

I. GENERAL PROVISIONS

MINISTRY FOR THE ECOLOGICAL TRANSITION AND THE DEMOGRAPHIC CHALLENGE

22690 *Royal Decree 1055/2022 of 27 December on packaging and packaging waste.*

I

In order to fulfil the commitment made in the Fifth Community Action Programme on Environment and Sustainable Development, the European Union adopted Directive 94/62/EC of the European Parliament and of the Council of 20 December on packaging and packaging waste.

The aim of this directive was to harmonise the rules on the management of packaging and packaging waste in the different Member States, with the aim of preventing or reducing their impact on the environment and avoiding trade barriers on the European Union market. The Directive includes, within its scope, all packaging placed on the Community market and ranks the various waste management options, taking as priority measures aimed at avoiding their generation, followed by those which encourage their reuse, recycling or recovery in order to prevent or reduce the disposal of such waste.

It also set recycling and recovery targets to be met by the Member States within five years of the transposition of the legislation and imposed an obligation to establish measures open to the participation of all the social and economic sectors concerned, for the return, collection and recovery of waste of packaging and used packaging, in order to target the most appropriate management alternatives.

These recycling and recovery targets should be updated within five years from the date on which the Directive should have been transposed into the national legislation of the Member States, and reviewed every five years thereafter.

Subsequently, Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste introduces certain criteria for clarifying the concept of packaging, incorporates an annex with illustrative examples of packaging and sets new and more stringent recovery and recycling targets, both to reduce the environmental impact of packaging waste and to make the internal market for the recycling of packaging more coherent. Subsequently, for reasons of legal certainty and harmonisation of the interpretation of the definition of packaging, it was necessary to revise and amend the list of illustrative examples, which was done through Commission Directive 2013/2/EU of 7 February 2013 amending Annex I to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste.

Law 11/1997 of 24 April on packaging and packaging waste transposed into Spanish law Directive 94/62/EC of the European Parliament and of the Council of 20 December and established the legal regime applicable to packaging and packaging waste which has been in force for more than twenty years. Although the aforementioned law incorporated the substantive rules of the community provision, it left for a later regulatory development those others that due to their more contingent or adjective nature should not be subject to reservation of law.

Consequently, Royal Decree 782/1998 of 30 April approving the Regulation for the development and implementation of Law 11/1997 of 24 April was adopted, which also transposes into Spanish law Decision 97/129/EC of 28 January on the identification system for packaging materials and Decision 97/138/EC of 3 February establishing the models for the system of databases for the provision of information on packaging and packaging waste.

The adoption of Law 11/1997 of 24 April entailed the implementation, for the first time in Spain, of the extended producer responsibility scheme, so that it is the producers of the

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products who create the waste through their waste who must assume responsibility for their management. In that regard, the law provided that packagers and retailers of packaged products could choose to introduce a deposit, refund and return system, or alternatively to participate in an integrated packaging waste management system.

Under the deposit, refund and return system, the various agents involved in the marketing chain of a packaged product (packers, importers, wholesalers and retailers) were required to charge their customers, and even the final consumer, a sum for each packaged product that is the subject of a transaction and to return the same sum of money for the return of the empty packaging. However, the rule itself empowered those operators to exempt themselves from the obligations arising from that deposit system when they participated in an integrated waste management system for packaging waste and used packaging to ensure that they were regularly collected and that the recycling and recovery targets set were met. This second option has been the most chosen by packers to comply with the obligations imposed by law.

However, this model was only applicable to the management of household packaging since, according to the first additional provision of the law, commercial and industrial packaging was excluded from the scope of application of the deposit, refund or return system or participation in an integrated management system, unless those responsible for placing them on the market decided to submit to them voluntarily or their application was regulated due to the fact that the composition of the packaging or of the product they contained presented hazardous or toxic characteristics that compromised the recycling, recovery or disposal of the different residual fractions constituting the waste or posed a risk to human health or the environment.

In accordance with this authorisation, Royal Decree 1416/2001 of 14 December on packaging of phytosanitary products made it compulsory to place phytosanitary products on the market through the deposit, refund and return system or, alternatively, through an integrated management system for waste packaging and used packaging, in order to ensure the environmentally sound management of waste generated after consumption.

Subsequently, Law 9/2006 of 28 April on the assessment of the effects of certain plans and programmes on the environment amended the definition of packaging in Law 11/1997 of 24 April in order to incorporate the criteria of Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004, and the new Community targets for the recycling and recovery of packaging waste adopted in 2004 were incorporated into our legal system by Royal Decree 252/2006 of 3 March revising the recycling and recovery targets established in Law 11/1997 of 24 April on packaging and packaging waste, and amending the Regulation for its implementation, approved by Royal Decree 782/1998 of 30 April, in accordance with the authorisation contained in the second final provision of the Law, which authorised the Government to adopt the necessary provisions to adapt them to the amendments introduced by Community legislation.

With the adoption of Law 22/2011 of 28 July on waste and contaminated soils and the framework regulation on extended producer responsibility included therein, Law 11/1997 of 24 April was delegatised, repealing its sanctioning regime and keeping the remaining provisions, in so far as they did not oppose the 2011 law in force with regulatory rank. However, Law 22/2011 of 28 July provided in its fourth transitional provision that the integrated waste management systems existing at their entry into force would be governed by the provisions of Law 10/1998 of 21 April on waste and the rules governing each waste stream until the rules adapting those regulatory provisions to the new framework on extended producer responsibility entered into force.

Finally, with the adoption of Law 7/2022 of 8 April on waste and contaminated soils for a circular economy, repealing Law 22/2011 of 28 July laying down the mandatory minimum requirements to be applied in the field of extended producer responsibility, transposing Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste. This law also incorporates into our legal order Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on reducing the impact of certain plastic products on the environment, which includes specific provisions for certain plastic packaging.

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Law 7/2022 of 8 April provides that the integrated waste management systems existing at their entry into force are to be governed by the rules governing each waste stream in its second transitional provision. However, these systems must be adapted to the provisions of this law within one year of the entry into force of the rules adapting the aforementioned regulatory provisions to the new extended producer responsibility framework.

II

The management model set out in Directive 94/62/EC of the European Parliament and of the Council of 20 December has necessarily been altered by two of the four European Union directives adopted under the first European Commission Circular Economy Action Plan, aimed at adapting waste legislation to the challenges of the future, helping to prevent waste generation and intensify its recycling. In particular, Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May amending Directive 2008/98/EC on waste, better known as the Waste Framework Directive, and Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste, oriented towards prevention as the most effective way to improve resource efficiency and reduce the environmental impact of resources.

Among the amendments to the Waste Framework Directive, the inclusion of a new article on the minimum requirements to be met by all extended producer responsibility schemes established in the European Union is highlighted. One of those minimum requirements is the financing by product producers of the management of waste generated by the products they place on the market, including the costs of the separate collection of such waste, its subsequent transport, as well as its treatment in order to achieve the European Union's management objectives and other objectives and targets that could be set, taking into account the revenue derived, where appropriate, from the re-use, the sales of secondary raw materials of their products and the amounts of unclaimed deposits. Until now, the integrated management systems were required to compensate local authorities only for the difference between the cost of the ordinary system of collection, transport and treatment of waste in controlled landfill, in accordance with the then-in force Law 42/1975 of 19 November on municipal waste and solid waste, and the management system regulated by Law 11/1997 of 24 April, which included separate collection, transport to the centres of separation and sorting or, where appropriate, directly to those of recycling or recovery, including the amount of depreciation and the financial burden of the investment necessary for mobile equipment and infrastructure.

Another amendment introduced for the fulfilment of extended producer responsibility obligations collectively is that producers' financial contributions take into account modulation with circular economy criteria, i.e. that such contributions should be modulated, as far as possible, for each product or group of similar products, in particular taking into account their durability, repair capacity, reuse and recycling and the presence of dangerous substances, adopting a life-cycle approach of the product. Although the Regulation for the implementation of Law 11/1997 provided for the possibility for the integrated management system to modulate the amount to be financed for each packaging placed on the market, depending on the type of material, depending on certain characteristics such as the use of superfluous or higher-weight packaging, the use of luxury or design packaging, or primary packaging of small dimensions, the criterion followed so far has essentially been the weight of the packaging and the material, so that modulation should be introduced taking into account the design of the packaging in relation to its subsequent management for the advancement of the circular economy.

Therefore, in view of the fact that the new requirements of the European Union legislation for extended producer responsibility schemes will increase the costs of waste management to be borne by producers, it is appropriate to update the funding from the schemes to local authorities and to establish criteria for producers' financial contributions, in the event of collective fulfilment of the obligations, to be made in accordance with circular economy criteria and not only by weight of material or weight of packaging.

Furthermore, Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 sets new recycling targets, which pose a challenge for both the administration and all productive sectors, particularly after the adoption by the European Union of the new calculation methodology, namely that, by 31 December 2025, at least 65% by weight of all packaging waste will have to be recycled, increasing to 70% by 31 December 2030.

This new directive not only incorporates more ambitious recycling targets, but also sets new challenges for all Member States, such as applying extended producer responsibility schemes to all packaging, which will mean the application of this economic instrument to other commercial and industrial packaging, since it has generally not been applied in our country to date, unless the product producers themselves decide voluntarily, and for packaging of phytosanitary products, pursuant to the first additional provision of Law 11/1997 of 24 April.

In addition, Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on reducing the impact of certain plastic products on the environment establishes additional extended producer responsibility requirements for certain single-use plastic packaging. Consequently, producers, in addition to paying the necessary costs for the management of packaging waste, should finance the costs of collection in public collection systems, including infrastructure and operation, and its subsequent transport and treatment; the clean-up of waste spillage, as well as the costs of awareness-raising measures to prevent and reduce waste spillage.

III

As a result of the recent regulatory changes mentioned above, it is imperative and urgent to review the extended producer responsibility schemes for packaging. The purpose of this Royal Decree is to adapt the Spanish packaging legislation to the new extended producer responsibility scheme established by the recently approved European Union legislation. It also regulates the mechanisms necessary to increase transparency and proper monitoring and control of producers' obligations both with regard to the placing on the market of products and the management of their waste. To this end, the content of the reports to be sent annually by the extended producer responsibility schemes, including but not limited to, information on the placing on the market of packaging, on the management of their waste and on the financial management of the systems, is detailed.

In order to have administrative information available to verify the information on the placing on the market of packaging through the extended producer responsibility systems and also to control fraud, a packaging section is created in the Product Producers' Register, and all producers are obliged to register and submit information on the placing on the market of packaging on an annual basis.

On the other hand, the information contained in the summary report sent annually by authorised packaging waste managers, for each facility in which they operate and for each authorised treatment operation will be used to determine and control the quantities of recycled packaging. In this way, in addition to contrasting the information provided annually by the extended producer responsibility systems, the requirements of the new calculation method approved in Commission Implementing Decision (EU) 2019/665 of 17 April 2019 amending Decision 2005/270/EC are complied with, establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, which determine that only packaging waste that actually enters into a recycling operation can be counted in the calculation of the recycling targets.

IV

This Royal Decree is structured into four titles. Title I contains the "General provisions and objectives" and is divided into three chapters. The first chapter is devoted to general provisions and includes the subject matter, definitions and scope, planning tools for packaging and packaging waste, and the economic instruments that can be applied by the

competent authorities.

As regards definitions, key concepts from Law 11/1997 of 24 April are maintained and include definitions from Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018, including 'reusable packaging' and 'composite packaging'. In addition, fundamental concepts are added in order to be able to apply the extended producer responsibility schemes defined in this Royal Decree, such as the definitions of 'industrial packaging', 'commercial packaging', 'reusable packaging service providers' and 'recyclability of packaging'.

Similarly, as a result of the high increase in distance sales and e-commerce platforms, with the fact that the packager, on many occasions, has no registered office in Spain, the definition of packager is revised and a definition of product producer is proposed for such cases. Thus, in the case of primary, secondary or tertiary packaging used in distance sales, the agent responsible for placing the products on the market shall be considered as a packager. E-commerce platforms which place on the market packaging for the marketing of products packaged by a third party shall be considered as a packager in respect of such packaging.

In addition, if, through electronic commerce platforms, packaged products from outside Spain are placed on the market and the producer has not appointed an authorised representative in Spain, that platform shall act as a producer of product for the purposes of financial and information obligations, as well as organisational, where appropriate, regulated by this Royal Decree, in respect of such packaging where the packagers of the product at source have not appointed an authorised representative in Spain.

Chapter II regulates the prevention and reuse of packaging, strengthening the application of the waste hierarchy principle. The focus is on prevention, as the most appropriate way to improve resource efficiency and reduce the environmental impact of packaging waste.

Up until now, the reduction of generated packaging waste has been intimately connected in the first place with the reduction in the weight of packaging and once reduced, to the decline in demand for packaged products both at home and in the commercial and industrial activity itself, associated with the cycles of contraction of the economy, but not to a real change in the way resources are consumed. Therefore, alternatives to this linear economic model should be sought so that economic growth can be decoupled from the consumption of finite resources and thus reduces the amount and impact of packaging waste on the environment.

The objectives and prevention measures included in this Royal Decree promote the development and research of new packaging designs or manufacturing processes that minimise the production of packaging waste as a tool for the continuous improvement of sustainability and the prevention or reduction of packaging.

Similarly, this Royal Decree sets out prevention objectives, both to reduce the weight of packaging waste generated, and to reduce the number of single-use plastic beverage bottles placed on the market, the latter being a guiding objective, and to ensure that all packaging placed on the market is recyclable by 2030 and, whenever possible, reusable. Similarly, it is intended to move towards the end of the marketing of single-use plastic packaging covered by Annex IV, Part A, to Law 7/2022 of 8 April.

Furthermore, in order to strengthen the re-use of packaging in all areas, as mandated by Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018, reuse targets are incorporated both in the hospitality and catering sector (HORECA channel), where this type of packaging has been used through delivery systems, albeit with a downward trend, as in the domestic channel, where up to now they have not been applied generally. These objectives are set for both beverage packaging and other household packaging, but also extend to commercial and industrial packaging. These objectives must be achieved at State level, and the necessary measures must be taken by producers to contribute to their fulfilment.

Prevention and reuse objectives are complemented by measures to foster and promote

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alternatives to current models, so as to reduce the quantity and impact of packaging waste on the environment. This aims to give a boost to deepen the first option of the waste hierarchy, where prevention, including reuse, is truly essential to advance the implementation of the circular economy.

In this line, and in order to advance high-quality recycling of packaging waste and the use of quality secondary raw materials in the manufacture of new packaging, Chapter III sets out the recycling targets emanating from Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 and complemented by minimum separate collection targets under extended producer responsibility for Title II domestic, commercial and industrial packaging. The aim is not only to increase the recovery of the materials contained in packaging waste, but also to improve the quality of the recovered materials in order to safely reintroduce them into the production cycle, including that associated with packaging.

In addition, this Royal Decree seeks to minimise the dumping and incineration of packaging waste, maximising its recovery from the remaining fraction and other fractions of mixed waste, provided that it is technically, economically and environmentally viable.

Title II develops the extended producer responsibility scheme for packaging, adapting it to the new requirements of European Union legislation. The title is divided into four chapters, the first of which is dedicated to 'Packaging design and marking obligations', which introduces new features such as indicating the reusable condition of the packaging, the fraction or container in which the packaging must be deposited once it becomes waste, or when applicable, the symbol associated with the deposit, return and refund system, among others.

In addition, and in order to help consumers make informed decisions regarding the recyclability of packaging, it is regulated that packaging may be marked with the percentage of packaging material available for quality recycling, provided that this information has been obtained through an auditable and certifiable assessment, which must be reviewed at least every five years.

Similarly, packaging may be marked indicating the percentage of recycled material they contain. This information must be certified by a body accredited to issue certification by the National Accreditation Body or by the national accreditation body of any other Member State of the European Union, or in the case of products manufactured outside the European Union, any other accreditor with which the National Accreditation Body (hereinafter ENAC) has an international recognition agreement.

Chapter II contains the 'Obligations to provide information on the placing on the market of packaging', creating the packaging section in the Register of Product Producers, and all packers are obliged to register and submit information on the placing on the market of packaging annual.

Chapter III is dedicated to the 'Extended Producer Responsibility Regime', and is divided into five sections. The first section contains the general responsibilities of the producer which must be complied with individually or through the constitution of the corresponding extended producer responsibility systems depending on each individual case.

The second section includes the provisions related to the constitution and operation of the individual and collective extended producer responsibility systems, the general obligations to which these systems are subject, as well as those specific obligations for collective systems.

It also defines the financial contributions of producers to extended producer responsibility schemes in compliance with the new requirements of the European Union's relevant legislation, so that they are liable for the total cost of managing the packaging waste generated, such as the costs of separate collection and its subsequent transport and treatment; the costs of informing the user or final holder of packaging waste, the costs of running campaigns which raise awareness and share information or any other measure to incentivise delivery in existing separate collection systems; or the costs of data collection and communication. The costs, of which those associated with the management of packaging waste are liable, remain present in the remaining fraction or other fractions of mixed waste has also been included, although these costs will differ according to the degree

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of compliance with the set separate collection targets.

In case of collective fulfilment of the obligations, possible criteria are established to modulate the financial contributions of producers for each category of similar packaging, taking into account the typology and quantity of material used in their manufacture, their durability, which can be repaired, reused or recycled, their superfluity, the quantity of recycled materials they contain, the presence of dangerous substances or other factors affecting ease of re-use, recycling of packaging waste or the incorporation of recycled materials, among others. Collective schemes may develop in-depth modulation of financial contributions in a transparent and non-discriminatory manner however, taking a life-cycle approach to packaging, which takes such or similar criteria into account. This includes the provision to analyse the effects of modulation within four years, and the criteria established may be revised accordingly and made binding.

The financial contribution paid by the producer shall not exceed the costs necessary to ensure that the provision of waste management services is cost-effective and shall be determined in a transparent manner between the operators concerned, taking into account the costs incurred by public and private bodies involved in the management of packaging waste. In the case of collective schemes, they must provide compensation mechanisms to repay the excess income received annually, or duly justify the need to use these resources in the year following the compliance period.

The second section also contains provisions on the financial guarantee that extended producer responsibility systems must subscribe to in order to ensure the financing of the management of packaging waste, so that the minimum objectives of the extended producer responsibility system are met in situations of insolvency of both the producers and the extended producer responsibility system itself, of non-compliance with the conditions of the authorization or communication, or of dissolution of the extended producer responsibility system.

The specifications of the extended producer responsibility regime for domestic, commercial and industrial packaging are developed in the third, fourth and fifth sections respectively. Thus, the extended producer responsibility regime is applied not only to household packaging, but also to other commercial and industrial packaging, to which it has not been applied to date in Spain. This fulfils the obligation of Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 to establish extended producer responsibility schemes for all packaging by 2025.

Within the framework of extended producer responsibility and for each category of packaging (household, industrial or commercial), the obligations of all actors involved in the proper management of their waste are defined with a view to achieving the objectives set out in this Royal Decree, while setting specific objectives for certain operators. In particular, it is essential to define the roles and responsibilities of each individual in the recycling value chain in order to ensure high quality recycling which is then extended to other areas such as the prevention and reuse of packaging.

Similarly, the management operations of used packaging and packaging waste to be financed by extended producer responsibility systems are defined for each category of packaging (household, industrial or commercial).

Chapter IV contains the provisions on the 'deposit, refund and return system' for reusable packaging, certain single-use beverage containers for mineral and spring waters, juices, nectars, mixture of freshly squeezed fruit and vegetables, concentrates for dissolution, soft, energy, isotonic and alcoholic beverages, as well as for packaging for which producers decide voluntarily to avail themselves of this system, through the establishment of the corresponding individual or collective systems of extended producer responsibility. Specific provisions are introduced for reusable commercial and industrial packaging in which the manufacturer of the packaging or the packager themselves retains ownership of such packaging.

This collection system ensures the return of reusable containers for new rotations, being refilled or reused for the same purpose for which they were originally designed. It also guarantees a high rate of separate collection of single-use containers, minimizing their contamination by other waste and helping to reduce the abandonment of scattered waste,

making this system necessary to achieve the separate collection targets for single-use plastic beverage bottle waste referred to in section E of Annex IV of Law 7/2022, of 8 April, established in Article 59.1 of the law. Thus, in 2023 this target is 70% by weight of all single-use bottles placed on the market, 77% in 2025, 85% in 2027 and 90% in 2029.

Title III contains the 'Information obligations' of both natural or legal persons authorised to carry out professional collection and treatment of packaging waste, and of the Autonomous Communities themselves, which must keep up-to-date information on the management of packaging waste in their area of competence. This information shall include the quantification and periodic characterisation of incoming and outgoing packaging waste, and the specific destinations for recovery or disposal of outgoing packaging waste, for each of the infrastructures available in the Autonomous Community.

In the case of packaging waste falling within the competence of local authorities or managed in the waste circuit of local competence, the latter must send annually to the Autonomous Community a report on the management of this packaging waste.

This title also implements the obligations of public administrations to inform users, the general public and NGOs, other administrations and the European Commission.

Consumer information is a key element for the successful management of packaging waste. Therefore, the consumer should know how to prevent the generation of waste and how, if generated, they should deliver used packaging and packaging waste depending on the different types of containers, supply points, or clean points, depending on the management model of each local entity. To this end, public administrations will promote information, awareness-raising and training campaigns aimed at the initial producers of packaging waste, with a view to achieving the objectives of prevention, reuse and recycling contained in this Royal Decree.

The last article of this title is dedicated to the coordination and exchange of information on packaging and packaging waste through the Coordinating Committee on Waste, its Packaging Working Group and expert groups related to the management of packaging waste in different administrative areas. The Packaging Working Group, in addition to being an instrument for complying with the information obligations laid down in this Royal Decree, makes it possible to promote and monitor the proper management of packaging waste at the State level, to generate reliable and valid information for the competent authorities, and to apply extended producer responsibility for packaging in a homogeneous manner throughout the State.

Finally, Title IV regulates the 'Control, supervision and sanctioning regime' applicable to the management of packaging waste, including measures to monitor and inspect the correct application of this Royal Decree by the competent authorities.

The article is complemented by three additional provisions, the first concerning the management of packaging of medicinal products, the second on the application of the extended producer responsibility regime to single-use plastic cups for beverages, including their lids and caps, which do not meet the definition of packaging, and the third on the application of the extended producer responsibility regime to diffusers and traps for capture and monitoring using insecticides, pheromones and other products for pest control in the agroforestry field.

It also contains six transitional provisions concerning: the recycling and recovery targets valid until 2025; the information obligations of product producers for the years 2021 and 2022; adaptation to the new extended producer responsibility regime; the regulation of financial guarantees; the transitional scheme for penalties on the modulation of the financial contribution of producers; and the transitional scheme regarding the bulk sales area.

Finally, it contains a single repealing provision which repeals all the regulations in force to date on the subject of packaging and packaging waste, and five final provisions: the first amending Royal Decree 1378/1999, of 27 August, establishing measures for the elimination and management of polychlorinated biphenyls, polychlorinated terphenyls and equipment in which they are found; the second on the applicable jurisdiction; the third on the incorporation of European Union law; the fourth on the authorisation to pass legislation; and the fifth on the effective date. This Royal Decree also has twelve Annexes that develop a certain part of the Articles.

V

This Royal Decree is part of reform C12.R2 of the Spanish Recovery, Transformation and Resilience Plan, relating to 'Waste policy and boosting the circular economy', specifically milestone 178, which includes the approval of the Spanish Circular Economy Strategy: Spain Circular 2030, accompanied by a regulatory package in the field of waste, whose principle objective was the adoption of the new law on contaminated waste and soils for a circular economy, and among others, a new Royal Decree on packaging and packaging waste. Therefore, this Royal Decree and the actions resulting from it will respect the principle of not causing significant harm to the environment (Do No Significant Harm –DNSH–) and its implementing regulations.

This rule is in line with the principles of good regulation of Article 129 of Law 39/2015 of 1 October on the Common Administrative Procedure for Public Administrations, and in particular those of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency. Its necessity is determined by the obligatory incorporation into our legal system of the European Union's provisions on packaging and packaging waste.

This Regulation complies with the principle of effectiveness and proportionality, since, although the Regulation establishes, in some cases, objectives and measures that are more ambitious than the current European Union legislation, it provides a concrete response to the growing concern regarding the high consumption of packaging in recent years, to the low rates of reuse and to the need to increase recycling further, so that progress towards a circular economy can be made. These objectives and measures are also consistent with the European Commission's new legislative proposals in this area, and when established at the level of the whole territory, a basic common functioning is guaranteed throughout the State with the ultimate aim of preventing and reducing the impact on the environment of packaging throughout its life cycle.

The power to carry out this regulatory development is contained in the fourth final provision of Law 7/2022 of 8 April which empowers the Government to issue, within the scope of its powers, the regulatory provisions necessary for the development and application of this law and, in particular, to establish rules for the different types of products in relation to the waste they generate, to develop regulatory extended producer responsibility, and to lay down rules for waste, which will establish special provisions relating to its production and management.

By virtue of the principle of legal certainty and efficiency, this Royal Decree incorporates in a single regulation the various provisions in this field to date. Some of these rules even precede the adoption of Law 11/1997 of 24 April itself, such as the orders on mandatory guarantees of packaging in sales of beer and soft drinks; and bottled beverage waters, dated 1976 and 1979 respectively. Consequently, this Royal Decree repeals all existing rules in this area, so that all provisions are contained in a single legal text.

