



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0591/CZ (Czechia)

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

Date received : 29/10/2024

End of Standstill : 30/01/2025

Message

Message 001

Communication from the Commission - TRIS/(2024) 2904

Directive (EU) 2015/1535

Notification: 2024/0591/CZ

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20242904.EN

1. MSG 001 IND 2024 0591 CZ EN 29-10-2024 CZ NOTIF

2. Czechia

3A. Úřad pro technickou normalizaci, metrologii a státní zkušebnictví
Biskupský dvůr 1148/5
110 00 Praha 1
Tel: +420 221 802 216
e-mail: eu9834@unmz.cz

3B. Ministerstvo životního prostředí, odbor legislativní
Vršovická 1442/65
Praha 10, 100 10
Tel: +420 267 122 104

4. 2024/0591/CZ - S10E - Packaging

5. Draft act amending Act No 477/2001 on packaging and amending certain acts



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(the Packaging Act), as amended, and other related acts

6. Packaging waste, returnable deposit packaging, single-use packaging, operator, deposit system, placing packaging on the market or into circulation, packaging materials, flyers, recycling

7.

8. The proposed Act introduces a deposit system for selected single-use beverage packaging – plastic beverage bottles and metal beverage containers (especially cans), which will be created, managed, and financed by a so-called deposit system operator. In addition to the main objective, which is the introduction of a deposit system, it is also proposed to regulate the obligations associated with advertising flyers (which will be treated as packaging and will be subject to obligations like other packaging, i.e. the obligation of the person placing them on the market or putting them into circulation to take care, in particular, of the return and recovery of the waste from these flyers).

Within the deposit system, selected single-use packaging (plastic beverage bottles and metal beverage containers) will be subject to a deposit. The proposed law provides for certain exceptions to single-use packaging (e.g. packaging provided as part of passenger transport on international routes, intended for sale in the transit area of international airports or ports, if the beverage is bottled and packaged directly at the point of sale to the consumer or marketed or put into circulation in aggregate quantities of less than 100 kg per calendar year, etc.). Likewise, packaging containing milk, milk drinks, milk-based drinks or iced coffee with milk will not be subject to a deposit. The criteria are set out in the Act in the new Annex 6 to the Packaging Act.

The draft regulation of the deposit-refund system imposes obligations on three categories of entities. These are the persons placing selected single-use packaging on the market (manufacturers), the distributors putting that packaging into circulation (mainly the retailer) and the deposit system operator (hereinafter the 'operator').

Persons placing selected single-use packaging on the market shall register such packaging with the deposit system operator and pay the deposit and fee for each package placed on the market to the operator. The person placing the packaging on the market sells the beverage in the packaging to the retailer, who pays them a deposit in addition to the price. The retailer sells the beverage to the consumer, who pays them the price of the beverage and the deposit. The consumer returns the packaging to the retailer, who refunds the deposit. The retailer gives the returned packaging to the operator, who reimburse them the deposits and pays a handling fee as compensation for handling the packaging. The operator ensures the inspection, counting, transport, and treatment of packaging waste.

The draft Act refers to the following provisions of the European Union:

- Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009.

- Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 and certain EC Regulations on specific statistical domains, as amended.

The legislation being amended (Act No 477/2001 on packaging and amending certain acts) contains 3 general references to harmonised Czech technical standards pursuant to Section 4a of Act No 22/1997 on technical requirements for products and amending certain acts, as amended:

1. Section 3(2) of Act No 477/2001 – reference to harmonised Czech technical standards – ČSN EN 13428 Packaging – Specific requirements for manufacturing and composition – Prevention by source reduction
2. Section 4(3) of Act No 477/2001 – reference to harmonised Czech technical standards
ČSN EN 13427 Packaging – Requirements for the use of European standards for packaging and packaging waste
ČSN EN 13430 Packaging – Requirements for packaging recoverable by material recycling
ČSN EN 13431 Packaging – Requirements for packaging recoverable in the form of energy, including specification of the



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minimum calorific value

ČSN EN 13432 Packaging – Requirements for packaging recoverable through composting and biodegradation – Test scheme and evaluation criteria for final acceptance of packaging

ČSN CR 13695-1 Packaging – Requirements for the measurement and verification of four heavy metals and other hazardous substances present in packaging and their release into the environment – Part 1: Measurement and verification requirements for four heavy metals present in packaging

ČSN 77 0150-2 – Packaging – Requirements for the measurement and verification of four heavy metals and other hazardous substances present in packaging and their release into the environment – Part 2: Requirements for the measurement and verification of hazardous substances in packaging and their release into the environment

3. Section 7(2) – reference to the ‘relevant harmonised Czech technical standard’ – ČSN EN 13429 Packaging – Reuse

Keywords: packaging waste, returnable deposit packaging, single-use packaging, operator, deposit system, placing packaging on the market or into circulation, packaging materials, flyers, recycling

9. The Czech Republic currently has a developed packaging waste sorting system that is cost-effective. However, in terms of sorting, the growth curve of the rate of sorting packaging waste is approaching its limits (which are determined by the environment, e.g. space for placing containers, and the motivation of citizens). The debate on the introduction of a mandatory deposit system for beverage plastic bottles and metal beverage containers (cans) has reopened in response to the take-back targets under EU law (see below), which are the most important reason for the introduction of the proposed system.

Deposit systems lead to an increase in take-back and recycling rates, which contributes to the protection of the environment by reducing the amount of waste ending up in landfills or in nature.

The deposit, i.e. the monetary amount charged for the selected single-use packaging, represents an economic (financial) incentive for the final consumers of beverage packaging that contributes to a change in the mindset and behaviour of the final consumer.

The sorting of waste into separate containers without economic motivation gradually reaches its limits, both in terms of people's willingness to sort waste more and space constraints, i.e. in some places it is no longer possible to place additional containers for sorting. The deposit system aims to increase the take-back of plastic beverage bottles and metal beverage containers by combining new take-back points and economic incentives for consumers (end-users of packaging). One of the main purposes of the deposit system is to reduce littering or waste left in a place that is not designated for its disposal.

10. References to basic texts: 2021/0087/CZ

The basic texts were forwarded within an earlier notification:
2021/0087/CZ

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No



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European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu