

NB! Does not contain amendments of 30.09.2009, 17.02.2010, 22.04.2010 and 20.05.2010.

PACKAGING ACT¹

Passed on 21 April 2004 ([RT I 2004, 41, 278](#)), in force since 1 June 2004

Amended and supplemented by the following acts (date of adoption, publication in the State Gazette, date of entry into force):

15.12.2004 ([RT I 2004, 89, 611](#)) 7.01.2005, partially 1.05.2005

16.06.2005 ([RT I 2005, 37, 288](#)) 10.07.2005

24.01.2007 ([RT I 2007, 12, 66](#)) 1.01.2008

13.12.2007 ([RT I 2008, 1, 4](#)) 14.01.2008

24.04.2008 ([RTI 2008, 20, 138](#)) 31.05.2008, partially 1.01.2009

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the general requirements for packaging and the use of packaging, the measures preventing or reducing the generation of packaging and packaging waste, the organisation of a system for recovery of packaging and packaging waste and the liability for failure to comply with the established requirements.

(2) This Act covers all packaging placed on the market in the Republic of Estonia and all packaging waste, whether it is used or released on the industrial, commercial, household, office or any other level, regardless of the material used.

(3) This Act regulates the handling of packaging waste in so far as this is not regulated by the Waste Act. In cases where packaging is subject to requirements established by other legislation such as those regarding safety, the protection of health or transport, the Packaging Act applies with the specification arising from such legislation.

(4) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Packaging

(1) Packaging means all products made of any materials of any nature to be used for the containment, protection, handling, delivery or presentation of goods throughout the lifecycle of goods: from raw materials to finished goods and from the producer to the consumer. Disposable packaging used for the same purposes shall also be considered to constitute packaging.

(2) Products shall be considered to be packaging if these meet the following criteria:

- 1) products which comply with the definition given in Subsection 1 hereof without prejudice to any other possible functions for use of the packaging, except in cases where packaging is an inseparable part of the product it contains and it has to contain, support or preserve the product and its components throughout their period of use and if packaging and products in it are meant to be used, consumed or disposed together;
- 2) products which have been designed and designated to be filled at a point of sale and disposable products which are sold and which have been filled or which are designated to be filled at a point of sale shall be considered to be packaging if such products function as packaging;
- 3) packaging components and supplementary elements permanently integrated into packaging shall be considered to be parts of the packaging into which these are integrated. Any supplementary elements immediately suspended from or attached to products and function as packaging, except if these elements are inseparable parts of the products and meant to be consumed or disposed with the products.

(3) Products are considered to be or not to be packaging taking into account illustrative examples in Annex I to Directive 2004/12/EC of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste (OJ L 047, 18.02.2004, pp. 26-30) if necessary.

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§ 3. Classes of packaging

(1) For the purposes of this Act, the classes of packaging are:

- 1) sales packaging or primary packaging, i.e. parts of sales units meant to be given to end users or consumers at points of sale. Packaging specified in Clause 2 of Subsection 2 of Section 2 hereof shall be considered to be sales packaging as well;
- 2) grouped packaging or secondary packaging, i.e. packaging conceived so as to constitute a grouping of a certain number of sales units at points of sale whether the packaging is sold with the goods to end users or consumers or whether it serves only as a means to facilitate the handling of goods, protection or presentation of goods whereas grouped packaging can be removed from products without affecting their characteristics;
- 3) transport packaging or tertiary packaging, i.e. packaging conceived so as to facilitate handling and transport of a number of sales units or goods in grouped packaging in order to prevent physical damage to goods whereas transport packaging does not include road, rail, ship and air containers.

[\[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(2) Depending on the possibility to reuse packaging, the subclasses of the classes of packaging specified in Subsection 1 hereof are the following:

- 1) reusable packaging, i.e. packaging, which has been conceived and designed to accomplish within its life cycle at least several rotations within the reuse system depending on the intended purpose and the possibility and fitness for use of the packaging;

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2) Disposable packaging, i.e. packaging meant to be used just once.

(3) The classes of packaging material are as follows:

- 1) glass;
- 2) plastic;
- 3) paper and cardboard, including composite cardboard;
- 4) metal;
- 5) wood;
- 6) other material.

§ 4. Packaging waste

For the purpose of this Act packaging waste means any packaging or packaging material which becomes waste after its use as specified in Section 2 of the Waste Act. Residue from production of packaging or packaging materials shall not be considered to be packaging waste.

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§ 5. Prevention of packaging and packaging waste

Prevention of packaging and packaging waste, especially by developing environment-friendly products and technologies, shall be reduction of quantity and dangerousness of packaging and packaging waste and materials and substances therein throughout packaging lifecycle, i.e. from manufacturing of packaging material and packaging until final disposal of packaging or residues resulting from handling thereof.