In relation to the principle of efficiency, this Regulation aims to rationalise the management of public resources; by not imposing unnecessary or ancillary administrative burdens on citizens and businesses.

In accordance with the principle of transparency, prior to the drafting of the text of this Royal Decree, the prior public consultation provided for in Article 133 of Law 39/2015 of 1 October in conjunction with Article 26(2) of Law 50/1997 of 27 November of the Government has been substantiated through the web portal of the Ministry for the Ecological Transition and the Demographic Challenge.

In the drafting of this Royal Decree, the economic and social actors, the Autonomous Communities and the cities of Ceuta and Melilla, the local authorities and the most representative sectors potentially affected have been consulted. In addition, the project has been submitted to the Waste Coordination Committee, submitted to the Environmental Advisory Council, and to the procedure for public participation, in accordance with the provisions of Law 27/2006 of 18 July regulating the rights of access to information, public participation and access to justice in environmental matters and with the provisions of Law 50/1997 of 27 November.

Among the reports collected during the processing of the draft legislation, the following stand out: the jurisdiction report issued by the Ministry of Territorial Policy, the report of the National Commission for Markets and Competition, the report of the Ministry of Finance and Civil Service, and the opinion of the Council of State.

In addition, in accordance with Article 129(5) of Law 39/2015, simple, universal and up-to-date access to the regulations in force and to the documents specific to the drafting process has been made possible; the objectives of the regulatory initiative have been clearly defined; and it has been made possible for potential addressees to be actively involved in the drafting of this Regulation.

Finally, this Royal Decree, which, pursuant to Article 25 of Law 50/1997 of 27 November on the Government, is included in the Annual Regulatory Plan of 2022, has been previously notified to the European Commission, in accordance with Article 16 of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994, through 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, as well as the provisions of Royal Decree 1337/1999 of 31 July governing the transmission of information in the field of technical standards and regulations and regulations relating to information society services.

This Royal Decree is issued pursuant to Articles 149(1)(13) and (23) of the Spanish Constitution, which confer on the State competence on the basis and coordination of the general planning of economic activity, as well as the basic legislation on environmental protection, respectively.

By virtue thereof, at the proposal of the Minister for the Ecological Transition and the Demographic Challenge, with the prior approval of the Minister of Finance and Civil Service, in agreement with the Council of State, and after deliberation of the Council of Ministers at its meeting on 27 December 2022,

THE FOLLOWING IS DECREED:

TITLE I

General provisions and objectives

CHAPTER I

General provisions

Article 1. *Object and purpose.*

1. The purpose of this Royal Decree is to establish the legal regime applicable to packaging and packaging waste with the aim of preventing and reducing its impact on the environment throughout its life cycle.
2. To this end, measures aimed, as a first priority, at the prevention of the production of packaging waste and, on the basis of other fundamental principles, at the reuse of packaging, recycling and other forms of recovery of packaging waste and, therefore, at the reduction of the final disposal of packaging waste, including the presence of packaging waste in litter, are established, with the aim of contributing to the transition to a circular economy.

Article 2. *Definitions.*

For the purposes of this Royal Decree, the following definitions shall apply:

a) Economic operators:

Manufacturers and importers, or purchasers in other Member States of the European Union, of raw materials for the manufacture of packaging.

The package manufacturers, processing companies, and packaging traders or distributors.

Packagers, importers or purchasers in other EU Member States of packaged products, and traders or distributors of packaged products.

Packaging waste managers.

Consumers and users.

The public administrations indicated in Article 2(3) of Law 40/2015 of 1 October on the Legal Regime of the Public Sector.

b) Placing on the market: any supply, whether paid or free of charge, of a product for distribution, consumption or use on the Spanish market in the course of a commercial activity.

c) Traders or distributors: economic operators engaged in the distribution, wholesale or retail, of packaging or packaged products.

Within the concept of traders, there is a distinction between:

1 .º Traders or distributors of packaging: those who make transactions with empty packaging.

2 .º Traders or distributors of packaged products: those placing packaged goods on the market, at any of the marketing stages of the products.

d) Eco-design: packaging design taking into account environmental criteria such as, reduction in weight or volume, replacement of hazardous materials or substances with less hazardous ones, improvement of their characteristics for re-use, increased recyclability of packaging when converted to waste, and greater or better use of materials obtained from the recycling of packaging waste.

e) Packets: economic operators engaged in product packaging for placing on the market.

In the case of service packaging, the holder of the trade who supplies or delivers such packaging to the consumer or end-user shall be considered a packager.

In the case of packaging used in remote sales, the shop owner shall be regarded as the packer in respect of such packaging.

f) Package: any product made of materials of any kind and used to contain, protect, handle, distribute and present goods, from raw materials to finished articles, at any stage of the manufacturing, distribution and consumption chain. All disposable articles used for the same purpose shall also be considered as packaging.

This concept includes sales or primary packaging, collective or secondary packaging and transport or tertiary packaging.

Articles shall be considered to be packaging if they meet the above definition without prejudice to other functions which the packaging may also perform, unless the article forms an integral part of a product and is necessary to contain, support or preserve that product throughout its life, and all elements of the article are intended to be used, consumed or disposed of together.

Packaging shall also be deemed to be goods designed and intended to be filled at the point of sale and disposable items sold full or designed and intended for filling at the point of sale, provided that they perform the packaging function.

The components of the packaging and the auxiliary elements included therein shall be considered as part of the packaging to which they are attached; auxiliary elements directly hung on or attached to the product and which perform the function of packaging shall be considered as packaging, unless they form an integral part of the product and all the elements are intended to be consumed or disposed of together.

Illustrative examples of the interpretation of the definition of packaging are the items

listed in Annex I.

g) Collective packaging or secondary packaging: Any packaging designed to constitute at the point of sale a grouping of a certain number of sales units, whether it is to be sold as such to the end user or consumer, or if it is used solely as a means of resupplying the shelves in that point, and may be separated from the product without affecting the characteristics of the product.

h) Commercial packaging: packaging which, without being regarded as household packaging, is intended for the use and own consumption of wholesale and retail commercial activities, catering services and bars, offices and markets, as well as the rest of the services sector.

i) Composite packaging: packaging made of two or more layers of different materials which cannot be separated by hand and form a single integral unit consisting of an inner container and an outer casing, which is filled, stored, transported and empty as such.

j) Service packaging: packagings designed and intended to be filled at the point of sale and disposable items designed and intended for filling at the point of sale to supply the product, or to allow or facilitate its direct consumption or use, such as bags provided to consumers for the transport of the goods or as primary packaging for bulk food, trays, plates, glasses, etc.

k) Transport packaging or tertiary packaging: Any packaging designed to facilitate the handling and transport of one or several sales units or one or several collective packaging in order to prevent physical handling and inherent damage in transport.

Inter-modal or multi-modal containers for land, naval, rail and air transport are excluded from this concept, in accordance with the definitions laid down in the International Convention on the Safety of Containers of 2 December 1972.

l) Sales packaging or primary packaging: Any packaging designed to constitute at the point of sale a sales unit intended for the consumer or end user, whether it covers the product in whole or only in part, but in such a way that the contents cannot be altered without opening or modifying the packaging.

m) Household packaging: packaging of products intended for use or consumption by individuals, irrespective of primary, secondary or tertiary character, provided that such packaging is likely to be purchased by the consumer in shops, irrespective of the place of sale or consumption.

n) Industrial packaging: packaging intended for the own use and consumption of the economic activity of industries, farms, livestock, forestry or aquaculture, excluding packaging considered as commercial and household packaging.

ñ) Reusable packaging: any packaging that has been conceived, designed and marketed to perform multiple circuits or rotations throughout its life cycle, being refilled or reused for the same purpose for which it was conceived.

o) Superfluous packaging: any packaging of which the weight or volume exceeds, in an excessive proportion, that of the minimum or reference packaging appropriate to provide the necessary levels of safety, hygiene and acceptance for the packaged product and the consumer. In the criteria for determining the reference packaging and when a packaging is superfluous, account shall be taken, inter alia, of the following factors: minimum size or weight packaging, average size or weight, standard UNE-EN 13428:2005 'Packaging. Specific requirements for manufacturing and composition. Prevention by reduction at origin', relating to specific requirements for the manufacture and composition of packaging, as well as other harmonised national or European standards which may be laid down for that purpose.

p) Packaging manufacturers: operators engaged in both the manufacture of packaging and the importation or acquisition in other Member States of the European Union of empty packaging already manufactured.

q) Remaining fraction: flow corresponding to mixed household waste, after separation at source of separately collected waste fractions.

r) Introduction or placing on the market: the first professional marketing of a product in Spain.

s) Reusable packaging service providers: economic operators who own reusable

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packaging that lease reusable packaging for use by product producers.

t) Product Producer: packers or operators engaged in import or acquisition in other Member States of the European Union of products packaged to be sold on the market.

Where, in the case of products packaged on the market by means of distribution marks, the producer of the product is not identified, the holder of the distribution mark established in Spain under which the product is marketed shall be exercised as such.

Similarly, in the case of products packaged on behalf of a third party acting as responsible for placing them on the market, the latter will act as a producer of the product.

When products packaged from outside Spain are placed on the market via e-commerce platforms and the producer has not appointed an authorised representative in accordance with Article 17.2, the producer shall act, in the alternative, as a producer of the product for the purposes of financial and information obligations, as well as organisational, where appropriate, regulated by this Royal Decree, in respect of such packaging.

u) Recyclability of packaging: effective recycling capacity of packaging waste, which is determined on the basis of the following criteria:

1 .º It is collected separately efficiently, through access by users to nearby collection points;

2 .º It does not exhibit characteristics, elements or substances that prevent its sorting and separation, its recycling or limit the subsequent use of the recycled material;

3 .º It is recycled on an industrial scale with commercial processes ensuring sufficient quality of the recycled material for subsequent uses, and in a quantity of more than 50% of the mass of waste collected from that type of packaging.

v) Packaging waste: any packaging or material which has been part of a package, the holder of which disposes of or intends or is required to dispose of under the provisions in force, except for production waste generated in the packaging manufacturing processes.

w) Remote selling: Sale concluded directly to households or other users other than private households by means of distance contracts, understood as contracts under an organised system for the sale or provision of distance services, without the simultaneous physical presence of the parties to the contract, and in which only one or more distance communication techniques, such as postal mail, internet, telephone or fax, have been used until the conclusion of the contract and at the conclusion of the contract itself.

Terminology definitions: 'waste', 'waste management', 'collection', 'separate collection', 'prevention', 're-use', 'preparation for reuse', 'treatment', 'recovery', 'recycling', 'disposal', 'extended producer responsibility' and 'litter' shall be those laid down in Article 2 of Law 7/2022 of 8 April on waste and contaminated soils for a circular economy. Similarly, it is established for any other term not defined in this Royal Decree and which is contained in the definitions of that law.

For the purposes of this Royal Decree, retail trade is defined in Article 1(2) of Law 7/1996 of 15 January on the Management of Retail Trade.

Article 3. Scope.

All packaging placed on the market and packaging waste generated in the territory of the State, regardless of whether they are used or produced in industry, commerce, offices, commercial establishments, services, homes, or any other site, irrespective of the materials used, remain within the scope of this Royal Decree.

The provisions of this Royal Decree shall apply without prejudice to special provisions such as those concerning safety, health protection and hygiene of packaged products, medicines, transport requirements and hazardous waste, among others.

Article 4. Packaging and Packaging Waste Planning Instruments.

1. The State Waste Prevention Programme and the State Waste Management Framework Plan will incorporate a specific chapter on packaging and packaging waste, the contents of which will be established in accordance with the provisions of Articles 14 and 15 of Law 7/2022 of 8 April.

2. In line with the above instruments, the plans and programmes for the prevention and management of waste of the Autonomous Communities and, where appropriate, the local authorities, in accordance with the provisions of the legislation of the respective Autonomous Communities, must also contain a specific chapter on packaging and packaging waste, the content of which shall be established in accordance with the provisions of Articles 14 and 15 of Law 7/2022 of 8 April.

Article 5. *Economic instruments.*

The competent authorities shall make use of economic instruments, including fiscal instruments, and other measures such as those provided for in Annex V of Law 7/2022 of 8 April, in order to provide incentives for the application of the waste hierarchy and the fulfilment of the objectives set out in this Royal Decree.

CHAPTER II

Prevention and reuse of packaging

Article 6. *Prevention objectives.*

1. In order to reduce the amount and impact of packaging waste on the environment, progress shall be made towards the following prevention objectives:

- a) Achieve a reduction in the weight of packaging waste produced by 13% in 2025 and 15% by 2030 compared to that generated in 2010.
- b) Make all packaging placed on the market recyclable by 2030, and whenever possible, reusable.

2. Through the measures set out in this Royal Decree and others that may be adopted, the aim will be to achieve a 20% reduction in the number of single-use plastic beverage bottles placed on the market by 2030 compared to the information included in the packaging section of the Register of Product Producers for the year 2022.

Similarly, progress will be made progressively towards the end of the marketing of single-use plastic packaging covered by Part A of Annex IV to Law 7/2022 of 8 April.

Article 7. *Prevention measures.*

1. In order to achieve the objectives set out in the preceding Article, public administrations within their respective fields of competence, after consulting economic operators, shall take appropriate measures concerning the design, manufacturing process, distribution, marketing and consumption of packaging.

The competent authorities shall also take measures to at least:

- a) Encourage the consumption of drinking water in its premises and other public spaces, through the use of sources under conditions that guarantee hygiene and food safety or the use of reusable packaging, inter alia, without prejudice to the possibility of placing on the market in single-use packaging in health facilities.
- b) Avoid the use of superfluous packaging. To this end, public administrations may propose and conclude voluntary agreements with economic operators, including concrete measures to reduce the use of superfluous packaging.

2. The prevention measures taken shall respect the requirements of Article 12(1), and shall be proportionate to the desired result and non-discriminatory.

They must also comply with European Union law and be designed and implemented in such a way as not to impede trade, free competition or the single market.

3. The design and assessment of possible prevention measures, in particular to estimate their proportionality and viability throughout the life-cycle of the packaging, shall promote life-cycle studies and analyses, economic cost/environmental benefit analyses and other similar tools. These analyses shall be carried out taking into account the type and material of the packaging and the product contained.

4. Food retailers will adopt the necessary measures to:

1) Present in bulk the fresh fruit and vegetables that are sold whole. This obligation does not apply to fruit and vegetables packaged in batches of 1.5 kilograms or more, nor to fruit and vegetables that are packaged under a protected or registered variety or bearing an indication of differentiated quality or organic farming, as well as to fruit and vegetables that present a risk of deterioration or spoilage when sold in bulk. This will be determined by order of the Ministry of Agriculture, Fisheries and Food, in coordination with the Ministry for the Ecological Transition and the Demographic Challenge and the Spanish Agency for Food Safety and Nutrition, within six months of the entry into force of this Royal Decree. Once the above list has been published, shops shall have a period of six months for adaptation in the case of fruit and vegetables not exempted.

2) Encourage the sale in bulk of food, especially in cases where the packaging does not bring any added value to the product.

To this end, food retail shops with a surface area equal to or greater than 400 square metres will allocate at least 20% of their sales area to the supply of products presented without primary packaging, including sales in bulk or in reusable packaging.

For the purposes of the provisions in this paragraph, the 'sales area' means the display and sale area exclusively intended for food products, in which the conditions for promoting sales in bulk or with reusable packaging are met, excluding all common areas for the normal operation of the establishment. For the purposes of calculating the percentage, account shall be taken of the areas in which products are offered in bulk or through use of reusable packaging, as well as the spaces necessary for their preparation, transit, presentation and weighing.

3) From 1 January 2023, inform their customers of the environmental impacts and packaging waste management obligations of the products they purchase, provided that they have a useful area for exhibition and sale to the public of 300 square metres or more. In particular, they will at least report on behalf of the establishment itself, on the following aspects:

1 .º Obligations of the consumer with regard to the return of reusable packaging and the separation of packaging waste into the various containers or collection points established, in accordance with the management method laid down in this Royal Decree.

2 .º Promotion of reusable bags, and optimisation of the use of single-use bags, to reduce unnecessary consumption of this packaging.

3 .º Information on the availability in the shop of reusable packaging as well as the possibility of the consumer's use of reusable containers in accordance with Article 9(3).

These obligations shall also apply to e-commerce platforms and retailers that make distance sales, which must display the medium used for the sale.

5. Establishments in the hotel and catering sector will always be obliged to offer consumers, customers or users of their services the possibility of consuming unpackaged water free of charge and complementary to the offer of the establishment itself, as provided for in Article 18(3) of Law 7/2022 of 8 April.

6. From 1 July 2023, the promoters of festive, cultural or sporting events, both those supported by public administrations in sponsorship, organisation or any other way and those organised by the private sector, shall implement alternatives to the sale and distribution of beverages in single-use containers and cups, as well as guaranteeing access to unpackaged drinking water.

In the event that sponsors opt for the distribution of beverages in reusable cups, they

shall comply with the requirements of the harmonised European standard UNE- EN 13429:2005 'Packaging - Reuse'. If the sponsor charges a deposit for each reusable cup in order to guarantee its recovery, they must put in place the necessary mechanisms to guarantee the return of the deposit once the cup is returned by the consumer.

Article 8. *Recycling targets.*

1. In line with the principle of the waste hierarchy, in order to encourage an increase in the proportion of reusable packaging placed on the market and of packaging reuse systems in an environmentally sound manner, respecting the requirements of Article 12(1), progress will be made towards achieving the following reuse targets at State level:

a) For beverages placed on the market in the hospitality and catering sector (HORECA channel), expressed in hectolitres:

1 ° Packaged water: placing on the market of 30% in reusable packaging by 2025, 40% by 2030 and 50% by 2035.

2 ° Beer: placing on the market of 80% in reusable packaging by 2025, 85% by 2030 and 90% by 2035.

3 ° Soft drinks: placing on the market of 60% in reusable packaging by 2025, 70% by 2030 and 80% by 2035.

4 ° Other: placing on the market of 20% in reusable packaging by 2025, 25% by 2030 and 30% by 2035.

b) For beverages of the categories referred to in subparagraph (a) placed on the market in the domestic channel, at least 10% of the volume placed on the market in 2030, expressed in hectolitres, shall be in reusable packaging.

c) The proportion of reusable packaging placed on the market in domestic carcass in the total packaging by weight of this category shall be 5% by 2030 and 10% by 2035.

d) The proportion of commercial packaging and reusable industrial packaging, as compared to the total packaging by weight for each of these categories, shall be 20% by 2030 and 30% by 2035.

The objectives of this paragraph may be reviewed in the light of the information available in the section of the Register of Product Producers of Article 16 so as to encourage progress in the promotion of the reuse of packaging.

2. Reusable end-of-life packaging shall be recyclable in accordance with Article 6.1.b).

3. Reusable sales packaging placed on the market for the first time and reused as part of a packaging reuse system may be accounted for in order to adjust the level of recycling targets as set out in Annex II.

Article 9. *Recycling measures.*

1. Within their respective areas of competence, public administrations may establish measures to promote the reuse of used packaging in an environmentally friendly manner, in particular economic measures, and voluntary agreements with economic operators.

Among these measures, priority will be given to initiatives for the standardisation and standardisation of packaging and the replacement of single-use packaging with reusable and reused packaging in the procurement of public procurement.

2. Measures taken to promote reuse shall respect the requirements of Article 12(1). They shall be measures that are non-discriminatory and proportionate from an environmental, technical, economic and social point of view in relation to the objectives to be achieved, and may take into account the results obtained in other countries. They must also comply with European Union law and be designed and implemented in such a way as not to impede trade, free competition or the single market.

3. All food establishments selling food and beverages in bulk must accept the use of reusable containers (bags, boxes, bottles, among others) suitable for the nature of the product purchased and properly sanitised, with consumers being responsible for their condition and cleanliness. Such containers may be rejected by the trader for the service if

they are obviously dirty or inadequate. The point of sale will inform the final consumer of the cleaning conditions and suitability of reusable containers through this manner, excusing them from liability for food safety problems that may arise from the use of containers supplied by consumers.

In addition, retailers with an area useful for exhibition and sale to the public of 300 square metres or more shall ensure the availability of reusable packaging for the final consumer, free of charge or through the collection of a price.

4. In respect of packaging of the beverages referred to in Article 8(1)(a), retail food establishments shall offer at their points of sale:

a) From 1 January 2027:

1 .º At least one beverage reference in reusable packaging, if the establishment has a commercial area of less than 120 m².

2 .º At least three beverage references in reusable packaging, if the establishment has a commercial area of 120 m² or more and less than 300 m².

b) From 1 January 2025:

1 .º At least four beverage references in reusable packaging, if the establishment has a commercial area of 300 m² or more and less than 1 000 m².

2 .º At least five beverage references in reusable packaging, if the establishment has a commercial area of 1 000 m² or more and less than 2 500 m².

3 .º At least seven beverage references in reusable packaging, if the establishment has a commercial area of 2 500 m² or more.

The number of minimum references of beverages in reusable packaging to be marketed in each segment of retail establishments may be increased by order of the Ministry for the Ecological Transition and the Demographic Challenge.

Retail establishments shall provide the return service of reusable packaging in accordance with Article 46(2).

For the purposes of this paragraph, it is irrelevant whether reusable beverage packaging is made of glass, plastic or any other material which may be re-used for re-introduction on the market.

CHAPTER III

Recycling and recovery of packaging waste

Article 10. *Recycling targets and valuation.*

1. Within the entire territory of the State, the following recycling and recovery targets must be met:

a) By 2025, a minimum of 65 % by weight of all packaging waste must be recyclable.
b) By 2025, the following minimum recycling weight targets for the specific materials listed below in packaging waste must be achieved:

- 1.º 50% of plastic.
- 2.º 25% of wood.
- 3.º 70% of ferrous metals.
- 4.º 50% of aluminium.
- 5.º 70% of glass.
- 6.º 75% of paper and cardboard.

c) By 2030, a minimum of 70 % by weight of all packaging waste must be recyclable.
d) By 2030, the following minimum recycling weight targets for the specific materials listed below in packaging waste must be achieved:

- 1.º 55% of plastic.
- 2.º 30% of wood.
- 3.º 80% of ferrous metals.
- 4.º 60% of aluminium.
- 5.º 75% of glass.
- 6.º 85% of paper and cardboard.

2. In order to minimise the dumping and incineration of packaging waste, in addition to meeting the separate collection objectives set out in this Royal Decree, the recovery of packaging waste from the remaining fraction and from other fractions of mixed waste will be maximised provided that it is technically, economically and environmentally viable, thus contributing to the achievement of the management objectives established for municipal waste and to the recycling targets of this Royal Decree.

3. Without prejudice to points (a) and (c) of paragraph 1, the Ministry for Ecological Transition and Demographic Challenge may benefit from the derogation provided for in Article 6(1a) of Directive 94/62/EC of 20 December, provided that the conditions laid down therein are fulfilled.

4. The separate collection targets for single-use plastic bottles laid down in Article 59(1) of Law 7/2022 of 8 April shall be met throughout the territory of the State in order to use the recovered materials for recycling.

The assessment of compliance with these targets shall be carried out in the manner provided for in the third paragraph of the 17th additional provision of the Law.

In order to determine compliance at State level, data on the separate collection of single-use plastic bottles reported by the Autonomous Communities and the cities of Ceuta and Melilla shall be counted, which shall be collected in accordance with the provisions of Article 49(3), and shall refer to the information on single-use plastic beverage bottles placed on the market in that year submitted by producers in accordance with Article 16. The information relating to placing on the market shall be corrected, where appropriate, with any deviations detected, as referred to in Article 29(4).

5. In order to ensure that the targets in paragraphs 1 and 4 are met, the Autonomous Communities must meet as a minimum these targets with the packaging waste generated in their territory. Packaging waste transferred from one Autonomous Community to another for treatment shall be counted in the Autonomous Community where the waste was generated.

To determine compliance at regional level, the management data obtained in accordance with Article 49.1 referring to its territorial scope shall be used and shall relate to

territorialised placing data that have been provided by the extended producer responsibility schemes in accordance with Article 21.1.h), corrected with any deviations detected. These corrections may be estimated on the basis, inter alia, of the characterisations made in that Autonomous Community, including those associated with scattered litter, following the methodology and procedures to be agreed within the framework of the Waste Coordination Committee.

6. The Ministry for Ecological Transition and Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, based on the information contained in the packaging section of the Register of Product Producers and the information submitted by the Autonomous Communities, shall calculate and publish the degree of compliance with the separate collection and recycling targets in accordance with the European Union legislation adopted in this regard and with the method set out in Annex II. This information will be published annually on the Ministry's website.

Article 11. Measures to promote the recycling of packaging waste.

1. In order to promote high-quality recycling of packaging waste and to achieve the necessary quality standards in the relevant recycling sectors, separate collection by materials of household, commercial and industrial packaging waste shall be ensured, considering at least the following fractions: paper, plastic, wood, ferrous metals, aluminum, glass and paperboard.

