

FREQUENTLY ASKED QUESTIONS

on

Subsidiary Legislation 549.89 – the Waste Management (Electrical and Electronic Equipment) Regulations



January 2017



Version 6

Foreword

The aim of this Frequently Asked Questions (FAQ) document is to assist all economic operators and the general public to understand all their obligations emanating from [Subsidiary Legislations 549.89 – the Waste Management \(Electrical and Electronic Equipment\) Regulations](#), ensuring compliance with the requirements of the Regulations.

This FAQ document is considered to be a *‘living document’* and the Environment and Resources Authority (ERA) may update it as necessary in light of experience with the implementation of the Regulations and any future requirements.

The information provided in this document is for guidance only. It is not intended and should not be construed to constitute a legal advice of the Legislation referred to herein. The definitive interpretation of Maltese Legislation is the sole prerogative of the Courts of Justice in Malta and Gozo. Readers are advised to refer to the relevant legislation for comprehensive information on requirements.

For the purpose of this document Subsidiary Legislations 549.89 – the Waste Management (Electrical and Electronic Equipment) Regulations, 2014 shall be referred to as the *‘WEEE Regulations’*.

Table of Contents

Foreword.....	ii
Table of Contents.....	iii
1 Introduction.....	1
1.1 What is EEE pursuant to the WEEE Regulations (S.L. 549.89)?.....	1
1.2 What is WEEE?.....	1
1.3 What does 'placing on the market' mean?	1
1.4 Who is a 'producer'?	1
1.5 Am I considered to be a producer if I import EEE for my own use?	2
1.6 Is a company manufacturing EEE in Malta but exporting all the manufactured products considered to be a producer of EEE in Malta?.....	2
1.7 Can a company not established in Malta be considered to be a producer of EEE in Malta?	2
2 Scope	3
2.1 Which EEE is included in the scope of the WEEE Regulations until 14 August 2018?	3
2.2 Which EEE is included in the scope of the WEEE Regulations after 15 August 2018?	4
2.3 What is meant by large-scale stationary industrial tools (LSSIT) & large-scale fixed installations (LSFI)?	5
2.4 Are there any guidelines that may be applied to determine whether a "tool" or an "installation" is "large-scale"?	6
2.5 Am I a producer of batteries and accumulators if EEE incorporates batteries and accumulators?	6
2.6 What type of equipment falls under the exclusion in regulation 4(1)(b) of the WEEE Regulations?	7
2.7 Do car radios fall within the scope of the WEEE Regulations?	7
2.8 Do photovoltaic (PV) panels fall within the scope of the WEEE Regulations?.7	
2.9 Does all lighting equipment fall within the scope of the WEEE Regulations? .7	
2.10 Is equipment used for Research and Development (R&D) excluded from the scope of the WEEE regulations?.....	8
2.11 Is all medical equipment excluded from the scope of the WEEE regulations?8	
2.12 Do components fall within the scope of the WEEE Regulations?	9
2.13 Is equipment used within a large-scale fixed installation or a large-scale stationary industrial tool excluded from the scope of the WEEE regulations?9	
3 Producer Responsibility.....	10

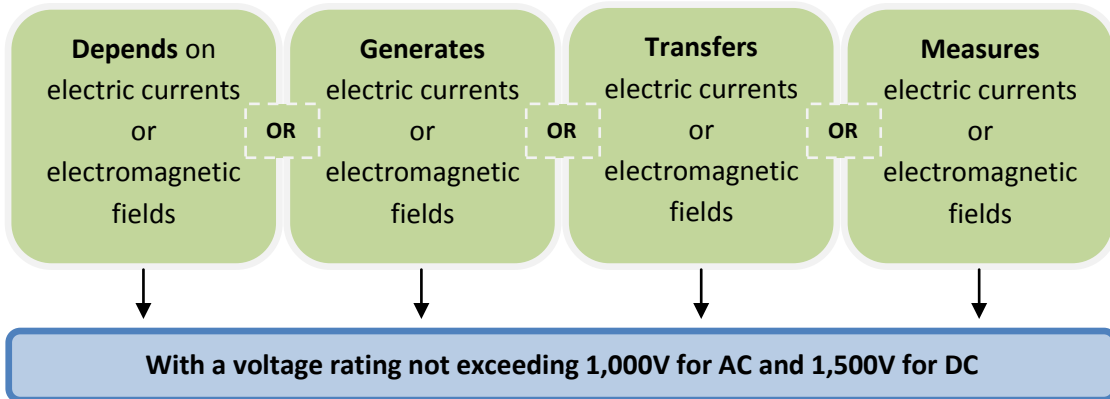
3.1	What are the main legal obligations set by the WEEE Regulations on producers of EEE?.....	10
3.2	What are the main legal obligations set by the WEEE Regulations on the schemes?	11
3.3	Who is an Authorised Representative (AR)?	11
3.4	Am I obliged to appoint an Authorised Representative?.....	12
4	Registration as a Producer of EEE	13
4.1	What should I do to register as a producer of EEE?.....	13
4.2	Do I need to renew my registration?	13
4.3	What if I cease to place EEE on the market?.....	14
4.4	What if I transferred my business as a producer of EEE (in whole or in part) to another person?.....	14
4.5	What if I fail to register or renew my registration as a producer of EEE?	14
5	Financing of WEEE	15
5.1	Am I obliged to finance the management of WEEE from private households and from users other than private households?.....	15
5.2	In which circumstances am I exempt from providing a guarantee?	15
5.3	What form shall the guarantee take?	15
5.4	When should the guarantee be submitted?	15
5.5	Why is a guarantee required?	16
6	Reporting Obligations.....	17
6.1	What information needs to be reported by self-compliant producers to the Competent Authority?.....	17
6.2	What information needs to be reported by authorised WEEE Compliance Schemes to the Competent Authority?.....	17
6.3	Are self-compliant producers and WEEE Compliance Schemes required to verify the information reported to ERA?.....	18
7	Collection Rate & Recovery Targets	19
7.1	What is the minimum collection rate that self-compliant producers of EEE or WEEE Compliance Schemes are obliged to achieve?.....	19
7.2	Are producers obliged to accept WEEE from private households at their warehouse/retail shop?	20
7.3	How will WEEE collected through systems operated by Local Councils be managed?	20
7.4	What are the minimum recovery targets that producers or WEEE Compliance Scheme(s) have to achieve for all the WEEE separately collected?.....	21

7.5	What are the minimum treatment requirements for materials and components of WEEE?	22
7.6	As a citizen, how can I commit myself to ensure the environmentally sound management of WEEE generated at household level?	22
7.7	What procedures must Local Councils follow for the collection of WEEE from private households through the 'Bulky Refuse' service?	23
8	Non-Compliance with the WEEE Regulations	24
8.1	What are the fines stipulated in the WEEE Regulations for a person who is caught to be non-compliant?	24
	References	25
	Annex A – Categories of EEE covered by the WEEE Regulations until 14 th August 2018 (<i>Schedule 1 of S.L. 549.89</i>)	26
	Annex B – Categories of EEE covered by the WEEE Regulations after 15 th August 2018 (<i>Schedule 3 of S.L. 549.89</i>)	27
	Annex C – Applicability of the WEEE Regulations (<i>Regulation 4 of S.L. 549.89</i>)	28

1 Introduction

1.1 What is EEE pursuant to the WEEE Regulations [\(S.L. 549.89\)](#)?

EEE is any product that:



The weight of EEE placed on the market, is defined by the weight of the entire product in the form it is marketed to the user:

- excluding packaging, batteries, non-electrical accessories not necessary for use (e.g. cases, disks), instructions for use and manuals; and
- including electronic accessories (e.g. power supplies, chargers).

