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**I. GENERAL PROVISIONS**

MINISTRY OF AGRICULTURE AND FISHERIES,
FOOD AND THE ENVIRONMENT

**No 122** **Saturday 19 May 2018 Sec. I. Page 52591**

*Royal Decree 293/2018 of 18 May 2018 on reducing plastic carrier bag consumption and creating the Registry of Producers.*

I

Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste was adopted to minimise the environmental impact of packaging and packaging waste. This directive was transposed into Spanish law by Spanish Law 11/1997 of 24 April 1997 on packaging and packing waste, and Royal Decree 782/1998 of 30 April 1998, adopting the regulation implementing Law 11/1997 of 24 April 1997 on packaging and packaging waste. Although plastic carrier bags are deemed as packaging within the sense of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994, the original version of this directive does not contain specific provisions on the consumption of this packaging type.

Current levels of plastic carrier bag consumption are causing high levels of litter and inefficient use of resources and are expected to increase unless appropriate measures are taken. Plastic carrier bag litter pollutes the environment and exacerbates the general problem of waste in bodies of water, thus posing a threat to global aquatic ecosystems. Plastic carrier bags with a wall thickness of less than 50 microns (‘lightweight plastic carrier bags’), which account for the vast majority of the total number of plastic carrier bags consumed in the EU, are reused at lower rates than thicker carrier bags. Therefore, lightweight plastic carrier bags turn into waste more quickly, and tend to become litter due to their lighter weight. Current recycling rates for lightweight plastic carrier bags are very low, and due to several practical and economic obstacles, are unlikely to reach significant levels in the near future.

In order to resolve this issue, the European Union has adopted Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags. The objective of this royal decree is to transpose Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 into Spanish law.

This community directive stipulates that Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags in their territories. It offers Member States various options to achieve this, including setting national reduction targets, introducing economic instruments, and where applicable, marketing restrictions, provided that these restrictions are proportionate and non-discriminatory. Similarly, it states that these measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use.

In any case, Member States shall take at least one of the following measures: a) adopt measures ensuring that the annual consumption level does not exceed 90 lightweight plastic carrier bags per person by 31 December 2019 and 40 lightweight plastic carrier bags per person by 31 December 2025, or equivalent targets set by weight; b) adopt instruments ensuring that, by 31 December 2018, lightweight plastic carrier bags are not provided free of charge at points of sale for goods or products, unless equally effective instruments are implemented. The directive allows Member States to exempt carrier bags with a wall thickness of less than 15 microns, used for hygiene purposes or to reduce food losses, from these measures. Similarly, the directive states that from 27 May 2018, Member States shall report on annual consumption of lightweight plastic carrier bags when providing data on packaging and packaging waste to the Commission in accordance with the applicable regulations. For other plastic carrier bags (those with wall thicknesses greater than or equal to 50 microns), the directive stipulates that Member States may take measures such as economic instruments and national reduction targets. On the other hand, the directive focuses particular attention on public information and awareness campaigns on the adverse environmental impact of excessive consumption of lightweight plastic carrier bags, to be provided by Member States.

II

With regard to plastic carrier bag consumption, the National Integrated Waste Plan for 2008-2015 provided for various measures to phase out single-use carrier bags. Among these measures, it highlighted the 50 % reduction in single-use carrier bags by 2010, as well as the establishment of a timetable to eliminate non-biodegradable plastics or the fostering of agreements with distribution sectors to reduce the production of single-use carrier bag waste and promote the use of reusable carrier bags in shops and supermarkets, and replacement of single-use plastic carrier bags with biodegradable carrier bags. It should be noted that the term ‘biodegradable’ should be understood as compostable, pursuant to the provisions of Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015.

For its part, the second additional provision of Law 22/2011 of 28 July 2011 on contaminated soils and waste, requires that the government take necessary measures to promote more sustainable systems to prevent, reduce and manage waste from commercial, single-use, non-biodegradable plastic carrier bags and their alternatives, including actions related to the role of the government as a consumer, by means of public procurement.