Joint collection of the materials referred to in Article 25(7) of Law 7/2022 of 8 April may be permitted, to which wood packaging waste may be added. Not as separate collection of packaging waste, those collected in the remaining fraction and in the inorganic fraction of the wet-dry systems, unless the latter applies the provisions of 25.6 of Law 7/2022 of 8 April.

Compostable packaging waste collected in conjunction with bio-waste in accordance with Article 28(1) of Law 7/2022 of 8 April shall be considered as separate collection.

Similarly, the separate collection of hazardous packaging waste of local competence shall be ensured, in the form and place laid down in its ordinances, before 31 December 2024.

2. With the same objective as mentioned in the previous section, the minimum quality requirements for the different fractions of materials recovered from packaging waste under local jurisdiction at packaging sorting plants and other mixed fraction treatment plants for the separation and sorting of packaging waste shall be agreed by consensus between the managers of these plants, the managers of recycling plants, the collective systems of extended producer responsibility, the Autonomous Communities and local authorities. Those minimum requirements shall apply throughout the territory of the State.

3. In order to ensure the circular use of plastic waste in packaging, each product producer shall endeavour to ensure that plastic packaging not made of compostable plastic that it places on the market has the following recycled plastic content:

- a) By 2025, packaging made of polyethylene terephthalate (PET): at least 25% recycled plastic, calculated as an average of all PET packaging placed on the market.
- b) By 2025, plastic packaging not subject to the requirement of point (a): at least 20% recycled plastic, calculated as an average of all such packaging placed on the market.
- c) By 2030, plastic packaging: at least 30% recycled plastic, calculated as an average of all plastic packaging placed on the market.

Notwithstanding the foregoing, producers must comply with the provisions of Article 57(2) and (3) of Law 7/2022 of 8 April.

4. To drive compliance with the targets of paragraph 3, by 2030 product producers shall seek to ensure that packaging made of non-compostable plastic that they place on the market achieves the following percentage of recycled plastic content per packaging:

- a) 35% for plastic bottles, jars, demijohns and similar articles of up to 5 litres capacity, including their caps and lids in the total packaging count.
- b) 15% for cans, jars, terrines, trays, baskets and other similar articles of plastics.
- c) 15% for plastic films used in primary packaging applications, including bagging,

liner, peel-off lidding, wrapping and others.

d) 30% for plastic films used in secondary or tertiary packaging applications, such as shrink wraps, coatings, sacks, bubble packaging, envelopes, among others.

e) 60% for pallets, boxes, drums and containers for wholesale storage and other similar articles of plastics.

5. In the event that the fulfilment of the targets in paragraphs 3 and 4 compromises the requirements of Article 12(1), the maximum possible recycled plastic content shall be incorporated.

6. In the context of public procurement, public administrations shall include the purchase of products in reusable and easily recyclable packaging, or in packaging made of recycled materials, the quality of which meets the required technical specifications.

7. Within their respective areas of competence, public administrations may introduce any other measures to promote the recycling of packaging waste without harming the environment, in particular those of an economic nature. These measures must be in accordance with European Union law and be designed and implemented in such a way as not to impede trade, free competition or the single market.

8. The measures referred to in the preceding paragraph shall be adopted on the basis of an analysis of their effectiveness and proportionality from an environmental, technical, economic and social point of view in relation to the objectives to be achieved and taking into account the results obtained in other countries.

TITLE II

Extended Producer Responsibility

CHAPTER I

Packaging design and marking requirements

Article 12. *Product design, safety requirements and conditions.*

1. Packaging shall be designed in such a way as to reduce its environmental impact and waste generation throughout its life cycle, both in its manufacture and in its subsequent use, and in such a way as to ensure that the recovery and disposal of packaging that has become waste takes place without endangering human health and without harming the environment, and in accordance with the waste hierarchy principle.

Similarly, the design measures adopted to meet the objectives set out in the Royal Decree shall not compromise the essential functions of the packaging, nor the levels of safety and hygiene necessary for the packaged product and the consumer.

2. Manufacturers or importers of packaging may place on the market only packaging which meets the following requirements:

a) The sum of the levels of lead, cadmium, mercury and hexavalent chromium present in the packages or their components shall not exceed 100 ppm by weight. These concentration levels shall not apply to packaging made entirely of transparent glass containing lead oxide in accordance with Commission Decision of 19 February 2001 establishing the conditions for a derogation for glass packaging from the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste (2001/171/EC), and plastic crates and plastic pallets in accordance with Commission Decision of 24 March 2009 establishing the conditions for a derogation for plastic crates and plastic pallets from the heavy metal concentration levels established in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (2009/292/EC).

b) The basic requirements on packaging composition and on the nature of reusable and recoverable packaging, including recyclable packaging, set out in Annex III to this Royal Decree.

Packaging shall be presumed to meet the basic requirements when complying with UNE-EN 13427:2005 "Packaging. Requirements for the use of European standards in the field of packaging and packaging and their waste", UNE-EN 13428:2005 "Packaging. Specific requirements for manufacturing and composition. Reduction prevention at origin", UNE-EN 13429:2005 "Packaging. Reuse", UNE-EN 13430:2005 "Packaging and packaging. Requirements for packaging recoverable through material recycling", UNE-EN 13431:2005 "Packaging and packaging. Requirements for recoverable packaging and packaging, including minimum lower calorific value specification, and UNE-EN 13432:2001 "Packaging. Requirements for packaging recoverable through composting and biodegradation. Test scheme and evaluation criteria for the final acceptance of packaging" and subsequent revisions thereof, as well as of other harmonised EU and national standards that already exist or may be approved in the future.

c) Packaging made of non-compostable plastic shall incorporate the amount of recycled plastic that enables packagers to meet the targets set out in Articles 11.3 and 11.4 for each time horizon, according to their typology.

For the purposes of this provision, the amount of recycled plastic contained in the products shall be certified by an entity accredited to issue certification under standard UNE-EN 15343:2008 'Plastics. Recycled plastics. Traceability and conformity assessment of recycling of plastics and recycling content' or the rules replacing them. In the case of chemically recycled plastic, that quantity shall be attested by the certificate issued by the relevant body accredited or qualified for that purpose.

3. For the purpose of fulfilling the requirements referred to in the previous paragraph, manufacturers and importers or purchasers intra-Community empty packaging or, where

applicable, intra-Community importers or purchasers of packaged products, shall have at their disposal the documents and information to prove or demonstrate conformity that the packaging placed on the market or intended to be placed on the market complies with the basic requirements on the manufacture and composition of packaging and on the nature of reusable and recoverable packaging, including recyclable packaging. This documentation shall be provided to the producers of the product.

Certification bodies for this purpose shall be accredited by the National Accreditation Body (hereinafter ENAC) or by the national accreditation body of any other Member State of the European Union, designated in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, or in the case of products manufactured outside the European Union, any other accreditor with which ENAC has an international recognition agreement.

4. Documentation proving compliance with the requirements laid down in this Article shall be available for assessment and verification by the competent authorities upon request.

Article 13. *Marking and Information Obligations.*

1. Without prejudice to the rules on labelling and marking laid down in other specific provisions, packaging may be marked to indicate the material of which it is composed, in accordance with the abbreviations or numbers provided for in Commission Decision 97/129/EC of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste. This marking will be voluntary until otherwise specified in EU regulations.

2. Packaging shall indicate its reusable status and the symbol associated with the deposit, refund and return system as provided for in Articles 46.8 and 47.7. Packaging may also be identified by means of symbols proving membership of the extended producer responsibility scheme in accordance with Article 21(4).

Household packaging shall indicate the fraction or container in which such packaging waste is to be deposited. In the case of packaging made of different materials, if these can be easily separated, the fraction or container where they are to be deposited shall be indicated. Where the materials cannot be easily separated, or in the case of composite packaging, the fraction or container corresponding to the predominant material by weight shall be indicated, unless it is demonstrated that there is a better alternative of collection that avoids possible incidents in the subsequent recycling process, indicating in this case the container in which it is to be deposited.

3. The marking of packaging with the words "environmentally respectful" or any other equivalent that may lead to their abandonment in the environment is prohibited.

4. In order to improve transparency and support informed decision-making by consumers regarding the recyclability of packaging, packaging may be marked with the percentage of packaging material, including its components, available for quality recycling, provided that the criteria set out in Article 2(u) are met. Information on that percentage may only be provided if it has been obtained through an auditable and certifiable assessment by entities outside the packaging manufacturers and product producers themselves, taking into account the characteristics and technologies of collection, sorting and recycling existing at industrial level and with sufficient geographical coverage throughout the territory of the State for that purpose, when placed on the market. That percentage shall be reviewed at least every five years.

Manufacturers and importers or intra-Community purchasers of empty packaging or, where appropriate, intra-Community importers or purchasers of packaged products, shall have at their disposal the documents and information to substantiate the information shown on the packaging in relation to the percentage of recyclability.

5. In the case of compostable plastic packaging, the labelling shall inform that the packaging is certified in accordance with the European standard UNE EN 13432:2001 "Packaging. Requirements for packaging recoverable through composting and biodegradation. Test scheme and evaluation criteria for the final acceptance of packaging",

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as well as other European and national standards on plastic compostability under industrial or biodegradation conditions through household and community composting, as appropriate.

Packaging which is compostable in domestic or industrial composting shall bear the words 'do not abandon in the environment'.

6. In relation to the content of the recycled material, the packaging may be marked indicating the percentage of recycled material they contain. Documentation attesting this percentage shall be available in accordance with the procedure laid down in Article 12.3.

7. Also, plastic packaging, which is included in Part D of Annex IV to Law 7/2022 of 8 April, shall be marked in accordance with the harmonised specifications of Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down standards for harmonised marking specifications for single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council, on reducing the impact of certain plastic products on the environment.

8. In any case, the packaging must bear the markings provided for in this article, either on the packaging itself or on the label. This marking must be clearly visible and easily legible and must be of adequate persistence and durability, even after the packaging has been opened.

The identifying symbols shall in no case prevent the correct identification of the specific legends and acronyms that should appear on the labelling of medicinal products for human use.

9. Product producers shall collect information from manufacturers and importers or intra-Community purchasers of empty packaging with regard to their composition, and where appropriate, the presence of dangerous substances or which may affect their proper management, and before the first placing on the market of packaging, shall make it available to packaging waste managers free of charge, through extended producer responsibility schemes.

CHAPTER II

Obligations to provide information on placing packaging on the market

Article 14. *Creating the packaging section in the Register of Product Producers.*

In order to comply with the information obligations regarding waste management, and in particular to collect information on the placing on the market of packaging, the packaging section is created in the Register of Product Producers, in accordance with Article 7.2 of Royal Decree 293/2018 of 18 May on reducing the consumption of plastic bags and establishing the Register of Producers.

Article 15. *Inscription in the Register of Product Producers.*

1. Producers of products or authorised representatives in the case referred to in Article 17(2) shall be entered in the packaging section of the Register of Product Producers, created by the Royal Decree 293/2018 of 18 May, within three months of the date of entry into force of this Royal Decree.

However, in the cases provided for in Article 28(1) as regards service packaging and in Articles 35(3) and 41(3), where producers place service packaging and less than 50 000 kg of commercial and industrial packaging on the market, the manufacturers, importers or purchasers of such packaging, or the distribution companies of the service packaging, are required to register in a single manner for all of them.

2. At registration, they shall provide the information set out in section 1 of Annex IV, which shall be public. The personal data will be protected by the current state legislation on the protection of personal data.

A certificate of membership in an individual or collective extended producer responsibility system must also be provided at the time of registration. For commercial and industrial packaging, this certificate shall be provided within one month, once such systems have been set up.

3. At the time of registration, a registration number shall be assigned to the invoices

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and any other documentation accompanying the commercial transactions of packaged products from their placing on the market to the points of sale of goods or products to consumers for household packaging, or to the end-user for commercial and industrial packaging.

In the event of definitive cessation of the activity, the producer of the product or his authorised representative shall notify the Register of Product Producers of the Register of Product Producers within one month of the cessation of the activity and certify it, forwarding the corresponding document of cessation of activity of the undertaking.

Article 16. Packaging Information Obligations.

1. Product producers registered in the packaging section of the Register, or their authorised representatives, shall compulsorily collect and submit the information contained in paragraph 2 of Annex IV, corresponding to the packaging they have placed on the market in each calendar year. That information shall include in a differentiated manner, inter alia, information on the plastic products referred to in paragraphs A and E of Annex IV to Law 7/2022 of 8 April.

However, product producers placing on the market less than 15 tonnes of packaging per year, e-commerce platforms in the case provided for in the last paragraph of the definition in Article 2(t), and the first distributor or trader of the packaged product based in Spain for the cases provided for in the third paragraph of Article 17(2), shall provide such information in a simplified manner.

2. This information shall be forwarded annually to the Directorate-General for Environmental Quality and Assessment of the Ministry for the Ecological Transition and the Demographic Challenge before 31 March of the year following the year to which it relates, for the purposes of ascertaining the quantities of packaging placed on the market, monitoring compliance with the obligations laid down in this Royal Decree, the operation of extended producer responsibility, and preparing the information on the management of packaging waste to be provided to the European Commission in accordance with Article 49(4).

3. However, in the cases provided for in the second paragraph of Article 15.1, manufacturers, importers or purchasers of such packaging shall collect and provide aggregated data to all producers of products placing packaging below these limits.

4. The information provided shall not be made public and shall be accessible only to the competent authorities for inspection and control purposes.

CHAPTER III

Extended producer responsibility scheme

Section 1. General Obligations of the Producer

Article 17. General Product Producer Obligations.

1. In addition to the obligations set out in the preceding articles, the producer of the product shall be obliged to:

a) Develop and implement prevention and eco-design business plans in accordance with Article 18, with the aim of reducing the use of non-renewable resources, increasing the use of recycled materials and the recyclability of their products.

b) Place on the market packaging or, where appropriate, packaged products in compliance with the manufacturing, design, marking and information requirements laid down in this Royal Decree and the other rules applicable to them.

c) To obtain the information provided for in Article 13.9 from manufacturers and importers or intra-Community purchasers of empty packaging by making it available to packaging waste managers through extended producer responsibility schemes.

d) Take the necessary measures to contribute to the achievement of the prevention and re-use objectives set out in Articles 6 and 8.

For this purpose, producers will seek to respect the proportions of reusable packaging

on average considering all their products, regardless of the format and material of the packaging used, or of the consumer, customer or end user for which these products are intended. The measures taken to achieve these objectives shall not compromise the requirements of Article 12(1).

- e) Achieve at least the recycling targets set out in Article 10.
- f) Establish deposit, refund and return systems for the placing on the market of reusable packaging to ensure their recovery throughout the distribution chain, including, where appropriate, the final consumer, and to organise and finance the management of reusable end-of-life packaging in accordance with Article 46.
- g) In the cases covered by Articles 47 and 48, establish a deposit, refund and return system to ensure recovery across the entire distribution chain, including, where appropriate, the final consumer, and organise and finance waste management.
- h) To finance and organise, in whole or in part, the collection and treatment of single-use packaging waste, in accordance with Articles 34, 40 and 45, depending on the category of packaging.
- i) Ensure that the extended producer responsibility schemes in which they participate comply with the requirements laid down in this Royal Decree and that they have sufficient financial means to fulfil their obligations for the financing, collection and treatment of waste generated by their products within the territorial scope of the system.
- j) Provide collective producer responsibility systems by 28 February of the following year with the necessary information to enable the system to fulfil its reporting obligations under this Royal Decree.
- k) Respect the principles of the protection of human health, consumers, the environment and the application of the waste hierarchy in relation to the placing on the market of packaging and packaging products and the management of their waste.

2. Product producers who are established in another Member State or in third countries and who market products in Spain, must designate a natural or legal person on Spanish territory as an authorised representative for the purpose of fulfilling the obligations of the producer of the product.

For the purpose of monitoring and verifying compliance with the obligations of the producer of the product in relation to extended producer responsibility, natural or legal persons designated as authorised representatives shall have the documentation attesting to the representation.

In the event that the product producers have not appointed an authorised representative in Spain, the first distributor or trader of the packaged product based in Spain shall, in the alternative, be responsible for the obligations laid down for the producers of the product.

3. Producers shall comply with the obligations laid down in points e), f), g) and h) of paragraph 1 of this Article by setting up the corresponding individual or collective extended producer responsibility schemes.

In the case of single-use household packaging, producers may not opt for a combination of several extended responsibility schemes when placing the same product on the market in primary and secondary packaging of the same material.

In the case of single-use commercial and industrial packaging, producers may not opt for a combination of several extended responsibility schemes when placing the same product on the market in packaging of the same material, unless the product is packaged in primary packaging and intended for different economic activities.

In the case of the same product placed on the market in reusable packaging of the same category (household, commercial and industrial) and material, producers may opt for a combination of several extended responsibility schemes, provided that the traceability and ownership of this packaging is guaranteed for each of the deposit, refund and return systems through which it has been placed on the market.

The remaining obligations of product producers shall be fulfilled on an individual basis.

4. The producer of a product leaving an extended collective responsibility system shall inform the origin system, the new system in which it is incorporated or constituted, and the Register of Product Producers, before the last quarter of the year. In any event, the change

from one liability system to another shall be conditional on the producer's accreditation of the financial obligations assumed under the extended producer responsibility system of origin.

The change from one liability system to another means that the new system assumes in full the producer's obligations arising from the placing on the market of packaging in the following year.

5. For transport packaging used in distance selling provided by courier or parcel delivery companies, it shall be these companies which, on behalf of the product producers, comply with the financial and information obligations, as well as organisational obligations where appropriate, regulated by this Royal Decree.

Similarly, for transport packaging used in distance selling by e-commerce platforms, where they facilitate the marketing of their packaged products to a third party, it shall be these platforms that, on behalf of the product producers, comply with the financial and information obligations, as well as organisational obligations where appropriate, regulated by this Royal Decree.

Article 18. *Business plans of prevention and ecodesign.*

1. Producers of products who, during a calendar year, place on the market a quantity of packaging equal to or greater than the following quantities shall be required to implement a five-year business plan for prevention and ecodesign:

- 250 tonnes, in the case of glass only,
- 50 tonnes, in the case of steel only,
- 30 tonnes, in the case of aluminium only,
- 20 tonnes, in the case of plastics only,
- 20 tonnes, in the case of wood only,
- 15 tonnes in the case of cardboard or composite materials only.
- 300 tonnes in the case of several materials and each of them does not exceed, on an individual basis, the above quantities.

Product producers will have to implement these plans from the following year in which they exceed these thresholds.

– . These prevention business plans and ecodesign will take into account the determinations contained in the different packaging waste prevention instruments. They shall also include a summary of the degree of achievement of the objectives of the previous plans, as well as the new quantified prevention objectives, the measures envisaged to achieve them and the control mechanisms to verify their compliance, which shall include at least the following information differentiated by primary, secondary and tertiary packaging:

- a) The increase in the proportion of reusable packaging in relation to the quantity of single-use packaging.
- b) The increase in the proportion of recyclable packaging in relation to the quantity of non-recyclable packaging.
- c) The improvement of the physical properties and characteristics of the packaging, or the shift towards the use of such packaging, allowing them either to withstand more rotations, in case of reuse under normally foreseeable conditions of use, or to improve their recyclability.
- d) Improving the physical properties and chemical composition of packaging with a view to reducing the harmfulness and dangerousness of the materials contained therein and minimising the environmental impacts of waste management operations.
- e) The reduction in weight of the material used per unit of packaging, especially single-use material, to the limits that allow its viability, without compromising the recyclability of the packaging.
- f) The reduction, compared with the previous year, in the total weight of the packaging of each material placed on the market, in particular single-use packaging, in relation to products placed on the market by product producers.
- g) The non-use of superfluous packaging and packages of a size or weight greater than the statistical average of other similar packaging.
- h) The use of packaging whose ratio between the container and the content, by weight, is more favourable than the average, taking into account each of the materials.
- i) The incorporation of secondary raw materials, from the recycling of packaging waste, into the manufacture of new packaging up to the technically and economically feasible percentages and which, at the same time, allow to meet the basic requirements on the composition and nature of reusable and recoverable packaging, including recyclables, set out in Annex III.

3. Prevention and ecodesign business plans may be drawn up individually by product producers, or by the collective extended producer responsibility schemes in which they participate. In the latter case, the following shall be respected:

- a) The collective system of extended producer responsibility shall be responsible for drawing up and monitoring these business plans for prevention and ecodesign, although implementation and ultimate responsibility for their compliance shall in any case be left to producers who are obliged in accordance with the provisions of this Article.

b) Prevention and ecodesign business plans may relate to a production or packaging sector.

c) Product producers must select the measures included in the Plan(s) to which they would comply, and inform the collective system responsible for drawing up the Plan. Annually, they must submit information on the degree of compliance with these measures to the collective system. All this information shall be available to the competent authorities for monitoring, inspection and control purposes.

4. Producers of products who have chosen to draw up an individual plan shall submit a report within three months of the end of the plan to the Autonomous Community where they have their head office.

In the case of prevention plans drawn up by collective systems, the report shall be sent within three months of the completion of the plan to the Autonomous Community where they have their head office, which shall forward it to the other Autonomous Communities.

The report shall give an account of the degree of compliance with the preventive measures included therein, and in the case of reports submitted by the collective system, the producers included in the scope of the Plan shall be identified.

Producers of products or collective systems shall make these reports available to the public, safeguarding, where appropriate, information of a confidential nature relevant to the productive or commercial activity of the product producers.

These reports shall enable compliance with the obligation laid down in Article 17.1(d) to be verified.

Section 2. Individual and Collective Extended Producer Responsibility Schemes

Article 19. Constitution, communication and operation of individual extended producer responsibility schemes.

1. The producers who opt for the fulfilment of the obligations arising from the extended responsibility through a system individual, shall submit to the competent body of the Autonomous Community in which their registered office is located a communication with the content set out in Annex V. This communication shall be accompanied by the financial guarantee subscribed in conformity with Article 25, and shall be entered ex officio by the competent regional authority in the Register of Production and Management of Waste.

2. Individual schemes shall submit each year to the Waste Coordination Commission their annual account, which shall reflect the financial resources allocated to fulfil the obligations of extended producer responsibility, without prejudice to the reporting obligations set out in Article 21.

3. The Autonomous Communities shall monitor compliance at their territorial level with the forecasts contained in the communication.

Failure by individual systems to comply with extended liability obligations may lead to the initiation of the corresponding penalty procedure. The competent authority to initiate the penalty proceedings shall be the Autonomous Community corresponding to the territory where the infringement is committed, which may suspend the activity of the individual system in its territory.

Without prejudice to the above, the competent authority may assess the total or partial forfeiture of the financial guarantee.

Where the non-compliance occurs in more than one Autonomous Community, the Coordination Commission shall issue a report prior to assessing the relevance of the ineffectiveness of the communication. The decision shall be handed down by the competent body of the Autonomous Community where the communication was lodged, which shall deregister it in the register of waste production and management.

Article 20. Constitution, authorisation and operation of collective extended producer responsibility systems.

1. Collective systems shall be set up and authorised in accordance with the provisions of Law 7/2022 of 8 April and shall have as their sole purpose the fulfilment of the extended producer responsibility obligations set out in this Royal Decree.

Specific collective systems may be set up for household packaging, commercial packaging or industrial packaging, or mixed systems integrating several of these categories may be set up, fulfilling the obligations of the extended producer responsibility scheme for each category provided for in this Royal Decree.

2. The application for authorisation submitted by the collective system and the authorisation granted shall have the content set out in Annex VI. The application for authorisation shall be submitted in accordance with the provisions of Article 50(2) of Law 7/2022 of 8 April and shall be accompanied by the documentation relating to the financial guarantee that the collective scheme is to subscribe in accordance with Article 26. The Waste Coordination Committee shall assess the content of the application in relation to the fulfilment of the obligations of extended responsibility. The following will be analysed, *inter alia*:

a) Transparency and objectivity in the forms of incorporation of producers into the collective system, establishing agile and simple systems, and without discrimination of any kind against producers of products.

b) The annual possibility for producers to change the way in which their extended responsibility is fulfilled, either through another collective system or through the establishment of an individual system.

c) The internal decision-making process, to be carried out exclusively by the producers incorporated into the system, on the basis of objective criteria, without prejudice to the existence of executive bodies that must be chosen by all the members of the system or their representatives, and which will in any case follow the decisions taken by the producers that make up the system.

d) The rights to information of producers who are part of the system, to the formulation of claims and to their assessment.

e) The mechanisms for exchanging information between the members of the collective system and between it and the other waste management operators.

f) The application of objective, transparent and non-discriminatory conditions in the relations between systems and other waste operators, as well as agreements between collective systems. Decision-making and the provision of information should not lead to an increase in the risk of collusion between the producers of the system, nor between the system and other waste management operators.

g) The absence of any conflict of interest between the members of the system or those who are part of the executive bodies and other operators, in particular with the waste managers they must contract.

h) Compliance with the obligations arising from the extended producer responsibility provided for in this Royal Decree during the validity of the authorisation, in the procedure for renewal of the authorisation.

3. Following a report from the Waste Coordination Committee on the application, the Autonomous Community shall, where appropriate, grant an authorisation setting out the technical, organisational, economic, logistical and operational requirements and guarantees necessary for compliance with this Royal Decree throughout the territory of the State, in accordance with the content of Annex VI.

