

Procedure for calculation of recovery rate of packaging and determination of weight of packaging

Regulation No. 66 of the Minister of the Environment of 3 November 2005

This Regulation is established on the basis of subsection 8 (3) of the Packaging Excise Duty Act.

§ 1. Calculation of recovery rate of packaging

(1) The recovery rate of packaging shall be calculated as a proportion of the weight of recovered packaging as defined in clause 2 3) of the Packaging Excise Duty Act and of the packaging subject to excise duty pursuant to § 6 of the Packaging Excise Duty Act expressed as a percentage by weight.

(2) The provisions of Article 2, Articles 3.2 – 3.4 and Articles 4-6 of Commission Decision 2005/270/EC establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 086, 05.04.2005, pp 6–12) shall be taken into account upon the calculation of the recovery rate of packaging.

(3) The recovery rate specified in subsection (1) shall be calculated for each class of packaging material separately.

§ 2. Determination of weight of packaging

(1) The weight of packaging shall be calculated on the basis of the weight of packaging subject to excise duty together with its components and the ancillary elements integrated into packaging, such as caps, seals, labels, staples without the goods contained in it.

(2) The total weight of a recovered packaging and of packaging subject to excise duty shall be determined with an accuracy of a kilogram.

(3) The weight of packaging and the weight of recovered packaging shall be determined on the basis of the accounts kept pursuant to the procedure provided for in clauses 24 (1) 1) – 4) and subsection (2) of the Packaging Act. The original documents concerning the accounts of goods shall also include information on the weight of packaging and packaging waste and the transactions carried out with the packaging and packaging waste.

(4) If a packaging consists of different materials and these can be separated from each other by hand, the weight of packaging shall be determined for each class of separable packaging

material separately, unless the separable parts form less than 10% of the total weight of the packaging. In such case the weight of the components and ancillary elements of packaging shall be included in the weight of the main class of packaging material.

(5) If several methods of recovery of packaging are used upon recovery of packaging, the weights of packaging recovered by different methods shall be totalled.

(6) The packaging and packaging waste which are exported or transported to another Member State shall be included in the weight of recovered packaging if the recovery thereof is organised a foreign state and the foreign company organising the recovery provides certification concerning the recovery.

§ 3. Calculation of recovery rate of packaging upon transfer of obligations to recovery organisation

If a packaging undertaking has transferred the obligations thereof to a recovery organisation accredited by the Minister of the Environment pursuant to subsection 16 (2) of the Packaging Act, the recovery rate of packaging shall be calculated as a proportion of the weight of the packaging, the recovery of which is organised by the recovery organisation, and the total weight of packaging placed on the market in Estonia by the packaging undertakings, who have transferred their obligations, and shall be expressed as a percentage by weight.