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Packaging Act¹

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16.06.2005	RT I 2005, 37, 288	10.07.2005
24.01.2007	RT I 2007, 12, 66	01.01.2008
13.12.2007	RT I 2008, 1, 4	14.01.2008
24.04.2008	RT I 2008, 20, 138	31.05.2008, in part 01.01.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
17.02.2010	RT I 2010, 10, 45	15.03.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.7.2010, p. 24–26).
20.05.2010	RT I 2010, 28, 145	19.06.2010
21.03.2012	RT I, 04.04.2012, 2	14.04.2012
20.02.2014	RT I, 06.03.2014, 1	16.03.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
07.05.2014	RT I, 17.05.2014, 1	27.05.2014, in part 01.01.2015
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
09.12.2015	RT I, 23.12.2015, 2	01.01.2016
21.03.2017	RT I, 07.04.2017, 1	17.04.2017, in part 31.12.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
10.06.2020	RT I, 01.07.2020, 1	01.01.2021
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
21.04.2021	RT I, 05.05.2021, 1	15.05.2021

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 for preventing or reducing the generation of packaging and the waste resulting from packaging, the organisation of a system for recovery of packaging and packaging waste, the requirements for audit and recycling targets, the requirements for audit of the data to be submitted to the packaging register and the bases for state supervision over the requirements, and the liability for failure to comply with the established requirements.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(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 at industrial, commercial, household, office or any other level, regardless of the material used.

(3) This Act regulates the handling of packaging waste insofar 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 specifications arising from such legislation.

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

(5) The General Part of the Economic Activities Code Act applies to the activity licence procedure provided in this Act, taking account of the specifications provided in this Act.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(6) The provisions of the Product Conformity Act also apply to the provisions of this Act, taking account of the specifications arising from this Act.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 2. Packaging

(1) Packaging means products made of any materials to be used for the housing, protection, handling, delivery and presentation of goods during the life cycle of such goods: from raw materials to processed goods and from the producer to the consumer. Non-reusable packaging to be used for the same purposes shall also be considered to constitute packaging.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(2) The determination of a product as packaging is based on the following criteria:

1) a product is considered to be packaging if it meets the definition provided in subsection (1) of this section, without prejudice to other possible features of use of the packaging, with the exception of the situation where the packaging is an integral part of the product and must contain, support or preserve the product and its components throughout their lifetime and where the packaging and the product therein are intended to be used, consumed or disposed of together;

2) a product which is designed and designated to be filled at the place of sale and a product intended for single use which is being sold or which has been filled or which is designated to be filled at the place of sale is considered to be packaging if this product serves the function of packaging;

3) packaging components and additional elements permanently attached to the packaging are considered to be parts of the packaging to which they are attached. An additional element which hangs directly on a product or is attached to a product and serves the function of packaging is also considered to be packaging, unless such element is an integral part of the product and is intended to be consumed or disposed of together with the product.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(3) In determining whether a product is to be considered as packaging, explanatory examples provided in Annex I to Commission Directive 2013/2/EU amending Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 37, 8.2.2013, p. 10–12) shall be taken into account, where appropriate.
[RT I, 06.03.2014, 1 – entry into force 16.03.2014]

§ 3. Types of packaging

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

1) sales packaging or primary packaging means part of a sales unit designated to be handed over to the end user or consumer at the place of sale. The packaging specified in clause 2 (2) 2) of this Act is also considered to be sales packaging;

2) grouped packaging or secondary packaging is meant for grouping a certain number of sales units at the place of sale regardless of whether the grouped packaging is sold as such to the end user or consumer or whether it serves only as a means to facilitate the handling of goods, or protection or presentation of goods, whereas grouped packaging can be removed from the product without affecting its characteristics;

3) transport packaging or tertiary packaging is meant for handling and transport of a certain number of sales units or goods in grouped packaging in order to prevent transport damage, whereas transport packaging does not include road, rail, sea and air containers.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(2) Depending on the number of use of packaging, the subtypes of the types of packaging specified in subsection (1) of this section are the following:

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

1) reusable packaging means packaging which is designed, prepared and placed on the market for re-transport or reuse within its life cycle and which is refilled or reused for the same purpose for which it was prepared;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

2) non-reusable packaging is meant only for single use.

(3) The types of packaging material are the following:

1) glass means all fused inorganic glass types which belong to Chapter 70 of the Combined Nomenclature pursuant to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1–675);

2) plastic means polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1–850) and all natural and artificial polymer-based materials in both single and multi-layer embodiment which belong to Chapter 39 of the Combined Nomenclature pursuant to Council Regulation (EEC) No 2658/87;

[RT I, 07.04.2017, 1 – entry into force 17.04.2017]

3) ferrous metal means steel which belongs to Chapter 73 of the Combined Nomenclature pursuant to Council Regulation (EEC) No 2658/87;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

3¹) non-ferrous metal means aluminium which belongs to Group 76 of the Combined Nomenclature, and other metals which are used as packaging materials and belong to Section XV (Base metals and articles of base metal) of the Combined Nomenclature pursuant to Council Regulation (EEC) No 2658/87;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

4) paper and paperboard, including composite paperboard, which belong to Chapter 48 of the Combined Nomenclature pursuant to Council Regulation (EEC) No 2658/87;

5) wood;

6) other material.

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(3¹) Composite packaging means 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 is filled, stored, transported and emptied as such.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4) Plastic carrier bag means a carrier bag, with or without handles, made of plastic which is supplied to the consumer at the place of sale of goods.

[RT I, 07.04.2017, 1 – entry into force 17.04.2017]

(5) The types of plastic carrier bags are as follows:

1) lightweight plastic carrier bag means a plastic carrier bag with a wall thickness below 50 microns;

2) very lightweight plastic carrier bag means a plastic carrier bag with a wall thickness below 15 microns which is used for ensuring hygiene or for primary packaging of loose food when this helps to prevent food wastage;

3) oxo-degradable plastic carrier bag means a plastic carrier bag made of plastic materials that include additives which catalyse the fragmentation of the plastic material into micro-fragments.