In addition, it will incorporate the details resulting from the Commission's report on waste coordination and compliance with the obligations arising from extended producer responsibility, including, where appropriate, specifications for the performance of the collective system in the autonomous regions.

4. In accordance with the provisions of Article 50(2) of Law 7/2022 of 8 April, the maximum period for processing the authorisation shall be six months, which may be extended for a further six months, in a reasoned manner for reasons arising from the complexity of the file; such extension shall be effected before the original period has expired.

After the expiry of the period without notification of an express decision, the application

submitted shall be deemed to have been rejected, except in the case of applications for renewal of the authorisation, in which case the prior authorisation granted shall be deemed to have been extended until the express decision on the application for renewal has been notified, whether upholding or rejecting the application.

5. Once the documentation proving the validity of the corresponding financial guarantee has been submitted, the Autonomous Community will proceed to register the authorisation in the Register of Production and Management of Waste, and the collective system may begin with its activity from this moment on. Once one month has elapsed after notification of the termination of the collective system's authorisation without proof of the validity of the financial guarantee, the authorisation shall cease to apply.

6. The validity of the authorisation shall be eight years, after which it shall be reviewed and the procedure set out in this Article shall be re-initiated, and the authorisation shall remain in force until notification of the express decision relating to the application for renewal of the authorisation, whether upholding or rejecting the application. During each year and during the validity of the authorisations, the Autonomous Communities shall monitor at their territorial level compliance with the conditions of the authorisation.

7. Failure to comply with the conditions of the authorisation may lead to the initiation of the corresponding penalty procedure. The competent authority to initiate the penalty proceedings shall be the Autonomous Community corresponding to the territory where the infringement is committed, which may suspend the activity of the system in its territory.

Without prejudice to the above, the competent authority may assess the total or partial forfeiture of the financial guarantee.

Where the non-compliance occurs in more than one Autonomous Community, the Coordination Commission on Waste shall issue a report prior to assessing the relevance of the total revocation of the authorisation. The decision shall be issued by the competent body of the Autonomous Community where the authorisation was granted, which shall withdraw the authorisation from the register of waste production and management.

Article 21. *General obligations of extended producer responsibility schemes.*

1. Individual and collective systems shall be obliged to comply with the obligations entrusted to them by producers in the areas of organisation of the collection and management of their packaging waste, compliance with objectives, and financing and information arising from the extended producer responsibility provided for in this Royal Decree. In any case, these systems shall:

a) They shall have the financial or financial and organisational resources necessary to fulfil their extended producer responsibility obligations, which shall be exclusively intended for the fulfilment of those obligations.

b) They shall apply the forecasts incorporated in the communication and authorisation of extended producer responsibility systems, as provided for in this Royal Decree.

c) They shall conclude agreements to finance and, where appropriate, organise the management of packaging waste when public administrations are involved in the organisation of waste management.

d) To conclude agreements with authorised waste managers to coordinate the organisation of the management of waste generated by their products and the financing thereof, avoiding anti-competitive practices. The contract conditions with waste managers must ensure compliance with the principles set out in Article 47.2(c) of Law 7/2022 of 8 April.

The agreements shall respect the conditions of the authorisations of the managers. The data that the managers have to provide to the systems will be those provided for in this Royal Decree, respecting the confidentiality of the activity of the managers according to Law 15/2007, of 3 July, on the Protection of Competition.

e) Enter into agreements, where appropriate, with other extended producer responsibility schemes when they carry out the management of their packaging waste for financial compensation for the management operations they have carried out.

f) They shall lay down the necessary measures to ensure compliance with the objectives of Article 11.3 and 11.4, as well as those that may be established for the

incorporation of recycled materials into new packaging, facilitating the availability of the materials in sufficient quality and quantity. Among other measures, they should allocate part of PET and other recovered plastics for the manufacture of recycled plastic (including r-PET).

g) They shall provide packaging waste managers with the information provided for in Article 13.9 by product producers.

h) Refer by 31 May of the year following the compliance period, to all the Autonomous Communities in which they operate and to the Waste Coordination Committee the annual report with the content set out in paragraphs (a), (b) and (c) of Annex VII. The report to be sent to the Coordination Committee shall include information relating to the regional and state spheres.

The report to be sent to each Autonomous Community shall include territorial data relating both to the placing on the market of packaging and to the management of packaging waste collected and processed.

Reused, recycled and recovered packaging waste, as well as waste disposed of, shall correspond to the data certified by each manager for this purpose. These certificates, which shall relate to measuring points defined in the calculation methodology established at European Union level, shall be attached to the report.

The above documentation shall be accompanied by a report audited by an independent entity accredited for the verification of data that supports the veracity of the data provided.

i) By 31 March, they shall provide each local authority with which an agreement has been concluded the data for each calendar year on the management of packaging waste collected and treated relating to their territorial scope, as well as any other information agreed in the agreement in accordance with the provisions of Article 33, such as that relating to waste characterisations.

j) Put in place an appropriate self-monitoring mechanism to assess:

1.º Financial management, including compliance with the requirements set out in Article 23, supported by regular independent audits, including studies of costs and economic and performance indicators of the system, both at national level and disaggregated by each Autonomous Community.

2.º The quality of the data collected and reported in accordance with paragraph (h), supported by independent audits.

k) Make available to the public through their websites updated information on an annual basis on the achievement of the system's objectives on prevention, separate collection, reuse, recycling and recovery, by typologies and packaging materials, as well as the audits provided for in paragraph (j) in relation to financial management and data quality.

2. Where there are several extended producer responsibility schemes for the same packaging type and material, and if deemed necessary, the Ministry for the Ecological Transition and the Demographic Challenge, at the proposal of the Waste Coordination Committee, shall publish on its website the resolution of the Director General for Environmental Quality and Assessment on the minimum separate collection targets for the annual compliance period to be met by each of the schemes at State and regional level.

These targets shall be calculated by applying the previous year's market share from the packaging section of the Register of Product Producers of each extended producer responsibility scheme to the minimum state separate collection targets.

3. The annual report of the extended responsibility systems provided for in paragraph 1(h) shall be assessed by each autonomous authority competent and its territorial scope through the monitoring tools they deem appropriate. In the case of the State-wide report, it will be reviewed by the Packaging Working Group of the Waste Coordination Commission.

4. Extended producer responsibility schemes may only organise the management of waste from packaging typologies and packaging materials that producers who are part of those systems place on the market and for which they are authorised or have been collected in their communication.

To this end, packaging covered by the extended producer responsibility scheme, if

provided for by the system, may be identified by an identical attesting symbol throughout the territory of that system. This symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability of packaging.

5. The individual and collective systems of extended producer responsibility when organising the management of packaging waste will act as holders for the purposes of their consideration as a shipment operator in accordance with Royal Decree 553/2020 of 2 June regulating the shipment of waste within the territory of the State.

Article 22. Additional obligations of collective extended producer responsibility schemes.

1. Collective schemes shall:

a) Ensure equal treatment of producers of products irrespective of their origin or size.
b) Establish its internal operating rules by ensuring the participation of producers in decision-making, in accordance with Article 20(2)(c). All members of the collective system shall have the right to receive information arising from compliance with the provisions of this Royal Decree, to make comments and comments and to have them assessed and taken into account in the operation of the system.

c) To safeguard the confidentiality of information which members of the collective system have provided for the operation of the system, in particular information which may be relevant to the economic activity of the members of the system. They shall also ensure the confidentiality of the information provided by waste managers with whom they have concluded agreements.

d) To introduce an electronic award system for packaging waste for subsequent management in accordance with the principle of hierarchy, self-sufficiency and proximity laid down in Articles 8 and 9 of Law 7/2022 of 8 April, guaranteeing the principles of publicity, competition and equality, ensuring free competition and traceability of the waste awarded until complete treatment.

e) Inform producers of compliance with the objectives of the collective system in terms of prevention, separate collection, reuse, recycling and recovery, by typologies and packaging materials and pass them on to each producer, depending on their share of participation in the collective system.

f) Notify producers of the initiation of penalty proceedings for failure to comply with their obligations under this Royal Decree on extended producer responsibility.

g) Remit by 31 May of the year following the compliance period, to all the Autonomous Communities in which they operate and to the Waste Coordination Committee, the report with the content set out in Annex VII(d), duly audited and incorporating elements indicating its authenticity. The report to be sent to the Coordination Committee shall include information relating to the regional and state spheres.

The report shall include the audit of its annual accounts drawn up and approved, in accordance with Article 53(1)(d) of Law 7/2022 of 8 April. If the report involves deviations from the forecasts submitted in the previous year by the collective system, the justification for this deviation must be provided.

The Waste Coordination Commission may request any additional information it deems necessary.

h) In the event of termination of the activity of the collective system, inform all the producers belonging to it three months in advance, in order to ensure compliance with the obligations of the producers, and the administrative authority which granted them their authorisation, so that they can rescind it. Producers may form or be integrated into another system of extended responsibility as provided for in this Royal Decree.

i) Make available to the public information on:

1 .º The legal form chosen, indicating its structure and composition, as well as the producers participating in the scheme, including their method of participation in the decision-making of the scheme.

2 .º Financial contributions paid by producers of products per tonne of packaging placed on the market, for each packaging category and material, as well as any other additional

contribution to the scheme indicating its purpose, including modulations of producers' financial contributions to the scheme.

Without prejudice to the active advertising obligations of this section, which may be articulated through the websites of the collective systems, users or final consumers of packaged products shall have the right to obtain a reasoned reply, within a maximum of two months, to consultations on how the extended producer responsibility obligations of the collective system are fulfilled, including access to information on the economic amounts devoted to the management of packaging waste.

3. ° The system for awarding packaging waste to waste managers, as set out in subparagraph (d), as well as the list of those finally selected managers and the corresponding facilities.

2. Extended collective liability schemes may fulfil their obligations by themselves or may set up or contract an administering entity which shall have legal personality distinct from that of the collective system and which shall act under the direction of the collective system.

3. Without prejudice to Article 21(1)(a), collective schemes may, on a voluntary basis and with the express consent of the producers who pay for it, allocate financial resources to carry out activities that complement the object of the collective system.

The financing of these voluntary actions shall not come into conflict with the activities of waste managers, and competition rules shall apply to them. Consent shall never appear as a mandatory clause in the contract for the incorporation of producers into the collective system, nor shall it be required for them to remain in the collective system.

4. The collective systems shall inform all members of the system and the authorising Autonomous Community in advance of three months, which shall forward it to the Packaging Working Group of the Coordination Committee on Waste, of the anticipated modification of the financial contributions associated with the financing of the management of packaging waste.

Article 23. General Scope of producers' financial contribution to extended producer responsibility schemes.

1. In accordance with the 'polluter pays' principle, the costs relating to the management of packaging waste, including the costs of the necessary infrastructure and its operation, shall be borne by the producers of the product.

2. The financial contribution paid by the producer of the product to fulfil its extended producer responsibility obligations shall cover the total cost of managing the packaging waste generated, covering the products it places on the market:

a) the costs of the separate collection of used packaging and packaging waste and their subsequent transport and treatment, including the treatment necessary to meet the objectives and targets for prevention, reuse and recycling set out in this Royal Decree, as well as the costs associated with the recovery of packaging waste from the rest fraction, from the wet-dry system, where the exception provided for in Article 25(6) of Law 7/2022 of 8 April 22 does not apply, or for the cleaning of public roads, green areas, recreational areas and beaches, as established for each category of packaging in this Royal Decree, in order to meet the goal set out in Article 10.2. The revenue from re-use, sales of secondary raw materials from their packaging waste and, where appropriate, the amounts of unclaimed deposits shall be taken into account.

b) the costs of informing the final user or holder of packaging waste on measures to prevent packaging waste and the abandonment of litter, return and collection systems, as well as awareness-raising and information campaigns on the prevention, proper collection and management of packaging waste or any other measures to incentivise delivery to existing separate collection systems.

c) the costs of data collection and reporting, as provided for in Article 21(1) (h) and (i).

d) the costs of cleaning litter waste caused by packaging waste listed in Annex IV, Part F(1) to Law 7/2022 of 8 April, as well as its subsequent transport and treatment.

e) the costs associated with the provision of the financial guarantees provided for in Article 24.

3. In cases of collective fulfilment of the producer's obligations, the contribution shall be modulated for each type of similar packaging, taking into account the nature and quantity of material used in its manufacture, its durability, which can be repaired, reused and recycled, its superfluity, the quantity of recycled materials contained, the presence of dangerous substances or other factors affecting ease of re-use, the recycling of packaging waste or the incorporation of recycled materials, among others.

To this end, a life-cycle approach should also be adopted in line with the requirements laid down by applicable European Union law and on the basis, where available, of harmonised criteria to ensure the proper functioning of the internal market.

Modulation is a bonus granted by the collective system to the producer when the product meets the efficiency criteria, or a penalty to be met by the producer to the collective system where the product does not comply with those criteria. Bonuses and penalties should be established by collective systems in a transparent and non-discriminatory manner, ensuring the participation of all stakeholders.

Modulation may take into account the criteria set out in Annex VIII or similar criteria which apply to packaging belonging to those collective systems and which achieve similar results. Within four years of the entry into force of this Royal Decree, the Ministry for the Ecological Transition and the Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, will analyse the effects of modulation adopted by collective schemes. As a result of this analysis, by order of the Minister for the Ecological Transition and the Demographic Challenge, Annex VIII will be revised and will become binding.

4. The financial contribution paid by the producer shall not exceed the costs necessary for the provision of waste management services to be cost-effective in economic, social and environmental terms. Such costs shall be established in a transparent and regular manner between the operators concerned, using criteria differentiated by Autonomous Communities and collection systems, and shall take into account the costs incurred by public and private bodies involved in the management of packaging waste. Where there is no agreement between the operators concerned, the determination of such costs shall be used by independent studies.

In the case of collective schemes, at the end of each year, they shall provide the necessary compensation mechanisms to repay the excess income received when this has been greater than 10% of the amounts actually paid for the fulfilment of their obligations, or shall duly justify to the producers belonging to the scheme the need to use these resources in the year following the year of the compliance period on the basis of the forecasts of revenue and expenditure for the next financial year. In the case of refund, the collective schemes will refund the amounts that exceed 10% of the deviation between the revenue and expenditure.

5. In order to facilitate the control and monitoring of the financing obligations provided for in this Royal Decree, invoices issued by producers for commercial transactions of products placed on the market through collective extended producer responsibility schemes shall identify the contribution made to such schemes corresponding to packaging, in a way that is clearly differentiated from the other concepts included in that invoice. The aforementioned contribution shall not be included in the unit price and shall be considered as an effective cost of production for the purposes of Article 12 ter of Law 12/2013 of 2 August on measures to improve the functioning of the food chain. Producers may give product-to-product information on the contribution made at the request of customers.

In any event, where the amount of the contribution to the collective schemes is not shown on the invoice, it shall be presumed, unless proof to the contrary, that the contribution due for the packaging covered by it has not been paid.

Producers shall facilitate the actions and verifications carried out by both the managing bodies of the collective producer responsibility schemes and the competent authorities to verify the quantity and typology of packaging placed on the market by them through those systems.

The bodies managing collective systems shall respect the principles of confidentiality of commercial and industrial data in relation to any information they are aware of as a result of

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the management of used packaging and packaging waste of undertakings attached to them.

Producers shall be obliged, in respect of packaging placed on the market through collective extended producer responsibility schemes, to maintain information on the annual contribution made to the scheme for each type of packaging placed on the market for a period of five years.

6. The costs of drawing up business prevention plans by collective schemes in accordance with Article 18.3 and associated reports shall be borne only by product producers who comply with the obligation to implement these plans through those schemes.

Article 24. Subscription, scope and total amount of financial guarantees.

1. The extended producer responsibility schemes shall subscribe a financial guarantee and prove it to the competent body in the Autonomous Community where the communication is to be submitted or to request the authorisation of these systems. That financial guarantee shall be in force throughout the period of operation of the extended producer responsibility scheme.

2. The financial guarantee shall ensure that the management of packaging waste is financed in such a way that the minimum objectives of the extended liability system are met, in the case of:

- a) insolvency of one or more producers in the case of collective schemes,
- b) insolvency of the extended producer responsibility system itself,
- c) failure to comply with the conditions of authorisation or communication,
- d) dissolution of the extended liability system without guaranteeing the financing of the waste management due to it.

3. The amount of the financial guarantee for extended producer responsibility schemes shall be determined on the basis of the quantities of packaging differentiated by material placed on the market through the system and the average costs of managing packaging waste according to the formula set out in Annex IX.

4. The term of the financial guarantee is annual, after this period shall be reviewed and a new one may be set up to bring its scope and amount into line with the provisions of the previous paragraph, or, where appropriate, be replenished during its period of activity.

5. The financial guarantee may be provided by any of the methods laid down in Royal Decree 208/2022 of 22 March on financial guarantees for waste.

Article 25. Financial guarantees from individual systems.

1. The producer who opts for an individual system of extended responsibility must submit the accreditation of the subscription of the financial guarantee together with the communication, to the competent body of the Autonomous Community.

2. The competent body to which the communication was addressed shall supervise the documents submitted and the calculation of the amount of the guarantee in accordance with the provisions of the preceding article.

3. The guarantee must be valid at the start of the activity of the individual liability system.

Article 26. Financial guarantees from collective schemes.

1. Producers opting for an extended collective producer responsibility scheme shall contribute to the subscription of the collective financial guarantee in proportion to the packaging they place on the market.

2. The application for authorisation of the collective system shall be accompanied by the documentation relating to the financial guarantee that the collective system will subscribe to so that it can be assessed by the competent administration. The amount of the financial guarantee shall be calculated in accordance with Article 24(3).

3. The financial guarantee must be in force at the start of the activity of the collective system, with a period of one month from the notification of the termination of the collective system's authorisation to be set up and presented to the competent authority.

Article 27. Forfeiture and replenishment of the financial guarantee.

The partial or total execution of the financial guarantee and its replenishment shall be carried out in accordance with the provisions laid down in Royal Decree 208/2022 of 22 March.

Section 3. Extended Producer Responsibility Scheme for Household Packaging

Article 28. Obligations of producers.

1. In relation to household packaging, producers of products shall be obliged to finance the management of their waste, and to organise partial or total management where the local authorities so decide, in accordance with Article 32.1.

However, in the case of service packaging, it may be voluntarily agreed that it is the manufacturers, intra-Community purchasers or importers of such packaging or, where appropriate, the distribution undertakings for such packaging which, on behalf of the producers, comply with the financial and information obligations of Chapter II of this Title, which apply. For this purpose, manufacturers, intra-Community purchasers or importers, or where applicable, distribution companies of such packaging shall provide producers with documentation proving compliance with these obligations.

2. The product producer shall comply with the obligations set out in the previous section individually or collectively, through the establishment of the corresponding extended liability schemes. Other obligations of product producers other than financial or organisational obligations shall be fulfilled on an individual basis.

Article 29. Extended Producer Responsibility Schemes Obligations for Domestic Packaging.

1. In addition to the obligations set out in the previous articles, the extended producer responsibility scheme shall be obliged to achieve at least the recycling targets set out in Article 10 for products placed on the market by the participating producers, in compliance with the obligation laid down in Article 17(1)(e). These objectives will be achieved both at national and regional level.

2. In order to contribute to compliance with the previous subparagraph, the schemes shall ensure at least an overall separate collection by weight of all household packaging waste of 65% in 2025, 75% in 2030 and 85% in 2035 for products placed on the market by participating producers.

They shall also achieve the following minimum targets for separate collection by weight of household packaging waste by material:

- a) Plastic: 55% in 2025, 65% in 2030 and 75% in 2035.
- b) Wood: 30% in 2025, 40% in 2030 and 60% in 2035.
- c) Ferrous metals: 50% in 2025, 60% in 2030 and 80% in 2035.
- d) Aluminium: 30% in 2025, 40% in 2030 and 60% in 2035.
- e) Glass: 70% in 2025, 80% in 2030 and 90% in 2035.
- f) Carton for beverages and food: 70% in 2025, 80% in 2030 and 90% in 2035.
- g) Cardboard: 75% in 2025, 90% in 2030 and 95% in 2035.

Extended producer responsibility schemes set up for a single material shall in any case fulfil the overall objectives of the first subparagraph and the specific objective for such material where it exceeds the overall objective.

With regard to the fulfilment of these separate collection targets, the provisions of Article 11(1) of this Royal Decree shall be complied with.

The objectives will be achieved at both state and regional level.

3. Extended producer responsibility schemes for packaging of medicinal products shall be exempted from meeting the targets set out in paragraph 2 and the recycling targets set out in Article 10. However, these schemes shall ensure at least 15 % separate collection by weight of all packaging waste of medicinal products by 2025, 25 % in 2030 and 35 % in 2035

for products placed on the market by participating producers.

The extended producer responsibility scheme shall also be obliged to achieve at least a recycling target of 10 % by 2025 and 15 % by 2030 by weight of all packaging waste.

4. Extended producer responsibility schemes shall achieve at least the separate collection targets set out in Article 59(1) of Law 7/2022 of 8 April, both at State and regional level.

The assessment of compliance with these targets shall be carried out in the manner provided for in the third paragraph of the 17th additional provision of the Law.

The determination of compliance at the State level shall be carried out in the manner provided for in Article 10(4). To determine compliance at regional level, the management data obtained in accordance with the provisions of Article 49(1) relating to its territorial scope shall be used and shall relate to territorialised placing on the market data provided by the extended producer responsibility schemes in accordance with Article 21(1)(h), corrected by any deviations detected.

The corrections in this section may be estimated on the basis, inter alia, of the characterisations of all the fractions where waste from single-use plastic beverage bottles appears, made by the Autonomous Communities or, where appropriate, the Ministry for the Ecological Transition and the Demographic Challenge, including those associated with litter, following the methods and procedures agreed upon within the framework of the Waste Coordination Committee.

5. Separately collected packaging waste shall be weighed at the point where it is collected or at the entry of sorting operations. This data shall be corrected by eliminating waste other than packaging, by means of representative sampling and subsequent composition analysis or by the use of electronic registers.

The separate collection data reported by the Autonomous Communities and the cities of Ceuta and Melilla, which will be collected in accordance with Article 49.3, and shall be related to the information on packaging placed on the market in that year submitted by the producers in accordance with Article 16. to determine compliance at state level. The information on placing on the market shall be corrected, where appropriate, with any deviations detected.

To determine compliance at regional level, the management data obtained in accordance with Article 49.1 referring to its territorial scope shall be used and shall relate to territorialised placing data that have been provided by the extended producer responsibility schemes in accordance with Article 21.1.h), corrected with any deviations detected.

The corrections in this section may be estimated on the basis, inter alia, of the characterisations of all the fractions where packaging waste appears, made by the Autonomous Communities or, where appropriate, the Ministry for the Ecological Transition and the Demographic Challenge, including those associated with scattered litter, following the methodology and procedures agreed within the framework of the Waste Coordination Committee.

6. Where public administrations are involved in the organisation of waste management, extended producer responsibility schemes shall conclude agreements with them in accordance with Article 33.

7. According to what is established in the conventions, when the extended producer responsibility systems assume the partial organisation of management, these systems shall take over all packaging waste recovered in the sorting and sorting operations in the packaging sorting plants, as well as the packaging waste separated by materials that are recovered from the remaining fraction, of the inorganic fraction of the wet-dry systems or of the waste dispersed in other mixed fraction treatment plants, for recycling, recovery or disposal, as appropriate.

8. Where public administrations are not involved in the organisation of waste management, extended producer responsibility schemes shall, through waste managers with which they have concluded agreements, undertake the management of packaging waste, including separate collection, transport, sorting and treatment.

Article 30. *Obligations of traders and distributors of packaged products.*

Traders or distributors of packaged products who make both face-to-face and distance selling shall:

- a) Market packaged products from producers holding the producer's identification number in the Register of Product Producers.
- b) Participate in the deposit, refund and return systems established for single-use packaging, under the conditions laid down in agreements with extended producer responsibility schemes.

For this purpose, it may make the acceptance of packaging or packaging waste subject to compliance with the conditions for preservation and cleaning laid down by the extended producer responsibility schemes, which shall appear visibly at points of sale. These conditions must be proportionate, avoiding, in any case, discouraging the return of packaging.

- c) Collaborate in the separate collection of certain packaging waste, where provided for by the management system organised by the producer, or in which it participates.

- d) To comply with Article 7(2).

- e) To separate by materials packaging waste in its possession, after consumption of the products, and to deliver it to authorised managers or, where appropriate, to the local authority, in accordance with the ordinances of the local authorities.

- f) To provide information to individual or collective schemes on packaged products belonging to these schemes, which have actually been placed on the Spanish market in each calendar year, provided that this is strictly necessary in order to comply with the packaging information requirements of Article 16. In such cases, the schemes will enable a simple reporting method to facilitate compliance.

Article 31. *Consumer obligations.*

- 1. Consumers of packaged products shall return packaging waste subject to the deposit, refund and return system to traders and distributors, under the conservation and cleaning conditions defined by the extended producer responsibility schemes.

- 2. Consumers shall separate by materials packaging waste not subject to the deposit, refund and return system and deposit it in containers or other contribution systems authorised for regular separate collection in accordance with the ordinances of local authorities, or, failing that, at collection points established by the extended producer responsibility schemes themselves, and under the conditions defined by them.