Subsequently, the National Waste Prevention Programme 2014-2020, adopted by the Resolution of the Council of Ministers of 13 December 2013, covers the priority area of packaging, highlighting specific measures for reducing plastic carrier bag consumption. Likewise, the National Waste Management Framework 2016-2022, adopted by the Resolution of the Council of Ministers of 6 November 2015, also includes information and targets concerning plastic carrier bags in its chapter on packaging and packaging waste.

Ultimately, since the adoption and implementation of the National Integrated Waste Plan 2008-2015, Law 22/2011 of 28 July 2011 and the subsequent programming and planning instruments for the waste sector, the government and the distribution sector have taken numerous measures to reduce consumption of this packaging type: voluntary agreements with the distribution sector, awareness campaigns, taxation, promoting the use of reusable bags, imposing fees, etc. As a result of these measures, and according to sector data, consumption fell by nearly half over these years, from 317 bags per inhabitant in 2007 to 144 bags per inhabitant in 2014, essentially due to a change in consumer habits with regard to this packaging.

According to data provided by the sector, in Spain some 62 560 tonnes of plastic carrier bags with a wall thickness of less than 50 microns were placed on the market in 2014 (6 730 billion units), 23 % of which were carrier bags of less than 15 microns, and some 4 670 tonnes of plastic carrier bags of over 50 microns (158 million units).For this reason, it is necessary to continue encouraging these changes in plastic carrier bag consumption habits, particularly in sectors such as small businesses, and to adapt the Spanish legal framework in line with the new European directive on plastic carrier bag use.

III

Among the options presented by the directive for lightweight plastic carrier bags, the following have been deemed the most suitable. Firstly, such bags shall be banned from being given to customers free of charge at points of sale as of 1 July 2018. In other words, from this date onwards vendors will have to charge for each lightweight plastic carrier bag given to customers. Very lightweight plastic carrier bags, i.e. plastic carrier bags with a wall thickness of less than 15 microns, that are necessary for hygiene reasons, or that come as the primary packaging for bulk foodstuffs, shall be exempt from this measure. Secondly, as of 1 January 2021 non-compostable lightweight and very lightweight plastic carrier bags shall be banned from being given to customers at points of sale, whether free of charge or for a fee. This deadline is intended to coordinate the obligation for all lightweight and very lightweight plastic carrier bags to be compostable with the full implementation of separate collections for biowaste, which is necessary in order to meet EU targets for processing municipal waste for reuse and recycling, as laid down in Law 22/2011 of 28 July 2011 and in the new EU directives on waste. As a result, compostable bags, which are best treated using biological processes, shall be managed together with the biowaste found in municipal waste. Doing so prevents such waste being mixed with other waste streams, such as plastic packaging, which would hamper the mechanical recycling of non-compostable plastics.

It should be borne in mind that the objective of Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015, and thus of this royal decree, is to reduce the consumption of lightweight plastic carrier bags. The use of compostable plastic carrier bags is one option, but there are also others. Vendors shall not be forced to replace non-compostable plastic carrier bags with compostable ones – they may also use any other solution, provided their chosen option does not result in an increase in packaging waste.

Recent years have seen plastic carrier bags labelled as ‘oxo-biodegradable’ or ‘oxo-degradable’ enter the market. These carrier bags contain additives to conventional plastics which, over time, fragment the plastic into small particles that remain in the environment. It could be misleading to designate these carrier bags as ‘biodegradable’, given that they are not a solution to the pollution issues associated with their disposal, but rather would exacerbate them. Because carrier bags made from photo-fragmentable, thermo-fragmentable and hydro-fragmentable plastics exhibit behaviour similar to those made from oxo-degradable plastics, the term ‘fragmentable’ plastic carrier bags has proven useful. To avoid harm to soil, water and biota due to persistence of plastics in the environment, particularly those of a small size, it has also been decided to ban the supply of fragmentable plastic carrier bags as of 1 January 2020, i.e. plastic carrier bags made from plastic materials that include additives to catalyse fragmentation of the plastic material into micro-fragments.

