

Government draft

ACT

of 2024,

**amending Act No 477/2001 on packaging and amending certain acts
(the Packaging Act), as amended, and other related acts**

Parliament has adopted the following Act of the Czech Republic:

PART ONE

Amendment of the Packaging Act

Article I

Act No 477/2001 on packaging and amending certain other acts (the Packaging Act) as amended by Act No 274/2003, Act No 94/2004, Act No 237/2004, Act No 257/2004, Act No 444/2005, Act No 66/2006, Act No 296/2007, Act No 25/2008, Act No 126/2008, Act No 227/2009, Act No 281/2009, Act No 77/2011, Act No 18/2012, Act No 167/2012, Act No 62/2014, Act No 64/2014, Act No 243/2016, Act No 298/2016, Act No 149/2017, Act No 183/2017, Act No 277/2019, Act No 541/2020, Act No 545/2020, Act No 609/2020, Act No 261/2021, Act No 244/2022 and Act No 87/2023, is amended as follows:

1. In the introductory part of § 2(a), the words ‘to a consumer or other end-user’ are replaced by ‘to another end-user or consumer (hereinafter “end-user”)’.
2. In § 2(a)(1) and § 3(1), the words ‘consumer or other’ are deleted.
3. In § 2(a)(2), the words ‘to the consumer or another’ are deleted.
4. In § 2(o), the words ‘, in the case of returnable packaging also from other persons,’ are inserted after the word ‘consumers’.
5. § 2(w) is deleted.

Existing subparagraphs (x) and (y) become subparagraphs (w) and (x).

6. In § 2(w), the words ‘(hereinafter “authorised company”)’ are inserted after the word ‘company’.

7. In § 2, the full stop at the end of subparagraph (x) is replaced by a comma and the following subparagraph (y) is added:

'y) beverage carton means a multi-layer composite packaging of a boxlike character containing in the multi-layer part of the packaging only paper and plastic or paper, plastic and aluminium, which serves to preserve beverages or foodstuffs of a liquid or semi-liquid consistency.'

8. § 4(1)(c) reads:

'(c) the packaging or packaging material is reusable in the normal manner after the use for which it was intended and after removal of the product or any of its residues, or the waste from the packaging or packaging material is recoverable through a recycling, energy recovery or biodegradation process.'

9. In § 4(2), the words 'or (6)' are inserted after the words 'paragraph (1)'.

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10. In § 5(1)(a) and 5(2)(a), the word 'request' is replaced by 'invitation'.

11. At the end of § 9(5), the following sentence is added: 'Returnable packaging or waste from returnable single-use packaging does not have to be refunded in

a) an establishment that is a vending machine or other similar equipment used for sale of goods without the presence of staff; or

b) an automated establishment in which, for legal or technical reasons, an automatic deposit return machine cannot be installed, during specified operating hours when staff is not physically present.

12. In § 9a(1), both instances of the word 'selected' are deleted.

13. In § 9a(2), the word 'selected' is deleted.

14. In § 9a(3), the word 'selected' is deleted and '(1)' is replaced by '(1) and (2)'.

15. In § 10(1), the words ' ~~, where the purchase at an establishment where the returnable packaging is sold to the consumer and refunded in accordance with § 9(4) is deemed to be sufficient availability~~' are deleted.

16. In § 10(4), the word 'packaging' is deleted and the following sentence is added at the end of the paragraph: 'This does not apply to collection points forming a collection network of an authorised company providing collective compliance exclusively for returnable packaging.'

17. After § 10(5), the following new paragraph (6) is inserted:

'(6) A person placing beverage cartons on the market or putting them into circulation must achieve, in each calendar year, a minimum level of take-back of waste from such

packaging amounting to 60% by weight of the packaging placed on the market or put into circulation in that calendar year.'

Existing paragraph (6) becomes paragraph (7).

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18. In § 12a(2) and § 13(1)(c), the word 'packaging' is deleted.
19. In § 13(2), § 21b(4), and § 28a(5), the word 'packaging' is deleted.
20. In § 13a(2) and (3), the words 'consumers or other' are deleted.
21. In § 14(10), after the words 'pursuant to paragraph (9)', the words ', on the basis of data obtained from the basic registers¹⁴⁾' are inserted.

Footnote 14 reads as follows:

¹⁴⁾ Act No 111/2009 on basic registers, as amended.'

22. In § 15(4), the words 'and the method' are inserted after the words 'stipulates the scope'.
23. In § 15b(1), the words 'to (13)' are replaced by '(1) to (4), § 12 and 13'.
24. In § 15b(3), 'VII' is replaced by 'VIII'.
25. After § 15b, the following § 15c is inserted:

'§ 15c

Advertising flyers

(1) For the purposes of this Act, an advertising flyer means a paper product, the main purpose of which is to promote or offer goods or services in return for payment, which do not form part of another product and is intended to be given free of charge to the end user.

(2) The provisions on packaging shall apply mutatis mutandis to advertising flyers, with the exception of §§ 3 to 5.

26. In the heading of Title III of Part One, the word 'PACKAGING' is deleted.
27. In the heading of § 16, the word '**packaging**' is be deleted.
28. In § 16, the words 'packaging company (hereinafter "authorised company")' are replaced by 'company' and the words 'Authorisation for the purposes of this Act means authorisation' are replaced by 'An authorised company is authorised'.
29. The heading of § 17 reads as follows: '**Authorisation decision**'.
30. In § 17(5), the words 'or (4)' are replaced by ', (4) or (6) or § 19(2)' and the text '(3),' is inserted after '§ 20'.
31. § 17(8) reads as follows:

'(8) The Ministry of the Environment shall extend the validity of the authorisation decision if the authorised company applies for such an extension at least one year before the expiry of the decision and if it fulfils the statutory obligations of the authorised company and manages properly. Paragraphs (1) to (6) shall apply mutatis mutandis to the procedure for the renewal of an authorisation decision.'

32. In § 20, the following sentence is added at the end of paragraph 1: 'An authorised company whose collection network meets the requirements laid down in § 10(2)(a) and (b) is entitled to provide administrative support to the operator and collective system operators under other legislation for remuneration corresponding to the costs incurred for that activity.'
33. In § 20a(1), the words 'or § 29h(4)' are inserted after '(7)'.
34. At the end of § 20a(2), the words 'or § 29h(4)' are added.
35. In § 21(1)(d), the words 'and contract' are replaced by the words 'or contract'.
36. In § 21(1)(m), the words 'costs shall be apportioned between municipalities and persons providing waste management services in a manner allowing control' are replaced by the words 'incurred costs must be controllable'.
37. In § 21(1)(o), the words 'on the fulfilment of the targets for the take-back and recovery of packaging waste under this Act,' are inserted after the words 'information on the website'.

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38. In § 21(6)(a), the words ', § 10(2) and (3) and § 21b' are replaced by the words 'and § 10(2) and are excluded from the compensation of costs under § 21b'.
39. In § 21(6)(b), the words '(1)(k) points 1 and 3 and in § 21b and 21c' are replaced by the words 'and in (1)(k) points 1 and 3 and are exempted from cost compensation under § 21b and coordination under § 21c(2)(b), § 21c(3) and § 21c(4) where it concerns the determination of the proportion of packaging waste in separate municipal waste, and § 21c(6)(a), (c) and (e)'.
40. In § 21a(3), the number '50' is replaced by '25'.
41. In § 23(1)(e), the word 'and' is replaced by a comma.
42. In § 23(5), the words 'and the method' are inserted after the words 'stipulates the scope'.
43. In § 23a(2)(c)(1), the words 'included in the municipal waste management system set up by the municipality' are deleted.
44. In Part One, a new Title IV is inserted after Title III as follows:

'Title IV

Deposit system

§ 29a

Definition of certain terms of the deposit system

For the purposes of this Act,

- a) selected single-use packaging means single-use packaging that is a plastic beverage bottle or a metal beverage container fulfilling the criteria listed in Annex 6 to this Act, with the exception of packaging
1. placed on the market or put into circulation in the context of passenger transport on international routes by a person authorised under the legislation of the Czech Republic to operate international air, water, road or rail transport;
 2. delivered with goods exempt from value added tax or excise duty and intended for sale in the transit area of international airports or ports, or for the supply of aircraft or ships immediately leaving the territory of the European Union;
 3. released for export from the territory of the European Union and transported from the customs territory of the European Union;
 4. placed on the market in such a way that the beverage is bottled and packaged directly at the point of sale to the consumer; or
 5. placed on the market or into circulation by one person in an aggregate quantity of less than 150 kg per calendar year;
- b) selected returnable single-use packaging means selected single-use packaging for which a deposit is charged;
- c) deposit system means a system of organizational, administrative, financial, and other related measures implemented by the operator to ensure the return and recovery of waste from selected single-use returnable packaging and to achieve the return of the deposit paid by the purchaser of the selected returnable single-use packaging at the time of purchase of the packaging;
- d) the final seller of selected single-use packaging means a person who, irrespective of the method of sale, including the use of means of distance communication, places selected single-use packaging on the market or puts it into circulation by sale to the end user; the final seller of selected single-use packaging is not a natural person or corporate entity engaged in hospitality activities, where the consumption of goods from selected single-use packaging is to occur directly on the premises;
- e) distribution means the transport of selected returnable single-use packaging to end-users by the final seller of selected single-use packaging; distribution shall not include postal, parcel, or other similar transport services, nor services providing the transport of meals from restaurants.

