

**Government Decree 518/2014
on packaging and packaging waste
Helsinki, 3 July 2014**

(UNOFFICIAL TRANSLATION)

The Government's decision in accordance with the Waste Act (646/2011) stipulates the following:

§ 1 - Purpose

This Regulation provides for the separate collection of used packaging, re-use, recycling and other waste management. In addition, it sets out the required properties and labelling of packaging placed on the Finnish market.

§ 2 – Limits to the scope

§ 8-17 of this regulation do not apply to beverage containers whose producers are part of the return system for beverage containers referred to in Section 68(1) of the Waste Act;

§ 9 of the Regulation does not apply to packaging listed under 15 01 10 in the hazardous waste list of Government Decree on Waste (179/2012), i.e. packaging containing residues of, or contaminated by, dangerous substances.

Packaging producers with a turnover of less than EUR 1 000 000 are excluded from the under the provisions on delimitation of the Waste Act 48 § subsection 2.

§ 3 – Definitions

1) *Packaging* means a single-use or other product intended to store or protect a material or good, to facilitate its display and allow its handling and transport from the producer to the consumer or user and which meets the additional requirements set out in Annex 1 and is considered sales, grouped or transport packaging as defined therein;

2) *Packaging waste* means packaging or packaging material in the meaning of Section 5(1) of the Waste Act, with the exception of waste created in the production of the packaging.

3) *Used packaging* means packaging or packaging waste to be re-used.

4) *Urban area* means a group of buildings housing at least 200 people, in which the distance between buildings is less than 200 metres.

Under the Waste Act, § 6 subsection 1 paragraph 14, recycling can include preparation for re-use and organic recycling, which means the aerobic or anaerobic decomposition of the packaging's biodegradable components with the help of micro-organisms under controlled conditions, to produce stable organic matter or methane, but does not include landfill treatment.

§ 4 - The essential requirements of packaging

Only packaging which meets the essential requirements regarding production, composition, re-usability and recovery laid down in Annex 2 may be placed on the market.

Packaging is deemed to meet the essential requirements, if it complies with the harmonized standards on packaging and packaging materials pursuant to European Parliament and Council Directive 94/62/EC, hereinafter referred to as the Packaging and Packaging Waste Directive, notified to the Commission in accordance with the standard and the references have been published in the Official Journal of the European Union.

§ 5 - The heavy metal content of packaging

Packaging or packaging components to be placed on the market may contain no more than 100 milligrams per kilogram in total of lead, cadmium, mercury and hexavalent chromium, measured by weight of the packaging or packaging component.

The above limit values referred to in paragraph 1 do not apply to:

- 1) Packaging consisting entirely of crystal glass as defined in Council Directive 69/493/EEC on the approximation of the laws of the Member States relating to crystal glass;
- 2) Plastic crates or plastic pallets which are in product loops in a closed and controlled chain and meet other requirements in accordance with Commission Decision 2009/292/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 of the European Parliament and of the Council on packaging and packaging waste.
- 3) Glass packaging in accordance with 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.

Packaging producers shall submit the following information to the Finnish Safety and Chemicals Agency:

- 1) by the end of March each year, a report on plastic crates and plastic pallets within the meaning of paragraph 2(2) in accordance with the Commission Decision;
- 2) for glass packaging, a report in the meaning of paragraph 2(3) in accordance with the Commission Decision.

6 § - Labelling of packaging

Packaging may be labelled with markings facilitating use, re-use, recycling and other recovery as well as identifying and sorting materials used in the respective industry. If packaging is labelled, the markings shall be made on the packaging or its label in accordance with Annex 3. The markings must be clearly visible and legible even after the packaging has been opened.

§ 7 - General objectives for the for re-use and recycling of used packaging

Packaging producers and beverage packaging return system administrators must ensure that the following objectives are achieved on an annual basis no later than 1 January 2020:

- 1) used packaging is re-used or recycled to a total of at least 90 percent by weight of all packaging placed on the market and supplied for re-use;
- 2) the equivalent packaging waste of at least 65 percent by weight of the amount of packaging placed on the market is recycled;
- 3) the amount of metal, paper and wood packaging waste recycled as a percentage of the amount placed on the market is, per material, at least 5 percent more, glass packaging waste at least 10 per cent more and plastic packaging waste at least 20 per cent more than in 2012

8 § - Packaging waste recycling rate by producer

Producers must arrange for separate collection and recycling of paper and wood packaging waste, in such a way that the recycling rate in relation to the amount of packaging the producer placed on the market is, from 1 January 2016 each year:

- 1) paper packaging waste, at least 80% by weight;
- 2) wood packaging waste, at least 17% by weight.