1.2 What is WEEE?

"WEEE" stands for "waste electrical and electronic equipment" and refers to electrical or electronic equipment which is waste, including all components, sub-assemblies and consumables which are part of the product at the time of discarding.

1.3 What does '*placing on the market*' mean?

EEE is placed on the market when it is made available in Malta for the first time, whether in return for payment or free of charge. Any supply of a product (EEE) for distribution, consumption or use in the course of a commercial activity is considered the point at which the EEE is made available on the national market.

1.4 Who is a '*producer*'?

A '*producer*' is any natural or legal person who:

- Manufactures EEE in Malta and sells it in Malta; or
- Resells EEE in Malta under his own name or trademark; or
- Imports EEE into Malta on a professional basis; or
- Sells EEE by means of distance communications from another EU Member State or a third country directly to private households or to users other than private households in Malta.

1.5 Am I considered to be a producer if I import EEE for my own use?

A legal person who imports EEE for his/her own use is considered to be a producer of EEE.

If the imported EEE is consumed or used by the natural person for himself/herself on a professional basis (i.e. relating to his trade, business, craft or profession) then s/he is considered to be a producer of EEE.

Otherwise, if the imported EEE is consumed or used by the natural person for himself/herself on a non-professional basis (i.e. not relating to his trade, business, craft or profession) then s/he is not considered to be a producer of EEE.

1.6 Is a company manufacturing EEE in Malta but exporting all the manufactured products considered to be a producer of EEE in Malta?

No. In accordance with point (a) of the definition of a *'producer'* laid down in regulation 3 of the WEEE Regulations, a company that is established in Malta and manufactures EEE under its own name or trademark is considered to be a producer only if the company markets EEE under its name or trademark within the territory of Malta.

1.7 Can a company not established in Malta be considered to be a producer of EEE in Malta?

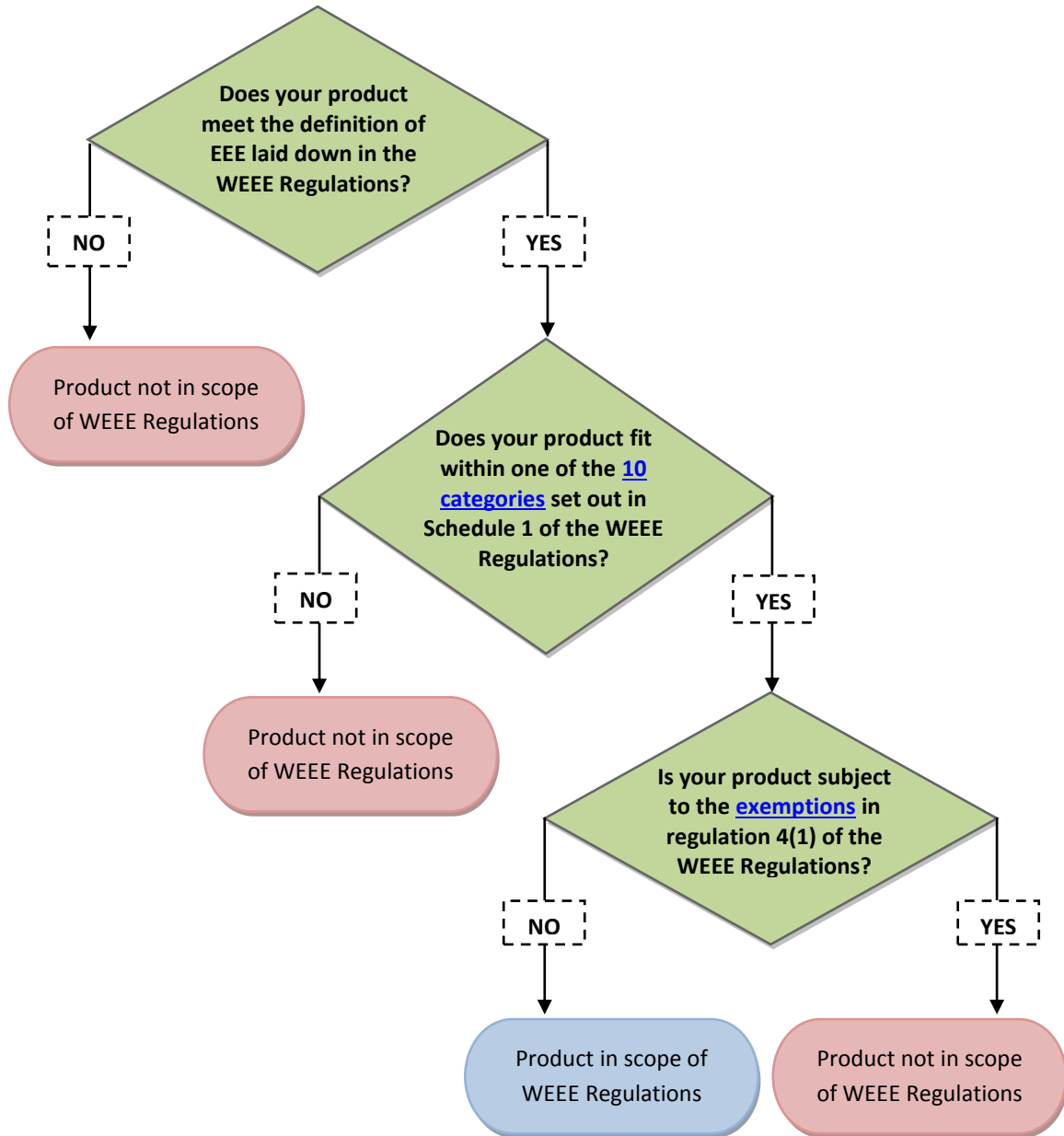
Yes. In accordance with point (d) of the definition of a *'producer'* laid down in regulation 3 of the WEEE Regulations, in cases where a company established in another Member State or a third country sells EEE directly to an end-user located in Malta by means of distance communication, this company is considered to be a producer of EEE and must comply with the requirements of the WEEE Regulations.

If a company established in another Member State or a third country sells EEE to a professional seller in Malta, then the latter meets the definition of *'producer'* as stipulated under point (c) of the aforementioned definition.