[RT I, 07.04.2017, 1 – entry into force 17.04.2017]

§ 4. Packaging waste

For the purposes of this Act, packaging waste means any packaging or packaging material which after use of packaging turns into waste within the meaning of § 2 of the Waste Act. Waste from the production of packaging and packaging material is not considered to be packaging waste.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

§ 5. Prevention of packaging and packaging waste

(1) Prevention of packaging and packaging waste means prevention of waste generation within the meaning of § 22 of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2) At the place of sale of a packaging undertaking:

1) lightweight and very lightweight plastic carrier bags shall not be supplied to consumers free of charge, except for very lightweight plastic carrier bags which are used for ensuring hygiene or for primary packaging of loose food when this helps to prevent food wastage;

2) besides lightweight plastic carrier bags, including very lightweight plastic carrier bags, other possibilities for packaging goods shall be offered to consumers;

3) the sale or free of charge supply of oxo-degradable plastic carrier bags shall be avoided.

[RT I, 07.04.2017, 1 – entry into force 17.04.2017 - clause 1) of subsection (2) enters into force on 31 December 2018]

§ 5¹. Handling of packaging waste

Handling of packaging waste means waste handling within the meaning of § 13 of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 5². Packaging waste collection

Packaging waste collection means waste collection within the meaning of subsection 14 (1) of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 5³. Separate collection of packaging waste

Separate collection of packaging waste means separate collection of waste within the meaning of subsection 14 (1¹) of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 6. Reuse of packaging

Reuse of packaging means reuse within the meaning of § 14¹ of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 6¹. Treatment of packaging waste

Treatment of packaging waste means treatment of waste within the meaning of § 16 of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 7. Recovery of packaging waste

(1) Recovery of packaging waste means waste recovery within the meaning of § 15 of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2)

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 8. Recycling of packaging waste

(1) Recycling of packaging waste means waste recycling within the meaning of subsection 15 (4) of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2)

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 8¹. Packaging waste disposal

Packaging waste disposal means waste disposal within the meaning of subsection 17 (1) of the Waste Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 9. Energy recovery of packaging waste

Energy recovery of packaging waste means the use of combustible packaging waste as a means to produce energy through direct incineration of packaging waste with or without other waste, with recovery of the generated heat.

§ 9¹. Placing of packaged goods on market

For the purposes of this Act, placing of packaged goods on the market means making the goods packaged in Estonia or imported packaged goods available for distribution or use in Estonia for the first time. If goods are re-packaged, the making of re-packaged goods available in Estonia for the first time is also considered as placing of packaged goods on the market.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

§ 10. Packaging undertaking

Packaging undertaking means any person who packages, imports or sells packaged goods within their economic or professional activities.

§ 10¹. Recovery organisation

(1) Recovery organisation means a legal person which founders and members are packaging undertakings or legal persons formed by packaging undertakings which members, partners or shareholders are packaging undertakings.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) The function of a recovery organisation is to organise, on the national level, the collection and recovery of the packaging and packaging waste of packaging undertakings who have transferred their obligations thereto pursuant to subsection 12¹(2) of this Act and to develop the recovery system for ensuring the recovery of packaging waste at least to the extent of the recovery targets provided in § 36 of this Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2) The function of a recovery organisation is to organise, on the national level, the collection and recovery of the packaging and packaging waste of packaging undertakings who have transferred their obligations thereto pursuant to subsection 16 (2) of this Act and to develop the recovery system for ensuring the recovery of packaging waste at least to the extent of the recovery targets provided in § 36 of this Act.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

§ 11. Economic operator

For the purposes of this Act, economic operator means any packaging undertaking, packaging producer, a person who supplies, produces or processes packaging material, a recovery organisation, a packaging waste handler and administrative authority.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 12. Consent to voluntary cooperation

Consent to voluntary cooperation means a cooperation agreement which is entered into between the Ministry of the Environment and an economic operator in order to improve the implementation of the objectives of this Act and is open for signing to all persons who want to comply with the conditions of cooperation. The obligations and liability arising from this Act cannot be transferred by the specified cooperation agreement.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

§ 12¹. Principle of extended producer responsibility

(1) A packaging undertaking is required to ensure the handling of packaging of packaged goods placed on the market and the waste resulting from the packaging and to bear the costs thereof.

(2) A packaging undertaking may choose whether to fulfil the obligations individually or to transfer them to a recovery organisation by written contract. If a packaging undertaking transfers the obligations provided in subsection (1) of this section to a recovery organisation, the recovery organisation is responsible for the performance of these obligations.

(3) A packaging undertaking and recovery organisation must ensure the necessary financial means or financial and organisational means to meet the obligations provided in subsection (1) of this section.

(4) A packaging undertaking is required to bear at least the costs of handling packaging and packaging waste which arise from:

- 1) separate collection of packaging and packaging waste and subsequent transport and treatment, including treatment necessary to meet the targets provided in § 36 of this Act, taking into account the revenues from reuse, from sales of secondary raw material from its products and from unclaimed deposit fees;
- 2) information activities, collection and submission of data.

(5) The costs specified in subsection (4) of this section must not exceed the costs that are necessary to provide waste handling services in a cost-efficient way. Such costs shall be established in a transparent way between the actors concerned.

(6) A packaging undertaking has the obligation to bear the costs provided in clause (4) 1) of this section only if the acts resulting in the costs have been performed by itself, these have been performed with the authorisation thereof or it has earlier refused without a legal basis to perform these acts or to grant an authorisation.

(7) A packaging undertaking whose seat is not in Estonia, but who places packaging on the market in Estonia in the course of its commercial or professional activity, irrespective of the selling technique used, must appoint an authorised representative, being a natural or legal person with residence or seat in Estonia, who performs the obligations imposed on packaging undertakings by this Act therefor.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

Chapter 2

REQUIREMENTS FOR PACKAGING

§ 13. General requirements for production and use of packaging

(1) Packaging must serve its purpose with as small volume and mass as possible, ensure the required level of safety and hygiene, be suitable for the packaged goods and acceptable for the consumer.

(2) Packaging must be designed, produced and sold in such a way as to permit its reuse or the recovery of packaging waste, including recycling in compliance with the waste hierarchy specified in § 22¹ of the Waste Act, and to eliminate adverse impact on the environment when packaging waste or residues from the processing of packaging waste are disposed of.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3) Packaging must be produced in such a way that the content and harmful effect of hazardous substances in the packaging material and other components of the packaging would be reduced to such level that would minimise their presence in emissions, ash or leachate when the packaging or residues of its processing are incinerated or landfilled.