The producer must organise separate collection and recycling of glass, metal and plastic packaging waste in such a way that the recycling rate, not including the return system for beverage packaging under Government Decree (526/2013) and in accordance with the Tampere Region Economic Development, Transport and the Environment Department, is notified as recycled the following amount of packaging waste, each year:

- 1) With effect from 1 January 2016:
 - a) glass packaging waste, at least 27% by weight;
 - b) metal packaging waste, at least 75% by weight;
 - c) plastic packaging waste, at least 16% by weight;
- 2) With effect from 1 January 2020
 - a) glass packaging waste, at least 40% by weight;
 - b) metal packaging waste, at least 80% by weight;
 - c) plastic packaging waste, at least 22% by weight.

In assessing whether the producer meets the requirements laid down in Section 1 and 2, the producer's market share and other similar changes in circumstances that substantially affect the producer's ability to meet these recycling rates shall be taken into consideration.

§ 9 - Organisation of material reception

When a producer organizes collection of packaging waste according to § 49 subsection 1. Of the Waste Act, the producer shall ensure that the following minimum level of service and access are met:

- 1) the network of reception centres covers the whole country,
- 2) reception sites should be evenly distributed by area taking into account population density,
- 3) reception sites should be placed in grocery stores or other services normally used in connection with them, or along commonly used traffic routes,
- 4) there should be at least 1850 sites for the separate reception of waste from glass, metal and fibreboard packaging so that each urban area with more than 500 residents has at least one reception point and that in other areas there are at least as many reception points as there are store locations; the store location referred to in this regulation is an area containing a grocery store or several grocery stores less than 500 meters apart,
- 5) there should be at least 500 sites for the separate reception of waste from plastic packaging, so that each urban area with more than 10 000 inhabitants has at least one reception point.

Producers shall arrange at least 30 reception points per region for separate waste collection of discarded packaging from other than residential use, and to receive packaging waste collected from properties pursuant to Sections 35(1) and 41(3) of the Waste Act.

The minimum requirements in subsections 1 and 2 do not apply to the producer in the case of packaging not intended for consumer use, if the producer of the packaging placed on the market arranges separate collection from premises and other waste management in accordance with the requirements of this regulation.

The location of reception points in accordance with subsections 1, 2 and 3 shall where possible take into account where organised separate collection of packaging waste from all properties takes place.

General requirements for the establishment, maintenance and management of reception sites for waste are set out in Section 10 of the Government Decree (179/2012) on Waste.

§ 10 – Obligations on the segregation of used packaging

Separate collection of used packaging must be organized in such a way that:

- 1) segregated packaging is emptied and cleaned, if necessary, so that it does not contain any significant quantities of other substances or food residues;
- 2) separate collection can be combined with any other waste only if this is acceptable to the producer receiving the packaging.

§ 11 – Limitation of the obligation for the segregation of plastic packaging waste

The Pirkanmaa Centre for Economic Development, Transport and the Environment may in a decision pursuant to § 103 of the Waste Act authorizing the entry in the register of producers, allow the acceptance of waste from plastic containers referred to in 9 § 1 and 2 to be temporarily restricted to only certain types of plastic, if the producer can reliably show that this is the best way to promote recycling and to implement separate collection.

§ 12 - Information about packaging and packaging waste to be submitted

Producers shall, by means of public information campaigns or other communications, ensure that users and consumers of packaging receive the necessary information regarding the:

- 1) separate collection obligation and directions regarding discarded packaging and separate collection and recovery systems available;
- 2) significance of participating in the separate collection, re-use, recycling and other recovery of discarded packaging;
- 3) meaning of markings referred to in Section 6.

Producers must also provide the operators for the collection of used packaging to receive the information necessary for the functioning of the materials used on separate packaging, transportation, as well as the reception and processing of quality control procedures and other procedures.

A producer must also provide operators collecting used packaging with information on the separate collection, transportation and processing of used packaging necessary for quality control and other procedures relating to the good functioning of the system.

§ 13 - Report on solvency and action plan for re-use and waste management

The producer must by the end of September each year submit to the Tampere Region Economic Development, Transport and Environment Agency under Waste Act §64, subsection 1 a report on their solvency and action plan for re-use and waste management.

The report shall include information on the solvency of the last audited accounts for the financial year ended, the current fiscal year budget, as well as an accounting statement or balance sheet forecast. If these documents are not provided, capital adequacy must be demonstrated reliably in other ways.

