**L.N. of 2012**

# ENVIRONMENT AND DEVELOPMENT PLANNING ACT
# (CAP. 504)

## Environmental Permitting and Registration (Fees) Regulations, 2012

BY VIRTUE of the powers conferred by articles 2, 61, 62, 66 and 79 of the Environment and Development Planning Act, the Prime Minister and the Minister of Finance, the Economy and Investment have made the following regulations:

Title.

**1.** The title of these regulations is the Environmental Permitting and Registration (Fees) Regulations, 2012.

Repeal of Regulation 11 and Schedule 5 of L.N. 234 of 2002.

(1) The provisions of these regulations shall supersede those provisions stipulated in Regulation 11 and Schedule 5 of L.N. 234 of 2002.

Definitions.

**2.** In these regulations, unless the context otherwise requires:

"the Act" means the Environment and Development Planning Act;

"the Competent Authority" means the Malta Environment and Planning Authority.

Fees.

**3.** (1) The Competent Authority shall charge fees in respect of applications (including for the variation, transfer, renewal or surrender thereof) for permits and registrations issued under the Act.

(2) The Competent Authority shall not process any application for a permit or registration or render any other service if the fees relative to a previous permit or service given to the same person or in respect of an industrial site, vehicle or vessel or any technically connected site, vehicle or vessel have not been paid in full.

(3) The Competent Authority shall not process any application for a permit or registration or render any other service if not accompanied with the fees stipulated in these regulations relative to the permit or registration or service to be given.

Application fee for new permits.

**4.** An application fee for any new permit shall be paid to the Competent Authority on submission of the application.

Application fee for new permit covered by Schedules 1 and 2.
L.N. 234 of 2002.

**5.** For installations requiring a permit under the Integrated Pollution Prevention and Control Regulations, 2002, the fees stipulated in Schedule 1 to these regulations shall apply. For industrial activities requiring any other environmental permit under the Act, the fees stipulated in Schedule 2 to these regulations shall apply.

Variations or transfer of ownership of permits covered by Schedules 1 and 2.

**6.** Where an operator applies to transfer ownership of a permit or for a variation to a permit issued under the Act, a fee of 10% of the application fee in Schedules 1 or 2 shall be paid to the Competent Authority upon application. The fee for a variation shall not be payable if the variation is imposed by the Competent Authority and not requested by the operator.

Renewal of permits covered by Schedules 1 and 2.

**7.** Where an operator applies for a renewal of a permit issued under the Act, a fee of 50% of the application fee in Schedules 1 or 2 shall be paid to the Competent Authority upon application.

Surrender of permits covered by Schedules 1 and 2.

**8.** Where an operator applies for the surrender of a permit issued under the Act, a fee of 25% of the application fee in Schedules 1 or 2 shall be paid to the Competent Authority upon application.

Annual fees for permits covered by Schedules 1 and 2.

**9.** An annual fee of 10% of the application fee in Schedules 1 or 2 shall be paid to the Competent Authority on the anniversary of the date of issue of the permit. Installations having environmental management certification recognised by the Malta Standards Authority shall pay a reduced annual fee of 5%.

Inspection costs.

**10.** (1) All inspection costs, whether for scheduled or additional inspections, shall be paid by the applicant or operator according to the standard rate charged by the Competent Authority.

(2) The inspection frequency for activities covered by Schedules 1, 2 and 3 shall be determined according to the level of compliance of the installation.

(3) The standard rate charged by the Competent Authority for inspections of IPPC installations covered by Schedule 1 shall be €200 per inspection. Such inspection costs shall be added to the annual fee.

(4) The standard rate charged by the Competent Authority for inspections of installations covered by Schedule 2 shall be €100 per inspection. Such inspection costs shall be added to the annual fee.

(5) The standard rate charged by the Competent Authority for inspections of other installations, vehicles or vessels requiring registration shall be as stipulated in Schedule 3 to these regulations.

Fees for registrations.

**11.** For installations requiring registration (including under General Binding Rules) under the Act, the fees stipulated in Schedule 3 to these regulations shall apply.

Fees for waste transfers/ shipments and registration of waste producers.
L.N. 184/11.

L.N. 106/07.

L.N. 277/06.

L.N. 55/10.

L.N. 99/04.
L.N. 63/07.

Regulation (EC) 1013/2006.

**12.** For activities associated with waste transfers/shipments and registration of producers of various waste streams as per the Waste Regulations, 2011, the Waste Management (Activity Registration) Regulations, 2007, the Waste Management (Packaging & Packaging Waste) Regulations, 2006, the Waste Management (Waste Batteries and Accumulators) Regulations, 2010, the Waste Management (End of Life Vehicles) Regulations, 2004, the Waste Management (Electrical and Electronic Equipment) Regulations, 2007, and Regulation EC No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as may be amended from time to time, the fees stipulated in Schedule 4 to these regulations shall apply.

Consultancy fees.

**13.** (1) The Competent Authority may engage consultancy services to obtain specialised expertise on specific applications. The cost of the consultancy services will be communicated to the applicant prior to the consultancy services being engaged and will be borne by the applicant.

(2) The Competent Authority may engage consultancy services to obtain specialised expertise in relation to the variation, transfer, renewal, surrender or enforcement of specific permits. The cost of the consultancy services will be communicated to the applicant prior to the consultancy services being engaged and will be borne by the applicant.

(3) The Competent Authority may engage consultancy services to assist the Authority in carrying out compliance audits, including to carry out monitoring and/or analysis of samples. The cost of the consultancy services will be communicated to the applicant prior to the consultancy services being engaged and will be borne by the applicant.

Refund of fees.

**14.** (1) In cases where an application for a permit (or variation, transfer, renewal or surrender thereof) or registration is withdrawn by the applicant within 10 working days of submission, 50% of the fees paid shall be refunded. No refund shall be granted after 10 working days of submission. No refund shall be granted in respect of consultancy fees as specified in regulation 13.

(2) In the case where an application for a permit (or variation, transfer, renewal or surrender thereof) or registration is refused by the Competent Authority, the fees paid shall not be refunded.

Financial guarantee.

**15.** The Competent Authority may also require the provision by the operator of a suitable financial guarantee to be made in favour of the Competent Authority to secure the obligations under the permit or registration, before the permit or registration is issued. The financial guarantee may also be tied to specific requirements in the permit.

Transitory provisions.

**16.** (1) For the activities covered by Schedule 1, with regard to pending applications submitted before the coming into force of these regulations, the fees in accordance with these regulations shall be payable prior to issue of the permit, and in respect of permitted applicants or operators, fees for variation, renewal, transfer, surrender and annual fees shall be due prior to the next variation, renewal, transfer, surrender or anniversary of the permit, respectively.

(2) For the activities covered by Schedules 2, 3 and 4, applicants or operators having submitted an application before the coming into force of these regulations shall be exempt from the fee for a new permit, and in respect of permitted operators, fees for variation, renewal, transfer, surrender and annual fees shall be due prior to the next variation, renewal, transfer, surrender or anniversary of the permit, respectively.

## SCHEDULE 1

### Schedule of Fees for New IPPC Permits

| Category of Activity (according to Schedule 1 of L.N. 234/2002) | Fee for new permit |
|---|---|
| 1. Energy industries, excluding combustion installations (1.1 below) | €35,000 |
| 1.1 Combustion installations | €5,500 with an addition of €550 for every 10 MW (rated thermal input) or part thereof |
| | |
| 2. Production and processing of metals, excluding installations for surface treatment of metals and plastic materials (2.6 below) | €35,000 with an addition of €350 for every tonne or part thereof of processed material. |
| 2.6 Installations for surface treatment of metals and plastic materials | €5,000 with €500 for every $10m^3$ treatment vat capacity or part thereof |
| | |
| 3. Mineral industry | €25,000 with an addition of €250 for every tonne or part thereof of processed material. |
| | |
| 4. Chemical industry, excluding installations for the production of pharmaceutical products (4.5 below) | €5,000 with €500 for every ton per day plant production capacity or part thereof, capped at €20,000 |
| 4.5 Installations using a chemical or biological process for the production of pharmaceutical products including intermediates | €15,000 |
| | |
| 5. Waste management installations, excluding landfills (5.4 below) | €20,000 for disposal operations<br>€10,000 for recovery operations |
| 5.4 Landfills | €20,000 for every $500,000m^3$ capacity or part thereof |
| | |
| 6. Other activities, excluding intensive rearing of poultry or pigs (6.6 below) | €15,000 |
| 6.6 Intensive rearing of poultry or pigs | €230 |

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## SCHEDULE 2

### Schedule of Fees for New Environmental Permits of Industrial Activities

| | Category of Activity | Fee for new permit |
|---|---|---|
| 1 | Waste management activities:<br>Inert waste landfills<br>Material recovery facilities (installations for the manual and/or mechanical separation of dry recyclables, mainly paper, glass, plastics and metals collected separately or co-mingled, which are baled and sent for recycling)<br>Civic amenity sites<br>Quarries carrying out activities other than/in addition to extracting limestone | €2,200 |
| 2 | Waste collection and packaging without processing (unless exclusively baling of non-hazardous waste) | €750 |
| 3 | Other categories of waste management activities according to L.N. 337/01 (excluding points 1 and 2 above) | €1,100 |
| 4 | Shipyards<br>Urban waste water treatment plants<br>Oil/fuel terminals (except liquefied natural gas [LNG]/ liquefied petroleum gas [LPG]) | €2,300 |
| 5 | Land-based fishfarms<br>Reverse osmosis plants<br>Quarries (extracting limestone only)<br>Batching plants | €1,650 |
| 6 | Environmental permits other than points 1-5 above (including waste compliance scheme permits) | €750 |

## SCHEDULE 3

### Schedule of Fees for Registrations

| Category of Activity | Fee for new registration | Fee for renewal, variation, transfer of ownership, or changes in registration details | Fee for replacement of lost registration or tag | Fee for inspection [1] | Fee for same day service (subject to validation of application) |
|---|---|---|---|---|---|
| Waste carrier (under L.N. 106/2007) | €50 and an additional €10 per extra vehicle tag in the same or a separate class | €40 and an additional €10 per extra vehicle tag in a separate class.<br><br>In the case of submission for renewal after the expiry date of the current registration, €20 in addition to the fee for renewal. | €25 for a new registration.<br><br>€20 for a renewal. | Not applicable. | For new registrations, €100 in addition to the fee for new registration.<br><br>For renewals, €80 in addition to the fee for renewal. |
| Waste broker (under L.N. 106/2007) | €230 | €50 | €25 | €50 | Not applicable. |
| Farms and rearing of livestock (under L.N. 106/2007) | €230 | €50 | €25 | €50 | Not applicable. |

[1] Fees for inspection are payable prior to renewal.



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| Category of Activity | Fee for new registration | Fee for renewal, variation, transfer of ownership, or changes in registration details | Fee for replacement of lost registration or tag | Fee for inspection [1] | Fee for same day service (subject to validation of application) |
|---|---|---|---|---|---|
| Ozone-depleting substances (under L.N. 145/2007):<br>Personnel<br>Equipment 3 kg +<br>Instruction bodies<br>Destruction facilities<br>Storage areas | €230 | €50 | €25 | €50 | Not applicable. |
| Fluorinated Greenhouse gases (under Regulation 842/2006/EC):<br>Personnel<br>Equipment 3 kg +<br>Instruction bodies<br>Destruction facilities<br>Storage areas | €230 | €50 | €25 | €50 | Not applicable. |
| Hull cleaning/land remediation contractor | €200 | €25 | €25 | €100 | €200 in addition to the fee for new registration. |
| Hull cleaning/land remediation activity | €100 | €25 (for changes in activity details) | €25 | €100 | €100 in addition to the fee for new registration. |

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| Category of Activity | Fee for new registration | Fee for renewal, variation, transfer of ownership, or changes in registration details | Fee for replacement of lost registration or tag | Fee for inspection [1] | Fee for same day service (subject to validation of application) |
|---|---|---|---|---|---|
| Registrations (including general binding rules) other than the above | €70 | €10 | €10 | €50 | Not applicable. |

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## SCHEDULE 4

### Schedule of Fees for Waste Transfers and Registration of Waste Producers

| **Category of Activity** | **Fee (€)** |
|---|---|
| Fixed fee for the export of waste (TFS – Notification Document) | 350 |
| Fixed fee for the import of waste (TFS – Notification Document) | 500 |
| Fixed fee for the transit of waste (TFS – Notification Document) | 250 |
| Processing of Movement Tracking Documents (EC 1013/2006 - Annex 1B Forms) | 35 |
| Processing of Accompanying Documents (EC 1013/2006 - Annex VII Forms) | 20 |
| Consignment notes - fee per permit* (CP Forms) | 15 |
| Consignment notes - per movement (CN Forms) | 1 |
| Online Registration of packaging / ELV / WEEE and batteries producers | 15 |
| Online Registration of packaging / ELV / WEEE and batteries producers by Schemes | 10 |
| Manual Registration of packaging / ELV / WEEE and batteries producers | 35 |
| Late Registration of packaging / ELV / WEEE and batteries producers | 50 |

Note:

* In the case of dumping at sea an additional fee of €5 per tonne applies.