(4) The following requirements apply concurrently to reusable packaging:

1) the physical properties and technical solution of packaging shall enable the intended number of transport operations and use;

2) the processing of used packaging must be possible in compliance with occupational health, occupational safety and other safety requirements;

[RT I 2008, 20, 138 – entry into force 31.05.2008]

3) the requirements specific to recoverable packaging provided in subsection (5) of this section must be complied with when the packaging is no longer reused and becomes waste.

(5) The following requirements apply to recoverable packaging:

1) the packaging which waste is recoverable by the recycling of its material must be produced in a way that enables a certain portion of its material to be recycled and used in the production of marketable goods, whereas the proportion of the recycled material may depend on the material used in the production of packaging;

2) if the purpose of recovery of the waste of packaging is energy recovery, the packaging must have a minimum calorific value to allow optimisation of energy recovery;

3) the packaging which waste is composted for the purpose of recovery must be biodegradable, but this must not hinder separate collection, composting or other operations prescribed for the handling of the waste of such packaging;

4) biodegradable packaging must be produced in such a way that the majority of the compost created during physical, chemical, thermal or biological decomposition would decompose into carbon dioxide, biomass and water.

(6) Oxo-degradable plastic packaging is not deemed to be biodegradable packaging.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 13¹. Assumption of conformity to requirements for design and production of packaging

(1) If packaging is designed and produced in compliance with the harmonised standard, concerning which a notice has been published in the Official Journal of the European Union, it is assumed that the packaging which complies with such standard conforms to the requirements of § 13 of this Act with regard to the requirements covered by the standard.

(2) Information concerning the Estonian standards transposing the standards specified in subsection (1) of this section and the standards specified in Article 9 (3) of the European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10–23) shall be published by the standards body Estonian Centre for Standardisation in an official publication made available on its website.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 14. Concentration levels of heavy metals in packaging

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

(2) Subsection (1) of this section does not apply to packaging produced 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) of this section does not apply to plastic crates and plastic pallets in accordance with 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 on packaging and packaging waste (OJ L 056, 4.3.1999, p. 47–48) and to glass packaging in accordance with 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 on packaging and packaging waste (OJ L 62, 2.3.2001, p. 20–21).

Chapter 3

ORGANISATION OF COLLECTION AND RECOVERY OF PACKAGING AND PACKAGING WASTE

§ 15. Obligations of local government upon organisation of collection and recovery of packaging and packaging waste

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

(2) The waste management plan of a local government provides specific guidelines for the organisation and development of the collection and recovery of packaging and packaging waste, and sets out the measures to be implemented for achieving the established goals.

§ 16. Obligations of packaging undertakings upon collection and recovery of packaging and packaging waste

(1)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3) A packaging undertaking who places on the market packaged goods with a mass of packaging of more than five tonnes per year and does not transfer the obligations specified in subsection 12¹(1) of this Act to a recovery organisation shall organise the collection of packaging waste of its goods at each place of sale of its goods, inform the consumers of the option to return packaging waste to the place of sale and keep a record of the collection and recovery of packaging waste of its goods separately for each place of sale.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3¹) The packaging undertaking specified in subsection (3) of this section shall submit the following information and documents at the request of a person with supervisory authority:

1) the mass of waste resulting from the packaging of goods placed on the market in terms of types of packaging material;

2) the list of places of sale;

3) information concerning the organisation of collection of packaging waste at each place of sale and the locations of the collection sites;

4)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

5) written agreements entered into with the undertaking recovering packaging waste.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(3²)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(5)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(6) The procedure for reuse of packaging and recovery of packaging and packaging waste, including calculation of recycling targets, shall be established by a regulation of the minister responsible for the area, taking account of the provisions of Article 6a of the European Parliament and Council Directive 94/62/EC.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 17. Activity licence of recovery organisation

A recovery organisation shall hold an activity licence.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 17¹. Requirements for packaging waste collection sites

(1) When collecting the waste of packaging without deposit, a recovery organisation shall ensure that the density of the collection sites per each recovery organisation would be as follows:
[RT I, 17.05.2014, 1 – entry into force 01.01.2015]

- 1) if, in a densely populated area, population density is more than 1,000 residents per square kilometre – at least one collection site within 500 metres from the waste holder;
- 2) if, in a densely populated area, population density is more than 500 residents per square kilometre – at least one collection site within 1,000 metres from the waste holder;
- 3) if population density is less than 500 residents per square kilometre – in settlements in the territory of the local government such that there is one collection site per 500 residents.

(1¹) Upon assessment of compliance with the conditions listed in subsection (1) of this section, only such collection sites of the waste of packaging without deposit are taken into account which are intended for and available to the general public for the delivery of packaging waste.
[RT I 2010, 10, 45 – entry into force 15.03.2010]

(1²) Densely populated areas specified in subsection (1) of this section have been designated on the basis of the Planning Act.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(1³) The collection sites shall be determined in a written contract entered into between the recovery organisation and local government.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(2) The local government shall enable the recovery organisations to comply with the conditions provided in subsection (1) of this section.

(3) To comply with the conditions listed in subsection (1) of this section, the recovery organisations may enter into agreements between themselves or with the packaging undertaking specified in subsection 16 (3) of this Act, whereas the collection of all types of packaging material must be ensured in each collection site.

(4) The locations of the collection sites specified in subsection (1) of this section, the minimum number and minimum capacities of the collection containers per each collection site and their emptying frequency are agreed on between the recovery organisation and the local government. Upon agreement with the local government, the collection of packaging waste may also be organised as collection at the place generation of waste. In this case the density of packaging waste collection sites and the number and capacities of collection containers prescribed for collection may be reduced with the consent of the local government.
[RT I 2008, 20, 138 – entry into force 01.01.2009]

(4¹) A local government may organise the handling of overfilled public packaging waste containers and the packaging waste accumulated around the containers.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4²) A local government must, before commencing the activity specified in subsection (4¹) of this section, provide the recovery organisation with an opportunity to perform its obligations. If the recovery organisation fails to perform its obligations, the local government shall organise the handling of packaging waste and present an invoice for the activity specified in subsection (4¹) of this section to the recovery organisation.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(5) While collecting the waste of packaging without deposit, a recovery organisation shall ensure that all types of packaging materials are collected at each collection site.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

§ 17². Subject of review of activity licence

(1) In order to obtain an activity licence, a person shall:

1) be able to perform the obligations provided in subsections 12¹(1) and 20 (2) and § 36 of this Act on the national level;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

2) have an activity plan concerning the performance of the obligations of packaging undertakings provided in subsection 12¹(1) and § 24 of this Act;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

3) be able to perform the obligations provided in subsection 17¹(1) and § 17⁴ of this Act.

(2) The parts of the activity plan specified in clause (1) 2) of this section are:

1) a plan for involving, on the national level, different regions in a system for collecting packaging and packaging waste;

2) a financial plan which sets out the sources of funding, investments in the infrastructure for packaging waste collection and increasing of capacity and capability, money held for future investments and service charges payable to other persons involved in the collection of packaging waste;

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

4) a strategy for involving other packaging undertakings in the recovery organisation;

5) a sample contract to be entered into between the recovery organisation and a packaging undertaking whereas the contract shall ensure transfer of the obligations of the packaging undertaking specified in subsection 12¹(1) of this Act to the recovery organisation, performance of the obligations by the recovery organisation and compensation for costs, including a notation on how the charge payable by the packaging undertaking is calculated;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

6) a media plan for informing the end user and consumer about the possibilities of returning packaging and packaging waste and about the collection and recovery system.

(3) A member, partner or shareholder of a recovery organisation may not hold more than 25 per cent of the voting rights determined by the membership, shares or stocks; neither may a person whose principal activity is waste handling within the meaning of § 13 of the Waste Act have control within the meaning of the Competition Act.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 17³. Application for activity licence

In order to obtain an activity licence, the applicant shall, in addition to the information specified in subsection 19 (2) of the General Part of the Economic Activities Code Act, submit the following information and documents to the Ministry of the Environment:

1) a copy of the articles of association;

2) a list of members, partners or shareholders;

3) a bank statement concerning the account balance;

4) a copy of the activity plan specified in clause 17²(1) 2) of this Act;

5) copies of contracts entered into with the operators engaged in collecting, transporting and processing packaging.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 17⁴. Obligations of recovery organisation

(1) The function of a recovery organisation is to ensure:

1) collection of packaging and packaging waste on a national level;

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

3) access of all packaging undertakings to the services of the recovery organisation;

4) collection of charges on equal terms from the packaging undertakings who have transferred their obligations pursuant to subsection 12¹(2) of this Act and offering of services to them based on the mass of packaging waste of packaged goods placed on the market by the packaging undertakings and the service charges rates disclosed by the recovery organisation;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

4¹) calculation of the waste handling service charge pursuant to subsection 12¹(4) of this Act;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

4²) that the durability, reparability, reusability and recyclability of packaging and the presence of hazardous substances are taken into account upon calculating waste handling service charges for packaging undertakings, thereby taking a life-cycle approach;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

5) purchasing of the service related to the handling of packaging and packaging waste on the basis of competition, proceeding from the principles of sustainable use of resources, transparency and verifiability of procurement and equal treatment of tenderers, and providing proof of recovery through the service provider selected on the basis of competition;

5¹) publication of the selection procedure provided in clause 5) of this subsection on the website of the recovery organisation;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

6) if the recovery organisation is engaged in the purchase of packaging material, disclosure of such price list on its website;

7) presentation of the price of the service charge for the obligations transferred pursuant to subsection 12¹(2) of this Act per one tonne of packaging placed on the market, including, where appropriate, in terms of different types of plastic and other materials;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

8) availability of the information concerning the packaging undertakings who have transferred their obligations pursuant to subsection 12¹(2) of this Act and information related to the collection and recovery of packaging and packaging waste to the Ministry of the Environment and persons with supervisory authority;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

9) reinvestment of profit of the recovery organisation in the operation of the recovery organisation and no distribution of profit among the members, partners or shareholders;

10) transparency of financial relations between the recovery organisation and its members, partners or shareholders;

11) informing of the public and consumers about the procedure of and requirements for returning packaging and packaging waste and about the prevention of waste generation and littering;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

12) submission of a written report on its activities in the previous calendar year to the minister responsible for the area by 31 July of each year.

(2) The report specified in clause (1) 12) of this section shall include information concerning:

1) the packaging waste collected at the place of generation of waste and collected and recovered through the public container network in terms of waste handlers;

2) the agreements specified in clause (1) 1) of this section;

3) the provisions of § 171 of this Act;

4) the packaging recovery service charges and changes in the purchase prices of packaging material in the previous calendar year;

5) the return of packaging with deposit as well as the information activities and their cost.

(3) The report specified in clause (1) 12) of this section and the annual report of the recovery organisation shall be available on the website of the recovery organisation.

(4) A recovery organisation is obliged to submit information concerning the transactions which have been made by its members, partners or shareholders and have been necessary for the purpose of verifying performance of the obligations provided in clause (1) 9) of this section to the minister responsible for the area if so requested by the latter.

(5) The expenses on the informing specified in clause (1) 11) of this section shall make up at least one per cent of the turnover of the recovery organisation for the calendar year; whereas deposit is not taken into account for the purposes of calculating turnover.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 17⁵. Issue of activity licence

The minister responsible for the area issues an activity licence within 63 days from the receipt of a due application. If the minister responsible for the area fails to adjudicate the application within the above time limit or the extended time limit, the activity licence is not deemed to be granted to the undertaking by default upon the expiry of the time limit.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 18. Packaging Committee

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 18¹. Self-checking system of packaging undertakings and recovery organisations

(1) Packaging undertakings and recovery organisations must implement a self-checking system which ensures availability of at least the data concerning:

1) correctness of financing of the obligations provided in subsection 12¹(1) of this Act;

2) correctness of compliance with the requirements on calculation of waste handling service charges for packaging undertakings in accordance with clause 17⁴(1) 4²) of this Act;

3) correctness of data submitted to the packaging register;

4) correctness of data collected about waste shipments pursuant to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 190, 12.7.2006, p. 1–98).

(2) Persons who have an eco-management and audit scheme compliant with the requirements of Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by

organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1-45) are released from the obligation specified in subsection (1) of this section.

(3) The data of the self-checking system must be documented and updated at least once every 12 months.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

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 are the acceptance of return of packaging obligation, deposit and excise duty on packaging.

§ 20. Acceptance of return of packaging

(1) Packaging undertakings are obliged to accept the return of transport packaging and grouped packaging of their goods free of charge.

(2) A packaging undertaking who sells packaged goods to the end user or consumer is obliged to accept the return of sales packaging and sales packaging waste of the sold goods free of charge. The requirement to accept the return applies only to the packaging, the type, form and size of which correspond to the packaging of the goods sold at that place of sale and to the packaging of the goods delivered by the seller of these goods.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(2¹) A packaging undertaking who sells packaged goods to the end user or consumer provides information concerning the place of acceptance of the return of packaging by means of an understandable written notice displayed in a prominent position at the place of sale and provides information concerning the prevention of waste generation and littering. If a packaging undertaking who sells packaged goods has not organised acceptance of the return of sales packaging and sales packaging waste through a recovery organisation on the basis of a contract, it is obliged to accept the return of sales packaging and sales packaging waste at the place of sale or at a point adjusted for the purpose in the immediate vicinity of the place of sale.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2²) A packaging undertaking who places packaged goods on the market is obliged to accept the return of the packaging and packaging waste of the goods that it has placed on the market free of charge from the packaging undertaking who sells the packaged goods to the end user or consumer.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(3) A packaging undertaking engaged in mail order sale shall inform the end user and consumer of their right to return the packaging and packaging waste to the person who delivers the goods.

(4) A packaging undertaking may transfer the obligations specified in subsections (1), (2) and (2²) of this section on the basis of a written contract only to a recovery organisation. When a packaging undertaking has transferred the obligations provided in subsections (1), (2) and (2²) of this section to a recovery organisation, the latter is responsible for the compliance with the specified obligations and the recovery organisation shall not refuse to accept the collected packaging and packaging waste. A packaging undertaking who sells packaging with deposit to the end user or consumer cannot transfer the obligation to accept the return of packaging with deposit to a recovery organisation.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(4¹) A person selling goods packaged in packaging with deposit has no obligation to accept the return of packaging on which deposit has been established if the size of the sales premises is less than 20 square metres and it is located in a densely populated area.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(4²) The end user or consumer is obliged to return the packaging and packaging waste such that the packing is empty and sorted by type pursuant to the procedure provided in the waste management rules of the local government and the requirements of the packaging undertaking or recovery organisation.

(4³) If the size of the sales premises of a seller of packaged goods is 200 square metres or more than 200 square metres, the seller shall organise acceptance of the return of such packaging on which deposit has been established at the place of sale or its service area during trading hours of the place of sale.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(4⁴) If the size of the sales premises of a seller of packaged goods is less than 200 square metres, the seller may organise acceptance of the return of such packaging on which deposit has been established outside the boundaries of the service area of its place of sale, but during trading hours of the place of sale and only with the consent of the local government. It should be taken into account that in the area where the population density is less than 500 residents per square kilometre, there should be at least one place for acceptance of the return of packaging in the settlements located in the territory of the local government.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(4⁵) The obligations imposed in subsections (4³) and (4⁴) of this section shall be deemed fulfilled by the seller of packed goods if two or more places of sale are in the immediate vicinity of each other and the sellers of packaged goods have agreed on organising jointly the acceptance of the return of packaging on which deposit has been established at the place of sale or the servicing land of one seller of packaged goods or elsewhere in the immediate vicinity of the place of sale.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4⁶) Jointly acting sellers of packaged goods specified in subsection (4⁵) of this section shall be solidarily liable for the functioning of the place of acceptance of the return of packaging on which deposit has been established.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(5) A packaging undertaking is obliged to avoid mixing returnable packaging and packaging waste collected by type or sorted by packaging material with other waste or packaging material.

(6) A packaging undertaking is obliged to provide the end user and consumer with a possibility to return its packaging and packaging waste which contain hazardous substances, taking account of the requirements for handling provided by the Waste Act and the Chemicals Act and legislation established on the basis thereof.

(7) Packaging undertakings who place goods on the market in the plastic packaging with a mass of less than 100 kilograms per year or in other packaging material with a mass of less than 200 kilograms per year are exempted from the obligations specified in subsections (1), (2) and (2²) of this section, in subsection 24 (4) and in § 36.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

§ 21. Deposit

(1) A deposit is assigned to a packaging for the value of one packaging which is added to the price of one sales unit.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(2) A deposit is established for the following reusable packaging of beer, alcoholic beverages with low ethanol content, cider, perry and soft drinks:
1) glass packaging;
2) plastic packaging.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(3) A deposit is established for the following non-reusable packaging of beer, alcoholic beverages with low ethanol content, cider, perry and soft drinks:
1) glass packaging;
2) plastic packaging;
3) metal packaging.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(3¹) In addition to the provisions of subsections (2) and (3) of this section, deposit may also be applied to non-reusable and reusable packaging of strong alcoholic beverages, low-alcohol beverages and syrup.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4) Beer and alcoholic beverages with low ethanol content specified in subsections (2) and (3) of this section are deemed to be beer and alcoholic beverages with low ethanol content within the meaning of the Alcohol Act, cider and perry are deemed to be cider and perry within the meaning of the requirements established on the basis of subsection 4 (2) of the Alcohol Act and soft drink is deemed to be soft drink within the meaning of the Packaging Excise Duty Act. Strong alcoholic beverages and low-alcohol beverages specified in subsection (3¹) of this section are deemed to be strong alcoholic beverages and low-alcohol beverages within the meaning of the Alcohol Act and syrup is deemed to be juice concentrate or a beverage made from sugar syrup or other syrup.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4¹) A packaging undertaking does not add a deposit to:

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

1) exported packaging if export thereof is certified by an export customs declaration;
2) packaging that is taken from Estonia to another Member State or to a vessel or aircraft engaged in international travel to be consumed or as goods sold to be taken away;

[RT I 2010, 28, 145 – entry into force 19.06.2010]

3) packaging with a capacity of 3.0 litres or more and packaging with a capacity of 0.1 litres or less.

4) the packaging specified in subsections (2) and (3) of this section if acceptance of its return is technically impossible.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

(4²) In the case of packaging provided in clauses 1) and 2) of subsection (41) of this section, the marking for the deposit amount established on the basis of subsection 23 (6) of this Act may only be used with the approval of the holder of the marking.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

(5) The amount of the deposit shall be established by a regulation of the minister responsible for the area.

(6) A deposit shall not be less than 0.03 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(7) The deposit amount may be amended if at least 12 months have passed from the previous amendment.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

(8) A deposit does not include the costs of acceptance of return of the packaging and packaging waste and the costs related to its organisation.

(9) Upon the sale of packaging with deposit, the amount of the deposit is disclosed taking account of the requirements provided in § 7 of the Consumer Protection Act.

(10) A deposit paid is returned when the end user or consumer delivers a reasonable quantity of packaging on which deposit has been established to the place of sale of the goods or to a place prescribed for this purpose in the close proximity thereof. A deposit is not returned:

1) in the cases provided in subsections 23 (2) and (2¹) of this Act;

2) if more than 24 months have passed from termination of placing the packaging on the market.

[RT I, 04.04.2012, 2 – entry into force 14.04.2012]

(11) A packaging undertaking shall ensure that the established deposit is added to the price 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

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

Chapter 5 MARKING OF PACKAGING

§ 23. Marking of packaging

(1) A packaging undertaking who places packaged goods on the market equips the packaging on which deposit has been established or the packaging label with a deposit marking. A packaging undertaking who has transferred its obligations to a recovery organisation pursuant to subsection 12¹(2) of this Act equips the packaging or label with a bar code registered in the recovery organisation in addition to the deposit marking. A packaging undertaking who has not transferred its obligations to a recovery organisation shall not use a bar code registered in a recovery organisation.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2) If a packaging on which deposit has been established lacks deposit marking or bar code or it is not clearly visible or legible on the packaging or label or it is physically damaged, the return of the packaging is accepted pursuant to the procedure provided in § 20 of this Act and no deposit is returned for such packaging.

[RT I, 04.04.2012, 2 – entry into force 14.04.2012]

(2¹) If the deposit marking on packaging on which deposit has been established changes, deposit is returned for the packaging with the former marking within 24 months from the date the new marking takes effect, after

which the return of the packaging is accepted pursuant to the procedure provided in § 20 of this Act and no deposit is returned for such packaging.

[RT I, 04.04.2012, 2 – entry into force 14.04.2012]

(3) In order to facilitate the collection, reuse and recovery of packaging and packaging waste, a packaging undertaking may specify the following information on the packaging or label:

1) a marking that indicates the transfer of the obligations of the packaging undertaking pursuant to subsection 12¹(2) of this Act;

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

2) indication of the nature 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 50, 20.2.1997, p. 28–31) and information on the natural decay time of such packaging;

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

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

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

(5) The sale of goods in packaging which lacks the required markings specified in subsection (1) of this section is prohibited.

(6) The minister responsible for the area shall establish deposit markings which the packaging undertakings who have transferred their obligations to a recovery organisation are obliged to use, taking account of proposals of a recovery organisation.

[RT I, 04.04.2012, 2 – entry into force 14.04.2012]

(7) A packaging undertaking who has not transferred its obligations to a recovery organisation and places a packaging with deposit on the market is obliged to inform the Ministry of the Environment in writing of its markings prior to placing the packaging with deposit on the market.

[RT I, 04.04.2012, 2 – entry into force 14.04.2012]

(8) If deposit marking of packaging on which deposit has been established changes, a packaging undertaking who sells packaged goods to the end user or consumer terminates the sale of the packaging with hitherto valid marking when 12 months have passed from the establishment of a new marking.

[RT I, 04.04.2012, 2 – entry into force 14.04.2012]

Chapter 6

PACKAGING INFORMATION SYSTEM

§ 24. Keeping records on packaging and packaging waste

(1) A packaging producer, an importer or exporter of empty packaging, a packaging undertaking who places packaged goods on the market, a person who exports packaged goods and a packaging waste handler are obliged to keep consistent records on the mass of packaging material by the types of packaging and packaging material specified in subsections 3 (1)–(3) of this Act, including separately concerning packaging provided in the Packaging Excise Duty Act, as follows:

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

[RT I 2008, 20, 138 – entry into force 31.05.2008]

(2) [Repealed – RT I 2008, 20, 138 – entry into force 31.05.2008]

(3) The source documents serving as the basis for the records specified in subsection (1) of this section and the consolidated data compiled on the basis thereof shall be preserved for a period of at least seven years. For the purposes of this Act, the source documents are the following:

- 1) accounting source documents concerning the production, sale, import and export of packaging;
- 2) documents concerning the sale, import and export of packaged goods;
- 3) documents proving the acquisition of packaging;
- 4) accounting source documents, receipt documents and deeds as well as recovery certificates in a format that can be reproduced in writing issued by the undertakings recovering packaging and packaging waste;

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

5) customs declarations accepted by the customs as well as the accompanying documents on import and export of packaging, packaged goods and packaging waste pursuant to Regulation (EC) No 1013/2006 of the European Parliament and of the Council.

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(4) A packaging undertaking who places packaged goods on the market and has not transferred its obligations to a recovery organisation is obliged to submit the following verified data per calendar year by the types of packaging and packaging material, including separately concerning packaging provided in the Packaging Excise Duty Act, for the purpose of entry in the packaging register:

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

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

[RT I 2008, 20, 138 – entry into force 31.05.2008]

(5) A packaging undertaking who has transferred its obligations to a recovery organisation pursuant to subsection 12¹(2) of this Act submits the data specified in clauses 1) and 2) of subsection (4) of this section per calendar year to the recovery organisation.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(6) A recovery organisation submits the data specified in clauses 1) and 2) of subsection (4) of this section per calendar year concerning each packaging undertaking who has transferred its obligations thereto for the purpose of entry in the packaging register and the data specified in clause 3) as consolidated data.

