dawn ir-regolamenti; jew

(d) tikkonfossa jew tittanta, jew tghin jew thajjar, lil xi hadd ieħor b'liema mezz ikun, inkluż ir-reklamar, l-għoti ta' pariri jew ta' flus biex jinkisru id-dispożizzjonijiet ta' dawn ir-regolamenti, jew biex tonqos milli tikkonforma ruħha ma' xi dispozizzjoni bħal dik, inkluż kull ordni li tkun mogħtija skond il-liġi skond xi dispozizzjoni ta' dawn ir-regolamenti, jew biex tikser kull restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawk ir-regolamenti.

Penali.

26. Kull persuna li tagħmel reat taħt dawn ir-regolamenti, għandha, meta tinsab hatja:

(a) għall-ewwel darba, tehel multa ta' mhux anqas minn elf u mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (€1,164.69) iżda mhux iżjed minn elfejn u tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (€2,329.37);

(b) għat-tieni darba jew iżjed drabi, tehel multa ta' mhux anqas minn elfejn u tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (€2,329.37), iżda mhux iżjed minn erbat elef u sitt mija u tmienja u ħamsin euro u ħamsa u sebgħin ċenteżmu (€4,658.75) jew għall-prigunerija għal żmien mhux iżjed minn sentejn, jew għal dik il-multa u prigunerija flimkien:

Izda meta kull persuna tinsab hatja ta' reat taħt dawn ir-regolament permezz ta' vettura, is-sid ta' dik il-vettura, fejn ikun applikabbli, għandu jinżamm responsabbli bl-istess mod u grad:

Izda wkoll il-qorti tista' tordna lil kull min ikun instab ħati li għamel reat kontra dawn ir-regolamenti li jhallas dawk l-ispejjeż li l-Awtorità Kompetenti msemija f'dawn ir-regolamenti tkun għamlet bħala rizzultat ta' dak ir-reat, ir-revoka tal-permess maħruġ mill-Awtorità Kompetenti u l-konfiska tal-*corpus delicti*, inkluż il-vettura, jekk dan ikun japplika.

Applikabilità
tal-Kodiċi
Kriminali.
Kap. 9.

27. (1) Id-dispożizzjonijiet ta' l-artikoli 23 u 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, japplikaw għal proċedimenti dwar reati kontra dawn ir-regolamenti, b'dan illi li l-iskwalifika milli persuna jkollha jew tikseb liċenza, permess jew awtorità ma għandha f'ebda każ tkun għal żmien inqas minn sena.

(2) Minkejja d-dispożizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond ma jista' jkun il-każ, u għandhom ikunu skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qorti bħala qorti ta' ġudikatura kriminali.

(3) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti ta' l-Appell Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar proċedimenti għal xi reat kontra dawn ir-regolamenti.

Ihassar A. L.
158 ta' l-2002.

28. Ir-Regolamenti ta' l-2002 dwar Maniġġar ta' Skart (Batteriji u Akkumulaturi), qegħdin hawn jiġu mhassra.

Skeda 1**(Regolament 7)****Monitoring of compliance with collection targets**

Year	Data collection		Calculation of Collection rate	Collection Target
2009	2009 sales (S1)			
2010	2010 sales (S2)	-	-	
2011	2011 sales (S3)	2011 collection (C3)	$3 \times C3 / (S1 + S2 + S3)$	
2012	2012 sales (S4)	2012 collection (C4)	$3 \times C4 / (S2 + S3 + S4)$	25 %
2013	2013 sales (S5)	2013 collection (C5)	$3 \times C5 / (S3 + S4 + S5)$	30 %
2014	2014 sales (S6)	2014 collection (C6)	$3 \times C6 / (S4 + S5 + S6)$	35 %
2015	2015 sales (S7)	2015 collection (C7)	$3 \times C7 / (S5 + S6 + S7)$	40 %
2016	2016 sales (S8)	2016 collection (C8)	$3 \times C8 / (S6 + S7 + S8)$	45 %
2017	2017 sales (S9)	2017 collection (C9)	$3 \times C9 / (S7 + S8 + S9)$	45 %
2018	2018 sales (S10)	2018 collection (C10)	$3 \times C10 / (S8 + S9 + S10)$	45 %
2019	Etc.	Etc.	Etc.	45 %
Etc.				

Skeda 2**(Regolament 9)****Detailed treatment and recycling requirements****PART A: TREATMENT**

1. Treatment shall, as a minimum, include removal of all fluids and acids.
2. Treatment and any storage, including temporary storage, at treatment facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.

PART B: RECYCLING

3. Recycling processes shall achieve the following minimum recycling efficiencies:

(a) recycling of 65 % by average weight of lead-acid waste batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;

(b) recycling of 75 % by average weight of nickel-cadmium waste batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and

(c) recycling of 50 % by average weight of other waste batteries and accumulators.