In the case of packaging waste that is hazardous, the provisions of Article 22 of Law 7/2022 of 8 April shall apply.

Under no circumstances may consumers leave packaging waste in the environment outside the containers authorised for collection.

- 3. In the case of packaging made of different materials, if these can be easily separated, consumers must separate them and deposit them in the relevant fraction or container. Where the materials cannot be easily separated, or in the case of composite packaging, the packaging waste must be deposited in the fraction or container indicated on the packaging, in accordance with Article 13.2 of this Royal Decree.

- 4. In the case of household packaging waste generated in the HORECA channel, final keepers shall be obliged to carry out a separation by materials and their delivery in accordance with the ordinances of the local authorities.

Article 32. *Obligations of local authorities.*

- 1. Local authorities shall be responsible for the total organisation of the management of household packaging waste, unless the latter provide in the agreements provided for in Article 33 that the organisation, in whole or in part, is carried out by the extended producer responsibility schemes.

- 2. Local authorities involved in the organisation of waste management within the framework of their competences for household waste and in accordance with the provisions of the agreements with the extended producer responsibility schemes, shall be responsible for:

- a) The separate collection of household packaging waste at the consumer's home, in the places where it is generated or in its vicinity, by providing the necessary means, whether economic, organisational or other, to achieve the objectives set out in Article 29.
 - b) Transport to sorting and sorting facilities or, where appropriate, directly to authorised managers for recycling or recovery.
 - c) The separation and classification operations themselves.
 - d) The delivery of waste resulting from the operations referred to in the preceding subparagraph to a manager authorised for treatment by recycling, other recovery or disposal, as appropriate, in order to comply with the objectives of this Royal Decree.
3. Similarly, local authorities shall take care of the recovery and separation by materials of the packaging waste from the remaining fraction, the inorganic fraction of the wet-dry systems or the litter dispersed in the mixed fraction treatment plants, as well as its subsequent delivery to an authorised manager for treatment by recycling or other recovery.

Article 33. General government conventions with extended producer responsibility schemes for household packaging.

1. Where public administrations are involved in the organisation of waste management in accordance with the authorisation of extended producer responsibility schemes, such schemes shall conclude agreements with public administrations, in order to determine the financing and, where appropriate, the organisation of the management of waste from their products, with the minimum content provided for in Annex X.

As regards the organisation, the agreements shall define whether the local entity carries out the total or partial organisation of waste management in accordance with the as set out in Article 32.1, or, failing that, it is carried out by the system itself, including the forecast of use of public spaces, and its conditions of use.

In the latter case, the extended product responsibility system shall assume through waste managers with whom it has concluded agreements, the management operations of packaging waste, including its separate collection, transport, sorting and treatment, acting as the holder of the waste.

In terms of financing, the agreements should include funding from the systems of responsibility extended to public administrations involved in the management of packaging waste, as set out in Article 34.

2. The agreements referred to in the previous paragraph shall be concluded:

- a) Preferably, with the corresponding Autonomous Community, that will ensure the participation of local authorities in negotiation and monitoring, or
- b) Directly with the local authority, with prior knowledge and agreement of the relevant Autonomous Community.

3. The agreements governed by this Article must be concluded within a maximum of twelve months after the authorisation or communication.

In the event of disagreements between local authorities or autonomous communities and the extended producer responsibility systems over the contents of the agreement, in particular those of an economic nature, they will be resolved through the arbitration mechanism described in the following paragraph.

If there are indications of a possible practice contrary to Law 15/2007 of 3 July on the protection of competition, the competent authority shall transfer them to the National Commission for Markets and Competition.

4. The points at issue or disagreements that have occurred during the negotiation process of these agreements shall be settled by an arbitral award adopted in accordance with the proceedings and procedures established in Law 60/2003, of 23 December, on Arbitration and according to the following specific rules:

- a) The local entity or autonomous community and the extended producer responsibility system shall sign the corresponding arbitration agreement identifying the points at issue.
- b) The arbitration award shall determine the conditions for the provision of services either by the local entity or autonomous community where applicable, or by the extended

producer responsibility system. In the first case, the award shall establish the corresponding financial compensation to be paid by the system under either of the following two formulas, to be chosen by the local authority or autonomous community and taking into account that, in any case, compliance with the recycling and recovery objectives in the territorial area to which the award relates must be ensured:

1.º A fixed amount referring to all the aspects listed in Article 34(1) which shall be calculated in accordance with the criteria and parameters set out in Annexes XI and XII and shall apply for the duration of the agreement or, failing that, for a maximum period of four years, although it shall be reviewed annually in accordance with the criteria that must necessarily be set out in the arbitration award.

2.º A variable amount, determined by the application of one or more unit costs per tonne of packaging waste recovered, according to the aspects set out in Article 34(1). This amount shall be calculated in accordance with the criteria and parameters set out in Annexes XI and XII and shall apply for the duration of the agreement or, failing that, for a maximum period of four years, although it shall be reviewed annually in accordance with the criteria that must necessarily be set out in the arbitration award.

In the second case, the award shall lay down the instructions for the provision of the service by the extended producer responsibility scheme and the obligation to finance all the costs inherent in such management by the system.

5. In the case of paragraph 2.a), if it is established that the Autonomous Communities will receive from the extended producer responsibility schemes the amounts regulated in Article 34, the Autonomous Communities shall transfer to the local authorities the amount of the costs actually incurred. This transfer shall be made within the time limit laid down in the agreement, which in no case shall be more than one month from the date of receipt of the said amounts.

6. The scope of the content of the conventions should make it possible to comply with transparency obligations. The agreements must be published in full, including their technical and economic annexes, in the official gazettes of the Autonomous Communities or, where appropriate, in the corresponding municipal official gazette.

Article 34. *Financing of household packaging waste management operations.*

1. Extended producer responsibility schemes for household packaging shall finance all costs that local authorities, or, where applicable, the Autonomous Communities, actually have to bear for the management of packaging waste from products placed on the market by producers through those systems, as referred to in Article 23.4. The amount to be paid to local authorities by way of such costs shall be allocated by them to the management of packaging waste under the terms laid down in the relevant agreement.

In any event, these costs shall include, in addition to the amount of depreciation and the financial burden of the investment made or necessary for rolling stock and packaging waste management infrastructure, the costs arising from the following:

a) For separately collected packaging waste:

1 .º Cost of collecting and transporting packaging waste to a sorting and classification plant or, where applicable, to a recycling or recovery plant, including, where applicable, the costs of using collection centres, clean points or transfer stations.

2 .º Cost related to the separation and sorting of packaging waste from separate collection.

3 .º Cost of transporting packaging waste contained in rejections from waste sorting and classification plants to a waste incineration or co-incineration plant or, where applicable, a landfill.

4 .º Transport cost and net cost of treatment of separate and sorted packaging waste delivered to a manager for recycling or recovery other than that referred to in the following paragraph, where applicable.

5 .º Net cost of treatment of packaging waste in approved waste incineration or co-incineration plants, which have been sorted or are contained in rejections from sorting and classification plants. Net cost is that of the treatment itself, less the economic value of the electricity produced attributable to the incinerated packaging waste.

6 .º Cost of depositing packaging waste contained in rejections from sorting and classification plants in authorised landfills.

In the case of packaging waste collected separately together with other non-packaging waste from the same materials, the financing shall relate to the share of packaging waste represented by packaging waste, which shall be determined on the basis of characterisations of these fractions.

b) In order to comply with the provisions of Article 10(2), for packaging waste recovered from the remaining fraction, from the inorganic fraction of wet-dry systems when the exception provided for in Article 25(6) of Law 7/2022 of 8 April is not applied, and for the cleaning of public roads, green areas, recreational areas and beaches:

– .º If the separate collection targets set out in Article 29(2) are achieved at regional level and for packaging waste actually recovered, the system shall finance 50% of the:

– Cost of collecting and transporting packaging waste until entry into a facility for separation and sorting.

– Cost related to the separation and sorting of packaging waste.

– Net cost of managing separate and classified packaging waste delivered to a manager for recycling or material recovery.

– Transport cost and net cost of treatment in incineration or co-incineration plants, of metal packaging waste that is recovered from waste incineration or co-incineration plants slag and delivered to a recoverer or recycler. Net cost means the cost of the actual treatment minus the economic value associated with the recovered metal packaging waste.

– .º If the separate collection targets set out in Article 29(2) are not achieved at regional level, the system shall finance, for packaging actually recovered:

– The total costs referred to in paragraph 1 for all fractions of materials covered by the scope of the system, in the event of non-compliance with the overall separate collection target, regardless of whether one or more of the specific material-separate collection targets are met.

– The total costs referred to in paragraph 1 associated with the fraction of packaging waste that does not meet the specific separate collection target for that material even if it fulfils the overall separate collection target.

For extended producer responsibility schemes set up for a single material, the specific objective for such material shall be taken into account where it exceeds the overall objective. Where the specific objective is lower than the overall objective, only the overall separate collection target shall be taken into account.

Of the revenue received, local authorities or, where appropriate, the Autonomous Communities shall allocate at least 50 % to finance actions aimed at achieving the separate collection objectives set out in Article 29.2.

c) Costs of informing the consumer or final holder of packaging waste on measures to prevent packaging waste and the abandonment of waste dispersed, return and collection systems, as well as awareness-raising and information campaigns on the prevention, proper collection and management of packaging waste or any other measures to incentivise delivery in existing separate collection systems.

This includes the costs of the campaigns carried out by the public administrations to stimulate the citizen participation necessary to achieve the objectives defined in this Royal Decree, taking into account the generating or de facto population, according to the number and amount set out in the corresponding agreement.

d) Expenditure incurred by local authorities or, where appropriate, by the Autonomous Communities, when agreed in the agreement, for the control and monitoring of the management of packaging waste, including the cost of characterisations.

e) Expenditure incurred by local authorities or autonomous communities for the production of statistics on the generation and management of packaging waste.

2. The extended producer responsibility schemes should finance the shipment of packaging waste from the Autonomous Communities of the Balearic Islands and the Canary Islands and from the cities of Ceuta and Melilla to the peninsula and between the islands, where treatment is not possible at the places of origin, so that such shipment is carried out at zero cost for public administrations.

3. In addition to the financial contributions provided for in the preceding paragraphs, and in respect of packaging listed in Annex IV, Part F, paragraph 1, to Law 7/2022 of 8 April, the systems must bear the costs of:

a) The awareness-raising measures referred to in Article 50(3).

b) The collection of waste from discarded products in public collection systems, including infrastructure and its operation, and the subsequent transport and treatment of waste. The full costs incurred under the terms referred to in Article 23(4) shall be financed for such packaging, irrespective of whether the separate collection objectives of Article 29(2) are met.

c) The cleaning of littering of dispersed waste generated by such products and their subsequent transport and treatment when such cleaning is carried out regularly by or on behalf of the public authorities in accordance with Article 60(4) of Law 7/2022 of 8 April.

4. Specific costs of managing packaging waste collected through the waste management circuit of local competence shall be determined in accordance with the criteria of Annex XI and the specifications set out in Annex XII.

Local authorities or autonomous communities may carry out actions not provided for in Annex XI, or carry them out beyond what is laid down in Annex XII, without the extended producer responsibility schemes being required to finance them.

5. Local authorities or autonomous communities may propose to extended producer responsibility schemes pilot experiments in their territories under conditions other than those set out in Annex XI and XII. These proposals should be reasoned and set out a well-defined duration and objectives. These pilot experiences may be covered by agreements agreed between the Autonomous Communities, local authorities and extended producer responsibility schemes.

6. Where the management of packaging waste is not carried out with the direct involvement of a local entity or autonomous community, the extended producer responsibility system concerned shall finance all the costs inherent in such management, in particular collection, transport, sorting and sorting, further treatment, including, where applicable, the part of the cost of the waste disposal tax, incineration and co-incineration of waste, corresponding to packaging. It shall also include the amount of depreciation and the financial burden of the investment necessary for rolling stock and infrastructure, and account shall be taken of the proceeds from sales of materials from recovered packaging waste.

Section 4. Extended Producer Responsibility Scheme for Commercial

Packaging.

Article 35. Obligations of producers.

1. In relation to commercial packaging, producers of products shall be required to finance and organise the total management of their waste.

Only if the commercial packaging waste is managed by local authorities in accordance with their ordinances in accordance with the provisions of Article 12.5.e) and 20.3 of Law 7/2022 of 8 April, the provided for in Article 32(1) shall apply.

2. The producer of the product shall comply with the obligations set out in the previous paragraph individually or collectively by setting up the corresponding extended liability schemes, without prejudice to Article 46.5 for reusable packaging. Other obligations of product producers other than financial or organisational obligations shall be fulfilled on an individual basis.

3. However, in the case of commercial packaging used in the first placing on the market of products from agriculture, forestry, fisheries and aquaculture, the producer of the product may voluntarily agree with the manufacturers, intra-community purchasers or importers of such packaging, that they, on behalf of the producers, shall comply with the financial, organisational and information obligations of Chapter II of this Title, as applicable.

In such cases, manufacturers, intra-community purchasers or importers of commercial packaging may constitute the corresponding extended responsibility schemes. To this end, the system set up must provide product producers with documentation proving compliance with their obligations, including information obligations, including the registration number of the product producer.

Article 36. Extended Producer Responsibility obligations for commercial packaging.

1. In addition to the obligations set out in the previous articles, the extended producer responsibility scheme shall be obliged to achieve at least the recycling targets set out in Article 10 in respect of products placed on the market by the participating producers, in compliance with the obligation laid down in Article 17(1)(e).

2. In order to contribute to compliance with the previous paragraph, the schemes shall ensure at least 75 % separate collection by weight of all commercial packaging waste by 2027, 85 % in 2030 and 95 % in 2035, for products placed on the market by the participating producers.

The objectives will be achieved at both state and regional level.

3. Separately collected packaging waste shall be weighed at the point where it is collected or at the entry of sorting operations. This data shall be corrected by eliminating waste other than packaging, by means of representative sampling and subsequent composition analysis or by the use of electronic registers.

To determine compliance at State level, separate collection data reported by the Autonomous Communities and the cities of Ceuta and Melilla, which will be collected in accordance with Article 49(3), shall be taken into account and shall refer to the information on packaging placed on the market in that year submitted by the producers in accordance with Article 16. The information on placing on the market shall be corrected, where appropriate, with any deviations detected.

To determine compliance at regional level, the management data obtained in accordance with the provisions of Article 49(1) relating to its territorial scope shall be used and shall relate to territorialised placing on the market data provided by the extended producer responsibility schemes in accordance with Article 21(1)(h), corrected by any deviations detected.

The corrections in this section may be estimated on the basis, inter alia, of the characterisations made by the Autonomous Communities or, where appropriate, the Ministry for the Ecological Transition and the Demographic Challenge, including those associated with scattered litter, following the methodology and procedures agreed within the framework of the Waste Coordination Committee.

4. Where public administrations are involved in the organisation of waste

management, extended producer responsibility schemes shall conclude agreements with them, in accordance with Article 33 for household packaging, where applicable.

5. When individual and collective producer responsibility schemes organise the management of commercial packaging waste they shall act as holders of the waste for all purposes, except in the cases provided for in the following paragraph.

6. The extended producer responsibility schemes may conclude agreements with the final holders of commercial packaging waste, so that the latter, on behalf of the producers, comply with the obligations of the waste management organisation, and the appropriate information and financing mechanisms for each party must be established.

Article 37. Obligations of packaged product distributors.

In addition to their obligations as producers under the preceding article, distributors of products packaged in commercial packaging must:

a) Market packaged products from producers holding the producer's identification number in the Register of Product Producers.

b) Participate in deposit, refund and return systems that are established on a voluntary basis for single-use packaging, under conditions to be determined in agreements with extended producer responsibility schemes.

To this end, they may make the acceptance of packaging waste subject to compliance with the conservation and cleaning conditions laid down by the extended producer responsibility schemes. These conditions must be proportionate, avoiding, in any case, discouraging the return of packaging.

c) Collaborate in the separate collection of certain packaging waste, where provided for by the management system organised by the producer, or in which it participates.

d) Compliance with the obligations set out in paragraphs 2 and 3 of Article 38, in respect of commercial packaging waste for which it is final holders.

e) To provide information to individual or collective systems on packaged products belonging to these systems, which have actually been placed on the Spanish market in each calendar year, in order to comply with the packaging information requirements of Article 16.

Article 38. Obligations of final holders of commercial packaging waste.

1. Final keepers shall return to distributors or extended producer responsibility schemes commercial packaging waste subject to the deposit, refund and return system, under the conditions of preservation and cleaning, or any other waste defined by the extended producer responsibility schemes. These conditions must be proportionate, avoiding, in any case, discouraging the return of packaging.

2. Final keepers shall separate commercial packaging waste which is not subject to the deposit, refund and return system by material and hazardousness, and as appropriate:

a) Deposit them in containers authorised for regular separate collection in accordance with the ordinances of the local authorities; or

b) Deposit them at collection points established by the extended producer responsibility schemes and under the conditions defined by them; or

c) Deliver them directly to authorised managers when provided for in the agreements referred to in Article 36(6), taking into account the hierarchy principle.

For this purpose, the rules on hazardous waste shall apply from the moment empty packaging that is hazardous, after use, is deposited and made available to the extended producer responsibility system, or when delivered directly to authorised managers.

Under no circumstances shall the holders leave the packaging waste in the environment.

3. Without prejudice to Article 20(3) of Law 7/2022 of 8 April, final holders must provide information to individual or collective schemes on the management of commercial packaging waste in the cases provided for in Article 36(6).

Article 39. *Obligations of local authorities.*

1. Local authorities may, within the framework of their ordinances and in accordance with the agreements with extended producer responsibility systems:

a) Separate collection of commercial non-hazardous packaging waste at or near the sites where it is generated, providing the means necessary to achieve the objectives set out in Article 36.

b) Transport to sorting and sorting facilities or, where appropriate, directly to authorised managers for recycling or recovery.

c) Separation and classification operations.

d) The delivery of waste resulting from the operations referred to in the preceding paragraph to a manager authorised for treatment by recycling, other recovery or disposal, as appropriate, in order to comply with the objectives of this Royal Decree.

2. Local authorities shall deliver to an authorised manager commercial packaging waste which, in accordance with their ordinances, cannot be managed through the waste management circuit of local competence, or appears in other fractions not covered by the agreement, and exceptionally recovers, regardless of the administrative penalty that may apply.

Article 40. Financing of commercial packaging waste management operations.

1. Extended producer responsibility schemes for commercial packaging shall finance under the terms referred to in Article 23(4), for separately collected commercial packaging waste:

- a) The cost of collecting and transporting packaging waste collected separately to an intermediate treatment plant or directly to the recycling or recovery plant.
- b) The cost related to the separation and sorting of packaging waste into intermediate treatment plants.
- c) The cost of transporting the packaging waste contained in rejections from intermediate treatment plants to incineration or co-incineration plant, or to landfill where appropriate.
- d) The cost of managing separate and classified packaging waste delivered to a manager for recycling or recovery other than that referred to in the following paragraph.
- e) The net cost of treating packaging waste in incineration or co-incineration plants for approved waste, classified or contained in rejections from intermediate treatment plants. Net cost is that of the treatment itself, less the economic value of the electricity produced attributable to the incinerated packaging waste.
- f) The cost of disposing of the packaging waste contained in rejections from intermediate treatment plants in authorised landfills.
- g) The cost of information to final holders of packaging waste for its separation and proper management in such a way as to achieve the objectives defined in this Royal Decree.
- h) The cost associated with the information system being implemented.

In any event, these costs shall include the amount of depreciation and the financial burden of the investment made or necessary for rolling stock and packaging waste management infrastructure, and shall take into account the proceeds from sales of materials from recovered packaging waste.

2. In the case of non-hazardous commercial packaging waste managed through the waste management circuit of local competence in accordance with local authority ordinances and as set out in the agreement, the extended liability schemes shall compensate local authorities for the full economic costs indicated in the previous section relating to the collection and management of commercial non-hazardous packaging collected separately.

They shall also compensate local authorities, or, where appropriate, the Autonomous Communities, for the costs incurred by them when agreed in the agreement, in accordance with Article 39, for the control and monitoring of the management of packaging waste, including the cost of characterisations, and for the production of statistics on the generation and management of packaging waste.

If, exceptionally, commercial packaging waste ends up in other mixed municipal collection fractions, including from the cleaning of public roads, green areas, recreational areas and beaches, other than that provided for in the first sub-paragraph of this paragraph, the extended responsibility schemes shall compensate the local authority concerned for the full economic costs incurred for the collection and management of the packaging waste actually recovered.

3. When commercial packaging waste is managed without the involvement of local authorities or, where applicable, the Autonomous Communities, and exceptionally such packaging waste ends up in the waste management circuit of local competence, including the cleaning of public roads, green areas, recreational areas and beaches, the extended responsibility schemes shall compensate the local authority concerned for the full economic costs incurred by its collection and management, regardless of the administrative penalty that may apply.

Section 5. Extended Producer Responsibility Scheme for Industrial Packaging.

Article 41. Obligations of producers.

1. In relation to industrial packaging, product producers shall be required to finance and organise the total management of their waste.

2. The product producer shall comply with the obligations set out in the previous paragraph individually or collectively, through the establishment of the corresponding extended liability schemes, without prejudice to Article 46(5) for reusable packaging. Other obligations of product producers other than financial and organisational obligations shall be fulfilled individually.

3. However, the producer of the product may voluntarily agree with the manufacturers, intra-community purchasers or importers of such packaging, who are the latter, on behalf of the producers, to comply with the financial, organisational and information obligations of Chapter II of this Title, which apply.

In such cases, manufacturers, intra-community purchasers or importers of industrial packaging may constitute the corresponding extended liability schemes. To this end, the system set up must provide product producers with documentation proving compliance with their obligations, including information obligations, including the registration number of the product producer.

Article 42. Obligations of extended producer responsibility schemes for industrial packaging.

1. In addition to the obligations set out in the previous articles, the extended producer responsibility scheme shall be obliged to achieve at least the recycling targets set out in Article 10 for products placed on the market by the participating producers, in compliance with the obligation laid down in Article 17(1)(e). However, specific recycling targets may be set in cases where the hazardousness of industrial packaging waste hinders or prevents its recycling.

2. In order to contribute to compliance with the previous paragraph, the schemes shall ensure at least 75% separate collection by weight of all industrial packaging waste by 2027, 85% in 2030 and 95% in 2035, for products placed on the market by the participating producers.

The objectives will be achieved at both state and regional level.

3. Separately collected packaging waste shall be weighed at the point where it is collected or at the entry of sorting operations. This data shall be corrected by eliminating waste other than packaging, by means of representative sampling and subsequent composition analysis or by the use of electronic registers.

The separate collection data reported by the Autonomous Communities and the cities of Ceuta and Melilla, which will be collected in accordance with Article 49.3, and shall be related to the information on packaging placed on the market in that year submitted by the producers in accordance with Article 16. to determine compliance at state level. The information on placing on the market shall be corrected, where appropriate, with any deviations detected.

To determine compliance at regional level, the management data obtained in accordance with Article 49(1) relating to its territorial scope shall be used and shall refer to the territorialised placing on the market data provided by the extended producer responsibility schemes in accordance with Article 21(1)(h), corrected with any deviations detected.

The corrections in this section may be estimated on the basis, inter alia, of the characterisations made by the Autonomous Communities or, where appropriate, the Ministry for the Ecological Transition and the Demographic Challenge, including those associated with scattered litter, following the methodology and procedures agreed within the framework of the Waste Coordination Committee.

4. Where individual and collective producer responsibility schemes organise the management of industrial packaging waste, they shall act as holders of the waste for all purposes, except in the cases provided for in the following paragraph.

5. Extended producer responsibility schemes may conclude agreements with the final holders of industrial packaging waste, so that they assume responsibility for the organisation and management of waste on behalf of the producers, and the appropriate information and

financing mechanisms for each of the parties must be established.

Article 43. Obligations of packaged product distributors.

Traders or distributors of packaged products who make both face-to-face and distance selling shall:

- a) Market packaged products from producers holding the producer's identification number in the Register of Product Producers.
- b) Participate in the deposit, refund and return systems established for single-use packaging, under the conditions laid down in agreements with extended producer responsibility schemes.

To this end, they may make the acceptance of packaging waste subject to compliance with the conservation and cleaning conditions laid down by the extended producer responsibility schemes. These conditions must be proportionate, avoiding, in any case, discouraging the return of packaging.

- c) Collaborate in the separate collection of certain packaging waste, where provided for by the management system organised by the producer, or in which it participates.
- d) Comply with the obligations established in Article 44(2) and (3) in respect of industrial packaging waste for which it is final holders.
- e) To provide information to individual or collective systems on packaged products belonging to these systems that have actually been placed on the Spanish market in each calendar year, in order to comply with the packaging information requirements of Article 16.

Article 44. Obligations of final holders of industrial packaging waste.

1. Final holders shall return to distributors or extended producer responsibility schemes industrial packaging waste subject to the deposit, refund and return system, under the conditions of preservation, emptying and cleaning or any other conditions defined by the extended producer responsibility schemes. These conditions must be proportionate, avoiding, in any case, discouraging the return of packaging.