§ 29b

Basic provisions on the deposit system

Within the deposit system, selected single-use packaging is subject to a deposit.

§ 29c

Obligations of persons placing selected single-use packaging on the market

A person placing selected single-use packaging on the market must

- a) request the operator to conclude a collective compliance contract within 2 months from the date of publication of the operator's announcement of commencement of activity pursuant to § 29j(1)(b) and
- b) register the selected returnable single-use packaging with the operator before it is placed on the market.

§ 29d

Rights and obligations of final sellers of selected single-use packaging and persons placing selected single-use packaging on the market

(1) A final seller of selected single-use packaging whose economic activity is listed in Annex 8 to this Act must

- a) request the operator to conclude a contract for the purchase of waste from selected returnable single-use packaging within 2 months from the date of publication of the operator's notice of commencement of activity pursuant to § 29j(1)(b) and
- b) register with the operator a collection point for waste from selected returnable single-use packaging in the form of return for refund at the site of his economic activity pursuant to Annex 8 to this Act or within 500 metres of this site under the conditions laid down in § 9(4) and (5).

(2) The final seller of selected single-use packaging that supplies selected returnable single-use packaging to end-users by means of distance communication and distribution shall comply with the obligations under paragraph (1)(a).

(3) The final seller of selected single-use packaging is not obliged to fulfil the obligations under paragraph (1) in relation to an establishment that is subject to a special regime under the Act on the Protection of Classified Information and on Security Eligibility²¹.

§ 29e

(1) A final seller of selected single-use packaging taking back waste from such packaging is not the producer of this waste, and its place of purchase and the establishment where the taken-back waste is managed need not be designated waste facilities.

(2) Waste from selected returnable single-use packaging become the property of the operator at the moment of its handover to the take-back location established by a final seller of selected single-use packaging or by the operator or a final seller of selected single-use packaging who supplies selected returnable single-use packaging to end-users by means of distance communication and distribution.

(3) As part of taken-back waste from selected returnable single-use packaging, waste from plastic beverage bottles and waste from metal beverage containers need not be collected separately if they are returned to common collection facilities at the final seller

of selected single-use packaging.

(4) The final seller of selected single-use packaging may hand over taken-back waste from selected returnable single-use packaging only to the operator or a person designated by the operator in accordance with the Waste Act. Until the moment of handover, the final seller of selected single-use packaging may not handle this waste in any way other than its collection, sorting, volume change or transport.

(5) § 46 of the Waste Act does not apply to the transport of waste collected from selected returnable single-use packaging, including distribution.

Operator

§ 29f

(1) The operator is an authorised company that on the basis of the decision on the authorisation of the operator coordinates the deposit system and is entitled to ensure the collective compliance of the obligations laid down in § 9(4) and (7) and §§ 10 to 12a exclusively for selected returnable single-use packaging and to conclude collective compliance contracts for this purpose. The operator can only be a joint-stock company with a dualistic internal structure system.

(2) Only one entity may be authorised as the operator, exclusively for the entire Czech Republic.

(3) For the operator, the provisions on the authorised company shall apply *mutatis mutandis*, with the exception of the second sentence of § 16, § 18(3), § 19(2), § 20(3), § 20a(5) and § 21c(6)(a) to (c). At the same time, the exemptions from the obligations and activities of an authorised company for returnable packaging set out in § 21(6)(a) shall apply to the operator.

§ 29g

(1) The proceedings for issuing a decision on the authorisation of an operator are proceedings for selecting an application under the Administrative Code.

(2) In addition to the requirements pursuant to §17(3)(a) and (c), § 17(3)(d)(1) to (6) and § 17(3)(e)(1), an application for an authorisation decision also contains

- a) a declaration by the applicant that the conditions laid down in § 20(7) have been met;
- b) model contracts for
 1. ensuring the collection of waste from selected returnable single-use packaging and
 2. the transfer of funds from deposits not refunded to end-users, concluded with municipalities; and
- c) proposal of methodologies for the final sellers of selected single-use packaging and other operators of collection points regarding fire safety, hygiene regulations, and fraud prevention in ensuring the return of waste from selected returnable single-use packaging.

(3) § 17(1) and (2), § 17(3)(a) and (c), § 17(3)(d) points 1 to 6, § 17(3)(e) point 1, §§

25, 26, 28 and 29 shall apply mutatis mutandis to decisions on the authorisation of an operator and proceedings for the issue, amendment or cancellation of such authorisation. The parties to the proceedings for the issuance of a decision on the authorisation of the operator are the applicants and the authorised companies providing collective compliance in relation to those types of packaging to which the decision on the authorisation of the operator is to apply. Only the operator is a party to the proceedings for the extension of the validity of the decision on the authorisation of the operator and the proceedings for the revocation of the decision on the authorisation of the operator. The parties to the proceedings for the amendment of the decision on the authorisation of the operator are the operator and the authorised companies providing collective compliance in relation to those types of packaging to which the amendment of the decision on the authorisation of the operator is to apply.

(4) A decision on the authorisation of an operator may be issued only if

a) the shareholders of the applicant or persons associated within the shareholder in the calendar year preceding the calendar year in which the application for a decision on the authorisation of the operator was submitted, in aggregate placed

1. on the market at least 35% of the total weight of plastic beverage bottles and 35% of the total weight of metal beverage containers fulfilling the criteria in Annex 6 to this Act and placed on the market in a given year; and
2. into circulation at least 25% of the total weight of plastic beverage bottles and 25% of the total weight of metal beverage containers meeting the criteria in Annex 6 to this Act and put into circulation in the given year;

b) the applicant's shareholders meet the conditions laid down in § 18(4) and § 29h(1) and (2);

c) the applicant meets the conditions laid down in § 20(4) and (7);

d) the collective compliance project provides sufficient guarantees that the collective compliance will be carried out properly and in a sufficiently long-term manner and that the project is sufficiently financially secure and does not jeopardise the fulfilment of the take-back and recovery obligations carried out by other persons pursuant to § 13(1); and

e) the applicant has adopted the method of eco-modulation from other authorised companies and provides evidence of this adoption to the Ministry of the Environment.

(5) When selecting the operator, the Ministry of the Environment shall take into account

a) the expected level of ensuring collective compliance with obligations pursuant to § 29f(1), in particular the take-back and recovery of packaging waste, according to the project of ensuring the collective compliance and to the proposed technical solutions and their environmental impacts;

b) the quantity of selected single-use packaging placed on the market or into circulation by the applicant's associates in the calendar year preceding the calendar year in which the application selection procedure was initiated;

c) the number of contracts concluded to ensure the purchase of waste from selected returnable single-use packaging and the transfer of deposits to municipalities pursuant to § 29j(3);

d) the proposed amount of deposit for selected single-use packaging; and

e) the number and structure of the applicant's shareholders.

(6) The Ministry of the Environment shall extend the validity of an operator's authorisation decision if the operator applies for such an extension at least 1 year before the expiry of the decision and if it meets the conditions for issuing an operator's authorisation decision, fulfils the operator's obligations and manages properly. § 17(1) to (6) shall apply *mutatis mutandis* to proceedings for the extension of an authorisation decision, subject to the derogations set out in paragraphs (2) to (4).