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§ 6. Reuse of packaging

Reuse of packaging means any operation by which reusable packaging is refilled or used for its original purpose, with or without the support of auxiliary products present on the market and enabling the packaging to be refilled. Such reused packaging will become packaging waste when no longer subject to reuse.

§ 7. Recovery of packaging waste

(1) Recovery of packaging waste means waste recovery as specified in Section 15 of the Waste Act taking account of the specifications of this Act.

(2) Packaging waste shall be recovered by recycling thereof or by energy recovery.

§ 8. Recycling of packaging waste

(1) Recycling of packaging waste means processing of waste materials in a production process for the purpose of using the material either for its original or other purpose, including organic recycling but excluding energy recovery.

(2) Organic recycling means aerobic (composting) or anaerobic (biomethanisation) treatment of biodegradable parts of packaging waste under controlled conditions and using microorganisms which produces stabilised organic residues or methane. Deposition in landfills shall not be considered to be a form of organic recycling.

§ 9. Energy recovery of packaging waste

Energy recovery of packaging waste means the use of combustible packaging waste to generate energy through direct incineration with or without other waste and with recovery of the heat.

§ 9¹. Putting of packaged goods on market

For the purpose of this Act, putting of packaged goods on the market means making goods which have been packaged in Estonia or imported packaged goods available for distribution or use in Estonia for the first time. If goods are repackaged, making repackaged goods available in Estonia for the first time shall also be considered to be putting of packaged goods on the market.

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§ 10. Packaging company

Packaging companies are entities who, within the framework of their economic or professional activities, engage in packaging of goods or import or sales of packaged goods.

§ 10¹. Recovery organisation

(1) Recovery organisations are legal entities that have been accredited by the Ministry of the Environment pursuant to Subsection 5 of Section 17 hereof, whose founders and members are packaging companies or legal entities formed by them and whose shareholders are packaging companies.

(2) The responsibility of recovery organisations shall be to organise nation-wide collection of packaging and packaging waste of packaging companies that have transferred their responsibilities on the basis of Subsection 2 of Section 16 hereof and to further develop the recovery system in order to ensure recovery of packaging waste at least in quantities specified in Section 36 hereof.

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§ 11. Economic operator

For the purposes of this Act, economic operators means packaging companies, packaging producers, entities that supply, manufacture or process packaging materials, recovery organisations founded pursuant to Subsection 2 of Section 16 hereof, packaging waste handlers and administrative authorities.

[[RTI 2004, 89, 611](#) – entered into force 7.01.2005]

§ 12. Voluntary cooperation agreement

A voluntary cooperation agreement is a cooperation agreement concluded between the Ministry of the Environment and an economic operator in order to facilitate achievement of objectives specified herein. All entities that wish to follow the cooperation terms and conditions may be parties to this agreement. The obligations and liability arising from this Act cannot be transferred by the voluntary agreement.

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Chapter 2 REQUIREMENTS FOR PACKAGING

§ 13. General requirements for manufacturing and use of packaging

(1) Packaging shall fulfil its purpose and be of as small volume and mass as possible, ensure the required level of safety and hygiene and be suitable for the packed product and acceptable to consumers.

(2) Packaging shall be designed, produced and sold in such a way as to permit its reuse or recovery of packaging waste, including recycling, and to prevent any negative impact on the environment when packaging waste or residues from packaging waste are disposed of.

(3) Packaging shall be so manufactured that the content and harmful effect of hazardous substances in packaging material and other packaging components is at the level which minimises their presence in emissions, ash or leachate when packaging or residues from management operations are incinerated or deposited in landfills.

(4) For reusable packaging, all the following requirements shall be complied with:

1) the physical properties and technical solutions of packaging enable a planned number of transportation or use instances;

2) processing of used packaging is possible in compliance with occupational health and safety and other safety requirements;

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3) the requirements for reusable packaging provided in Subsection 5 hereof are complied with when packaging is no longer reused and becomes waste.

(5) The following requirements shall apply to recoverable packaging:

1) in the case of packaging recoverable in the form of material recycling, packaging must be manufactured in such a way as to enable the recycling of a certain percentage of its material and use it in manufacture of marketable goods whereas this percentage may depend on the material of which the packaging was made;

2) in the case of packaging recoverable in the form of energy recovery, the packaging shall have a minimum calorific value to allow optimisation of energy recovery;

- 3) in the case of packaging recoverable in the form of composting, the packaging shall be biodegradable but it shall not hinder the separate collection or composting of packaging waste or other activities prescribed for handling these;
- 4) in the case of biodegradable packaging, the packaging shall be manufactured in a way that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the compost ultimately decomposes into carbon dioxide, biomass and water.

§ 13¹. Precondition for compliance with packaging design and manufacturing requirements

(1) If packaging is designed and manufactured in compliance with a harmonised standard and the respective notice has been published in the Official Journal of the European Union, it is presumed that packaging which complies with such a standard meets the requirements specified in Section 13 hereof as regards the requirements specified in the standard.

(2) Information on Estonian standards and national standards of EU Member States which transpose the standards mentioned in Subsection 1 hereof shall be published by the Estonian Centre for Standardisation in an official publication available on its web page.

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§ 14. Heavy metals content in packaging

(1) The sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components shall not exceed 100 milligrams per kilogram.

(2) Subsection 1 hereof does not apply to packaging manufactured from the type of crystal glass containing lead specified in Annex 2 to Council Directive 69/493/EC on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36).

(3) Subsection 1 hereof does not apply to plastic crates and plastic pallets within the meaning of Commission Decision 1999/177/EC 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 of European Parliament and of the Council on packaging and packaging waste (OJ L 056, 04.03.1999, pp. 47-48) and to glass packaging within the meaning of Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 062, 02.03.2001, pp. 20-21).

Chapter 3 ORGANISATION OF COLLECTION AND RECOVERY OF PACKAGING AND PACKAGING WASTE

§ 15. Obligations of local governments as regards organisation of collection and recovery of packaging and packaging waste

(1) Local governments shall determine the methods for collection of packaging and packaging waste within their administrative territories and establish such methods in waste management rules.

(2) The waste management plan of a local government shall provide packaging and packaging waste collection and recovery arrangements and development and measures to be implemented for achieving the established goals.

§ 16. Obligations of packaging companies as regards collection and recovery of packaging

(1) Packaging companies shall collect and recover packaging of packaged goods put on the market by them as well as the packaging waste resulting therefrom to the extent characterised by the recovery targets set out in Section 36 hereof and shall bear the costs related thereto.

(2) Packaging companies that put packaged goods on the market may transfer the obligations specified in Subsection 1 hereof by written contract only to recovery organisations. If a packaging company transfers its obligations as specified in Subsection 1 hereof to a recovery organisation, the recovery organisation shall be responsible for fulfilment of these obligations.

(3) Packaging companies that put on the market goods which packaging mass exceeds five tonnes a year and that do not transfer the obligations specified in Subsection 1 hereof to recovery organisations shall organise collection of their packaging waste at each of their points of sale, inform consumers of opportunities for returning packaging waste to the points of sale, keep account of the collection and recovery of the packaging waste of their goods as regards each of their points of sale and submit the following data upon a request of a person who has the right to carry out surveillance:

- 1) the mass of the waste resulting from each class of packaging materials of packaging of goods put by them on the market;
- 2) a list of their points of sale;
- 3) data on packaging waste collection arrangements at each point of sale, including locations of the collection points;
- 4) data on recovery of collected packaging waste, including data on the company recovering the packaging waste and contracts concluded with it.

(4) Achievement of packaging waste recovery targets shall be expressed as packaging waste recovery rates. A waste recovery rate shall be calculated as a ratio of packaging waste recovered in a calendar year and the mass of packaging of goods put on the market in the same time period, expressed in percentage by weight. The mass of packaging of goods put on the market shall not include the mass of packaging of goods exported from Estonia and the mass of returned reusable packaging which has been put back into use, if the packaging company can provide documentary proof to that effect. The mass of recovered packaging waste shall include the mass of packaging waste recovered in Estonia and exported for recovery.

(5) Packaging recovery rates shall be calculated taking into account the provisions of Article 2(2), Article 3(2-4) and Articles 4-6 of Commission 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 086, 05.04.2005, pp. 6-12).

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§ 17. Accreditation of recovery organisations

(1) An accreditation application of a recovery organisation shall be submitted to the Minister of the Environment in one written copy.

(2) In order to be granted accreditation, a recovery organisation shall meet the following requirements and submit the documents specified in Clauses 1-4 and 6 hereof:

1) the purpose of the recovery organisation is the organisation of collection and recovery of packaging and packaging waste, in proof of which an officially certified copy of the articles of association has been submitted;

2) a list of members or shareholders has been submitted;

3) the recovery organisation has entered into agreements with economic operators which indicate the ability of the organisation to fulfil, at the national level, the obligations provided by Subsection 1 of Section 16, Subsection 2 of Section 20 and Section 36 hereof, in proof of which copies of agreements entered with economic operators engaged in collecting, transporting and processing packaging have been submitted;

4) the recovery organisation owns sufficient financial resources for operation, in proof of which a bank statement has been submitted;

5) the recovery organisation has a marking which indicates membership in a recovery organisation or transfer of obligations to a recovery organisation pursuant to Subsection 2 of Section 16 hereof;

6) the recovery organisation has an action plan for fulfilling the obligations provided in Subsection 1 of Section 16 and Section 24 hereof, in proof of which a copy of the action plan has been submitted.

