

MINISTRY OF ENVIRONMENTAL PROTECTION, PHYSICAL PLANNING AND CONSTRUCTION

1894

Pursuant to Article 104 paragraph 3 in regards to Article 37 paragraph 2 and Article 28 paragraph 2 of the Waste Act (Official Gazette No. 178/2004) the Minister of Environmental Protection, Physical Planning and Construction, with the consent of the Minister of Economy, Labour and Entrepreneurship, hereby passes the

ORDINANCE ON PACKAGING AND PACKAGING WASTE

I. GENERAL PROVISIONS

Article 1

(1) This Ordinance regulates handling of packaging and packaging waste, particularly in regards to:

- obligations of the producer, importer, packaging manufacturer and seller in the course of production, traffic and use of packaging and packaging waste,
- informing the producer and consumer on the important characteristics of the product and of the packaging,
- method of payment of compensation for packaging and packaging waste,
- collecting and managing packaging and packaging waste,
- return of used products and packaging for reuse,
- payment of compensation for recoverable waste after using the product,
- purpose and usage of means collected from compensations paid for packaging and packaging waste.

(2) The provisions of this Ordinance refer to all packaging and all packaging waste.

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(3) By way of derogation, the provisions of this Ordinance do not refer to management of packaging waste made from hazardous substances.

Article 2

For the purposes of this Ordinance terms contained herein have the following meanings:

„Packaging“ presents all products regardless of the nature of the material it is made of, or if they were used for containing, keeping, handling, delivery, and representation of goods, from raw material to final products, from manufacturer to users and consumers, and it can be:

- sales or primary packaging – smallest packaging unit in which the product is sold to the final buyer;
- grouped or secondary packaging – packaging unit which contains more products packed in primary packaging so that the product is accessible to the buyer in a grouped package, and it can also be separated and taken out individually,
- transport or tertiary packaging – protective packaging that allows for transport, transshipment, and handling of certain amounts of products packed only in sale packaging or both in sale and grouped packaging; this type of packaging does not include containers for road, railway, sea and air transport of goods.

Packaging also includes non-returnable objects used for the purpose referred to in paragraph 1 of this Article, as well as additional means used for packaging which serve the purpose of wrapping or tying goods, packing, waterproof packaging, preparations for shipping and labelling of goods.

„Packaging material“ means any material from which packaging is produced, such as: glass, plastic, paper, cardboard, wood, metal, multi-layered mixed materials and other materials;

„Packaging waste“ is defined in the categories of the Waste Catalogue and it means any packaging or packaging material which remains after the product is unpacked and separated from the packaging, excluding production residues;

„Prevention“ means reducing the amounts and adverse effects on the environment from:

- materials and substances contained in packaging and packaging waste;
- packaging and packaging waste during the production stage and during promotion, distribution, usage, as well as the destruction stage, specially through developing „cleaner“ products and technology.

„Packaging waste management“ means a set of measures which involve „separate, collection of packaging waste“ and „treatment of packaging waste“;

„Separate collection of packaging waste“ means a series of organized activities including collection, sorting and transportation of packaging waste, organized outside or as a part of waste management measures prescribed in the Waste Act.

„Packaging waste treatment“ means a procedure in which during mechanical, physical, thermal, chemical or biological process, including sorting, properties of waste are changed

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with the purpose of reducing its amount, facilitating its handling, and enhancing the usability of waste.

„Recovery“ means every procedure of waste re-treatment, with the purpose of its usage for material and energy purposes, it also encompasses the term „recycling“.

„Recycling“ means reusing waste in the production process, except for the waste used for energy purposes.

„Returnable packaging“ means packaging which, after it has been emptied, is re-used for the same purpose;

„Multi-layered packaging“ means packaging made of different materials that cannot be separated manually.

„Economic operators“ for the purpose of this Ordinance are:

„Packaging manufacturer“ means a legal or natural person who produces or imports packaging;

„Producer and importer“ (hereinafter referred to as: the Producer) means a legal or natural person who on the territory of the Republic of Croatia packages products or imports packaged products and places them on the market;

„Small producer“ means a legal or natural person who on the territory of the Republic of Croatia packages products and places them on the market in small quantities.

„Seller“ means a legal or natural person who sells or gives the packaged product to the consumer;

„Consumer“ means a legal or natural person who separates the product from packaging and uses the product for final consummation;

«Persons authorised for collecting non-hazardous and municipal waste“ means a legal or natural person who on the basis of authorisation pursuant to special regulation conducts activities of collecting packaging waste directly and/or from municipal waste.

«Persons authorised for disposal and recovery of packaging waste“ means a legal or natural person who on the basis of authorisation pursuant to special regulation conducts activities of treatment or disposal of packaging waste.

»Transporter« means a legal or natural person who is performing transportation of waste pursuant to Article 28 of the Waste Act.

«Fund» means the Environmental Protection and Energy Efficiency Fund, which is a legal person with public authority and which conducts activities related to management of packaging and packaging waste pursuant to this Ordinance and to the Waste Act.

«Fees» are financial amounts that the Producer needs to pay to the Fund while placing the packaged product on the market. Fees pursuant to this Ordinance are:

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«Disposal fee» represents the fee according to the type of packaging material and according to the unit of product, with the purpose of covering the disposal expenses: collecting, storing and transporting to the place of recovery;

«Returnable fee» represents the fee only for one-time-use packaging for drinks and beverages with the purpose of enticing the return of used packaging – the expenses of this fee are of temporary character and are returned to the producer following the selling of the product;

«Stimulative fee» represents the fee only for packaging of drinks and beverages with the purpose of enticing the use of packaging that can be multiply used, that is, returnable packaging. The stimulative fee shall be paid only by those producers who do not have in their production program multiple usage, returnable packaging.

**II. OBLIGATIONS OF THE PACKAGING MANUFACTURER, PRODUCER, SELLER IN
THE COURSE OF PRODUCTION, PLACING ON THE MARKET AND USE OF
PACKAGING AND PACKAGING WASTE, AND INFORMING THE CONSUMER ON
THE IMPORTANT CHARACTERISTICS OF THE PRODUCT AND PACKAGING**

1. OBLIGATIONS OF THE PRODUCER AND PACKAGING MANUFACTURER

Article 3

(1) The packaging manufacturer shall produce packaging, pursuant to best available technologies, that can be reused and/or recycled, in order to reduce the adverse effects of packaging and packaging waste on the environment to the lowest possible level.

(2) The producer shall inform the seller and the consumer in an appropriate manner on the place of sale regarding the important characteristics of the product and packaging in regards to hazardous and polluting substances that they contain, and on the manner of handling the product and packaging once they become waste.

Article 4

(1) The producer shall cover the expenses of collection, disposal and recovery of the primary packaging waste of products the producer has placed on the market in the territory of the Republic of Croatia, pursuant to Articles 12, 13, 14, 15 and 16 of this Ordinance.

(2) The producer shall ensure at his own expense the labelling of packaging and products that he has placed on the market with an appropriate bar code in accordance with the international system for labelling and identifying products, EAN (European Association for Labelling Products).

Article 5

(1) The obligation referred to in Article 4 of this Ordinance shall come into effect when the producer places yearly on the market more than the following amounts for each type of packaging:

- 800 kg of glass;

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- 300 kg of paper, cardboard and multi-layered packaging with dominant paper-cardboard component;
- 100 kg of metal;
- 100 kg of plastic;
- 100 kg of wood;
- 100 kg of other packaging materials.

(2) Producer who places on the market smaller annual amounts for a specific type of packaging referred to in paragraph 1 of this Article, shall be a small producer for the purpose of this Ordinance.

Article 6

(1) The producer shall keep a register on the amount and type of packaging that he has placed on the market, in both paper and electronic format.

(2) All producers shall submit to the Fund, by March 1 of the current year, except for the first year this Ordinance enters into force, an annual report on the types and amounts of packaging placed on the market on the territory of the Republic of Croatia in the previous year, in both paper and electronic format.

(3) Producers who do not deliver on time the data referred to in paragraphs 1 and 2 of this Article, shall be ordered by the Fund to maintain a register and submit the data.

(4) The content of the register on the amount and type of packaging placed on the market is prescribed in the form provided in Annex 1 which is a constituent part of this Ordinance.

Article 7

(1) The producer shall ensure evidence on the amounts of heavy metals as prescribed in Article 9 of this Ordinance, for each type of packaging materials that he uses for packaging products.

(2) Evidence as referred to in paragraph 1 of this Article are the certificates which the producers obtain from the packaging manufacturers.

(3) Data referred to in paragraph 1 of this Article shall be entered into the register.

Article 8

(1) The producer who places on the market returnable packaging shall be obliged to keep a register on the amounts of newly acquired returnable packaging, both in paper and electronic format.

(2) The amount of newly acquired returnable packaging referred to in paragraph 1 of this Article will be reduced for the amount that the producer has directly submitted to the waste processor as production waste, which is proven by the certificate from the waste processor.

(3) It is the producer's obligation as referred to in paragraph 1 of this Article to submit an annual report to the Fund on the amounts of newly acquired returnable packaging in the

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previous year pursuant to paragraph 2 of this Article, by March 31 of the current year, both in written and electronic format.

(4) Producers who do not deliver on time the data referred to in paragraph 3 of this Article, shall be ordered by the Fund to maintain a register and submit the data.

Article 9

(1) The packaging manufacturer shall ensure:

- that the total content of heavy metals: lead, cadmium, mercury and hexavalent chromium in packaging material does not exceed 100 mg per kilogram of mass.

- certificate of the content of heavy metals referred to in subparagraph 1 of this Article.

(2) By way of derogation from paragraph 1 of this Article, the content of heavy metals may be greater than 100 mg per kilogram of mass until the year 2009 for glass packaging, plastic crates and palettes originating from the recycled material.

Article 10

(1) The producer shall label the packaging with the prescribed code, and if needed with the special bar code, which will be used for registering packaging at the moment of sales and at the moment of return. Labelling requirements shall be prescribed by the Fund.

(2) The labelling system for packaging, depending on the type of material, shall be governed with Annex V, which is appended to this Ordinance and which is its constituent part.

2. OBLIGATIONS OF THE SELLER

Article 11

(1) The seller shall allow the setting up and manoeuvring of containers or other equipment for the collection of packaging waste (hereinafter referred to as: the containers) if the seller's sales premises are larger than 200 square meters.

(2) The seller may temporarily store the collected packaging waste in its closed or open business premises or submit it for temporary storage to authorised temporary storages.

(3) The seller shall organise transport of collected packaging waste from the seller's sales premises and temporary storages to the authorised person for disposal and recovery or to the temporary storage for packaging waste.

(4) It shall be the obligation of the seller to pay the fee to the consumers for the returned waste packaging at the places of sale as referred to in Article 25 paragraph 5 of this Ordinance per unit of sales packaging for drinks (PET bottles, glass bottles for one-time use or Al-Fe cans).

(5) The seller whose sales premises are smaller than 200 square meters shall not be obligated, but still may take over the packaging while compensating the buyer pursuant to the provisions of this Ordinance.

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(6) The seller whose sales premises are larger than 200 square meters shall take over the packaging of all products for which the buyer will be compensated at the moment of returning used packaging, pursuant to the provisions of this Ordinance, as well as packaging of all other products that the seller carries in the sales program, regardless of the producer. This provision shall not refer to sellers who do not have drinks or beverages in their sales program.

(7) The seller shall specially register the amount of returned packaging and financial amounts compensated to consumers, by means of electronic cashier, or other means of electronic storage of data.

(8) The seller shall keep a register for all amounts of secondary and tertiary packaging that becomes packaging waste in the business premises, and ensure at his own expense the separate collection, temporary storage, and delivery of waste to the person authorised for disposal and recovery.

(9) The seller shall sort the packaging waste for one-time use, as received from the consumer, according to the basic classification:

- glass
- paper and cardboard
- multilayer packaging
- metal
- PET
- Al
- polymer materials
- wood
- textile
- other.

(10) If the seller does not sort the packaging waste according to the basic classification, the seller shall not have the right to the compensation for partial covering of expenses of taking over the packaging waste referred to in Article 25 paragraph 3 of this Ordinance.

(11) The seller shall inform the consumer with a sign at a visible location, on the method of taking over the packaging waste and all other requirements.

(12) Sellers shall submit quarterly to the Fund a report on the collected types and amounts of packaging waste and compensation paid to the consumers for the returned waste packaging for drinks (PET bottles, glass bottles for one-time use, or Al-Fe cans), both in paper and electronic format.

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(13) The Fund shall compensate the seller for the fees paid to the consumer for packaging for drinks within 30 days from the day the report on types and amounts of collected packaging waste was submitted.

(14) Sellers may independently, or in cooperation with the person authorised for collecting non-hazardous and municipal waste organise collecting returnable and non-returnable packaging outside of own premises and areas, with the obligation of returning the special fee to the consumers, for what the sellers need to obtain the approval from the Ministry of Environmental Protection, Physical Planning and Construction (hereinafter referred to as: the Ministry) to have a right to compensation of the fee from the Fund.

III. COMPENSATION PAYMENT METHOD FOR PACKAGING AND PACKAGING WASTE

FEEES

Article 12

The seller who places the packaging on the market shall pay:

- disposal fee according to the type of material of packaging and according to the unit of product (hereinafter referred to as: the disposal fee), with the purpose of covering the expenses of disposal of packaging waste;
- returnable fee for packaging of drinks and beverages for one-time use (hereinafter referred to as: the returnable fee) with the purpose of enticing the return of used packaging – expenses of this fee have a temporary character and are returned to the producer following the sale of the product;
- stimulative fee for packaging of drinks and beverages with the purpose of enticing multiple use or returnable packaging (hereinafter referred to as: the stimulative fee) – this fee shall be paid only by those producers who in their production program do not have multiple use, returnable packaging, pursuant to National Aims referred to in Article 26 of this Ordinance.

Article 13

Disposal fee

(1) The disposal fee shall be paid according to the amount of packaging material for the registered packaging placed on the market and according to the unit of product.

(2) The disposal fee according to the type of material for the registered amount of packaging placed on the market, shall be:

PET	410.00 HRK/t
Al cans	410.00 HRK/t
Fe cans	225.00 HRK/t
Paper, cardboard	375.00 HRK/t

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Multi-layered packaging with dominant paper-cardboard component	For drinks and beverages: 410.00 HRK/t For other purposes: 750.00 HRK/t
Wood	150.00 HRK/t
Textile	150.00 HRK/t
Other polymer materials	750.00 HRK/t
Glass	150.00 HRK/t

(3) The disposal fee per unit of product shall be paid in the amount of 0.10 HRK per unit of sales packaging for all drinks, and for milk beverages, in glass, multilayer cardboard, PET or other plastic or metal packaging, except for returnable packaging whose multiple use is ensured by the producer through the deposit system, or in some other way.

Article 14

Returnable fee for drinks and beverages

(1) The returnable fee shall be paid per unit of sales packaging for registered packaging placed on the market for all types of beverages and drinks: juices, mineral and other waters, beer, wine, hard liqueur, and milk and other beverages.

(2) The returnable fee in the amount of 0.5 HRK per unit of sales packaging shall be paid for all drinks, and for milk beverages of volume greater than 0.20 L, in glass, PET, Al, Fe and tin packaging, except for returnable packaging whose multiple use shall be ensured by the producer through the deposit system, or in some other way.

(3) For newly acquired returnable packaging shall be paid a fee according to its amount, pursuant to Article 8 paragraph 2 of this Ordinance.

Article 15

Stimulative fee for drinks and beverages

(1) Stimulative fee shall be paid per unit of sales packaging for registered packaging placed on the market according to the type and size of packaging for all types of drinks: juices, mineral and other waters, beer, wine, hard liqueur, milk beverages, etc.

(2) The stimulative fee shall be paid until meeting the annual National Target of share of returnable packaging, for a certain product for a certain year, as determined in Article 26, paragraph 5, as follows:

Material	volume	Stimulative fee
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		HRK/unit of sales packaging
GLASS & PET	up to 0.25	0.3
	0.25-0.5	0.5
	0.5-1.5	0.7
	more than 1.5	1.0
Al-Fe cans		1.0

(3) The producer who has achieved in the previous year the National Target referred to in Article 26 paragraph 5 of this Ordinance shall not be obliged to pay the stimulating fee set for certain type of drinks for the current calendar year.

Article 16

(1) The Total fee for packaging for drinks shall be the sum of the disposal fee, returnable fee and stimulative fee, except in the case of achieving the National Target referred to in Article 26 paragraph 5 of this Ordinance, in which case the stimulative fee shall not be paid.

(2) On the basis of the register on type and amount of packaging the producer has placed on the market, the producer shall pay to the Fund the fees referred to in Article 12 of this Ordinance pursuant to the provisions of Articles 13, 14 and 15 of this Ordinance.

(3) Fees shall be paid quarterly on the basis of the invoice issued by the Fund for the previous trimester period, to the Fund's special account intended for the needs of managing packaging waste pursuant to Article 25 of this Ordinance.

(4) In case the amount of fees paid in the previous period is larger than the calculation for the previous period, the Fund shall decrease the temporary calculation of the fee for the following period for the amount that was overpaid,

(5) If the amount of fees paid in the previous period is less than the calculation for the previous period, the Fund shall increase the temporary calculation of the fee for the following period for the amount that was underpaid.

(6) The Fund shall implement the payment of fees and supervise its realisation.

(7) If the Fund determines in the course of supervision that the producer has not paid the prescribed fee pursuant to this Ordinance, the Fund shall issue a decision which will order the payment of the prescribed fee.

(8) Appeal to the decision shall be submitted to the Ministry.

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(9) If the producer does not pay the fee after the decision becomes final, the Fund shall implement the payment of fees by means of an executive proposal, pursuant to the provisions of the Act on the Environmental Protection and Energy Efficiency Fund.

(10) Small producers, as referred to in Article 5 of this Ordinance shall not pay the stimulative fee.

(11) The fee referred to in paragraph 1 of this Article shall not be paid for products intended for export.

(12) In case of exporting the imported products for which the fee was paid pursuant to paragraph 1 of this Article, the Fund shall reimburse the producer for the paid amount.

Article 17

(1) The system of payment of fees pursuant to this Ordinance may cease a year after achieving the Framework Target determined in Article 27 of this Ordinance.

(2) Following the realisation of the Framework Target determined in Article 27 of this Ordinance may be introduced a deposit system for packaging for drinks, by means of modifying this Ordinance.

IV. COLLECTING AND MANAGING PACKAGING AND PACKAGING WASTE

Article 18

(1) The Fund shall perform and implement activities and measures directed towards management of packaging waste if those activities are not performed by the producer.

(2) The producer who collects by himself the returnable packaging in an organised manner by means of deposits or some other suitable manner, and by this achieves a high rate of return, shall not be obliged to pay the returnable fee. It shall be considered that the high rate of return has been achieved if more than 50% of packaging has been collected from the amount the producer has placed on the market.

(3) The producer who for the purpose of this Article organises the collection of packaging waste, must have approval from the Ministry.

(4) The producer referred to in paragraph 2 of this Article shall keep a register on the collected packaging waste and submit a semi-annual and annual report thereof to the Fund.

(5) If the producer who organises the collection of packaging waste for the purpose of this Article does not achieve the targets set in paragraph 2 of this Article, the producer shall lose the right to collect waste, and the Fund shall take over the organisation of activities of collecting and managing packaging waste pursuant to this Ordinance.

Article 19

(1) Packaging waste shall be collected, depending on the type of packaging, in the containers or other appropriate equipment that must have the label of the type and name of the

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packaging waste that is being stored in them, instructions to the consumer on the method of storing, basic information on the legal or natural person responsible for emptying the containers (telephone number, address, email, etc.). Stores that are obliged to take over the packaging for drinks and beverages with returning a part of the price or deposit to the buyer, shall organise taking over the packaging in the manner that suits them best.

(2) Persons authorised for collecting packaging waste shall submit quarterly to the Fund a report on collected types and amounts of packaging waste, both in paper and electronic format.

(3) Persons authorised for collecting packaging waste, or persons authorised for collecting non-hazardous and municipal waste, shall ensure transport of collected packaging waste to the person authorised for recovery and disposal, or to the temporary storage for packaging waste, unless determined differently for the specific type of packaging waste.

(4) Authorised persons are not obliged to abide by the provision referred to in paragraph 1 of this Article if they possess solutions that are more efficient, cheaper or more suitable for the environment, and if they obtain the approval from the Minister competent for environmental protection.

(5) Persons authorised for collecting non-hazardous and municipal waste, or packaging waste, which collect paper, cardboard and multilayer waste packaging with a dominant paper component, may collect into the same containers other types of paper but cannot present them as packaging waste.

(6) Authorised persons have a right to compensation of expenses pursuant to Article 25 paragraphs 7 and 8 of this Ordinance.

Article 20

(1) The Fund shall dispose with the waste collected from the packaging for which the returnable and stimulating fees are paid, for the purpose of achieving the Framework Target determined by this Ordinance.

(2) The Fund shall sign a contract with the person authorised for recovery and disposal of packaging waste, on the taking over of packaging waste and on the fee that the authorised person will give for the taken over packaging waste.

(3) The price of taking over the waste packaging to be disposed and recovered shall be set according to the market prices which shall be determined by the Fund in a separate procedure for a period of one year while taking into account the cost of disposal and recovery.

(4) The Fund shall perform continuous control of the efficiency of recovery and disposal of the packaging waste taken over, and of the authorised person's fulfilment of contractual obligations.

Article 21

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Only a legal or natural person who meets the requirements prescribed by the Waste Act and regulations adopted on the basis of this Act may be a person authorised for disposal and recovery of packaging waste.

Article 22

(1) The person authorised for disposal and recovery of packaging waste must have the premises and equipment, which ensures the maximum degree of recovery of a certain material for production of packaging pursuant to the Waste Act and regulations adopted on the basis of this Act.

(2) An authorised person may landfill only packaging waste for which there are no conditions for recovery, pursuant to the Waste Act and regulations adopted on the basis of this Act.

Article 23

(1) Storage for the temporary storage of packaging waste is the place where waste packaging is collected in an organised manner and sorted according to types, and is temporarily stored, bundled and prepared for transport to disposal and recovery.

(2) Storage for temporary storage of packaging waste shall be organised by the authorised person with the approval from the competent authority of the local self-government unit in places where there exists a need for that.

Article 24

(1) The person who has organised the temporary storing of packaging waste shall to keep records on the amount of accepted and sorted packaging waste, and on the amount of waste taken over by the person authorised for disposal and recovery of packaging waste.

(2) Person who has a storage for temporary storing of collected packaging waste shall have the right to compensation of expenses, pursuant to Article 25 paragraph 7 of this Ordinance.

**V. FRAMEWORK TARGET, PURPOSE AND USAGE OF FINANCIAL MEANS FROM
COMPENSATIONS PAID FOR PACKAGING AND PACKAGING WASTE**

Article 25

(1) The Fund shall keep records on producers, type and amount of packaging placed on the market.

(2) The Fund shall keep the records on sellers, persons authorised for collecting packaging waste, persons authorised for recovery and disposal of packaging waste, transporters of packaging waste and storages for temporary storing of packaging waste according to permits issued pursuant to the Waste Act.

(3) The Fund shall pay compensation to the sellers for covering the activities of collecting packaging for drinks and beverages (PET, glass bottles for one-time use and Al-Fe cans) in

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the sales places per unit of collected packaging (bottles) delivered for the temporary storage or to companies authorised for recovery and disposal, in the amount of 0.15 HRK/bottle.

(4) The right to compensation referred to in paragraph 3 of this Article shall have the seller who does not calculate own margin to the amount of stimulative fee.

(5) The buyer shall have the right to compensation in the amount of 0.5 HRK/per bottle for each bottle for drinks and beverages returned to the store for which the producer is obliged to pay 0.5 HRK/bottle on the account of the returnable fee, pursuant to Article 14 paragraph 2.

(6) The Fund shall compensate the sellers for financial means paid out at the place of sale to the consumers as the compensation for the returned sales packaging waste from packaging for drinks and beverages – PET bottles, glass bottles for one-time use and Al-Fe cans in the amount of 0.5 HRK per unit of sales packaging.

(7) The Fund shall pay the companies authorised for collection and storage of non-hazardous waste 20HRK/t for collected packaging waste, and to the transporter the compensation for transport of the collected packaging waste from drinks from the place of collection to the place of temporary storage or to the person authorised for the disposal of packaging waste, depending on the type of preparation of waste for transportation and on the distance, in the amount of:

100 HRK/t for transportation distances of up to 100 km

200 HRK /t for transportation distances of 100 – 200 km

300 HRK /t for transportation distances of 200 – 300 km

400 HRK /t for transportation distances greater than 400 km

(8) The Fund shall pay the persons authorised for collection of non-hazardous and municipal waste who collect paper, cardboard and multilayer waste packaging with a dominant paper component, in the amount of 225HRK/t for registered amounts delivered to the person authorised for disposal and recovery of packaging waste.

Article 26

(1) The producer may place packaging on the market if it meets the requirements in terms of production and composition of packaging, and its benefits for reuse and treatment, including recycling.

(2) The requirements that the producer has to meet are determined in Annex IV of this Ordinance which is a constituent part thereof.

(3) The Minister shall set for each year by decision the targets for collection, recovery and disposal of packaging waste in the current year as national targets. The decision shall be published in the Official Gazette.

(4) In case there is a need for harmonisation with achieved results, the Minister may set new targets in the course of the calendar year.

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(5) National targets of shares of returnable packaging per products are as follows:

TYPE OF PRODUCTS	Annual targets						
	shares of returnable packaging in %						
	2005	2006	2007	2008	2011	2012	2013
Wine	10	10	15	25	40	50	60
Beer	55	65	70	75	80	85	90
Juice	10	10	15	25	40	50	60
Mineral water carbonated and non- carbonated	10	10	15	25	40	50	60
Carbonated and non- carbonated non- alcoholic drinks	10	10	15	25	40	50	60
Milk beverages	0	0	5	15	30	40	60

The share of returnable packaging is the relation of the unit packaging for a certain type of a product placed on the market in returnable packaging in relation to the total amount of unit packaging (bottles) for a certain type of product placed on the market, and expressed in percentages.

Article 27

The Framework target pursuant to this Ordinance shall be 55% of mass of recycled packaging waste by 31 December 2008, that is 80% of mass of recycled packaging waste by year 2015, and from that recycled at least 60% of mass of each packaging material contained in packaging waste except wood.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 28

(1) Payment of the disposal fee referred to in Article 13 paragraph 1 of this Ordinance shall be enforced and charged as of October 1, 2005.

(2) The producer shall submit to the Fund a report by 30 September 2005 with data on produced types and amounts of packaging placed on the market for the period from 1 January to 30 June 2005 on the forms referred to in Annexes I and II of this Ordinance. This data shall form the basis for pre-payment of disposal fee for the obligatory payment period from year 2005 and for the first period in year 2006.

(3) The producer shall be obliged to submit to the Fund a report by 15 February 2006 with data on produced types and amounts of packaging placed on the market for the period from 1 January to 31 December 2005 on the forms referred to in Annexes I and II of this Ordinance.

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This data shall be the basis for payment of disposal fee and stimulating fee for the period in the year 2006.

(4) The Fund shall issue an invoice to each producer on the basis of submitted data pursuant to paragraph 2 of this Article, by 30 October 2005, for the purpose of pre-paying the disposal fee for 2005, as referred to in Article 13 of this Ordinance.

(5) Calculation and payment of disposal fee for following periods shall be done pursuant to Article 16 of this Ordinance.

(6) Producer shall pay the returnable fee pursuant to Article 14 and stimulative fee pursuant to Article 15 of this Ordinance as of 1 January 2006 on the basis of the report on data referred to in paragraphs 2 and 3 of this Article and the invoices issued by the Fund.

(7) Calculation and payment of the stimulative and returnable fee for the following periods shall be carried out pursuant to Article 16 of this Ordinance.

(8) Producers who have not established a register on types and amount of packaging placed on the market shall be obliged to establish it within 30 days from the day this Ordinance enters into force.

(9) For the purpose of payment of fees referred to in Article 12 of this Ordinance from the producers who import packaged products, the Fund shall within 90 days from the day this Ordinance enters into force, conclude a contract with the Ministry of Finance – Directorate for Customs, with the purpose of regulating mutual relations for the purpose of payment of fees at the moment of import and paying custom fees for packaged products.

Article 29

(1) The Fund shall conclude appropriate contracts with persons authorised for collection and temporary storage of packaging waste, and with persons authorised for recovery and recycling of packaging waste by 31 December 2005, or at any time after the authorised person obtains the appropriate concession from the Ministry.

(2) Sellers who sell or give to the consumer a packaged product shall start collecting packaging waste and paying fees for returned packaging for drinks, pursuant to Article 25 paragraph 5 of this Ordinance, as of 1 January 2006.

Article 30

(1) Producers who start the production of drinks or beverages after this Ordinance enters into force, as well as producers who do not have in their production facilities a built-in system for taking over and preparing returnable packaging, and who bring a decision on introducing returnable packaging with the purpose of achieving National targets, shall be obliged to pay the stimulative fee in the amount of 10% of the one set pursuant to Article 15 paragraph 2 of this Ordinance in the year 2006, and 15% in the year 2007, for the purpose of which they have to obtain approval from the Ministry.

(2) In case they in the meantime prove that they can achieve National targets, the Ministry shall bring a decision on deliberating from the obligation to pay the stimulative fee by the

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latest until 1 January 2008, after which all producers shall be obliged to pay all obligations in the full amount pursuant to provisions of this Ordinance.

(3) Producers referred to in paragraph 1 of this Article who achieve at least 50% of National targets referred to in Article 26 of this Ordinance shall pay the stimulative fee in the amount of 5% of the one set pursuant to Article 15 paragraph 2 of this Ordinance in the years 2006 and 2007.

(4) After 1 January 2008 the stimulative fee shall be calculated in the full amount.

(5) A producer who has organised collection of returnable packaging pursuant to Article 18 paragraphs 2 and 3 of this Ordinance, shall obtain approval from the Ministry within 90 days from the day this Ordinance enters into force.

Article 31

On the day this Ordinance enters into force, the Ordinance on Handling Packaging Waste (Official Gazette No. 53/96) shall cease to apply.

Article 32

This Ordinance shall enter into force on the eighth day from its publication in the Official Gazette.

Class: 351-01/05-04/00021

No.: 531-01-05-4

Zagreb, 27 July 2005

The Minister

Marina Matulović Dropulić, B.Sc.Arch, m.p.

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ANNEX I

Excerpt from records: Data on packaging placed on the market in year _____

I. DATA ON PRODUCER/IMPORTER

Producer/importer (company):

Address:

Contact person:

Phone/Fax:

Company's unique registry number:

I. DATA ON PRODUCER/IMPORTER			
Producer/importer (company):			
Address:			
Contact person:			
Phone/Fax:			
Company's unique registry number:			
II DATA ON THE TYPE AND AMOUNT OF PACKAGING PLACED ON THE MARKET			
TYPE OF PACKAGING MATERIAL	HEAVY METAL CONTENTS mg/kg	AMOUNT PLACED ON THE MARKET (kg)	AMOUNT OF PACKAGING PLACED ON THE MARKET – UNIT OF SALES PACKAGING (piece)
1. GLASS			
2. METAL			
3. PAPER/GLUE (CARDBOARD) AND MULTI-LAYERED PACKAGING WITH DOMINANT PAPER COMPONENT			
4. POLYMER MATERIALS (PLASTIC)			
5. WOOD			
6. OTHER PACKAGING MATERIALS			

PERSON RESPONSIBLE FOR ACCURACY OF DATA: M. P. MANAGER:

ANNEX II

Excerpt from the register: Data on packaging for drinks for one-time use placed on the market in year _____

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I. DATA ON PRODUCER/IMPORTER

Producer/importer (company):

Address:

Contact person:

Phone/Fax:

Company's unique registry number:

I. DATA ON PRODUCER/IMPORTER		
Producer/importer (company):		
Address:		
Contact person:		
Phone/Fax:		
Company's unique registry number:		
II DATA ON THE TYPE AND AMOUNT OF PACKAGING PLACED ON THE MARKET		
TYPE OF PACKAGING MATERIAL	HEAVY METAL CONTENTS mg/kg	AMOUNT OF PACKAGING PLACED ON THE MARKET – UNIT OF SALES PACKAGING (piece)
1. POLYMER MATERIAL (PET)		
2. GLASS		
3. Al-Fe METALS		

PERSON RESPONSIBLE FOR ACCURACY OF DATA: M. P. MANAGER:

ANNEX III

Annual report for the year _____

on collected, exported and treated amounts of packaging waste

I. BASIC DATA
(company):
Address:
Contact person:
Phone/Fax:
Company's unique registry number:

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II. DATA ON PACKAGING WASTE					
TYPE OF PACKAGING WASTE	Collected total amounts (kg)	AMOUNT SUBMITTED TO THE WASTE PROCESSOR (kg)		Amounts exported from RoC (kg)	Waste processor
		Amount for recycling (kg)	Amount for other means of recovery (kg)		
1. GLASS					
2. METAL					
3. PAPER/GLUE (CARDBOARD) AND MULTI-LAYERED PACKAGING WITH DOMINANT PAPER COMPONENT					
4. POLYMER MATERIALS (PLASTIC)					
5. WOOD					
6. OTHER PACKAGING MATERIALS					

DOCUMENTS ATTACHED AS EVIDENCE (LIST):

PERSON RESPONSIBLE FOR ACCURACY OF DATA: MP MANAGER:

ANNEX IV

IMPORTANT REQUIREMENTS FOR THE COMPOSITION AND NATURE OF PACKAGING, ITS REUSABILITY, RECOVERABILITY, INCLUDING RECYCLABILITY

1. Requirements specific to the manufacturing and composition of packaging

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

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

- Packaging shall be manufactured in such a way that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimized with regard to their presence in emissions, ash or leachate when packaging or residues from management operations or packaging waste are incinerated or landfilled.

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2.. Requirements specific to the reusable nature of packaging

The following requirements must be simultaneously satisfied:

- the physical properties and characteristics of the packaging shall be able to resist a number of trips or rotations in normally predictable conditions of use,
- possibility of processing the used packaging in order to meet health and safety requirements for the workforce,
- fulfil the requirements relating specifically to recoverable packaging when the packaging is no longer reused and thus becomes waste.

3. Requirements specific to the recoverable nature of packaging

(a) Packaging recoverable in the form of material for recycling

Packaging must be manufactured in such a way as to enable the recycling of a certain percentage by weight of the materials used into the manufacture of marketable products, in compliance with current standards in the Community. The establishment of this percentage may vary, depending on the type of material of which the packaging is composed.

(b) Packaging recoverable in the form of energy recovery

Packaging waste processed for the purpose of energy recovery shall have a minimum inferior calorific value to allow optimization of energy recovery.

(c) Packaging recoverable in the form of composting

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should not hinder the separate collection and the composting process or activity into which it is introduced.

(d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water.

ANNEX V

Numeration and abbreviation system for labelling packaging materials

(1) Numerical label and abbreviation for plastic

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1. PET - poly(ethylene-tereftalat)
2. PE-HD - polyethylene high density
3. PVC - poly(vinyl-chloride)
4. PE-LD - polyethylene low density
5. PP - polypropylene
6. PS - polystyrene
7. other multi-layered (laminated) materials

(2) Numerical label and abbreviation for paper and cardboard

MATERIAL	ABBREVIATION	NUMERICAL LABEL
Undulated cardboard	PAP	20
Flat cardboard	PAP	21
Paper	PAP	22

(3) Numerical label and abbreviation for metals

MATERIAL	ABBREVIATION	NUMERICAL LABEL
Steel	FE	40
Aluminium	ALU	41

(4) Numerical label and abbreviation for wooden materials

MATERIAL	ABBREVIATION	NUMERICAL LABEL
Wood	FOR	50
Cork	FOR	51

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(5) Numerical label and abbreviation for textile materials

MATERIAL	ABBREVIATION	NUMERICAL LABEL
Cotton	TEX	60
Jute	TEX	61

(6) Numerical label and abbreviation for glass

MATERIAL	ABBREVIATION	NUMERICAL LABEL
Colourless glass	GL	70
Green glass	GL	71
Brown glass	GL	72

(7) Numerical label and abbreviation for multi-layered materials

MATERIAL	ABBREVIATION	NUMERICAL LABEL
Paper and cardboard / different metals		80
Paper and cardboard / plastic		81
Paper and cardboard / aluminium		82
Paper and cardboard / tin plate		83
Paper and cardboard / plastic/ aluminium		84
Paper and cardboard / plastic/ aluminium / tin plate		85

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Plastic / aluminium		90
Plastic / tin plate		91
Plastic / different metals		92
Glass / plastic		95
Glass / aluminium		96
Glass / tin plate		97
Glass / different metals		98

(8) Abbreviations are to be written only in capital letters.

RETURNABLE PACKAGING

X

PACKAGING FOR RECYCLING

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