Given that Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 offers Member States the option to take measures to reduce consumption of any type of plastic carrier bag, regardless of wall thickness, it has been deemed appropriate to take measures for carrier bags with a wall thickness greater than or equal to 50 microns. Firstly, a fee shall be imposed on each such carrier bag from 1 July 2018, except for those made of at least 70 % recycled plastic. Secondly, in order to move towards a circular economy and promote reuse of recycled waste in the production of new products, from 1 January 2020 these carrier bags must contain at least 50 % recycled plastic, and a lower indicative price shall be proposed for these carrier bags. To be able to monitor and check the exemption from charge granted to bags containing more than 70 % recycled plastic, vendors shall keep the necessary documentation confirming this percentage.

Lastly, it should be pointed out that all these measures shall also affect bags provided for online shopping and home deliveries. This shall not include plastic wrapping used for remote sales, although these shall be regarded as packaging if they meet the definition of packaging set out in Law 11/1997 of 24 April 1997.

In order to educate and raise awareness among the general public on the measures adopted in this royal decree and on the environmental impact of excessive consumption of lightweight plastic carrier bags and their disposal, and to promote application of the waste hierarchy principle, the Ministry of Agriculture and Fisheries, Food and the Environment and the competent authorities in the autonomous communities shall carry out awareness campaigns, in the first year after entry into force of this royal decree as a minimum. Moreover, these campaigns shall inform the public of which bins they should use for disposing of compostable and non-compostable plastic carrier bags. In this same vein, local communities and the private sector may also carry out awareness campaigns. Given that plastic carrier bags are packaging, the campaigns carried out by the government may be financed with collective extended responsibility systems (formerly known as integrated management systems), within the framework of financing agreements between these systems and the autonomous communities, or where applicable, local communities.

The provisions of European law stipulate a marking obligation for compostable carrier bags within a time frame of 18 months after the date on which the European Commission adopts the Act drawing up the specifications for the labels or markings to ensure recognition of these carrier bags throughout the European Union and to provide correct information to consumers on the properties of these carrier bags.

IV

Law 22/2011 of 28 July 2011 promotes the implementation of measures to reduce, reuse and recycle waste, pursuant to the provisions of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives (Waste Framework Directive). For planning tools, the law provides for waste management plans and programmes and waste reduction programmes, and sets targets for waste reduction and separate collection. These reduction and separate collection targets shall be linked to factors such as the information available on the amount and type of products placed on the market that become waste after use.

Given the increasing urgency to continue reducing production of certain types of waste, to improve collection methods, increase recycling rates, and where applicable, take financing measures, environmental authorities require large amounts of information on the quantity and types of products placed on the market that become waste after use.

The obligation to collect information, in the form of registries, on the quantity of products placed on the market that produce certain types of waste is stipulated in numerous European directives on waste management, especially in regulations applying the principle of extended producer responsibility. In such cases, the economic contribution of each producer to funding for waste management shall be proportionate to the quantity and type of products that each producer places on the market.

Access to information on placement on the market of a type of packaging, such as plastic carrier bags, is essential in order to assess compliance with European targets for reducing consumption, as well as to meet the annual reporting obligations to the European Commission. For these reasons, it is necessary to require producers to submit information annually on the placement of plastic carrier bags on the market. This has prompted the creation of the Registry of Producers of Products. The registry shall be of an administrative declaratory nature and shall be the responsibility of the Directorate-General for Environmental Quality and Evaluation and the Natural Environment under the Ministry of Agriculture and Fisheries, Food and the Environment.

Within the Registry of Producers of Products, a section shall be created for producers of plastic carrier bags; new registry sections may be created by means of other regulations governing specific waste streams.