§ 29h

(1) Shareholders of the operator may only be persons marketing selected single-use packaging, final sellers of selected single-use packaging, or private law corporations associating these persons.

(2) A shareholder may hold shares with a nominal or accounting value that does not exceed 33% of the operator's capital and bearing a number of votes not exceeding 33% of all votes in the operator. A shareholder is prohibited from allowing another person to exercise voting rights or from transferring them to another person.

(3) If, as a result of the acquisition of shares, a shareholder exceeds the nominal or accounting value or the number of votes set out in paragraph (2), they shall immediately notify the Ministry of the Environment and dispose of part of them within 1 year from the date of their acquisition so that the nominal or accounting value of the shares and the number of votes associated with them comply with paragraph (2).

(4) In the event of non-compliance with the restrictions or obligations set out in paragraphs (1) to (3), the Ministry of the Environment may decide to prohibit the exercise of the voting right of the owner of the shares, the right to request the convening of a general meeting, or the right to request the inclusion of a certain item on the agenda of the general meeting.

§ 29i

(1) The operator is obliged to manage the funds obtained from advances and contributions of persons placing packaging on the market or putting it into circulation, and the proceeds thereof, separately from any other funds and in such a way as to ensure oversight of their handling.

(2) The operator may operate a facility dedicated to waste management, where only the collection, concentration, storage, or treatment of waste from selected returnable single-use packaging in the form of pressing will be carried out. Other waste management facilities are prohibited from being owned or operated by the operator, and the operator may not have a direct or indirect share in the ownership, decision-making, or voting rights of the person owning or operating such a facility, regardless of whether the facility operates in the Czech Republic or in another state.

(3) The operator must not enter into a contract with a person who has a special relationship with the operator pursuant to § 20a(4), which, due to its nature, purpose, or risk, would not have been concluded with the care of a prudent manager. Contracts to the contrary have no legal effect.

(4) An operator may not use deposits that have not been refunded to end-users to cover administrative penalties for the operator's infractions.

§ 29j

(1) The operator must

a) create, manage and finance a deposit system in accordance with the decision on the authorisation of the operator;

b) publish on its website, within 2 months from the date of entry into force of the decision on the authorisation of the operator, that it has started to perform activities under this Act;

c) lay down the conditions for concluding a contract for the purchase of waste from selected returnable single-use packaging for all final sellers of selected single-use packaging in a uniform manner and in such a way that none of these sellers or types of packaging is unjustifiably placed at a competitive disadvantage;

d) conclude, within 2 months from the date of receipt of the request from the person placing selected single-use packaging on the market or the final seller of selected single-use packaging, a contract for collective compliance or a contract for ensuring the collection of waste from selected returnable single-use packaging; the operator may not require any form of payment for signature of the contract;

e) establish at its own expense at least one collection point for waste from selected returnable single-use packaging in each municipality with more than 300 inhabitants where no other collection point is established by the final seller of selected single-use packaging and that expresses interest in establishing such a point, under conditions similar to those for other municipalities;

f) carry out awareness-raising activities on the deposit system for end-users in accordance with the decision on the authorisation of the operator and provide methodological guidance to the final sellers of selected single-use packaging as well as to other operators of collection points regarding fire safety, hygiene regulations and fraud prevention when ensuring the return of waste from selected returnable single-use packaging,

g) ensure timely removal of waste from selected returnable single-use packaging from the collection point of such waste so that waste from such packaging does not accumulate at the collection point beyond its storage capacity;

h) create and manage the operator's information system, which will be made available to the Ministry of the Environment in a manner allowing remote access and in which it maintains

1. data on selected returnable single-use packaging stipulated by implementing legislation; and

2. data on persons with whom it has concluded a contract for collective compliance and data on the places of purchase of waste from selected returnable single-use packaging; these data shall be made publicly available in a manner allowing remote access; the scope of such data shall be determined by implementing legislation; and

i) publish on their website

1. concluded collective compliance contracts and contracts for ensuring the purchase of waste from selected returnable single-use packaging, within 30 days from the date of their conclusion, and in the contracts, visibly make available the indication of the amount of contributions from persons placing packaging on the market or putting it into circulation and the take-back costs paid to the final sellers of selected single-use packaging;
2. notification of a planned change in the type of the selected returnable single-use packaging or of the termination of the purchase of waste from the selected returnable single-use packaging at least 6 months before the change is made or before the purchase is terminated;
3. information for end-users on the possibility of returning waste from selected returnable single-use packaging;
4. data from the operator's information system in an aggregated form by 31 March of each year for the previous calendar year; and
5. the amount of the costs of technical support and implementation of the take-back of waste from selected returnable single-use packaging reimbursed to final sellers of selected single-use packaging by category.

(2) The operator is obliged to offer part of the recovered waste from selected returnable single-use packaging for purchase at market price to persons placing the selected returnable single-use packaging on the market who have concluded a collective compliance contract with the operator, corresponding to 65% of the total weight of selected returnable single-use packaging of the given type placed on the market by the person in the previous calendar year.

(3) If the operator reaches the minimum level of take-back of waste from selected returnable single-use packaging pursuant to Annex 7 to this Act, it is entitled to retain 85% of the funds from the total amount of deposits that have not been paid to end-users, and is obliged to distribute and transfer the remaining 15% of these funds to municipalities in the Czech Republic in proportion to the population. By transferring funds from deposits to municipalities, the obligation to pay the costs of waste cleaning pursuant to § 10a(1) is fulfilled for selected single-use packaging.

(4) In the event that the operator does not achieve the minimum level of waste return from selected returnable single-use packaging pursuant to Annex 7 to this Act, it shall transfer a proportion of the funds from deposits that have not been paid to end-users, calculated as the percentage difference between the achieved take-back rate and the specified take-back target, to the revenue account of the State budget, chapter Ministry of the Environment. The remainder of the funds from deposits that have not been refunded to end-users shall be treated *mutatis mutandis* in accordance with the procedure pursuant to the first sentence of paragraph (3).

(5) The operator shall distribute and transfer funds from advances not refunded to end-users pursuant to paragraphs (3) and (4), based on the situation as of 31 December of the calendar year concerned, by 31 March of the following calendar year.

(6) A corporate entity whose operator authorisation decision has lapsed shall transfer funds from deposits that have not been refunded to end-users to the operator within 180 days from the date of the lapse of the operator authorisation decision. If the Ministry of the Environment does not issue an operator authorisation decision, the corporate entity shall transfer these funds to the state budget by the deadline pursuant to the first sentence. § 28a(4) to (6) shall apply *mutatis mutandis* to the transfer of funds.'

Titles IV to VII become Titles V to VIII.

45. §§ 29b to 29d, including the headings and footnote 21, read as follows:

‘§ 29b

Basic provisions on the deposit system

(1) Within the deposit system, selected single-use packaging is subject to a deposit.

(2) Corporate entities or sole traders must not place on the market or put into circulation selected single-use packaging for which the fulfilment of obligations by the operator on the basis of a collective compliance contract is not ensured and that is not registered with the operator.

§ 29c

Obligations of persons placing selected single-use packaging on the market

A person placing selected single-use packaging on the market must

a) charge a deposit on selected single-use packaging and comply with the deposit amount set by the operator;

b) mark the selected returnable single-use packaging that it places on the market with the deposit system designation laid down in implementing legislation;

c) request the operator to conclude a collective compliance contract within 2 months from the date of publication of the operator's announcement of commencement of activity pursuant to § 29j(1)(b);

d) register the selected returnable single-use packaging with the operator before placing it on the market;

e) pay the operator deposits from selected returnable single-use packaging placed on the market;

f) keep separate accounting records of the price of the product and the amount of the deposit;

g) provide the operator with the cooperation necessary for the performance of its obligations under the collective compliance contract and this Act; and

h) inform the operator of a change in the type of selected returnable single-use packaging placed on the market or that the selected returnable single-use packaging will no longer be placed on the market, at least 1 month before the change is made or the selected returnable single-use packaging stops being placed on the market.

