The new obligations on suppliers of plastic bags to consumers

This initiative imposes also new requirements on any person who supplies plastic bags to the consumer as follows:

- Any person who purchases plastic bags to supply them to consumers has to ensure that he is provided with a certificate by the producer referred to earlier, and that the batch number shown on the bags corresponds with the batch number shown on the certificate, to ensure that the plastic bags he purchases are legally on the market.

- Any person who is obliged to issue a fiscal receipt in terms of the VAT Act is also obliged to indicate on the fiscal receipt the price which includes eco-contribution for each plastic bag, one by one.

Sanctions

If, during an inspection by officials from the Competent Authority for Eco-Contribution, it results that the person who supplies plastic bags to the consumer

- Did not include the price of the plastic bags, one by one, on the fiscal receipt or
- Is found in possession of plastic bags without the printed details as referred to earlier or
- Is not in a position to provide a certificate or copy thereof from the producer of the plastic bags

He shall be prosecuted for an offence and if found guilty he may incur a fine (multa) of not less than €1,000 for the first time, or a minimum of €1,500 if the offence takes place twice in six months, or a minimum of €2,000 if the offence takes place three times in twelve months, or a minimum of €2,500 if the offence takes place four times in twenty-four months. On the fourth offence the Court may also order the suspension of the economic activity for a period of not less than one week and not more than one month.

However, the person could pay a compromise fine to avoid prosecution. This fine amounts to €500 or €750 or €1000 for the 1st, 2nd or 3rd offence respectively.

(VAT Department - January 2009)

INIZJATTIVA ĠDIDA RIGWARD IL-BASKTIJIET TAL-PLASTIK
(*Plastic Carrying Bags)*

Biex irażżan il-ħsara kbira ambjentali li l-basktijiet tal-plastik qegħdin jagħmlu f'pajjiżna, il-Gvern fil-baġit li għadda ħabbar inizjattiva ġdida bil-għan li dawn il-basktijiet ma jingħatawx b'xejn u għaldaqstant iħajjar lill-konsumatur inaqqas jew jelimina l-użu tagħhom.

Din l-inizjattiva timponi obbligi ġodda fuq il-produttur u fuq l-importatur tal-basktijiet tal-Plastik li llum huma diġa' obbligati jirregistraw għall-fini ta' eko kontribuzzjoni. Se jiġu wkoll imposti obbligi ġodda fuq tal-ħanut li finalment huwa l-persuna li tissuplixxi l-basket tal-plastik lill-konsumatur. Dawn l-obbligi jsaħħu s-sistema ta' l-infurzar sabiex jiġi żgurat li l-għan ta' din l-inizjattiva jintlaħaq.

Sabiex il-produtturi jingħataw żmien jeħilsu minn stokk antik, il-gvern iddeċieda li l-proċeduri l-ġodda jibdew jitħaddmu mill-1 ta' Marzu 2009.

L-obbligi l-ġodda fuq il-produttur u fuq l-importatur

Kull min jipproduċi jew iġib f'Malta basktijiet tal-plastik u li għalhekk għandu l-obbligu diġa' li jkun reġistrat taħt l-Att dwar l-eko kontribuzzjoni se jkollu wkoll l-obbligu li jistampa fuq kull naħa tal-basket:

- L-isem tal-persuna reġistrata għall-fini ta' l-eko kontribuzzjoni
- L-indirizz tal-persuna
- In-numru tar-registrazzjoni ta' l-eko kontribuzzjoni tal-persuna msemmija
- Il-*Batch Number* tal-kunsinna

Id-dettalji ta' l-isem, l-indirizz u n-numru ta' reġistrazzjoni jridu jkunu stampati b'font ta' mhux anqas minn 2 ċentimetri u b'mod li jkunu kjarament viżibbli.

Obbligu ieħor ġdid hu li l-produttur jew l-importatur irid joħroġ ċertifikat ma' kull kunsinna li fih jiċċertifika li l-eko kontribuzzjoni fuq il-basktijiet tal-plastik li għandhom dak il-*batch number* partikulari ġiet rappurtata kif meħtieġ. Dan iċ-ċertifikat jew kopji tiegħu għandu jgħaddi kull darba li din il-kunsinna tinbiegħ lil xi ħadd ieħor fin-negozju.