This royal decree sets out the obligations on producers and importers of plastic carrier bags to register in the plastic carrier bag section of the Registry of Producers of Products, within a period of three months after entry into force of this royal decree, and the obligation on producers and importers of plastic carrier bags to provide information on placement on the market of plastic carrier bags, in order to meet the annual reporting obligations to the European Commission on annual consumption of plastic carrier bags.

V

This royal decree is adopted under the scope of Article 149(1)(13) and (23) of the Spanish constitution, which grant the State exclusive jurisdiction over the basic rules and coordination of general economic planning and over legislation on protection of the environment, respectively. The authority to enact this regulatory change is granted under the third final provision of Law 22/2011 of 28 July 2011, which authorises the national government to decree, within the scope of its competences, the regulatory provisions necessary to implement and apply this law and, in particular, to adopt standards for the different types of waste, setting out specific provisions on their production and management, and in the eighth additional provision of said law, which provided for amendment of the provisions of the implementing law on waste.

The nature of the measures adopted in this royal decree are likewise based on the provisions of Article 16(1) of Law 22/2011 of 28 July 2011, which states that the competent authorities may take economic, financial and taxation measures to promote the reduction of waste production, implement separate collection, improve waste management, support and reinforce recycling markets and ensure that the waste sector contributes to the reduction of greenhouse gas emissions.

Before drafting the text of this royal decree, the prior public consultation, provided for in Article 133 of Law 39/2015 of 1 October 2015 on the ordinary administrative procedure of the public authorities, with regard to Article 26(2) of Government Law 50/1997 of 27 November 1997, was dealt with through the web portal of the Ministry of Agriculture and Fisheries, Food and the Environment.

In the drafting of this royal decree, consultations were held with economic and social partners, autonomous communities and the autonomous cities of Ceuta and Melilla, as well as local communities and the most representative sectors potentially affected. Moreover, the draft submitted for consultation to the National Environment Board and to the public participation procedure, in accordance with the provisions of Law 27/2006 of 18 July 2006 governing rights of access to information, public participation and access to justice in environmental matters (transposing Directives 2003/4/EC and 2003/35/EC) and with the provisions of Government Law 50/1997 of 27 November 1997.

Similarly, this royal decree was notified in advance to the European Commission pursuant to Article 16 of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste, by means of the procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and Royal Decree 1337/1999 of 31 July 1999 on the provision of information in the field of technical regulations and of rules on Information Society services.

In consideration of the circumstances set out above, this royal decree has been drawn up in accordance with the principles of need, effectiveness, proportionality, legal certainty, transparency and efficiency, pursuant to the provisions of Article 129 of Law 39/2015 of 1 October 2015.

In addition, this royal decree is part of the 2018 Official Annual Policy Agenda in accordance with Article 25 of Law 50/1997 of 27 November 1997.

By virtue whereof, at the proposal of the Minister for Agriculture and Fisheries, Food and the Environment and with the prior approval of the Minister for the Treasury and Public Administration, in accordance with the Council of State and following deliberation by the Council of Ministers at its meeting held on 18 May 2018,

I HEREBY DECREE THE FOLLOWING:

CHAPTER I

**General provisions**

Article 1. *Objective*

1. The objective of this royal decree is to adopt measures to reduce plastic carrier bag consumption, in order to minimise the adverse impact of the waste from these plastic carrier bags on the environment, with particular attention to damage caused to aquatic ecosystems, and on certain economic activities, such as fishing and tourism. It is also intended to prevent the loss of material and economic resources associated with disposal of plastic carrier bags and their dispersal into the environment.

2. Another objective of this royal decree is to create the Registry of Producers of Products. This registry shall be of an administrative and declaratory nature and shall be the responsibility of the Directorate-General for Environmental Quality and Evaluation and the Natural Environment under the Ministry of Agriculture and Fisheries, Food and the Environment.