Skeda 3**(Regolament 14)****Symbols for batteries, accumulators and battery packs for separate collection**

The symbol indicating 'separate collection' for all batteries and accumulators shall be the crossed-out wheeled bin shown below:



Skeda 4**(Regolament 17)****Information to be contained in an application for producer registration**

1. The date of the application for registration.
2. The name of the producer and any brand name under which the producer operates or intends to operate in Malta.
3. The following contact details for the producer:
 - (a) the full postal address (including post code) and telephone number of:
 - the producer's registered office; or
 - if the producer is not a company registered in Malta, the producer's principal place of business in Malta.
 - (b) a website address; and
 - (c) where available, a fax number and e-mail address.
4. The name and telephone number of a contact person for the producer, and, where available, a fax number and e-mail address, for that person.
5. The national identification code of the producer, including the VAT number, the NACE code, the company registration number and the range of the number of employees of the company (1-9, 10-29, 30-49, 50-99, 100-149, 150-249, 250-499, 500+), where applicable.
6. An indication of which categories of batteries or accumulators the producer is placing or intends to place on the market in Malta.
7. Information as to:
 - (a) whether the producer is meeting or intends to meet its responsibilities under these Regulations individually or collectively; and
 - (b) if collectively:
 - the name of the authorised waste batteries and accumulators collection, treatment and recycling scheme of which the producer is a member;
 - the name of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme; and
 - the address and telephone number of the registered office of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme in Malta.
8. A signed declaration of the truth of the information provided and the name and title of the signatory of the declaration.

Skeda 5**(Regolament 16)****Public Register**

The following information shall be contained in the register in relation to a producer whose application for registration has been processed by the Competent Authority under regulation 17 of these regulations.

1. The name of the producer and any brand name under which the producer operates in Malta.
2. The following contact details for the producer:
 - (a) the full postal address (including post code) and telephone number of:
 - the producer's registered office; or
 - if the producer is not a company registered in Malta, the producer's principal place of business in Malta.
 - (b) a website address; and
 - (c) where available, a fax number and e-mail address.
3. An indication of the categories of batteries or accumulators placed on the market by the producer.
4. Information as to:
 - (a) whether the producer meets its responsibilities under these Regulations individually or collectively; and
 - (b) if collectively:
 - the name of the authorised waste batteries and accumulators collection, treatment and recycling scheme of which the producer is a member;
 - the name of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme; and
 - the address and telephone number of the registered office of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme in Malta.
5. The producer's registration number.
6. The date of the application for registration.
7. A statement each year as to whether the producer has met his obligation under regulation 24 of these regulations to furnish a statement of compliance.

**ENVIRONMENT PROTECTION ACT
(CAP. 435)**

Waste Management (Waste Batteries and Accumulators) Regulations, 2009

IN exercise of the powers conferred by articles 9, 11(1)(b) and 28 of the Environment Protection Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the Waste Management (Waste Batteries and Accumulators) Regulations, 2009.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these regulations.

Scope.

2. (1) These regulations bring into effect the provisions of Directive 2006/66/EC¹ of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC², as amended by Directive 2008/12/EC³ of the European Parliament and of the Council of 11 March 2008, as regards the implementing powers conferred on the Commission.

(2) The objective of the Directive, having regard to the environmental impact of transport, is to maximise the separate collection of waste batteries and accumulators and to minimise the disposal of waste batteries and accumulators as mixed municipal waste in order to achieve a high level of recycling for all waste batteries and accumulators. It also seeks to improve the environmental performance of batteries and accumulators and of the activities of all economic operators involved in the life cycle of batteries and accumulators, such as producers, distributors and end-users and, in particular, those operators directly involved in the treatment and recycling of waste batteries and accumulators.

L.N. 337 of 2001.

(3) These regulations provide additional measures, procedures and guidance to those in the Waste Management (Permit and Control) Regulations, 2001, which aim at establishing specific rules for the collection, treatment, recycling and disposal of waste batteries and accumulators to promote a high level of collection and recycling of waste batteries and accumulators.

¹ OJ L 266, 26.9.2006, p. 1.

² OJ L 78, 26.3.1991, p. 38.

³ OJ L 76, 19.3.2008, p. 39.

Interpretation.

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

Cap. 435.

“the Act” means the Environment Protection Act;

“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;

L.N. 63 of 2007.

“appliance” means any electrical or electronic equipment, as defined by the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, which is fully or partly powered by batteries or accumulators or is capable of being so;

“automotive battery or accumulator” means any battery or accumulator used for automotive starter, lighting or ignition power;

“battery” or “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

“battery pack” means any set of batteries or accumulators that are connected together and, or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

“button cell” means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;

“category of battery or accumulator” means any of the following types of batteries or accumulators:

- (a) automotive batteries or accumulators;
- (b) industrial batteries or accumulators; and
- (c) portable batteries or accumulators;

“collection rate” means, in a given calendar year, the percentage obtained by dividing the weight of waste portable batteries and accumulators collected in accordance with sub-regulations (1) and (2) of regulation 5 of these regulations or with the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, in that calendar year by the average weight of portable batteries and accumulators that producers either sell directly to end-

users or deliver to third parties in order to sell them to end-users in Malta during that calendar year and the preceding two calendar years.