§ 29d

Rights and obligations of final sellers of selected single-use packaging and persons placing selected single-use packaging on the market

(1) A final seller of selected single-use packaging whose economic activity is listed in Annex 8 to this Act must

- a) charge a deposit on selected single-use packaging and comply with the deposit amount set by the operator;
- b) when selling selected returnable single-use packaging, indicate the deposit separately from the price of the product;
- c) request the operator to conclude a contract to ensure the purchase of waste from selected returnable single-use packaging within two months from the date of publication of the operator's notification of commencement of activity pursuant to § 29j(1)(b);
- d) ensure the take-back of waste from selected returnable single-use packaging in the form of purchase at the place of performance of its economic activity pursuant to Annex 8 to this Act or within 500 metres of this place under the conditions set out in § 9(4) and (5);
- e) register the place of purchase of waste from selected returnable single-use packaging pursuant point (d) with the operator;
- f) pay the full amount of the deposit to end-users after the collection of waste from selected returnable single-use packaging, without proof of payment of the deposit by the end-user; the deposit may also be refunded by applying it against a purchase or by electronic transfer of funds, or, with the explicit consent of the end-user, in the form of a voucher or credit, but it must always be possible for the end-user to obtain the deposit in cash; and
- g) provide the operator with the cooperation necessary to fulfil its obligations pursuant to this Act.

(2) The final seller of selected single-use packaging that supplies selected returnable single-use packaging to end-users by means of distance communication and distribution complies with the obligations pursuant to paragraph (1)(a) to (d), (f) and (g). The final seller of selected single-use packaging pursuant to the first sentence shall take back the waste from selected returnable single-use packaging pursuant to paragraph (1)(d) upon delivery of the goods to the end user, in a quantity that can be taken back during the delivery of the goods and is customary for the end user's order.

(3) The final seller of selected single-use packaging, other than a final seller pursuant to paragraph (1) or (2), shall comply with the obligations pursuant to paragraph (1)(a), (b), and (g). If this final seller fulfils obligations pursuant to paragraph (1)(d) to (f) voluntarily, he must fulfil them all together.

(4) A final seller of selected single-use packaging who ensures the take-back of waste from selected returnable single-use packaging based on a contract for the purchase of waste from selected returnable single-use packaging, shall have the right to refuse take-back of waste from selected returnable single-use packaging if

- a) the waste is not marked pursuant to § 29c(b) or does not have a label and a legible, unique bar code allowing identification of the person who placed the

- packaging on the market;
- b) the waste is not empty;
- c) the waste is degraded or deformed in such a way as to prevent its take-back; or
- d) the quantity of waste is disproportionate to the size of the final seller's storage area or is not typical of the final user's purchases from the final seller.

(5) The final seller of selected single-use packaging is not obliged to fulfil the obligations under paragraph (1) in relation to an establishment that is subject to a special regime under the Act on the Protection of Classified Information and on Security Eligibility²¹⁾.

(6) A person putting selected returnable single-use packaging into circulation other than through sale to the end-user fulfils the obligation pursuant to paragraph (1)(a).

²¹⁾ Act No 412/2005 on protection of classified information and on security eligibility, as amended.

CELEX 32018L0851

46. § 29j reads as follows:

‘§ 29j

(1) The operator must

a) create, manage and finance a deposit system, in accordance with the decision on the authorisation of the operator;

b) publish on its website, within 2 months from the date of entry into force of the decision on the authorisation of the operator, that it has started to perform activities under this Act;

c) achieve the minimum level of take-back of waste from selected returnable single-use packaging pursuant to Annex 7 to this Act;

d) lay down the conditions for the conclusion of a contract for the purchase of waste from selected returnable single-use packaging for all final sellers of selected single-use packaging in a uniform manner and in such a way that none of these sellers or types of packaging is unjustifiably disadvantaged in competition;

e) conclude, within 2 months from the date of receipt of the request from the person placing selected single-use packaging on the market or the final seller of selected single-use packaging, a contract for collective compliance or a contract for ensuring the collection of waste from selected returnable single-use packaging; the operator may not require any form of payment for signature of the contract;

f) establish at its own expense at least one collection point for waste from selected returnable single-use packaging in each municipality with more than 300 inhabitants where no other collection point is established by the final seller of selected single-use packaging and which expresses interest in establishing such a point, under conditions similar to those applicable to other municipalities; for these points, § 29d(4) shall apply *mutatis mutandis*;

g) set the deposit amount for selected single-use packaging at least at the minimum level laid down by implementing legislation; the amount of the deposit must be fixed uniformly for all types of selected returnable single-use packaging, and the operator is entitled to change its amount only once a year, informing all persons involved in the deposit system and end-users at least 3 months before the date of the change;

h) to carry out awareness-raising activities about the deposit system for end-users in accordance with the operator authorisation decision and to provide methodological guidance to the final sellers of selected single-use packaging as well as to other operators of collection points regarding fire safety, hygiene regulations and fraud prevention in ensuring the return of waste from selected returnable single-use packaging;

i) ensure the timely removal of waste from selected returnable single-use packaging from the place of purchase of such waste so that waste from such packaging does not accumulate at the place of purchase beyond the storage capacity of the place of purchase;

j) reimburse the final seller of selected single-use packaging by the 15th day of the calendar month following the date of their disbursement of funds spent on the refund of deposits to end-users as part of the take-back that has occurred;

k) reimburse the final seller of selected single-use packaging no later than 15 days from the date of receipt of the invoice for the effectively incurred costs of technical support and implementation of the take-back of waste from selected returnable single-use packaging that belongs to one of the categories of effectively incurred costs laid down in implementing legislation;

l) create and manage the operator's information system, which will be made accessible to the Ministry of the Environment in a manner allowing remote access and in which it maintains

1. data on selected returnable single-use packaging stipulated by implementing legislation; and
2. data on persons with whom it has concluded a contract for collective compliance and data on the places of purchase of waste from selected returnable single-use packaging; these data shall be made publicly available in a manner allowing remote access; the scope of such data shall be determined by implementing legislation;

m) as part of the verification of data pursuant to § 23a(2), ensure the verification of correctness and completeness of

1. data held in the operator's information system, including the handling of each individual selected returnable single-use packaging; and
2. revenue from the sale of waste from selected returnable single-use packaging and secondary raw materials and from deposits not refunded to end-users;

n) deliver annually to the Ministry of the Environment by 31 March a report on the activities of the operator and the functioning of the deposit system for the previous calendar year through an integrated system for fulfilling reporting obligations in the field of the environment or the data mailbox of the Ministry of the Environment intended for fulfilling reporting obligations in the area of the environment pursuant to the act governing the integrated register of environmental pollution and the integrated system for fulfilling reporting obligations in the area of the environment; the content of the report

on the activities of the operator and the functioning of the deposit system is stipulated by implementing legislation; and

o) publish on their websites

1. concluded collective compliance contracts and contracts for ensuring the purchase of waste from selected returnable single-use packaging, within 30 days from the date of their conclusion, and in the contracts, visibly make available the indication of the amount of contributions from persons placing packaging on the market or putting it into circulation and the take-back costs paid to the final sellers of selected single-use packaging;
2. notification of a planned change in the type of the selected returnable single-use packaging or of the termination of the purchase of waste from the selected returnable single-use packaging at least 6 months before the change is made or before the purchase is terminated;
3. information for end-users on the possibility of returning waste from selected returnable single-use packaging;
4. data from the operator's information system in an aggregated form by 31 March of each year for the previous calendar year; and
5. the amount of the costs of technical support and implementation of the take-back of waste from selected returnable single-use packaging reimbursed to final sellers of selected single-use packaging by category.

(2) The operator is obliged to offer part of the recovered waste from selected returnable single-use packaging for purchase at market price to persons placing the selected returnable single-use packaging on the market who have concluded a collective compliance contract with the operator, corresponding to 65% of the total weight of selected returnable single-use packaging of the given type placed on the market by the person in the previous calendar year.

(3) If the operator reaches the minimum level of take-back of waste from selected returnable single-use packaging pursuant to Annex 7 to this Act, it is entitled to retain 85% of the funds from the total amount of deposits that have not been paid to end-users, and is obliged to distribute and transfer the remaining 15% of these funds to municipalities in the Czech Republic in proportion to the population. By transferring funds from deposits to municipalities, the obligation to pay the costs of waste cleaning pursuant to § 10a(1) is fulfilled for selected single-use packaging.