§ 14 - Producer's application for entry in the producer register

A producer's application for the producer register must include:

- 1) Producer's name and contact details, as well as business name and identity code
- 2) Contact person's name and contact details
- 3) Copy of the certificate from the Register of Companies or Trade Association
- 4) Information on the packaging placed on the market by the producer and an estimate of their annual volume in tons, grouped by packaging materials;
- 5) Information on the producer's network for separate collection and reception points for discarded packaging, its transport, pre-treatment, re-use, recycling and other recovery, as well as final treatment;

- 6) If necessary, a reasoned proposal for a restriction under § 11 so that the reception of waste from plastic applies only to certain types of plastic,
- 7) Estimate of the annual packaging waste in tons expected in the producer's recycling and waste management system
- 8) A description of the dissemination of information relating to packaging and packaging waste;
- 9) A statement of the agreement relating to the organisation of recycling and waste management as well as on contractors' environmental permits and any environmental management system,
- 10) The date on which the application is made;
- 11) A guarantee of the accuracy of the information.

§ 15 - Producer organisations: application for approval in the register

Producer organisations' applications for approval of the register must include:

- 1) Details of the produce organisation and its activities corresponding to the data in § 14 subsection 1. Points 1-3 and 5-11;
- 2) Information about the packaging placed on the market by the organisation's members as well as an estimate of the number of tonnes per year, broken down by packaging material;
- 3) Details of each organisation founder's name, business identity code and business sector;
- 4) Name and business identity code of each member of the producer organisation and the date when it joined the organisation;
- 5) a description of how the obligations are split between the producers and how a new producer can contract with the producer organisation on the management of producer responsibility;
- 6) Information on the producers' solvency in accordance with §13.

§ 16 - Notification of changes in activities

If the activity of a producer or producer organisation changes fundamentally, or if the members of a producer organisation change, notification pursuant to Section 106 of the Waste Act shall be made within a month from the change.

The report on solvency and safeguarding activities of a producer organisation and the deadline for the action plan if the producer organisation's activities change fundamentally are regulated in Section 64 of the Waste Act.

§ 17 – Provision of data

By the end of September each year, a producer or producer corporation shall submit the following information regarding its previous year's operations to the Centre for Economic Development, Transport and the Environment for Pirkanmaa:

- 1) packaging in tons placed on the Finnish market;
- 2) amount of discarded packaging in tons collected separately in Finland;
- 3) amount of re-used, recycled and otherwise recovered and treated packaging waste in tons, itemised by treatment facility as well as the name and location of the treatment facility;
- 4) the re-use, recycling and other recovery rates achieved, as well as a statement regarding the assessment and calculation principles for the data reported;
- 5) if appropriate, a statement of limitation under § 11 of the reception of plastic waste so that it applies only to certain types of plastic,
- 6) the dissemination of information on packaging and packaging waste.

The information referred to in paragraph 1, subparagraphs 1-4 shall be specified by material type and treatment method. This analysis provides the database tables on packaging and packaging waste pursuant to European Parliament and Council Directive 94/62/EC as laid down in Commission Decision 2005/270/EC.

§ 18 - Collection and submission of monitoring data to the European Commission

To monitor and supervise fulfilment of the obligations in this decree, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall, on an annual basis, collect the

information referred to in Section 17 and assess the amount of packaging waste generated in Finland and the re-use, recycling and other recovery rates achieved.

Every year, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall submit the national data in accordance with the Commission Decision referred to in Section 17(2) to the European Commission within 18 months of the end of the calendar year for which the data was collected.

§ 19 - Report on implementation

Every three years, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall prepare a report regarding the implementation of the Packaging and Packaging Waste Directive in Finland in accordance with Article 5 of Council Directive 91/692/EEC standardising and rationalising reports on the implementation of certain Directives relating to the environment. The report shall be prepared using the European Commission questionnaire form.

§ 20 - Exports and the calculation of recycling rates

Under European Parliament and Council Regulation (EC) No 1013/2006 of the European Union on Waste Shipments, recycling as referred to in § 7 can only be counted if there is convincing evidence that packaging waste is recycled in the country of destination under conditions broadly equivalent to the European Union legislation.

21 § The market surveillance authority

Compliance with § 4-6 of this Regulation will be monitored by the Safety and Chemicals Agency.

§ 22 - Entry into force

This Regulation shall enter into force on 10 July 2014. § 9-18 shall apply from 1 May 2015, and § 5 subsection 3 and § subsection 1 with effect from August 2014.

This Decree repeals the Government Decision on packaging and packaging waste (962/1997). However, § 4-9, 12 and 16-19 still apply until 30 April 2015.

Producers must comply with § 9 subsection 1 regarding the number of reception centres by 1 January 2016.

Helsinki, 3 July 2014

Annex 1 – Additional criteria for defining packaging

Annex 2 – Essential Requirements on packaging manufacture, composition, reusability and recoverability

- 1) the manufacturing and composition of packaging requirements
- 2) the re-usability of packaging requirements
- 3) Package recoverability of requirements

Annex 3 - Labelling