1. ------IND- 2020 0658 E-- EN- ------ 20201030 --- --- PROJET

**PROVISIONS ON PLASTICS FROM THE PRELIMINARY DRAFT LAW ON CONTAMINATED SOIL AND WASTE**

**(23.10.2020)**

**Article 2. *Definitions***

For the purposes of this Law, the following terms and definitions shall apply.

a) ‘Waste’: any substance or object that the holder discards or intends or is required to discard.

b) ‘Household waste’: waste generated in homes as a result of domestic activities. This also encompasses waste similar to the above generated in service or industrial companies but not generated as a result of the main activity of the service or industrial company.

This category also includes waste generated in homes from electrical and electronic devices, clothing, batteries, furniture and fixtures, as well as waste and scraps originating from minor home construction and repair work.

Waste originating from the cleaning of public roadways, green spaces, recreational spaces and beaches, deceased pets and abandoned vehicles is also considered household waste.

c) ‘Commercial waste’: waste generated by activities specific to trade, both wholesale and retail, to restaurant and bar service providers, to offices and markets, and to the rest of the service sector.

d) ‘Industrial waste’: waste resulting from processes for manufacturing, transformation, use, consumption, cleaning or maintenance that is generated by industrial activity.

e) ‘Waste under local jurisdiction’: waste managed by local entities, in accordance with Article 12(5).

f) ‘Municipal waste’:

1. mixed and separated household waste, including paper and cardboard, glass, metals, plastics, biowaste, wood, textiles, packaging, waste electrical and electronic equipment, battery waste, and bulky waste, including mattresses and furniture;

2. other mixed and separated waste that is similar to household waste in nature and composition.

Municipal waste does not include waste originating from production, agriculture, forestry, fisheries, septic tanks or the sewer system or sewage treatment plants, including sewage sludge, end-of-life vehicles and construction and demolition waste.

This definition is intended to define the scope of the targets for preparation for reuse and recycling and their calculation standards set out in this Law. It applies without prejudice to the distribution of waste management responsibilities amongst the public and private brokers in view of the distribution of responsibilities as per Article 12(5).

g) ‘Hazardous waste’: waste that exhibits one or more of the hazardous characteristics listed in Annex I and those adopted by the Government pursuant to European Union regulations or in international conventions to which Spain is party. This definition also includes containers and packaging that contain residues of or are contaminated with hazardous substances.

h) ‘Non-hazardous waste’: waste that does not fall under subparagraph (g).

i) ‘Waste oils’: all mineral or synthetic, industrial or lubricating oils no longer suitable for their original intended use, such as waste oils from combustion engines and gearbox oils, lubricating oils, turbine oils and hydraulic oils, excluding waste vegetable or animal cooking oils.

j) ‘Construction and demolition waste’: waste generated from construction and demolition activities.

k) ‘Fishing gear waste’: any fishing gear that meets the definition of waste, including all separate components, substances or materials that were part of or attached to the fishing gear when it was discarded. This also includes abandoned and lost fishing gear and components.

l) ‘Food waste’: all food, as defined in Article 2 of in Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, that has become waste.

m) ‘Biowaste’: biodegradable garden and park waste, food and kitchen waste originating from households, offices, restaurants, wholesalers, canteens, caterers and retail premises and comparable waste from food processing plants.

n) ‘Compost’: organic amendments obtained from aerobic biological and thermophilic treatment of separated biodegradable waste. Organic matter obtained from mechanical biological treatment plants for mixed waste is not considered compost, but rather ‘biostabilised matter’.

n) ‘Digestate’: organic amendments obtained from anaerobic biological treatment of separated biodegradable waste. Organic matter obtained from mechanical anaerobic biological treatment plants for mixed waste is not considered digestate, but rather ‘biostabilised matter’.

o) ‘Prevention’: set of measures taken in the development and design, production, distribution and consumption phases of a substance, material or product, to reduce:

1. the amount of waste, including by means of product reuse or service life extension;

2. the adverse impact of the generated waste on the environment and human health, including material or energy savings;

3. the levels of hazardous substances in materials or products.

p) ‘Reuse’: any operation that reuses non-waste products or components for their original purpose.

q) ‘Waste producer’: any natural person or legal entity whose activities produce waste (original waste producer) or any party that carries out pre-treatment, mixing or other operations resulting in a change in the nature or composition of this waste. In the case of goods held by control and inspection services at border facilities, the owner of the goods or their importer or exporter, as specified under customs law, shall be considered the waste producer.

