

## Statutes of State Packaging Register

Government of the Republic Regulation No. 346 of 26 November 2004 (correction notice)

This Regulation is established on the basis of subsection 25 (2) of the Packaging Act (RT I 2004, 41, 278) and in accordance with the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 2002, 61, 375; 63, 387; 2003, 18, 107; 26, 158; 2004, 30, 204).

### Chapter 1

#### GENERAL PROVISIONS

##### §1. Establishment of register

The state packaging register has been established by Government of the Republic Regulation No. 211 of 30 October 1997 “Establishment of State Packaging Register and Approval of Statutes of State Packaging Register and Standard Formats of Packaging Register” (RT I 1997, 77, 1318; 2002, 39, 246).

##### §2. Name of register

The official name of the register is the State Packaging Register (hereinafter referred to as “register”).

##### §3. Aim of maintaining register

The aim of maintaining the register is to keep records of packaging produced in Estonia, packaging imported into Estonia, packaging exported from Estonia, packaging of packaged goods, reuse of packaging, packaging waste management, export and import of packaging waste, and the heavy metal content of packaging waste. The register enables to monitor the compliance with the target recovery indicators provided for in the Packaging Excise Duty Act (RT I 1997, 5/6, 31; 1999, 54, 583; 2000, 59, 381; 2001, 88, 531; 2003, 88, 591; 2004, 24, 165) and to submit information to the European Commission on packaging and packaging waste.

#### §4. Chief processor and authorised processor of register

- (1) The chief processor of the register is the Ministry of the Environment.
- (2) The authorised processor of the register is a state agency the Estonian Environment Information Centre administered by the Ministry of the Environment.

#### §5. Rights and obligations of chief processor of register

The chief processor of the register shall:

- 1) coordinate the maintenance and the development of the register;
- 2) exercise supervision over the maintenance of the register;
- 3) resolve the disputes arising upon the maintenance of the register.

#### §6. Obligations of authorised processor of register

(1) The authorised processor of the register shall:

- 1) provide persons submitting data with explanations concerning the filling out of the registry card forms, if necessary;
- 2) keep records of the submission of data to the register and release of data from the register on paper or in digital form;
- 3) keep records of the data entered in the register on the basis of calendar year;
- 4) submit the documentation related to the maintenance of the register to persons holding the inspection right or other persons entitled for the examination thereof;
- 5) monitor, on the basis of the information presented on the standard formats of registry cards, the compliance with the target recovery indicators provided for in the Packaging Act and upon failure to comply with the target recovery indicators notify the chief processor thereof;
- 6) monitor the data of the reports on the recovery of packaging submitted according to the Packaging Excise Duty Act and notify the chief processor of the economic operators who

have failed to comply with the recovery rate of packaging which is the basis for excise duty exemption.

(2) In addition to the obligations specified in subsection (1), the authorised processor of the register is required to prepare and submit to the chief processor the following by 30 June at the latest:

- 1) consolidated data from the providers of data concerning the data obtained from registry cards and the data submitted on the basis of the Packaging Excise Duty Act;
- 2) consolidated data of the data submitted on the basis of subsection 9 (4);
- 3) data on the basis of Commission Decision 97/138/EC establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and Council on packaging and packaging waste (OJ. L 52, 22.02.1997, pp 22–30).

#### §7. Legal regime of register data

The information in the register is informative and statistical. Entry of data in the register does not bring about legal consequences unless otherwise provided by law.

## Chapter 2

### COMPOSITION OF REGISTER, MAINTENANCE OF REGISTER, INFORMATION SUBJECT TO ENTRY IN REGISTER AND PRECEDURE FOR DATA PROCESSING

#### §8. Manner of maintenance and structure of register

(1) The register is maintained on paper and in digital form as a single-level database and data are processed both in an automated manner and manually.

(2) The register comprises:

- 1) the digital database;
- 2) the digital entry book;

- 3) registry files;
- 4) registry data in the archives.

#### §9. Information Subject to Entry in Register

(1) The following shall be entered in the digital database concerning producers of packaging, importers and exporters of empty packaging, packaging waste managers and packaging undertakings, except for persons who sell packaged goods:

- 1) the name (business name), commercial registry code, postal address and the corresponding code of the Classification of Administrative and Settlement Units of Estonia (hereinafter referred to as “EHAK”), the main activity and the corresponding code of the Estonian Classification of Economic Activities (hereinafter referred to as “EMTAK”), the name, telephone number, fax number, e-mail address of the authorised representative, the name, telephone number, fax number, e-mail address of a contact person of the undertaking;
- 2) the characteristics of the activity related to packaging (production of empty packaging, import and export of empty packaging and packaged goods, packaging of goods, reuse of packaging, packaging waste management, import and export of packaging waste).

(2) The following shall be entered in the digital database by types of packaging material:

- 1) the weight of produced packaging and packaging of packaged goods;
- 2) the weight of imported or exported empty packages and packaging of packaged goods;
- 3) the weight of the reusable packaging;
- 4) the weight of imported or exported treated packaging waste.

(3) The following shall be entered in the digital database concerning packaging undertakings who sell packaged goods:

- 1) the information specified in clause (1) 1) of this section;
- 2) the weight of packaging of exported packaged goods by type of packaging material.

(4) The concentration levels of heavy metals in packaging material shall be entered in the digital entry book 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 56, 4.03.1999, pp 47–48) and 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 062, 02.03.2001, pp. 20–21).

(5) The reporting data on the recovery of packaging submitted pursuant to subsection 7 (4) of the Packaging Excise Duty Act shall be entered in the digital entry book.

#### §10. Original documents

(1) The authorised processor of the register has the right to request submission of the original documents in proof of the accurateness of the data submitted to the register.

(2) The original documents specified in subsection (1) are the following:

- 1) the source documents concerning the production, sale, import and export of packaging;
- 2) the documents concerning the sale, import and export of packaged goods;
- 3) the documents certifying the acquisition of packaging;
- 4) the documents of acceptance, the acts and confirmation concerning recovery issued by the undertakings recovering packaging and packaging waste;
- 5) the declarations of goods accepted by the customs authorities concerning the import and export of packaging, packaged goods and packaging waste.

#### §11. Persons required to submit data to register

Undertakings entered in the commercial register or branches of foreign companies in Estonia (hereinafter referred to as “providers of data“), who are producers of packaging, importers and

exporters of empty packaging, packaging waste managers and packaging undertakings within the meaning of the Packaging Act are required to submit data to the register.

#### §12. Procedure and time limits for submission of data to register

(1) Data shall be submitted to the register on paper or by electronic means with a digital signature.

(2) The standard formats for registry cards have been established as Annexes 1-5 of the Regulation. In order to make a register entry, a person shall submit the information specified in subsections 9 (1) – (3) to the authorised processor of the register on the standard formats presented in Annexes 1-5.

(3) Upon receipt of data in the register, the following shall be registered in the digital entry book concerning the documents:

- 1) the serial number or code;
- 2) the name and date of the document;
- 3) the name of the provider of data;
- 4) the date of the submission of the document to the authorised processor of the register.

(4) The providers of data shall submit the data specified in § 9 concerning the previous calendar year for entry in the register not later than by 15 February.

#### §13. Entry and preservation of data in register

(1) The authorised processor of the register shall register the documents submitted to the register and shall enter the data contained in such documents in the register.

(2) The authorised processor of the register shall preserve all the documents which are the basis for entry in the register and for amendment of information entered in the register.

#### §14. Refusal to accept document in register

(1) The authorised processor of the register shall refuse to accept a document into the register if the document submitted by the provider of data does not comply with the requirements.

(2) The authorised processor of the register shall forward a notice concerning the refusal to accept a document to the person who submitted the document not later than within five working days as of the date of the submission of the document to the register.

#### §15. Interbase cross-usage of data

Interbase cross-usage of data shall be carried out with the commercial register as regards the data specified in clause 9 (1) 1) of this Regulation.

#### §16. Amendment of register data

(1) The provider of data shall be responsible for the accurateness of the information presented to the register.

(2) If the information presented to the register is inaccurate, the provider of data shall promptly apply for amendment of the register data. In the event of a conflict between the information submitted to the register and the information submitted to the register earlier the authorised processor of the register shall inform the provider of data thereof.

(3) In order to amend register data, the provider of data shall submit an application for the amendment of register data which shall include the name, the registry code and contact details of the provider of data and the data to be amended.

(4) After the receipt of the notice the provider of data is required to ensure the submission of true data which comply with the requirements established by legislation within ten working days.

(5) Upon discovery of inaccurate data in the register, the authorised processor of the register shall close access to the inaccurate data until such data is corrected. The authorised processor of the register is required to amend the data in the register within three working days after receipt of the accurate data.

(6) The authorised processor shall inform the recipients of inaccurate data and shall communicate the accurate data within five working days after the amendment of the data in the register.

#### §17. Archival processing of register data

(1) Registry data shall be entered in the archives on paper and digitally.

(2) Registry data and documents shall be entered in the archives within ten working days as of the date the data lose their topicality.

(3) Archived registry data and documents shall be preserved for seven years.

#### §18. Access to registry data

(1) Registry data shall be public for government agencies and for state agencies administered by government agencies for the purposes of performance of the functions assigned to them by an Act or on the basis of an Act.

(2) The consolidated data of the data specified in § 9 are public for the data users not mentioned in subsection (1) in a form which precludes the possibility of direct or indirect identification of the providers of data and the disclosure of business secrets thereof.

(3) The register data of the packaging of goods related to national defence which have been classified as a state secret on the basis of the State Secrets Act (RT I 1999, 16, 271; 82, 752; 2001, 7, 17; 93, 565; 100, 643; 2002, 53, 336; 57, 354; 63, 387; 2003, 13, 67; 23, 147; 2004, 2, 7; 43, 300; 46, 329; 54, 387) are classified as secret.

(4) The data specified in subsection (3) may be accessed by a person who has access pursuant to the State Secrets Act.

#### §19. Release of register data and procedure for keeping records on release of register data

(1) Register data, including the register data entered in the register archives, shall be released pursuant to the procedure provided for in the Public Information Act (RT I 2000, 92, 597; 2002, 61, 375; 63, 387; 2003, 25, 153; 26, 158).

(2) Register data are released from the register free of charge unless otherwise provided by legislation.

(3) The authorised processor of the register shall keep records of the release of data from the register in the digital entry book.

### Chapter 3

#### SUPERVISION OF MAINTENANCE OF REGISTER, FINANCING OF MAINTENANCE OF REGISTER AND LIQUIDATION OF REGISTER

##### §20. Persons entitled to exercise supervision and procedure for exercise of supervision

(1) The chief processor of the register shall exercise supervision over the maintenance of the register. Data protection supervision of the legality of maintenance of the register shall be exercised by the Data Protection Inspectorate according to its competence.

(2) A supervisory authority has the right to:

1) examine information entered in the register and the documents certifying the information;

2) enter rooms where data are processed or where data processing equipment is located;

3) receive information on release of data from the database and use of data.

(3) If deficiencies become evident in the maintenance of the register, the authorised processor of the register is required to eliminate the deficiencies indicated in the precept issued by the supervisory authority by the due date specified by the supervisory authority.

##### §21. Financing of maintenance of register

The register is financed from the state budget as sums for specific purposes from the budget line of the authorised processor of the register.

##### §22. Liquidation of register

(1) Liquidation of the register is decided by the Government of the Republic.

(2) The register is liquidated pursuant to the requirements provided for in the Databases Act and the Archives Act (RT I 1998, 36/37, 552; 1999, 16, 271; 2000, 92, 597; 2001, 88, 531; 93, 565; 2002, 53, 336; 61, 375; 63, 387; 82, 480; 2004, 28, 188).

## Chapter 4

### IMPLEMENTING PROVISIONS

#### §23. Data of state packaging register

The data entered in the state packaging register established on the basis of subsection 15 (1) of the Packaging Act (RT I 1995, 47, 739; 1997, 53, 836; 2002, 53, 336; 61, 375; 63, 387; 2003, 88, 591; 2004, 2, 6) are deemed to be entered in the register of the state packaging register specified in subsection 25 (2) of the Packaging Act (RT I 2004, 41, 278).

#### §24. Repeal of Regulation

Government of the Republic Regulation No. 211 of 30 October 1997 “Establishment of State Packaging Register and Approval of Statutes of State Packaging Register and Standard Formats of Packaging Register” is repealed.

<sup>1</sup>RT = *Riigi Teataja* = *State Gazette* Annex 1 to Government of the Republic Regulation No 346 of 26 November 2004 “Statutes of State Packaging Register”

### INFORMATION ON UNDERTAKING

1. Business name (name) of the undertaking .....

.....

2. Commercial registry code .....

.....

3. Postal address and the corresponding EHAK code .....

.....  
4. Main activity and the corresponding EMTAK code .....

.....  
5. Authorised representative: name .....

telephone number .....

fax number .....

e-mail address .....

6. Contact person: name .....

telephone number .....

fax number .....

e-mail address .....

7. Activity related to packaging: production of empty packaging, import and export of empty packaging and packaged goods, packaging of goods, reuse of packaging, packaging waste management, import and export of packaging waste .....

.....  
.....  
Date .....

Signature .....

Annex 2 to Government of the Republic Regulation No 346 of 26 November 2004 “Statutes of State Packaging Register”

PRODUCTION, IMPORT AND EXPORT OF EMPTY PACKAGING IN.....(YEAR)

Business name (name) of the undertaking .....

Type of packaging material	Production of empty packaging	Import of empty packaging	Export of empty packaging
	weight, t	weight, t	weight, t
1	2	3	4
<b>1. SALES PACKAGING</b>			
Glass			
Plastic			
Paper and cardboard, including composite cardboard products			
Metal			
Wood			
Other			
<b>2. GROUPED PACKAGING</b>			
Glass			
Plastic			
Paper and cardboard, including composite cardboard products			
Metal			
Wood			
Other			
<b>3. TRANSPORT PACKAGING</b>			
Glass			
Plastic			
Paper and cardboard, including composite cardboard products			

Metal			
Wood			
Other			
Total			

Date .....

Signature .....



including composite cardboard products											
Metal											
Wood											
Other											
3. TRANSPORT PACKAGING											
Glass											
Plastic											
Paper and cardboard, including composite cardboard products											
Metal											
Wood											
Other											
Total											

Notice: The weight of the packaging without the goods contained in it shall be indicated in the table.

Date .....

Signature .....

Annex 4 to Government of the Republic Regulation No 346 of 26 November 2004 “Statutes of State Packaging Register”

PACKAGING WASTE MANAGEMENT IN .....(YEAR)

Business name (name) of the undertaking .....					
Type of packaging material	Quantity of packaging waste		Recovery in Estonia of packaging waste generated in Estonia		
	Generated by the undertaking	Collected in Estonia	by recycling	by energy recovery	by organic recycling
	weight, t	weight, t	weight, t	weight, t	weight, t
1	2	3	4	5	6
Glass					
Plastic					
Paper and cardboard, including composite cardboard products					
Metal					
Wood					
Other					
Total					

Notice: The definition “packaging waste” shall mean only the waste originating from packaging placed on the market, excluding any kind of production residues from the production of packaging or of packaging materials or from any other production process.

Date .....

Signature .....

Annex 5 to Government of the Republic Regulation No 346 of 26 November 2004 “Statutes of State Packaging Register”

**IMPORT AND EXPORT OF PACKAGING WASTE IN .....(YEAR)**

Business name (name) of the undertaking .....												
Type of packaging material	Import of packaging waste					Export of packaging waste						
	Total	Recovery			Name of undertaking recovering packaging	Total	Recovery			Country where packaging is recovered	Name of undertaking recovering packaging	
		by recycling	by energy recovery	by organic recycling			by recycling	by energy recovery	by organic recycling			
	weight, t	weight, t	weight, t	weight, t	weight, t	weight, t	weight, t	weight, t	weight, t			
1	2	3	4	5	6	7	8	9	10	11	12	
Glass												
Plastic												
Paper and cardboard, including composite cardboard products												
Metal												
Wood												
Other												
Total												

Notice: The definition “packaging waste” shall mean only the waste originating from packaging placed on the market, excluding any kind of production residues from the production of packaging or of packaging materials or from any other production process.

Date .....

Signature .....

Correction notice

RT I, 84, 16.12.2004

The word “November“ shall be deemed to be correct instead of the word “December“ in the heading and contents of Government of the Republic Regulation No. 345 of 26 December 2004 „Repeal of Regulations“ and Government of the Republic Regulation No. 346 “ Statutes of State Packaging Register” published in RT I 2004, 83, articles 560 and 561.