[For further information refer to Q&A 3.4]

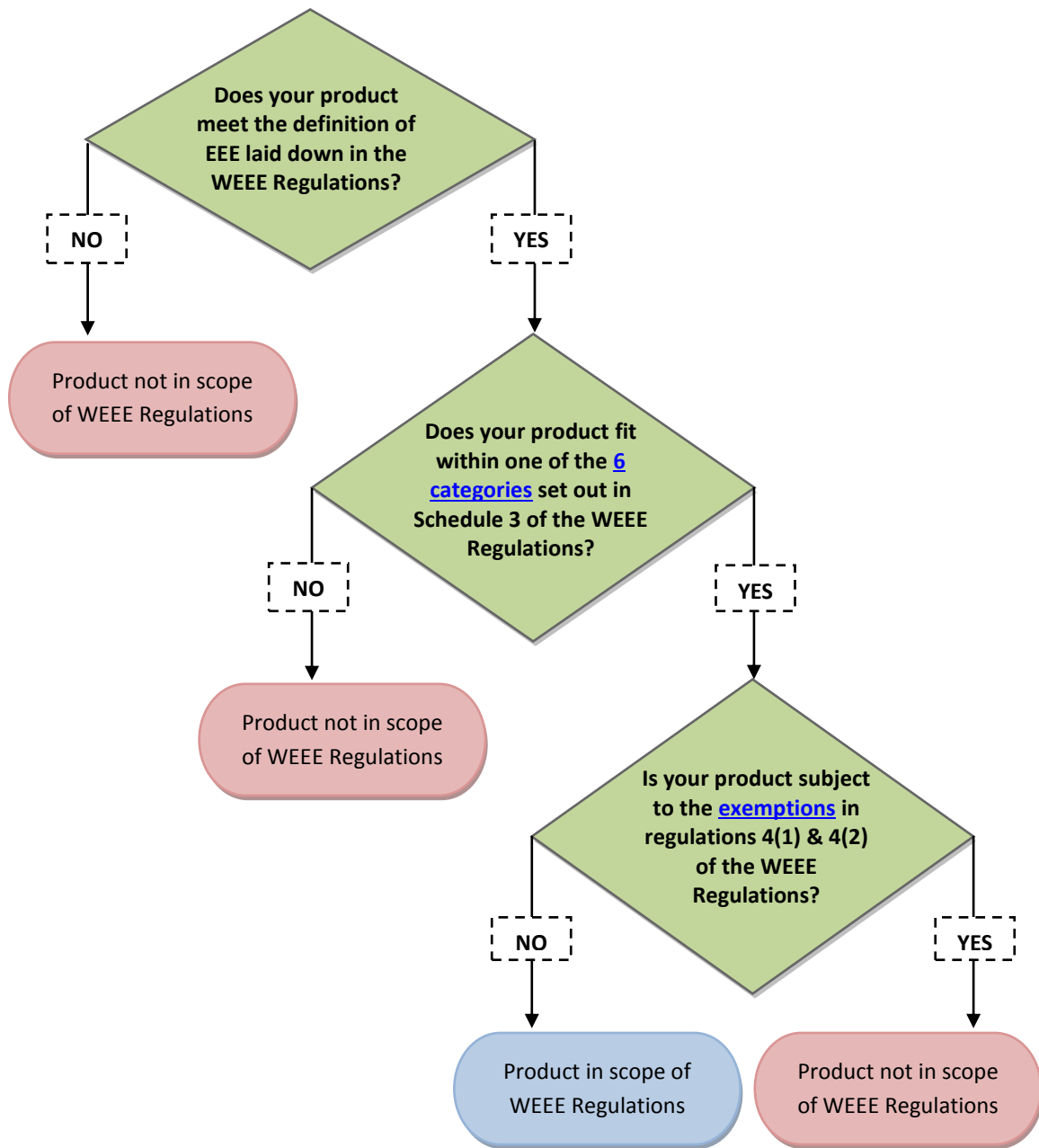
2 Scope

2.1 Which EEE is included in the scope of the WEEE Regulations until 14 August 2018?



The WEEE Regulations cover all EEE used by consumers and EEE intended for professional use

2.2 Which EEE is included in the scope of the WEEE Regulations after 15 August 2018?



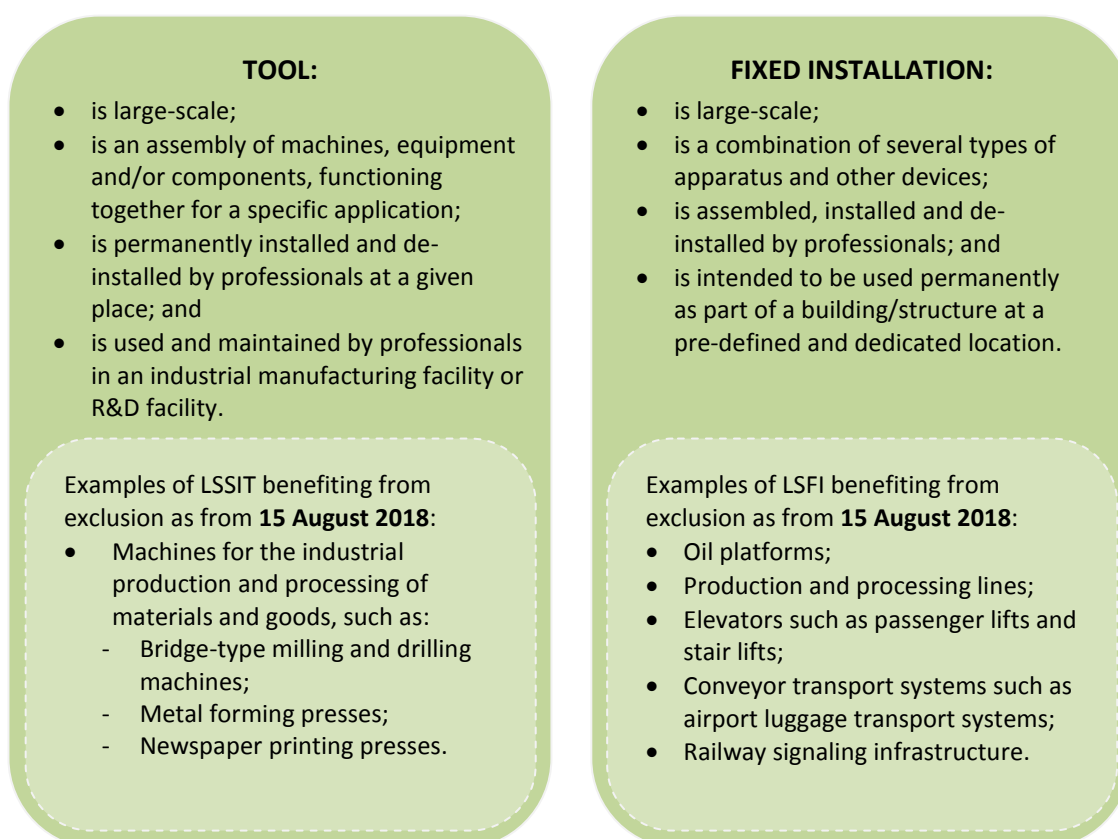
The WEEE Regulations cover all EEE used by consumers and EEE intended for professional use

2.3 What is meant by large-scale stationary industrial tools (LSSIT) & large-scale fixed installations (LSFI)?

“Large-scale stationary industrial tools” (LSSIT) and “large-scale fixed installations” (LSFI) are defined in regulation 3 (1) of the WEEE Regulations.

“Large-scale” refers to a combination of various types of items, such as machinery, equipment, and, or components for permanent use at a specific establishment or place, installed and de-installed by professionals (DG ENV, 2012). The term “Large-scale” is used to identify and differentiate between tools because of their size, weight, capacity, throughput or other performance related criteria. It also relates to the effort needed for installing, operating, maintaining and de-installing a tool or an installation. However, given that there are differences between “tools” and “installations”, the meaning of “large-scale” may differ for both cases.

In order to benefit from either exclusion the tool or installation must meet all the requirements highlighted in the Figure below. It is the responsibility of the producer to assess whether the tools placed on the national market benefit from the exclusion, preferably on a case-by-case basis.



Buildings and sites such as chemical plants and electricity distribution substations are not “installations”. Yet, the latter may contain various subsystems that can be considered as “installations” or “tools”. Tools are essentially machines, stand-alone or assemblies, often with moving parts, and used for example for the treatment or

manufacturing of materials and work pieces and thus can be classified as being part of a fixed installation (DG ENV, 2012).

Machinery that has partial mobility, such as machinery running on rails, can be considered to be of *'permanent use'*. Yet, EEE that is intended to be used on different sites during its life-span is not considered as *"permanent"* (DG ENV, 2012).

As regards to professional installation and de-installation, possible indicators could be the need for special assembling equipment, the requirement of a permit, specialised training and considerable installation time (DG ENV, 2012).

In order to ensure legal certainty, specific guidance metrics and qualitative criteria for large-scale *"tools"* and *"installations"* based on available technical data is to be developed on EU level in the near future (DG ENV, 2012).

2.4 Are there any guidelines that may be applied to determine whether a "tool" or an "installation" is "large-scale"?

In the absence of legally binding criteria, the following indicators may be applied to determine whether a *"tool"* is *"large scale"* (DG ENV, 2012):

- tool is larger than 5.71m x 2.35m x 2.39m;
- heavy-duty vehicles/cranes are needed to install or de-install the tool;

Similarly, the following indicators may be applied to determine whether an *"installation"* is *"large-scale"* (DG ENV, 2012):

- If, when installing or de-installing the installation, it is too heavy to move the total sum of its parts by a 44 tonne road truck;
- heavy-duty vehicles/cranes are needed to install or de-install the installation;
- An installation having a rated power greater than 375 kW.

2.5 Am I a producer of batteries and accumulators if EEE incorporates batteries and accumulators?

A person that places on the market EEE incorporating batteries is considered to be a producer of EEE as well as a producer of batteries and accumulators under [S.L. 549.54 – the Waste Management \(Waste Batteries and Accumulators\) Regulations](#).

As regards to registration as a producer of batteries and accumulators you may wish to visit the dedicated page on ERA's website [[Click Here](#)].

Where batteries or accumulators are collected together with WEEE, such batteries or accumulators shall be removed from the collected WEEE and shall undergo the treatment and recycling pursuant to S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations.

2.6 What type of equipment falls under the exclusion in regulation 4(1)(b) of the WEEE Regulations?

Regulation 4(1)(b) of S.L. 549.89 is intended to exclude from the scope of the WEEE Regulations only equipment “*specifically designed and installed*” as part of another type of equipment and which “*can fulfil its function only if it is part of that equipment*” (DG ENV, 2014).

Having said so, equipment that can be dismantled, re-installed and/or added to another type of equipment at any time and is therefore not designed to function exclusively with a particular equipment, such equipment may not be considered to be ‘*specifically designed and installed*’ as part of that item for the purposes of Regulations 4(1)(b) of S.L. 549.89.

For example, garage-door operating devices, which are not designed to function exclusively with certain garage doors and can at any time be dismantled, re-installed and/or added to any garage door, would fall within the scope of the WEEE Regulations. [\[Refer to case law C-369/14\]](#)

2.7 Do car radios fall within the scope of the WEEE Regulations?

Car radios that are integrated in a vehicle would be considered to fall outside the scope of the WEEE Regulations and fall within the scope of the ELV Regulations, whereas standalone car radios that can be installed, removed from and/or re-installed to a vehicle at any time would fall within the scope of the WEEE Regulations.

2.8 Do photovoltaic (PV) panels fall within the scope of the WEEE Regulations?

Yes. Photovoltaic (PV) panels fall within the scope of the WEEE Regulations and until 14 August 2018 are included under Category 4 of Schedule 1 set out in the aforementioned Regulations.

2.9 Does all lighting equipment fall within the scope of the WEEE Regulations?

Any source of light which meets the definition of ‘*electrical and electronic equipment*’ as laid down in regulation 3 of the WEEE Regulations is considered to be a lamp falling within the scope of the aforementioned Regulations, including light sources using LED technology and LED retrofit lamps placed on the market as individual products (DG ENV, 2014).

The following lighting equipment are excluded from the scope of the WEEE Regulations (DG ENV, 2014):

- filament bulbs;

- light fittings in households are exempt from the scope of the WEEE Regulations until 14 August 2018. However, as of 15 August 2018, light fittings in households shall fall within the scope of the WEEE Regulations;
- any components such as LED chips or integral modules placed on the market in order to be integrated or built-in in LED lamps/light fittings.

Until 14 August 2018, all lighting equipment including lamps (with the exception of filament bulbs) and light fittings (with the exception of household light fittings), fall under '*Category 5 - Lighting Equipment*' pursuant to Schedule 1 of the WEEE Regulations (SL 549.89).

As from 15 August 2018, all the different types of light sources (i.e. with the exception of filament bulbs) would fall under '*Category 3 – Lamps*' pursuant to Schedule 3 of the WEEE Regulations (SL 549.89). As regards to light fittings these would fall under either '*Category 4 – Large Equipment*' or '*Category 5 – Small Equipment*', depending on their size.

2.10 Is equipment used for Research and Development (R&D) excluded from the scope of the WEEE regulations?

Equipment that is specifically designed solely for the purposes of Research & Development that is only made available on a business-to-business basis, are currently not excluded from the scope of the WEEE Regulations. Such equipment is to be excluded from the aforementioned Regulations as from 15th August 2018 onwards as stated in sub-regulation 4(2) of the WEEE Regulations.

In this context, prototypes are subject to the WEEE Regulations. The category under which a '*prototype*' would fall is subject to its function and use.

2.11 Is all medical equipment excluded from the scope of the WEEE regulations?

No. In accordance with regulation 4(2)(g) of the WEEE Regulations, the said Regulations shall not apply **only** to medical equipment that:

- Are expected to be infective prior to end of life; or
- Are active implantable medical devices.

However, the aforementioned regulation does not exempt all equipment that come into contact with the human body, such as toothbrushes, electric thermometers and shavers (DG ENV, 2014).

2.12 Do components fall within the scope of the WEEE Regulations?

Components placed on the market separately in order to be used to manufacture and/or repair an EEE fall outside the scope of the WEEE Regulations unless they have an independent function themselves (DG ENV, 2014).

However, a self-assembly kit that consists of components that form an EEE when assembled is an EEE at the stage when it is sold as an assembly kit (DG ENV, 2014), for example a remote controlled electric car sold as an assembly kit. The category of the assembly kit would depend on the nature of the assembled item. For instance, the assembled remote controlled electric car would fall under Category 7.

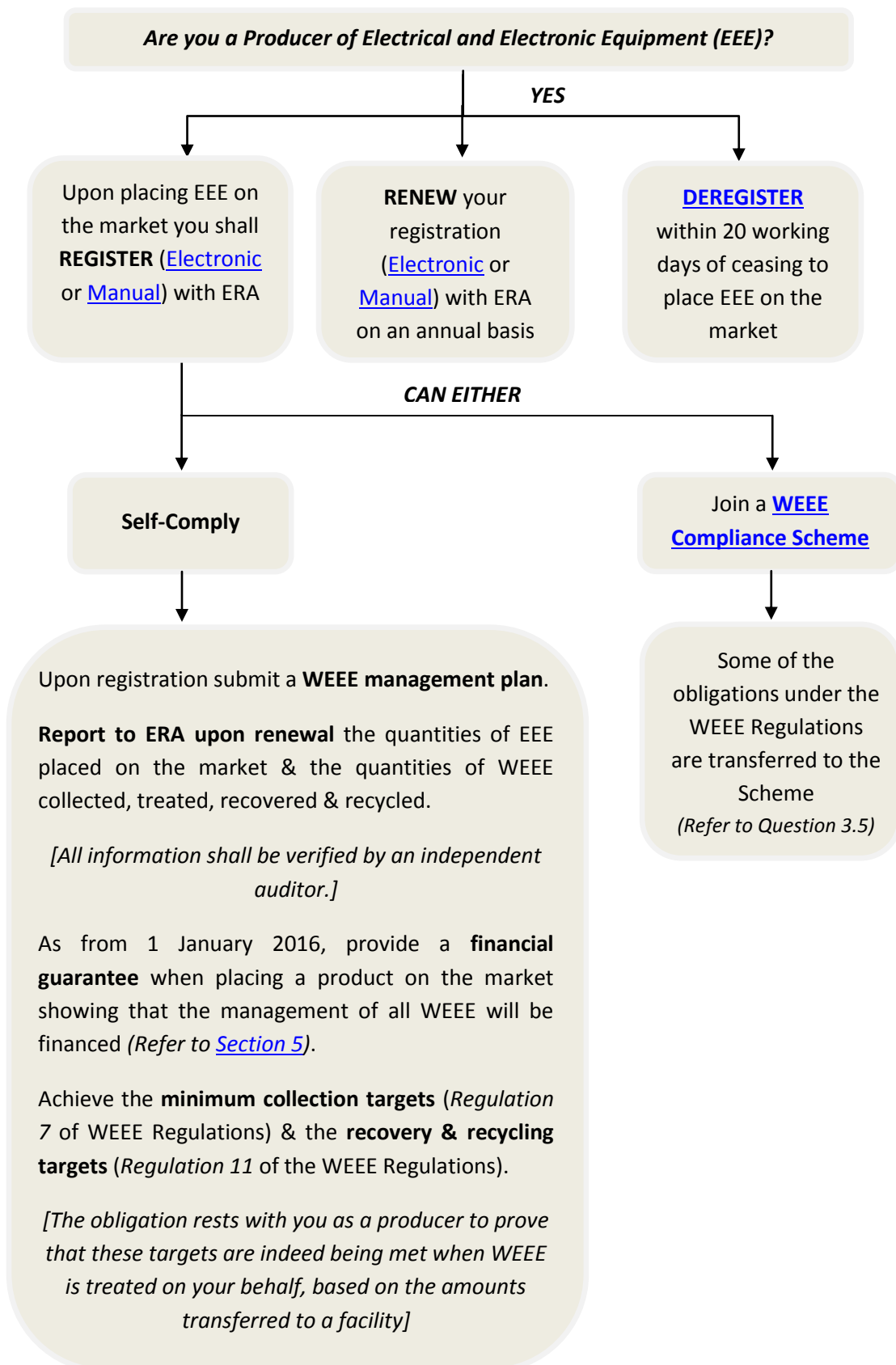
2.13 Is equipment used within a large-scale fixed installation or a large-scale stationary industrial tool excluded from the scope of the WEEE regulations?

Electrical and Electronic Equipment (EEE) which is not *“specifically designed and installed”* as part of an excluded installation or tool is included in the scope of the WEEE Regulations if it meets the definition of EEE laid down in regulation 3 of the WEEE Regulations and does not fall under one of the exclusions pursuant to regulation 4 of the said Regulations (DG ENV, 2014).

Only if the equipment is specifically designed for a large-scale installation or tool (for example an industrial PC integrated in a large-scale fixed installation) and can only function and be used within the large-scale fixed installation (because of its special hardware and/or construction) shall be excluded as part of a large-scale fixed installation (DG ENV, 2014).

3 Producer Responsibility

3.1 What are the main legal obligations set by the WEEE Regulations on producers of EEE?



3.2 What are the main legal obligations set by the WEEE Regulations on the schemes?

A person who intends to operate a WEEE Compliance Scheme shall require and obtain a valid permit from ERA [[Click to access](#) the permit(s) of the current authorised WEEE Compliance Scheme(s)].

The person applying to operate a Scheme [[Download Application](#)] must submit a work plan describing the operations of the proposed Scheme.

Authorised WEEE compliance schemes have to:

- **Abide to all the provisions laid down in the Scheme Permit**, thus ensuring compliance with the WEEE Regulations.
- **Report to ERA on a Quarterly and Annual basis** in the format specified in the Scheme permit. Such reports should include the list of producers participating in the Scheme during the operational year as well as information on the quantities of EEE placed on the market & the quantities of WEEE collected, treated, recovered & recycled. All information shall be verified by an independent auditor.
- The **Scheme should only use waste management undertakings** (i.e. authorised facilities, carriers and brokers) **in compliance with** regulations 19 to 24 of **Subsidiary Legislation 549.63 – the Waste Regulations**, duly authorised by the Authority, for the waste management operations involved in the Scheme.
- As from 1 January 2016, the Scheme is to provide a **financial guarantee** for all the products placed on the market its members, showing that the management of all WEEE will be financed (*Refer to [Section 5](#)*).
- Achieve the **minimum collection targets** (*Regulation 7 of WEEE Regulations*) & the **recovery & recycling targets** (*Regulation 11 of the WEEE Regulations*) on behalf of the members of the Scheme, which targets are also laid down in the Scheme Permit.

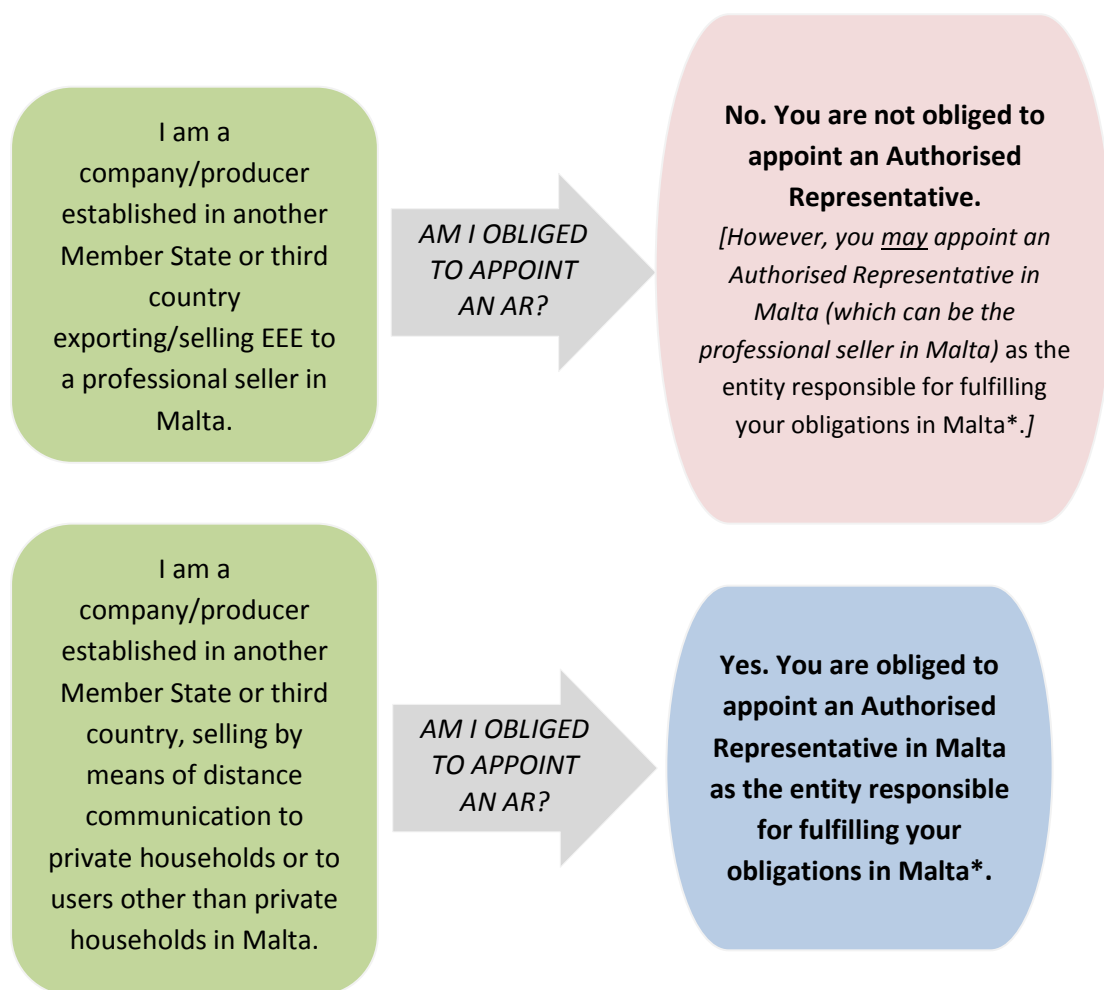
[The obligation rests with you as a Scheme to prove that these targets are indeed being met when WEEE is treated on your behalf, based on the amounts transferred to a facility]

3.3 Who is an Authorised Representative (AR)?

An Authorised Representative (AR) means any natural or legal person established in Malta who is explicitly designated by a producer established in another Member State or a third country to act instead of the aforementioned producer with regard to his/her obligations emanating under the WEEE Regulations.

In Malta, the authorised WEEE Compliance Schemes may act as an Authorised Representative (AR) for producers established in another Member State or a third country (Refer to [Section 4](#)).

3.4 Am I obliged to appoint an Authorised Representative?



**Appointment of an Authorised Representative shall be by a written mandate by means of a declaration as set out in [Schedule 11](#) of the WEEE Regulations.*

4 Registration as a Producer of EEE

4.1 What should I do to register as a producer of EEE?

Producers must upon placing EEE on the national market for the first time apply to be registered with ERA.

The Application Form for Registration - **Form A** ([Electronic](#) or [Manual](#)) shall be accompanied by:

- The electronic form is against a fee of €10, whereas the manual form is against a fee of €35; which are to be made payable to Environment and Resources Authority (ERA) until 31st March;
- A copy of your signed agreement if participating in an authorised WEEE Compliance Scheme;
- The [Written Mandate Declaration](#) set out in Schedule 11 of S.L. 549.89, if appointing an authorised representative;
- A work plan of how you intend to fulfil your obligations, if you opt to be self-compliant (i.e. not member of a WEEE Compliance Scheme).
[\[Please download the following guidelines\]](#)

The producer is provided with a registration number upon registration, which number is considered to be the unique identity number for the said producer. It is important for the producer to quote this number when requested to show evidence that s/he is a registered producer of EEE.

4.2 Do I need to renew my registration?

Yes. Producers registered with ERA are to renew their registration on an annual basis by 31st March of each year.

The Application Form for Renewal - **Form B** ([Electronic](#) or [Manual](#)) shall be accompanied by:

- The electronic form is against a fee of €10, whereas the manual form is against a fee of €35; which are to be made payable to Environment and Resources Authority (ERA) until 31st March. As from 1st April late renewals are accepted at an additional fee of €20 per month or part thereof;
- An Audit Report compiled by an independent auditor, approved by ERA, to certify that all the information reported is in conformity with the obligations of S.L. 549.89, if not a member of a WEEE Compliance Scheme. The auditor should have access to in-house environmental expertise or otherwise appoint a consultant having environmental expertise to assist him;
- A signed Declaration from an authorised waste management undertaking/s, if not a member of a WEEE Compliance Scheme. The said Declaration should

provide evidence that the WEEE has been recovered/recycled in an environmentally sound manner, including details on the actual amount that has been recovered/recycled and its final destination.

WEEE compliance scheme/s submitting the renewal form on behalf of their members must provide ALL the information requested in the Renewal Form for each member.

4.3 What if I cease to place EEE on the market?

Where a person ceases to place EEE on the national market the latter is to deregister.

The [Application for Deregistration \(Form C\)](#) is to be accompanied by:

- All pending reporting information, if not a member of a WEEE Compliance Scheme;
- A signed agreement between interested parties only in the case of transfer of a producer's business to another;
- A copy of a signed declaration by the WEEE compliance scheme indicating that you are no longer a member of the said Scheme, if applicable.

4.4 What if I transferred my business as a producer of EEE (in whole or in part) to another person?

If your business is transferred in whole or in part to another person, you remain responsible for the EEE for which you would have registered, unless you demonstrate to ERA that the person to whom the transfer has been made has agreed to meet your obligations in respect of any EEE which fall within the scope of the WEEE Regulations. Upon transfer of whole business to another person, you can [Apply for Deregistration](#), endorsing a signed agreement between both parties.

On the other hand, the person to whom the whole or part of the business is transferred is considered to be a producer for the purposes of the WEEE Regulations and thus must apply for Registration ([Electronic](#) or [Manual](#)). Moreover, the new producer would be required to meet the stipulated targets in the WEEE Regulations.

4.5 What if I fail to register or renew my registration as a producer of EEE?

A producer who either fails to apply for registration or to renew his registration is liable to a fine of €750 per tonne of EEE placed on the market for those years not compliant.

Moreover, a person who commits an offence against the WEEE Regulations is also liable on conviction to the penalties pursuant to regulation 27 of the said Regulations.

5 Financing of WEEE

5.1 Am I obliged to finance the management of WEEE from private households and from users other than private households?

Yes. As a producer of EEE you must provide for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households and from users other than private households.

Having said so, each producer must provide a guarantee when placing a product on the market showing that the management of all WEEE will be financed.

5.2 In which circumstances am I exempt from providing a guarantee?

A producer is exempt from providing a financial guarantee only if s/he is a member of an authorised WEEE Compliance Scheme, since this shall be made by the relevant Scheme itself.

5.3 What form shall the guarantee take?

The financial guarantee is to take the form of either a recycling insurance or a blocked bank account for both self-compliant producers and authorised WEEE Compliance Schemes.

The blocked bank account shall take the form of a bank guarantee that is calculated on the basis of a flat rate per tonne of the average weight of EEE placed on the market in Malta in the three preceding years. The rates for self-compliant producers are prescribed in Schedule 13, whereas the rates for WEEE Compliance Schemes are prescribed in Schedule 14 of the [WEEE Regulations](#).

The recycling insurance has to cover at least the costs of operations related to the management of WEEE that arises from the EEE placed on the market by a producer or the members of a WEEE Compliance Scheme, based on the lifespan of the product. The Authority reserves the right to verify or to introduce additional measures to be covered by the recycling insurance.

5.4 When should the guarantee be submitted?

A self-compliant producer must submit the guarantee upon renewing his/her registration as a producer of EEE.

A WEEE Compliance Scheme is to submit the guarantee within 30 days of the beginning of its operational year. The said Scheme shall notify ERA if and when the average weight of EEE placed on the market by its members increases by 25%. The financial guarantee is then reviewed within 30 days to reflect such increase.

