

MINISTRY OF ECONOMY AND SUSTAINABLE DEVELOPMENT

Pursuant to Articles 88(3) and 90(2) of the Waste Management Act (Narodne Novine (NN; Official Gazette of the Republic of Croatia) No 84/21) and Article 38(3) of the State Administration System Act (NN No 66/19), the Minister of Economy and Sustainable Development, with the prior consent of the Minister of Foreign and European Affairs and the Minister responsible for fisheries and aquaculture, hereby issues

REGULATION

ON PACKAGING AND PACKAGING WASTE, SINGLE-USE PLASTIC PRODUCTS AND FISHING GEAR CONTAINING PLASTIC

General provisions

Content

Article 1

(1) This Regulation lays down the procedures for the fulfilment of packaging waste recovery targets, packaging and packaging waste management conditions, requirements for the collection, storage and treatment of packaging waste, requirements for the production, placing on the market and the use of packaging, the method and conditions for labelling of packaging, the obligation to keep records and submit reports, obligations and manner of fulfilling the obligations for producers of products packaged in packaging, obligations and mandatory actions of the holder of packaging waste and other issues related to packaging and packaging waste, all for the purpose of achieving the targets for packaging waste.

(2) This Regulation lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste to contribute to the transition towards a circular economy.

(3) The regulations governing waste management and, to the appropriate extent, other regulations governing these matters shall apply to issues relating to the placing of packaging on the market and the management of packaging waste which are not specifically regulated in this Regulation.

(4) This Regulation lays down the modalities of packaging and packaging waste management for the purpose of preventing the impact of packaging on the environment of all EU Member States and third countries and reducing such impact, taking into account a high degree of environmental protection, in order to ensure functioning of the internal market and

to avoid trade barriers and disruptions and restrictions of market competition in the European Union.

(5) This Regulation lays down measures to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health and to promote the transition towards a circular economy with innovative and sustainable business models, products and materials, thereby contributing to the efficient functioning of the internal market.

(6) This Regulation is adopted taking into account the notification procedure under the Act on the Notification Procedure in the Field of Technical Regulations and Regulations on Information Society Services (TRIS) (NN No 21/2022).

Scope

Article 2

(1) The provisions of this Regulation shall apply to all packaging placed on the market and to all packaging waste generated from industry, commerce, service activities, households or from any other source, regardless of the material used.

(2) The provisions of this Regulation shall apply without prejudice to the applicable packaging quality requirements relating to safety, the protection of health and hygiene of packed products and to the applicable transport requirements, and to the applicable provisions of the European Union on hazardous waste.

(3) Without prejudice to paragraph 1 of this Article, the provisions of this Regulation shall apply to single-use plastic products.

(4) The provisions of this Regulation shall apply to fishing gear containing plastic.

Implementation of the European Union acquis

Article 3

This Regulation transposes into Croatian legislation the following acts of the European Union:

- Directive 94/62/EC of the European Parliament and Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31. 12. 1994) as last amended by Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14. 6. 2018) (hereinafter: Directive 94/62/EC);

- 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 (OJ L 155, 12. 6. 2019) (hereinafter: Directive (EU) 2019/904).

Definitions

Article 4

(1) The terms set out in this Regulation have the following meaning:

1. *Packaging* shall mean any product referred to in Article 4(1)(1) of the Act, and can be:

(a) *single-use packaging (non-returnable packaging)* — packaging that is not reusable but has been conceived, designed and placed on the market for single use only, and there is no effective system of return and reuse for such packaging;

(b) *reusable packaging (returnable packaging)* — packaging that has been conceived, designed and placed on the market in such a way that it is refilled or reused within its lifecycle for the same purpose for which it was conceived;

(c) *multi-layer (composite) packaging* — packaging made of two or more layers of different materials which cannot be separated by hand and form a single integral unit, consisting of an inner receptacle and an outer enclosure, that it is filled, stored, transported and emptied as such.

1a. Items shall be considered to be packaging according to the following criteria:

(a) items that fulfil the above-mentioned definition without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together;

(b) items that have been designed, i.e. conceived and intended to be filled at the point of sale and single-use items sold, filled or designed/conceived and intended to be filled at the point of sale, shall be regarded as packaging provided that they fulfil a packaging function;

(c) packaging components and ancillary elements integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a product and which perform a packaging function shall be considered to be packaging unless they are an integral part of the product and all elements are intended to be used, consumed or disposed of together.

1b. Illustrative examples clarifying the application of the above criteria for the definition of the term ‘packaging’ are given in Annex I to this Regulation.

2. *Packaging Material* shall mean any material from which packaging is produced such as: glass, plastics, paper and paperboard, wood, metal, textiles and other materials (e.g. ceramics or material of biological origin).

3. *Packaging waste which constitutes hazardous waste* shall mean packaging waste from packaging material that possesses one or more properties of hazardous waste, packaging waste containing an inoperable product containing hazardous substances in accordance with the regulations governing chemicals or such packaging contains residues of these substances,

and which in accordance with the Act, the regulation governing the Waste Catalogue and this Regulation are classified as hazardous waste.

4. *Packaging waste which constitutes non-hazardous waste* shall mean packaging waste which constitutes non-hazardous waste referred to in point 3 of this paragraph.

5. *Automated packaging waste collection device* shall mean a device that collects packaging waste, identifies it according to the GTIN label, sorts it by type of packaging material, compacts (compresses, flattens) it, stores it in containers and enables the exchange of data on the collected packaging waste (hereinafter: reverse vending machine).

6. *Catering establishments* are determined by the regulation governing catering activities.

7. *Voluntary agreement* shall mean an agreement concluded in the prescribed form between the competent authorities and interested economic operators for the purpose of achieving the targets laid down in this Regulation and which shall be available to all parties wishing to meet the conditions of this agreement.

8. *GTIN (Global Trade Item Number)* shall mean a global number of a trade unit.

9. *Delivery* shall mean a shipment of waste to other Member States of the European Union and export to third countries.

10. *Export* shall mean provision to EU Member States and export from the territory of the Republic of Croatia to third countries.

11. *Minister* shall mean the minister responsible for environmental protection.

12. *Ministry* shall mean the ministry of environmental protection.

13. *Waste management fee* (hereinafter: management fee) is a measure prescribed in Article 105 of the Act.

14. *Intentional introduction of heavy metals* shall mean deliberate use of a substance containing heavy metals (lead, cadmium, mercury and hexavalent chromium) in the production of packaging or packaging elements, where the constant presence of such substance in the final packaging or packaging element is preferable for the purpose of achieving specific characteristics, appearance or quality of the packaging. Use of recycled materials as raw materials in the production of new packaging material, where a part of such recycled materials may contain legally regulated quantities of metal, shall not be deemed intentional introduction of heavy metals.

15. *Mobile catering establishments* are determined by the regulation governing catering activities.

16. *Waste discarded into the environment* shall mean waste that has been discarded on a public use surface that is cleaned within the framework of the municipal activity of maintaining the cleanliness of public areas in accordance with the regulation governing municipal activity.

17. *Waste discarded in municipal waste* shall mean waste discarded in trash bins or other waste collection infrastructure that is within the framework of the municipal activity of maintaining the cleanliness of public areas in accordance with the regulation governing municipal activity.

18. *Beverage* shall mean a drinkable product, i.e. alcoholic beverage, non-alcoholic drink, table, natural mineral water and spring water, fruit syrups, fruit juices and nectars, milk and liquid dairy products and other liquid products on the basis of fruit or other basis, and any other additive that packaged together with a liquid base makes a complete primary packaging unit.

19. *Returnable fee* shall mean the amount paid by producers of products packaged in packaging as a stimulating measure to encourage the holder to hand over the single-use packaging waste from beverages to the seller offering beverages or to the recycling site manager and receive the prescribed returnable fee for this.

20. *Extended Producer Responsibility Register* (hereinafter: the Register) shall mean an electronic database containing information on producers of products packaged in packaging and producers of plastic products who are obliged to comply with the obligations laid down in the Act and this Regulation for products which they have placed on the market, information on the fulfilment of the obligation to contribute to the attainment of the targets in accordance with the Act and this Regulation, and in particular information on packaging and packaging waste enabling control of the implementation of the targets in accordance with the Act and this Regulation.

21. *Fishing vessel* is determined by the regulation governing the control system for ensuring compliance with the rules of the common fisheries policy.

22. *Accidental presence of heavy metals* shall mean presence of heavy metals as unintentionally introduced components or integral parts of packaging.

23. *Subjects* shall mean:

(a) *packaging provider* shall mean a legal or natural person — craftsman or a natural person that produces or introduces/imports packaging and markets it in the territory of the Republic of Croatia;

(b) *Fond* shall mean the Environmental Protection and Energy Efficiency Fund, a legal entity with public authority that performs activities related to the management of packaging and packaging waste, single-use plastic products and fishing gear containing plastic, including waste from these products, in accordance with the Act and this Regulation;

(c) *end user (consumer)* shall mean a legal or natural person — craftsman or a natural person that separates the product from packaging for final consumption and thus generates packaging waste, including the seller who, due to resale, separates the product from the packaging and thus creates group or transport packaging waste;

(d) *packaging waste processor* (hereinafter: ‘processor’) shall mean a legal or natural person — craftsman who, in accordance with the Act, holds a licence to carry out packaging waste recovery activities, that, on the basis of authorisation provided by the Act, has concluded a contract for the performance of packaging waste recovery activities with the Fund, that has concluded a contract for the provision of packaging waste processing within the Organisation, and a person to whom packaging waste is shipped for recovery carried out in accordance with the Act and this Regulation in another Member State of the European Union or in a third country;

(e) *Organisation* shall mean a status granted to a legal person who, on behalf of the producer of products packaged in packaging, ensures the implementation of packaging waste management activities in order to attain the targets of packaging waste management;

(f) *seller (trader/distributor)* shall mean a legal or natural person — craftsman or a natural person who, in the course of his trade in the supply chain, makes products in packaging, packaging materials and packaging available in the territory in the Republic of Croatia. The seller can also be the producer of the product packaged in packaging;

(g) *producer of the product packaged in packaging* shall mean a legal or a natural person — craftsman or a natural person who develops, manufactures, processes, treats, sells, introduces, imports or markets products packaged in packaging. A person who has its registered office in another EU Member State or in a third country and markets products packaged in packaging in the territory of the Republic of Croatia by direct sale to a citizen and exclusively by means of a distance contract, as defined by the regulation governing consumer rights, is considered to be the said producer in accordance with the provisions of this Regulation and shall authorise in writing a legal or natural person registered to carry out a particular activity (hereinafter: registered person) in the Republic of Croatia who, as an authorised representative, is responsible for fulfilling the obligations of that producer in accordance with this Regulation. An online (internet) platform which provides services for the sale and purchase of products packaged in packaging originating from producers not registered in the Register shall be considered to be the said producer for all quantities of such products placed on the market by such a producer and shall be responsible for fulfilling that producer’s obligations under this Regulation. An online (internet) platform that has no place of business in the territory of the Republic of Croatia shall authorise in writing a registered person in the Republic of Croatia who is an authorised representative responsible for fulfilling the obligations of that platform in accordance with this Regulation;

(h) *producer of plastic products* shall mean a producer as defined in Article 4(1)(66) of the Act, that places on the market in the Republic of Croatia single-use plastic products, filled single-use plastic products or fishing gear containing plastic. A person who has its registered office in another EU Member State or in a third country and markets single-use plastic products, filled single-use plastic products or fishing gear containing plastic in the territory of the Republic of Croatia by means of direct sale to a citizen and exclusively by means of a distance contract, as defined by the regulation governing consumer rights, is considered to be the said producer in accordance with the provisions of this Regulation and shall authorise in

writing a registered person in the Republic of Croatia who, as an authorised representative, is responsible for fulfilling the obligations of that producer in accordance with this Regulation. An online (internet) platform which provides services for the sale and purchase of single-use plastic products, filled single-use plastic products or fishing gear containing plastic originating from producers not registered in the Register shall be considered to be the said producer for all quantities of such products placed on the market by such a producer and shall be responsible for fulfilling that producer's obligations under this Regulation. An online (internet) platform that has no place of business in the territory of the Republic of Croatia shall authorise in writing a registered person in the Republic of Croatia who is an authorised representative responsible for fulfilling the obligations of that platform in accordance with this Regulation;

(i) *packaging waste collector* (hereinafter: collector) shall mean a legal or natural person — craftsman who, in accordance with the Act, is registered in the Register of collectors and recovery operators, i.e. has obtained a waste management permit for the collection process and has concluded a contract on the performance of packaging waste collection activities with the Fund's contractual processor or has concluded a contract on the performance of packaging waste collection activities within the Organisation or has concluded a contract on the performance of packaging waste collection activities with the Fund;

(j) *operator of the port reception facility* shall mean the body that manages the port or any legal or natural person to whom the body operating the port, in accordance with the provisions of the regulations governing the port activity, has granted a concession for the performance of a registered port waste reception activity in the area of the port open to public traffic or who performs those tasks under a commercial contract in a special-purpose port.

24. *Prevention of generation of packaging waste* shall mean measures taken before packaging becomes waste, which reduce quantities of packaging waste, including reduction through the reuse of packaging or extending the packaging life span, adverse effects of packaging waste on the environment and human health; or content of hazardous substances in packaging.

25. *Catering facilities* are determined by the regulation governing catering activities.

26. *Decree* shall mean the Decree on Waste Management Fee and Returnable Fee.

27. *Harmonised standard* shall mean a harmonised standard as defined 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) (OJ L 316, 14.11.2012); as last amended by Regulation (EU) 2022/2480 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 1025/2012 as regards decisions of European standardisation organisations concerning European standards and European standardisation deliverables (Text with EEA relevance) (OJ L 323, 19.12.2022).

28. *Import* shall mean introduction from EU Member States and import into the territory of the Republic of Croatia from third countries, for own use or for trading purposes, in exchange for payment or free of charge.

29. *Waste fishing gear* is defined in Article 4(1)(52) of the Act.

30. *Act* shall mean the Waste Management Act.