L-obbligi l-ġodda fuq min jissuplixxi l-basktijiet tal-plastik lill-konsumatur

Din l-inizjattiva timponi wkoll obbligi ġodda fuq min jissuplixxi l-basktijiet tal-plastik lill-konsumatur kif ġej:

- Min jixtri l-basktijiet tal-plastik sabiex jissuplixxihom lill-konsumatur għandu jiżgura li jingħata ċ-ċertifikat tal-produttur imsemmi aktar qabel, u li l-*batch number* tal-basktijiet jikkorrispondi mal-*batch number* taċ-ċertifikat, sabiex jiżgura li l-basktijiet tal-plastik li xtara huma legalment fis-suq.
- Kull min hu obbligat li joħroġ irċevuta fiskali skond l-Att dwar il-VAT, se jkun ukoll obbligat li jindika fuq l-irċevuta l-prezz ta' kull basket, wieħed wieħed, u li fih ikun hemm inkluż l-eko kontribuzzjoni.

Sanzjonijiet

Jekk matul spezzjoni minn uffiċċjali ta' l-Awtorita' Kompetenti dwar l-Eko Kontribuzzjoni jinstab li persuna li tissuplixxi l-basktjiet tal-plastik lill-konsumatur

- Ma niżżlitx il-prezz tal-basket tal-plastik wieħed wieħed fuq l-irċevuta fiskali jew
- Jinstabu għandha basktijiet tal-plastik mingħajr id-dettalji msemmija hawn fuq jew
- Ma tkunx f'posizzjoni li tipprovdi ċertifikat jew kopja tiegħu mingħand il-produttur tal-basktijiet tal-plastik

Din tittella' l-Qorti u jekk tinstab ħatja tista' teħel multa ta' mhux anqas minn €1,000 l-ewwel darba jew minimu ta' €1,500 jekk ir-rejat ikun seħħ darbtejn fi żmien sitt xhur, jew minimu ta' €2,000 jekk ir-rejat ikun seħħ tliet darbiet fi żmien tnax-il xahar, jew minimu ta' €2,500 jekk ir-rejat ikun seħħ erba' darbiet fi żmien erbgħa u għoxrin xahar. Mar-raba' darba l-Qorti tista' wkoll tordna l-għeluq tal-attivita' ekonomika għal perjodu ta' mhux anqas minn ġimgħa u mhux aktar minn xahar.

Madankollu, persuna tkun tista' tħallas multa ta' kompromess sabiex tevita proċeduri legali fil-Qorti. Din il-multa tammonta għal €500 jew €750 jew €1000 fil-każ ta' l-ewwel jew it-tieni jew it-tielet offiża rispettivament.

(Dipartiment tal-VAT – Jannar 2009)

NEW INITIATIVE REGARDING PLASTIC CARRYING BAGS

In order to prevent further extensive environmental damage caused by plastic bags, the Government has announced in the last budget a new initiative aiming to stop the practice of having such bags distributed for free thus encouraging the consumer to reduce or to eliminate their use.

This initiative imposes new requirements on producers and importers of plastic bags who today are already required to register for the purpose of Eco-contribution. Other requirements will be imposed on shopkeepers who are the final suppliers of these plastic bags to the consumer. These requirements strengthen enforcement to ensure that the scope of this initiative is reached.

To enable producers to get rid of old stocks, the government has decided that the new procedures shall be applicable as from 1st March 2009.

New obligations on producers and importers

Whoever produces or brings into Malta plastic bags and who is therefore already required to register in terms of the Eco-contribution Act, would now be required also to print on each side of the bag:

- The name of the person as registered under the Eco-contribution Act
- The address of the person
- The Eco-contribution registration number of the said person
- The Batch Number of the consignment

The details of the name, the address and the registration number should be printed in character fonts of not less than 2 centimetres and in a way that they are clearly visible.

Another new requirement for the producer or the importer is that he has to issue a certificate with each consignment in which he should certify that eco-contribution on the plastic bags corresponding to that particular batch number has been accounted for as required. This certificate or copies thereof should be passed on with any consignment that is supplied to another business person.