

REPUBLIC OF LITHUANIA

**LAW**

**ON THE MANAGEMENT OF PACKAGING AND PACKAGING WASTE**

25 September 2001

No IX-517

Vilnius

**Article 1. Objectives of the Law**

1. This Law shall lay down the general requirements for record keeping, marking, collection and use of packaging made in the Republic of Lithuania and imported into the Republic of Lithuania and of packaging waste, with a view to preventing a negative impact of packaging and packaging waste on the environment and human health; it shall also establish the rights and duties of manufacturers, importers, sellers, consumers and users of products and waste management entities when managing packaging and packaging waste.

2. This Law shall apply to all producers, importers, manufacturers of packaging, sellers, consumers, users of products, and waste management entities.

**Article 2. Definitions**

1. **Waste management entity** - a legal or a natural person managing waste in accordance with the requirement of the Law on Waste Management and other legislation.

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

3. **Producer/user of packaging**- a person registered in accordance with the procedure laid down in the legal acts of the Republic of Lithuania, who uses packaging for his products.

4. **Grouped packaging or secondary packaging** (hereinafter - **grouped packaging**) - packaging which is presented to the consumers or users of the product as a grouping of a certain number of sales units or which serves as a means to replenish the shelves. It can be removed from the product without affecting its characteristics.

5. **Importer** - a person registered in accordance with the procedure laid down in the legal acts of the Republic of Lithuania who imports packaged products.

6. **Organic recycling** - aerobic (composting) or anaerobic (biomethanization) treatment of packaging waste, using microorganisms, of the biodegradable parts of packaging waste, which produces stabilized organic residues or methane. Landfill may not be considered a form of organic recycling of packaging waste.

7. **Reuse** - any operation by which packaging, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled, with or without the support of auxiliary products present on the market enabling the packaging to be refilled, so that it could be used for the same purpose for which it was conceived. Such reused packaging will become packaging waste when no longer subject to reuse.

8. **Packaging waste** - packaging and packaging material covered by the definition of waste in the Law on Waste Management, excluding production residues.

9. **Recovery of packaging waste** - an operation of management of packaging waste provided for in the list of waste recovery operations drawn up in accordance with the requirements of the Law on Waste Management.

10. **Packaging waste management** - the collection, transport, recovery and disposal of packaging waste.

11. **Manufacturer of packaging** - a person who manufactures and/or imports packaging and is registered in accordance with the procedure laid down in the legislation of the Republic of Lithuania.

12. **Packaging** - a product made of any materials to be used for the containment, protection, delivery and presentation of goods to the consumers or the users.

13. **Seller** - a person who sells products and is registered in accordance with the procedure laid down in the legislation of the Republic of Lithuania.

14. **Recycling** - a production process of the waste materials for the original purpose or for other purpose including organic recycling but excluding energy recovery.

15. **Sales or primary packaging** (hereinafter - **sales packaging**)- packaging which constitutes a sales unit together with the product and is presented to consumers and users.

16. **Transport packaging or tertiary packaging** (hereinafter - **transport packaging**) - packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packagings in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers.

17. **Deposit** - a sum of money provided for the packaging of a product with a view to guaranteeing that the packaging will be returned to the manufacturer and/or importer and will be reused or managed pursuant to the priorities in waste management provided for in Article 3 of this Law.

18. **Economic operators** - suppliers of packaging materials, packaging manufacturers, importers and users, importers and sellers of packaged products and waste management entities.

### **Article 3. Priorities in Management of Packaging and Packaging Waste**

Economic operators must observe the following priorities ranked according to their importance;

1) use of all possible means in preventing the creation of packaging waste;

2) reuse packaging;

3) recycling of packaging waste in order to obtain from it products suitable for use or secondary materials suitable for the manufacturing of such products;

4) use of packaging waste for recovery of energy;

5) safe final disposal of packing waste in order to prevent its harmful impact on the environment and human health.

#### **Article 4. Essential Requirements for Packaging**

1. Packaging must be designed and manufactured in such a way that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer.