(3) The action plan specified in Clause 6 of Subsection 2 hereof shall contain the following elements:

1) a plan for involving different regions in a system for collecting packaging and packaging waste in the whole state;

2) a financial plan which includes an investment plan and the sources for financing the plan;

3) terms and conditions for buying services related to handling of packaging and packaging waste;

4) a strategy for involving other packaging companies in the work of the recovery organisation;

5) a sample agreement between the recovery organisation and a packaging company which shall guarantee the transfer to the recovery organisation of all the packaging company's obligations specified in Subsection 1 Section 16 hereof, performance of such obligations by the recovery organisation and compensation for expenses, including calculation of the charge payable by the packaging company;

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6) a plan for communicating with the media with the aim to notify end users and consumers of the opportunities to return packaging and packaging waste, and provide information about the system for collection and recovery.

(4) An accredited recovery organisation shall guarantee:

1) nation-wide collection of packaging and packaging waste;

2) reuse of collected reusable packaging and recovery of packaging waste;

- 3) access of all packaging companies to the services of the recovery organisation;
- 4) collection, on equal terms and conditions, of the charge paid by packaging companies that have transferred their obligations in compliance with Subsection 2 of Section 16 hereof and provision of services to them taking into account the mass of packaging waste of packaged goods put on the market by them and the charge rates published by the recovery organisation;

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- 5) competition-based purchasing of services related to the processing of packaging and packaging waste;
- 6) access of the Ministry of the Environment and persons with supervisory authority to data on packaging companies that have transferred their obligations pursuant to Subsection 2 of Section 16 hereof and on the collection and recovery of packaging and packaging waste.
- 7) reinvestment of the profit of the recovery organisation into its operation and non-distribution of the profit to its members or shareholders;

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- 8) transparency of the financial relations between the recovery organisation and its members or shareholders.

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- 9) informing the public and consumers of the procedure and requirements for returning packaging and packaging waste;

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- 10) annual submittal of a written overview of its activities in the previous year to the Minister of the Environment by 31 March. Among other things, the overview shall include information on the agreements specified in Clause 3 of Subsection 2 hereof, provisions of Section 17¹ hereof, return of packaging on which deposits have been established, information activities and related costs. The overviews and annual reports have to be accessible on the web page of the recovery organisation.

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- (4¹) Upon a request of the Minister of the Environment, recovery organisations shall submit data on transactions conducted by their members or shareholders, which is required for the purpose of checking the fulfilment of the obligations specified in Clause 7 of Subsection 4 hereof.

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- (4²) The expenditure on informing activities specified in Clause 9 of Subsection 4 hereof shall account for at least one percent of the annual turnover of a recovery organisation, whereas deposits shall not be taken into account in calculating the turnover.

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(5) The Minister of the Environment shall make an accreditation decision within sixty-three days after receipt of an application to this effect.

(6) A recovery organisation shall not be accredited if:

- 1) the recovery organisation does not meet the conditions specified in Subsection 2 hereof;
- 2) the recovery organisation has submitted false data or forged documents.

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(7) The Minister of the Environment may revoke an accreditation decision if an accredited recovery organisation is unable to fully or partially perform the functions assigned thereto by Subsection 4 hereof.

§ 17¹. Requirements for packaging waste collection points

(1) In collecting waste from packaging without a deposit, recovery organisations shall ensure the following density of points of collection:

- 1) at least one point of collection within 500 metres from waste holders in urban areas with a population density of more than 1000 people on one square kilometre;
- 2) at least one point of collection within 1000 metres from waste holders in urban areas with a population density of more than 500 people on one square kilometre;
- 3) one point of collection for 500 people in settlements on the territories of local governments where the population density is less than 500 people on one square kilometre.

(2) Local governments shall allow for recovery organisations to fulfil the conditions specified in Subsection 1 hereof.

(3) For the purpose of fulfilling the conditions specified in Subsection 1 hereof, recovery organisations may conclude agreements between themselves or with packaging companies specified in Subsection 3 of Section 16, whereas all classes of packaging material must be collected at each point of collection.

(4) Recovery organisations and local governments shall agree on locations of collection points mentioned in Subsection 1 hereof, and on minimum numbers, capacities and emptying frequency of waste containers at each collection point. Upon agreement with local governments, packaging waste may also be collected from places where it is produced. In this case, the number of packaging waste collection points and the number and capacity of containers may be reduced upon agreement with the local government.

[[RTI 2008, 20, 138](#) – entered into force 1.01.2009]

§ 18. Packaging Committee

(1) The function of the Packaging Committee shall be to coordinate the achievement of the goals arising from the Packaging Act, and to act as an advisory body to the Ministry of the Environment in developing the packaging and packaging waste policy and in accreditation of recovery organisations.