[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

(7) Undertakings recovering packaging waste and undertakings intermediating recovery of packaging waste prepare a certificate on recovery of packaging waste per calendar year to the packaging register in respect of each packaging undertaking or recovery organisation or undertaking intermediating recovery of packaging waste who has entered into a contract therewith.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 24¹. Audit of financial management of packaging undertaking and recovery organisation and of data to be submitted to packaging register

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(1) The purpose of the audit of financial management of a packaging undertaking and a recovery organisation and of data to be submitted to the packaging register (hereinafter *audit*) is to provide an assessment about:

- 1) existence of sufficient funds for financing the obligations provided in subsection 12¹(1) of this Act;
- 2) compliance with the requirements for calculation of waste handling service charges for packaging undertakings in accordance with clause 17⁴(1) 4²) of this Act;
- 3) correctness of data submitted to the packaging register;
- 4) correctness of data collected about waste shipments pursuant to Regulation (EC) No 1013/2006.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2) Audit shall be carried out by a sworn auditor within the meaning of the Auditors Activities Act to the extent indicated in subsection (1) of this section.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3) A packaging undertaking who places on the market packaged goods with a mass of packaging of more than twenty tonnes per year and a recovery organisation shall organise the audit as a limited assurance engagement within the meaning of the Auditors Activities Act.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3¹) A packaging undertaking whose audit report summary is presented without modifications shall be released from organising audits in the three following calendar years.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4)

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(5) A packaging undertaking shall submit the assurance engagement summary of the independent sworn auditor to the packaging register. If a packaging undertaking has transferred the obligations to a recovery organisation, the packaging undertaking shall forward the assurance engagement summary of the independent sworn auditor to the recovery organisation who shall submit it to the packaging register.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(6) Upon verification of the data of a recovery organisation to be submitted to the packaging register, the summary of the sworn auditor of the packaging undertaking who has transferred its obligations is taken into account.

(7)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 24². Maintenance of records concerning consumption of lightweight plastic carrier bags

A packaging undertaking is required, at a place of sale with an area of more than 100 square metres, to maintain records concerning lightweight and very lightweight plastic carrier bags sold and supplied free of charge to consumers and to submit the data to the packaging register.

[RT I, 07.04.2017, 1 – entry into force 17.04.2017]

§ 25. Packaging register

(1) The packaging register is a database to which data concerning the packaging of packaged goods placed on the market, consumption of lightweight and very lightweight plastic carrier bags, generated packaging waste, reuse of packaging, recovery of packaging waste, achievement of recovery targets and recovery certificates are submitted and where such data are preserved and processed for the purposes of performance of duties arising from this Act and the Packaging Excise Duty Act, submission of information concerning packaging waste to the European Commission and exercising of supervision.

[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2) The packaging register shall be established and the statutes thereof shall be approved by a regulation of the Government of the Republic.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(3) The data to be entered in the packaging register, the procedure for their submission, the access to the data in the register and to the source documents serving as the basis for the records as well as the procedure for forwarding data arising from international commitments shall be established by the statutes specified in subsection (2) of this section.

[RT I 2008, 20, 138 – entry into force 31.05.2008]

(4) The controller of the packaging register is the Ministry of the Environment.

(5) The controller of the packaging register, the Environmental Board and the Tax and Customs Board have the right, upon performance of the functions assigned to them by law, to examine the source documents of records specified in subsections (1), (3), (4) and (6) of § 24 of this Act and the consolidated data prepared on the basis thereof.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(6)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

Chapter 7 STATE SUPERVISION

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 26. State supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State supervision over compliance with this Act is exercised by the Environmental Board, the Consumer Protection and Technical Regulatory Authority, the Tax and Customs Board, the Agriculture and Food Board, and rural municipality and city governments.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) The Consumer Protection and Technical Regulatory Authority exercises supervision over compliance with the requirements of this Act pursuant to the procedure provided by the Consumer Protection Act.

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(3) The rural municipality and city governments are obliged to exercise supervision over the acceptance of return, collection and recovery of packaging and packaging waste in their administrative territory.

(4) The Environmental Board and the Tax and Customs Board have the right to inspect the places of business of packaging undertakings and of persons engaged in the collection and recovery of packaging and packaging waste.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(5) Supervision over compliance with the requirements provided in Chapters 2 and 5 of this Act shall be exercised taking account of the specifications provided in Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30–47).
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 26¹. Special state supervision measures

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
Law enforcement authorities may apply the special state supervision measures provided in §§ 30, 31, 32, 49, 50, 51, 52 and 53 of the Law Enforcement Act for exercising the state supervision provided in this Act on the basis of and pursuant to the procedure provided by the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 26². Non-compliance levy rate

Upon failure to comply with a precept, the maximum rate of a non-compliance levy imposed pursuant to the procedure provided by the Substitutional Performance and Non-Compliance Levies Act is 32,000 euros.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 26³. Reporting obligation

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 26⁴. Audit for purposes of supervision

(1) The Environmental Board may require an audit at the expense of a packaging undertaking or recovery organisation the purpose of which is to provide an assessment about:

- 1) existence of sufficient funds for financing the obligations provided in subsection 12¹(1) of this Act;
- 2) compliance with the requirements for calculation of waste handling service charges for packaging undertakings in accordance with clause 17⁴(1) 4²) of this Act;
- 3) correctness of data submitted to the packaging register;
- 4) correctness of data collected about waste shipments pursuant to Regulation (EC) No 1013/2006.

(2) The audit specified in subsection (1) of this section shall be carried out by a sworn auditor as a limited assurance engagement within the meaning of the Auditors Activities Act.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

Chapter 8 LIABILITY

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

[Repealed – RT I, 17.05.2014, 1 – entry into force 27.05.2014]

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

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 29. Failure to perform obligation to recover packaging waste

(1) Failure to perform the obligation to recover packaging waste, including failure to achieve the recovery target, is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 200,000 euros.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 29¹. Submission of incorrect or incomplete data in recovery certificate

[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 30. Failure to perform obligation to accept, and violation of requirements for acceptance, of return of packaging and packaging waste

(1) Failure to perform the obligation to accept, and violation of the requirements for acceptance of, the return of packaging and packaging waste is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 200,000 euros.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 30¹. Violation of requirements for maintenance of records on packaging and packaging waste and failure to implement self-checking system

(1) Violation of the requirements for maintenance of records on packaging and packaging waste or failure to implement a self-checking system is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 100,000 euros.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 31. Sale of goods in packaging without conforming marking

[Repealed – RT I, 17.05.2014, 1 – entry into force 27.05.2014]

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

[Repealed – RT I, 17.05.2014, 1 – entry into force 27.05.2014]

§ 33. Proceedings

(1)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2) Extra-judicial proceedings concerning the misdemeanours specified in §§ 29–30¹ of this Act are conducted by the Environmental Board.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3)
[Repealed – RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4) Extra-judicial proceedings concerning the misdemeanours specified in §§ 29 to 30¹ of this Act are also conducted by the Tax and Customs Board.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(5) Extra-judicial proceedings concerning the misdemeanour specified in § 30 of this Act are also conducted by the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(6) Extra-judicial proceedings concerning the misdemeanours specified in §§ 29 and 30 of this Act are also conducted by the city and rural municipality governments.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

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§ 34.–§ 35.[Omitted from this text.]

§ 36. Recovery targets

(1) As of 1 May 2004, a packaging undertaking, except for a person who sells packaged goods, shall ensure 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 per cent annually of the total mass of packaging waste;
- 2) by way of recycling at least 25 per cent annually of the total mass of packaging waste and at least 15 per cent annually of the total mass of each type of packaging.

(1¹) [Repealed – RT I 2008, 20, 138 – entry into force 31.05.2008]

(2) As of 1 January 2009, packaging waste shall be recovered as follows:
1) at least 60 per cent of the total mass of packaging waste per calendar year;
2) by way of recycling at least 55 per cent and not more than 80 per cent of the total mass of packaging waste per calendar year.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(2¹) At least 65 per cent of the total mass of packaging waste must be recycled by 31 December 2025 at the latest.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(2²) At least 70 per cent of the total mass of packaging waste must be recycled by 31 December 2030 at the latest.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3) To ensure compliance with the recovery targets established in subsection (2) of this section, a packaging undertaking shall recover packaging material types as of 1 January 2009 at least to the following extent per calendar year:
1) 70 per cent of the total mass of glass waste by way of recycling;
2) 70 per cent of the total mass of paper and paperboard waste, whereas 60 per cent of the total mass by way of recycling;
3) 60 per cent of the total mass of metal waste by way of recycling;
4) 55 per cent of the total mass of plastic waste, whereas 45 per cent of the total mass of plastic waste by way of recycling and 22.5 per cent of the total mass of plastic waste by way of reprocessing into plastic;
5) 45 per cent of the total mass of wood waste, whereas 20 per cent of the total mass by way of recycling.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

(3¹) To ensure the achievement of the target established in subsection (2¹) of this section, a packaging undertaking must recycle different types of packaging materials per calendar year at least to the following extent by 31 December 2025 at the latest:
1) plastic – 50 per cent;
2) wood – 25 per cent;
3) ferrous metal – 70 per cent;
4) aluminium – 50 per cent;
5) glass – 70 per cent;
6) paper and paperboard – 75 per cent.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(3²) To ensure the achievement of the target established in subsection (2²) of this section, a packaging undertaking must recycle different types of packaging materials per calendar year at least to the following extent by 31 December 2030 at the latest:
1) plastic – 55 per cent;
2) wood – 30 per cent;
3) ferrous metal – 80 per cent;
4) aluminium – 60 per cent;
5) glass – 75 per cent;
6) paper and paperboard – 85 per cent.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4) Other packaging material not specified in subsections (3) to (3²) of this section shall be recovered in as large quantities as possible in accordance with the existing technical means and economic justification.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

(4) Other packaging material not specified in subsection (3) of this section shall be recovered in as large quantities as possible in accordance with the existing technical means and economic justification.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

§ 36¹. Marking of packaging

Subsection 23 (5) and § 31 of this Act apply as of 1 October 2005.
[RT I 2005, 37, 288 – entry into force 10.07.2005]

§ 37. Obligation to accept return

The obligation to accept the return of packaging provided in § 20, and § 30 of this Act enter into force on 1 May 2005.
[RT I 2004, 89, 611 – entry into force 07.01.2005]

§ 37¹. Requirements for packaging waste collection sites

§ 17¹ of this Act enters into force on 1 January 2009.
[RT I 2008, 20, 138 – entry into force 31.05.2008]

§ 38. Establishment of deposit

§ 21 of this Act enters into force on 1 May 2005.
[RT I 2004, 89, 611 – entry into force 07.01.2005]

§ 39. Packaging register

The register established pursuant to subsection 15 (1) of the Packaging Act is considered as the register specified in subsection 25 (1) of this Act until a register is established under subsection 25 (2) of this Act.

§ 39¹. Requirements for accredited recovery organisation

(1) An accredited recovery organisation which does not comply with the conditions specified in clause 17 (2) 2¹) of this Act is brought into compliance with the conditions specified in clause 17 (2) 21) of this Act no later than by 1 July 2010.

(2) If an accredited recovery organisation is not brought into compliance with the conditions specified in clause 17 (2) 2¹) of this Act no later than by 1 July 2010, the Minister of the Environment shall repeal the accreditation decision.
[RT I 2010, 10, 45 – entry into force 15.03.2010]

§ 39². Implementation of audit of data to be submitted to packaging register

§ 24¹ of this Act enters into force on 1 January 2015.
[RT I, 17.05.2014, 1 – entry into force 27.05.2014]

§ 39³. Reduction and analysis of consumption of lightweight plastic carrier bags

(1) The Ministry of the Environment shall analyse the efficiency and purposefulness of the measures provided in subsection 5 (2) of this Act by 31 March 2018, taking into account that the annual consumption of lightweight plastic carrier bags shall be less than 90 lightweight plastic carrier bags per person by 31 December 2019 and less than 40 lightweight plastic carrier bags per person by 31 December 2025 and if necessary shall make proposals for amendment of legislation.

(2) Very lightweight plastic carrier bags shall be excluded from the consumption objectives specified in subsection (1) of this section.
[RT I, 07.04.2017, 1 – entry into force 17.04.2017]

§ 39⁴. Implementation of release of packaging undertaking from audit

Subsection 24¹(3¹) of this Act is applied to packaging undertakings as of submission of the audit report summary prepared for 2020 to the packaging register.
[RT I, 05.05.2021, 1 – entry into force 15.05.2021]

§ 40. [Omitted from this text.]

§ 41. Entry into force of Act

This Act enters into force on 1 June 2004.

¹European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10–23), amended by Directives 2004/12/EC (OJ L 047, 18.2.2004, p. 26–32), 2005/20/EC (OJ L 070, 16.3.2005, p. 17–18), 2013/2/EU (OJ L 037, 8.2.2013, p. 10–12), (EU) 2015/720 (OJ L 115, 6.5.2015, p. 11–15) and (EU) 2018/852 (OJ L 150, 14.6.2018, p. 141–154); Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3–30), amended by Directive (EU) 2018/851 (OJ L 150, 14.6.2018, p. 109–140). [RT I, 05.05.2021, 1 – entry into force 15.05.2021]