2. Packaging must be designed, produced and commercialized in such a way as to permit its reuse, recycling and to minimize its impact on the environment when packaging waste and/or residues from packaging waste management operations are disposed of.

3. Packaging and its components must be so manufactured that the presence of noxious substances is minimized with regard to their presence in emissions when packaging or residues from management operations or packaging waste are incinerated or in leachate when packaging is landfilled. Concentration levels of dangerous substances in packaging and the procedure of monitoring them shall be determined by the Government or an institution authorised by it.

4. Reused packaging must be manufactured in such a way that it could be transported, used several times, and that the used packaging could be processed (washed and disinfected without a threat to the health of the people performing this type of work and to the environment).

5. Packaging must be so manufactured that the major portion of packaging waste could be recycled or used for generation of energy, and the biodegradable parts of packaging waste could be composted in such a way that a minimum of packaging waste was disposed in landfills.

#### **Article 5. Marking of Packaging**

1. To facilitate identification and classification of packaging it must be marked to indicate the nature of the packaging materials used. The procedure of marking shall be determined by the Government or an institution authorised by it.

2. The producers and importers or organisations representing them who themselves undertake management of packaging waste may put an appropriate marking on the packaging of their products.

#### **Article 6. Record Keeping of Packaging and Packaging Waste**

Economic operators shall keep records of packaging and packaging waste and submit reports following the procedure determined by an institution authorised by the Government.

#### **Article 7. Obligation of the Producers and Importers to Manage Packaging and Packaging Waste**

1. Producers and importers must take the necessary measures to ensure that empty transport, grouped and sales packaging as well as its waste are managed in accordance with the priorities laid down in Article 3 of this Law and that targets for collection, recycling and reuse of packaging and packaging waste set by the Government or an institution authorised by it are attained.

2. Producers and importers may themselves organise packaging and packaging waste management systems or they may make use, under contracts, of organised waste management systems.

3. Producers and importers who do not meet the objectives provided for in paragraph 1 of this Article relating to collection, recycling and reuse of packaging and packaging waste, must, pursuant to the law, pay a tax for pollution of the environment with product waste.

#### **Article 8. Duty of the Sellers to Collect Packaging and Packaging Waste**

1. Sellers must accept the packaging of products they sell covered by a deposit system.

2. Sellers may themselves organize systems for collection and sorting of packaging and packaging waste or to make use, under contracts, of the organized systems of waste management.

3. Sellers must, at the point of sale, provide information about the way the consumers may return packaging and packaging waste.

### **Article 9. Duty of the Consumers**

Consumers must make use of the organized packaging and packaging waste management systems.

### **Article 10. Organizations**

1. Producers, importers and sellers as well as other economic operators may establish organizations and direct them to organize collection and management of packaging and packaging waste, administer record keeping of packaging and packaging waste, and perform other duties provided for economic operators under this Law.

2. All economic operators may take part in the activities of the organizations on condition that they accept the conditions of participation in the organizations set in advance.

### **Article 11. Deposits for Packaging**

1. Producers and importers, upon sale of products in packaging covered by a deposit system, must collect a deposit which is refunded to the seller when the packaging is returned.

2. Sellers, upon sale of products in packaging covered by a deposit system, must collect a deposit which is refunded to consumers and users of products when the packaging is returned.

3. Reused packaging may not be accepted and the deposit may not be refunded where the packaging has been damaged or contaminated to such an extent that it can no longer be put to another use.

### **Article 12. Liability for Non-compliance with this Law**

Persons who are in breach of the requirements of this Law shall be held liable under law.

### **Article 13. Recommendations to the Government**

The Government or an institution authorised by it shall, by 1 July 2002, set the targets for the collection, recycling or any other use of packaging and packaging waste, draft and approve legislation establishing the maximum permissible levels of dangerous substances in packaging and arrangements for their monitoring, the procedure of marking packaging and packaging waste and record keeping, determine the list of packaging covered by a deposit system and the amount of deposit, the procedure for implementing the deposit system and other implementing legislation.

### **Article 14. Entry into Force**

This Law shall come into force as of 1 January 2003.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania*

PRESIDENT OF THE REPUBLIC

VLADAS ADAMKUS