(2) The Minister of the Environment shall establish the Packaging Committee which shall include representatives of relevant ministries, local governments, the Environmental Inspectorate, the Consumer Protection Board, the Health Protection Inspectorate, the Veterinary and Food Board, the Competition Authority, the Tax and Customs Board, packaging companies, environmental organisations and professional associations of waste handlers, and experts in the area.

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Chapter 4 IMPLEMENTATION OF ECONOMIC MEASURES

§ 19. Economic measures

The economic measures to be implemented in order to guarantee the functioning of the system for the collection and recovery of packaging and packaging waste include the obligation to take back packaging, implementation of deposits and excise duty on packaging.

§ 20. Acceptance of returned packaging

(1) Packaging companies shall take back the transport packaging and grouped packaging of their goods free of charge.

(2) Packaging companies that sell packaged goods to end-users or consumers shall take back sales packaging and packaging waste from end users or consumers free of charge. The requirement to take back packaging applies only with regard to packaging, the type, form and size of which corresponds to the characteristics of the packaging of the goods sold at that point of sale and to the packaging transferred by the seller of the goods.

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(2¹) Packaging companies that sell packaged goods to end users or consumers shall provide information on the places where they take back packaging by posting an understandable written notice in a visible place at their points of sale. If a packaging company that sells packaged goods has not made an agreement with a recovery organisation on taking back sales packaging and sales packaging waste, it shall take back sales packaging and sales packaging waste in a place adapted for that purpose at its point of sale or in close proximity thereof.

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(2²) Packaging companies that put packaged goods on the market shall accept from packaging companies that sell packaged goods to end users or consumers the packaging of and packaging waste from the goods put by them on the market and do that free of charge.

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(3) Packaging companies engaged in mail order sales shall inform end users and consumers of their right to return the packaging and packaging waste to the entity that delivers the goods.

(4) Packaging companies may transfer the obligations specified in Subsections 1, 2 and 2² hereof only to recovery organisations by a written agreement. If a packaging company transfers its obligations as specified in Subsections 1, 2 and 2² hereof to a recovery organisation, the recovery organisation shall be responsible for fulfilment of these obligations. Packaging companies selling packaging on which deposits have been established to end users or consumers cannot transfer to recovery organisations their obligation to take back packaging on which deposits have been established.

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(4¹) Entities selling goods in packaging on which deposits have been established shall not be obligated to take back packaging on which deposits have been established if their point of sale is in an urban area and the area of their point of sale is less than 20 square metres.

(4²) End users and consumers have to return packaging and packaging waste which is empty and sorted by classes, in compliance with the procedure specified in the waste management rules of their local government or the requirements specified by the packaging company or the recovery organisation.

(4³) Sellers of packaged goods the area of whose point of sale is 200 or more square metres shall arrange receipt of packaging with deposits at their point of sale or its service area during the opening hours of the point of sale.

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(4⁴) Sellers of packaged goods the area of whose point of sale is less than 200 square metres may arrange receipt of packaging with deposits outside the service area of their point of sale but upon permission from the local government and during opening hours of the point of sale. At the same time, it shall be taken into account that there must be at least one packaging receipt point in settlements on the territory of the local government where the population density is less than 500 people on one square kilometre.

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(5) Packaging companies shall avoid mixing returned packaging and packaging material collected by type or sorted by packaging material with other waste or packaging materials.

(6) Packaging companies shall provide end users and consumers with a possibility to return packaging and packaging waste which contains hazardous substances, taking account of the handling requirements provided by the Waste Act, the Chemicals Act and legislation established on the basis thereof.

(7) Packaging companies that place on the market goods in plastic packaging the mass of which is less than 10 kilograms a year and goods in other packaging the mass of which is less than 20 kilograms a year shall be exempt from the obligations specified in Subsections 1, 2 and 2² hereof, and Subsection 4 of Section 24 and Section 36 hereof.

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§ 21. Deposit

(1) Packaging shall be given deposits, i.e. charges which give a value to packaging and which shall be added to the price of each sales unit.

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(2) Deposits are established for the following types of reusable packaging of beer, low-ethanol alcoholic beverages, cider, perry and soft drinks:

- 1) glass packaging;
- 2) plastic packaging.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(3) Deposits are established for the following types of disposable packaging of beer, low-ethanol alcoholic beverages, cider, perry and soft drinks:

- 1) glass packaging;
- 2) plastic packaging;
- 3) metal packaging.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(4) Beer and low-ethanol alcoholic beverages specified in Subsections 2 and 3 hereof are deemed to be beer and low-ethanol alcoholic beverages as specified in the Alcohol Act, cider and perry are deemed to be cider and perry as specified in the requirements in Subsection 2 of Section 4 of the Alcohol Act, and soft drinks are soft drinks as specified in the Packaging Excise Duty Act.

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(4¹) Deposits shall not be established on the following:

- 1) exported packaging if export is certified by an export declaration;
- 2) packaging taken from Estonia into another Member State, including packaging which is conveyed on board a vessel or aircraft used for foreign travel in order to be sold to the passengers on board;
- 3) packaging the capacity of which is three or more litres and packaging the capacity of which is 0.1 litre or less.
- 4) packaging mentioned in Subsections 2 and 3 hereof if acceptance thereof is technically impossible.

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(4²) In the case of packaging specified in Clauses 1 and 2 of Subsection 4¹ hereof, the marking indicating the deposit established under Subsection 6 of Section 23 hereof may be used only upon permission of the holder of the marking.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(5) The size of deposits shall be established by a regulation of the Minister of the Environment.

(6) A deposit shall not be less than 0.5 kroons.

(7) The size of a deposit may be changed if at least 12 months have passed from the previous change.

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(8) The costs related to taking back of packaging and packaging waste and arrangements made for such purpose shall not be included in deposits.

(9) Upon sales of packaging on which a deposit has been established, the size of the deposit shall be calculated taking account of the requirements provided in Section 7 of the Consumer Protection Act.

(10) Deposit paid shall be returned when end users or consumers return reasonable quantities of packaging on which deposits have been established to the place of sale of the goods or to a place prescribed for such purposes in the close proximity thereof. Deposits shall not be returned in the case specified in Subsection 2 of Section 23 hereof.

(11) Packaging companies shall guarantee that established deposits are added to prices of packaged goods during the entire sales cycle of the goods, and that the accounts are settled upon each return transaction.

§ 22. Excise duty on packaging

Packaging subject to excise duty and corresponding excise duty rates are provided by the Packaging Excise Duty Act.

Chapter 5 MARKING OF PACKAGING

§ 23. Marking of packaging

(1) In the case of packaging concerning which deposits have been established, packaging companies, except persons selling packaged goods, shall place deposit markings on packaging or labels. If a packaging company that places packaged goods on the market has transferred its obligations to a recovery organisation in compliance with Subsection 2 of Section 16 hereof, the packaging company shall apply the deposit marking of the respective recovery organisation onto packaging or labels.

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(2) In cases where the size of the deposit has not been indicated on packaging concerning which a deposit has been established, or it is not clearly visible and legible on the packaging or label, the packaging shall be accepted pursuant to the procedure provided in Section 20 hereof without returning the deposit.

(3) In order to facilitate the collection, reuse and recovery of packaging and packaging waste, packaging companies may specify the following information on packaging and labels:

1) a marking which indicates transfer of obligations to a recovery organisation pursuant to Subsection 2 of Section 16 hereof;

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2) indication of the packaging material pursuant to Commission Decision 97/129/EC establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 050, 20.02.1997, pp. 28-31);

3) other data deemed to be relevant by the packaging company if presentation of such data is not in conflict with law and does not hinder comprehension of the main text.

(4) Markings placed on packaging and labels shall be clearly visible, easily legible, durable and lasting, including when the packaging is opened.

(5) Sales of goods in packaging which lacks the required markings specified in Subsection 1 hereof is prohibited.

(6) Taking account of proposals of recovery organisations, the Minister of the Environment shall establish deposit markings.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

Chapter 6 PACKAGING INFORMATION SYSTEM

§ 24. Keeping account of packaging and packaging waste

(1) Producers of packaging, importers and exporters of packaging, packaging companies that place packaged goods on the market, entities that export packaged goods and packaging waste handlers shall keep account of packaging material by packaging and packaging classes specified in Subsections 1-3 of Section 3 hereof, including packaging specified in the Packaging Excise Duty Act, as follows:

- 1) empty packaging produced and empty packaging imported and exported;
- 2) packaging of packaged goods and packaging of imported and exported packaged goods;
- 3) packaging of goods put on the market;
- 4) packaging waste produced;
- 5) reusable packaging;
- 6) packaging waste recovered in Estonia and imported and exported packaging waste;
- 7) packaging containing heavy metals.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(2) [Repealed – [RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(3) The source documents related to the keeping of accounts specified in Subsection 1 hereof and consolidated data prepared on the basis thereof shall be preserved for a period of at least seven years. For the purposes of this Act, source documents are the following:

- 1) accounting source documents on production, sales, import and export of packaging;
- 2) documents on sales, import and export of packaged goods;
- 3) documents on acquisition of packaging;
- 4) accounting source documents, receipt documents, instruments and confirmations as regards recovery issued by organisations that recover packaging and packaging waste;

5) declarations of goods on import and export of packaging, packaged goods and packaging waste as accepted by customs authorities.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(4) Packaging companies that place packaged goods on the market but have not transferred their obligations to recovery organisations shall submit the following data on packaging and packaging material classes as regards one calendar year, the data having been checked by an auditor, including separate data on packaging specified in the Packaging Excise Duty Act, which shall be entered into the packaging register:

- 1) the mass of reusable packaging;
- 2) the mass of packaging of goods put on the market;
- 3) data on recovery of packaging waste.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(5) Packaging companies that have transferred their obligations to recovery organisations in compliance with Subsection 2 of Section 16 hereof shall submit the data specified in Clauses 1 and 2 of Subsection 4 hereof to their recovery organisations.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(6) Recovery organisations shall submit data specified in Clauses 1-3 of Subsection 4 hereof on each packaging company that has transferred their obligations to them and these shall be entered into the packaging register. The data submitted have to be confirmed by an auditor.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

§ 25. Packaging register

(1) The packaging register is a database which is incorporated into the information system of the state and where data on packaging of packaged goods put on the market, produced packaging waste, reuse of packaging, recovery of packaging waste and attainment of recovery targets shall be entered, maintained and processed.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(2) The packaging register and its statutes shall be established by the Government of the Republic in compliance with the procedure specified in the Public Information Act.

(3) The data to be entered into the packaging register, the procedure for their submittal, access to the registry data and source documents on which the accounting is based and the procedure for data transmission resulting from international commitments shall be established by the statutes mentioned in Subsection 2 hereof.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(4) The chief processor of the packaging register shall be the Ministry of the Environment.

(5) In fulfilling their duties as specified by legislation, the chief processor of the packaging register, the Environmental Inspectorate and the Tax and Customs Board shall have the right to examine the source documents relating to the keeping of accounts specified in Subsections 1, 3, 4 and 6 of Section 24 hereof and the consolidated data prepared on the basis thereof.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(6) Forms of the packaging registry card shall be established by the Minister of the Environment in a regulation.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

Chapter 7 SUPERVISION

§ 26. Supervision

(1) Supervision over compliance with the requirements of this Act shall be exercised pursuant to the procedure provided by the Environmental Supervision Act and the Consumer Protection Act.

(2) Supervision over compliance with this Act shall be exercised by the Environmental Inspectorate, the Consumer Protection Board, the Tax and Customs Board, the Veterinary and Food Board, rural municipality governments and city governments.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(3) The Environmental Inspectorate and the Tax and Customs Board shall have the right to inspect the places of business of packaging companies and entities engaged in collection and recovery of packaging and packaging waste.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(4) The list of companies that have failed to fulfil their obligations as regards recovery of packaging of goods they have placed on the market or to submit data to the packaging register or that have submitted false data for entering into the packaging register shall be submitted by the Ministry of the Environment to the Tax and Customs Board on the basis of the results of the supervision specified in Subsection 3 hereof by the 15th day of the month following each quarter.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(5) Rural municipality and city governments shall conduct supervision as regards receipt, collection and recovery of packaging and packaging waste on their administrative territory.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

§ 26¹. Precepts

(1) Supervision entities shall have the right to issue precepts in order to ensure compliance with this Act. In the case of failure to comply with a precept, coercive measures may be taken in compliance with the Substitutive Enforcement and Penalty Payment Act.

(2) In the case of failure to comply with a precept specified in Subsection 1 hereof, supervision entities shall have the right to require penalty payment in compliance with the Substitutive Enforcement and Penalty Payment Act. The maximum amount of the penalty shall be 500,000 Estonian kroons.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

Chapter 8 LIABILITY

§ 27. Failure to comply with requirements for manufacture and use of packaging

(1) Failure to comply with the requirements for the manufacture or use of packaging shall be punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal entity, shall be punishable by a fine of up to 50,000 kroons.

§ 28. Violation of restrictions on heavy metal content of packaging

(1) Violation of restrictions established on the heavy metal content of packaging shall be punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal entity, shall be punishable by a fine of up to 50,000 kroons.

§ 29. Failure to perform obligation to recover packaging waste

(1) Failure to perform the obligation to recover packaging waste shall be punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal entity, shall be punishable by a fine of up to 50,000 kroons.

§ 30. Failure to perform obligation to take back packaging and packaging waste or violation of respective requirements

(1) Failure to perform the obligation to take back packaging and packaging waste or violation of the respective requirements shall be punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal entity, shall be punishable by a fine of up to 50,000 kroons.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

§ 31. Sales of goods in packaging without conforming markings

(1) Sales of goods in packaging without conforming markings shall be punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal entity, shall be punishable by a fine of up to 50,000 kroons.

§ 32. Failure to perform obligation to keep records and submit data on packaging and packaging waste

Failure to perform the obligation to keep records or to submit data on packaging and packaging waste or submittal of inaccurate data shall be punishable by a fine of up to 50,000 kroons.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

§ 33. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure shall be applicable to the proceedings of the misdemeanours specified in Sections 27-32 hereof.

(2) Extra-judicial proceedings concerning the misdemeanours specified in Sections 27-32 hereof shall be conducted by the Ministry of the Environment.

(3) The extra-judicial proceedings concerning the misdemeanours specified in Sections 27 and 28 hereof shall be conducted by the Veterinary and Food Board.

(4) The extra-judicial proceedings concerning the misdemeanours specified in Sections 29 and 32 hereof shall be conducted by the Tax and Customs Board.

(5) The extra-judicial proceedings concerning the misdemeanours specified in Sections 30 and 31 hereof shall be conducted by the Consumer Protection Board.

(6) The extra-judicial proceedings concerning the misdemeanours specified in Sections 29-31 hereof shall be conducted by city and rural municipality governments.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

Chapter 9 IMPLEMENTING PROVISIONS

§§ 34-35 [Left out of this text.]

§ 36. Recovery targets

(1) As of 1 May 2004, packaging companies, except persons who sell packaged goods, shall guarantee the recovery of the packaging waste generated from the packaging of the goods packaged thereby and from imported packaged goods to the following extent:

1) at least 50% of the total mass of packaging waste a year;

2) by way of recycling, at least 25% of the total mass of packaging waste and at least 15% for the total mass of each class of packaging material a year.

(1¹) [Repealed – [RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(2) As of 1 January 2009, packaging waste shall be recovered as follows:

- 1) at least 60% of the total mass of packaging waste a calendar year;
- 2) by way of recycling, 55-80% of the total mass of packaging waste a calendar year.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(3) In order to ensure attainment of the targets specified in Subsection 2 hereof, packaging companies shall recover at least the following percentage of classes of packaging material a calendar year as of 1 January 2009:

- 1) by way of recycling, 70% of the total mass of glass waste;
- 2) 70% of the total mass of paper and cardboard waste, whereas 60% of the total mass by way of recycling;
- 3) by way of recycling, 60% of the total mass of metal waste;
- 4) 55% of the total mass of plastic waste, whereas 45% of the total mass by way of recycling and 22.5% of the total mass by way of reprocessing into plastic.
- 5) 45% of the total mass of wood waste, whereas 20% of the total mass by way of recycling.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

(4) Packaging materials not mentioned in Subsection 3 hereof shall be recovered as much as possible taking into account the existing technical possibilities and economic justification.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

§ 36¹. Marking of packaging

Subsection 5 of Section 23, and Section 31 hereof enter into force on 1 October 2005.

[[RT I 2005, 37, 288](#) – entered into force 10.07.2005]

§ 37. Obligation to take back

The obligation to take back packaging as specified in Section 20 hereof, and Section 30 hereof enter into force on 1 May 2005.

[[RT I 2004, 89, 611](#) – entered into force 7.01.2005]

§ 37¹. Requirements for packaging waste collection points

Section 17¹ hereof enters into force on 1 January 2009.

[[RTI 2008, 20, 138](#) – entered into force 31.05.2008]

§ 38. Establishment of deposits

Section 21 hereof enters into force on 1 May 2005.

[\[RT I 2004, 89, 611](#) – entered into force 7.01.2005]

§ 39. Packaging register

The register specified in Subsection 1 of Section 25 hereof shall be deemed to be the register established on the basis of Subsection 1 of Section 15 of the Packaging Act until establishment of the register based on Subsection 2 of Section 25 hereof.

§ 40 [Left out of this text.]

§ 41. Entry into force of Act

This Act enters into force on 1 June 2004.

¹ European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 365/31.12.1994, pp. 10-22) as last amended by Directive 2005/20/EC (OJ L 070, 16.03.2005, pp. 17-18); European Parliament and Council Directive 2004/12/EC amending Directive 94/62/EC on packaging and packaging waste (OJ L 047, 18.02.2004, pp. 26-30); European Parliament and Council Directive 2006/12/EC on waste (OJ L 114, 27.04.2006, pp. 9-21); Commission Decision 97/129/EC establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 050, 20.02.1997, pp. 28-31); Commission Decision 1999/177/EC 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 of European Parliament and of the Council on packaging and packaging waste (OJ L 056, 04.03.1999, pp. 47-48); Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC of European Parliament and of the Council on packaging and packaging waste (OJ L 062, 02.03.2001, pp. 20-21); Commission Decision 2006/340/EC 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, 12.05.2006, p. 43); Commission Decision 2005/270/EC 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 086, 05.04.2005, pp. 6-12);

[\[RT I 2008, 20, 138](#) – entered into force 31.05.2008]