(4) In the event that the operator does not achieve the minimum level of waste return from selected returnable single-use packaging pursuant to Annex 7 to this Act, it shall transfer a proportion of the funds from deposits that have not been paid to end-users, calculated as the percentage difference between the achieved take-back rate and the specified take-back target, to the revenue account of the State budget, chapter Ministry of the Environment. The remainder of the funds from deposits that have not been refunded to end-users shall be treated *mutatis mutandis* in accordance with the procedure pursuant to the first sentence of paragraph (3).

(5) The operator shall distribute and transfer funds from advances not refunded to end-users pursuant to paragraphs (3) and (4), based on the situation as of 31 December of the calendar year concerned, by 31 March of the following calendar year.

(6) A corporate entity whose operator authorisation decision has lapsed shall transfer funds from deposits that have not been refunded to end-users to the operator within 180 days from the date of the lapse of the operator authorisation decision. If the Ministry of the Environment does not issue an operator authorisation decision, the corporate entity

shall transfer these funds to the state budget by the deadline pursuant to the first sentence. § 28a(4) to (6) shall apply mutatis mutandis to the transfer of funds.’.

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47. In § 30(1) and (2), ‘CZK 800’ is replaced by ‘CZK 2000’.
48. In the first sentence of § 30(2), ‘CZK 2000’ is replaced by ‘CZK 50,000’.
49. In § 30(5), the words ‘50%’ are inserted after the word ‘is’ and the words ‘and 50% as state budget revenue’ are added at the end of the paragraph.
50. At the end of § 32(b), the words ‘or § 29g(6)’ are added.
51. In § 32(t), the words ‘decides, and’ are replaced by ‘decides,’.
52. At the end of § 32(u), the full stop is replaced by ‘, and’ and the following subparagraph (v) is added:

‘(v) is entitled to appoint two members of the supervisory board of the operator and to remove the members so appointed.’
53. The following sentence is added at the end of § 33: ‘The first sentence shall apply mutatis mutandis to an application for an operator authorisation decision, an application for the extension of an operator authorisation decision, and the amendment or cancellation of an operator authorisation decision.’.
54. After § 36(c), the following new subparagraph (d) is inserted:

‘d) monitors compliance with the obligations pursuant to § 29c(a) and (b) and § 29d(1) (a), (b) and (f);’.

Subparagraph (d) becomes subparagraph (e).
55. In § 36(e), the words ‘(a), (b) or (c)’ are replaced by ‘(a) to (d)’.
56. In § 37, after the words ‘food’, the words ‘, with the exception of obligations monitored by the Czech Trade Inspection Authority pursuant to § 36(d),’ are inserted.
57. § 40(1), including footnote 28, reads as follows:

‘(1) The Czech Environmental Inspectorate²⁸⁾ checks compliance by corporate entities and sole traders with the obligations laid down in this Act or in a decision issued on the basis thereof, with the exception of obligations monitored pursuant to §§ 35 to 39 by regional public health authorities, the Czech Trade Inspection Authority, the State Agricultural and Food Inspection Authority or the Institute for State Control of Veterinary Biologicals and Medicines.
58. In § 40(2), the words ‘pursuant to paragraph (1)’ are deleted.
59. The heading above the designation § 44 is deleted.

²⁸⁾ Act No 282/1991 on the Czech Environmental Inspectorate and its competence in forest protection, as amended.’.

60. §§ 44 and 45, including the headings, read as follows:

‘§ 44

Infractions by persons placing packaging or packaging materials on the market or putting them into circulation

(1) Corporate entities or sole traders commit an infraction by

a) as an entity placing packaging on the market, breaching the obligation laid down in § 3(1);

b) as an entity placing packaging or packaging materials on the market, failing to ensure any of the conditions for placing packaging or packaging materials on the market pursuant to § 4;

c) as an entity placing packaging on the market, failing to submit technical documentation to the inspection body pursuant to § 5(1)(a) or failing to inform their customers pursuant to § 5(1)(b);

d) as an entity placing packaging material on the market, failing to submit technical documentation to an inspection authority pursuant to § 5(2)(a) or failing to inform their customers pursuant to § 5(2)(b);

e) as an entity placing products on the market in returnable deposit packaging, failing to label such packaging pursuant to § 9(3);

f) as an entity placing on the market or putting into circulation products in returnable deposit packaging, breaching any of the obligations pursuant to § 9(4) to (6);

g) as an entity that placed returnable deposit packaging on the market or into circulation, failing to purchase returnable deposit packaging or waste from it pursuant to § 9(7);

h) as an entity placing packaging on the market or putting it into circulation, failing to ensure the take-back of such packaging or waste from such packaging pursuant to § 10(1);

(h) as an entity placing single-use plastic packaging specified in Part B of Annex 4 to this Act on the market or into circulation, failing to achieve a minimum take-back level of waste from this packaging pursuant to § 10(5);

j) as an entity placing single-use plastic packaging listed in Part C or D of Annex 4 to this Act on the market or into circulation, failing to reimburse a municipality for costs pursuant to § 10a(1) or failing to fulfil an obligation pursuant to § 10a(2) or (3);

k) as an entity placing packaging on the market or putting it into circulation by sale to the consumer, failing to inform the consumer pursuant to § 11(1);

l) as an entity placing on the market or putting into circulation single-use plastic

packaging listed
in Part C or D of Annex 4 to this Act, failing to inform consumers pursuant to § 11(2);

m) as an entity placing on the market or putting into circulation single-use plastic packaging listed
in Part D of Annex 4 to this Act, failing to act to change consumer behaviour pursuant to § 11(3);

n) as an entity placing packaging on the market or into circulation, failing to ensure the recovery of packaging waste pursuant to § 12;

o) as an entity placing single-use plastic packaging listed in Part B of Annex 4 to this Act on the market or into circulation, failing to ensure the mandatory content of recycled plastic in packaging pursuant to § 12a(1) or failing to report the quantity of recycled plastic it used in packaging pursuant to § 12a(3);

p) as an entity placing the packaging on the market or into circulation via sale to the consumer, violating the prohibition of influencing the supplier in the selection of an authorised company pursuant to § 13(2);

q) as an entity placing packaging on the market or putting it into circulation, violating the obligation to file an application for inclusion in the List pursuant to § 14(1); or

r) as an entity placing packaging on the market or putting it into circulation, or as a person listed in § 23(1)(c), failing to provide the authorised company with the necessary cooperation pursuant to § 23a(5).

(2) Corporate entities or sole traders placing selected single-use packaging on the market commit an infraction by,

a) contrary to § 29c(a), failing to request the operator to conclude a collective compliance contract; or

b) contrary to § 29c(b), failing register with the operator selected returnable single-use packaging before it is placed on the market.

(3) Corporate entities or sole traders commit an infraction as the final seller of selected single-use packaging by

a) failing to ask the operator to conclude a contract for the purchase of waste from selected returnable single-use packaging pursuant to § 29d(1)(a);

b) failing to register a point of purchase of waste from selected returnable single-use packaging with the operator pursuant to § 29d(1)(b); or

c) contrary to § 29e(4) handing over recovered waste from selected returnable single-use packaging to a person other than the operator or a person designated by the operator, or disposing of the waste in a manner other than stipulated.

(4) For an infraction, a fine may be imposed up to the amount of

CZK 500,000 in the case of an infraction pursuant to paragraph (1)(a), (c) to (g), (k) to (m) or (q);

b) CZK 1,000,000 in the case of an infraction pursuant to paragraph (1)(j), (p) or (r);

c) CZK 5,000,000 in the case of an infraction pursuant to paragraph (3)(b); or

CZK 15,000,000 in the case of an infraction pursuant to paragraph (1)(b), (h), (n) or (o), paragraph (2) or paragraph (3)(a) or (c).

(5) An infraction pursuant to paragraph (1)(i) may be subject to a fine of up to the amount determined by multiplying the number indicating the percentage missing to achieve the specified minimum level of take-back of packaging waste by CZK 1,000,000.

§ 45

Infractions committed by an authorised company

(1) An authorised company commits an infraction by

a) violating any of the restrictions of the authorised company pursuant to § 20,

b) violating the prohibition of holding a general meeting without submitting an extract from the emissions register pursuant to § 20a(1);

c) allowing, contrary to § 20a(2), a person whose shareholder rights were suspended by the Ministry of the Environment, or a person who was not specified in the emissions register, to vote in the general meeting;

d) violating the prohibition to conclude a contract pursuant to § 20a(3) or (5);

e) stipulating the conditions for concluding a collective compliance contract contrary to § 21(1)(a);

f) failing to conclude a collective compliance contract pursuant to § 21(1)(b) or (c);

g) concluding a contract with a municipality contrary to § 21(1)(d) or refusing to conclude a contract with a municipality;

h) failing to ensure, contrary to § 21(1)(e), the collective compliance of the obligations of persons placing packaging on the market or putting it into circulation with whom it has concluded a collective compliance contract, in accordance with the conditions laid down in this Act or in the authorisation decision;

i) failing to fulfil the obligation to ensure take-back by means of collection points for the stipulated proportion of residents or municipalities pursuant to § 21(1)(f) or (g);

j) failing to achieve the stipulated minimum take-back level for waste from packaging pursuant to § 21(1)(h);

k) failing to comply with the obligation to determine the average costs of municipalities for different size groups of municipalities pursuant to § 21(1)(i) or to determine the proportion of packaging waste in sorted municipal waste and in waste treated in waste treatment plants prior to recovery consisting of sorting waste pursuant to § 21(1)(j);

- l) failing to ensure, contrary to § 21(1)(k), that the amount of the cash contributions covers the costs;
- m) failing to comply with the obligation to carry out eco-modulation pursuant to § 21(1)(l);
- n) failing to ensure, contrary to § 21(1)(m), that the amount of cash contributions does not exceed the necessary costs;
- o) failing to comply with the obligation to set lower monetary contributions pursuant to § 21(1)(n);
- p) failing to publish information pursuant to § 21(1)(o);
- q) failing to publish contracts by the prescribed deadline pursuant to § 21(1)(p);
- r) failing to draw up a methodology in the manner pursuant to § 21(3) or failing to publish it on its website;
- s) failing to fulfil the obligation to prepare a report and send it to the Ministry of the Environment pursuant to § 21(4);
- t) violating the prohibition on sharing information with third parties pursuant to § 21(5);
- u) failing to fulfil any of the obligations relating to the reserve pursuant to § 21a;
- v) failing to fulfil any of the obligations relating to the offsetting of costs pursuant to § 21b;
- w) in connection with the coordination of authorised companies,
 1. contrary to § 21c(1), failing to participate in coordination or to comply with the agreed procedure confirmed by the contract;
 2. as a mandated authorised company, failing to send ascertained data on the amount of costs to the Ministry of the Environment pursuant to § 21c(3);
 3. contrary to § 21c(5), failing to notify other authorised companies or the Ministry of the Environment of the intention to change the method of eco-modulation and implements the change without their agreement; or
 4. failing to abide by decisions issued pursuant to § 21c(7),
- x) failing to keep records in the specified manner and to the specified extent pursuant to § 23(1), failing to report the data from these records to the Ministry of the Environment pursuant to § 23(2) or failing to meet the requirements for the manner of keeping or submitting records pursuant to the authorisation decision; or
- y) violating any of the obligations relating to the verification of the information by an auditor pursuant to § 23a.

(2) For an infraction, a fine may be imposed up to the amount of

CZK 500,000 in the case of an infraction pursuant to paragraph (1)(q);

b) CZK 1,000,000 in the case of an infraction pursuant to paragraph (1)(m), (o) or (p);

CZK 15,000,000 in the case of an infraction pursuant to paragraph (1)(a) to (i), (k), (l), (n) or (r) to (y).

(3) An infraction pursuant to paragraph (1)(j) may be subject to a fine of up to the amount determined by multiplying the number of percent missing to achieve the stipulated minimum level of take-back of packaging waste by CZK 1,000,000.

61. § 44, including heading, reads as follows:

‘§ 44

Infractions by persons placing packaging or packaging materials on the market or putting them into circulation

(1) Corporate entities or sole traders commit an infraction by

a) as an entity placing packaging on the market, breaching the obligation laid down in § 3(1);

b) as an entity placing packaging or packaging materials on the market, failing to ensure any of the conditions for placing packaging or packaging materials on the market pursuant to § 4;

c) as an entity placing packaging on the market, failing to submit technical documentation to the inspection body pursuant to § 5(1)(a) or failing to inform their customers pursuant to § 5(1)(b);

d) as an entity placing packaging material on the market, failing to submit technical documentation to an inspection authority pursuant to § 5(2)(a) or failing to inform their customers pursuant to § 5(2)(b);

e) as an entity placing products on the market in returnable deposit packaging, failing to label such packaging pursuant to § 9(3);

f) as an entity placing on the market or putting into circulation products in returnable deposit packaging, breaching any of the obligations pursuant to § 9(4) to (6);

g) as an entity that placed returnable deposit packaging on the market or into circulation, failing to purchase returnable deposit packaging or waste from it pursuant to § 9(7);

h) as an entity placing packaging on the market or putting it into circulation, failing to ensure the take-back of such packaging or waste from such packaging pursuant to § 10(1);

(h) as an entity placing single-use plastic packaging specified in Part B of Annex 4 to this Act on the market or into circulation, failing to achieve a minimum take-back level of waste from this packaging pursuant to § 10(5);

j) as an entity placing single-use plastic packaging listed in Part C or D of Annex 4 to this Act on the market or into circulation, failing to reimburse a municipality for costs pursuant to § 10a(1) or failing to fulfil an obligation pursuant to § 10a(2) or (3);

k) as an entity placing packaging on the market or putting it into circulation by sale to the consumer, failing to inform the consumer pursuant to § 11(1);

l) as an entity placing on the market or putting into circulation single-use plastic packaging listed in Part C or D of Annex 4 to this Act, failing to inform consumers pursuant to § 11(2);

m) as an entity placing on the market or putting into circulation single-use plastic packaging listed in Part D of Annex 4 to this Act, failing to act to change consumer behaviour pursuant to § 11(3);

n) as an entity placing packaging on the market or into circulation, failing to ensure the recovery of packaging waste pursuant to § 12;

o) as an entity placing single-use plastic packaging listed in Part B of Annex 4 to this Act on the market or into circulation, failing to ensure the mandatory content of recycled plastic in packaging pursuant to § 12a(1) or failing to report the quantity of recycled plastic it used in packaging pursuant to § 12a(3);

p) as an entity placing the packaging on the market or into circulation via sale to the consumer, violating the prohibition of influencing the supplier in the selection of an authorised company pursuant to § 13(2);

q) as an entity placing packaging on the market or putting it into circulation, violating the obligation to file an application for inclusion in the List pursuant to § 14(1);

r) as an entity placing packaging on the market or putting it into circulation or as a person listed in § 23(1)(c), failing to provide the authorised company with the necessary cooperation pursuant to § 23a(5); or

s) contrary to § 29b(2), placing on the market or putting into circulation selected single-use packaging for which it does not have a collective compliance contract with the operator or that is not registered with the operator.

(2) Corporate entities or sole traders placing selected single-use packaging on the market commit an infraction by,

a) contrary to § 29c(a), failing to collect a deposit for selected single-use packaging or failing to comply with the deposit amount set by the operator;

b) contrary to § 29c(b), failing to mark selected returnable single-use packaging it is placing on the market, or marking it in violation of the requirements laid down in this Act or implementing legislation;

c) contrary to § 29c(c), failing to ask the operator to conclude a collective compliance contract;

d) contrary to § 29c(d), failing to register with the operator the selected returnable single-use packaging before it is placed on the market;

e) contrary to § 29c(e), failing to pay the operator deposits on selected returnable single-use packaging placed on the market;

f) failing to provide the operator cooperation pursuant to § 29c(g); or

g) contrary to § 29c(h), failing to inform the operator of a change in the type of selected deposit-backed single-use packaging placed on the market or of the termination of marketing of returnable single-use packaging.

(3) Corporate entities or sole traders, as the final seller of selected single-use packaging or as the person putting selected returnable single-use packaging into circulation other than by selling it to the end user, commit an infraction by failing to deposit selected single-use packaging or by failing to comply with the deposit amount set by the operator, contrary to § 29d(1)(a).

(4) Corporate entities or sole traders commit an infraction as the final seller of selected single-use packaging by

a) failing to specify the deposit separately from the price of the product pursuant to § 29d(1)(b) when selling selected returnable single-use packaging;

b) failing to ask the operator to conclude a contract for the purchase of waste from selected returnable single-use packaging pursuant to § 29d(1)(c);

c) failing to ensure the take-back of waste from selected returnable single-use packaging pursuant to § 29d(1)(d);

d) failing register a point of purchase of waste from selected returnable single-use packaging with the operator pursuant to § 29d(1)(e);

e) failing to refund a final user the deposit in full when collecting waste from selected returnable single-use packaging pursuant to § 29d(1)(f);

f) failing cooperate with the operator pursuant to § 29d(1)(g); or

g) handing over, contrary to § 29e(4), taken-back waste from selected returnable single-use packaging to a person other than the operator or a person designated by the operator, or disposing of the waste in a manner other than stipulated.

(5) For an infraction, a fine may be imposed up to the amount of

a) CZK 500,000 in the case of an infraction pursuant to paragraph (1)(a), (c) to (g), (k) to (m) or (q), paragraph (2)(b) or paragraph (4)(a);

b) CZK 1,000,000 in the case of an infraction pursuant to paragraph (1)(j), (p) or (r), paragraph (2)(f) or (g) or paragraph (4)(f);

c) CZK 5,000,000 in the case of an infraction pursuant to paragraph (1)(s), paragraph (2)(e), paragraph (3), or paragraph (4)(d) or (e); or

d) CZK 15,000,000 in the case of an infraction pursuant to paragraph (1)(b), (h), (n) or (o), paragraph (2)(a), (c) or (d) or paragraph (4)(b), (c) or (g).

(6) An infraction pursuant to paragraph (1)(i) may be subject to a fine of up to the amount determined by multiplying the number indicating the percentage missing to

achieve the specified minimum level of take-back of packaging waste by CZK 1,000,000.’.

62. § 44(1)(i) reads as follows:

‘i) as an entity placing single-use plastic packaging specified in Part B of Annex 4 to this Act or beverage cartons on the market or into circulation, failing to achieve a minimum take-back level of waste from this packaging pursuant to § 10(5) or (6);’.

63. New § 45a and § 45b, with headings, are inserted after § 45 as follows:

‘§ 45a

Infractions by the operator

(1) The operator commits an infraction by

- a) violating any of the obligations pursuant to § 29i;
- b) failing, contrary to § 29j(1)(a), to create, manage, or finance a deposit system;
- c) failing, contrary to § 29j(1)(b), to disclose that it has commenced activities pursuant to this Act;
- d) failing to stipulate the conditions for the conclusion of a contract to ensure the purchase of waste from selected returnable single-use packaging pursuant to § 29j(1)(c);
- e) failing, contrary to § 29j(1)(d), to conclude a contract for collective compliance or a contract to ensure the purchase of waste from selected deposited non-reusable packaging by the stipulated deadline or requiring payment for the conclusion of such a contract;
- f) failing to establish a point for the purchase of waste from selected returnable single-use packaging in a municipality with more than 300 inhabitants pursuant to § 29j(1)(e);
- (A) failing, contrary to § 29j(1)(f), to carry out awareness-raising activities regarding the deposit system for end-users in accordance with the operator authorisation decision or failing to provide methodological guidance;
- e) failing to ensure the timely removal of waste from selected returnable single-use packaging pursuant to § 29j(1)(g);
- f) failing, contrary to § 29j(1)(h), to create or manage the operator’s information system;
- g) failing, contrary to § 29j(1)(i), to publish contracts, notices, information, data or the amount of costs on its website;
- h) failing to offer for purchase collected waste from selected returnable single-use packaging pursuant to § 29j(2); or
- i) failing distribute or transfer funds from deposits that have not been paid to end-users, pursuant to § 29j(3) to (5).

(2) A fine of up to CZK 15,000,000 may be imposed for an infraction pursuant to paragraph (1).

§ 45b

Other infractions committed by corporate entities and sole traders

(1) Corporate entities or sole traders commit an infraction by

- a) providing a consumer with a plastic carrier bag at the point of sale of products other than in the manner set out in § 3(3);
- b) failing to take measures pursuant to § 7 as an entity placing on the market or putting into circulation products in reusable packaging;
- c) as an entity placing on the market or putting into circulation products in returnable packaging, failing to ensure the reuse of such packaging or the recovery of waste from such packaging pursuant to § 8;
- d) failing to comply with the amount of the deposit for returnable packaging pursuant to § 9(2);
- e) as an entity placing beverages on the market in packaging that is not reusable returnable deposit packaging, offering beverages contrary to § 9(10);
- f) failing to appoint an authorised representative contrary to § 13a(2) or (3) or appointing an authorised representative contrary to § 13a(4);
- g) failing to comply with the obligation to notify changes to the data pursuant to § 14(9) as entity on the List;
- h) violating any of the obligations of registration pursuant to § 15(1) or (3) as an entity required to register on the List;
- i) performing an activity for which an authorisation decision is required pursuant to § 17 without such a decision, or offering third parties the conclusion of contracts for an activity requiring an authorisation decision;
- j) failing, as an entity listed in § 23(1)(c), to provide an authorised company with the necessary cooperation pursuant to § 23a(5);
- k) failing, as a corporate entity whose authorisation decision has expired, to transfer funds pursuant to § 28a; or
- l) failing, as a corporate entity whose authorisation decision has expired, to transfer funds from deposits that have not been refunded to end users, pursuant to § 29j(6).

(2) A municipality commits an infraction by

- a) failing, contrary to § 21b(2) or (3), to report to each authorised company a proportionate share of the weight of packaging waste handed over within the municipal waste management system set up by this municipality; or

b) failing to notify the authorised company contrary to § 21b(4).

(3) For an infraction, a fine may be imposed up to the amount of

a) CZK 50,000 in the case of an infraction pursuant to paragraph (2);

b) CZK 500,000 in the case of an infraction pursuant to paragraph (1)(a) to (c) or (g);

c) CZK 1,000,000 in the case of an infraction pursuant to paragraph (1)(d), (e), (h) or (j);

d) CZK 5,000,000 in the case of an infraction pursuant to paragraph (1)(f); or

e) CZK 15,000,000 in the case of an infraction pursuant to paragraph (1)(i), (k) or (l).

64. § 45a, including the title, reads as follows:

‘§ 45a

Infractions by the operator

(1) The operator commits an infraction by

a) violating any of the obligations pursuant to § 29i;

b) failing, contrary to § 29j(1)(a), to create, manage, or finance a deposit system;

c) failing, contrary to § 29j(1)(b), to disclose that it has commenced activities pursuant to this Act;

d) failing reach the minimum level of take-back of waste from selected returnable single-use packaging pursuant to § 29j(1)(c);

e) failing to stipulate the conditions for the conclusion of a contract to ensure the purchase of waste from selected returnable single-use packaging pursuant to § 29j(1)(d);

f) failing, contrary to § 29j(1)(e), to conclude a contract for collective compliance or a contract to ensure the purchase of waste from selected deposited non-reusable packaging by the stipulated deadline or requiring payment for the conclusion of such a contract;

g) failing to establish a point for the purchase of waste from selected returnable single-use packaging in a municipality with more than 300 inhabitants pursuant to § 29j(1)(f);

h) failing, contrary to § 29j(1)(g), to set the amount of the deposit for selected single-use packaging or failing to inform the persons involved in the deposit system about the change in the deposit;

i) failing, contrary to § 29j(1)(h), to carry out awareness-raising activities regarding the deposit system for end-users in accordance with the operator authorisation decision or failing to provide methodological guidance;

j) failing to ensure the timely removal of waste from selected returnable single-use

packaging pursuant to § 29j(1)(i);

k) failing, contrary to § 29j(1)(j) to reimburse the final seller of selected single-use packaging for funds expended on refunding deposits to end-users;

l) failing, contrary to § 29j(1)(k), to reimburse the final seller of selected single-use packaging for costs effectively incurred for technical support and implementation of take-back of waste from selected deposited single-use packaging;

m) failing, contrary to § 29j(1)(l), to create or manage the operator's information system;

n) failing to ensure the verification of the correctness or completeness of the data pursuant to § 29j(1)(m);

o) failing to deliver to the Ministry of the Environment a report on the activities of the operator and the functioning of the deposit system for the previous calendar year pursuant to § 29j(1)(n);

p) failing, contrary to § 29j(1)(o), to publish on its website contracts, notices, information, data, or the amount of costs;

q) failing offer to purchase taken-back waste from selected returnable single-use packaging pursuant to § 29j(2); or

r) failing distribute or transfer funds from deposits that have not been paid to end-users, pursuant to § 29j(3) to (5).

(2) A fine of up to CZK 15,000,000 may be imposed for an infraction pursuant to paragraph (1)(a) to (c) or (e) to (r).

(3) A fine may be imposed for an infraction pursuant to paragraph (1)(d) up to an amount determined as the product of the weight of waste from selected returnable single-use packaging, expressed in tonnes, needed to reach the specified minimum level of take-back of waste from selected returnable single-use packaging, and CZK 150,000.

65. Under the designation of § 46, the following heading is inserted:

'Common provisions concerning infractions'.

66. In § 46(1), the words '(2)(g) to (l)' are replaced by '(1)(h) to (o)'.

67. In § 48, the words ', with the exception of beverage cartons, which shall be reported according to the materials contained in the packaging and at the same time as a separate type of packaging' are added at the end of the first sentence.

68. In § 50(2), the text 'and § 23a(6)' is replaced by the words ', § 23a(6), § 29c(b) and § 29j(1)(g), (k), (l) and (n)'.

69. In § 50(2), the text '§ 10(6)' is replaced by the text '§ 10(7)'.

70. In Annex 3, the following row is inserted in the table after the row 'Wooden':

Beverage cartons	-	-	55	60	
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71. Under the heading of Annex 4, the following sentence is inserted: 'For the purposes of this Annex, beverage container means a beverage bottle or composite beverage container used for any type of beverage, in particular beer, wine, drinking water, liquid refreshments, juices and nectars, milk or instant beverages intended for direct consumption without the need for mixing with another product or other treatment.'

72. Annexes 6 to 8, including headings and footnote 37, are added as follows:

'Annex 6 to Act No 477/2001

Criteria for selected single-use packaging

Criterion 1: Plastic beverage bottle

A plastic beverage bottle includes a closure or cap.

Plastic beverage bottles are not

glass or metal beverage containers with caps and lids made of plastic; or

b) beverage bottles intended and used for food for special medical purposes pursuant to Article 2(g) of Regulation (EU) No 609/2013 of the European Parliament and of the Council that is in liquid form.

Criterion 2: Beverage types

Plastic beverage bottle or metal container for any of the following beverages:

- a) non-alcoholic beverages, with the exception of milk, milk-based drinks, including yoghurt drinks, and iced coffee with milk;
- b) other alcoholic beverages³⁷⁾;
- c) wine;
- d) fruit wines, other wines, cider, perry, and mead;
- e) beer and beer-based beverages; or
- f) beverage concentrates, including syrups.

Criterion 3: Container volume

Plastic beverage BOTTLE	0.1 – 3 l
Metal beverage container	0.1 – 3 l

Minimum level of take-back of waste from selected returnable single-use packaging

<u>Type of waste from selected returnable single-use packaging</u>	<u>Year</u>	<u>Minimum level of take-back</u>
<u>Waste from plastic beverage bottles</u>	<u>2026</u>	<u>72% by weight of packaging placed on the market</u>
	<u>2027</u>	<u>82% by weight of packaging placed on the market</u>
	<u>2028</u>	<u>87% by weight of packaging placed on the market</u>
	<u>2029 and beyond</u>	<u>91.5% by weight of packaging placed on the market</u>
<u>Waste from metal beverage containers</u>	<u>2026</u>	<u>72% by weight of packaging placed on the market</u>
	<u>2027</u>	<u>82% by weight of packaging placed on the market</u>
	<u>2028</u>	<u>87% by weight of packaging placed on the market</u>
	<u>2029 and beyond</u>	<u>90% by weight of packaging placed on the market</u>

Economic activities of final sellers of selected single-use packaging

- a) Retail sale in non-specialised stores (code CZ - NACE 47.1) where the size of the sales area exceeds 50 m² and the food and beverages in the shop are not only ancillary goods.
- b) Retail sale of food, beverages and tobacco products in specialised stores (code CZ - NACE 47.2), where the size of the sales area exceeds 50 m² and food and beverages in the store are not merely ancillary goods.
- c) Retail sale of fuel in specialised stores (code CZ - NACE 47.3), including recharging points, if the size of the sales area exceeds 50 m².

The economic activity of the final sellers of selected single-use packaging under this code is specified in accordance with Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain Regulations EC on specific statistical domains, as amended, and the Communication of the Czech Statistical Office of 18 September 2007 on the implementation of the Classification of Economic Activities (CZ-NACE).

³⁷⁾ Act No 110/1997 on foodstuffs and tobacco products and amending certain related acts, as amended.

§ 21(f) of Decree No 248/2018 on requirements for beverages, fermentation vinegar and yeast.’

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73. At the end of Annex 7, the following sentence is added: ‘Minimum level of take-back of waste from

selected returnable single-use packaging is calculated only from selected returnable single-use packaging that is registered with the operator and is marked pursuant to § 29c(b).’

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Article II

Transitional provisions

1. Selected single-use packaging that is to be subject to a deposit pursuant to Act No 477/2001, as amended as of the effective date of this Act, and that does not comply with the requirements pursuant to this Act, may be placed on the market until 28 February 2026 and put into circulation until 30 April 2026.
2. The final seller of selected single-use packaging whose economic activity is listed in Annex 8 to Act No 477/2001, as amended as of the effective date of this Act, shall fulfil the obligations pursuant to § 29d(1)(e) of Act No 477/2001, as amended as of the effective date of this Act, in relation to an establishment whose sales area does not exceed 100 m², from 1 July 2026.
3. The final seller of selected single-use packaging whose economic activity is listed in Annex 8 to Act No 477/2001, as amended from the date of entry into force of this Act, shall fulfil the obligations pursuant to § 29d(1)(d) and (f) of Act No 477/2001, as amended as of 1 January 2026, in relation to an establishment whose sales area does not exceed 100 m², from 1 July 2026.
4. The operator is obliged to deliver the first report on the operator’s activities pursuant to § 29j(1)(n) of Act No 477/2001, as amended as of 1 January 2026, to the Ministry of the Environment for the year 2026.
5. For an infraction pursuant to § 45a(1)(d) of Act No 477/2001, as amended as of 1 January 2026, committed in 2026 or 2027, a fine may be imposed up to an amount to be determined as the product of the weight of the waste from selected returnable single-use packaging, expressed in tonnes, needed to achieve the established minimum level of take-back of waste from selected returnable single-use packaging, and the sum of 50,000 CZK.
6. § 48 of Act No 477/2001, as amended as of the effective date of this Act, shall apply for the first time to the reporting of data from the records of an authorised company for 2025.

PART TWO

Amendment of the Act on Consumer Protection

Article III

In §18(2) of Act No 634/1992 on consumer protection, as amended by Act No 145/2000 and Act No 477/2001, the words '30 calendar days' are replaced by the words '3 months'.

PART THREE

Amendment to the Waste Act

Article IV

Act No 541/2020 on waste, as amended by Act No 261/2021, Act No 284/2021 and Act No 149/2023 is amended as follows:

1. In § 59(2), the words 'and metals' are replaced by 'metals, paper, and composite and beverage cartons'.
2. In § 59(3), '60' is replaced by '59', '65' is replaced by '64' and '70' is replaced by '69'.

PART FOUR

NOTIFICATION OF A TECHNICAL REGULATION

Article V

This Act was notified in accordance with 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.

PART FIVE

EFFECTIVE DATE

Article VI

This Act shall enter into force on the first day of the calendar month following the day of its promulgation, with the exception of the provisions of

- a) points 45, 46, 54, 55, 56, 61, 64, 68, and 73 of Article I, which shall take effect on 1 January 2026, a

points 17, 62 and 69 of Article I, which shall take effect on 1 January 2030.