“the Community” means the European Community;

“the Competent Authority” means the Malta Environment and Planning Authority and such other body or person as the Minister may by order in the Gazette, prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

“disposal” means any of the applicable operations provided for in Schedule 4 to the Waste Management (Permit and Control) Regulations, 2001;

“distributor” means any person that provides batteries and accumulators on a professional basis to an end-user;

“economic operators” means producers, distributors, collectors, recoverers, recyclers or other treatment operators of waste batteries and accumulators;

“industrial battery or accumulator” means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;

“the Minister” means the Minister responsible for the environment;

“portable battery or accumulator” means any battery, button cell, battery pack or accumulator that:

(a) is sealed; and

(b) can be hand-carried; and

(c) is neither an industrial battery or accumulator nor an automotive battery or accumulator;

“producer” means any person in Malta who, irrespective of the selling technique used, including by means of distance communication as defined in the Distance Selling Regulations, 2001, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the territory of Malta on a professional basis;

“recycling” means the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery;

“treatment” means any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;

“waste” in addition to what is said in the Environment Protection Act, means any thing, substance, product or object, whether in solid or liquid form, whether hazardous or otherwise, which the holder discards, or intends, or is required to discard, or any other which is deemed to be waste by the competent authority nominated by the Minister responsible for the environment under article 6 of the Environment Protection Act;

“waste battery or accumulator” means any battery or accumulator which is waste.

(2) All other terms shall have the same meaning as that assigned to them in regulation 2 of the Waste Management (Permit and Control) Regulations, 2001.

Applicability.

4. (1) These regulations shall apply to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use.

L.N. 99 of 2004.

Provided that these regulations shall apply without prejudice to the Waste Management (End of Life Vehicles) Regulations, 2004, and the Waste Management (Electrical and Electronic Equipment) Regulations, 2007.

L.N. 311 of 2007.

(2) These regulations shall apply without prejudice to existing provisions, such as product safety requirements and specific legislation, in particular the Batteries and Accumulators Regulations, 2007.

(3) These regulations shall not apply to batteries and accumulators used in:

(a) equipment connected with the protection of Malta's essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; and

(b) equipment designed to be sent into space.

Separate collection.

5. (1) Producers of portable batteries and accumulators, or third parties acting on their behalf, shall use existing collection systems or set up collection systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the collection of waste portable batteries and accumulators.

(2) Such collection systems:

L.N. 106 of 2007.

(a) shall enable end-users to discard waste portable batteries or accumulators at an accessible collection point in their vicinity, having regard to population density, provided that such a collection point shall not be subject to the registration or permit requirements of the Waste Management (Permit and Control) Regulations, 2001, or the Waste Management (Activity Registration) Regulations, 2007;

(b) shall require distributors to take back waste portable batteries or accumulators at no charge when supplying portable batteries or accumulators, unless an assessment shows that alternative existing collection systems are at least as effective in attaining the environmental aims of these regulations, provided that such an assessment shall be made public;

(c) shall not involve any charge to end-users when discarding waste portable batteries or accumulators, nor any obligation to buy a new battery or accumulator; and

(d) may be run in conjunction with the collection systems referred to in sub-regulation (2) of regulation 6 of the Waste Management (Electrical and Electronic Equipment) Regulations, 2007:

Provided that all economic operators and all competent public authorities may participate in these collection systems:

Provided further that these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(3) Producers of industrial batteries and accumulators, or third parties acting on their behalf, shall not refuse to take back waste industrial batteries and accumulators from end-users, regardless of chemical composition and origin.

Provided that:

(a) independent third parties may also collect waste industrial batteries and accumulators;

(b) all economic operators and all competent public authorities may participate in these collection systems; and

(c) these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(4) Producers of automotive batteries and accumulators, or third parties acting on their behalf, shall use existing collection systems or set up collection systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the collection of waste automotive batteries and accumulators from end-users or from an accessible collection point in their vicinity, where collection is not carried out under the collection systems referred to in sub-regulation (1) of regulation 5 of the Waste Management (End of Life Vehicles) Regulations, 2004.

Provided that:

(a) in the case of automotive batteries and accumulators from private, non-commercial vehicles, such collection systems shall not involve any charge to end-users when discarding waste batteries or accumulators, or any obligation to buy a new battery or accumulator;

(b) all economic operators and all competent public authorities may participate in these collection systems; and

(c) these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

Economic instruments.

6. Economic instruments may be used to promote the use of batteries and accumulators containing less polluting substances, or promote the collection of waste batteries and accumulators, for instance by adopting differential tax rates.

Collection rates and targets.

7. (1) The Competent Authority shall calculate the collection rate for the first time in respect of the fifth full calendar year following the coming into force of these regulations.

Provided that:

(a) without prejudice to the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, annual collection and sales figures shall include batteries and accumulators incorporated into appliances;

(b) the annual sales of portable batteries and accumulators to end-users in a given year, shall be calculated as the weight of portable batteries and accumulators placed on the market for the first time within Malta in the year concerned, excluding any portable batteries and accumulators that have left Malta in that year before being sold to the end-users;

(c) the placing on the market for the first time within Malta of each battery shall be counted once; and

(d) the calculation provided for therein shall be based on collected data or statistically significant estimates based on collected data.

