1. ------IND- 2019 0372 HR- EN- ------ 20190802 --- --- PROJET

THE GOVERNMENT OF THE REPUBLIC OF CROATIA

Pursuant to Article 53(4) of the Act on Sustainable Waste Management (NN; No 94/13), the Government of the Republic of Croatia, at its session on 10 September 2015, adopted the following

ORDINANCE

ON MANAGEMENT OF PACKAGING WASTE

Article 1.

(1) This Ordinance lays down the methods for fulfilling obligations relating to the achievement of prescribed targets with regard to packaging waste management, the calculation method and amount of the packaging waste management fee, the amount of the deposit refund and method for calculating deposit refund costs.

**(2) This Ordinance is issued with due regard for the notification procedure laid down by 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 (OJ L 241, 17.9.2015).**

Article 2.

For the purposes of this Ordinance, the following terms shall have the following meaning:

**~~1)~~ *~~Agency~~* ~~means the Croatian Agency for the Environment and Nature~~**

**1**) *Fund* means the Environmental Protection and Energy Efficiency Fund

**2**) *Packaging waste management* means the collection, transport, recovery, disposal and other processing of packaging waste, including the supervision of such operations and after-care of disposal sites, and actions taken by the agent or packaging waste trader

**3**) *Packaging waste management fee* (hereinafter ‘management fee’) means the amount paid by producers to cover the costs of packaging waste collection and processing within the system managed by the Fund

**4**) *Ministry* means the ministry of environmental protection

**5) *Beverage* means alcoholic beverage; soft beverage; table, mineral and spring waters; fruit syrups, milk and liquid dairy products, and other liquid products with fruit or another base; and any other additive which, packed with the liquid base, constitutes an integral primary packaging unit**

**6**) *Rules* means Rules on packaging and packaging waste

**7) *Producer and importer of products* (hereinafter ‘producer’) means a legal entity or a natural person - craftsperson or a natural person who develops, produces, processes, sells, introduces or imports or places on the Croatian market products in packaging**

**8**) *Act* means the Act on Sustainable Waste Management.

*Method for achieving the set target*

Article 3.

(1) A producer of packaged products shall fulfil the obligation of achieving the packaging waste management target laid down in the Rules by paying the management fee in favour of the fund.

(2) Upon payment of the management fee, the fund shall assume the obligation of fulfilling the producer’s target.

*Management fee*

Article 4.

(1) The management fee is calculated by multiplying the unit fee (JN) by the amount of packaging material marketed by the producer on the Croatian market during the calculation period.

(2) The unit fee is calculated by applying the following formula:

JN = GSS x TS

where:

JN – unit fee expressed in HRK per tonne,

GSS – annual collection rate determined by the fund in cooperation with the agency, pursuant to the act, by types of packaging material,

TS – the packaging waste collection cost is calculated for each type of packaging material, and is the sum of all management costs: the price of collection service determined in the contract for the provision of the packaging waste collection service based on a public tender pursuant to the act, expressed in HRK per tonne, the cost of takeover and packing of the packaging waste within the deposit refund system, either manually or mechanically, expressed in HRK per packaging waste unit, the cost of collection of **waste paper and cardboard, metal, glass, plastic and textile** from the provider of the mixed municipal waste collection service, expressed on HRK per tonne, and the disposal cost, expressed in HRK per tonne, depending on the treatment of individual type of packaging waste, in accordance with the Rules and the value of packaging waste material.

(3) The unit fee referred to in paragraph 2 of this article for the current calendar year is calculated by the fund by types of packaging material, by 15 February of the current year.

(4) On the basis of the calculation referred to in paragraph 3 of this article, the minister responsible for environmental protection decides on the amount of the unit fee.

*Deposit refund*

Article 5.

The deposit refund amounts to HRK 0.50 per packaging unit for beverages. **The deposit refund amount is not taxable.**

Article 6.

**(1) The producer shall pay the deposit refund amount referred to in Article 5 of this Ordinance to the Fund when marketing beverages in packaging covered by the deposit refund system.**

**(2) The obligation referred to in paragraph 1 of this article shall be calculated on a quarterly basis, pursuant to the Rules.**

**(3) When taking over beverage waste packaging covered by the deposit refund system, the seller and the recycling site manager shall pay the consumer (holder) the deposit refund amount referred to in Article 5 of this Ordinance.**

**(4) The Fund shall reimburse the seller and the recycling site manager for the deposit refund amount paid to consumer, as well as the collector for the following costs of takeover and handover of beverage packaging waste:**

**1. for manual takeover of beverage packaging waste:**

* **HRK 0.08 (including VAT) per packaging waste unit for 2019**
* **HRK 0.06 (including VAT) per packaging waste unit for 2020**
* **HRK 0.05 (including VAT) per packaging waste unit for 2021 and onwards**

**2. for mechanical takeover of beverage packaging waste:**

* **HRK 0.14 (including VAT) per packaging waste unit for 2019**
* **HRK 0.16 (including VAT) per packaging waste unit for 2020**
* **HRK 0.18 (including VAT) per packaging waste unit for 2021 and onwards**

**(5) The Fund publishes the list of sellers and recycling sites that are obligated to takeover beverage packaging waste from consumers on its web page.**

Article 7.

(1) Until the finalisation of the public tender for the selection of the most favourable programme for the provision of packaging waste collection service pursuant to the Act, and until the adoption of the decision referred to in Article 4(4) of this Ordinance, the management fee shall be paid by type of packaging material and by the amount of packaging, and by unit of products marketed on the territory of the Republic of Croatia.

(2) The management fee by type of packaging material for registered amounts of marketed packaging referred to in paragraph 1 of this Article shall amount to:

|  |  |
| --- | --- |
| PET | HRK 410.00/t |
| Al cans | HRK 410.00/t |
| Fe cans | HRK 225.00/t |
| Paper/cardboard | HRK 375.00/t |
| Multi-layer composite packaging with predominantly paper-cardboard component | beverages HRK 410.00/t For other purposes: HRK 750.00/t |
| Wood | HRK 150.00/t |
| Textile | HRK 150.00/t |
| Plastic bags | HRK 1 500.00/t |
| Other polymer materials for milk and other liquid dairy products | HRK 410/t |
| Other polymer materials | HRK 750.00/t |
| Glass | HRK 150.00/t |

**3. The management fee by product unit for registered amounts of marketed beverage packaging shall amount to HRK 0.10 per unit of packaging in which the beverage is sold in disposable PET, Al/Fe and glass packaging with volume equal to, or higher than 0.2 l.**

**(4) By way of derogation from paragraph 3 of this Article, the management fee per product unit for milk and liquid dairy products shall amount to HRK 0.02.**

Article 8.

**This Ordinance shall enter into force on the eighth day following its publication in the Official Gazette, other than Articles 2 and 4 of this Ordinance in the part relating to packaging from milk and liquid dairy products and packaging with volume equal to 0.20 l, which will enter into force on 1 April 2020.**

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Zagreb, 10 September 2015

Prime Minister

Zoran Milanović, m. p.