(2) The terms used in this Regulation which are gender specific shall refer to both male and female gender equally.

Extended Producer Responsibility Register

Article 5

(1) To encourage the reuse and prevention of waste, recycling and the recovery of waste, and to contribute to the attainment of national recovery and recycling targets for packaging waste and the obligations in the management of waste arising from single-use plastic products set out in List E of Annex III to the Act and fishing gear containing plastic, the producer of the product packaged in packaging and the producer of plastic products referred to in List E of Annex III to the Act and fishing gear containing plastic shall register and submit data in electronic form to the Register.

(2) The Financial Agency shall assign a unique registration number to all producers referred to in paragraph 1 of this Article who register in the Register and inform them of the allocated number.

(3) The producers referred to in paragraph 2 of this Article shall submit to the Register information on any changes to the information on the basis of which they have been assigned a unique registration number within 15 days of the occurrence of the change.

(4) The publicly available information in the Register regarding producers referred to in paragraph 2 of this Article entered in the Register shall be made available on the website of the Financial Agency and the Fund.

Management fee

Article 6

(1) The management fee shall be calculated on the basis of the information submitted to the Register by the producer of the product packaged in packaging and the producer of plastic products referred to in Article 5(1) of this Regulation.

(2) The management fee referred to in paragraph 1 of this Article shall be paid to the Fund for the amount of packaging of products, the amount of single-use plastic products referred to in List E of Annex III to the Act and the amount of fishing gear containing plastic placed on the market by the producer referred to in paragraph 1 of this Article in the territory of the Republic of Croatia.

(3) The amount of the management fee referred to in paragraph 1 of this Article shall be determined in accordance with the Decree and the Act.

(4) The management fee referred to in paragraph 1 of this Article shall not be paid for packaging prescribed by the Decree.

(5) The total funds collected by the Fund from the collection of the management fee referred to in paragraph 2 of this Article in a calendar year shall be sufficient to reimburse the costs laid down in Article 105 of the Act.

(6) The content of the application and the method of submitting the information referred to in paragraph 1 of this Article of the Regulation to the Register shall be determined by the Fund by way of instruction and shall be published on its website.

(7) The Fund shall adopt a decision on the content of the request and the method of data delivery in order to exercise the right to a refund of the management fee paid, and publish the decision on its website.

(8) The Fund and postal service providers, including courier and other delivery services, the competent authorities for customs and excise system and the competent authorities for statistics, shall, in order to fulfil the obligation of extended producer responsibility, enter into agreements with a view to regulating relations between them in order to identify the person liable to pay the management fee and to effectively collect management fees.

Requirements for single-use plastic beverage containers

Article 7

(1) The producer of the product packaged in packaging and the packaging provider may place on the market beverage containers listed in List C of Annex III to the Act that have a cap or lid made of plastic, only if that cap or lid remains attached to the container during the stage provided for the use of the product, in which case the metal cap or lid with a plastic seal shall not be considered to be made of plastic.

(2) Beverage containers referred to in paragraph 1 of this Article shall be manufactured in accordance with harmonised standards published in the Official Journal of the European Union.

Requirements for single-use beverage bottles

Article 8

(1) The producer of the product packaged in packaging and the packaging provider may place on the market beverage bottles listed in List F of Annex III to the Act which are made of polyethylene terephthalate as the main component of a bottle (PET bottle), only if they contain at least 25 % recycled plastic from 2025, calculated as an average for all PET bottles placed on the market.

(2) The producer of the product packaged in packaging and the packaging provider may place on the market beverage bottles listed in List F of Annex III to the Act only if they contain at least 30 % recycled plastic from 2030, calculated as an average for all PET bottles placed on the market in the territory of the Republic of Croatia.

Packaging and packaging waste

Targets for packaging waste

Article 9

Recovery targets for packaging waste are set out in Article 60 of the Act.

Rules on the calculation of the attainment of the targets

Article 10

(1) In order to calculate recovery targets for packaging waste for the purpose of meeting the recycling targets laid down in Article 60(4), (5), (6) and (7) of the Act:

- the Ministry shall calculate the weight of packaging waste generated and the weight of packaging waste recycled in a given calendar year. The weight of the packaging waste generated in each calendar year may be considered to be equal to the weight of packaging placed on the market in the same calendar year;

the weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste which, having undergone all the necessary checking, sorting or other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.

(2) The weight of packaging waste recycled referred to in paragraph 1 of this Article shall be calculated as the weight of the packaging waste that entered the recycling operation in the calendar year in question.

(3) By way of derogation from paragraph 1 of this Article, the weight of packaging waste recycled may be measured as the output of any sorting operation provided that:

such output waste is subsequently recycled;

the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.

(4) In order to meet the conditions referred to in the first subparagraph of paragraph 1 and in paragraph 3 of this Article, to ensure an effective system of data quality control and traceability of the packaging waste and to ensure the reliability and accuracy of the data collected on recycled packaging waste, the Ministry shall maintain an electronic database on packaging waste.

(5) In order to calculate whether recycling targets laid down in Article 60(4), (5), (6) and (7) of the Act have been attained, the amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance, and if the output is used on land, such material may be counted as recycled only if this use results in benefits to agriculture or ecological improvement.

(6) The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation before being treated may be counted as recycled provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes, while end-of-waste materials that are intended to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted towards the attainment of the recycling targets.

(7) In order to calculate whether recycling targets laid down in Article 60(4), (5), (6) and (7) of the Act have been attained, the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated may be taken into account, provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012) 2384 (OJ L 163, 20.6.2019) (hereinafter: Decision (EU) 2019/1004).

(8) In order to calculate whether recycling targets laid down in Article 60(4), (5), (6) and (7) of the Act have been attained, packaging waste collected in the Republic of Croatia and transferred to another Member State of the European Union for recycling in that other Member State may only be counted towards the attainment of the targets for the Republic of Croatia. Packaging waste imported in the Republic of Croatia for recycling purposes may be counted towards the attainment of the targets only for the Member State in which it was collected.

(9) Packaging waste collected in the Republic of Croatia and exported to a third country may be counted towards the attainment of the recycling targets referred to in Article 60 of the Act only if the exporter, in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12. 7. 2006), as last amended by Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 433, 22. 12. 2020); (hereinafter: Regulation (EC) No 1013/2006); can prove that the shipment of packaging waste complies with the requirements of that Regulation and that the recovery of waste in a third country took place under conditions that are broadly equivalent to the waste recovery conditions prescribed by the Act and other regulations governing waste. For this purpose, the Ministry may require the exporter of packaging waste to submit, within the time limit set by the Ministry, a permit for the recovery of packaging waste on the basis of which a third

country processor treats packaging waste, as well as other relevant information in terms of determining the requirements of the Act and this Regulation.

(10) In determining the weight of packaging waste recovered or recycled, corrections due to the humidity rate of packaging waste shall be taken into account in accordance with Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5. 4. 2005); (hereinafter: Decision 2005/270/EC) as last amended by Commission Implementing Decision (EU) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 112, 26.4.2019); (hereinafter: Decision (EU) 2019/665), take into account correction factors due to differences in the humidity rate of packaging waste and the natural humidity rate of equivalent packaging placed on the market.

(11) Average loss rates shall only be used in cases where reliable data cannot be obtained otherwise and shall be calculated on the basis of the calculation rules laid down in the Commission Delegated Decision adopted pursuant to Decision (EU) 2019/1004.

(12) Without prejudice to the provisions of Article 60(4) and (6) of the Act, the deadlines for attaining the targets referred to in Article 60(5) and (7) of the Act may be deferred for a maximum of five years under the following conditions:

the deviation may be a maximum of 15 % under one target or divided between the two targets;

the recycling rate for one target shall not be reduced to a level below 30 % as a result of this deviation;

the recycling rate for one target referred to in Article 60(5)(e) and (f) and Article 60(7)(d) and (e) of the Act may not be reduced to a level below 60 % as a result of that deviation; and

if, at least 24 months before the relevant deadline referred to in Article 60(5) and (7) of this Act, the Ministry has notified the European Commission of its intention to postpone the relevant deadline and has submitted an implementation plan in accordance with Annex VIII to this Regulation.

Fulfilment of the obligation of the producer of the product packaged in packaging

Article 11

(1) The producer of the product packaged in packaging shall fulfil the obligation to contribute to the attainment of the packaging waste recovery targets in the following manner:

— by paying the management fee to the account of the Fund;

— by concluding a contract with the Organization, which thus ensures the implementation of packaging waste management operations and other operations and activities in accordance

with Article 105 of the Act, on behalf of the producer of the product packaged in packaging from which the packaging waste is produced that constitutes hazardous waste according to this Regulation in order to attain the prescribed targets.

(2) In the event that the Organisation is not established, the producer of the product packaged in packaging from which the packaging waste which constitutes hazardous waste in accordance with this Regulation is generated shall pay a management fee to the account of the Fund.

Requirements for the manufacture, placing on the market and use of packaging

Article 12

(1) In accordance with the best available techniques, a packaging provider shall produce reusable, recoverable or recyclable packaging in order to minimise adverse environmental impact of packaging and packaging waste.

(2) The packaging provider and the producer of the product packaged in packaging may only place on the market packaging that meets the essential requirements on the manufacture and composition of the packaging and its benefits for reuse and recovery, including recycling.

(3) Requirements for packaging referred to in paragraph 2 of this Article are defined in Annex II to this Regulation.

(4) Packaging that is manufactured and placed on the market in accordance with Croatian standards referred to in Annex III to this Regulation shall be considered to meet the requirements of paragraph 3 of this Article.

Heavy metal content in packaging

Article 13

(1) The packaging provider may place on the market packaging made of packaging material whose total heavy metal content (lead, cadmium, mercury and hexavalent chromium) does not exceed 100 mg per kilogram by weight, except in the case of packaging wholly made of lead crystal in accordance with the regulation governing crystal glass products.

(2) The packaging provider shall provide a certificate on the content of heavy metals in packaging material referred to in paragraph 1 of this Article from an authorised person, which shall be in Croatian.

(3) The producer of the product packaged in packaging shall be required to have the certificate referred to in paragraph 2 of this Article for each packaging material, according to the type and composition in which it packs the products it places on the market, valid for an unlimited number of packaging units to be produced from that packaging material, until its composition changes.

(4) By way of derogation from paragraph 3 of this Article, the producer of the product packaged in packaging who places the product on the market in packaging from the European

Union may, instead of the certificate referred to in paragraph 2 of this Article, have a Declaration of Conformity, in Croatian, stating that the packaging material in which it places the product on the market complies with the requirements referred to in paragraph 1 of this Article, and appropriate documentation demonstrating such compliance must be available.

(5) The producer of the product packaged in packaging shall present the certificate referred to in paragraph 2 of this Article or the Declaration of Conformity referred to in paragraph 4 of this Article to the competent inspector of the State Inspectorate at their request.

Derogations of glass packaging

Article 14

(1) By way of derogation from Article 13(1) of this Regulation, in accordance with Commission Decision 2001/171/EC of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste (OJ L 62, 2. 3. 2001) as last amended by Commission Decision of 8 May 2006 amending Decision 2001/171/EC for the purpose of prolonging the validity of the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC (OJ L 125, 12.5.2006) (hereinafter: Decision 2001/171/EC), the total heavy metal content of glass packaging may exceed 100 mg per kilogram by weight only if recycled materials have been used during its manufacture and only if the increase of the limit value is not due to the intentional addition of heavy metals to the manufacturing process.

(2) Where the average heavy metal content of any of the twelve consecutive monthly controls made from the production of each individual glass furnace, representative of normal and regular production activity, exceeds the limit value of 200 mg per kilogram by weight, the packaging provider shall submit a report to the Ministry by 31 March of the current year for the preceding calendar year and shall report at least the following information:

measured values,

description of applied measurement methods,

suspected sources of presence of high heavy metal concentrations, and

detailed description of the measures taken to reduce the heavy metal content.

(3) The packaging provider shall ensure that the results of measurements at its production sites as well as the measurement methods used are available at any time to the competent inspector of the State Inspectorate at their request.

(4) The packaging provider shall keep the evidence of measurement referred in paragraph 3 of this Article for at least five years from the date of measurement.

Derogation of plastic crates and plastic pallets

Article 15

(1) By way of derogation from Article 13(1) of this Regulation, in accordance with Commission Decision 2009/292/EC of 24 March 2009 establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste (OJ L 79, 25.3.2009), the total heavy metal content of plastic crates and plastic pallets may exceed 100 mg per kilogram weight only if such returnable packaging is placed on the market and used in a closed and controlled circulation system of the same packaging and only if the limit value is exceeded due to the addition of recycled material.

(2) Plastic crates and plastic pallets referred to in paragraph 1 of this Article are required to have been manufactured or fixed in a controlled packaging waste recycling process, in which the recycled material originates only from other plastic crates or plastic pallets and in which the introduction of external material is just the minimum technically feasible, up to a maximum of 20 % by weight of the material required for manufacturing of plastic crates or plastic pallets.

(3) The intentional addition of heavy metals as elements to the controlled recycling process of packaging waste shall be prohibited, unless the presence of any of those elements is incidental.

(4) In order to participate in a closed and controlled returnable packaging circulation system referred to in paragraph 1 of this Article, the producer of the product packaged in packaging shall have a Declaration of Conformity, in Croatian, stating that the packaging material in which it places the product on the market complies with the requirements referred to in paragraphs 1, 2 and 3 of this Article, and appropriate documentation demonstrating such compliance shall be available to the competent inspector of the State Inspectorate upon request.

(5) The producer of the product packaged in packaging shall submit the Declaration of Conformity referred to in paragraph 4 of this Article to the Ministry within six months before the start of participation in the closed and controlled returnable packaging circulation system referred to in paragraph 1 of this Article.

(6) The Declaration of Conformity referred to in paragraph 4 of this Article shall contain:

- evidence of fulfilment of the prescribed requirements of packaging providers,
- plan for control and monitoring of closed circulation of this type of packaging,
- name of the person managing this system and their activity,
- type of packaging and names of products for which the system is established,
- method of recording returnable packaging,
- financial or other incentives for end-users to return the same packaging to this system,

method of elimination of packaging parts that are no longer reusable, and foreseen procedures for treatment of such waste,

method of permanent and visible marking of these plastic crates and pallets,

method of proving compliance with the requirements referred to in paragraph 2 of this Article, including supervision and method of determining the packaging return rate, which shall not be lower than 90 %,

method of establishing heavy metal concentration levels in the packaging material, including the way and frequency of reporting on results,

maximum content of heavy metals in packaging material,

maximum quantity of other external material added,

foreseen annual quantity of recycled packaging waste referred to in this Article,

further recovery or disposal of packaging waste which is no longer reusable in the recycling process.

(7) The Declaration of Conformity referred to in paragraph 4 of this Article shall be valid for up to five years.

(8) The producer of a product packaged in packaging who places products on the market in packaging in a closed and controlled returnable packaging circulation system shall, for such packaging:

ensure the supervision of distribution, reuse and recovery, in accordance with the plan referred to in paragraph 6(2) of this Article;

prepare a written, publicly available statement on compliance of the closed and controlled system in which returnable packaging circulates within requirements of the plan referred to in paragraph 6(2) of this Article;

— develop a report on implementation of the system referred to in this Article for each year and submit it to the Ministry six months upon expiry of each year; the report should include, among other things, data on possible changes related to the system and the person who manages it;

all documentation relating to the closed and controlled system in which returnable packaging circulates shall be kept for a minimum of four years from the date of submission of the report referred to in subparagraph 3 herein;

appoint a responsible person for presenting the documentation referred to in subparagraph 4 herein to the competent inspector of the State Inspectorate at their request.

(9) The producer of the product packaged in packaging shall, six months before the expiry of the deadline referred to in paragraph 7 of this Article, draw up a new Declaration of Conformity referred to in paragraph 4 of this Article and submit it to the Ministry.

(10) The producer of the product packaged in packaging shall notify the Ministry of any change in the information in the Declaration of Conformity referred to in paragraph 4 of this Article within 15 days of the change.

(11) The Ministry shall publish the list of Declarations of Conformity referred to in paragraph 5 of this Article on its website.

Informing the end-user

Article 16

The producer of the product packaged in packaging shall, by labelling the packaging, and in another appropriate way, inform the seller and the end user about the essential properties of the product and its packaging with regard to the hazardous and harmful substances they contain and how to handle the product and packaging when they become waste, as well as about the measures to reduce waste and the possibility of re-use.

Labelling of packaging

Article 17

(1) The producer of the product packaged in packaging who places beverages on the market in the packaging included in the returnable fee system (deposit-refund system) shall label the primary beverage packaging:

- with a GTIN tag according to the GS1 standard, where the same GTIN tag must not be used simultaneously for both single-use packaging and returnable packaging; and

with a returnable fee system marking, which shall not be placed on secondary beverage packaging.

(2) The producer of the product packaged in packaging which does not place beverages on the market in the Republic of Croatia in the packaging included in the returnable fee system shall not label the packaging of these beverages with the returnable fee system marking.

(3) The producer of the product packaged in packaging who places reusable packaging on the market shall label such packaging with a marking for reusable packaging.

(4) The producer of the product packaged in packaging who places on the market products containing hazardous substances shall label the packaging of those articles in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31. 12. 2008), as last amended by Commission

Delegated Regulation (EU) 2021/1962 of 12 August 2021 correcting Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (12.11.2021, OJ L 400).

(5) For the purpose of identifying packaging material and with a view to more efficient collection, reuse and recovery, including recycling of packaging waste, the producer of products packaged in packaging may voluntarily label packaging according to the type of packaging material, in which case the producer of the product packaged in packaging shall use a system for the identification of packaging materials in accordance with Commission Decision 97/129/EC of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 50, 20.2.1997).

(6) The producer of products packaged in packaging shall ensure that the markings referred to in paragraphs 1, 3, 4 and 5 of this Article are affixed directly to the packaging, sticker, declaration or label affixed to the packaging, and that the markings are clearly visible, legible, permanent and lasting, even after opening of the packaging.

(7) By way of derogation from paragraph 6 of this Article, the markings referred to in paragraph 1 of this Article must only be affixed to packaging, i.e. they must not be placed on the parts that are hanged or attached to the packaging.

(8) The returnable fee system marking referred to in paragraph 1 of this Article and the reusable packaging marking referred to in paragraph 3 of this Article are set out in Annex IV to this Regulation.

(9) The method of application, location, contrast, direction, and other labelling requirements referred to in paragraph 1 of this Article shall be determined by the Fund by way of instruction which the Fund shall publish on its website.

Reuse of packaging

Article 18

(1) In accordance with the waste management priority order provided for in Article 6 of the Act, this Regulation lays down measures to encourage the increase of the share of reusable packaging placed on the market and systems enabling the reuse of packaging in a manner that is environmentally safe and does not endanger food hygiene or the safety of the end-user.

(2) The measures referred to in paragraph 1 of this Article shall include:

applying a returnable fee system,

setting qualitative or quantitative targets,

using economic incentives,

determining a minimum percentage of returnable packaging placed on the market each year, per packaging stream.

Reusable (returnable) packaging

Article 19

(1) Returnable packaging shall be deemed to be placed on the market when it is made available on the market for the first time in the Republic of Croatia together with the commodity or product which it is intended to hold, protect, handle, deliver or present.

(2) Returnable packaging shall not be considered to be placed on the market as packaging when it is re-supplied after it has been reused with the commodity or product, including the export/removal of returnable packaging for reuse and the import/introduction of the same returnable packaging after its reuse.

(3) Returnable packaging shall not be considered packaging waste when returned for reuse, including export of returnable packaging for reuse.

(4) Returnable packaging discarded at the end of its life cycle shall be considered packaging waste.

(5) The producer of a product packaged in packaging who places products on the market in returnable packaging is obliged by a returnable fee system or otherwise to ensure that any returnable packaging in which the products are placed on the market is returned and reused.

(6) The producer of the product packaged in packaging shall keep a record of the quantity of returnable packaging placed on the market in accordance with paragraph 1 of this Article, the amount of returnable packaging that it has directly handed over as waste to the processor and the amount of returnable packaging it has exported for reuse.

(7) If the producer of the product packaged in returnable packaging fails to ensure the return and reuse of the returnable packaging it has placed on the market during one year, the collection and management operations for that packaging shall be taken over by the Fund, at the expense of the producer of the product packaged in packaging and in accordance with this Regulation and the Decree.

(8) Packaging which is placed on the market as single-use packaging, and is after being used suitable for reuse for the same purpose may be further used as reusable packaging if it complies with the requirements for packaging set out in this Regulation and if it is labelled with the reusable packaging marking.

(9) Packaging which has been placed on the market as single-use packaging, and is not suitable for reuse after its utilisation, shall be considered packaging waste.

(10) The content of the application and the method of submitting the information referred to in paragraph 6 of this Article to the Register shall be determined by the Fund by way of instruction and shall be published on its website.

(11) The producer of the product packaged in packaging who, in accordance with paragraphs 5 and 8 of this Article, ensures the return and reuse of packaging in which it places products on the market shall inform the Fund thereof.

(12) The method and conditions for the implementation of the provisions of paragraphs 5 and 8 of this Article shall be determined by the Fund by means of an instruction and published on its website, including the list of producers referred to in paragraph 11 of this Article.

Reduction in the consumption of plastic carrier bags

Article 20

(1) Very lightweight plastic carrier bags and plastic carrier bags with a wall thickness of 50 microns or over are allowed on the market in the Republic of Croatia.

(2) The use of very lightweight plastic carrier bags referred to in paragraph 1 of this Article shall be permitted only for the purpose laid down in the definition referred to in Article 4(1)(85) of the Act.

(3) The seller must charge all very lightweight plastic carrier bags to the end user at the point of sale of the goods or products.

(4) In places where end users take very lightweight plastic carrier bags themselves, the seller shall display a visible notice to end users about their price, as well as an instruction on sparing and rational use of these bags with the content label 'USE THE BAGS SPARINGLY'.

(5) The seller may not exhibit very lightweight plastic carrier bags at cash registers for the purpose of their sale.

Packaging waste management

Article 21

(1) Packaging waste management shall be undertaken for the purpose of meeting the targets for packaging waste, including waste prevention, reuse, and keeping records and submitting reports in accordance with this Regulation, the Act and other regulations governing waste management.

(2) The holder of packaging waste shall discard the packaging waste, depending on its characteristics and types, into containers or other appropriate equipment in accordance with the Act and the regulation governing waste management.

(3) The provision in paragraph 2 of this Article shall not apply to packaging waste covered by a returnable fee system.

(4) Collection of packaging waste is provided by the Fond as part of the public service for users classified as household in accordance with the Act.

(5) The collection of packaging waste for users classified in a non-household category shall be provided by the Fund by a contract with packaging waste processors or packaging waste collectors.

Collection of packaging waste

Article 22

The collection of packaging waste resulting from products in packaging placed on the market in the territory of the Republic of Croatia shall be ensured by the Fund and the Organisation.

Treatment of packaging waste

Article 23

(1) The treatment of packaging waste generated in the territory of the Republic of Croatia shall be ensured by the processor, the Fund and the Organisation.

(2) The treatment of waste referred to in paragraph 1 of this Article shall, as far as possible, contribute to the attainment of the targets referred to in Article 9 of this Regulation.

Dealing and brokerage

Article 24

(1) The Fund and the Organisation shall regulate the manner and conditions of carrying out dealing and brokerage activities for packaging waste within the framework of packaging waste management.

(2) Packaging waste dealing and brokerage within the framework of packaging waste management referred to in paragraph 1 of this Article shall be a contribution to attaining the targets laid down in the Act and this Regulation.

Extended Producer Responsibility Scheme managed by the Fund

Article 25

(1) The Fund shall handle the management of packaging waste which constitutes non-hazardous waste, and if the condition referred to in Article 11(2) of this Regulation is met, of packaging waste which in accordance with this Regulation constitutes hazardous waste.

(2) The Fund shall attain the targets in relation to packaging and for that purpose dispose of packaging waste, including packaging waste collected in recyclable municipal waste, carry out activities for which in accordance with Article 105 of the Act it ensures reimbursement of costs, and manage and ensure the functioning and efficiency of the management system for packaging waste.

(3) The Fund shall:

conclude contracts with sellers, the Organisation, recycling site managers, processors, collectors and public service providers for the collection of municipal waste, which regulate obligations and conditions for the management of packaging waste, for the purpose of fulfilling the obligations imposed by the extended responsibility of producers of products;

— conclude contracts with the Ministry of Finance — Customs Administration and persons keeping official records and databases of state administration bodies, which regulate mutual relations and the transmission of data to the Fund on products packaged in packaging, products listed in List E of Annex III to the Act and fishing gear containing plastic, placed on the market in the territory of the Republic of Croatia, for the purpose of collecting the management fee and returnable fee. In order to identify the person liable to pay the management fee and returnable fee, the Fund may, if necessary, conclude contracts with other persons;

implement, encourage and support information campaigns and other appropriate measures encouraging holders of packaging waste to hand it over to the system managed by the Fund.

(4) The Fund shall control the data entered in the Register in order to verify their timeliness, completeness and accuracy.

(5) The Fund shall publish on its website a list including:

— producers of products packaged in packaging entered in the Register;

— persons with whom it has concluded the contract referred to in paragraph 3 of this Article;

— collectors in charge of collecting packaging waste which constitutes non-hazardous waste from registered persons — waste producers.

(6) By way of derogation from the provision of Article 21(5) of this Regulation and in order to implement the principles of the circular economy, the Fund may, at the request of the producer of the product packaged in packaging, decide that the producer of the product packaged in packaging may collect packaging waste from its own products, for the purpose of recycling the collected packaging waste and achieving the targets of the Republic of Croatia.

(7) The provision in paragraph 6 of this Article shall not apply to packaging waste covered by a returnable fee system.

(8) The content of the request and the conditions for implementing provisions referred to in paragraph 6 of this Article shall be determined by the Fund by way of a decision and shall be published on its website.

(9) By way of derogation from paragraphs 1 to 8 of this Article, and in the case referred to in Article 11(2) of this Regulation, the obligations referred to in paragraphs 1 to 8 of this Article shall also apply to packaging waste which constitutes hazardous waste.

Obligations of producers of product packaged in packaging

(1) The producer of the product packaged in packaging who places products on the market in packaging from which the packaging waste which constitutes non-hazardous waste is generated, and in the case referred to in Article 11(2) of this Regulation for packaging waste which constitutes hazardous waste, shall report and submit data to the Register and shall bear the costs of managing that packaging waste in proportion to the amount of packaging placed on the market.

(2) In order to implement the obligation referred to in paragraph 1 of this Article and the general obligation of the producer of the product packaged in packaging referred to in Article 11 of this Regulation, the producer of the product packaged in the packaging referred to in paragraph 1 of this Article or their authorised representative shall calculate and pay the management fee referred to in Article 6 of this Regulation themselves to the account of the Fund, and in accordance with the Regulation.

(3) The calculation period for the payment of the fee referred to in paragraph 2 of this Article shall be one month for single-use packaging and one year for returnable packaging, and the producer of the product packaged in packaging shall pay the amount of the fee to the Fund by the last day of the current month for single-use packaging and by 31 January of the current year for the previous calendar year for the returnable packaging.

(4) The producer of the product packaged in packaging shall keep in its records information on the products in the packaging and packaging of those products, the place and country of supply or delivery, the quantity of products in the packaging and the amount of packaging from the product by packaging materials that they have placed on the market and the quantity of products in packaging and packaging from the product by packaging materials removed, exported and withdrawn from the market in the territory of the Republic of Croatia.

(5) The producer of the product packaged in packaging shall submit the data from the records referred to in paragraph 4 of this Article to the Register, for single-use packaging once a month by the 20th day of the month for the preceding month, and for returnable packaging once a year by 20 January of the current year for the preceding calendar year.