(2) Producers, or third parties acting on their behalf, shall take the necessary measures to achieve the following minimum collection targets:

- (a) 25 % by 26th September 2012;
- (b) 30 % by 26th September 2013;
- (c) 35 % by 26th September 2014;
- (d) 40 % by 26th September 2015; and
- (e) 45 % by 26th September 2016.

(3) The Competent Authority shall monitor compliance with such collection targets on a yearly basis as set out in Schedule 1 to these regulations.

Removal of waste
batteries and
accumulators.

8. Manufacturers shall design appliances in such a way that waste batteries and accumulators can be readily removed:

Provided that appliances into which batteries and accumulators are incorporated shall be accompanied by instructions showing how they can be removed safely and, where appropriate, informing the end-user of the type of the incorporated batteries and accumulators:

Provided further that this regulation shall not apply where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery or accumulator.

Treatment and
recycling.

9. (1) Not later than 26th September 2009:

(a) producers, or third parties acting on their behalf, shall use existing treatment and recycling systems or set up treatment and recycling systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the treatment and recycling of waste batteries and accumulators, using best available techniques, in terms of the protection of health and the environment; and

(b) all identifiable waste batteries and accumulators collected in

accordance with regulation 5 of these regulations or with the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, shall undergo treatment and recycling through treatment and recycling systems that comply, as a minimum, with national legislation, in particular as regards health, safety and waste management:

Provided that:

(i) collected portable batteries or accumulators containing cadmium, mercury or lead may be disposed of in landfills or underground storage when no viable end market is available or as part of a strategy to phase out heavy metals which, on the basis of a detailed assessment of the environmental, economic, and social impacts, shows that this disposal option should be preferred over recycling;

(ii) such an assessment shall be made public;

(iii) all economic operators and all competent public authorities may participate in these treatment and recycling systems; and

(iv) these treatment and recycling systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

(2) Treatment shall meet the minimum requirements set out in Part A of Schedule 2 to these regulations.

(3) Where batteries or accumulators are collected together with waste electrical and electronic equipment on the basis of the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, batteries or accumulators shall be removed from the collected waste electrical and electronic equipment.

(4) Recycling processes shall, not later than 26th September 2010, meet the recycling efficiencies and associated provisions set out in Part B of Schedule 2 to these regulations.

New recycling technologies.

10. (1) The development of new recycling and treatment technologies all types of waste batteries and accumulators shall be encouraged.

(2) Research into environmentally friendly and cost-effective recycling methods for all types of waste batteries and accumulators shall be promoted.

(3) Treatment facilities shall be encouraged to introduce certified environmental management schemes in accordance with Regulation (EC) No 761/2001⁴ of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

Disposal.

11. The disposal in landfills or by incineration of waste industrial and automotive batteries and accumulators shall be prohibited:

Provided that residues of any waste batteries and accumulators that have undergone both treatment and recycling in accordance with sub-regulation (1) of regulation 9 of these regulations may be disposed of in landfills or by incineration.

Exports.

12. (1) Treatment and recycling may be undertaken outside Malta or outside the Community, provided that the shipment of waste batteries and accumulators shall be in compliance with Regulation (EC) No 1013/2006⁵ of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

(2) Waste batteries and accumulators exported out of the Community in accordance with Regulation (EC) No 1013/2006⁶ of the European Parliament and of the Council of 14 June 2006 on shipments of waste, and Council Regulation (EC) No 1418/2007⁷ of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, shall count towards the fulfilment of the obligations and recycling efficiencies laid down in Schedule 2 to these regulations only if there is sound evidence that the recycling operation took place under conditions equivalent to the requirements of these regulations.

Financing.

13. (1) Producers, or third parties acting on their behalf, shall finance any net costs arising from:

(a) the collection, treatment and recycling of all waste portable batteries and accumulators collected in accordance with sub-regulations (1) and (2) of regulation 5 of these regulations; and

(b) the collection, treatment and recycling of all waste industrial and automotive batteries and accumulators collected in accordance with sub-regulations (3) and (4) of regulation 5 of these regulations:

⁴ OJ L 114, 24.4.2001, p. 1.

⁵ OJ L 190, 12.7.2006, p. 1.

⁶ OJ L 190, 12.7.2006, p. 1.

⁷ OJ L 316, 4.12.2007, p. 6.

Provided that any double charging of producers in the case of batteries or accumulators collected under treatment and recycling systems set up in accordance with the Waste Management (End of Life Vehicles) Regulations, 2004, or the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, shall be avoided.

Provided further that producers which, relative to the size of the market, place very small quantities of batteries or accumulators on the market for the first time within Malta, may be exempted on the condition that this does not impede the proper functioning of the collection systems set up on the basis of regulation 5 of these regulations and the treatment and recycling systems set up on the basis of regulation 9 of these regulations.

(2) Producers, or third parties acting on their behalf, shall finance any net costs arising from public information campaigns on the collection, treatment and recycling of all waste portable batteries and accumulators.

(3) The costs of collection, treatment and recycling shall not be shown separately to end-users at the time of sale of new portable batteries and accumulators.

(4) Producers and users of industrial and automotive batteries and accumulators may conclude agreements stipulating financing arrangements other than the ones referred to in sub-regulation (1) of this regulation.

(5) This regulation shall apply to all waste batteries and accumulators, irrespective of the date of their placing on the market for the first time within Malta.

