

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

21 April 2005 [shall come into force from 25 May 2005];
16 December 2010 [shall come into force from 1 January 2011];
26 May 2011 [shall come into force from 29 June 2011].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

Packaging Law

Chapter I General Provisions

Section 1.

The following terms are used in this Law:

- 1) **reusable packaging** – packaging that may be utilised again for its initial purpose;
- 1¹) **packaging manager** – a commercial company, which on the basis of a contract entered into with a packer, organises and co-ordinates the management of packaging waste;
- 2) [21 April 2005];
- 3) **packer** – a producer of goods, a service provider, a seller or a distributor who packs goods or products in Latvia or imports packaged goods or products into Latvia from other states;
- 4) **packaging waste** – packaging or packaging material (except production residue) to which the definition referred to in the Waste Management Law applies;
- 5) [26 May 2011];
- 6) **packaging waste processing** – a process in which the same material or other materials are obtained from packaging waste or packaging materials, except for energy that is acquired by incinerating packaging waste or packaging materials; and
- 7) **recovery** – any action with the packaging waste referred to in Section 1, Clause 13 of the Waste Management Law;
- 8) **energy recovery** – the use of combustible packaging waste as a means to generate energy through direct incineration (with or without other waste) but with recovery of the heat.
[21 April 2005; 26 May 2011]

Section 1.¹

(1) Packaging is the aggregate of products attached to goods, which are utilised in order to protect, contain, deliver, preserve, easily use, and sell raw materials and finished goods and to become acquainted with them in the whole cycle of the circulation of packaging from producer to consumer. The packaging and packaging material, which the service provider attaches to products and which after the provision of services returns to the service provider, shall also be considered packaging. Packaging is detached from the goods prior to consumption or during consumption.

(2) The criteria for the application of the packaging definition shall be as follows:

¹ The Parliament of the Republic of Latvia

1) products shall be considered to packaging if they conform to the definition referred to in Paragraph one of this Section, without prejudice to other functions, which such packaging might also perform, except in cases where the relevant product is an integral part of the good and it is needed in order to contain, support or preserve the referred to good throughout its lifetime, and all its elements are intended to be utilised, consumed or disposed of together;

2) products, which are designed and intended to be filled at the point of sale, as well as “disposable” products, which are filled at the point of sale or designed and intended to be filled at the point of sale shall be considered to be packaging if they fulfil a packaging function;

3) packaging components and ancillary elements, which are integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a good and which perform a packaging function shall be considered to be packaging, except cases where they are an integral part of the referred-to goods and all elements are intended to be consumed or disposed of together.

(3) The Cabinet shall determine examples of the application of the packaging definition criteria.

[21 April 2005]

Section 2.

The purpose of this Law is to ensure the development of packaging production, the introduction of advanced packing technologies and the establishment of a rational packaging waste management system in the State and thereby reducing the undesirable impact of packaging waste on the environment, and for this purpose:

1) ensuring the introduction of a voluntary agreement principle in the management of packaging waste;

2) promoting the reuse of packaging;

3) facilitating the reduction of the volume of packaging materials, but not changing either the intended or existing functions thereof;

4) facilitating and ensuring the recovery of packaging waste;

5) determining the requirements for the packaging permitted for placing on the market in Latvia.

[26 May 2011]

Section 3.

This Law applies to:

1) packaging which is produced in Latvia and to packaging which is utilised in the territory of Latvia irrespective of its origin, to places of packaging and consumption or materials utilised therein, as well as to the packaging waste generated in the territory of Latvia;

2) producers of packaging (also such producers of packaging who import packaging into Latvia or who produce packaging in another state and import it into Latvia);

3) packers, packaging managers, recycling operators, as well as to State and local government institutions.

[21 April 2005; 26 May 2011]

Section 4.

(1) Other laws and regulations governing human safety, health and hygiene requirements, as well as the requirements laid down for the carriage of goods and management of waste also apply to packaging and packaging waste.

(2) If the packaging consists of materials, which make the packaging waste hazardous, or the packaging has been in contact with hazardous chemical substances or hazardous chemical products and it has not been possible to purify it to a level that such packaging can no longer be classified as hazardous waste, then the laws and regulations governing the management of hazardous waste shall apply to the packaging waste.

[21 April 2005]

Section 5.

Packaging shall be divided into the following types:

1) primary (sales) packaging – packaging which is used to create a sales unit and which reaches the end-user or consumer at the sales location;

2) secondary packaging – packaging which is utilised in the packaging together of specific quantities of goods intended for sale as a unit. This packaging may reach the packer or consumer without being unpacked or also it may be removed from the goods at the sales location. The removal of secondary packaging does not affect the characteristics of the goods;

3) tertiary (transport) packaging – packaging which is utilised for transportation of goods or secondary packaged units intended for sale or production, and to avoid damaging the goods during carriage. Containers, which are utilised for carriage by land, water and air, are not tertiary (transport) packaging.

[21 April 2005; 26 May 2011]

Chapter II Requirements Set for Packaging

Section 6.

The following requirements shall be laid down for the design, production and utilisation of packaging:

1) the volume and weight of the packaging shall be minimal, however, a sufficient level of safety and hygiene shall be ensured for the goods and the consumer;

2) the packaging shall be designed, produced and utilised in such a manner as to facilitate the recycling thereof and to reduce its effect on human health and the environment during the management of packaging waste;

3) the volume of materials in the packaging, as well as the content of hazardous chemical substances and hazardous chemical products in packaging materials or other packaging components shall be minimal, taking into account the emission of these materials and products into the air or water, ashes or infiltration, in the process of acquiring energy or burying the packaging waste.

[21 April 2005]

Section 7.

The total level of concentration of lead, cadmium, mercury and chromium (VI) in packaging or in the materials or components thereof may not exceed 100 parts per million (ppm by weight), that is, 100 milligrams in one kilogram of packaging or the materials or components thereof, except for packaging which is made entirely of lead. The types of

packaging and materials to which exceptions in relation to heavy metal content, as well as the time periods in which the relevant exceptions may be applied shall be determined by the Cabinet.

Section 8.

The requirements laid down for packaging intended for reuse shall, in addition to the requirements laid down in Sections 6 and 7 of this Law, be the following:

- 1) the physical and other characteristics of the packaging shall be such as to ensure an appropriate quality of packaging and allow it to be reused;
- 2) the packaging shall be such that it is possible to restore the initial functions thereof, taking into account the health protection of employees and the requirements of safety at work.

Section 9.

The requirements laid down for packaging intended for recovery shall be the following:

- 1) if the packaging waste is intended for processing in order to acquire secondary raw materials – the characteristics of the packaging materials shall be such as to allow the packaging to be utilised for the acquisition of secondary raw materials;
- 2) if it is intended to acquire energy from the packaging waste – the heat capacity of the packaging materials shall be such as ensures rational energy recovery;
- 3) if the packaging waste is intended for recovery by composting – the packaging characteristics shall be such as to allow the packaging to be collected and composted in parts, furthermore the packaging shall be such that, as a result of biological processes, it is able to decompose – mainly into carbon dioxide, biological mass and water.

Section 10.

- (1) In order to facilitate the collection, reuse and processing of packaging, the packaging shall be classified and marked according to the materials used in the production thereof.
- (2) The procedures for the classification and marking of packaging shall be determined by the Cabinet.

Section 11.

For packaging which is produced or in which goods and products are packed in Latvia, the requirements of the national standards of the Republic of Latvia and the adapted standards of the international standardisation organisation, having the status of a national standard, shall be applied.

Chapter III Packaging Waste Management

Section 12.