(6) The content of the application and the method and deadline for submitting the data referred to in paragraph 4 of this Article to the Register shall be determined by the Fund by way of instruction and shall be published on its website.

(7) The producer of the product packaged in the packaging referred to in paragraph 1 of this Article who fails to comply with the obligations laid down in this Article shall pay a management fee according to a separate calculation in accordance with the Regulation.

Collection of packaging waste which constitutes non-hazardous waste

Article 27

(1) The collection of packaging waste which constitutes non-hazardous waste shall be carried out by a collector who has a contract with a contractual processor of the Fund or with the Fund.

(2) The registered person — waste producer shall separate all packaging waste resulting from its activity by type of packaging waste and type of packaging material, separately from other types of waste, and submit the separated packaging waste free of charge to the collector referred to in paragraph 1 of this Article.

(3) The Fund shall ensure that the person with whom it has concluded the contract referred to in Article 97 of the Act, collects all packaging waste for which a management fee has been paid to the Fund, upon request and at no cost for the producer of waste which is a beneficiary of the public municipal waste collection service, classified in the category of non-household user (other sources of municipal waste) referred to in Article 70(2) of the Act.

(4) The Fund shall publish on its website an instruction on how to implement the obligation referred to in paragraph 3 of this Article, which shall include a list of locations and a list of persons with contact information through which that obligation is to be implemented.

(5) The seller who sells products in packaging is obliged, upon sale or delivery of the product (e.g. white technology, television, furniture, etc.), to collect the packaging waste from that purchased product which the end-user wishes to hand over, free of charge for the end user.

(6) The seller referred to in paragraph 5 of this Article does not carry out waste collection activities, therefore, they are not subject to the obligation to register in the Register of collectors and recovery operators in accordance with the Act.

(7) The provisions of this Article shall not apply to the handover and take-over of packaging waste from beverages covered by the returnable fee system.

(8) The collector referred to in paragraph 1 of this Article shall collect packaging waste from all sources throughout the territory of the Republic of Croatia and hand over all collected packaging waste to the processor, in accordance with the contract with the processor or the Fund.

(9) The processor shall submit to the Fund a list of collectors with whom it has concluded a contract, and the areas of local self-government that they cover for the entire territory of the Republic of Croatia.

(10) The processor and the collector who have concluded a contract with the Fund shall be entitled to a compensation from the Fund for covering the costs of collecting packaging waste, transporting to the processor, including the costs of ferries, tunnels and bridges, as well as for performing other tasks in accordance with the contract between the Fund and the processor, i.e. the Fund and the collector.

(11) The compensation referred to in paragraph 10 of this Article shall be determined by the Fund by a decision.

(12) The Fund shall pay the processor and the collector the compensation referred to in paragraph 11 of this Article in accordance with the contract and on the basis of the report submitted to it by the processor or the collector.

(13) The content of the reports referred to in paragraph 12 of this Article and the method and deadline for their delivery to the Fund shall be determined by the Fund by way of instruction, which shall be published on its website.

(14) By way of derogation from the provisions of paragraph 10 of this Article, if there is no capacity to recover a certain type of packaging waste from a processor that has concluded a contract with the Fund, a collector who has concluded a contract with the Fund shall be entitled to compensation to cover the costs of collecting packaging waste and handing it over to the recovery operator of packaging waste who has the appropriate capacity to recover it.

*Financing costs of packaging waste management
collected in recyclable municipal waste*

Article 28

(1) The contract with public service providers for the collection of municipal waste referred to in the first subparagraph of Article 25(3) of this Regulation shall, in addition to the obligations laid down by the Act, specify the following:

financing of the costs of the management of packaging waste collected as a part of the public municipal waste collection service, in accordance with Article 105(5) of the Act.

conditions for the treatment of packaging waste collected in recyclable municipal waste of a person included in the list referred to in paragraph 3 of this Article; and

submission of reports to the Fund on the amount of packaging waste collected from recyclable municipal waste and delivered to the processor, by type of material.

(2) By means of a public invitation for the selection of recyclable municipal waste processors, the Fund lays down the criteria to be met by applicants, on the basis of which the Fund selects treatment facilities that contribute to the greatest extent to the attainment of the targets of waste packaging recovery.

(3) Based on the public invitation, the Fund shall draw up and regulate a list of selected processors for the treatment of recyclable municipal waste (hereinafter: the list) and publish it on the Fund's website.

(4) Contractual processors of the Fund shall be part of the list referred to in paragraph 3 of this Article without applying to the public invitation referred to in paragraph 2 of this Article.

(5) The processor from the list referred to in paragraph 3 of this Article shall submit to the Fund, for the collected waste, a report on the amount of recyclable municipal waste that

has been recycled or submitted for recycling to the person carrying out the recovery of the waste through a recycling operation or submitted to another recovery operation.

(6) The content of the report, as well as the method and deadline for the submission of data on the amount of recyclable municipal waste collected and submitted to the processor, according to the types of materials as well as the data referred to in paragraph 5 of this Article, shall be determined by the Fund and published on its website.

(7) The Fund shall calculate the weight of the recycled packaging waste according to the type of material extracted from recyclable municipal waste, and the weight of packaging waste that has been treated by other treatment operations, indicating the treatment operations in the calendar year.

(8) The Fund shall carry out at least annually an analysis of the composition of recyclable municipal waste for the purpose of calculating the share of packaging waste in recyclable municipal waste in order to determine the financing coefficient referred to in paragraph 1 of this Article.

Treatment of packaging waste

Article 29

(1) Treatment of packaging waste which constitutes non-hazardous waste and which is generated in the territory of the Republic of Croatia is carried out by a processor who has concluded a contract with the Fund.

(2) The contract referred to in paragraph 1 of this Article shall ensure the implementation of the provisions of this Regulation.

(3) Packaging waste which constitutes non-hazardous waste and which is collected in the territory of the Republic of Croatia, for which there are capacities for recovery through the recycling process, must be recovered through the recycling process in the Republic of Croatia.

(4) By way of derogation from paragraph 1 of this Article, if there is insufficient capacity for the recovery of packaging waste from a processor that has concluded a contract with the Fund, a collector who has concluded a contract with the Fund shall hand over the packaging waste to a processor that has adequate capacity for the recovery of packaging waste.

(5) The recovery of waste referred to in paragraphs 3 and 4 of this Article shall, as far as possible, constitute a contribution to the attainment of the recycling targets in accordance with Article 9 of this Regulation.

(6) The processor referred to in paragraph 1 of this Article shall be entitled to a compensation from the Fund for covering the costs of the treatment of packaging waste in accordance with the agreement between the Fund and the processor, in accordance with Article 105(5) of the Act.

(7) Under the contract referred to in paragraph 1 of this Article, the Fund shall determine the total value of packaging waste, i.e. the total cost of the treatment of packaging waste, as well as the payment to the processor for the collected packaging waste, i.e. payment to the processor to cover the treatment costs of packaging waste.

Returnable fee system (deposit-refund scheme)

Article 30

(1) The returnable fee system is a system for the management of single-use packaging made of plastic, metal and glass, including multi-layer (composite) packaging with a predominantly paper-carton component of volume equal to and less than three litres intended for the beverages referred to in Article 4(1)(18) of this Regulation (hereinafter: beverage packaging) and other pursuant to the Decree, in which a returnable fee is paid as an incentive measure to encourage the holder to separate the waste from the beverage from the other waste and hand it over to the seller or the recycling site manager.

(2) The returnable fee for beverage packaging is the amount of money which the producer of the product packaged in packaging being placed on the market of beverages packaged in beverage packaging (hereinafter: beverage producer) pays to the Fund's account. The beverage producer collects the amount of the returnable fee from the buyer by selling the product, and the end user is entitled to a refund of the amount of the returnable fee from the seller or the recycling site manager by returning the packaging waste generated from the beverage. The Fund shall refund to the seller or to the recycling site manager the amount of the returnable fee paid to the holder from the amount of the returnable fee paid by the beverage producer to the Fund.

(3) The beverage producer shall pay the returnable fee to the account of the Fund in proportion to the quantity of beverages placed on the market in the beverage packaging and in accordance with the Regulation.

(4) The obligation to pay the returnable fee shall arise at the time the beverages in the packaging referred to in paragraph 1 of this Article are placed on the market.

(5) Once a month, by the 20th day of the month for the previous month, the beverage producer shall submit to the Register the data on the quantity of beverages placed on the market in the beverage packaging and, on the basis of the data provided, calculate the amount of the returnable fee themselves and pay the same amount to the Fund's account.

(6) The calculation period for the payment of the returnable fee shall be one month, and the beverage producer shall, on the basis of the data referred to in paragraph 5 of this Article, calculate the amount themselves and pay the amount of the returnable fee to the Fund by the last day of the current month for the preceding month.

(7) No returnable fee is payable on beverages intended for export/removal outside the territory of the Republic of Croatia.

(8) In the case of export/removal outside the territory of the Republic of Croatia or withdrawal from the market in the territory of the Republic of Croatia of beverages for which the beverage producer has previously paid a returnable fee to the Fund, the beverage producer is entitled to a refund of the amount of returnable fee paid, based on the decision issued by the Fund.

(9) The beverage producer shall exercise the right to a refund of the returnable fee paid referred to in paragraph 8 of this Article on the basis of the request submitted to the Fund and the data submitted to the Register and the authentic documentation on the export/removal of beverages outside the territory of the Republic of Croatia, or withdrawal of beverages from the market in the territory of the Republic of Croatia.

(10) The content of the application and the method and deadline for submitting the information referred to in paragraph 5 of this Article to the Register shall be determined by the Fund by way of instruction and shall be published on its website.

(11) The Fund shall adopt an instruction on other conditions and criteria for the implementation of the obligation referred to in paragraph 3 of this Article and publish the instruction on its website.

(12) A beverage producer who fails to comply with the obligations laid down in this Article shall pay a returnable fee according to a separate calculation in accordance with the Regulation.

(13) A beverage producer who labels beverage packaging contrary to the provisions of Article 17(2) of this Regulation shall pay a returnable fee according to a separate calculation in accordance with the Regulation.

(14) The Fund shall ensure that the targets set out in Article 56(1) of the Act.

Article 31

(1) When placing on the market beverages packaged in beverage packaging and in the event of a change in the GTIN of the same product, the beverage producer shall submit to the Register the GTIN of that product and information on the producer of the product packaged in packaging, product and beverage packaging, no later than 14 days before placing the beverage on the market.

(2) No later than 14 days before the placing on the market the beverages referred to in paragraph 1 of this Article, the beverage producer shall submit to the Fund one sample of the packaging unit of that beverage in order to verify the compliance of the beverage packaging with the packaging requirements laid down in Article 17 of this Regulation.

(3) The Fund shall issue a Declaration of Conformity to the beverage producer who provides the information referred to in paragraph 1 of this Article and the packaging unit marked in accordance with Article 17 of this Regulation.

(4) The method of submitting the information referred to in paragraph 1 of this Article and of the samples of packaging units referred to in paragraph 2 of this Article shall be determined by the Fund and published on its website.

Article 32

(1) The holder of single-use packaging waste from beverages may hand it over to a seller who sells beverages and has concluded a contract with the Fund (hereinafter: beverage seller) or the recycling site manager, and is entitled to receive a returnable fee per unit of delivered packaging waste from beverages, in accordance with the Decree and this Regulation.

(2) The beverage seller with a sales area of 200 and more square meters and the recycling site manager are obliged to collect the packaging waste from the holder.

(3) The beverage seller and the recycling site manager are obliged to collect from the holder the packaging waste from beverages within their sales facility or within the recycling site during the working hours, in the amount of up to 80 packaging waste units per day per individual holder, and may take a larger quantity if they so decide.

(4) The beverage seller with a sales space of less than 200 square meters may collect from the holder the packaging waste from beverages if the space fulfils the spatial and technical requirements for safely taking over and storing packaging waste from beverages.

(5) The beverage seller referred to in paragraphs 2, 4 and 10 of this Article may, independently or in cooperation with the collector, other seller or recycling site manager, arrange for the collection of packaging waste from beverages inside or outside the sales facility, in accordance with the contract referred to in Article 104(7) of the Act.

(6) The beverage seller and the recycling site manager referred to in paragraphs 2, 4, 5 and 10 of this Article may, independently or in cooperation with the collector, other seller or recycling site manager, arrange for the payment of the returnable fee for the quantity of packaging waste from beverages collected, in accordance with the contract referred to in Article 104(7) of the Act.

(7) The beverage seller and the recycling site manager may carry out the collection of packaging waste from beverages from the holder through a reverse vending machine or manually.

(8) The beverage seller and the recycling site manager are obliged to pay to the holder of the packaging waste from beverages the amount of the returnable fee per unit of delivered packaging waste from beverages exclusively in cash, and without setting the terms of purchase of their products or any other conditions.

(9) The beverage seller or recycling site manager accepting beverage packaging waste through a reverse vending machine shall submit monthly electronic reports to the Fund about collected packaging waste units by GTIN not later than the 15th day of a month for the

previous month, in accordance with the Fund's instruction referred to in Article 33(1) of this Regulation.

(10) A seller who engages in wholesale trade within the meaning of the provisions of the Trade Act, regardless of the size of the sales premises, and which has beverages in its offer, shall enable the collection of all beverage packaging from its customers, and shall pay the customer the amount of the returnable for the collected packaging waste from the beverage, in accordance with the contract between the buyer and the seller carrying out the wholesale trade.

(11) The seller of the beverage and the recycling site manager shall clearly and visibly indicate the place where the packaging waste from beverages is collected.

(12) The Fund shall enter into a contract with the beverage seller, i.e. the recycling site manager, regarding the method of refunding the returnable fee paid to the holder and paying the cost of collecting the packaging waste from beverages.

(13) The content of the report, pursuant to which the Fund pays to the seller of the beverage and the recycling site manager the amount for collection and the amount of the returnable fee paid for packaging handed over to the collector, and the method and the deadline for the submission of the report shall be determined by the Fund by way of instruction, which shall be published on its website.

(14) The collection of packaging waste from beverages in accordance with this Article shall not be considered as taking possession of waste within the meaning of Article 27 of the Act and is not subject to the obligation to keep a register on waste creation and transport referred to in Article 25 of the Act.

Article 33

(1) By way of instruction on the use of a reverse vending machine, the Fund shall specify the technical specification and conditions of use of the reverse vending machine, the dimensions of the packaging waste from beverages that can be collected through the reverse vending machine and the mandatory content of the report referred to in Article 32(9) of this Regulation.

(2) The beverage seller and the recycling site manager may commence the collection of the packaging waste from beverages through the reverse vending machine once they prove that the conditions referred to in paragraph 1 of this Article are met.

Article 34

(1) At the time of delivery to the seller or recycling site manager, packaging waste from beverages must be empty, must not be crushed or destroyed, and the GTIN number and returnable fee system marking must be clearly visible and legible.

(2) The beverage seller and the recycling site manager may refuse to accept packaging waste from beverages from the holder that does not meet the conditions from paragraph 1 of this Article.

(3) For the purposes of safe transport, the beverage seller or recycling site manager shall put the accepted beverage packaging waste in containers by type of material and hand it over to a collector sealed and marked in accordance with the Fund's instructions.

(4) Procurement, type and size of containers, safety straps and labels, method of storage, closing and marking of containers, handling of containers, monitoring of container flow and other issues of importance for safe manipulation of packaging waste shall be regulated by the Fund by way of instruction.

Article 35

(1) The beverage seller and the recycling site manager are obliged to hand over to the collector the packaging waste from beverages taken from the holder.

(2) The collector shall, at the invitation of the beverage seller and the recycling site manager, collect the packaging waste from beverages from the collection area for which the Fund has concluded a contract for the provision of packaging waste collection services, and transport it to the collector's warehouse in which it is ensured that the collection service is carried out in accordance with the public invitation referred to in Article 97(13) of the Act and the concluded contract.

(3) In the event that the collector does not take over the beverage packaging at the invitation of the beverage seller, the beverage seller shall without delay notify the Fund thereof by written/electronic means.

(4) The collector shall be entitled to a compensation from the Fund for covering the costs of collecting packaging waste from beverages, transporting to the processor, including the costs of ferries, tunnels and bridges, as well as for performing other tasks in accordance with the contract between the Fund and the collector.

(5) The compensation referred to in paragraph 4 of this Article shall be determined by the Fund by a decision.

(6) The Fund shall pay the collector once a month a compensation to cover the costs of collecting packaging waste, transport to the processor, including costs of ferries, tunnels and bridges, as well as for performing other tasks in accordance with the contracts concluded, on the basis of the reports submitted.

(7) The content of the reports referred to in paragraphs 6 of this Article and the deadline for the submission of data to the Fund shall be determined by the Fund by way of instruction, which shall be published on its website.

Packaging waste which constitutes hazardous waste

Article 36

(1) Without prejudice to Article 4(1)(3) of this Regulation, for the purposes and within the meaning of the provisions of this Regulation, packaging waste which constitutes hazardous waste and which falls under the packaging waste management system managed by the Organisation shall only be considered packaging waste generated from products in packaging whose packaging is labelled with one or more of the following hazard pictograms:

1. 'GHS01' — warning end users that such packaging contains a chemical that is classified in one of the following hazard categories: explosive; self-reactive substance and mixture, types A and B; organic peroxide, types A and B;

2. 'GHS06' — warning end users that such packaging contains a chemical classified in one of the following hazard categories: acute toxicity, categories 1, 2 and 3;

3. 'GHS08' — warning end users that such packaging contains a chemical classified in one of the following hazard categories: mutagenicity, categories 1A and 1B; carcinogenicity, categories 1A and 1B; reproductive toxicity, categories 1A and 1B; specific target organ toxicity — single exposure, categories 1 and 2, specific target organ toxicity — repeated exposure, categories 1 and 2.

(2) Packaging waste which is not marked by the hazard pictogram referred to in paragraph 1 of this Article shall fall under the packaging waste management system managed by the Fund.

Extended Producer Responsibility Scheme managed by the Organisation for packaging waste which constitutes hazardous waste

Article 37

(1) The Organisation shall handle the management of packaging waste which constitutes hazardous waste as defined in Article 36(1) of this Regulation.

(2) The Organisation may start operations after it has obtained a decision on the granting of the status of the Organisation in accordance with the Act and has concluded an agreement with the Ministry and the Fund.

(3) The Organisation shall:

conclude contracts with producers of products packaged in packaging, sellers, waste producers, persons carrying out waste collection and treatment operations in accordance with the conditions laid down in this Regulation and the Act, and with recycling sites managers, regulating obligations and conditions for the management of packaging waste which constitutes hazardous waste;

— ensure efficient separate collection of packaging waste which constitutes hazardous waste from all holders in the entire territory of the Republic of Croatia;

ensure the lawful treatment of collected packaging waste which constitutes hazardous waste, for the purpose of achieving the targets laid down in this Regulation;

apply an appropriate self-monitoring mechanism and, where appropriate, make use of independent third party auditors to regularly assess:

1. their own financial management, including an assessment of compliance with the requirements for costs financed from the revenue from fees paid to the Organisation by producers of products packaged in packaging;

2. the quality of the data on products in packaging placed on the market in the Republic of Croatia subject to reporting to the Organisation in accordance with the obligation under the extended producer responsibility scheme regarding products packaged in packaging, on the collection and treatment of waste generated from these products, and other relevant data, including the requirements set out in Regulation (EC) 1013/2006;

implement information campaigns or other appropriate measures to encourage holders of packaging waste which constitutes hazardous waste to deliver such packaging waste to the Organisation's system.

(4) The Organization shall provide the producers of products packaged in packaging with whom it has entered into a contract with the installation of appropriate containers for the separate collection of packaging waste which constitutes hazardous waste, and their regular emptying.

(5) The Organisation shall keep records of producers of products packaged in packaging entered in the Register and provide information from the register to the Ministry.

(6) The Organisation shall publish on its website a list of producers of products packaged in packaging with which it has concluded the contract referred to in paragraph 3 of this Article.

(7) The total funds collected by the Organisation from fees paid by producers of products packaged in packaging for the placing on the market of products in packaging in a calendar year shall be sufficient to reimburse the costs of the Organization pursuant to this Article.

(8) In addition to the obligations laid down in this Article, the Organisation shall fulfil other obligations prescribed by the Act and this Regulation in so far as they relate to and apply to the Organisation.

(9) Without prejudice to the provisions of paragraphs 1 to 8 of this Article, in the case referred to in Article 11(2) of this Regulation, the obligations of the Organisation under these Regulation shall be assumed by the Fund.

Obligations of the producer of product packaged in packaging from which the packaging waste which constitutes hazardous waste is generated

Article 38

(1) The producer of the product packaged in packaging who places products on the market of the Republic of Croatia in the packaging from which the packaging waste which constitutes hazardous waste is generated shall bear the costs of managing that packaging waste in proportion to the amount of packaging placed on the market.

(2) In order to implement the obligation referred to in paragraph 1 of this Article and the general obligation of the producer of the product packaged in packaging referred to in Article 11 of this Regulation, the producer of the product packaged in the packaging referred to in paragraph 1 of this Article shall conclude an agreement with the Organisation and act in accordance with the agreement.

(3) The producer of the product packaged in the packaging referred to in paragraph 1 of this Article who intends to place the products in packaging on the market after the establishment of the Organisation shall enter into an agreement with the Organisation before placing the product in packaging on the market.

(4) The producer of the product packaged in the packaging referred to in paragraph 1 of this Article who, at the time of establishment of the Organisation, had already placed products in packaging on the market shall enter into an agreement with the Organisation within 30 days of the date of establishment of the Organisation.

(5) The producer of the product packaged in the packaging referred to in paragraph 1 of this Article shall submit to the Organisation information on the quantity of products in packaging and the amount of packaging from products by packaging materials placed on the market and the quantity of products in packaging and packaging from products by packaging materials removed, exported and withdrawn from the market in the Republic of Croatia in the current year, and a list of all persons selling the products of that producer to end users in the market of the Republic of Croatia.

Collection of packaging waste which constitutes hazardous waste

Article 39

(1) The collection of packaging waste which constitutes hazardous waste is permitted to a collector who has a contract to collect packaging waste which constitutes hazardous waste with the Organisation.

(2) A natural person who is in possession of packaging waste which constitutes hazardous waste shall separate the packaging waste from other types of waste and hand it over to the recycling site, which in accordance with the Act shall be provided by the executive body of a local self-government unit or the City of Zagreb, or hand it over to the seller of the product from which the packaging waste which constitutes hazardous waste is generated.

(3) A legal or natural person — craftsman, including a natural person registered for performing an activity, shall separate packaging waste which constitutes hazardous waste

resulting from its activity from other types of waste and hand it over to the collector referred to in paragraph 1 of this Article.

(4) The provisions of paragraphs 2 and 3 of this Article shall not apply to an inoperable product referred to in Article 36(1) of this Regulation or to the residues of such a product in the sales packaging for which the procedure is prescribed by a special regulation.

(5) The person referred to in paragraph 3 of this Article shall enter into an agreement with the Organisation, which shall regulate the conditions for the handover and takeover of packaging waste which constitutes hazardous waste in their possession.

(6) The collector referred to in paragraph 1 of this Article shall, at the request of the holder referred to in paragraph 3 of this Article, free of charge for the holder and within 20 days of the call, collect from the holder the packaging waste which constitutes hazardous waste whose total volume exceeds two m³.

(7) A seller who, in a specialised store, such as an agricultural pharmacy sells products in packaging whose packaging is marked with the markings referred to in Article 36(1) of this Regulation, and the recycling site manager shall collect packaging waste which constitutes hazardous waste from natural persons free of charge for holders.

(8) The seller referred to in paragraph 7 of this Article shall place a container for the collection of packaging waste which constitutes hazardous waste in a visible place, at the entrance to the store for end users, and inform end users of the possibility of handing over i.e. the obligation to collect packaging waste which constitutes hazardous waste at their sales premises during the opening hours of the point of sale.

(9) The seller referred to in paragraph 7 of this Article may transfer their obligation under paragraphs 7 and 8 of this Article to another seller or to a recycling site manager, provided that the distance to another seller who is obliged to collect packaging waste which constitutes hazardous waste or to a recycling site does not exceed three kilometres.

(10) The seller referred to in paragraph 7 of this Article who collects packaging waste from the end user which constitutes hazardous waste does not carry out waste collection activities, therefore, they are not subject to the obligation to register in the Register of collectors and recovery operators in accordance with the Act.

(11) The seller referred to in paragraph 7 of this Article and the recycling site manager shall hand over the collected packaging waste which constitutes hazardous waste to the collector referred to in paragraph 1 of this Article.

(12) The costs of the delivery of packaging waste in accordance with paragraphs 3 and 11 of this Article and the transport and treatment thereof shall be borne by the Organisation.

(13) The containers for packaging waste which constitutes hazardous waste generated by the person referred to in paragraph 3 of this Article, the seller referred to in paragraph 7 of this Article and the recycling site manager shall be provided by the Organisation.

Treatment of packaging waste which constitutes hazardous waste

Article 40

(1) The treatment of packaging waste which constitutes hazardous waste is permitted to a processor who has an appropriate waste management permit for the treatment of packaging waste in accordance with the Act and which has concluded a contract with the Organisation.

(2) The condition for concluding a contract with the Organisation is a waste management permit for the recovery of packaging waste through recycling or energy recovery.

(3) The processor referred to in paragraph 1 of this Article shall carry out the treatment of packaging waste which constitutes hazardous waste in accordance with Article 23 of this Regulation and in accordance with the contract with the Organisation.

(4) The Organisation may deliver packaging waste which constitutes hazardous waste or residues after treatment outside the territory of the Republic of Croatia if there is insufficient capacity for treatment in the territory of the Republic of Croatia and under the conditions referred to in Article 41 of this Regulation.

(5) The processor referred to in paragraph 1 of this Article shall keep records of the quantity of collected and treated packaging waste which constitutes hazardous waste and report the data from the records in accordance with the contract with the Organisation.

(6) The method of submission of the information referred to in paragraph 4 of this Article shall be determined by the Organisation and published on its website.

Cross-border circulation of packaging waste

Article 41

(1) In the case of export of packaging waste or residues after treatment of packaging waste outside the Member States of the European Union, the exporter shall export in accordance with Regulation (EC) 1013/2006 and Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4. 12. (2007), as last amended by Commission Regulation (EU) 2021/1840 of 20 October 2021 amending Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of waste does not apply (OJ L 373, 21.10.2021); (hereinafter: Regulation (EC) No 1418/2007);

(2) In order to contribute to the fulfilment of the obligations and recovery targets laid down in this Regulation, the exporter referred to in paragraph 1 of this Article shall, in accordance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007, prove

that the treatment of the exported packaging waste has been carried out under conditions which comply with the provisions of this Regulation.

Record keeping, data collection and reporting

Article 42

(1) The packaging provider shall keep records of the type and quantity of packaging placed on the market and submit the data from the records to the Ministry by 1 March of the current year for the preceding calendar year using form O3 in Annex VII to this Regulation.

(2) On the basis of the data referred to in paragraph 1 of this Article, the Ministry shall draw up a report on the type and quantity of packaging placed on the market in the previous calendar year and publish it on its website.

(3) The Fund and the Organisation shall keep electronic records of the quantity of single-use and reusable packaging of products placed on the market in a calendar year and submit the data from the records to the Ministry by 1 May of the current year for the previous calendar year on Form O1 in Annex V to this Regulation.

(4) The Fund and the Organisation shall keep electronic records of the quantity produced, collected, processed and delivered for the treatment of packaging waste in a calendar year and submit the data from the records to the Ministry by 1 May of the current year for the previous calendar year on Form O2 in Annex VI to this Regulation.

(5) The collector who has concluded a contract with the Fund shall keep records of the amount of packaging waste that they have collected and handed over to the processor or delivered for treatment, and submit the data from the records to the Fund by the end of the current month for the previous month.

(6) The processor who has concluded a contract with the Fund shall keep records of the quantity of packaging waste collected and treated and the amount of packaging waste, including residues after treatment, delivered for treatment, and submit the data from the records to the Fund by the end of the current month for the previous month.

(7) The content of the report and the method of submitting the information referred to in paragraphs 5 and 6 of this Article shall be determined by the Fund and published on its website.

(8) The collector who has concluded a contract with the Organisation shall keep records of the quantity of collected packaging waste which constitutes hazardous waste and submit the data from the records in accordance with the contract with the Organisation.

(9) The processor who has a contract with the Organisation shall keep records of the quantity of collected and treated packaging waste which constitutes hazardous waste and report the data from the records in accordance with the contract with the Organisation.

(10) The content of the report and the method and deadline for submitting the information referred to in paragraphs 8 and 9 of this Article shall be determined by the Organisation and published on its website.

(11) The data referred to in paragraphs 3 and 4 of this Article shall enable reporting in accordance with Decision 2005/270/EC and Decision (EU) 2019/665.

Information system and reporting to the European Commission

Article 43

(1) The electronic database on packaging and packaging waste shall be established and maintained by the Ministry.

(2) The database referred to in paragraph 1 of this Article shall contain information on packaging and packaging waste collected from the packaging waste management system managed by the Fund and the Organisation, data collected from packaging providers and additional information on packaging and packaging waste obtained from other sources, studies and assessments.

(3) The database referred to in paragraph 1 of this Article shall be used to monitor the attainment of the targets laid down in this Regulation providing, in particular, information on the size, characteristics and development of packaging flows and packaging waste in the Republic of Croatia, including information on the toxicity or hazard of packaging materials and parts used in their production.

(4) The Ministry shall, for each calendar year and within 18 months from the end of the reporting year for which the data are collected, submit to the European Commission a report containing data on the attainment of the recovery and recycling targets referred to in Article 8 of this Regulation, data on reusable packaging and data on the annual consumption of lightweight plastic carrier bags.

(5) The Ministry shall accompany the report referred to in paragraph 4 of this Article by a quality check report and report on the measures taken pursuant to Article 10(3), (8) and (9) of this Regulation, including, where appropriate, detailed information about the average loss rates.

(6) The Ministry shall submit a report containing information on the attainment of the recovery and recycling targets referred to in Article 10(1) of this Regulation, as well as information on reusable packaging in the format set out in Decision (EU) 2019/665.

(7) The Ministry shall submit a report containing information on the attainment of the recovery and recycling targets referred to in Article 60(1), (2) and (3) of the Act in the format set out in Decision 2005/270/EC.

(8) The Ministry shall submit a report containing data on the annual consumption of lightweight plastic carrier bags in the format set out in Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the

annual consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC (OJ L 160, 25.6.2018).

(9) The Ministry shall, together with the report referred to in paragraph 4 of this Article, also submit, at the request of the European Commission, a report containing information on compliance with the requirements relating to the permissible heavy metal content in packaging placed on the market in the territory of the Republic of Croatia and information on the quantities of packaging waste which constitutes hazardous waste due to content contamination and which is therefore not suitable for further recovery.

(10) The Ministry shall publish the data from the report referred to in paragraph 4 of this Article, after submission to the European Commission, on its website.

SINGLE-USE PLASTIC PRODUCTS AND FISHING GEAR CONTAINING PLASTIC

Obligations to reduce the consumption of plastic products referred to in List A of Annex III to the Act

Article 44

In order to reduce the consumption of beverage cups and food containers referred to in List A of Annex III to the Act (hereinafter: beverage cup and food container), measures shall be taken to reach the consumption reduction target laid down in Article 56(3) of the Act.

Measures to reduce the consumption of single-use plastic products

Article 45

(1) A legal and natural person — craftsman who installs beverage vending machines shall install them without single-use plastic cups for beverages in the areas where the machine is installed.

(2) Exceptionally, a legal and natural person — craftsman who installs beverage vending machines in public places where it is not possible to use reusable cups, may install them with single-use plastic cups for beverages that are not entirely made of plastic or with single-use beverage cups made of other material.

Article 46

(1) A legal and natural person — craftsman who performs catering activities in mobile catering establishments where beverages are prepared and served in single-use plastic beverage cups shall provide the consumer with alternative reusable cups for beverages or single-use cups for beverages made from other material.

(2) A legal and natural person who performs catering activities in catering facilities where beverages are prepared and served, except in those referred to in paragraph 1 of this Article, shall use reusable cups for beverages.

Article 47

(1) A legal and natural person — craftsman who performs catering activities in mobile catering establishments where food is prepared and served in single-use plastic food containers shall provide the consumer with alternative reusable containers for food or single-use containers for food made from other material.

(2) A legal and natural person — craftsman who performs catering activities in catering facilities where food is prepared and served, except in those referred to in paragraph 1 of this Article, shall use reusable containers for food.

(3) A legal and natural person — craftsman carrying out catering activities in catering facilities from the group ‘catering establishments’ shall ensure that food is delivered and served to the consumer in single-use plastic food containers, in reusable food containers or in single-use food containers made from other material.

Article 48

(1) A producer of plastic products employing more than 50 persons shall set quantitative targets for the reduction of placing on the market of single-use plastic products referred to in List A of Annex III to the Act which it places on the market as prefilled single-use plastic products listed in List A of Annex III to the Act and draw up a plan of measures to attain them.

(2) The producer of plastic products referred to in paragraph 1 of this Article shall submit the plan of measures for attaining the targets referred to in paragraph 1 of this Article to the Ministry, either electronically or in writing.

(3) On the basis of the obtained data referred to in paragraph 2 of this Article, the Ministry shall establish national consumption reduction targets of single-use plastic products referred to in List A of Annex III to the Act.

Article 49

The seller must charge all single-use plastic cups for beverages to the end user at the point of sale.

EXTENDED PRODUCER RESPONSIBILITY

Obligations of producers of plastic products referred to in List E of Annex III to the Act and fishing gear containing plastic

Article 50

(1) The producer of plastic products placing on the market single-use plastic products listed in List E of Annex III to the Act and fishing gear containing plastic shall register in the Register and submit data to the Register, and in proportion to the quantity of products it has placed on the market bear the costs of managing waste from these products by paying the management fee referred to in Article 6 of this Regulation to the account of the Fund, which thus carries out on behalf of the producer of plastic products the activities for which in accordance with Article 105 of the Act it ensures reimbursement of expenses.

(2) The producer of the plastic products referred to in paragraph 1 of this Article, who is also the producer of the product packaged in packaging, shall pay the management fee referred to in Article 6 of this Regulation as a producer of plastic products.

(3) The amount of the management fee referred to in paragraph 1 of this Article shall be determined by the Fund by means of a decision in accordance with the Decree and the Act.

(4) In order to implement the obligation referred to in paragraph 1 of this Article, the producer of the plastic products referred to in paragraph 1 of this Article or their authorised representative shall calculate and pay the management fee to the Fund themselves, in accordance with paragraph 3 of this Article.

(5) The calculation period for the payment of the fee referred to in paragraph 1 of this Article shall be one month, and the producer of plastic products shall pay the amount of the fee to the Fund by the last day of the current month for the preceding month.

(6) The producer of plastic products placing on the market single-use plastic products included in List E of Annex III to the Act and fishing gear containing plastic shall keep records of data on these products, the place and country of supply or delivery, the weight of single-use plastic products and fishing gear containing plastic, the number of single-use plastic products containing plastic, the weight of plastic in single-use plastic products and fishing gear containing plastic placed on the market, and the number and weight of products, i.e. weight of fishing gear removed, exported and withdrawn from the market in the territory of the Republic of Croatia.

(7) The producer of plastic products shall submit the data from the records referred to in paragraph 6 of this Article to the Register once a month by the 20th day of the month for the preceding month.

(8) The content of the application and the method and deadline for submitting the information referred to in paragraphs 1 and 6 of this Article to the Register shall be determined by the Fund by way of instruction and shall be published on its website.

Obligations of the Fund

Article 51

(1) The Fund shall conclude a contract with the executive body of the district (regional) self-government unit or the City of Zagreb (hereinafter: the competent authority) which shall specify the method of payment of the fee and the conditions for the implementation of the waste management services to be undertaken for:

regular removal of waste generated from products from List E of Annex III to the Act discarded into the environment, transport and treatment of waste from these products in the territory of the district (regional) self-government unit or the City of Zagreb;

regular collection of waste generated from products referred to in points II and III of List E of Annex III to the Act discarded in municipal waste, transport and treatment of waste from

these products in the territory of a district (regional) self-government unit or the City of Zagreb;

the construction, maintenance and operation of waste collection infrastructure from products referred to in points I and III of List E of Annex III to the Act in the area of district (regional) self-government unit or the City of Zagreb, necessary for maintaining the cleanliness of public areas within the framework of municipal activities;

reporting on the activities carried out and monitoring their effectiveness.

(2) An integral part of the contract shall be the plan referred to in Article 52(5) of this Regulation.

(3) The Fund shall enter into a contract with the operator of the port reception facility in which the method of payment of the fee and the conditions for the implementation of the activities to be undertaken for the separate collection of waste fishing gear containing plastic, the transport and treatment of this waste, the reporting on the activities carried out and the control of their effectiveness shall be determined.

(4) An integral part of the contract shall be the plan referred to in Article 53(4) of this Regulation.

(5) The contracts referred to in paragraphs 1 and 3 of this Article shall specify the conditions for the treatment, transport or collection of waste, and, for waste fishing gear containing plastic, the conditions for referral to recovery of waste through recycling.

(6) The Fund shall annually analyse the efficiency of the implementation of waste management services and the costs necessary for economically sustainable service delivery and publish the results of the analysis with proposed corrective and preventive measures.

(7) The fee referred to in paragraphs 1 and 3 of this Article shall be determined by the Fund by a decision.

(8) The Fund shall pay the persons referred to in paragraphs 1 and 3 of this Article a fee to cover the costs of the work carried out in accordance with the concluded contracts, on the basis of the reports submitted.

(9) The content of the reports referred to in paragraph 8 of this Article and the deadline for the submission of data to the Fund shall be determined by the Fund by way of instruction, which shall be published on its website.

(10) The Fund shall conclude an addendum to the contract with the packaging waste processor and/or the packaging waste collector who have already concluded a contract with the Fund in accordance with the Act and this Regulation for the reception of waste fishing gear containing plastic that does not fall under the responsibility of the operator of the port reception facility, in which the method of payment of the fee and the conditions for the implementation of the activities to be taken for the separate collection of this waste, transport

and treatment, reporting on the activities carried out and the control of their effectiveness shall be determined.

(11) A packaging waste processor and/or the packaging waste collector who have already concluded a contract with the Fund shall be entitled to a fee to cover the costs referred to in the contract referred to in paragraph 10 of this Article.

Obligations of the executive body of the district (regional) self-government unit or the City of Zagreb

Article 52

(1) The competent authority shall in its territory ensure regular removal of waste generated from products from List E of Annex III to the Act discarded into the environment, as well as transport and treatment of waste from these products.

(2) The competent authority shall in its territory ensure regular collection of waste generated from the products referred to in point III List E of Annex III to the Act that have been discarded in municipal waste, as well as transport and treatment of waste from these products.

(3) The competent authority shall in its territory ensure the construction, maintenance and operation of the infrastructure for the collection of waste generated from the products referred to in point I List E of Annex III to the Act that have been discarded in municipal waste and for products referred to in point III List E of Annex III where these products are most frequently discarded.

(4) The competent authority shall carry out the activities of transport, collection and treatment of waste referred to in paragraph 1 of this Article in accordance with the Act and the contract concluded with the Fund.

(5) The competent authority shall draw up a plan for the implementation of the activities referred to in paragraphs 1, 2, 3 and 4 of this Article and submit it to the Fund.

(6) The Fund shall, within 90 days from the date of receipt of the plan referred to in paragraph 5 of this Article, adopt a decision on the acceptance of that plan.

(7) The competent authority shall be entitled to reimbursement of the costs necessary for carrying out all the activities referred to in paragraphs 1, 2, 3 and 4 of this Article in accordance with the contract concluded with the Fund.

(8) The competent authority shall submit to the Fund, by 1 March of the current year for the preceding year, a report on the implementation of the plan referred to in paragraph 5 of this Article, i.e. on the activities referred to in paragraphs 1, 2, 3 and 4 of this Article, which shall include the name of the legal or natural person who, on behalf of the district (regional) self-government unit or the City of Zagreb, carried out the said activities, and the quantities of waste collected and treated, the treatment operation and the names of legal or natural persons

who collected and processed the waste, as financial and other data related to the calculation of the costs referred to in paragraph 7 of this Article.

Obligations of the operator of the port reception facility

Article 53

(1) The operator of the port reception facility shall, as part of its regular operation, ensure the reception of waste fishing gear containing plastic from all sources within its jurisdiction, separate collection of waste fishing gear containing plastic, as well as transport and treatment, i.e. recycling, of this waste.

(2) The operator of the port reception facility shall be entitled to a fee from the Fund for the costs necessary to carry out the activities referred to in paragraph 1 of this Article.

(3) The operator of a port reception facility shall carry out the activities of transport, collection and treatment of waste referred to in paragraph 1 of this Article in accordance with the Act and the contract concluded with the Fund.

(4) The operator of a port reception facility shall draw up a plan for the implementation of the activities referred to in paragraphs 1, 2 and 3 of this Article and submit it to the Fund.

(5) The Fund shall, within 90 days from the date of receipt of the plan referred to in paragraph 4 of this Article, adopt a decision on the acceptance of that plan.

(6) The operator of a port reception facility shall submit to the Fund, by 1 March of the current year for the preceding year, an annual report on the implementation of the plan referred to in paragraph 4 of this Article, i.e. on the activities carried out referred to in paragraph 1 of this Article, which shall include the weight of the waste collected and treated as referred to in paragraph 1 of this Article, separately for the discarded fishing gear found, the treatment operation and the names of legal or natural persons — craftsmen who have collected, treated or recycled the waste, as well as financial and other data related to the calculation of the costs referred to in paragraph 2 of this Article.

Obligations of packaging waste processor and packaging waste collector who concluded a contract with the Fund

Article 54

(1) The packaging waste processor or packaging waste collector shall take over the waste from fishing gear containing plastic not included in Article 53 of this Regulation and collected packaging waste from single-use plastic products referred to in point I List E of Annex III to the Act that has been discarded into municipal waste from the person who collected it, in connection with the implementation of Article 52(3) of this Regulation.

(2) The processor or the collector referred to in paragraph 1 of this Article shall submit to the Fund, by 1 March of the current year for the previous year, a report on the activities carried out, including the quantities of waste collected and treated referred to in paragraph 1

of this Article, the treatment operation and the names of legal or natural persons — craftsmen who collected/processed the waste as well as financial data.

Funding measures for awareness raising and reporting for single-use plastic products

Article 55

(1) The Fund and the Ministry shall be entitled to reimbursement of the costs of data collection and reporting for single-use plastic products referred to in points II and III of List E of Annex III to the Act, and for the implementation of awareness-raising measures for products listed in List E of Annex III to the Act.

(2) The distribution of costs between the Fund and the Ministry shall be determined by contract.

MANAGEMENT OF WASTE FISHING GEAR CONTAINING PLASTIC

Article 56

(1) In the management of waste fishing gear containing plastic, a minimum annual rate of collection of waste fishing gear containing plastic and intended for recycling must be attained, in accordance with the Regulation.

(2) The license holder for commercial fishing at sea and the holder of the aquaculture license for harvesting of marine organisms entered in the licence register are obliged to hand over waste fishing gear containing plastic to the operator of the port reception facility or the person referred to in Article 54(1) of this Regulation.

Awareness raising measures — Obligations for single-use plastic products referred to in List G of Annex III to the Act and fishing gear containing plastic

Article 57

(1) The Fund, in cooperation with the Ministry, shall conduct a national annual campaign related to reducing the impact of single-use plastic products on the environment for products referred to in List G of Annex III to the Act and fishing gear containing plastic.

(2) The national campaign shall include measures to inform consumers and encourage responsible consumer behaviour in order to achieve a reduction in the consumption or discarding of waste from single-use plastic products referred to in paragraph 1 of this Article, and measures to inform consumers of the following:

— availability of reusable alternatives, systems to reuse packaging and waste management options for single-use plastic products referred to in paragraph 1 of this Article as well as best waste management practices applied in accordance with Article 5 of the Act;

the consequences for the environment and human health, in particular the marine environment, of littering and other inadequate waste management of single-use plastic

products referred to in paragraph 1 of this Article, taking into account the presence of microplastics in the environment;

the consequences for the aquatic environment of inadequate management of waste from single-use plastic products referred to in paragraph 1 of this Article, when discharged into the drainage system.

(3) The national campaign shall include the following: informing through the media and official websites, organising public actions and workshops, designing and implementing projects for educational institutions, encouraging innovative projects ('local community without single-use plastic products'), encouraging thematic actions of cleaning discarded waste by fishermen's associations, diving clubs, mountaineers' associations and other non-profit organisations dealing with waste prevention with clear lessons.

(4) The Fund shall publish a public invitation for the funding of campaigns of district (regional) self-government units or the City of Zagreb regarding the reduction of the impact of single-use plastic products on the environment for products listed in List G of Annex III to the Act and fishing gear containing plastic, and set the selection criteria according to the performance of the extended producer responsibility scheme.

Reporting on single-use plastic products referred to in Lists A, E and F of Annex III to the Act and fishing gear containing plastic

Article 58

(1) By 1 March of the current year, the producer of plastic products shall submit to the Register data on the number and weight of single-use plastic products referred to in Lists A and F of Annex III to the Act for the previous year, and on the weight of fishing gear containing plastic placed on the market in the Republic of Croatia in the previous year.

(2) By 1 March of the current year, the producer of plastic products shall submit to the Fund data on the share of recycled plastic in single-use plastic products referred to in List F of Annex III to the Act which they placed on the market in the Republic of Croatia in the previous year.

(3) By 1 March of the current year, the producer of plastic products shall submit to the Register data on the share of plastic in the single-use plastic products referred to in List A of Annex III to the Act for the previous year, and on the fishing gear containing plastic placed on the market in the territory of the Republic of Croatia in the previous year.

Article 59

(1) The processor and collector of single-use plastic products shall, by 1 March of the current year for the preceding calendar year, submit to the Fund data on the number and weight of separately collected waste single-use plastic products from List F of Annex III to the Act in the territory of the Republic of Croatia, and the data on the weight, type and material of separately collected waste fishing gear.

(2) The operator of a port reception facility shall, by 1 March of the current year for the preceding calendar year, submit to the Fund data on the weight, type and material of separately collected waste fishing gear.

(3) The competent authority shall, by 1 March of the current year for the preceding calendar year, submit to the Fund data on the weight of waste collected and treated from single-use plastic products referred to in point III List E of Annex III to the Act for which a waste management fee has been paid, and information related to the calculation of costs as referred to in Article 52(6) of this Regulation.

Article 60

(1) The method of submitting the information referred to in Article 50(6), Article 52(8), Article 53(6), Article 58 and Article 59 of this Regulation shall be determined by the Fund and published on its website.

(2) The Fund shall process the collected data and calculate the reduction in consumption of the products listed in List A of Annex III to the Act, separate collection and shares of recycled content of products listed in List F of Annex III to the Act, separate collection and placing on the market of fishing gear, and the weight of post-consumption waste of tobacco products with filters and filters placed on the market for use in combination with tobacco products collected as litter and through public waste collection systems.

(3) The Fund shall submit the information referred to in paragraphs 1 and 2 of this Article to the Ministry, in accordance with the format prescribed by the Commission Decisions referred to in Article 62 of this Regulation.

Article 61

A legal or natural person — craftsman referred to in Articles 45, 46 and 47 of this Regulation who are obliged to implement consumption reduction measures shall submit to the Ministry, by 1 March of the current year for the preceding calendar year, the data on the measures taken and a calculation of the reduction in consumption of single-use plastic products to which the measures relate.

Article 62

(1) The Ministry shall submit to the Commission by electronic means, within 18 months of the end of the reporting year for which they were collected, the following data:

— data on single-use plastic products included in List A of Annex III to the Act placed on the market of a Member State each year, in order to demonstrate a reduction in consumption in accordance with Article 56(3) of the Act;

— information on measures taken in accordance with Articles 45 to 49 of this Regulation;

— data on single-use plastic products included in List F of Annex III to the Act separately collected in a Member State each year, in order to demonstrate the attainment of targets for separate collection set out in Article 56(1) of the Act;

data on fishing gear containing plastic placed on the market and waste fishing gear collected in the Member State each year;

— information on the content of recycled material in beverage bottles listed in List F of Annex III to the Act in order to demonstrate the attainment of the targets set out in Article 56(2) of the Act; and

— data on waste generated after the consumption of single-use plastic products referred to in point III List E of Annex III to the Act, which was collected in accordance with Article 52 of this Regulation.

(2) The information referred to in paragraph 1 of this Article shall be provided from the extended producer responsibility scheme as laid down in Article 60(2) of this Regulation and on the basis of other available administrative or other data sources.

(3) The Ministry shall submit the information referred to in paragraph 1 of this Article in accordance with the following Commission decisions:

- Commission Implementing Decision (EU) 2021/958 of 31 May 2021 laying down the format for reporting data and information on fishing gear placed on the market and waste fishing gear collected in Member States and the format for the quality check report in accordance with Article 13(1)(d) and 13(2) of Directive (EU) 2019/904 of the European Parliament and of the Council (OJ L 349, 4.10.2021);

- Commission Implementing Decision (EU) 2021/1752 of 1 October 2021 laying down rules for the application of Directive (EU) 2019/904 of the European Parliament and of the Council as regards the calculation, verification and reporting of data on the separate collection of waste single-use plastic beverage bottles (OJ L 211, 15.6.2021);

- Commission Implementing Decision (EU) 2021/2267 of 17 December 2021 laying down the format for reporting data and information on the collected post-consumption waste of tobacco products with filters and of filters marketed for use in combination with tobacco products (OJ L 455, 20.12.2021);

- Commission Implementing Decision (EU) 2022/162 of 4 February 2022 laying down rules for the application of Directive (EU) 2019/904 of the European Parliament and of the Council as regards the calculation, verification and reporting on the reduction in the consumption of certain single-use plastic products and the measures taken by Member States to achieve such reduction (OJ L 26, 7.2.2022).

(4) The first reporting year for reporting data shall be 2022, with the exception of the data referred to in Article 57(2) and Article 58(3) of this Regulation for which the first reporting year shall be 2023.

TRANSITIONAL AND FINAL PROVISIONS

Article 63

(1) The Fund shall adopt and publish on its website the instruction referred to in Articles 17 and 33 of this Regulation within 30 days of the entry into force of this Regulation.

(2) The instruction referred to in Article 34(3) and (4) of this Regulation shall be adopted by the Fund within 30 days of the entry into force of this Regulation.

Article 64

The producer of the product packaged in packaging shall label the packaging of the product in accordance with Article 17(1) of this Regulation within one year after the entry into force of this Regulation.

Article 65

(1) The way in which the information referred to in Articles 19, 26, 30, 31 and 50 of this Regulation is submitted to the Register, and in which samples of packaging units referred to in Article 31 of this Regulation are submitted to the Fund shall be communicated by the Fund on its website within 30 days of the entry into force of this Regulation.

(2) Until the Registry becomes operational:

the producer shall provide information on the GTIN of the product as well as information on the producer, product and packaging of the product to the Fund in the manner and within the time limits specified by the Fund by means of an instruction published on its website;

information on the type and quantity of single-use packaging shall be submitted to the Fund in the manner and within the deadlines specified by the Fund by means of an instruction published on its website;

information on the type and quantity of returnable (reusable) packaging shall be submitted to the Fund in the manner and within the deadlines set by the Fund by means of an instruction published on its website;

the management fee for packaging shall be calculated on the basis of the information submitted to the Fund in accordance with the instructions referred to in subparagraphs 1, 2 and 3 of this paragraph.

Article 66

(1) All stakeholders referred to in Article 25(3)(1) of this Regulation shall conclude contracts with the Fund within 45 days from the entry into force of the Regulation.

(2) The Fund shall conclude the contracts referred to in Article 25(3)(2) of this Regulation within 45 days from the entry into force of the Regulation.

Article 67

The Fund shall publish on its website the method of submitting the information referred to in Article 42(6) and (7) of this Regulation within 30 days of the entry into force of this Regulation.

Article 68

The Organisation shall publish the method of submitting the information referred to in Article 42(9) and (10) of this Regulation on its website within 30 days of its establishment.

Article 69

The Fund shall publish on its website the method of submitting the information referred to in Article 60 of this Regulation within 30 days of the entry into force of this Regulation.

Article 70

Within 60 days of the entry into force of Articles 52 and 53 of this Regulation, the competent authority or the operator of the port reception facility shall draw up a plan for the implementation of the activities referred to in Articles 52 and 53 of this Regulation.

Article 71

(1) Until the establishment of the Organisation referred to in Article 37 of this Regulation or until the handling of the waste management system for packaging which constitutes hazardous waste is taken over by the Fund, the producer of the product packaged in packaging who places on the market products containing hazardous substances in accordance with the regulations governing chemicals shall ensure collection and delivery for recovery of all packaging waste from products placed on the market, in accordance with the Act and this Regulation.

(2) In the event that, by 1 January 2025, the status of Organisation referred to in paragraph 1 of this Article was not granted, in accordance with Article 95 of the Act, from 1 January 2025, the Fund shall take over the handling of the waste management system for packaging which in accordance with this Regulation constitutes hazardous waste.

Article 72

Until the conclusion of the contracts referred to in Article 97(13) of the Act, the relevant contracts for the performance of the activities of centres concluded pursuant to the Rules on packaging and packaging waste (NN Nos: 97/05, 115/05, 111/06, 81/08, 31/09, 156/09, 38/10, 10/11, 81/11, 89/11, 126/11, 38/13, 86/13 and 94/13) for packaging waste shall apply.

Article 73

The amounts of fees for the collection of packaging waste laid down in Article 25(7), (8), (9) and (10) of the Rules on packaging and packaging waste (NN Nos: 97/05, 115/05, 111/06, 81/08, 31/09, 156/09, 38/10, 10/11, 81/11, 89/11, 126/11, 38/13, 86/13) shall cease to be valid after the expiry of six months after the entry into force of this Regulation.

Article 74

Until the conclusion of contracts referred to in Article 65(3) of the Act, service providers shall hand over non-hazardous packaging waste to the collector who has a contract with the Fund's contractual processor or the Fund.

Article 75

The Fund shall without delay inform the collectors who have concluded a contract on the performance of packaging waste collection with the Fund in force under the Sustainable Waste Management Act, of the termination of the relevant contracts in the part for which the waste management contract referred to in Article 97 of the Waste Management Act has been concluded on the date of conclusion of a contract on the performance of waste management activities.

Article 76

The Fund shall after the conclusion of the contract following the implemented public invitations for expressions of interest in accordance with the provisions of Article 97(13) of the Waste Management Act inform the collectors who have concluded a contract on the performance of packaging waste collection in the returnable fee system that are in force under the Sustainable Waste Management Act, of the termination of the same.

Article 77

(1) Upon the entry into force of this Regulation, the Rules on packaging and packaging waste (NN Nos 88/15, 78/16, 116/17, 14/20, 144/20) shall cease to have effect, except for Annexes II, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI and XVII, which shall remain in force six months after the entry into force of this Regulation.

(2) Upon the entry into force of this Regulation, the Rules on packaging and packaging waste (NN Nos 97/05, 115/05, 81/08, 31/09, 156/09, 38/10, 10/11, 81/11, 126/11, 38/13, 86/13), with the exception of the provisions of Article 25(7), (8), (9) and (10), which shall remain in force until the adoption of the Fund Decision referred to in Article 27(10) and Article 35(4) of this Regulation, shall cease to have effect, but no later than 30 days after the entry into force of this Regulation.

Article 78

The provision of the first subparagraph of Article 28(1) of this Regulation, and Article 29(7) of this Regulation, in so far as it concerns the payment to the processor for the collected packaging waste not covered by the returnable fee system, shall apply from 1 January 2025.

Article 79

Annexes I, II, III, IV, V, VI, VII and VIII are printed alongside this Regulation and form an integral part thereof.

Article 80

This Regulation shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Croatia, with the exception of Article 7 which shall enter into force on 3 July 2024, Article 11(2), which shall enter into force with the fulfilment of conditions referred to in Article 71(2) of this Regulation, Article 20(3) which shall enter into force on 1 January 2025, Article 20(4) and (5) which shall enter into force six months after the date of entry into force of this Regulation, Article 26(3) and (5), which shall enter into force on 1 January 2025, Article 30(1) of this Regulation in the part relating to multilayer (composite) packaging with a predominantly paper-carton component, plastic packaging not made of polyethylene terephthalate (PET) as the main component and on packaging of a volume of less than 0.2 litres, which shall enter into force on 1 January 2027, Article 48(2) which shall enter into force six months after the date of entry into force of this Regulation and Articles 50, 51, 52, 53, 54, in the part related to fishing gear, Articles 55, 56 and 57, which shall enter into force on 31 December 2024, except for products referred to in point III List E of Annex III to the Act for which Articles 50, 51, 52, 53, 55, 56 and 57 shall apply from the entry into force of this Regulation.

CLASS: 351-01/22-04/01

FILE NUMBER: 517-05-2-2-23-31

Zagreb, 13 November 2023

Minister

Prof. Davor Filipović, Ph.D., m.p.

ANNEX I.

ILLUSTRATIVE EXAMPLES FOR THE APPLICATION OF
CRITERIA TO DEFINE THE TERM
'PACKAGING'

I. Illustrative examples for defining what packaging is

Packaging

Candy boxes

Foil used to wrap a CD box

Postal bags for catalogues and magazines (with magazine inside)

Cake boards sold with the cake

Rollers, pipes and cylinders wrapped in flexible material (e.g. plastic foils, aluminium, paper), other than rollers, pipes and cylinders that constitute parts of production equipment and are not used for presenting a product as a unit for sale

Flowerpots intended solely for sale and transport of plants and not intended to accommodate plants throughout the entire lifespan

Glass bottles for injection solutions

CD spindles (sold with CDs, and which are not intended to be used as storage)

Clothes hangers (sold with the garment)

Matchboxes

Sterile systems as barriers (bags, containers and materials necessary to preserve the sterility of the product)

Beverage capsules (e.g. coffee, cocoa, milk) that are disposed of after emptying

Refillable steel cylinders used for different types of gas, other than those used as fire extinguishers

Objects that do not constitute packaging

Flowerpots that accommodate plants throughout the entire lifespan

Tool boxes

Tea filter bags

Wax wrapping for cheese

Wraps for sausages

Clothes hangers (sold separately)

Capsules, pouches/foils and filter paper pods for coffee drinks, which have been disposed of together with the used coffee product

Printer cartridges

Boxes for CDs, DVDs and videos (sold with the CD, DVD or videotape inside)

CD spindles (sold empty, and which are intended to be used as storage)

Soluble detergent bags

Cemetery lamps (candle containers)

Mechanical manual grinders (installed on refillable base, e.g. refillable pepper grinder)

II. Illustrative examples for defining objects that constitute packaging

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

Paper or plastic bags

Single-use plates and cups

Adhesive foil for food

Sandwich bags

Aluminium foil

Plastic foil for clean clothes in laundries

Objects that do not constitute packaging

Mixer

Disposable cutlery

Wrapping paper (sold separately)

Paper baking dish (sold separately)

Cake boards sold without the cake

III. Illustrative examples for defining objects that constitute an integral part of the packaging

Packaging

Labels hung directly on the product or attached to it

Part of the packaging

Mascara brush, which is an integral part of the mascara cap

Stickers attached to other packaging

Staples

Plastic folder

Measuring bowl that is an integral part of the detergent packaging cap

Mechanical hand mill (installed in non-refillable container, filled with product; e.g. pepper mill filled with pepper)

Objects that do not constitute packaging

Signs used to determine radio frequency

ANNEX II

ESSENTIAL REQUIREMENTS RELATING TO MANUFACTURE AND COMPOSITION OF PACKAGING AND ITS ADEQUACY FOR REUSE AND RECOVERY, INCLUDING RECYCLING

1. Requirements relating to manufacture and composition of packaging

- The packaging must be manufactured in such a way as to be of the lowest possible volume and weight which ensures the necessary level of safety, health and acceptability of the packaged product for the end-user.
- The packaging must be designed, produced and sold in such a way as to permit its reuse or recovery, including recycling, in accordance with the order of priority of waste management prescribed by the Act, and in such a way as to minimise the impact on the environment in the disposal of packaging waste or residues remaining after the implementation of economic measures for the management of packaging waste.
- The packaging must be manufactured in such a way that the packaging material and the material of any packaging ingredient contains as little as possible harmful and other hazardous substances, so that the concentration of these substances after energy recovery or disposal of packaging waste or waste resulting from the management of waste packaging, in emissions, ash and leachate water should be reduced to a minimum.

2. Requirements relating to packaging suitability for reuse

Packaging suitable for reuse must simultaneously meet the following requirements:

the physical characteristics and characteristics of the packaging must, under normal conditions of use, allow the packaging to be reused throughout the cycle from the producer of the product packaged in packaging to the user;

health safety and work protection requirements must be met during reuse of the packaging; and

it must satisfy the requirements relating to the suitability of the packaging for recovery, when that packaging is no longer reusable and thus becomes waste.

3. Requirements relating to packaging suitability for recovery

(a) Material recovery of packaging by recycling

Packaging must be manufactured to enable recycling of a percentage of weight of the packaging material that was used in the manufacture of products for the market (in line with current standards in the European Union). The above percentage may vary depending on the type of material that the packaging is made of.

(b) Energy recovery of packaging

Packaging waste prepared for energy recovery must have the minimum lower calorific value in order to enable heat generation with maximum possible energy utilisation.

(c) Packaging recoverable by composting

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it does not hinder the separate collection and the composting process or activity into which it is introduced.

(d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water. Oxo-degradable plastic packaging shall not be considered as biodegradable.

ANNEX III.

LIST OF CROATIAN STANDARDS IN THE FIELD OF PACKAGING AND PACKAGING WASTE

Croatian standard	Title of Croatian standard	European standard	Title of European standard
HRN EN 13427:2007	Ambalaža - Zahtjevi za upotrebu europskih norma u području ambalaže i ambalažnog otpada (EN 13427:2004)	EN 13427:2004	Packaging - Requirements for the use of European Standards in the field of packaging and packaging waste
HRN EN 13428:2007	Ambalaža - Zahtjevi specifični za proizvodnju i sastav ambalaže - Preventivne mjere za smanjenje potrošnje resursa (EN 13428:2004)	EN 13428:2004	Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction
HRN EN 13429:2007	Ambalaža - Ponovna uporaba (EN 13429:2004)	EN 13429:2004	Packaging - Reuse
HRN EN 13430:2007	Ambalaža - Zahtjevi za uporabu ambalaže materijalnim recikliranjem (EN 13430:2004)	EN 13430:2004	Packaging - Requirements for packaging recoverable by material recycling
HRN EN 13431:2007	Ambalaža - Zahtjevi za uporabu ambalaže energijskom uporabom, uključujući specifikacije donje ogrjevne vrijednosti (Hu) (EN 13431:2004)	EN 13431:2004	Packaging - Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value
HRN EN 13432:2003	Ambalaža - Zahtjevi za oporabivost ambalaže kompostiranjem i biorazgradnjom - Sheme ispitivanja i kriteriji prihvatljivosti ambalaže (EN 13432:2000)	EN 13432:2000	Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging

Commission Decision 2001/524/EC of 28 June 2001 relating to the publication of references for standards EN 13428:2000, EN 13429:2000, EN 13430:2000, EN 13431:2000 and EN 13432:2000 in the Official Journal of the European Communities in connection with Directive 94/62/EC on packaging and packaging waste is implemented (OJ L 190, 12. 7. 2001)

ANNEX IV.

LABELLING OF PACKAGING

(1) Label for reusable packaging:



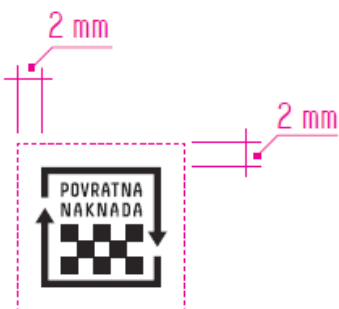
(2) Returnable fee system marking and basic application rules

Minimum allowed size:



POVRATNA NAKNADA	RETURNABLE FEE
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Minimum protection area:



POVRATNA NAKNADA	RETURNABLE FEE
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Positive and negative:



POVRATNA NAKNADA	RETURNABLE FEE
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NOTE: the label shall be applied in positive or negative in as much contrast as possible to the background colour.

NOTE: the label can be downloaded in eps format from the official website of the Environmental Protection and Energy Efficiency Fund.

hazardous packaging												
- Glass in hazardous packaging												
- Paper and cardboard in hazardous packaging												
- Textiles in hazardous packaging												
Other												

Notes:

- Dark shaded boxes: reporting is not applicable.
- Light shaded boxes: reporting is voluntary.

- (1) This means all reusable and single-use packaging comprising sales, transport and grouped packaging.
- (2) This means reusable and single-use sales packaging.
- (3) This means the number of rotations that reusable packaging completes in a given year.
- (4) This means the number of rotations that reusable packaging completes in a given year multiplied by their mass.
- (5) Multi-layer (composite) packaging shall be declared by materials (if the material does not exceed 5 % by weight it is not necessary to indicate it but is attributed to the majority material(s)).
- (6) Product packaging containing hazardous substances that generate packaging waste which constitutes hazardous waste shall be declared by materials.

ANNEX VI

Form O2

**REPORT ON THE QUANTITY OF PACKAGING WASTE PRODUCED, COLLECTED,
PROCESSED AND EXPORTED**

Packaging waste materials	Collected from the territory of the Republic of Croatia (t)	Recycling			Repair of wooden packaging (t)	Energy recovery ⁽¹⁾ (t)	Other recovery ⁽²⁾ (t)
		Recycling in Croatia (t)	Recycling in the EU (t)	Recycling outside the EU (t)			
Household waste							
Plastic							
Wood							
Metal (total)							
Ferrous metal							
Ferrous metal from IBA ⁽³⁾							
Aluminium							
Aluminium from IBA ⁽⁴⁾							
Glass							
Paper and paperboard							
Other							
Non-household waste							
Plastic							
Wood							
Metal (total)							
Ferrous metal							
Ferrous metal from IBA ⁽³⁾							
Aluminium							
Aluminium from IBA ⁽⁴⁾							

Glass							
Paper and paperboard							
Other							

Notes:

- Dark shaded boxes: reporting is not applicable.
 - Light shaded fields: reporting is mandatory only to Member States that include those amounts in the recycling rates. Where Member States report on metals from incineration bottom ash (IBA) they shall complete both the boxes on recycling in and outside the Member State.
- (1) This includes incineration with energy recovery and the reprocessing of waste to be used as fuel or other means to generate energy.
 - (2) This excludes repair of wooden packaging, recycling and energy recovery and includes backfilling.
 - (3) Ferrous metals recycled after their separation from incineration bottom ash shall be reported separately and shall not be included in the row for reporting ferrous metals.
 - (4) Aluminium recycled after separation from incineration bottom ash shall be reported separately and shall not be included in the row for reporting aluminium.

ANNEX VII

Form O3

PACKAGING PROVIDER'S REPORT

REPORT ON THE TYPE AND QUANTITY OF PRODUCED AND/OR IMPORTED
PACKAGING PLACED ON THE MARKET IN THE REPUBLIC OF CROATIA

I. PACKAGING PROVIDER INFORMATION		PERIOD:			
Name of the liable person:					
Address:					
Contact person:					
Telephone:			Fax:		
E-mail:					
OIB (PERSONAL IDENTIFICATION NUMBER):					
DATA ON THE TYPE AND QUANTITY OF PRODUCED AND/OR IMPORTED PACKAGING PLACED ON THE MARKET IN THE REPUBLIC OF CROATIA					
Type of packaging material	TOTAL (kg)	TOTAL (pieces)	Delivered to buyer		
			Name of buyer	Quantity	
				kg	piece
PET (bottles and preforms for bottles)					
AL-CANS					
FE-CANS					
PAPER/CARDBOARD					
MULTI-LAYER (COMPOSITE)					
WOOD					
TEXTILE					
PLASTICS (POLYMERS)					
PLASTIC BAGS WITH WALL THICKNESS < 15 microns					
PLASTIC BAGS WITH WALL THICKNESS ≥ 15 < 50 microns					
PLASTIC BAGS WITH A WALL THICKNESS OF ≥ 50 microns					
GLASS					

Deliver to: Ministry of Economy and Sustainable
Development

Address: Radnička cesta 80, Zagreb
Date:

Name, surname and signature of person
responsible

ANNEX VIII

THE IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO ARTICLE 10 OF THE REGULATION

The implementation plan to be submitted pursuant to Article 10(12) of this Regulation shall contain the following:

1. assessment of the past, current and projected rates of recycling, landfilling and other treatment of municipal waste and the streams of which it is composed;
2. assessment of the implementation of waste management plans and waste prevention programmes referred to in Article 109; of the Act;
3. reasons for which the Member State considers that it might not be able to attain the relevant target laid down in Article 60(5) and (7) of the Act within the deadline set therein and an assessment of the time extension necessary to meet that target;
4. measures necessary to attain the targets set out in Article 60(5) and (7) of the Act applicable during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste management priority order and the activities set out in Article 99(1) of the Act;
5. a timetable for the implementation of the measures identified in point 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension;
6. information on funding for waste management in line with the polluter-pays principle;
7. measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.