Article 2.*Scope.*

This royal decree shall apply to all plastic carrier bags placed on the market in the national territory, as well as the waste produced by these carrier bags.

Article 3. *Definitions.*

In addition to the definitions provided in Law 22/2011 of 28 July 2011 on contaminated soils and waste, Law 11/1997 of 24 April 1997 on packaging and packaging waste, and Royal Decree 782/1998 of 30 April 1998 adopting regulation implementing Law 11/1997 of 24 April 1997, the following terms shall have the meanings indicated below for the purposes of this royal decree:

(a) ‘plastic’: a polymer in the sense of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006. to which additives or other substances may have been added and which may be a primary structural component of the carrier bags;

(b) ‘plastic carrier bags’: carrier bags, with or without a handle, made from plastic, provided to consumers at points of sale for goods or products, including for online shopping and home deliveries;

(c) ‘lightweight plastic carrier bags’: plastic carrier bags with a wall thickness of less than 50 microns;

(d) ‘very lightweight plastic carrier bags’: plastic bags with a wall thickness of less than 15 microns that are necessary for hygiene purposes or that are provided as primary packaging for bulk foodstuffs, such as fruits, vegetables, meat, fish, etc., if their use contributes to reducing food waste;

(e) ‘fragmentable plastic carrier bags’: plastic carrier bags made from plastic materials that contain additives to catalyse fragmentation of the plastic material into micro-fragments. The meaning of ‘fragmentable plastic’ includes oxo-fragmentable plastics as well as photo-fragmentable, thermo-fragmentable and hydro-fragmentable plastics;

(f) ‘compostable plastic carrier bags’: plastic carrier bags that meet the requirements of applicable European standard EN 13432:2000, ‘Packaging. Requirements for packaging recoverable through composting and biodegradation. Test scheme and evaluation criteria for the final acceptance of packaging’ and its future applicable versions, and plastic carrier bags that comply with European or national standards for biodegradability through domestic composting;

(g) ‘producer of plastic carrier bags’: a party that places finished plastic carrier bags on the national market. Importers of finished plastic carrier bags shall also be regarded as producers.

CHAPTER II

**Measures, obligations and campaigns to reduce plastic carrier bag consumption**

Article 4. *Measures to reduce plastic carrier bag consumption.*

The following measures to reduce plastic carrier bag consumption shall be taken on the indicated dates of entry into force:

1. From 1 July 2018:

(a) It shall be prohibited to provide consumers with plastic carrier bags free of charge at points of sale of goods or products, with the exception of very lightweight plastic bags and plastic carrier bags that have a wall thickness greater than or equal to 50 microns and contain 70 % or more recycled plastic.

(b) In terms of the exemption for plastic bags with a wall thickness of 50 microns or more, as set out in the previous paragraph, vendors must have documentation provided by the manufacturer confirming this percentage.

(c) Vendors shall charge a fee for each plastic carrier bag provided to a consumer. To determine the price of plastic carrier bags, vendors may use the indicative prices provided in Annex I as a reference.

(d) In addition, vendors shall inform consumers of the set prices by displaying these publicly in a visible location, including a reference to compliance with the obligations set out in the above paragraphs.

2. From 1 January 2020:

(a) It shall be prohibited to provide consumers with fragmentable plastic carrier bags at points of sale for goods or products.

(b) Plastic carrier bags with a wall thickness greater than or equal to 50 microns shall be made from at least 50 % recycled plastic.

3. As of 1 January 2021, it shall be prohibited to provide lightweight and very lightweight plastic carrier bags to consumers at points of sale for goods or products, except for bags made from compostable plastic. Vendors may also select other forms of packaging instead of plastic bags.

4. All the measures set out in this article shall apply to plastic carrier bags provided at points of sale for goods or products and to those possibly supplied with online shopping or home deliveries. This shall not include plastic wrapping used for remote sales, although these shall be regarded as packaging if they meet the definition of packaging set out in Law 11/1997 of 24 April 1997.