To reduce and manage the volume of packaging waste, the following methods shall be utilised:

- 1) reducing the creation of packaging waste, also reducing the volume and hazardousness of packing materials, and developing environmentally friendly goods and technologies relevant to the production, distribution, packing and sale of packaging, and the management of packaging waste;

- 2) reuse of packaging;
 - 3) recovering packaging waste:
 - a) processing of packaging waste, also organic processing (the placing of biodegradable packaging waste components in an aerobic (composting) or anaerobic (bio-methanation) environment in controlled conditions, utilising micro-organisms) for the excretion of organic residues or methane, except burying in a waste dump or landfill site;
 - b) energy recovery;
 - 4) the burial of packaging waste in such a way as not to endanger human life and health, the environment, or private property.
- [21 April 2005]*

Section 13.

- (1) A packer shall be responsible for the management of his or her packaging waste, resulting from of his or her activities.
 - (2) The Cabinet shall determine the recovery percentage volume and time periods of all packaging waste and for various types of packaging.
 - (3) *[26 May 2011]*
 - (4) The packaging waste shall be managed (including recycled and recovered) in accordance with the requirements laid down in the Waste Management Law.
- [21 April 2005; 26 May 2011]*

Section 14.

Issues regarding packaging waste management, recovery possibilities and goals, reduction of packaging waste, promotion of packaging reuse and measures intended for packaging waste management shall be included in separate regional planning chapters of the State Waste Management Plan, which plan shall be discussed with packaging producers, packers, packaging managers, State and local government institutions, as well as the public before being approved.

[21 April 2005]

Section 15.

- (1) A packer may perform management of packaging waste himself or herself, or enter into a contract with a packaging manager. The mutual relations, rights, duties and liabilities between the packer and the packaging manager shall be set out in the contract. A packer who has entered into a contract for the management of packaging waste with a packaging manager may terminate the contract with the packaging manager and enter into a contract with another packaging manager not more often than once in a calendar year.
- (2) A packer, for which the volume of packaging waste generated in a calendar year exceeds the volume stipulated by the Cabinet, or a packaging manager shall:
 - 1) register with the Ministry of Environmental Protection and Regional Development, or the authorised institutions thereof according to procedures stipulated by the Cabinet;
 - 2) organise the collection and recovery of sorted packaging waste in co-operation with local governments;
 - 3) once every calendar year submit to the Ministry of Environmental Protection and Regional Development, or the authorised institutions thereof a report on the volume, types of materials and management of packaging waste. If the packer has entered into a contract with a packaging manager, the packaging manager shall respectively submit the report. The information indicated in the report shall be based upon corroborative accounting documents,

commencing from the acquisition of the packaging or the importation from other states of the goods packaging up to the moment of full recovery or processing.

(3) The procedures for submitting the report referred to in Paragraph two, Clause 3 of this Section shall be determined and the model report form shall be approved by the Cabinet.

(3¹) The Latvian Environmental Protection Fund Administration shall establish and maintain a database of the volumes, types of materials and management of packaging waste on the basis of the submitted reports.

(4) Packaging waste, which is exported for processing or recovery to another state outside the European Community shall be considered as recovered or processed only if there is justified evidence of the fact that the processing or recovery took place observing conditions, which on the whole are equal to those that are specified in European Community legislation in this field.

(5) The requirements, which a commercial company must fulfil in order for it to be registered by the Ministry of Environmental Protection and Regional Development authorised institution as a packaging manager shall be determined by the Cabinet.

[21 April 2005; 16 December 2010; 26 May 2011]

Section 16.

(1) A packaging manager has a duty to inform the public regarding:

- 1) the possibilities of collecting sorted packaging waste and of resource recovery;
- 2) the functions of the packaging user in reusing packaging and of the processing and recovery of packaging waste;
- 3) the meaning of the packaging markings.

(2) A packer has a duty to inform the public regarding the possibilities of collecting sorted packaging waste and of resource recovery.

[21 April 2005]

Section 17.

(1) The Packaging Management Council shall be a consultative institution established by the Cabinet, decisions of which in respect of packaging management issues shall be of a recommendatory nature. The Cabinet shall determine the institutions to be represented in the Packaging Management Council and shall approve the by-laws of the Council.

(2) The Minister for Environmental Protection and Regional Development shall approve the personnel of the Packaging Management Council.

(3) The Packaging Management Council shall facilitate implementation of the requirements of this Law, submit proposals for the improvement of laws and regulations associated with the field of packaging, as well as co-operate with non-governmental organisations that work on packing management.

[21 April 2005; 16 December 2010]

Section 18.

(1) A producer of goods who utilises reusable packaging shall establish a packaging deposit system. A consumer, when buying packaged goods for which a deposit system has been applied, shall pay a specified amount of money – deposit payment. Upon receiving this packaging back from the consumer, the seller shall repay the deposit to the consumer according to the procedures and in the amount stipulated by the Cabinet.

(2) A merchant who imports into Latvia goods that are produced and packaged in other states shall establish a deposit system in cases where a contract has been entered into with the foreign supplier of the goods regarding the taking back of the reusable packaging.

(3) A seller who sells packaged goods for which a deposit system has been applied has a duty to take back from the consumer the relevant packaging for which a deposit system has been applied.

(4) A producer of goods shall ensure that the packaging, for which a deposit system has been applied and which packaging has been collected by a seller, is transported to the relevant place of performance of the commercial activity.

(5) A selling surcharge shall not be applied to packaging for which a deposit system has been applied.

(6) The Cabinet shall determine the types of packaging for which a deposit system shall be applied and the criteria and procedures by which the deposit system shall be established and applied, as well as procedures for the accounting, reporting and control of packaging to which a deposit system has been applied.

[21 April 2005]

Chapter IV

Information Regarding the Volume and Type of Packaging Produced and Packaging Waste

Section 19.

(1) A producer of packaging and a packer shall store the data regarding the volume and types of materials of the packaging produced, exported to other states or imported from other states, as well as regarding the volume and types of materials of reusable packaging.

(2) A packaging manager shall survey and separately store the data regarding household and industrial packaging waste:

1) volumes;

2) recovered, recycled and disposed volumes in the territory of Latvia and abroad, broken down to types of materials.

(3) The data referred to in Paragraphs one and two of this Section shall be stored for at least three years and provided to the competent State authorities upon their request.

[26 May 2011]

Section 20.

(1) Each year the Latvian Environmental Protection Fund Administration shall draw up and publish on its website a report on the volume, types of materials and management of packaging waste in the State.

(2) The State limited liability company "Latvian Environment, Geology and Meteorology Centre" shall enter the report referred to in Paragraph one of this Section in the database of the European Commission within 18 months after the end of the reporting year.

[26 May 2011]

Chapter V Monitoring

Section 21.

The State Environmental Service in accordance with the requirements laid down in this Law shall monitor the activities of packaging producers, packers and packaging managers.

[21 April 2005]

Transitional Provisions

1. Section 18 of this Law shall come into force on 1 January 2003.
2. The Cabinet by 1 October 2005 shall issue the regulations referred to in Section 1.¹, Paragraph three; Section 13, Paragraph two and Section 15, Paragraphs three and five of this Law.
[21 April 2005]
3. Up to the day of the coming into force of the new Cabinet regulations, but not later than 1 October 2005, Cabinet Regulation No. 139 of 2 April 2002, Regulations Regarding Volumes and Time Periods for Recovery of Packaging Waste, Procedures for Submission of Reports and Model Forms of Reports, shall be in force insofar as it not in contradiction to this Law.
[21 April 2005]
4. The Cabinet by 1 October 2005 shall make the necessary amendments to Cabinet Regulation No. 414 of 22 July 2003, Regulations regarding Application of Deposit System to Reusable Packaging.
[21 April 2005]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

- 1) European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;
- 2) Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste;
- 3) Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 amending Directive 94/62/EC on packaging and packaging waste.
[21 April 2005; 26 May 2011]

This Law shall come into force on 1 July 2002.

This Law has been adopted by the *Saeima* on 20 December 2001.

President

V.Viķe-Freiberga

Rīga, 9 January 2002