

Article 2. *Definitions*

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

- a) 'Waste cooking oil': waste vegetable and animal fats that are generated after being used in the cooking of food in households, centres and institutions, hotels, restaurants, and similar.
- b) 'Waste oils': all industrial or lubricating oils, of mineral, natural or synthetic origin, 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 cooking oils.
- c) '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.
- d) '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.
- e) 'Competent authority': the party tasked with performing the duties set out in the Law, designated, within their respective remits, by the Government and public administrations: 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.
- f) 'Litter': waste not deposited in the designated places and which ends up abandoned in natural or urban areas, requiring an ordinary or extraordinary cleaning operation to restore their initial situation.
- g) 'Bio-waste': biodegradable vegetable waste from households, gardens, parks and the service sector, as well as food and kitchen waste originating from households, offices, restaurants, wholesalers, canteens, caterers and retail premises, inter alia, and comparable waste from food processing plants.
- h) 'Making available on the market': 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.
- i) 'Compost': sanitised and stabilised organic material obtained from controlled aerobic and thermophilic biological treatment of separately collected biodegradable waste. Biostabilised material shall not be considered as compost.
- j) 'Digestate': organic material obtained from anaerobic biological treatment of separately collected biodegradable waste. Biostabilised material shall not be considered as digestate.
- k) 'Circular economy': economic system whereby the value of products, materials and other resources in the economy is maintained for as long as possible, enhancing their efficient use in production and consumption, thereby reducing the environmental impact of their use, minimising waste and the release of hazardous substances at all stages of their life cycle, including through the application of the waste hierarchy.
- l) 'Disposal': any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or materials, provided that these do not exceed 50 % by weight of the treated waste, or the reclamation of energy. Annex III gives a non-exhaustive list of disposal operations.
- m) 'Packaging': packaging as defined in Article 2(1) of Law 11/1997 of 24 April 1997 on packaging and packaging waste.
- n) 'Waste management': the collection, transport, recovery and disposal of waste, including sorting and other preliminary operations; as well as the supervision of such operations and the after-care of disposal sites. This also includes actions taken as a dealer or broker.
- ñ) 'Waste manager': natural person or legal entity, public or private, registered by authorisation or communication, that conducts any of the operations that make up waste management, regardless of whether the manager produced the waste.
- o) 'Port reception facilities': port reception facilities as defined in Article 2(1)(e) of Royal Decree 1381/2002 of 20 December 2002 on port reception facilities for ship-generated waste and cargo residues.
- p) 'Placing on the market': the first making available of a product on the national market.
- q) 'Biostabilised material': material with organic content obtained from mechanical biological treatment plants for mixed waste.
- r) 'Best available techniques': the best available techniques as defined in Article 3(12) 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 adopting the recast text of the Law on integrated pollution prevention and control.
- s) 'Dealer': any natural person or legal entity acting in the role of principal to purchase and subsequently sell waste, including those that do not take physical possession of the waste.
- t) '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.
- u) 'Plastic': material consisting of 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, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified. Paints, inks and adhesives that are polymeric materials are not included.

v) 'Biodegradable plastic': a plastic capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO₂), biomass and water, and is, in accordance with European standards for packaging, recoverable through composting and anaerobic digestion.

w) 'Oxo-degradable plastic': plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.

x) 'Waste holder': the waste producer or other natural person or legal entity that is in possession of the waste. The cadastral owner of the plot on which abandoned waste or litter is located shall be considered as the waste holder, being administratively responsible for such waste, except in cases where it is possible to identify the material author of the abandonment or previous holder.

y) 'Preparing for re-use': checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing, and cease to be considered waste if they comply with the applicable technical and consumer product standards.

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

- 1.º The quantity of waste, including through the re-use of products or the extension of the life span of products;
- 2.º The adverse impacts of the generated waste on the environment and human health, including material or energy savings;
- 3.º The content of hazardous substances in materials and products.

aa) 'Single-use plastic product': a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived.

ab) 'Waste producer': any natural person or legal entity whose activities produce waste (original waste producer) or any party that carries out pre-processing, 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. In the case of goods removed by law enforcement authorities in confiscations or seizures carried out under court order, the owner of the goods shall be considered the waste producer.

ac) 'Producer of the product': 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 includes those who are established in national territory and place products on the domestic market, as well as those who are in another Member State or third country and sell directly to households or users other than private households by means of distance contracts, understood as contracts under an organised system for the sale or provision of remote services, without the simultaneous physical presence of the parties to the contract, and in which one or more distance communication techniques, such as postal mail, internet, telephone or fax, have been used exclusively up to the time of the conclusion of the contract and at the time of the conclusion of the contract.