5.5 Why is a guarantee required?

The guarantee is intended to ensure that in the eventuality that a producer fails to achieve his/her obligations, ceases to trade or goes into liquidation, ERA shall seize the guarantee to finance the operations related to the management of WEEE that arises from the EEE placed on the market by a producer or the members of a WEEE Compliance Scheme.

6 Reporting Obligations

6.1 What information needs to be reported by self-compliant producers to the Competent Authority?

Registered self-compliant producers must upon renewing their registration, report the information requested in the Renewal Form – **Form B** ([Electronic](#) or [Manual](#)) mainly:

- EEE placed on the national market by weight and category;
- WEEE collected by weight and category, distinguishing between WEEE collected from private households and WEEE collected from other than private households;
- WEEE treated by weight and category, distinguishing between WEEE treated in Malta, in another Member State or a third country; and
- WEEE recovered & recycled by weight and category*.

** Substantiated by a signed Declaration from an authorised waste management undertaking/s, providing evidence that the WEEE has been recovered/recycled in an environmentally sound manner, including details on the actual amount that has been recovered/recycled and its final destination.*

The information must be submitted on an annual basis by 31st March of each year. As from 1st April late renewals/reporting are accepted at an additional fee of €20 per month or part thereof.

Self-compliant producers applying for deregistration must ensure that all pending information related to their operations is submitted to ERA.

6.2 What information needs to be reported by authorised WEEE Compliance Schemes to the Competent Authority?

The authorised WEEE Compliance Schemes must compile and submit the information requested in their Permits on a Quarterly and Annual basis. The Scheme Permit obliges the Schemes to submit the following information both electronically and in hard copy:

- Statement of Compliance;
- List of Producers participating in the Scheme during the reporting period;
- Quantities of EEE placed on the market (Kgs);
- Quantities of WEEE collected (Kgs);
- Quantities of WEEE treated (Kgs);
- Quantities of WEEE recovered, reused and recycled (Kgs);
- Information on return and collection systems;

- List of Authorised Waste Management Undertakings used during the reporting period for the carrying out of the waste management operations involved in the Scheme;
- Proof of recovery and/or reuse and recycling; and
- Information and Awareness Campaigns.

Quarterly reports are submitted within forty (40) working days following the end of the specific period, whilst the Annual report is submitted within six (6) calendar month of the closing year. The reports submitted by the authorised WEEE Compliance Schemes are publically available on request.

WEEE compliance scheme/s submitting the renewal form on behalf of their members must provide ALL the information requested in the Renewal Form for each member.

6.3 Are self-compliant producers and WEEE Compliance Schemes required to verify the information reported to ERA?

Self-compliant producers and authorised WEEE Compliance Schemes must ensure that a sound auditing procedure for traceability, monitoring and control is put in place for all WEEE managed.

Self-compliant producers and authorised WEEE Compliance Schemes must use the services of an independent warranted auditor, approved by ERA, to certify all of the information reported is in conformity with the obligations of the WEEE Regulations. The auditor should have access to in-house environmental expertise or otherwise appoint a consultant having environmental expertise to assist him.

The auditors must abide to the terms of reference for Compliance Audits set by ERA for [Self-Compliant Producers](#) and [WEEE Compliance Schemes](#). The terms of reference may be amended by the Authority from time to time.

In the case of authorised WEEE Compliance Schemes, the auditor is required to certify that the information reported is as specified in the permit issued by ERA.

The audit trail should cover all waste electrical and electronic equipment from the point of generation or collection to the end recovery or disposal facility (local or foreign).

7 Collection Rate & Recovery Targets

7.1 What is the minimum collection rate that self-compliant producers of EEE or WEEE Compliance Schemes are obliged to achieve?

Self-compliant producers of EEE or authorised WEEE Compliance Schemes acting on behalf of their members are obliged to achieve the following minimum collection targets, pursuant to regulation 7 of the WEEE Regulations:

- In 2015, 12% for the year 2015

[N.B. This has been translated from the obligation of Malta to achieve a rate of separate collection of at least 4 kilograms on average per inhabitant per year of WEEE from private households. In 2015, the minimum collection rate should apply only for the amount of WEEE collected from private households.]

- 42% for the year 2016;
- 45% for the year 2017;
- 50% for the year 2018
- 55% for the year 2019;
- 60% for the year 2020; and
- 65% for the year 2021.

[N.B. As from 2016 onwards the minimum collection rate should apply for the total amount of WEEE collected, both from private households and from users other than private households.]

The collection rate is calculated on the basis of the **total weight of WEEE collected** in a given year in Malta, expressed as a percentage of the average weight of EEE placed on the market in Malta by the producers/members of a Scheme in the three (3) preceding years.

The minimum collection rate referred to in regulation 7 of the WEEE Regulations does not set individual collection rates for specific product categories.

7.2 Are producers obliged to accept WEEE from private households at their warehouse/retail shop?

Yes. When supplying a new product, a producer is responsible for ensuring that any WEEE from private households can be returned at least free of charge at their warehouse/retail shop on a one to one basis as long as the equipment being purchased is of equivalent type and it fulfils the same functions as the supplied equipment.

Moreover, producers with a retail shop area relating to EEE of at least 400m², are to provide for the collection of very small WEEE free of charge to end-users, with no obligations for the latter to buy EEE of an equivalent type.

(Very small WEEE refers to WEEE with no external dimension more than 25cm.)

7.3 How will WEEE collected through systems operated by Local Councils be managed?

WEEE collected through systems funded by Local Councils, such as the 'Bulky Refuse' system, must be deposited at facilities operated by a local agency designated by the Minister.

The local agency designated by the Ministry for Sustainable Development, Environment and Climate Change (MSDEC) is WasteServ Malta Ltd. This implies that all WEEE collected through the 'Bulky Refuse' system must be deposited at any of the six (6) authorised Civic Amenity Sites operated by WasteServ Malta Ltd.

Thereafter, all WEEE collected by WasteServ Malta Ltd must be handed over to WEEE Compliance Schemes:

1. At a price reflecting the total cost recovery of collection and storage (*this price is subject to the scrutiny and approval of the Minister*);

[From the last quarter of 2015 the fee to be charged by WasteServ Malta Ltd has been established to be €50 per tonne of WEEE. The fee is subject to be revised on the basis of cost recovery calculations by the Ministry for Sustainable Development, Environment and Climate Change (MSDEC, 2015).]

2. Proportionately distributed by category amongst the Schemes on the basis of the average weight of EEE placed on the market by their members.

7.4 What are the minimum recovery targets that producers or WEEE Compliance Scheme(s) have to achieve for all the WEEE separately collected?

For all the WEEE separately collected and sent for treatment, producers or WEEE Compliance Scheme(s) acting on their behalf must achieve the following minimum targets as set out in Schedule 5 of the WEEE Regulations.

	For the period 13 August 2012 to 14 August 2015	For the period 15 August 2015 to 14 August 2018
Category 1	<i>80% recovered 75% recycled</i>	<i>85% recovered 80% prepared for reuse & recycled</i>
Category 2	<i>70% recovered 50% recycled</i>	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 3	<i>75% recovered 65% recycled</i>	<i>80% recovered 70% prepared for reuse & recycled</i>
Category 4	<i>75% recovered 65% recycled</i>	<i>80% recovered 70% prepared for reuse & recycled</i>
Category 5	<i>70% recovered 50% recycled</i>	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 6	<i>70% recovered 50% recycled</i>	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 7	<i>70% recovered 50% recycled</i>	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 8	<i>70% recovered 50% recycled</i>	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 9	<i>70% recovered 50% recycled</i>	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 10	<i>80% recovered 75% recycled</i>	<i>85% recovered 80% prepared for reuse & recycled</i>

Table 1: Minimum Recovery Targets according to the 10 categories

As from 15 August 2018, the minimum recovery targets will be according to the categories listed in Schedule 3 of the WEEE Regulations, as indicated in Table 2.