r) ‘Waste holder’: the waste producer or other natural person or legal entity that is in possession of the waste.

s) ‘Waste management’: the collection, transport, recovery (including preliminary sorting) and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker.

t) ‘Collection’: the gathering, preliminary sorting and preliminary storage of waste for the purposes of subsequent transport to a treatment facility.

u) ‘Separate collection’: collection where a waste stream is kept separately by type and nature, to facilitate a specific treatment.

v) ‘Waste transport’: management operation performed by specialised companies whose main activity is professional waste transport for third parties, as well as transport performed as part of the normal professional activities of companies with a different main activity.

w) ‘Treatment’: recovery or disposal operations, including preparation for recovery or disposal.

x) ‘Recovery’: any operation that mainly results in waste serving a useful purpose by replacing other materials that would otherwise have been used to fulfil a particular function, or in waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II gives a non-exhaustive list of recovery operations.

y) ‘Material recovery’: any recovery operation other than energy recovery and transformation into materials to be used as fuel or other means of generating energy. This includes preparation for reuse, recycling and backfilling.

z) ‘Preparation for reuse’: checking, cleaning or repairing recovery operations that prepare products or components of products that have become waste for reuse without any other preprocessing.

aa) ‘Recycling’: any recovery operation that reprocesses waste materials into products, materials or substances, whether for the original or other purposes. This includes the reprocessing of organic material but not energy recovery or reprocessing into materials to be used as fuels or for backfilling operations.

ab) ‘Backfilling’: any recovery operation that uses non-hazardous waste suitable for the regeneration of excavated areas or for landscape engineering works. The waste used for backfilling must substitute non-waste materials and must be suitable for the aforementioned purposes. In addition, the backfilling operations must be justified by a need to restore the original landscape of the site and the amount of waste to be used shall be limited to that strictly necessary to achieve these objectives.

ac) ‘Regeneration of waste oils’: any recycling operation that can produce base oils by refining waste oils, in particular by removing the contaminants, oxidation products and additives contained in the oils.

ad) ‘Intermediate treatment’: recovery operations R12 and R13 and disposal operations D8, D9, D13, D14 and D15, as per Annexes II and III.

ae) ‘Disposal’: any operation other than recovery, even if the operation reclaims substances or energy as a secondary consequence. Annex III gives a non-exhaustive list of disposal operations.

af) ‘Best available techniques’: the best available techniques as defined in Article 3(ñ) of the recast text of the Law on integrated pollution prevention and control [Ley de prevención y control integrados de la contaminación] adopted by Royal Legislative Decree 1/2016 of 16 December 2016 adopting the recast text of the Law on integrated pollution prevention and control.

ag) ‘Waste manager’: a person or public or private entity, registered by authorisation or communication, that conducts any of the operations that make up waste management, regardless of whether the manager produced the waste.

ah) ‘Dealer’: any natural person or legal entity acting on its own behalf to purchase and subsequently sell waste, including those that do not take physical possession of the waste.

ai) ‘Broker’: any natural person or legal entity arranging the recovery or disposal of waste on behalf of others, including those that do not take physical possession of the waste.

aj) ‘Producer’: any natural person or legal entity that develops, manufactures, processes, treats, fills, sells or imports products in a professional capacity, regardless of the selling technique used to place the product onto the national market. This definition includes both producers established in the national territory that place products on the national market and producers in other Member States or third countries that sell directly to households or users other than private households by means of distance contracts, as defined in Article 92(1) of the recast text of the General Law on consumer and user protection [Ley General para la Defensa de los Consumidores y Usuarios] and other complementary laws, adopted by Royal Legislative Decree 1/2007 of 16 November 2007.

ak) ‘Extended producer responsibility scheme’: the set of measures taken to ensure that producers take financial or financial and organisational responsibility for the management of the waste phase of the product life cycle.

al) ‘Packaging’: packaging as defined in Law 11/1997 of 24 April 1997 on packaging and packaging waste.

am) ‘Plastic’: material made from a polymer as defined in Article 3(5) 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), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, which may contain additives or other added substances, and that can serve as the main structural component of the final products, except for chemically modified natural polymers.

an) ‘Single-use plastic product’: a product made of plastic, in whole or in part, that was not developed, designed or placed onto the market to accomplish, within its life cycle, multiple trips or rotations by being returned to a producer to be refilled or reused for the same purpose for which it was developed.

añ) ‘Oxo-degradable plastic’: plastic materials containing additives whose oxidation causes fragmentation of the plastic material into micro-fragments or chemical decomposition.

ao) ‘Biodegradable plastic’: plastic capable of undergoing physical or biological decomposition so it ultimately decomposes into carbon dioxide (CO2), biomass and water, and in accordance with European packaging standards, is recoverable through composting and anaerobic digestion.

ap) ‘Fishing gear’: any item or piece of equipment that is used in fishing or aquaculture to attract, capture or rear marine or inland aquatic biological resources or that is floating on the sea surface, and is deployed with the objective of attracting, capturing or rearing such marine or inland aquatic biological resources.

aq) ‘Port reception facilities’: port reception facilities as defined in Royal Decree 1381/2002 of 20 December 2002 on port reception facilities for ship-generated waste and cargo residues

ar) ‘Tobacco products’: tobacco products as defined in Article 3(ac) of Royal Decree 579/2017 of 9 June 2017 governing certain aspects of the manufacturing, presentation and marketing of tobacco and related products.

as) ‘Placing on the market’: the first availability of a product on the national market.

at) ‘Market availability’: any supply of a product for distribution, consumption or use on the national market in the course of a commercial activity, whether in return for payment or free of charge.

au) ‘Contaminated soil’: soil whose characteristics have been adversely altered due to the presence of hazardous chemical components originating from human activity in levels that pose an unacceptable risk to human health or the environment, in accordance with the criteria and standards set by the Government and declared in an explicit decision.

av) ‘Harmonised standard’: a harmonised standard in accordance with the definition in Article 2(1)(c) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (Text with EEA relevance).

aw) ‘Competent authority’: the party tasked with performing the duties set out in this Law, designating the Government and the following public authorities within their respective remits: the Central State Administration, the Autonomous Communities, as well as the cities of Ceuta and Melilla for execution of this Law, the Provincial Councils and the local governments, as per Article 12.

**Article 3. *Scope***

1. This Law shall apply to the following.

a) All waste types, barring the exceptions indicated in paragraphs 2 and 3.

b) The single-use plastic products listed in Annex I, any products made from oxo-degradable plastic, and fishing gear containing plastic. If the measures adopted for these plastic products conflict with the other provisions of this Law or packaging regulations, the measures adopted in this Law shall prevail with regard to these plastic products.

c) Contaminated soils, which shall be governed by Title VI on contaminated soils.

2. This Law shall not apply to the following.

a) Emissions into the air governed by Law 34/2007 of 15 November 2007 on air quality and atmospheric protection, as well as carbon dioxide captured and transported for geological storage purposes and effectively stored in geological formations in accordance Law 40/2010 of 29 December 2010 on the geological storage of carbon dioxide. Nor shall it apply to the geological storage of carbon dioxide for the purposes of research, development or testing of new products and processes, provided that the expected storage capacity is less than 100 kilotonnes;

b) Uncontaminated soil and other natural materials excavated during construction activities, where it is certain that these materials will be used for construction purposes in their natural state at the site or works where they were extracted.

c) Radioactive waste.

d) Decommissioned explosives.

e) Faecal matter not falling under paragraph 2(b), straw, and other non-hazardous natural, agricultural or forestry material used on livestock and agricultural farms, in forestry, or in energy production based on this biomass, by means of procedures or measures that do not jeopardise human health or harm the environment.

3. This law shall not apply to the following waste types, to the extent that they are already regulated by other European Union regulations or national regulations that incorporate European Union law into national law.

a) Wastewater.

b) Animal by-products falling under Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002.

Animal by-products and their derived products shall not be included in this exception, and therefore shall be regulated by this law, when they are intended for incineration or landfilling or are used in a biogas, composting or fuel production plant.

c) Carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009.

d) Waste resulting from the prospecting, extraction, treatment or storage of mineral resources, and from the working of quarries, in accordance with Royal Decree 975/2009 of 12 June 2009 on the management of waste from extractive industries and the protection and rehabilitation of space affected by mining activities.

e) Substances that neither are nor contain animal by-products and that are intended for use as raw materials for feed as defined in Article 3(2)(g) of Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC.

4. Without prejudice to the obligations imposed by virtue of the specific applicable regulations, the scope of this Law shall not cover sediments demonstrated not to be hazardous, in accordance with the Guidelines adopted by the Government, as per Article 4(2) of Law 41/2010 of 29 December 2010 on the protection of the marine environment, and that are relocated under surface water, for the following purposes: water and waterway management, new land area creation, flood prevention or flood and drought impact control.

**Article 17. *Waste prevention targets***

1. To decouple economic growth from the human health and environmental impacts associated with waste generation, waste prevention policies shall strive to achieve a reduction target by weight of the waste produced, according to the following timeline:

a) by 2020, 10% less than generated in 2010;

b) by 2025, 13% less than generated in 2010;

c) by 2030, 15% less than generated in 2010.

2. To achieve the targets set in the preceding paragraph, the Government may set specific prevention targets in regulations for certain products, based on the information available.

3. As from 2021, it shall be prohibited to destroy unsold surpluses of non-perishable products such as textiles, toys and electrical devices, unless another regulation requires their destruction.

4. To reduce packaging consumption, public authorities shall adopt the necessary measures to reduce the consumption of bottled water in their premises, such as promoting drinking water fountains under conditions that guarantee hygiene and food safety, and supplying water in reusable containers, without prejudice to the fact that healthcare and education facilities are permitted to make single-use containers available.

To this end, the hospitality sector shall always offer consumers, customers or users of its services the option to consume non-packaged water free of charge and in addition to the offer of said establishment, provided that the municipality or water supply company guarantees that it is suitable for human consumption and therefore meets the health requirements.

**TITLE V**

**Reduction of the environmental impact of certain plastic products**

**Article 40. *Reduction of the consumption of certain single-use plastic products***

1. The following market availability reduction timeline shall apply for the single-use plastic products indicated in Part A of Annex IV:

a) by 2026, a 50% reduction by weight compared with 2022;

b) by 2030, a 70% reduction by weight compared with 2022.

2. To meet the aforementioned targets, all brokers involved in market availability shall promote the use of reusable alternatives or another non-plastic material. In any case, starting from 1 January 2023, =a fee must be charged for each plastic product supplied to a consumer, which must be itemised on the sales receipt.

The Ministry for the Ecological Transition and the Demographic Challenge shall monitor the reduction in the consumption of these products and, based on the results, may propose changes to the above timeline and other possible methods to reduce consumption, which shall be adopted in the regulations. These measures shall be proportionate and non-discriminatory and shall be reported to the European Commission as per Royal Decree 1337/1999 of 31 July 1999, in order to meet the provisions of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015.

3. Food containers shall be considered single-use plastic products if in addition to meeting the criteria given in the definition, their tendency to become litter, due to their volume or size, particularly individual portions, plays a decisive role. The information obtained from the application of Article 18(1)(k) shall be used for this.

4. The brokers involved in the market availability of plastic trays that are packaging but do not fall under Annex IV, single-use plastic products, plastic multi-pack ring carriers and plastic sticks used in the food sector to hold products (sticks for candies, ice cream and other products), all made from non-compostable plastic, shall make progress in reducing their consumption by replacing these plastic products with reusable alternatives and other materials such as compostable plastic, wood, paper and cardboard.

The Ministry for the Ecological Transition and the Demographic Challenge shall monitor the reduction in the consumption of these products and, based on the results, may impose other regulatory measures intended to achieve a significant reduction, in particular the adoption of a reduction timeline.

5. Before 3 July 2021, the Ministry for the Ecological Transition and the Demographic Challenge shall prepare a report on all measures adopted pursuant to this Article, submit it to the Commission and make it available to the public.

**Article 41. *Ban on certain plastic products***

As from 3 July 2021, it shall be prohibited to place the following products onto the market:

a) plastic products listed in Part B of Annex IV;

b) any and all plastic products made with oxo-degradable plastic;

c) cosmetic products, as defined in Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, and detergents and cleaning products, as defined in Royal Decree 770/1999 of 7 May 1999 adopting the Technical health regulation on the production, movement and sale of detergents and cleaning products containing intentionally added plastic microbeads of less than 5 millimetres.

**Article 42. *Design requirements for plastic beverage containers***

1. As from 3 July 2024, it shall only be permitted to place onto the market the single-use plastic products listed in Part C of Annex IV whose caps or lids remain connected to the container throughout the planned use phase for said product. For these purposes, metal caps and lids with plastic seals shall not be considered plastic.

The above products shall be deemed to meet the provisions of this paragraph if they are produced according to the harmonised standards adopted to this end at European Union level.

2. As from 2025, it shall only be permitted to place onto the market the polyethylene terephthalate bottles (‘PET bottles’) indicated in Part E of Annex IV that contain at least 25% recycled plastic, calculated as an average of all PET bottles placed onto the market.

3. As from 2030, it shall only be permitted to place onto the market the bottles indicated in Part E of Annex IV that contain at least 30% recycled plastic, calculated as an average of all of these bottles placed onto the market.

4. The systems created to meet the obligations set out for extended producer responsibility for packaging and packaging waste shall provide measures to facilitate meeting these targets.

5. The plastic bottles referred to in paragraphs 2 and 3 may contain information on the percentage of recycled plastic that they contain.

**Article 43. *Marking requirements on certain single-use plastic products***

1. As from 3 July 2021, the single-use plastic products indicated in Part D of Annex IV that are placed onto the market shall be marked in a manner that is indelible, clearly visible and clearly legible, in accordance with the harmonised marking specifications adopted at European Union level.

This marking shall inform consumers of appropriate waste management options for the product or the means of waste disposal to be avoided for this product, according to the waste hierarchy; and of the presence of plastics in the product and the resulting adverse environmental impact of littering or inappropriate means of disposing of waste from the product in the environment.

2. The provisions of this article on tobacco products shall be added to those provided for in Royal Decree 579/2017 of 9 June 2017.

**Article 44. *Separate collection of plastic bottles***

1. The following separate collection targets shall apply for the plastic products referred to in Part E of Annex IV for the purposes of recycling:

a) by no later than 2025, 77% by weight of the products placed on the market;

b) by no later than 2029, 90% by weight of the products placed on the market.

The placing of these products onto the market may be considered equivalent to the amount of generated waste originating from them, including that present in litter, in the same year.

2. To this end, the implementing regulations for packaging shall specify the necessary measures to meet these targets, possibly including deposit-refund systems or targets in extended producer responsibility schemes.

**Article 45. *Extended producer responsibility schemes***

1. The Government shall adopt statutory extended producer responsibility schemes for the single-use plastic products listed in Part F of Annex IV. This scheme shall be adopted before 1 January 2025 for the single-use plastic products other than packaging as per Part F(1) and for products as per Part F(2)(1) and Part F(2)(2), and before 6 January 2023 for the rest of the products listed in Part F(1) and Part F(2)(3) of Annex IV.

2. Under the extended producer responsibility schemes developed for the single-use plastic products listed in Part F(1) of Annex IV, in addition to the costs indicated in Article 38, producers of single-use plastic products shall also cover the following costs to the extent not already included:

a) the costs of the awareness-raising measures referred to in Article 46;

b) the costs of waste collection for products discarded in public collection systems, including the infrastructure and its operation, and subsequent waste transport and processing; and

c) the costs of cleaning up litter generated by said products and its subsequent transport and processing.

3. With respect to the responsibility schemes developed for the plastic products listed in Part F(2) of Annex IV in accordance with Article 38, producers of these products shall cover at least the following costs:

a) the costs of the awareness-raising measures referred to in Article 46;

b) the clean-up costs for litter generated by said products, including the cleaning of sanitation and water treatment infrastructure, and its subsequent transport and processing; and

c) the costs of data and information collection, whether for regular collection or ad hoc collection for infrequent discharges or litter in the environment.

In the case of tobacco products, producers shall also cover the costs of waste collection for products discarded in public collection systems, including the infrastructure and its operation, and subsequent waste transport and processing. The costs may include the creation of special infrastructure to collect waste from these products, such as suitable waste containers in places where litter from this waste is concentrated. Similarly, they may also include costs associated with measures to develop alternatives and prevention measures intended to reduce waste generation and increase material recovery.

4. The costs to be covered as per paragraphs 2 and 3 shall be no greater than the costs needed to perform said services in an economically efficient manner, and shall be determined transparently between the brokers involved. The costs incurred for litter clean-up shall be limited to activities regularly performed by or on behalf of the public authorities. The calculation method shall be developed to enable proportionate calculation of litter clean-up costs. To minimise administrative costs, it shall be permitted to determine dues for litter clean-up costs by setting appropriate fixed multi-annual amounts.

5. The Government shall adopt a regulation to develop extended producer responsibility schemes for fishing gear in accordance with Articles 37 and 38 before 1 January 2025. This regulation shall set a minimum national rate for the collection for recycling of fishing gear waste containing plastic, and shall adopt the necessary measures to monitor fishing gear containing plastic that is placed onto the market as well as the collected waste. Fishing gear producers shall cover the costs of separate waste collection for fishing gear containing plastic that has been delivered to authorised collection facilities, such as the suitable port reception facilities as per Royal Decree 1381/2002 of 20 December 2002, or other equivalent collection systems that fall outside the scope of said Royal Decree, and the costs of its subsequent transport and processing, as well as those for awareness-raising as per Article 46.

The requirements adopted pursuant to this paragraph shall supplement the requirements applicable to waste from fishing vessels by virtue of the European Union law on port reception facilities.

**Article 46. *Awareness-raising measures***

1. The competent authorities shall adopt the necessary measures to inform consumers and incentivise responsible consumer behaviour, particularly in young people, to reduce litter from the single-use plastic products listed in Part F of Annex IV and from the feminine hygiene products referred to in Part D(1) of Annex IV.

2. In addition, they shall adopt measures to inform consumers of the single-use plastic products referred to in the preceding paragraph, and users of fishing gear containing plastic, of the following:

a) the availability of reusable alternatives, reuse systems and waste management options for those single-use plastic products and for fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 7;

b) the impact of littering and other inappropriate waste disposal of those single-use plastic products and of fishing gear containing plastic on the environment, in particular on the marine environment; and

c) the impact of inappropriate means of waste disposal of those single-use plastic products on the sewer network.

**Article 47. *Coordination of measures***

1. The measures adopted by virtue of this Title shall form an integral part of the programmes of measures established in accordance with marine environment protection regulations, water regulations and Royal Decree 1381/2002 of 20 December 2002. These measures shall be consistent with these programmes and plans.

2. The measures adopted by virtue of Articles 40 to 45 shall comply with European Union food law to ensure that food hygiene and food safety are not compromised, encouraging the use of sustainable alternatives to single-use plastic where possible for materials intended to come into contact with food.

**ANNEX IV**

**Single-use plastic items**

A. Single-use plastic products subject to reduction

1) Cups for beverages, including caps and lids

2) Food containers, such as boxes, with or without a lid, used to contain food that:

a) is intended for immediate consumption either on-site or to take away;

b) is typically consumed from the container; and

c) is ready to be consumed without any further preparation, such as cooking, boiling or heating, including food containers used for fast food or other food ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food

B. Single-use plastic products subject to market placement restrictions

1) Cotton bud sticks, except those falling under Royal Decree 1591/2009 of 16 October 2009 governing medical devices

2) Cutlery (forks, knives, spoons, chopsticks)

3) Plates

4) Straws, except those falling under Royal Decree 1591/2009 of 16 October 2009

5) Beverage stirrers

6) Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks

7) Food containers as per Part A(2) made of expanded polystyrene

8) Beverage containers made of expanded polystyrene, including their caps and lids

9) Cups for beverages made from expanded polystyrene, including caps and lids

C. Single-use plastic products subject to ecodesign requirements

Beverage containers with a capacity of up to 3 litres, i.e. receptacles used to contain liquid, such as beverage bottles including their caps and lids, and composite beverage packaging including caps and lids, but not:

a) glass or metal beverage containers that have caps and lids made from plastic;

b) beverage containers intended and used for food for special medical purposes, as defined in Article 2(g) of 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, that is in liquid form

D. Single-use plastic products subject to marking requirements

1) Sanitary towels (pads), tampons and tampon applicators

2) Wet wipes, i.e. pre-wetted personal care and domestic wipes

3) Tobacco products with filters and filters marketed for use in combination with tobacco products

4) Cups for beverages

E. Single-use plastic products subject to separate collection and to ecodesign requirements

Beverage bottles with a capacity of up to 3 litres, including their caps and lids, but not:

a) glass or metal beverage bottles that have caps and lids made from plastic;

b) beverage bottles intended and used for food for special medical purposes, as defined in Article 2(g) of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013, that is in liquid form

F. Single-use plastic products subject to Article 45 on extended producer responsibility and Article 46 on awareness-raising measures

1. Single-use plastic products subject to Article 45(2) on extended producer responsibility

1) Food containers, such as boxes, with or without a lid, used to contain food that:

a) is intended for immediate consumption either on-site or to take away;

b) is typically consumed from the packet;

c) is ready to be consumed without any further preparation, such as cooking, boiling or heating, including food containers used for fast food or other food ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food

2) Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation

3) Beverage containers with a capacity of up to 3 litres, i.e. receptacles used to contain liquid, such as beverage bottles including their caps and lids, and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic

4) Cups for beverages, including caps and lids

5) Lightweight plastic carrier bags as defined in Royal Decree 293/2018 of 18 May 2018

2. Single-use plastic products subject to Article 45(3) on extended producer responsibility

1) Wet wipes, i.e. pre-wetted personal care and domestic wipes

2) Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers

3) Tobacco products with filters and filters marketed for use in combination with tobacco products