E-commerce platforms shall, as producers of products, assume financial and reporting obligations, as well as organisational obligations, where appropriate, in the event that a producer as defined in the previous subparagraph, established in another Member State or third country, is acting through them and is not registered in the existing registers on extended producer responsibility and does not comply with the other obligations arising from extended producer responsibility schemes. For this purpose, the e-commerce platform may carry out a single registration in respect of all the products concerned for which it assumes the status of producer of the product and must keep a register of those products.

ad) 'Tobacco products': tobacco products as defined in Article 3(ac) of Royal Decree 579/2017 of 9 June regulating certain aspects relating to the manufacture, presentation and marketing of tobacco products and related products.

ae) 'Clean point': storage facility within the scope of a local entity's collection, where household waste is collected separately.

af) 'Recycling': any recovery operation by which waste materials are reprocessed 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.

ag) 'Collection': the gathering, preliminary sorting and preliminary storage of waste, in a professional manner, for the purposes of subsequent transport to a treatment facility.

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

ai) 'Regeneration of waste oils': any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils.

aj) 'Extended producer responsibility scheme': the set of measures taken to ensure that producers of products bear financial responsibility or financial and organisational responsibility for the management of the waste stage of a product's life cycle.

ak) 'Backfilling': any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes. In the event that the backfilling operations are aimed at the reclamation of excavated areas, these operations must be justified by the need to restore the original topography of the land.

al) 'Waste': any substance or object that the holder discards or intends or is required to discard.

am) '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.

an) 'Non-hazardous waste': waste which is not covered by paragraph (añ) of this Article.

añ) 'Hazardous waste': waste that exhibits one or more of the hazardous characteristics listed in Annex I and waste that is classified as hazardous waste by the Government pursuant to European Union regulations or international conventions to which Spain is party. This definition also covers containers and packaging containing residues of or contaminated by dangerous substances or preparations, unless it is shown that they do not exhibit any of the hazardous characteristics listed in Annex I.

ao) 'Agricultural and forestry waste': waste generated by agricultural, livestock and forestry activities.

ap) 'Food waste': all food, as defined in Article 2 of in Regulation (EC) No 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.

aq) '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.

ar) 'Waste under local jurisdiction': waste managed by local entities, in accordance with Article 12(5).

as) 'Construction and demolition waste': waste generated by construction and demolition activities.

at) 'Household waste': hazardous or non-hazardous waste generated in homes as a result of domestic activities. This also encompasses waste similar in composition and quantity to the above generated in service or industrial companies but not generated as a result of the activity of the service or industrial company itself.

This category also includes waste generated in homes from, inter alia, used cooking oil, electrical and electronic devices, textiles, batteries, furniture, fixtures and mattresses, 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.

au) 'Industrial waste': waste resulting from processes for production, manufacturing, transformation, use, consumption, cleaning or maintenance generated by industrial activity as a result of its main activity.

av) 'Municipal waste':

1.º Mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, household hazardous waste and bulky waste, including mattresses and furniture;

2.º Mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households.

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 re-use 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).

aw) 'Re-use': any operation by which products or components of products that are not waste are used again for the same purpose for which they were conceived.

ax) '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.

ay) 'Waste transport': management operation consisting of the professional movement of waste on behalf of third parties, performed by companies in the course of their professional activity, whether or not this is their main activity.

az) 'Treatment': recovery or disposal operations, including preparation prior to recovery or disposal.

ba) 'Intermediate treatment': recovery operations R12 and R13 and disposal operations D8, D9, D13, D14 and D15, as per

Annexes II and III.

bb) 'Recovery': any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or 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.

bc) 'Material recovery': any recovery operation, other than energy recovery and the reprocessing into materials that are to be used as fuels or other means to generate energy. This includes preparation for reuse, recycling and backfilling.

Article 3. Scope

1. This Law shall apply to the following.

- a) All waste types, barring the exceptions indicated in paragraphs 2, 3 and 4.
- b) The single-use plastic products listed in Annex IV, any products made from oxo-degradable plastic, and fishing gear containing plastic.
- c) 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.
- d) Contaminated soils, which shall be governed by Title VIII.

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 with Law 40/2010 of 29 December 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) Excavated soils that do not exceed the criteria and standards to be declared contaminated soils 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, if not covered by paragraph 3(b), straw, and other non-hazardous natural, agricultural or forestry material used on livestock and agricultural farms, in forestry or for the production of energy from such biomass through processes or methods which do not endanger 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 regulations into our legislation, and shall apply in those aspects that are not regulated:

- a) Waste waters.
- b) Animal by-products covered by 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 destined for incineration, landfilling or are used in an aerobic digestion, composting or fuel production plant, or are destined for intermediate treatments prior to the above operations.

- 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 prospecting, extraction, treatment or storage of mineral resources, and from the working of quarries, in accordance with Royal Decree 975/2009 of 12 June 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.
- f) Substances that neither are nor contain animal by-products and that are intended for use as raw materials for food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002.

4. Without prejudice to the obligations imposed by virtue of the specific applicable regulations, the scope of this Law shall not cover those sediments demonstrated to be non-hazardous in accordance with the Guidelines, where applicable,

adopted by the Government, as per Article 4(2) of Law 41/2010 of 29 December on the protection of the marine environment, and that are relocated within surface waters, for the following purposes: water and waterway management, new land area creation, flood prevention or mitigation of the effects of floods and droughts.

TITLE II

Waste prevention*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 in the weight of waste generated, according to the following timeline:

- a) By 2025, 13 % less than generated in 2010;
- b) By 2030, 15 % less than generated in 2010.

2. To achieve the targets set in the preceding paragraph, the Government, based on the information available, shall set specific prevention and/or re-use targets in regulations for certain products, in particular for the products referred to in Article 18(1) (d).

TITLE V

Reduction of the environmental impact of certain plastic products*Article 55. 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 listed in Part A of Annex IV and supplied to a consumer, which must be itemised on the sales receipt.

The Ministry for the Ecological Transition and the Demographic Challenge shall, in coordination with the Autonomous Communities, 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 must be established by regulation. 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, 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, and 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 preferably 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. 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 European Commission and make it available to the public.

Article 56. Ban on certain plastic products

It shall be prohibited to place the following products onto the market:

- a) Plastic products listed in Part B of Annex IV;
- b) Any plastic products made from oxo-degradable plastic;
- c) Intentionally added plastic microbeads of less than 5 millimetres.

In relation to the restriction provided for in item c), the provisions of Annex XVII of Regulation (EC) No 1907/2006 of the

European Parliament and of the Council of 18 December (REACH Regulation) are to apply.

Article 57. 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 1 January 2025, it shall only be permitted to place onto the market the polyethylene terephthalate bottles (hereinafter '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 1 January 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 ensure that these targets are met by facilitating the availability of materials of sufficient quality and quantity.

Among other measures, part of the recovered PET should be used for the manufacture of recycled PET, in order to comply with the targets set out in this Article and others that could be established in regulatory development for other packaging.

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

6. The Waste Coordination Committee may address, within the relevant working group, the establishment of the measures necessary to achieve the targets set out in this Article and will consider promoting the development of a secondary market for recycled PET in Spain.

Article 58. Marking requirements on certain single-use plastic products

1. 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 set out in 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 of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.

This marking should 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 are added to those provided for in Royal Decree 579/2017 of 9 June.

3. Without prejudice to what is established at Community level, in the case of the marking of flushable products certified in accordance with Standard UNE 149002:2019, such marking shall comply with the requirements imposed by this standard.

Article 59. 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 2023, 70 % by weight of the products placed on the market;
- b) By no later than 2025, 77 % by weight of the products placed on the market;
- c) By no later than 2027, 85 % by weight of the products placed on the market;
- d) 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. In the event that the targets set for 2023 or 2027 are not met, at national level, a deposit, refund and return system for this packaging will be implemented throughout the territory within two years to ensure that the targets for 2025 and 2029 are met, in accordance with the provisions of the regulations on packaging and packaging waste. For the implementation of these systems, in addition to plastic bottles, other packaging and packaging waste may be included, so as to guarantee technical, environmental and economic viability.

Article 60. 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 43, 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 61;
- 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 Title IV, producers of these products shall cover at least the following costs:

- a) The costs of the awareness-raising measures referred to in Article 61;
- 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 Title IV before 1 January 2025. This regulation shall set a minimum national rate for the collection for recycling 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, 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 61.

The requirements adopted pursuant to this paragraph shall supplement the requirements applicable to waste from fishing vessels under European Union and national regulations on port reception facilities.

Article 61. Awareness-raising measures

1. The competent authorities shall adopt the necessary measures to inform consumers and incentivise them to behave responsibly, particularly 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, re-use 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.

3. In adopting the above measures, it will be possible to collaborate with consumer and user organisations.

Article 62. 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 port reception facilities regulations. These

measures shall be consistent with these programmes and plans.

2. The measures adopted by virtue of Articles 55 to 60 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 products

- 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;
 - 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 restrictions on placing on the market:
- 1) Cotton bud sticks, except those falling under Royal Decree 1591/2009 of 16 October governing medical devices
 - 2) Cutlery (forks, knives, spoons, chopsticks)
 - 3) Plates
 - 4) Straws, except those falling under Royal Decree 1591/2009 of 16 October.
 - 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 60 on extended producer responsibility and Article 61 on awareness-raising measures:

1. Single-use plastic products subject to Article 60(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.

2. Single-use plastic products subject to Article 60(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