2. Final keepers shall separate industrial packaging waste which is not subject to the deposit, refund and return system by material and hazardous nature, and as appropriate:

- a) Deposit them at collection points established by the extended producer responsibility schemes and under the conditions defined by them; or
- b) Deliver them directly to authorised managers when provided for in the agreements referred to in Article 42.5, taking into account the principle of hierarchy.

To this end, the rules on hazardous waste shall apply from the moment the empty packaging has ended its useful life, is deposited and made available to the extended producer responsibility system, or when it is delivered directly to authorised managers.

Under no circumstances shall the holders leave the packaging waste in the environment.

3. Final holders shall provide information to individual or collective systems on the management of industrial packaging waste in the cases provided for in Article 42(5).

Article 45. Financing of industrial packaging waste management operations.

1. Extended producer responsibility schemes for industrial packaging shall finance under the terms referred to in Article 23(4), the same costs as those foreseen for commercial packaging waste in Article 40(1).

2. If industrial packaging waste exceptionally ends up in the waste management circuit of local competence, including the cleaning of public roads, green areas, recreational areas and beaches, the extended liability schemes shall compensate the local authority concerned for all the economic costs incurred by its collection and management, regardless of any administrative penalty.

CHAPTER IV

Deposit, Refund and Return Systems

Article 46. *Compulsory deposit, refund and return system for reusable packaging.*

1. Product producers placing reusable packaging on the market, and in order to ensure their recovery through the entire distribution chain, including where appropriate the consumer or end-user, and to organise and finance the management of reusable packaging waste at end-of-life, shall be obliged a:

a) Collect from their customers, up to the final consumer and as a deposit, an amount for each unit of packaging that is the subject of a transaction. In cases where the producer retains ownership of the packaging and assigns the right of use through a remunerated agreement between the parties, the amount of which guarantees the return of the reusable packaging, the aforementioned deposit may be waived, except in the case of packaging regulated in Article 8(1)(a) and (b), which shall be subject to a mandatory deposit up to the point of sale.

b) Accept the refund or return of used packaging whose type, format or mark they place on the market, returning the same amount that has been charged in accordance with the provisions of the previous section. When, for reasons attributable to the consumer or user, and in accordance with the conditions previously defined by the producers, the reusable packaging has lost its functionality, they shall accept the return or return of the used packaging, but shall not be required to return the deposit.

2. Product producers will only be obliged to accept the refund and return of packaging of those products placed on the market by them.

Also, traders and distributors will be obliged to accept the refund and return by consumers or users of used packaging from products they market in their stores. For this purpose, they may make the acceptance of used packaging subject to compliance with the storage and cleaning conditions laid down by the producers. These conditions must be proportionate, avoiding, in any case, discouraging the return of packaging.

Holders of used packaging must return it to the distributors, or to the product producers, under the conditions of conservation and cleaning defined by the producers.

3. The amount of the deposit to be required referred to in paragraph 1 shall be freely fixed by the product producers, at an amount sufficient to ensure the return of used packaging, and shall not be less than the value stated in Article 47(4) nor exceed the value of the replacement cost. Product producers shall inform the reseller or retailer of the amount of the guarantee and, where appropriate, the consumer or end user.

Product producers shall put in place the necessary mechanisms for compensation to traders or distributors for deposits returned to consumers for products the sale of which they have not made.

4. Once reusable packaging ends its useful life, producers of product must deliver them separately by materials to an authorised manager, for proper management, which must comply with the waste hierarchy principle, and must bear the financial cost involved, ensuring compliance with the management objectives set out in this Royal Decree.

However, product producers may reach agreements with the final holders of reusable packaging waste, so that they assume, on behalf of the former, responsibility for the organisation, management of waste and compliance with the objectives referred to in the preceding paragraph, and the appropriate information and financing mechanisms for each party must be established.

5. In the case of reusable industrial and commercial packaging placed on the market through providers of reusable packaging services, it shall be those economic operators who fulfil the obligations of product producers referred to in the preceding paragraphs, where the derogation provided for in paragraph 1(a) and the reporting obligations of Article 16 and Article 17 which apply to them are applicable.

6. The provisions of the preceding paragraphs shall apply to industrial and commercial packaging originating from preparation for re-use operations, which are re-used as reusable

packaging.

7. The above obligations shall be fulfilled by means of individual or collective extended producer responsibility schemes, consisting of the product producers or, where appropriate, the reusable packaging services providers, in compliance with the provisions of Section 2 of Chapter III of this Title, where applicable.

8. The packaging to which the provisions of this article apply must be properly distinguished. The symbols shall be clear and unambiguous and shall not mislead consumers or users as to their reusable status.

9. The provisions of this article shall also apply to reusable packaging placed on the market by distance selling and by automatic vending machines.

10. If for any reason used packaging or reusable packaging waste placed on the market through a deposit, refund and return system ends up in the waste management circuit of local competence, including the cleaning of public roads, green areas, recreational areas and beaches, the extended producer responsibility schemes shall compensate the local authority concerned for the full economic costs incurred by the collection and management of this packaging, regardless of the administrative penalty that may apply.

11. Household reusable packaging where the reuse system depends on the refilling of the packaging by the user or consumer through products packaged in single-use packaging shall be exempt from the provisions of this Article. The exempted reusable packaging shall comply with the relevant provisions of Chapter III.

Article 47. Compulsory deposit, refund and return system for certain single-use household packaging.

1. When the objectives set out in Article 10(4) of this Royal Decree are not met, and in accordance with the provisions of Article 59(2) of Law 7/2022 of 8 April, producers who place single-use plastic bottles of up to 3 litres of capacity on the market for mineral water and spring water products, juices, nectars, mixtures of freshly squeezed fruit and vegetables, concentrates for dissolution, soft drinks, energy drinks, isotonic drinks and alcoholic beverages, shall establish, within two years, a deposit, refund and return system.

To ensure the technical, environmental and economic feasibility of the implementation of these systems, in addition to plastic bottles, the cans and cartons for beverages of these products will be included.

This obligation shall be fulfilled through individual or collective extended producer responsibility schemes, to which the provisions of section 2 of chapter III of this title shall apply, where appropriate.

2. In order to ensure the effective implementation of the deposit, refund and return system referred to above, once the failure to comply with the separate collection targets has been determined, the Ministry for the Ecological Transition and the Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, shall inform the product producers concerned through the extended producer responsibility schemes to which they belong.

Within six months of notification to the responsibility schemes, product producers shall submit a corresponding application for authorisation of the extended producer responsibility scheme or, where appropriate, review of the existing one, in order to comply with the obligation laid down in paragraph 1.

Product producers shall have two years after notification to the extended producer responsibility scheme of non-compliance with the separate collection targets for the implementation of the deposit, refund and return system.

3. In the event of non-compliance with the objective of Article 59(1)(a) of Law 7/2022 of 8 April, extended producer responsibility schemes must achieve, within two years of the implementation of the deposit, refund and return system, a separate collection by weight of at least 90% of the packaging waste subject to the system, in respect of the total packaging placed on the market through that system in a calendar year. This period shall be reduced to one year in the event of non-compliance with the objective of Article 59(1)(c) of that law.

4. Producers shall bear the first payment of the deposit, which shall be freely fixed by the extended producer responsibility schemes at an amount equal to or greater than 10

cents (euro), for each unit of beverage packaging they place on the State market.

The different sales channels will pay the producers the deposit at the time of the transaction and transfer it to the final consumer, who will recover it at the time of the return of the packaging waste in any of the forms established by the system. The points or places of return shall be defined by the system, which may be retail shops, containers, specific centres, or any other return system for packaging waste.

The extended producer responsibility schemes shall return to trading channels the warehouse for packaging waste that has been returned to the extended producer responsibility system through their sales outlets, once their counting has been validated.

5. In addition to the deposit referred to in the previous paragraph, producers must provide the system with the necessary financing to ensure its operation, as well as the proper management of packaging waste and compliance with the recycling targets of this Royal Decree.

6. Traders or distributors of beverages packaged in the formats referred to in paragraph 1 shall participate in deposit, refund and return schemes established under the conditions agreed with extended producer responsibility schemes, which may provide for specific conditions for retail outlets with a useful area for exposure and sale to the public equal to or less than 120m².

7. The packaging to which the provisions of this Article apply must be properly distinguished in such a way that, in addition to informing the consumer that the packaging is part of the system and that its purchase involves payment of a deposit which will be returned to him if the packaging returns, it ensures its operation as an anti-fraud mechanism.

8. In order to manage deposit and information flows, extended producer responsibility schemes established for that purpose, in addition to their obligations under chapter III of this title, shall:

a) Keep an up-to-date record on:

1 .º Producers who are part of the system and who make the first payment of the deposit.

2 .º Packaged beverages subject to the system, including the number and characteristics of the packaging placed on the market.

3 .º The return points of packaging waste, specifying whether they are manual or automatic.

4 .º Authorised managers for logistic collection operations.

b) Perform the following functions in the field of logistics:

1 .º Define the technical criteria to be met by packaging return systems in order to be eligible under the collective system.

2 .º Standardise bags and other possible collection items. Ensure its manufacture and distribution, either directly or allowing its distribution, after approval.

3 .º Coordinate and manage the system for collecting returned packaging through duly authorised managers.

4 .º Organise the management of the centres for counting and sorting packaging waste.

5 .º Request the producers belonging to the system to comply with the labelling obligation, in accordance with the provisions set out in paragraph 7.

c) Develop the following economic functions:

1 .º Define the price of the deposit and collect it from producers.

2 .º Define and pay compensations to retail stores.

3 .º Act as clearing house receiving all payments and making all payments to each agent involved in the system depending on the services performed, simplifying the economic exchange between them.

d) Carry out the control and monitoring of the system:

- 1 .º Create and make the system's data transmission protocols and systems operational.
 - 2 .º Issue the documentation necessary to enable each producer to justify compliance with its extended responsibility obligations.
 - 3 .º Monitor that each agent involved in the system fulfils its responsibilities, and pursue possible fraudulent behaviour with a view to reporting to the competent authorities.
 - 4 .º Maintain a list of audited companies and an overview of the audits carried out, both of the producers belonging to the system, and of authorised waste managers with which agreements have been concluded.
 - 5 .º Audit the financial management of the system by accredited companies.
- e) Perform the following information and communication functions:
- 1 .º Create and make the system's data transmission protocols and systems operational.
 - 2 .º Inform users about the functioning of the system.
 - 3 .º Carry out citizen information and communication campaigns to ensure the necessary participation of consumers and the proper functioning of the system.
 - 4 .º Report annually the results of the system to its owners, and to the public in general.
9. If for any reason single-use packaging waste placed on the market through a deposit, refund and return system ends up in the waste management circuit of local competence, including the cleaning of public roads, green areas, recreational areas and beaches, the extended producer responsibility schemes shall compensate the local authority concerned for the full economic costs incurred by its collection and management, regardless of the administrative penalty that may apply.

Article 48. Voluntary Establishment of the Deposit, Refund and Return System for Single Use Packaging.

1. For all other single-use packaging not covered by Article 47(1), product producers placing them on the market may voluntarily establish a deposit, refund and return system, through the corresponding individual or collective extended producer responsibility schemes, to ensure their recovery throughout the distribution chain, including, where applicable, the final consumer, and to organise and finance the management of end-of-life packaging waste.
Extended producer responsibility schemes shall be subject to the regime governed by chapter III of this title.
2. Voluntary deposit, refund and return systems shall meet the same specificities as those set out in Article 47, and the minimum amount of deposit provided for in paragraph 4 thereof shall not apply.

TITLE III

Reporting Obligations

Article 49. Information to public administrations.

1. In addition to the information obligations laid down in Articles 15 and 16 for producers of products, natural or legal persons authorised to carry out professional collection and treatment of packaging waste must send before 1 March of the following year in respect of which the data were collected a summary report of the information contained in the chronological file of Article 64 of Law 7/2022 of 8 April, for each of the facilities in which they operate, broken down by each authorised treatment operation.

In order to have the information referred to in this paragraph, as well as to comply with other information requirements arising from the implementation of the implementing acts approved by the European Commission, including the one on the separate collection of plastic bottles, the Autonomous Communities may require additional information from the natural or legal persons referred to in this paragraph.

2. The Autonomous Communities, with the collaboration of local authorities, shall keep up-to-date information on the management of packaging waste in their area of competence. That information should include the infrastructures available and, in each of them, the quantification and periodic characterisation of incoming and outgoing packaging waste, and the specific destinations for recovery or disposal of outgoing packaging waste. For these characterisations, the Ministry for the Ecological Transition and the Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, together with the Autonomous Communities and local authorities, within the Waste Coordination Committee, may establish harmonised guidelines on them.

In the case of packaging waste falling within the competence of local authorities or managed in the waste circuit of local competence, the latter must send annually to the Autonomous Community a report on the management of this waste, the contents of which will be determined by the Autonomous Communities, so as to determine compliance with the objectives and information obligations set out in this Royal Decree.

3. The Autonomous Communities shall validate the reports required in accordance with paragraph 1 and incorporate them into the waste information system before 1 September of the following year for which the data have been collected in order to comply with the obligations laid down in state, European Union and international legislation.

4. The Ministry for the Ecological Transition and the Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, shall transmit by electronic means to the European Commission, in accordance with the calculation methodology laid down in European Union legislation, information for each calendar year on the management of packaging waste at State level.

The data shall be expressed by weight and compiled on the basis of the information on packaging placed on the market submitted annually by producers in accordance with Article 16, corrected by any deviations detected, and on the basis of the information contained in the summary report of the waste managers authorised by each of the facilities in which they operate and for each authorised treatment operation.

This information shall be sent within eighteen months of the year to which the data relate, in accordance with the format to be determined by the European Commission and accompanied by a quality control report.

5. The Ministry for the Ecological Transition and the Demographic Challenge will assess compliance with the objectives set in the Royal Decree for the year 2025 and will make public the status of compliance by 31 December 2028. Likewise, the Ministry must assess and make public the state of compliance with the objectives set for 2030 and 2035 before 31 December 2033 and 2038 respectively, except for those objectives regulated in Article 59 of Law 7/2022 of 8 April, for which, pursuant to the third paragraph of the seventeenth additional provision of the aforementioned law, the results will be published before 31 October of the year following the year assessed.

Article 50. Information to consumers, users, the general public and non-governmental organisations.

1. The competent public administrations shall take the necessary measures to ensure that consumers and users, the general public and non-governmental organisations concerned with the protection of the environment and sustainable development, receive the necessary information on:

a) The established packaging waste management model, including the infrastructure available for collection, such as different types of containers, supply points, clean points, among others, their location, frequency of collection and how citizens should be involved in the implementation of this management model, specifying how, where and when used

packaging and packaging waste should be delivered.

b) The authorised extended producer responsibility schemes and the corresponding packaging waste management organisation model.

c) The contribution to meeting the objectives of reduction, reuse, separate collection, recycling and recovery within its remit.

2. Public administrations, within their competences and within their budgetary resources, shall promote information, awareness-raising and public training campaigns aimed at the initial producers of packaging waste, with a view to achieving the prevention and management objectives set out in this Royal Decree. To this end, regular memoirs, newsletters, reports, green shopping guides, guides to good practice and prevention catalogues, as well as educational programmes and other appropriate tools, will be drawn up, drafted and disseminated on a regular basis.

3. Public administrations, within the scope of their competences, and with regard to plastic packaging which are included in paragraph 1 of Part F of Annex IV to Law 7/2022 of 8 April, shall promote information campaigns in accordance with Article 61 of the aforementioned Law.

Article 51. Administrative cooperation and information exchange.

1. The authorities responsible for the matters provided for in this Royal Decree, in particular those responsible for waste management at local, regional and state level, shall cooperate with each other to ensure the correct application of this Royal Decree, to ensure that the economic operators concerned comply with their obligations and to establish an adequate flow of information between public administrations.

2. This obligation to cooperate and exchange information may be fulfilled through the Waste Coordination Committee, its Packaging Working Group and expert groups related to the management of packaging waste in different administrative areas.

3. The Waste Coordination Committee shall establish mechanisms for consultation with the National Markets and Competition Commission on administrative decisions or on other aspects which may have implications for effective competition and efficient economic regulation of the sectors affected by this Royal Decree.

TITLE IV

Control, Inspection and Sanctioning Regime

Article 52. Control, monitoring and supervision by public administrations.

1. When local authorities are involved in the organisation of management, the Autonomous Communities shall ensure their participation in the control and monitoring of the degree of compliance with the objectives to be achieved and of the obligations assumed by the extended producer responsibility systems established in this Royal Decree, without prejudice to other forms of participation deemed desirable.

2. In relation to the obligations of registration and notification to the packaging section of the Register of Product Producers, regulated in Articles 15 and 16, the Ministry for the Ecological Transition and the Demographic Challenge will exercise the functions of surveillance and inspection, as well as the power to impose penalties under the provisions of Article 12(3)(g) of Law 7/2022 of 8 April.

3. The monitoring of compliance with the obligations of the extended producer responsibility scheme shall be carried out by the competent regional authorities with the criteria to be established by the Packaging Working Group of the Waste Coordination Committee, with particular attention where there are several collective extended producer responsibility schemes for the same type of product. Other authorities of the Autonomous Communities and the General State Administration, which are not part of the Coordination Committee, may cooperate in carrying out this supervisory task, especially when these tasks concern non-environmental matters, without prejudice to the competence of the competent authorities to carry out these tasks.

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The competent authorities may request any additional information they deem necessary, including information on single-use plastic bottles, to carry out their control and monitoring of compliance with the obligations of the extended producer responsibility scheme.

4. Compliance with the obligations of the producer of the product may be verified by the customs and tax authorities for the purpose of controlling fraud, paying particular attention to imported products subject to extended producer responsibility.

Article 53. Surveillance and Inspection.

1. The competent public administrations, including law enforcement authorities, when, by reason of their duties, are required to carry out control, surveillance and inspection tasks, shall carry out appropriate checks and inspections to verify the correct application of this Royal Decree. Without prejudice to Article 106 of Law 7/2022 of 8 April, these inspections shall include at least:

- a) The registration obligation and the information communicated in accordance with Articles 15 and 16, as well as verification of the inclusion in the invoice of contributions to extended producer responsibility schemes referred to in Article 23(5).
- b) Information on collection of packaging waste at municipal collection facilities, distributors, producers or managers.
- c) The conditions under which the collection operations are carried out.
- d) Operations in treatment facilities in accordance with Law 7/2022 of 8 April.
- e) The information provided by the managers.
- f) The information provided by the extended producer responsibility schemes as provided for in this Royal Decree, including financing aspects.
- g) Shipments of packaging waste, and in particular exports of packaging waste outside the European Union in accordance with Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste.

2. The competent authority may at any time verify that the extended producer responsibility systems comply with the forecasts contained in the communication submitted or with the conditions of the authorisation granted, as provided for in this Royal Decree.

3. The competent authorities shall be responsible for the supervision and control of the exercise of operators in their territory as laid down in Article 21 of Law 20/2013 of 9 December on the guarantee of market unity.

Article 54. *Penalties.*

Failure to comply with the provisions of this Royal Decree shall be penalised in accordance with the provisions of Law 7/2022 of 8 April; and Law 21/1992 of 16 July on Industry; and in the consolidated text of the General Law for the Protection of Consumers and Users and other complementary laws, approved by Royal Legislative Decree 1/2007 of 16 November.

First additional provision. *Medication Packaging Management.*

1. Residues of medicinal products, including their applicators, must be delivered and collected with their packaging through the same channels used for distribution and sale to the public, and the obligation laid down in Article 30(e) does not apply. In the event that medicinal products and their applicators are delivered through health centres, hospitals or veterinary centres, their waste will be delivered and collected at these centres or at the collection points set up under the extended producer responsibility scheme.

2. The holder of the marketing authorisation for a medicinal product shall be obliged to participate in a system to ensure the collection of residues of medicinal products generated at home in accordance with the provisions of Royal Legislative Decree 1/2015 of 24 July approving the consolidated text of the Law on guarantees and rational use of medicinal products and medical devices and Royal Decree 1345/2007 of 11 October regulating the procedure for authorisation, registration and conditions for the supply of industrially manufactured medicinal products for human use. To this end, such collection obligation may be fulfilled through the collection channels of the system for the management of packaging waste of medicinal products established under the extended producer responsibility for packaging. This shall be included in the relevant communication or application for authorisation, as appropriate, of the extended producer responsibility scheme for packaging and packaging waste, indicating, in addition to the information on packaging and its management, how the waste of medicinal products will be managed, in accordance with the applicable legislation, so that specific requirements can, where appropriate, be established for the joint management of both waste streams.

Second additional provision. *Application of the extended producer responsibility scheme to single-use plastic containers used to contain food and cups for beverages, including their covers and lids, included in Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment, which do not meet the definition of packaging.*

1. Economic operators engaged in both manufacturing and importing or purchasing these products in other Member States of the European Union shall be regarded as product producers of single-use plastic containers used to contain food and cups for beverages, including their covers and lids, which comply with the requirements of Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment, and which do not meet the definition of packaging.

2. Single-use plastic cups for beverages shall be marked in accordance with the harmonised specifications set out in Annex IV to Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment.

3. Those product producers shall comply with the information requirements of Articles 15 and 16 as regards the placing on the market of the products covered by this additional provision.

4. Also, these product producers are subject to the extended producer responsibility scheme provided for in Section 3 of Chapter III of Title II of this Royal Decree. To this end, product producers may participate in the collective extended producer responsibility schemes that have been set up, provided that there is no risk or distortion to the management of their packaging waste, and the authorisation provides for the system's action for waste from these products.

Third additional provision. Application of the extended producer responsibility regime to capture and monitoring traps and diffusers using insecticides, pheromones and other products for agroforestry pest control.

1. In relation to diffusers and trapping and monitoring traps that use insecticides, pheromones and other products for pest control in the agroforestry field, economic agents engaged in both manufacturing and importing or acquiring these products in other Member States of the European Union shall be considered as a producer of products.

2. Those product producers shall comply with the information requirements of Articles 15 and 16 as regards the placing on the market of the products covered by this additional provision.

3. In addition, these product producers are subject to the extended producer responsibility scheme provided for in Section 5 of Chapter III of Title II of this Royal Decree. To this end, product producers may participate in the collective extended producer responsibility schemes that have been set up, provided that there is no risk or distortion to the management of their packaging waste, and the authorisation provides for the system's action for waste from these products.

First transitional provision. Transitional targets for recycling and recovery.

By 2025, the following recycling and recovery targets shall be met annually for the entire territory of the State:

a) A minimum of 55% up to a maximum of 80% by weight of packaging waste shall be recycled.

b) A minimum of the materials contained in packaging waste shall be recycled from:

1. ° 22.5% by weight for plastics, counting exclusively material that is recycled back into plastics.

2. ° 15% by weight for wood.

3. ° 50% by weight for metals.

4. ° 60% by weight for glass.

5. ° 60% by weight for paper and board.

c) After reaching the minimum recycling target in paragraph a), a minimum of 60% by weight of packaging waste shall be recovered, including incineration in waste incineration plants with energy recovery.

Second transitional provision. Information obligations of product producers for the years 2021 and 2022.

In relation to the reporting obligations of Article 16(2), the first reporting year shall be 2021, and producers must submit that information retroactively within the deadline set in the packaging section of the Register of Product Producers as from their registration in that section in accordance with the provisions of Article 15. In addition, product producers must submit information on reusable packaging that was in circulation in 2021. After the previous deadline, producers must submit the information for the year 2022 within three months of that deadline.

Third transitional provision. *Adaptation to the new extended producer responsibility framework.*

1. Producers of products who, prior to the entry into force of this Royal Decree, were not required to participate in an integrated management system, in accordance with the provisions of Law 11/1997 of 24 April and its implementing regulations, shall constitute the extended responsibility schemes in accordance with the provisions of this Royal Decree by 31 December 2024. For this purpose, by 31 December 2023, the communication of the individual scheme or the application for authorisation as a collective extended responsibility scheme shall be submitted to the competent authority.

The other product producers shall constitute or adapt the integrated management systems to the requirements of this Royal Decree by 30 June 2024. For this purpose, by 30 June 2023, the communication of the individual scheme or the application for authorisation as a collective extended responsibility scheme shall be submitted to the competent authority.

2. Existing integrated packaging waste management systems or applications for authorisation submitted before the entry into force of this Royal Decree shall be governed by the provisions of Law 11/1997 of 24 April on packaging and packaging waste and its implementing regulations until they are adapted to the regime provided for in this Royal Decree.

However, these systems must meet the objectives set out in this Royal Decree by the relevant dates, whether or not they have adapted to the new extended producer responsibility regime.

Similarly, the financial responsibilities regulated in accordance with the provisions of this Royal Decree will apply from 1 January 2024. These contributions must be provided for in the new agreement referred to in Article 33 retroactively.

3. For the purposes of the funding set out in Article 34(1)(b) and on a transitional basis until 2025, the fulfilment of a 60% annual separate collection target by weight of all household packaging waste shall be taken into account.

4. Traders and distributors shall have one year from the entry into force of this Royal Decree to fulfil the obligations set out in Title II other than those that may correspond to them as product producers.

Fourth transitional provision. *Regulation of financial guarantees.*

Pending the adaptation of the integrated packaging waste management systems to the provisions of this Royal Decree in application of the third transitional provision, the financial guarantees already deposited shall cover the purposes laid down at the time of their establishment. Following the adaptation of the system to this Royal Decree, the provisions of Article 26 shall apply.

Once the new financial guarantees have been created, the existing guarantees will be cancelled, and the bonds deposited with the Autonomous Communities will be returned immediately.

Fifth transitional provision. *Transitional arrangements for modulating producers' financial contribution to extended producer responsibility schemes.*

In the case of collective extended producer responsibility schemes for commercial and industrial packaging made up of producers for whom there was no obligation to participate in an integrated management system, as provided for in Law 11/1997 of 24 April 1997, the application of the modulation criteria laid down in Article 23(3) shall be mandatory at the latest within two years of their authorisation.

Sixth transitional provision. *Inspection arrangements regarding sales area.*

In order to allow the adaptation of commercial establishments, inspection of compliance with Article 7(4)(b) shall not commence until 1 June 2023.

Sole repealing provision. *Repeal of regulations.*

All provisions which oppose, contradict or are incompatible with the provisions of this Royal Decree shall be repealed, and in particular:

1. Law 11/1997 of 24 April on packaging and packaging waste, with regulatory status following the adoption of Law 22/2011 of 28 July on contaminated waste and soils.
2. Royal Decree 782/1998 of 30 April approving the Regulation for the implementation and implementation of Law 11/1997 of 24 April on Packaging and Packaging Waste.
3. Royal Decree 1416/2001 of 14 December on packaging of plant protection products.
4. The Order of 31 December 1976 on the compulsory guarantee of packaging for sales of beer and soft drinks.
5. The Order of 16 July 1979 on the compulsory guarantee of packaging in the sales of bottled beverages.
6. The Order of 27 April 1998 establishing the individual amounts to be recovered by way of deposit and the identifying symbol of packaging placed on the market through the deposit, refund and return system provided for in Law 11/1997 of 24 April on Packaging and Packaging Waste.
7. The Order of 21 October 1999 establishing the conditions for non-application of the concentration levels of heavy metals laid down in Article 13 of Law 11/1997 of 24 April on packaging and packaging waste, to reusable plastic boxes and pallets used in a closed and controlled chain.
8. The Order of 12 June 2001 establishing the conditions for non-application to glass containers of the concentration levels of heavy metals laid down in Article 13 of Law 11/1997 of 24 April on packaging and packaging waste.
9. Order MAM/3624/2006 of 17 November amending Annex 1 to the Regulation for the implementation and implementation of Law 11/1997 of 24 April on packaging and packaging waste approved by Royal Decree 782/1998 of 30 April and the Order of 12 June 2001 establishing the conditions for non-application to glass containers of the concentration levels of heavy metals laid down in Article 13 of Law 11/1997 of 24 April on packaging and packaging waste.

First final provision. *Amendment of Royal Decree 1378/1999 of 27 August establishing measures for the disposal and management of polychlorinated biphenyls, polychlorinated terphenyls and equipment containing them*

Royal Decree 1378/1999 of 27 August establishing measures for the disposal and management of polychlorinated biphenyls, polychlorinated terphenyls and equipment containing them is amended as follows:

One. Article 2(f) is amended to read as follows:

f) 'removal': only operations D9, D10, D12 (only in accordance with Article 7(4)(b) of Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants), D14 and D15, listed in Annex III to Law 7/2022 of 8 April on contaminated waste and soils. Operations D14 and D15 shall only be eligible where it is ensured that the waste is subsequently disposed of by operation D9, D10 or D12.

Two. Article 3(1) ter is replaced by the following:

'1. The decontamination or disposal of electrical transformers with PCB concentrations exceeding 500 ppm, of other equipment with PCB concentrations equal to or greater than 50 ppm and of PCBs contained therein shall be carried out before 1 January 2011; with the exception of apparatus with a PCB volume less than a cubic decimeter.

Without prejudice to the provisions of the previous paragraph, equipment (e.g. transformers, capacitors or other receptacles containing liquid material) containing more than 0.005% PCBs and a volume greater than 0.05 dm³ shall be removed from use as soon as possible and before 31 December 2025 and subsequently disposed of or decontaminated as hazardous waste within a maximum period of six months. In exceptional cases, the competent Autonomous Community may amend this period for duly justified reasons and provided that the protection of human health and the environment is ensured.

Without prejudice to the provisions of the following paragraph, holders of PCB equipment shall give priority, in the order of decontamination or disposal, to those whose conditions make them particularly dangerous, either because of their high PCB content or because of their location or other circumstances which pose a greater risk to humans or the environment.'

Three. A new paragraph 6 is added in Article 5, which reads as follows:

'6. PCB holders shall identify and declare to the Autonomous Communities equipment containing more than 0.005% PCBs and a volume between 0.05dm³ and 1dm³ of PCBs they own as soon as possible and before 1 July 2023. They must also declare annually, within two months from 1 January of each year, such equipment that has been decontaminated or disposed of, providing supporting documentation. The annual declarations shall include the documentation contained in points (a), (b), (c) and (f) of the preceding paragraph.'

Four. Article 8(2) is amended to read as follows:

'2. Transformers whose fluids contain a concentration of between 50 and 500 ppm by weight of PCBs shall be removed from use as soon as possible, and before 31 December 2025, and subsequently disposed of or decontaminated as hazardous waste within a maximum of six months.

In exceptional cases, the competent Autonomous Community may amend this period for duly justified reasons and provided that the protection of human health and the environment is ensured. Decontamination shall be carried out under the same conditions as in sub-paragraphs 1(b) and 1(d).'

Five. A new article 11 bis is added to read as follows:

'Article 11 bis. *Information obligations on PCBs.*

Authorised control bodies or cooperating entities of the administration in the field of the environment, as well as in the field of electricity regulation, which detect concentrations of PCBs which require the decontamination or disposal of equipment containing them in accordance with Articles 3 ter and 8(2), shall immediately communicate it to the competent authorities for the environment and industry, identifying the data relating to the equipment in which those concentrations have been detected: holder of the appliance, type of apparatus (mark, model and serial number) and location, and concentrations of PCBs in it.'

Six. Article 12(3) is amended to read as follows:

'3. Installations disposing of or decontaminating PCBs or equipment containing PCBs shall comply with Article 7(1), (2), (3) and (4) of Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants.'

Seven. Article 15 is amended to read as follows:

'Non-compliance with the provisions of this Royal Decree shall be penalised in accordance with the provisions of Chapter II Title IX of Law 7/2022 of 8 April on waste and soil contaminated for a circular economy, as well as Chapter VI of Title I of Law 14/1986 of 25 April, General Health Law and Title V of Law 21/1992 of 16 July on Industry.'

Second final provision. *Jurisdiction*

This Royal Decree is in the nature of basic legislation in accordance with Article 149(1) (13) and (23) of the Constitution, which confer exclusive competence on the State on the basis and coordination of the general planning of economic activity and on the basic legislation on environmental protection.

Third final provision. *Transposition of European Union law*

This Royal Decree transposes into Spanish law Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste.

It also implements the provisions of Article 60 of Law 7/2022 of 8 April, in relation to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, as regards extended producer responsibility requirements additional to those contained in Directive 2008/98/EC, for packaging falling within its scope.

Fourth final provision. *Authorisation to pass legislation*

1. The head of the Ministry for the Ecological Transition and Demographic Challenge is authorised to issue, within the scope of his or her powers, all necessary provisions for the implementation and implementation of this Royal Decree.
2. The head of the Ministry of the Ecological Transition and the Demographic Challenge is empowered, under the same terms as in the previous paragraph, to introduce in Annexes IV, V, VI, VII, VIII, IX, X, XI and XII any technical modifications necessary to keep them adapted to any technical innovations that may occur and especially to the provisions of European Union regulations.

Fifth final provision. *Entry into force*

This royal decree shall enter into force on the day after it is published in the Official State Gazette.

However, the new marking obligations provided for in Article 13 shall apply from 1 January 2025.

Issued in Madrid, on 27 December 2022.

FELIPE R.

The Third Vice-President of the Government
and Minister for the Ecological Transition and the Demographic Challenge,
TERESA RIBERA RODRÍGUEZ

ANNEX I

Illustrative examples of the interpretation of the definition of packaging

Illustrative examples of the interpretation of the definition of packaging contained in the third paragraph of Article 2(f) are the following:

Packaging shall be considered as:

Candy boxes.

Film or film wrapping of CD boxes.

Mailing bags of catalogues and magazines (containing a magazine).

Pastry moulds sold with pastry parts.

Rolls, tubes and cylinders around which a flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended to be part of production machinery and not used to present a product as a sales unit.

Pots intended for use only for the sale and transport of plants and not for the plant to remain in them for life.

Glass bottles for solutions for injection.

CD holder axles (sold with CDs, but not intended for storage).

Clothes hangers (sold with item).

Match boxes.

Sterile barrier systems (bags, trays and materials necessary to preserve the sterility of the product).

Capsules for beverage machines (e.g. coffee, cocoa, milk), which are empty after use.

Rechargeable steel cylinders used for various types of gases, with the exception of fire extinguishers.

Packaging shall not be considered as:

Pots planned for plants to remain in them during their lifetime.

Toolboxes.

Tea bags.

Wax coatings that wrap cheese.

Skins for sausages or cold meats.

Clothes hangers (sold separately).

Coffee capsules, coffee foil bags and mono-dose coffee in filter paper for beverage machines, which are removed with used coffee.

Cartridges for printers.

CD, DVD and video boxes (sold with a CD, DVD or video inside).

CD-carry axles (sold empty, for storage).

Soluble bags for detergents.

Candle holders (such as those used in cemeteries).

Mechanical mills (integrated in a rechargeable container, e.g. rechargeable pepper mills).

Illustrative examples of the interpretation of the definition of packaging contained in the fourth paragraph of Article 2(f) are the following:

Packaging, if designed and intended to be filled at the point of sale:

Paper or plastic bags.

Disposable plates and glasses.

Films or foils for wrapping.

Sandwich bags.

Aluminium foil.

Plastic covers for clean clothes from a launderette.

Not packaging:

Removers.

Disposable cutlery.
Packaging paper (sold separately).
Kiln paper moulds (sold empty).
Bakery moulds sold empty.

Illustrative examples of the interpretation of the definition of packaging contained in the fifth paragraph of Article 2(f) are the following:

Packaging is considered as:

Labels hanging directly from the product or tied to it.

Part of packaging:

Mascara brushes that are part of the container closure.

Adhesive labels subject to another packaging item.

Staples.

Plastic covers.

Dosing devices that form part of the closure of detergent containers.

Mechanical mills (integrated in a non-rechargeable container loaded with a product, e.g. pepper mills filled with pepper).

Not packaging:

Radio Frequency Identification Labels (RFID).

ANNEX II

Rules on the calculation of the achievement of recycling targets

1. In accordance with Decision 2005/270/EC establishing the models for the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, which also lays down the rules for the calculation, verification and reporting of data pursuant to that Directive, and for the purpose of calculating whether the targets have been achieved set out in Article (10)(1), the Ministry for Ecological Transition and Demographic Challenge shall calculate, on the basis of the information provided by the Autonomous Communities and the packaging section of the Register of Product Producers, the weight of the packaging generated and/or recycled or recovered packaging waste in a given calendar year, in accordance with the following rules:

a) The weight of packaging waste generated in a given calendar year shall be considered to be equivalent to the quantity of packaging placed on the market during the same year. This information will be corrected, where appropriate, with any deviations detected.

b) The weight of recycled packaging waste shall correspond to the weight of packaging waste which, having been subject to all control, sorting and other prior operations necessary to dispose of waste materials not intended for further processing and to ensure high quality recycling, enter the recycling operation whereby waste materials are actually transformed into products, materials or substances.

For this purpose, the weight of recycled packaging waste shall be measured when the waste enters the recycling operation.

2. By way of derogation from paragraph 1(b), the weight of recycled packaging waste may be measured when it exits any sorting operation, provided that:

a) Such exit waste is subsequently recycled.

b) The weight of materials or substances disposed of by other pre-recycling operations that are not subsequently recycled is not included in the weight of the waste reported as recycled waste.

3. To ensure compliance with the conditions set out in points (b) of paragraph 1 and points (a) and (b) of paragraph 2, as well as the reliability and accuracy of the data collected

on recycled packaging waste, an effective packaging system for waste quality and traceability shall be established, based on the information contained in the waste information system (ESIR). The technical specifications for the quality requirements for classified waste agreed in accordance with Article (11)(2), or the average loss rates to be established may be used.

The Ministry for Ecological Transition and Demographic Challenge, in collaboration with the Autonomous Communities, may establish the average loss rates for waste classified according to the different types of waste and management practices respectively. Average loss rates shall only be used in cases where reliable data cannot be obtained otherwise and shall be calculated on the basis of the calculation rules laid down in European Union legislation.

4. The amount of biodegradable packaging waste subject to aerobic or anaerobic treatment may be counted as recycled when that treatment generates compost, digested or other result with a similar amount of recycled content in relation to the incoming waste, to be used as a recycled product, material or substance. Where the result is used in the soil, it may be counted as recycling only if its use produces a benefit to agriculture or an ecological improvement.

5. The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation prior to processing may be counted as recycled provided that such materials are intended for further processing into products, materials or substances for use for the original purpose or for any other purpose. However, materials which cease to be waste for use as fuels or other means to generate energy, or to be incinerated, used as fillers or landfilled, shall not be counted for the purpose of achieving the recycling targets.

6. The recycling of separate metal packaging waste after incineration of waste may be taken into account in proportion to the share of incinerated packaging waste, provided that the recycled metals meet the quality criteria set out in Decision 2005/270/EC.

7. Packaging waste collected in Spain and sent to another Member State for recycling in that other Member State shall be accounted for.

8. Packaging waste collected in Spain and exported outside the European Union shall be counted for the purpose of achieving the targets only if the requirements of paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can demonstrate that the shipment of waste complies with the requirements of that Regulation and the treatment of the packaging waste outside the European Union has taken place under conditions which are generally equivalent to the requirements of applicable European Union environmental law.

9. An adjusted level of targets for a given year may be achieved taking into account the average proportion, in the previous three years, of reusable sales packaging placed on the market for the first time and reused as part of a packaging reuse system.

To calculate the adjusted level, the following shall be subtracted:

- a) Of the objectives set out in points (a) and (c) of Article 10(1), the proportion of reusable sales packaging referred to in the first sub-paragraph of this paragraph in all sales packages placed on the market; and
- b) of the objectives set out in points (b) and (d) of Article 10(1), the proportion of reusable sales packaging referred to in the first sub-paragraph of this paragraph, consisting of the corresponding packaging material, in the package consisting of that material placed on the market.

No more than five percentage points of that proportion shall be taken into account for the calculation of the adjusted level of the corresponding target.

10. The quantities of wood packaging and other materials prepared for re-use may be taken into account in the calculation of the targets set out in Article 10(1).

ANNEX III

Basic requirements on packaging composition and on the nature of reusable and recoverable packaging, including recyclable packaging.

1. Specific requirements on the manufacture and composition of packaging:
 - a) The packaging shall be manufactured in such a way that its volume and weight is the minimum appropriate to maintain the level of safety, hygiene and acceptance necessary for the packaged product and the consumer.
 - b) Packaging shall be designed, manufactured and marketed under conditions allowing reuse or recovery, including recycling, in line with the waste hierarchy, and in such a way as to minimise the environmental impact of the disposal of its or waste remaining from packaging waste management activities.
 - c) Packaging shall be composed and manufactured in such a way as to minimise the use of harmful or hazardous substances and materials, thereby preventing their presence in emissions, ashes, leachate and other effluents generated in the management and disposal operations of their waste and residues remaining after packaging waste management operations.
 - d) The use of phthalates and bisphenol A in packaging shall comply with the provisions of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) which are applicable. This is in line with the provisions of Article 18(1)(i) of Law 7/2022 of 8 April.
2. Reusable packaging shall simultaneously meet all of the following requirements:
 - a) Have physical properties and characteristics that allow several circuits or rotations to be carried out under normal conditions of use.
 - b) Once used, they must be subject to treatment allowing compliance with the health and safety requirements of workers and consumers.
 - c) They must be manufactured in such a way as to meet the specific requirements for recoverable packaging when they cease to be re-used and become packaging waste.
3. Specific requirements for recoverable packaging:
 - a) Packaging recoverable by recycling of materials shall be manufactured in such a way that a certain percentage by weight of the materials used in its manufacture can be recycled. This percentage shall be fixed by the institutions of the European Union and may vary according to the types of materials constituting the packaging.
 - b) Containers recoverable by energy recovery shall be manufactured in such a way that, once converted into waste, they have a minimum calorific value to enable the optimisation of energy recovery.
 - c) Packages designed to be compostable shall have biodegradability characteristics such that they do not hinder the separate collection, composting process or activity into which they have been introduced.
 - d) Biodegradable packaging must have characteristics that, once converted into waste, enable them to undergo physical, chemical, thermal or biological decomposition so that most of the final compost is ultimately decomposed into carbon dioxide, biomass and water. Oxodegradable plastic packaging shall not be considered as biodegradable.

ANNEX IV

Registration and annual information to be provided to the Register of Product Producers for packaging

1. Information regarding entry in the Register of Product Producers.

Producers of packaged products shall be obliged to provide, at the time of registration, and maintenance of their subsequent 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 the case of an authorised representative, the contact details of the producer he represents shall also be provided.
- b) European tax identification number or national tax identification number.
- c) CNAE activity code.
- d) Category of packaging placed on the market: domestic, industrial or commercial, and if they are single-use, reusable or both.
- e) Declaration of the extended producer responsibility system(s) with which they fulfil their obligations for each packaging category, attaching certificate of participation in collective schemes or environmental identification number for individual schemes.
- f) Declaration of veracity of the information provided.

2. Producers shall submit annually the quantities by weight per type of packaging they place on the market, as well as the number of units, broken down for each extended producer responsibility scheme the different categories of packaging, distinguishing whether they are single-use or reusable, according to the options included in the Producer Register.

To this end, they must consider all the elements of the packaging: main element, lids and caps or any other closure element, elements for the safety and use of the product (handle, applicator, dispenser, seal, capsule), fasteners and protection elements (rings, strap, clamp, filling material, bubble plastic, cord, angle, bonding, support, locker), among others.

ANNEX V

Contents of the communication of individual extended producer responsibility schemes for packaging

- a) Identification details of the producer and, where applicable, their authorised representative: registered office, NIF, information and contact person. Indication of whether the producer is an intra-community manufacturer, importer or acquirer.
- b) Territorial scope of action.
- c) Identification (category, material and weight) of packaging placed on the market annually and an annual estimate by weight, by category (domestic, commercial and industrial) and material, of:
 - 1. ° The waste that is expected to be generated.
 - 2. ° Waste packaging and used packaging for the reuse, recycling, recovery and disposal of waste collected separately, expressed in weight and as a percentage of what is collected.
- d) Symbol by which reusable packaging is identified, and, where appropriate, single-use packaging.
- e) Description of the organisation of the system for reuse of used packaging, if applicable, including collection points.
- f) Description of the system for organising the management of packaging waste, including collection points and their location, types of containers used, minimum collection frequencies for maximum effectiveness and intended destinations of the waste collected.
- g) Identification of the managers to whom the collection and treatment of packaging waste is assigned, as well as of the plants or facilities that take over the waste for its treatment.
- h) Copy of the financial guarantee subscribed in accordance with Article 25.
- i) A copy of the contracts entered into and of the agreements concluded for the collection and treatment of packaging waste.
- j) The form of financing of the activities, including an estimate of the planned expenditure for the management of waste of packaging and packaging waste, as well as the details of the financing thereof.

- k) Procedure for collecting data and providing information to public administrations, in compliance with the information obligations laid down in this Royal Decree.
- l) Identification of the agreements established with other extended producer responsibility systems and the contents of those agreements relevant for the purposes of this Royal Decree.
- m) Identification of agreements with final holders of commercial and industrial waste, where the latter assume, on behalf of producers, responsibility for the organisation of waste management in accordance with Article 36(6) and 42(5).

ANNEX VI

Content of the application for authorisation of collective extended producer responsibility schemes for packaging

- a) Identification of the legal form.
- b) Registered office of the collective system.
- c) Territorial scope of action.
- d) Identification of the producers forming the collective system, criteria for the incorporation of new members and description of the conditions for their incorporation.
- e) Category (domestic, commercial or industrial) and packaging materials on which the system will operate.
- f) Symbol by which reusable packaging is identified, and, where appropriate, single-use packaging.
- g) Identification, where applicable, of the administering entity (legal form, registered office) and of the legal relationships and links to be established between this entity and the extended collective liability system and those who integrate the system. And also identify the functions that are performed by the administering entity.
- h) Description of its operation and operational conditions for the management of used packaging and packaging waste:
 - 1 .º Collection carried out by local authorities, specific collection networks and their location, and the organisation of the planned management.
 - 2 .º Types of containers and their suitability to ensure efficient collection of packaging waste in terms of the quality and quantity of waste collected, and with adequate provision and accessibility for users, within the scope of the system's action.
 - 3 .º Minimum collection frequencies for maximum effectiveness.
 - 4 .º Intended destinations of the waste collected.
 - 5 .º Identification of the managers who are assigned the collection and treatment operations of packaging waste, the plants or facilities that take charge of the waste for treatment, and description of the planned processes of contracting or awarding and their conditions, including, if any, social clauses. If available, commitment document signed between the system and the treatment plants.
 - 6 .º Where applicable, procedure for establishing the technical specifications of the recovered materials in each packaging sorting plant as well as in other mixed fraction treatment plants.
- i) Description of the financing of the scheme:
 - 1 .º Estimate cost. With specification of: the planned costs of managing used packaging and packaging waste, costs incurred in setting up collection networks, costs arising from cooperation agreements signed with public administrations for the collection, sorting and sorting of packaging waste, information obligations and awareness-raising campaigns, expenditure arising from contracts with managers and distribution agreements, and administrative costs of the collective system, including details of financial investments made by the system.
 - 2 .º Estimated revenue. Details of the income and sources thereof. Producers' quotas and method of calculating the quota associated with covering the costs referred to in the previous paragraph.

3 .º Detailed information on the procedure for fixing the quota applied by type and material of packaging, and its differentiation according to the criteria of Article 23(3). The quota shall be presented broken down by packaging materials and typologies.

4 .º The method of recovery of the quota and the form of the financial guarantee payable in accordance with Article 26.

5 .º Modalities for review of quotas.

j) Annual estimate, for the period of validity of the authorisation in each Autonomous Community, of the quantities of packaging waste in tonnes, by typology and material, of:

1 .º The waste that will be generated.

2 .º Waste packaging and used packaging for the reuse, recycling, recovery and disposal of waste collected separately, expressed in weight and as a percentage of what is collected.

k) Proposal for funding criteria for public systems for the collection, sorting and separation of packaging waste.

l) Information on the involvement of partners in system decision-making.

m) Compliance of information regulated in this Royal Decree.

n) An affidavit that both its members and those of the decision-making bodies are not, and do not have, any direct or indirect relationship with packaging waste managers or other extended liability schemes, which may lead to a conflict of interest, unless it is established that such a conflict does not exist or that the necessary measures have been taken to eliminate it.

o) Identification of the agreements established with other extended producer responsibility systems and the contents of those agreements relevant for the purposes of this Royal Decree.

p) Identification of the agreements established with the final holders of commercial and industrial waste, where the latter assume, on behalf of the producers, responsibility for the organisation of waste management, in accordance with Article 36(6) and 42(5).

The application must be accompanied by a statement of veracity from the legal representative of the extended collective system of responsibility.

ANNEX VII

Annual report on extended producer responsibility schemes

The report shall contain the following information supported by independent audits carried out by accredited undertakings:

a) General data on placing on the market.

1 .º Identification of the extended producer responsibility scheme and Register of Waste Production and Management number.

2 .º Where applicable, and in the first reporting year, list of producers that make up this system, identifying the Register of Product Producers number of each of them. For successive years, a list of producers joining and leaving the extended producer responsibility scheme, as well as situations of non-compliance with financial obligations, also indicating their Register number.

3 .º Reporting period.

4 .º Quantity by weight (tonnes) and total number of units of packaging or packaged products placed on the market by producers, indicating those containing toxic and dangerous products, those with reusable status and the expected rotation rate, and distinguishing data by categories (household, commercial and industrial), type and materials of packaging. For this purpose, the metal packaging in aluminium and ferrous metals and the brick-type packaging of other paper-card packaging shall be broken down.

The composite packaging placed on the market by producers shall also be indicated, broken down by type and packaging format, and the quantity by weight of each of the

materials present on the packaging, and the proportion they represent in relation to the total weight of the packaging.

b) Separate collection data in each Autonomous Community and at State level.

1 .º The installed collection capacity, taking into account the different collection or supply systems, the containers used, and the collection frequencies.

2 .º Waste packaging and used packaging, by weight, the management of which has been financed, and which has been collected:

i. By local entities.

ii. By the distributors.

iii. Through producers' collection networks or tools.

iv. By collection managers with whom agreements have been concluded.

3 .º The collection rate achieved in the year by the system, in each Autonomous Community and at State level, in total, by categories (household, commercial and industrial) and materials, and collection fractions, for packaging placed on the market by producers participating in extended producer responsibility schemes.