(6) Producers supplying batteries and accumulators by means of distance communication shall also comply with the requirements set out in this regulation for the batteries and accumulators supplied in the Member State where the purchaser of that equipment resides.

Information for
end-users.

14. (1) Economic operators shall ensure, in particular through information campaigns, that end-users are fully informed of:

(a) the potential effects on the environment and human health of the substances used in batteries and accumulators;

(b) the desirability of not disposing of waste batteries and accumulators as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;

(c) the collection systems and treatment and recycling systems available to them;

(d) their role in contributing to the recycling of waste batteries and accumulators;

(e) the meaning of the symbol of the crossed-out wheeled bin shown in Schedule 3 to these regulations and the chemical symbols Hg, Cd and Pb in accordance with the Batteries and Accumulators Regulations, 2007 Regulations, 2007:

Provided that, where distributors are required to take back waste portable batteries and accumulators pursuant to regulation 5 of these regulations, such distributors shall inform end-users about the possibility of discarding waste portable batteries or accumulators at their sales points.

Duties of end-users of batteries and accumulators.

15. End-users of batteries and accumulators and the holders of waste batteries and accumulators shall co-operate with, and participate in, any system set up for the collection of waste batteries and accumulators and facilitate the process of treatment and recycling. Accordingly, they shall segregate, deposit and return waste batteries and accumulators as required by the collection system.

Register of producers.

16. (1) The Competent Authority shall maintain and make available in accordance with this regulation a register relating to the producers who register in accordance with regulation 17 of these regulations and containing information relating to the producer registration as prescribed in Schedule 5 to these regulations.

(2) The Competent Authority shall:

(a) ensure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours; and

(b) permit members of the public to obtain copies of entries in the register on payment of a fee as may be prescribed in Schedule 8 to the Waste Management (Permit and Control) Regulations, 2001.

(3) The register may be kept in any form but shall be indexed and arranged so that members of the public can readily trace information contained in it.

(4) The Competent Authority shall amend the relevant entry in the register to record any change to the information entered and shall note the date on which the amendment is made.

(5) For the avoidance of doubt, nothing in this regulation shall require a register maintained by the Competent Authority to contain information relating to any criminal proceedings (including prospective proceedings) or to anything which is the subject matter of such proceedings, at any time before those proceedings are finally disposed of.

(6) Nothing in this regulation shall require a register maintained by the Competent Authority to contain any information which has been superseded by later information after four years have elapsed from that later information being entered in the register.

Registration.

17. (1) By 30 June 2009 each producer shall apply to the Competent Authority for registration, and from 1 January 2010 each producer shall register with the Competent Authority by 31 January 2010, and each producer shall register with the Competent Authority by 31 January each year thereafter.

(2) Where a producer ceases to place batteries and accumulators on the market for the first time within Malta he shall inform the Competent Authority within twenty working days of his ceasing to do so.

(3) An application by a producer to register shall:

(a) be made in writing;

(b) contain at least the information in Schedule 4 to these regulations; and

(c) be accompanied by a fee as may be prescribed in Schedule 8 of the Waste Management (Permit and Control) Regulations, 2001.

(4) The details provided by a producer in compliance with the obligations referred to in sub-regulations (1), (2) and (3) of this regulation shall be included in the Register of Producers to be maintained by the Competent Authority under regulation 16 of these regulations.

(5) The Competent Authority shall confirm receipt of a producer's application for registration in writing within twenty working days of receipt and shall process that application within twenty working days of confirming receipt.

Information
and reporting.

18. (1) By 30 June 2009 each producer who applies for registration under sub-regulation (1) of regulation 17 of these regulations shall provide to the Competent Authority the following information for the year 2008:

(a) the categories of batteries or accumulators which he has placed on the market for the first time within Malta; and

(b) the quantities and weight of batteries and accumulators which he has placed on the market for the first time within Malta.

(2) By 31 January 2010 each producer shall provide to the Competent Authority the information referred to in sub-regulation (1) of this regulation, in respect of batteries and accumulators placed on the market for the first time

within Malta between 1 January 2009 and 31 December 2009, and thereafter the information shall be provided by 31 January each year in respect of the batteries and accumulators which have been placed on the market for the first time within Malta during the immediately preceding year.

(3) The information referred to in sub-regulation (1) of this regulation shall be provided in writing.

(4) The Competent Authority may specify the format in which such information shall be made available.

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(5) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2005.

(6) Producers supplying batteries and accumulators by means of distance communication shall provide the Competent Authority with information on the compliance with the requirements of sub-regulation (6) of regulation 13 of these regulations and with the information referred to in sub-regulation (1) of this regulation, relating to the quantities and categories of batteries or accumulators placed on the market for the first time in the Member State where the purchaser of that battery or accumulator resides.

Distance sellers.

19. Where a producer supplies batteries and accumulators by means of distance communication he shall:

(a) register in accordance with regulation 17 of these regulations;

(b) notify the Competent Authority at the time of registration that he supplies batteries and accumulators by means of distance communication and that this regulation applies; and

(c) upon a request from the Competent Authority undertake to provide it with information that demonstrates he has complied with his obligation to provide financing for the collection, treatment, recycling and environmentally sound disposal of waste batteries and accumulators deposited at collection points in the Member State where the purchaser of the battery or accumulator resides.

Transfer of
a producer's
business to another.

20. (1) Where the business of a producer is transferred in whole or in part to another person, the producer shall be treated as remaining responsible for batteries and accumulators in respect of which he has made an application to register under regulation 17 of these regulations, unless he is able to demonstrate to the Competent Authority that the person to whom the transfer has been made has agreed to meet the producer's obligations in respect of any such batteries and accumulators under these regulations.

(2) Where sub-regulation (1) of these regulations applies, the person

to whom the whole or part of a business is transferred is a producer for the purposes of these regulations, and that person shall:

(a) apply to the Competent Authority for registration under regulation 17 of these regulations; and

(b) undertake to meet the collection targets in regulation 7 of these regulations.

Agreements.

21. (1) For the purposes of achieving the objectives, and satisfying the provisions of these regulations, economic operators may be parties to agreements with the Competent Authority.

(2) Such agreements shall specify the detailed rules of implementation of these regulations. Moreover, these agreements:

(a) shall be enforceable at law;

(b) shall specify the objectives with the corresponding deadlines;

(c) shall be published in the Gazette;

(d) shall have the results achieved under them monitored regularly, reported to the Competent Authority and made available to the public under the conditions set out in the agreement;

(e) shall have the progress made under them examined in terms of provisions to be made by the Competent Authority.

Permit required to operate a waste batteries and accumulators collection, treatment and recycling scheme.

22. (1) Persons who intend to operate a waste batteries and accumulators collection, treatment and recycling scheme as required under these regulations, including the collection, sorting, storage, treatment, export and recycling of waste batteries and accumulators, on behalf of producers, shall require and obtain a valid permit from the Competent Authority in terms of the Waste Management (Permit and Control) Regulations, 2001.

(2) Without prejudice to the Waste Management (Permit and Control) Regulations, 2001, in applying for such a permit, any such person shall provide the Competent Authority with the following information as applicable:

(a) a copy of the Memorandum and Articles of Association;

(b) a copy of a valid development permit issued under the Development Planning Act;

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(c) a description of the proposed system which will provide for the collection, treatment and recycling of waste batteries and accumulators in accordance with the provisions of these regulations;

(d) details of any deposit-refund system or other system adopted in order to ensure the return of waste batteries and accumulators by consumers;

(e) a financial plan in relation to the proposed scheme;

(f) the annual weights of waste batteries and accumulators in each category to be collected, treated and recycled;

(g) the annual collection targets to be achieved under the proposed scheme;

(h) proposals for determining and verifying the level of recycling of waste batteries and accumulators as well as whether the recycling efficiencies referred to in Part B of Schedule 2 of these regulations have been met under the proposed scheme, including estimations and assumptions to be made in this process;

(i) proposals for the certification of producers who will make use of the proposed scheme;

(j) proposals of how the information under the provisions of these regulations will be compiled and made available to the Competent Authority;

(k) any other relevant information requested by the Competent Authority.

(3) The Competent Authority may specify the format in which such information shall be made available.

(4) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2005.

Participation in an authorised waste batteries and accumulators collection, treatment and recycling scheme.

23. The Competent Authority may exempt a producer from all or part of these regulations provided the producer provides evidence to the Competent Authority of participating in an authorised waste batteries and accumulators collection, treatment and recycling scheme.

Signed agreement with an operator of an authorised waste batterie and accumulators collection, treatment and recycling scheme.

24. (1) If a producer chooses to make use of an existing authorised waste batteries and accumulators collection, treatment and recycling scheme, he shall be required to submit to the Competent Authority a signed agreement with the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme to prove that the scheme complies with the provisions by these regulations.

(2) By 30 September 2009, the producer shall moreover submit to the Competent Authority a statement of compliance with the provisions of these regulations, signed by the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme, in respect of batteries and accumulators placed on the market by the producer between 1 January 2008 and 31 December 2008, and thereafter the information shall be provided by 31 January each year in respect of the batteries and accumulators which have been placed on the market for the first time within Malta by the producer during the immediately preceding year.

(3) The operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme referred to in sub-regulation (1) of this regulation shall:

(a) bind himself to carry out the activities agreed to and on behalf of the producer in accordance with any existing laws and regulations;

(b) ensure that all economic operators and all competent public authorities may participate in the scheme;

(c) ensure that the scheme shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition;

(d) provide the Competent Authority by 30 September 2009 with the information on any measures that the producer takes to encourage developments affecting the impact of batteries and accumulators on the environment, in respect of batteries and accumulators placed on the market for the first time within Malta by the producer between 1 January 2008 and 31 December 2008, and thereafter such information shall be provided by 31 January each year in respect of the batteries and accumulators which have been placed on the market for the first time within Malta by the producer during the immediately preceding year, in particular:

(i) developments, including voluntary steps taken by the producer, reducing quantities of heavy metals and other hazardous substances contained in batteries and accumulators;

(ii) new recycling and treatment techniques;

(iii) economic operators' participation in environmental management schemes;

(iv) research in those fields; and

(v) measures taken to promote waste prevention;

(e) provide the Competent Authority by 30 September 2009 with the information referred to in regulations 14 and 16 of these regulations as it applies *mutatis mutandis* to the producer, in respect of batteries and accumulators placed on the market for the first time within Malta by the producer between 1 January 2008 and 31 December 2008, and thereafter a statement of compliance shall be provided by 31 January each year in respect of the batteries and accumulators which have been placed on the market for the first time within Malta by the producer during the immediately preceding year; and

(f) provide to the Competent Authority by 30 September 2009 with a statement of compliance of the producer with the provisions of these regulations, in respect of batteries and accumulators placed on the market for the first time within Malta by the producer between 1 January 2008 and 31 December 2008, and thereafter the information shall be provided by 31 January each year in respect of the batteries and accumulators which have been placed on the market for the first time within Malta by the producer during the immediately preceding year.

(4) The Competent Authority may specify the format in which such information shall be made available.

(5) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2005.

Offences under these regulations.

25. Any person shall be guilty of an offence under these regulations if:

(a) he fails to comply with any provisions 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

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he acts in contravention of any of the provisions of these regulations; or

(d) he 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 provisions of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

26. 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-four euro and sixty-nine cents (€1,164.69), but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);

(b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), but not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75), 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.

Applicability of
the Criminal Code.
Cap. 9.

27. (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.

(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.

(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.

Revokes L.N. 158
of 2002.

28. The Waste Management (Batteries and Accumulators) Regulations, 2002, are hereby revoked.

Schedule 1**(Regulation 7)****Monitoring of compliance with collection targets**

Year	Data collection		Calculation of Collection rate	Collection Target
2009	2009 sales (S1)			
2010	2010 sales (S2)	-	-	
2011	2011 sales (S3)	2011 collection (C3)	$3 \times C3 / (S1 + S2 + S3)$	
2012	2012 sales (S4)	2012 collection (C4)	$3 \times C4 / (S2 + S3 + S4)$	25 %
2013	2013 sales (S5)	2013 collection (C5)	$3 \times C5 / (S3 + S4 + S5)$	30 %
2014	2014 sales (S6)	2014 collection (C6)	$3 \times C6 / (S4 + S5 + S6)$	35 %
2015	2015 sales (S7)	2015 collection (C7)	$3 \times C7 / (S5 + S6 + S7)$	40 %
2016	2016 sales (S8)	2016 collection (C8)	$3 \times C8 / (S6 + S7 + S8)$	45 %
2017	2017 sales (S9)	2017 collection (C9)	$3 \times C9 / (S7 + S8 + S9)$	45 %
2018	2018 sales (S10)	2018 collection (C10)	$3 \times C10 / (S8 + S9 + S10)$	45 %
2019	Etc.	Etc.	Etc.	45 %
Etc.				

Schedule 2**(Regulation 9)****Detailed treatment and recycling requirements****PART A: TREATMENT**

1. Treatment shall, as a minimum, include removal of all fluids and acids.
2. Treatment and any storage, including temporary storage, at treatment facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.

PART B: RECYCLING

3. Recycling processes shall achieve the following minimum recycling efficiencies:
 - (a) recycling of 65 % by average weight of lead-acid waste batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;
 - (b) recycling of 75 % by average weight of nickel-cadmium waste batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and
 - (c) recycling of 50 % by average weight of other waste batteries and accumulators.

Schedule 3**(Regulation 14)****Symbols for batteries, accumulators and battery packs for separate collection**

The symbol indicating 'separate collection' for all batteries and accumulators shall be the crossed-out wheeled bin shown below:



Schedule 4**(Regulation 17)****Information to be contained in an application for producer registration**

1. The date of the application for registration.
2. The name of the producer and any brand name under which the producer operates or intends to operate in Malta.
3. The following contact details for the producer:
 - (a) the full postal address (including post code) and telephone number of:
 - the producer's registered office; or
 - if the producer is not a company registered in Malta, the producer's principal place of business in Malta.
 - (b) a website address; and
 - (c) where available, a fax number and e-mail address.
4. The name and telephone number of a contact person for the producer, and, where available, a fax number and e-mail address, for that person.
5. The national identification code of the producer, including the VAT number, the NACE code, the company registration number and the range of the number of employees of the company (1-9, 10-29, 30-49, 50-99, 100-149, 150-249, 250-499, 500+), where applicable.
6. An indication of which categories of batteries or accumulators the producer is placing or intends to place on the market in Malta.
7. Information as to:
 - (a) whether the producer is meeting or intends to meet its responsibilities under these Regulations individually or collectively; and
 - (b) if collectively:
 - the name of the authorised waste batteries and accumulators collection, treatment and recycling scheme of which the producer is a member;
 - the name of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme; and
 - the address and telephone number of the registered office of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme in Malta.
8. A signed declaration of the truth of the information provided and the name and title of the signatory of the declaration.

Schedule 5**(Regulation 16)****Public Register**

The following information shall be contained in the register in relation to a producer whose application for registration has been processed by the Competent Authority under regulation 17 of these regulations.

1. The name of the producer and any brand name under which the producer operates in Malta.
2. The following contact details for the producer:
 - (a) the full postal address (including post code) and telephone number of:
 - the producer's registered office; or
 - if the producer is not a company registered in Malta, the producer's principal place of business in Malta.
 - (b) a website address; and
 - (c) where available, a fax number and e-mail address.
3. An indication of the categories of batteries or accumulators placed on the market by the producer.
4. Information as to:
 - (a) whether the producer meets its responsibilities under these Regulations individually or collectively; and
 - (b) if collectively:
 - the name of the authorised waste batteries and accumulators collection, treatment and recycling scheme of which the producer is a member;
 - the name of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme; and
 - the address and telephone number of the registered office of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme or, if not a company registered in Malta, the principal place of business and telephone number of the operator of the authorised waste batteries and accumulators collection, treatment and recycling scheme in Malta.
5. The producer's registration number.
6. The date of the application for registration.
7. A statement each year as to whether the producer has met his obligation under regulation 24 of these regulations to furnish a statement of compliance.

INDUSTRIAL PROPERTY REGISTRATIONS DIRECTORATE

The patents indicated below have been granted with effect from the filing date in accordance with Article 24(2) of the and Designs Act 2000:

(21) **P0004248**
(22) Filing date: 23 Jan 2009
(54) METHOD FOR DETERMINING THE ENANTIOMERIC PURITY OF INDANE DERIVATIVES

(73) Medichem S.A.
(Incorporated in SPAIN)
(72) *Inventors:*
Burgarolas Montero Maria
Camps Garcia
Pelayo Bosch Jordi
Camacho Carrasco

Antonio (33) US (31) 61/023603 (32) 25 Jan 2008

This Supplementary Protection Certificate indicated below has been granted in accordance with Article 8(1) of Legal Notice 260 (Plant Protection Products) or 261 (Medicinal Products) of 2002:

(21) **SPC/9/2009**
(68) **PAT/2227**
(22) *Filing date:* 13 Apr 2009
(71) CHEMICAL PROCESS
(95) *Product:* Crestor
Product Type: Medicinal
(93) *Authorised:* MA 044/01502 14 Oct 2008
MA 044/01503 14 Oct 2008
MA 044/01504 14 Oct 2008

(71) AstraZeneca UK Limited
(Incorporated in United Kingdom)

A request for a surrender of the trademark indicated below has been filed at this Office in accordance with Article 41 of the Trademarks Act 2000:

(210) **TM/45749**
(220) *Filing date:* 09/11/2006
(540) REPRODUCTION OF THE MARK

(730) UNILEVER PLC
of England



(511) *Goods/Services:* Dietetic preparations, nutritional supplements, in particular dietetic margarine for medical use.

Interested parties may appeal from this decision before the Court of Appeal in terms of Rule 21 of the Trademarks Rules 2000.

16th October, 2009

GODWIN WARR
Director General Commerce
Comptroller of Industrial Property

INDUSTRIAL PROPERTY REGISTRATIONS DIRECTORATE

A request for a surrender of the trademark indicated below has been filed at this Office in accordance with Article 41 of the Trademarks Act 2000:

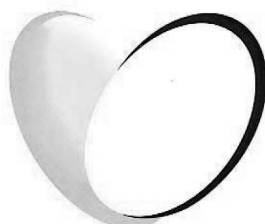
(210) **TM/45750**

(220) *Filing date:* 09/11/2006

(730) UNILEVER PLC

of England

(540) REPRODUCTION OF THE MARK



(511) *Goods/Services:* Sausages, pate and meat spreads; margarine, butter, cooking and frying fat, cheese and cheese products, cheese curd, milk and milk products, skimmed milk, milk made from soya; dairy products, yoghurt, cream, artificial cream and cheese; eggs; jams, jellies, powdered egg; edible oils and fats.

Interested parties may appeal from this decision before the Court of Appeal in terms of Rule 21 of the Trademarks Rules 2000.

A request for a surrender of the trademark indicated below has been filed at this Office in accordance with Article 41 of the Trademarks Act 2000:

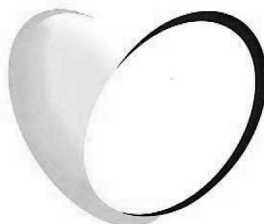
(210) **TM/45751**

(220) *Filing date:* 09/11/2006

(730) UNILEVER PLC

of England

(540) REPRODUCTION OF THE MARK



(511) *Goods/Services:* Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, biscuits; pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar; soya sauce; salad dressings; mayonnaise; sauces (condiments); spices; ice.

Interested parties may appeal from this decision before the Court of Appeal in terms of Rule 21 of the Trademarks Rules 2000.

REGISTRATION OF A DESIGN NO 1416 – FAT HARRY’S

Notice is hereby given that in accordance with Article 95(4) of the Patents and Designs Act 2000 an application made by Mr Richard Young trading as Richard Young Designs, 45 Gajdoru Street, Xaghra Gozo, Malta for a design - ‘FAT HARRY’S’, has been registered with effect from the 18th May 2009.

The design is available to be viewed by the public at this Office in accordance with Article 102 of the said Act.

16th October, 2009

GODWIN WARR
Director General Commerce
Comptroller of Industrial Property