	For the period 15 August 2015 to 14 August 2018
Category 1	<i>85% recovered 80% prepared for reuse & recycled</i>
Category 2	<i>80% recovered 70% prepared for reuse & recycled</i>
Category 3	<i>80% recycled</i>
Category 4	<i>85% recovered 80% prepared for reuse & recycled</i>
Category 5	<i>75% recovered 55% prepared for reuse & recycled</i>
Category 6	<i>75% recovered 55% prepared for reuse & recycled</i>

Table 2: Minimum Recovery Targets according to the 6 categories

7.5 What are the minimum treatment requirements for materials and components of WEEE?

Producers or WEEE Compliance Scheme(s) acting on their behalf must ensure that all separately collected WEEE undergoes proper treatment. It is their responsibility to make use of waste management undertakings in compliance with regulations 19 to 24 of Subsidiary Legislation 549.63 – the Waste Regulations, duly authorised by ERA.

Authorised WEEE facilities commencing treatment must, as minimum, ensure the removal of all fluids from WEEE transferred on their site as well as abide to the treatment requirements set out in Schedule 7 of the WEEE Regulations. Moreover, authorised WEEE Facilities must strictly abide to the provisions laid down in their Permit issued by ERA as well as to any provisions emanating from the WEEE Regulations, particularly in relation to the technical requirements set out in Schedule 8 of the aforementioned Regulations.

7.6 As a citizen, how can I commit myself to ensure the environmentally sound management of WEEE generated at household level?

The WEEE Regulations clearly promotes the minimisation of the disposal of WEEE in the form of unsorted municipal waste. To this effect, any person disposing of WEEE in the form of unsorted municipal waste (for example a person discarding a mobile phone in the *'black bag'*) may be fined in accordance to fee stipulated by the Competent Authority.

Households are encouraged to dispose of WEEE:

- By contacting their Local Council to make use of the '*Bulky Refuse*' service, offered free of charge [[Click for more info](#)];
- By contacting their local retailer(s);
- At Civic Amenity Sites [[Click for more info](#)]; or
- At authorised waste management facilities that are permitted to accept WEEE [[Click for more info](#)].

7.7 What procedures must Local Councils follow for the collection of WEEE from private households through the '*Bulky Refuse*' service?

Local Councils are obliged to apply for a Consignment Permit [For further details [Click Here](#)] to cover the transfer of WEEE collected from private households through the '*Bulky Refuse*' service, ensuring that:

- Any transfer is carried out by an authorised waste carrier [[Click Here](#)]; and
- Any transfer is deposited at any of the six (6) authorised Civic Amenity Sites operated by WasteServ Malta Ltd.
- A pre-notification copy of the CN (white form) is submitted to the Authority at least three (3) working days before the actual transfer accompanied by a list of those items to be collected from private households, according to the following categories:
 - Large household appliances;
 - Small household appliances; and
 - Box of mixed WEEE.

8 Non-Compliance with the WEEE Regulations

8.1 What are the fines stipulated in the WEEE Regulations for a person who is caught to be non-compliant?

Pursuant to regulation 27 of the WEEE Regulations, a person who has committed an offence against the WEEE Regulations is liable to:

- On first conviction, to a fine (*multa*) of not less than €1,164.69, but not exceeding €2,329.37; and
- On a second conviction or subsequent convictions, to a fine (*multa*) of not less than €2,329.73, but not exceeding €4,658.75, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Furthermore, without prejudice to the above penalties, according to regulation 6(11) of the WEEE Regulations, any producer who either fails to apply for registration or to renew his registration may be liable to a fine of €750 per tonne of EEE placed on the market until full compliance.

References

Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment.

Directorate General for Environment (DG ENV) (2014). *Frequently Asked Questions on Directive 2012/19/EU on Waste Electrical and Electronic Equipment (WEEE)*. Brussels: European Commission.

Directorate General for Environment (DG ENV) (2012). *RoHS 2 FAQ*. Brussels: European Commission.

Ministry for Sustainable Development, Environment and Climate Change (MSDEC) (2015). *Frequently Asked Questions - Removal of Eco-Contribution from Electrical and Electronic Equipment* [online]. Available at: <http://environment.gov.mt/en/decc/Pages/environment/faqs.aspx>

Sommer Antriebs- und Funktechnik GmbH v Rademacher Geräte-Elektronik GmbH & Co. KG, (2015) C-369/14.

Subsidiary Legislation 549.89 – the Waste Management (Electrical and Electronic Equipment) Regulations as published by Legal Notice 204 of 2014.

**Annex A – Categories of EEE covered by the WEEE Regulations until 14th
August 2018
(Schedule 1 of S.L. 549.89)**

1. LARGE HOUSEHOLD APPLIANCES
2. SMALL HOUSEHOLD APPLIANCES
3. IT AND TELECOMMUNICATIONS EQUIPMENT
4. CONSUMER EQUIPMENT AND PHOTOVOLTAIC PANELS
5. LIGHTING EQUIPMENT
6. ELECTRICAL AND ELECTRONIC TOOLS (WITH THE EXCEPTION OF LARGE-SCALE STATIONARY INDUSTRIAL TOOLS)
7. TOYS, LEISURE AND SPORTS EQUIPMENT
8. MEDICAL DEVICES (WITH THE EXCEPTION OF ALL IMPLANTED AND INFECTED PRODUCTS)
9. MONITORING AND CONTROL INSTRUMENTS
10. AUTOMATIC DISPENSERS

**Annex B – Categories of EEE covered by the WEEE Regulations after 15th
August 2018
(Schedule 3 of S.L. 549.89)**

1. TEMPERATURE EXCHANGE EQUIPMENT
2. SCREENS, MONITORS, AND EQUIPMENT CONTAINING SCREENS HAVING A SURFACE GREATER THAN 100CM²
3. LAMPS
4. LARGE EQUIPMENT (ANY EXTERNAL DIMENSION MORE THAN 50CM) INCLUDING, BUT NOT LIMITED TO:

Household appliances; IT and telecommunication equipment; consumer equipment; luminaires; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3.
5. SMALL EQUIPMENT (NO EXTERNAL DIMENSION MORE THAN 50CM) INCLUDING, BUT NOT LIMITED TO:

Household appliances; consumer equipment; luminaries; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3 and 6.
6. SMALL IT AND TELECOMMUNICATION EQUIPMENT (NO EXTERNAL DIMENSION MORE THAN 50CM)

Annex C – Applicability of the WEEE Regulations ***(Regulation 4 of S.L. 549.89)***

The WEEE Regulations shall not apply to any of the following EEE:

- a) equipment which is necessary for the protection of the essential interests of the security, including arms, munitions and war material intended for specifically military purposes;
- b) equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of these regulations, which can fulfil its function only if it is part of that equipment;
- c) filament bulbs

In addition to the aforementioned equipment, from 15 August 2018 the WEEE Regulations shall not apply to the following EEE:

- a) equipment designed to be sent into space;
- b) large-scale stationary industrial tools;
- c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;
- d) means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;
- e) non-road mobile machinery made available exclusively for professional use;
- f) equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;
- g) medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.