Article 5. *Obligations on the marking of plastic carrier bags*

Within 18 months of the adoption of the European regulations provided for in Article 8-bis of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste, in order to set out the specifications for labelling and marking to enable recognition of compostable plastic carrier bags throughout the European Union, compostable plastic carrier bags that are placed on the market in the national territory shall be marked pursuant to the applicable provisions of European law.

Article 6. *Information and awareness campaigns*

1. The Ministry of Agriculture and Fisheries, Food and the Environment and the autonomous communities shall carry out public information campaigns on the measures adopted in this royal decree and awareness campaigns on the adverse environmental impact of excessive consumption of all types of plastic carrier bags and the impact of their disposal, and shall promote application of the waste hierarchy principle. These campaigns shall include information on the bin in which both compostable and non-compostable plastic bags should be placed once they become waste.

These campaigns shall run in the first year after entry into force of this royal decree as a minimum and shall continue if deemed necessary in order to meet the set objectives.

2. The local communities and vendors may also carry out information and awareness campaigns in accordance with the campaigns of the competent authorities.

3. The campaigns carried out by the competent authorities may be financed by collective extended responsibility systems within the context of financing agreements between these systems and the autonomous communities or, where applicable, local communities.

CHAPTER III

**Registry of Producers of Products**

Article 7. *Creation of the Registry of Producers of Products.*

1. The Registry of Producers of Products, a registry of an administrative and declaratory nature, shall be created under the responsibility of the Directorate-General for Environmental Quality and Evaluation and the Natural Environment under the Ministry for Agriculture and Fisheries, Food and the Environment.

2. The Registry of Producers of Products shall be organised into producer sections and shall compile information on the placement of products on the market, in order to meet waste management reporting obligations. The Registry of Producers of Products shall include at least a section for producers of plastic carrier bags.

New Registry of Producers of Products sections may be created, by means of the corresponding waste regulations, with the content specified in these regulations.

Article 8. *Registration of producers of plastic carrier bags in the Registry of Producers of Products.*

Producers of plastic carrier bags shall register in the section for producers of plastic carrier bags in the Registry of Producers of Products of the Ministry of Agriculture and Fisheries, Food and the Environment, within a period of three months after the date of entry into force of this royal decree. At the time of registration, the information indicated in Annex II(1) shall be provided and made public. Personal data shall be protected by the applicable national laws on personal data protection.

Article 9. *Reporting obligations for plastic carrier bags*

Producers of plastic carrier bags shall collect the information indicated in Annex II(2) for carrier bags that they place on the national market every calendar year. Said information shall be submitted to the Ministry of Agriculture and Fisheries, Food and the Environment before 31 March of the year following the baseline year, in order to prepare the information on plastic carrier bags to be submitted to the European Commission pursuant to the applicable regulations, which shall be published annually.

The information provided by carrier bag producers shall be accessible to the competent authorities for inspection and verification.

CHAPTER IV

**Penalties**

Article 10. *Penalties*

Failure to meet the provisions of this royal decree shall be subject to the penalties set out in Law 22/2011 of 28 July 2011 on contaminated soils and waste.

First additional provision. *Report on application of the royal decree and review of the proposed measures*

Before 1 January 2023, the Ministry for Agriculture and Fisheries, Food and the Environment shall prepare a report evaluating the effectiveness of the measures in this royal decree in terms of reducing the consumption of plastic carrier bags, changing consumer behaviour and promoting waste reduction. If the evaluation shows that the measures taken are not effective, the Ministry for Agriculture and Fisheries, Food and the Environment shall examine other possible ways to reduce consumption of plastic carrier bags and, where applicable, shall present a new regulatory proposal.