4 .º For plastic products referred to in Part E of Annex IV to Law 7/2022 of 8 April, they must report the quantity, by weight, separately collected for recycling, in accordance with the methodology set out in Commission Implementing Decision (EU) 2021/1752 of 1 October 2021.

5 .º List of managers with whom an agreement exists for the implementation of separate collections at properly established retail stores or distribution points, in producer collection networks, or in the specific collection structures of the extended producer responsibility scheme.

c) Data on reuse, recycling and recovery of used packaging and packaging waste, in accordance with European Union legislation approved for the calculation of targets.

1 .º Of reusable packaging: quantity broken down by materials, by number of units and weight, of reused packaging discarded, indicating the destination and treatment carried out.

In the case of wooden packaging, the tonnes of repaired and subsequently reused packaging must be reported.

2 .º Of collected packaging waste: quantity, by weight, of dispatches to sorting facilities, public and private, within the Autonomous Community of origin and in other Communities of destination, or where applicable, in other Member States or countries outside the European Union, with identification of the destination.

In the case of domestic packaging, in addition:

1 . List of plants for the treatment of mixed fractions of local authorities or autonomous communities with which there is some type of agreement to recover the packaging of the remaining fraction, the inorganic fraction of the wet-dry systems when the exception provided for in Article 25(6) of Law 7/2022 of 8 April does not apply, and the cleaning of public roads, green areas, recreational areas and beaches, as well as the average characterisations carried out there.

11 . Average compositional characterisations of the fractions of separately collected packaging.

3 .º Of packaging waste collected and classified: quantity by weight of consignments to treatment facilities within the Autonomous Community of origin and other Communities of destination, or where applicable, in other Member States or countries outside the European Union, with identification of the destination and the treatment carried out.

4 .º Of the quantities sent to the treatment facilities: quantity of recycled waste, accompanied by a certificate from the manager indicating the tonnes actually recycled at their facility and the rate of recycling. The Waste Coordination Committee may establish harmonised guidelines for the content and issuance of said certificate.

For other forms of recovery, the tonnes of packaging waste which is incinerated or

processed for use as fuel, as well as those intended for other uses, shall be specified, accompanied by a certificate from the operator indicating the tonnes recovered in his installation.

5 .º Reuse, recycling and recovery indicators achieved by each Autonomous Community and at State level for packaging placed on the market by producers participating in extended producer responsibility schemes.

6 .º In the case of household packaging waste, the following shall be specified:

i. Tonnes of recycled and recovered packaging waste from separate collection, differentiating from those collected by local authorities, from deposit, refund and return systems where appropriate, and from specific complementary collections, and in both cases the tonnes recycled and recovered by each manager broken down by material.

ii. In relation to specific complementary collections, origin of packaging waste, collection manager, intermediate treatment operations where appropriate, and the managers to which it is intended.

iii. The separation efficiency of manual and automatic sorting plants and counting and sorting plants where applicable.

iv. For each mixed fraction treatment plant, the tonnes of packaging waste recovered from the remaining fraction by materials and the managers to which it is intended, indicating the quantity.

v. The tonnes of metal packaging waste (steel and aluminium) recovered from slag for recycling in steelworks and smelting plants, indicating tonnes and plant of destination, as well as a description of the method used for their calculation.

vi. The percentage of compliance with the technical specifications of the recovered materials in each packaging sorting plant as well as in each mixed fraction treatment plant.

7 .º Information describing the procedure and the methodology for collecting and verifying the information submitted, as well as the results of the self-monitoring mechanisms provided for in Article 21(1)(j) in order to comply with the requirements of the data quality control report provided for in European Union legislation for the calculation of the objectives.

In the case of reusable packaging, a detailed description of the reuse system must also be included.

8 .º List of managers with whom agreements have been concluded for the final treatment of packaging waste, indicating the treatment carried out and the installation in which it has been carried out.

9 .º Agreements concluded with final holders in the cases provided for in Articles 36(5) and 42(5) for commercial and industrial packaging waste.

d) Economic data.

The audit of the annual report of the systems shall contain the economic data of the yearly activity carried out by the system as provided for in its authorisation.

The annual report shall include at least:

1 .º A justification for the costs of the system, and justification that they have been allocated exclusively to the fulfilment of the obligations arising from the extended producer responsibility that the system has assumed. The costs associated with each of the actions carried out by the system within the framework of its obligations should be specified.

2 .º A report on payments or revenues made to entities or undertakings, or where appropriate to local authorities, which manage packaging waste.

3 .º Financing of the system:

i. Details of the procedure for fixing and the amount of the fee applied by typology and packaging material, as well as a description of the application of modulation, as laid down in Article 23(3).

ii. Financial contribution of producers to the system.

iii. Revenues received by the system from any other source, specifying those sources, as well as from arrangements with other extended liability schemes, including other waste

streams, providing information on the economic conditions of such agreements. It should be ensured that there is no double funding in the case of the application of different extended producer responsibility schemes.

4 .º Costs of managing packaging waste at State level and disaggregated by each Autonomous Community, relating to the aspects referred to in Article 23(2). The amounts allocated in each Autonomous Community to the different headings must be detailed: separate collection (disaggregating costs by type of collection), classification (differentiating the amounts paid to local authorities and traditional recoverers), amounts paid to local authorities for the recovery of packaging from the remaining fraction, communication campaign costs, administrative costs of the system, etc.

In order to enable producers to voluntarily inform consumers about the costs of collecting and treating packaging waste, the systems may include verifiable information on the effect of eco-design or the use of recycled materials in their packaging on the annual costs incurred on the elements of the management of packaging waste referred to in this point.

5 .º In the case of plastic packaging included in paragraph 1 of Part F of Annex IV to Law 7/2022 of 8 April, disaggregated information must also be provided on the costs of:

- i. The awareness-raising measures referred to in Article 50(3).
- ii. The collection of waste from discarded products in public collection systems, including infrastructure and its operation, and the subsequent transport and treatment of waste.
- iii. The cleaning of littering of dispersed waste generated by such products and their subsequent transport and treatment when such cleaning is carried out regularly by or on behalf of the public authorities in accordance with Article 60(4) of Law 7/2022 of 8 April.

6 .º Additional economic information on:

- i. Collection contracts with distributors or other collection facilities, where applicable.
- ii. Cooperation agreements for collection, transport, sorting and separation signed with local authorities.
- iii. Communication campaigns at state level, specifying, where appropriate, the costs of the specific campaigns of each Autonomous Community.
- iv. Administrative costs of the system, distinguishing the costs of complying with the reporting obligations, in particular the costs associated with the development and maintenance of database systems, the costs of obtaining the information and the costs associated with ensuring the traceability and reliability of the data.

7 .º List of audited companies and overview of audits carried out, both of product producers belonging to the system, and of authorised waste managers with which agreements have been concluded for the separate collection and treatment of packaging waste.

8 .º Estimate of the quotas to be applied in the year following that of the compliance period, as well as their justification.

9 .º Revenue and expenditure forecasts for the year following the compliance period.

ANNEX VIII.

Criteria for modulating the financial contribution to collective extended producer responsibility schemes.

1. Criteria and modulation levels.

The modulation criteria shall cover at least:

a) For bonuses:

1 .º Exceeding the minimum recycling targets for specific materials contained in packaging, to be financed directly by penalties for packaging materials for which the recycling rate was below targets. In the event that all the materials contained in the packaging exceed the recycling targets, this bonus shall not apply.

2 .º The reduction in weight or volume of packaging by eco-design, without compromising the recyclability of the packaging.

3 .º Improving the recyclability of packaging, which shall be audited and certified by entities outside the packaging manufacturers and the producers themselves and in close cooperation with waste managers, as laid down in Article 13(4).

4 .º The incorporation of secondary raw materials from packaging recycling, the bonus for non-recyclable or low-recyclable packaging being lower than the most easily recyclable packaging to avoid material loss.

5 .º For reusable packaging, when placed on the market for the first time and provided that a subsequent re-use system exists or it is demonstrated to be re-used as a product by the user or consumer (e.g. re-use as crockery).

6 .º For packaging originating from preparation for re-use operations when placed on the market again.

b) For penalties:

1 .º The gap in meeting the minimum recycling targets for specific materials contained in packaging, which will directly cover bonuses for packaging materials for which the recycling rate was above targets.

2 .º The number of items in the packaging that make up the consumer sales unit (CSU) and the greater or lesser difficulty in separating them.

3 .º The need to implement specific measures to ensure the recycling of certain categories of packaging.

4 .º The non-recyclability of packaging.

5 .º The presence of disruptors that affect separation, sorting or recycling, whatever the percentage of the disruptor.

6 .º The presence of substances after recycling that could compromise the use of the recycled material.

Modulation levels shall be sufficiently high to provide an incentive and have a significant effect on the eco-design decisions of product producers.

No bonus may be granted to packaging affected by a penalty due to:

i. The presence of disruptors affecting their separation, sorting or recycling.

ii. The presence of substances after recycling that could compromise the use of recycled material.

The penalty shall be eliminated when the packaging is modified so as to make it no longer subject to it, or where technological development eliminates the reasons for imposing it.

2. Specific bonuses.

a) A minimum bonus of 10% shall be granted to packaging marked with the percentage of packaging material, including its components, available for quality recycling, in

accordance with Article 13(4).

b) A bonus shall be granted to plastic packaging incorporating at least an additional 10% of the mandatory minimum recycled plastic content set out in Article 11(3) and 11(4), provided that the recycled plastic comes from packaging waste. The amount of the bonus shall be determined by reference to the weight of the recycled plastic incorporated in the packaging. The use of recycled plastic from household packaging waste will give rise to an additional premium. The amounts of these bonuses will be set in a differentiated manner for the different types of plastic polymers, so as to encourage recycling.

The use of production offcuts resulting from the manufacture of such packaging and of materials from pre-consumer packaging waste shall not give rise to the bonus.

These bonuses will be financed by contributions related to the marketing of products in plastic packaging, and especially to penalties for non-recyclable or disruptive packaging that hinders their classification or recycling.

These bonuses shall be cumulative as appropriate.

3. Specific penalties.

Minimum penalties shall be laid down for at least the following disruptors, depending on the packaging materials and their base rate:

a) Paper and paperboard:

1 .º Printing with inks containing more than 1% by mass of mineral oils (MOSH and MOAH): 20%, increasing progressively to 50% within three years. This penalty shall apply only to the weight of the paperboard.

2 .º Cardboard reinforced with materials other than paper and paperboard: 50%.

b) Glass:

1 .º Ceramic or non-magnetic steel closure system: 50%.

2 .º Manufacture from glass other than soda-lime glass: 50%.

3 .º Associated infusion element (porcelain, ceramics, stoneware, etc.): 50%.

c) Rigid plastic:

1 .º Of polyethylene or polypropylene with a density exceeding 1 g/cm³: 10%.

2 .º Dark colours which are not detectable by optical sorting, and in particular containing carbon black: 50%.

d) PET:

1 .º Use of glass microspheres in bottles and jars: 50%.

2 .º Combined with polyethylene in tray: 50%.

3 .º Combined with aluminium, PVC or silicone in bottles, jars and rigid plastics, with a density exceeding 1 g/cm³: 100%.

4 .º Opaque PET (mineral filler >4%) in bottles, jars and rigid plastics: 100%.

e) PVC:

1 .º In bottles and jars: 100%.

These penalties shall be cumulative as appropriate.

Penalties for these disruptors will disappear in the event that technological development eliminates the causes behind their imposition.

ANNEX IX. Calculation of the financial guarantee for extended producer responsibility schemes.

The amount of the system's financial guarantee shall be determined according to the following formula:

$$GF \text{ total system} = 0.10 * \Sigma [C (\text{material}) \times CMG (\text{material})]$$

Where:

Total GF: Amount of the annual financial guarantee for the scheme, in euros (€).

C: Annual quantities of single-use packaging per material placed on the market through the system, in tonnes (t). In the case of reusable packaging, the quantity of spare packaging in one year shall be considered.

CMG: Estimated average management costs of packaging waste per material in the year of compliance, depending on the actual costs incurred, in euros (€/t) in accordance with the provisions of this Royal Decree for each category of packaging.

ANNEX X

Minimum content of public administration agreements with extended producer responsibility schemes for household packaging

1. Where public administrations carry out the full or partial organisation of waste management:

- a) Subject matter and territorial scope.
- b) Form of accession by local authorities when the agreement is signed by the Autonomous Community.
- c) Organisation of the management of packaging waste, including obligations and commitments between the parties. In particular, the moment from which the system assumes the organisation of the management should be explained and therefore acts as the holder of the waste.
- d) Technical specifications for quality requirements for the different fractions of recovered material from classified packaging waste.
- e) System for designating the manager of recovered materials.
- f) Provision of information to public administrations.
- g) Calculation methodology for the financing by the systems of responsibility extended to public administrations involved in the management of packaging waste, as set out in Article 34. The methodology must reproduce the actual performance conditions of the service and may be modulated according to certain conditions or parameters specified in the agreement itself, such as the conditions of rurality, dispersion, tourism, layout and road status, among others. The economic conditions shall be updated annually, depending on the CPI and the change in fuel price, or any other criterion established by mutual agreement between the parties.
- h) Billing and payment. In the event that the agreement is signed by the Autonomous Community, it must also specify the time limit for the transfer to the local authorities of the amount of the costs actually incurred in providing the service, which in no case may exceed one month from the date on which the said amounts are received by the Autonomous Community.
- i) Development of public information and awareness campaigns, to be carried out by the public administrations, with the funding of the systems in the number and amount established. If public administrations decide to delegate the development of campaigns to extended producer responsibility schemes, it should be explicitly included in the agreement.
- j) Control and follow-up mechanisms. The establishment of a plan shall ensure that characterisations are carried out on a regular basis at all stages of the waste management process in order to confirm its traceability: collection, sorting and selection. In controls, characterisations and audits, the presence of local authorities, the Autonomous Community and the extended producer responsibility system must be ensured in good time and minutes must be drawn up. At least 50% of the characterisations shall be made where and when the competent body of the Autonomous Community determines, ensuring the representative characterisation of the management throughout its territory.
- k) Monitoring committee, which shall be composed of the extended producer

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responsibility systems, the public administration undersigned to the agreement, and the local authorities where the agreement is signed by the Autonomous Community.

- l) Entry into force, duration and conditions for its extension, if any.
- m) Cases of resolution.

2. Where the management of packaging waste is carried out by the extended producer responsibility scheme:

- a) Subject matter and territorial scope.
- b) Form of accession by local authorities when the agreement is signed by the Autonomous Community.
- c) Conditions for the provision of the service, including at least: number of containers per local entity, frequency of collection, cleaning and replacement of containers, forecasting the use of public spaces, control system for detecting possible overflows of packaging waste supply systems, penalties for non-compliance, among others.
- d) System for contracting managers by extended producer responsibility schemes for the implementation of separate collections, with an obligation to communicate to the public administrations the winning undertaking(s).
- e) Technical specifications for quality requirements for the different fractions of recovered material from classified packaging waste.
- f) System for designating the manager of recovered materials.
- g) Provision of information to public administrations.
- h) Methodology for calculating the costs of the system.
- i) Development of public information and awareness campaigns, to be carried out by the public administrations, with the funding of the systems in the number and amount established. If public administrations decide to delegate the development of campaigns to extended producer responsibility schemes, it should be explicitly included in the agreement.
- j) Control and follow-up mechanisms. It shall be ensured that characterisations are carried out on a regular basis at all stages of the waste management process in order to confirm their traceability: collection, sorting and selection. In controls, characterisations and audits, the presence of local authorities, the autonomous community and the extended producer responsibility system must be ensured well in advance, and they must be lifted act. At least 50% of the characterisations shall be carried out where and when determined by the competent body of the Autonomous Community, ensuring the representative characterisation of management throughout its territory.
- k) Entry into force, duration and conditions for its extension, if any.
- l) Cases of resolution.

ANNEX XI. Criteria to be applied in the calculation of the financing of the cost of household packaging waste management.

1. Costs of collection and transport of packaging waste.

1.1 Collection and transport of the separately collected fraction to sorting and classification plant or, where applicable, to recycling or recovery plant:

The costs of separate collection and transport of packaging waste to sorting and classification plant or, where applicable, recycling or recovery plant shall be broken down into costs associated with a fixed part and costs associated with a variable part.

a) The costs associated with the fixed part shall be those for containers or other input systems used in the separate collection of packaging waste by:

- 1.º Depreciation, maintenance, cleaning and washing, and replacement of containers or other supply systems.
- 2.º Overheads and industrial profit of the company.

b) The costs associated with the variable part shall be the variable costs associated

with the service of separate collection and transport of packaging waste by:

- 1 .º Depreciation of vehicles.
- 2 .º Expenditure on fuel for vehicles.
- 3 .º Cleaning and maintenance of vehicles.
- 4 .º Vehicle insurance and taxes.
- 5 .º Pick-up and transport staff.
- 6 .º Overheads and industrial profit of the company.

1.2 Collection and transport of packaging waste recovered from the remaining fraction, the inorganic fraction of the wet-dry systems when the derogation provided for in Article 25(6) of Law 7/2022 of 8 April is not applied and the cleaning of public roads, green areas, recreational areas and beaches:

This cost corresponds to the costs of collecting and transporting the packaging waste contained in the mentioned fractions until entry into a facility for sorting and shall relate only to packaging waste recovered from these fractions.

The determination of fixed and variable costs shall be followed as specified in point 1.1, applying the criteria set out in Article 34(1)(b).

1.3 Cost of transport of separate and classified packaging waste in sorting plants from separate collection, and delivered to a manager for recycling or material recovery:

The variable costs associated with the transport of separate and classified packaging waste in sorting plants and delivered to a manager for material recycling or recovery shall also be considered, taking into account the concepts referred to in point 1.1(b).

1.4 Cost of transport of separate and classified packaging waste in mixed fraction treatment plants and delivered to a manager for recycling or material recovery:

The variable costs associated with the transport of separate and classified packaging waste in mixed fraction treatment plants, which are delivered to a manager for recycling or material recovery, shall also be considered, taking into account the concepts referred to in point 1.1(b).

1.5 Cost of transport of packaging waste contained in rejections of sorting and classification plants to incineration or co-incineration plant, or to landfill where appropriate:

The variable costs associated with the transport of packaging waste contained in the rejections of sorting and classification plants to incineration or co-incineration plants, or where appropriate to landfill, shall also be considered.

These costs shall be those relating to the concepts in point 1.1(b).

1.6 Cost of transport to incineration or co-incineration plants of metal packaging waste which is recovered from waste incineration or co-incineration plant slag and delivered to a recoverer or recycler:

The variable costs associated with the transport to incineration or co-incineration plants of metal packaging that are recovered from waste incineration or co-incineration plants and delivered to a recoverer or recycler shall also be considered. These packages may come from the direct treatment of the remaining fraction or other mixed fractions or from the rejections of the treatment plants of the above fractions.

These costs shall be those relating to the concepts referred to in point 1.1(b).

1.7 Special situations:

1.7.1 Collection and transport with transfer station:

Where a transfer station is used for separately collected packaging waste, the costs associated with the management of this facility shall be taken into account.

The costs associated with the fixed part and the variable part shall be determined in the same way as that specified in point 1.1.

1.7.2 Collection, transport, choosing, sorting and treatment of packaging waste from collection centres or clean points:

Packaging waste collected from collection centres or clean points shall be treated as waste collected in containers of supply area or sidewalk.

The costs under this heading shall be established on the basis of the percentage of the management of packaging waste belonging to the extended producer responsibility scheme of the total waste managed at the collection point.

2. Costs of sorting and classification packaging waste.

2.1 Costs of sorting and classification packaging waste from the separately collected fraction:

These costs shall correspond to the following:

- a) Depreciation of civil works and equipment.
- b) Personnel.
- c) Operation.
- d) Overheads and industrial profit.

A distinction shall be made between manual or automatic selection processes and shall be modulated according to the type of material selected (PET, HDPE, film, plastic mix, beverage board, steel, aluminium and cardboard, among others) in order to encourage the selection and maximum use of the materials in accordance with, inter alia, the following criteria: cost of selection, market of materials obtained from the recycling of packaging waste and the sorting system (quantity and ease of separation).

2.2 Cost of the selection and sorting of packaging waste from the remaining fraction, the inorganic fraction of the wet-dry systems, where the exception provided for in Article 25(6) of Law 7/2022 of 8 April does not apply and of the cleaning of public roads, green areas, recreational area and beaches:

The cost of selection and classification shall include the same cost items as in point 2.1, in accordance with Article 34(1)(b).

In both cases, the cost for this concept will be modulated according to the type of material selected (PET, HDPE, film, plastic mix, beverage board, steel, aluminium and cardboard, among others) in order to incentivise the selection and maximum use of the materials according to, among others, the following criteria: cost of selection, market of materials obtained from the recycling of packaging waste and the sorting system (quantity and ease of separation).

3. Costs of further treatment of packaging waste.

3.1 Cost of treatment by recycling and recovery other than 3.2.

If negative, the costs of managing separate and classified packaging waste delivered to a manager for recycling or recovery other than that referred to in the following paragraph shall be eligible.

3.2 Cost of treatment of packaging waste in incineration or co-incineration plants:

The net processing costs shall be taken into account, i.e. after discounting the value of the energy produced attributable to the packaging. The calculation of this amount shall include packaging waste treated in incineration or co-incineration plants from:

- a) The fractions classified in the sorting and classification plants of the separately collected packaging fraction.
- b) Rejections of plants for sorting and classification the separately collected fraction of packaging.
- c) Rejections of treatment plants of the remaining fraction, of the inorganic fraction of wet-dry systems where the exception provided for in Article 25(6) of Law 7/2022 of 8 April is not applied, and of the cleaning of public roads, green areas, recreational areas and

beaches, as regards Metal packaging waste recovered from waste incineration or co-incineration plants slags and delivered to a recoverer or recycler.

d) The remaining fraction or other mixed fractions and the cleaning of public roads, green areas, recreational areas and beaches, which are directly intended for these facilities, only for metal packaging waste recovered from waste incineration or co-incineration plant slags and delivered to a recoverer or recycler.

3.3 Cost of landfilling of packaging waste:

The costs associated with landfilling the packaging waste contained in the rejections of the sorting and classification plants of the separately collected fraction shall also be considered. The cost must be in accordance with Article 9 of Royal Decree 646/2020 of 7 July regulating the disposal of waste by landfilling.

4. Campaigns.

The costs of public information and awareness campaigns carried out by public administrations will be considered in relation to the obligations set out in this Royal Decree, in accordance with the provisions of the agreement.

5. Overheads incurred by local authorities or, where appropriate, by the Autonomous Communities for the control and monitoring of the management of packaging waste.

The costs incurred by local authorities or, where appropriate, the Autonomous Communities, where agreed in the agreement, for the control and monitoring of the management of packaging waste, including the cost of characterisations to be carried out.

Similarly, the costs incurred by local authorities or autonomous communities for the production of statistics on the generation and management of packaging waste will be considered.

6. Specificities.

The costs shall include the following specificities:

- a) Generating population, i.e. the sum of the right, seasonal and tourist population.
- b) Dispersion of the population.
- c) Historical headgear.
- d) Collection in large generating centers.
- e) Collection at large events and mass events.
- f) Pick up in residential areas or urbanisations.
- g) Insularity or isolation of extra-peninsular population.

ANNEX XII. Elements of household packaging waste management to be standardised.

1. Separate pick-up and transport standard.

The costs of the different types of separate collection shall be standardised by establishing criteria which relate the costs of the chosen model to the efficiency of the service and the quality of the material collected, and taking into account the requirements of the contour conditions.

Among others, the following parameters shall be considered:

- a) Maximum endowment of containers.
- b) Type of container.
- c) Provision of containers.
- d) Standard container capacity.
- e) Shelf life of containers.
- f) Percentage of container replenishment.
- g) Number of operators (excluding the driver).
- h) Maximum frequency of cleaning and washing per year of containers.
- i) Maximum frequency of cleaning and washing of containers in summer.
- j) Maximum frequency of cleaning and washing of containers in winter.
- k) Amount of water used in each wash.
- l) Half filling of the container.
- m) Minimum efficiency (containers collected per hour).
- n) Frequency of collection.
- o) Capacity of the transport vehicle.
- p) Technical characteristics of the transport vehicle.
- q) Service life of the transport vehicle.
- r) Quantity of flaws in container.
- s) Overheads and industrial profit of the company.
- t) Minimum performance.

2. Standard for carriages not considered in paragraph 1.

Among others, the following parameters shall be considered:

- a) Distance to floor.
- b) Speed of the transport vehicle.
- c) Technical characteristics of the transport vehicle.

3. Standard for selection and classification.

Among others, the following parameters shall be considered:

- a) Manual selection performance.
- b) Automatic selection performance.
- c) Effectiveness.
- d) Technical quality of the selected materials.
- e) Treatment capacity of the facility.

4. Campaign standards.

Among others, the following parameters shall be considered:

- a) Eligible cost (€/inhabitant of generating population, i.e. the sum of the legal, seasonal, tourist and immigrant population).
- b) Eligible cost (% of total cost).

5. Standards on Indirect Costs to compensate for the work of public administrations.

Among others, the following parameter shall be considered:

- a) % of the costs of separate collection and transport.