Second additional provision. *Compliance with the second additional provision of Law 22/2011 of 28 July 2011.*

The measures provided for in this royal decree for lightweight plastic carrier bags shall allow for compliance with the second additional provision of Law 22/2011 of 28 July 2011, particularly with regard to defining the timetable referred to in paragraph 3.

The working group referred to in paragraph 4 of the second additional provision of Law 22/2011 of 28 July 2011 shall be the packaging and packaging waste working group of the Waste Coordination Commission, under the Directorate-General for Environmental Quality and Evaluation and the Natural Environment.

Third additional provision. *Information on plastic carrier bags for 2017*

Information on plastic carrier bags placed on the national market during 2017 shall be provided by producers of carrier bags within a period of 3 months after their registration in the Registry of Producers of Products.

Fourth additional provision. *No increase in public spending.*

The measures in this royal decree shall be implemented using the existing human and material resources of the general state administration. Under no circumstances shall these measures result in an increase in public spending.

Sole repealing provision. *Repeal of regulations.*

Any and all provisions that conflict with or contradict the provisions of this royal decree, or that are incompatible with it, are hereby repealed.

First final provision. *Jurisdiction*

This royal decree is a basic text and is adopted under Article 149(1)(13) and (23) of the Spanish constitution, which grant the State exclusive jurisdiction over the basic rules and coordination of general economic planning and over basic legislation on the protection of the environment, respectively.

Second final provision. *Transposition of European Union law*

This royal decree transposes Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 into Spanish law, amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

Third final provision. *Authorisation to implement.*

The responsible person at the Ministry of Agriculture and Fisheries, Food and the Environment is hereby authorised to issue, within the scope of his or her duties, the provisions necessary to apply and implement this royal decree, in particular to adjust the annexes to the provisions and amendments set out in international regulations, European Union law and any applicable conclusions drawn from the reports referred to in the first additional provision.

Fourth final provision. *Entry into force.*

This royal decree shall enter into force on the day after its publication in the Official State Gazette.

Madrid, 18 May 2018.

FELIPE R.

Minister for Agriculture and Fisheries, Food and the Environment,

ISABEL GARCÍA TEJERINA

**ANNEX I**

**Indicative prices for plastic carrier bags**

*Indicative price for plastic carrier bags based on wall thickness*

Carrier bags with a wall thickness of less than 15 microns intended for uses other than those referred to in the definition of very lightweight plastic carrier bags in Article 3(d): 5 cents/bag.

Carrier bags with a wall thickness between 15 and 49 microns: 15 cents/bag.

Carrier bags with a wall thickness greater than or equal to 50 microns: 15 cents/bag.

Carrier bags greater than or equal to 50 microns, made from between 50 % and 70 % recycled plastic: 10 cents/bag.

**ANNEX II**

**Registration and annual information on plastic carrier bags to be submitted to the Registry of Producers of Products**

1. Information on registration in the Registry of Producers of Products.

At the time of registration, producers of plastic carrier bags shall be obligated to provide and update the following information:

(a) Name and address of the producer or its authorised representative, including postal code, city, street and number, country, phone number, fax number, email and contact person. In cases of an authorised representative, contact details shall also be provided for the producer represented.

(b) European tax ID number or Spanish national tax ID number.

(c) Declaration of accuracy of the information provided.

2. Annual information on plastic carrier bags placed on the national market to be submitted by producers.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Wall thickness(microns) | High-density polyethylene plastic carrier bags | Low-density polyethylene plastic carrier bags | Compostable plastic carrier bags | Bags made from other types of plastic |
| Units | Unit weight (g/bag) | Weight (tonnes) | Recycled plastic content (%) | Units | Unit weight (g/bag) | Weight (tonnes) | Recycled plastic content (%) | Units | Unit weight (g/bag) | Weight (tonnes) | Units | Unit weight (g/bag) | Weight (tonnes) |
| Less than 15 and provided free of charge. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Less than 15 and not provided free of charge. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| From 15 to 49. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Greater than or equal to 50. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |