Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

21 April 2005 [shall come into force on 25 May 2005];

16 December 2010 [shall come into force on 1 January 2011];

26 May 2011 [shall come into force on 29 June 2011];

23 November 2016 [shall come into force on 1 January 2017];

25 October 2018 [shall come into force on 28 November 2018];

17 October 2019 [shall come into force on 19 November 2019];

24 October 2019 [shall come into force on 20 November 2019];

9 July 2020 [shall come into force on 1 August 2020];

15 June 2021 [shall come into force on 20 June 2021];

25 November 2021 [shall come into force on 21 December 2021].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Packaging Law**

**Chapter I**

**General Provisions**

**Section 1.** The following terms are used in this Law:

1) **reusable packaging**– packaging which has been conceived, designed, and placed on the market to accomplish within its lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which it was conceived;

11) **packaging manager**– a commercial company which on the basis of a contract entered into with a packer organises and coordinates the management of packaging waste;

12) **deposit packaging**– reusable or disposable beverage packaging which is subject to a deposit system in accordance with the laws and regulations of environmental protection;

13) **beverage deposit packaging waste**– reusable or disposable beverage packaging which is subject to a deposit system;

14) **deposit packer**– a service provider, product manufacturer or distributor which places beverages on the market in Latvia in a deposit packaging;

15) **deposit packaging seller**– a person who offers or sells beverages in a deposit packaging to final users;

16) **deposit system**– acceptance of beverage deposit packaging waste from a final user, sorting, transportation, storage, recycling, or preparation for the reuse thereof in conformity with its initial task, and also planning and organising of the abovementioned activities;

17) **deposit system operator**– an economic operator the founders and participants of which are deposit packers and associations the members of which are deposit packers and which on the basis of the contract with the State Environmental Service ensures the operation of the deposit system in the entire territory of Latvia in accordance with the requirements of laws and regulations;

18) **deposit payment**– an amount of money which is paid by a final user, at the moment when purchasing a beverage deposit packaging, as a security deposit for the return of the deposit packaging and which is repaid to him or her at the moment of returning the deposit packaging;

19) **deposit packaging management fee**– a fee which covers eligible expenses for acceptance, sorting, storage, accounting of deposit packaging and maintenance of the deposit packaging acceptance point;

110) **deposit system participation fee**– a fee which a deposit packer pays to a deposit system operator for the participation in a deposit system;

2) [21 April 2005];

3) **packer**– a producer of goods, a service provider, a seller, or a distributor who places packaged goods on the market in Latvia or attaches packaging to products that remain with the service recipient after the service is provided;

4) **packaging waste** – packaging or packaging material (except for production residue) to which the definition referred to in the Waste Management Law applies;

5) [26 May 2011];

6) **packaging waste recycling**– action with packaging waste referred to in Section 1, Clause 14 of the Waste Management Law;

7) **recovery**– any action with the packaging waste referred to in Section 1, Clauses 13 and 15 of the Waste Management Law;

8) [9 July 2020];

9) **plastic carrier bags**– carrier bags, with or without handle, which are made of plastic and are available to consumers at the points of sale of goods or products;

10) **lightweight plastic carrier bags**– plastic carrier bags with a wall thickness below 50 microns;

11) **very lightweight plastic carrier bags**– plastic carrier bags with a wall thickness below 15 microns and which are required for hygiene purposes or provided as primary packaging for loose food if the use thereof helps to prevent food wastage;

12) **oxo-degradable plastic carrier bags**– plastic carrier bags made of plastic materials that include additives which catalyse the fragmentation of the plastic material into micro-fragments;

13) **composite packaging**– packaging made of two or more layers of different materials which cannot be separated by hand and form a single integral unit, consisting of an inner receptacle and an outer enclosure, and that it is filled, stored, transported, and used as such.

[*21 April 2005; 26 May 2011; 25 October 2018; 24 October 2019; 9 July 2020; 25 November 2021*]

**Section 1.1** (1) Packaging is the aggregate of products attached to goods which is used in order to package, protect, contain, deliver, preserve, easily use, and sell raw materials and finished goods and to become acquainted with them in the whole cycle of the circulation of packaging from producer to consumer. Plastic carrier bags and also the packaging and packaging material which the service provider attaches to products and which remain with the service recipient after the service is provided shall be regarded as packaging. Packaging is detached from the goods prior to consumption or during consumption.

(2) The criteria for the application of the packaging definition shall be as follows:

1) products shall be considered to packaging if they conform to the definition referred to in Paragraph one of this Section, without prejudice to other functions, which such packaging might also perform, except for the cases where the relevant product is an integral part of the good and it is needed in order to contain, support, or preserve the abovementioned good throughout its lifetime, and all its elements are intended to be utilised, consumed, or disposed of together;

2) products which are designed and intended to be filled at the point of sale, and also “disposable” products, which are filled at the point of sale or designed and intended to be filled at the point of sale shall be considered to be packaging if they fulfil a packaging function;

3) packaging components and ancillary elements which are integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancillary elements hung directly on, or attached to, a good and which perform a packaging function shall be considered to be packaging, except for the cases where they are an integral part of the abovementioned goods and all elements are intended to be consumed or disposed of together.

(3) The Cabinet shall determine examples of the application of the packaging definition criteria.

[*21 April 2005; 25 October 2018*]

**Section 2.** The purpose of this Law is to ensure the development of packaging production, the introduction of advanced packing technologies, and the establishment of a rational packaging waste management system in the State and thereby to reduce the undesirable impact of packaging waste on the environment by contributing to the transition towards a circular economy and for this purpose:

1) ensuring the introduction of a voluntary agreement principle in the management of packaging waste;

2) promoting the reuse of packaging;

3) facilitating the reduction of the volume of packaging materials, but not changing either the intended or existing functions thereof;

4) facilitating and ensuring the recycling and recovery of packaging waste;

5) determining the requirements for the packaging permitted for placing on the market in Latvia.

[*26 May 2011; 9 July 2020*]

**Section 3.** This Law applies to:

1) packaging which is produced in Latvia and to packaging which is utilised in the territory of Latvia irrespective of its origin, to places of packaging and consumption or materials utilised therein, and also to the packaging waste generated in the territory of Latvia;

2) producers of packaging (also such producers of packaging who import packaging into Latvia or who produce packaging in another state and import it into Latvia);

3) a packer, a deposit packer, a seller of deposit packaging, a packaging manager, a deposit system operator, recycling operators, and also to the State and local government authorities.

[*21 April 2005; 26 May 2011; 24 October 2019 / The new wording of Clause 3 shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 4.** (1) Other laws and regulations governing human safety, health and hygiene requirements, and also the requirements laid down for the carriage of goods and management of waste also apply to packaging and packaging waste.

(2) If the packaging consists of materials which make the packaging waste hazardous or the packaging has been in contact with hazardous chemical substances or hazardous chemical products and it has not been possible to purify it to a level that such packaging can no longer be classified as hazardous waste, then the laws and regulations governing the management of hazardous waste shall apply to the packaging waste.

[*21 April 2005*]

**Section 5.** (1) Packaging shall be divided into the following types:

1) primary (sales) packaging – packaging which is used to create a sales unit and which reaches the final user or consumer at the sales location;

2) secondary packaging – packaging which is utilised in the packaging together of specific quantities of goods intended for sale as a unit. This packaging may reach the packer or consumer without being unpacked or also it may be removed from the goods at the sales location. The removal of secondary packaging does not affect the characteristics of the goods;

3) tertiary (transport) packaging – packaging which is utilised for transportation of goods or secondary packaged units intended for sale or production, and to avoid damaging the goods during carriage. Containers which are utilised for carriage by land, water and air are not tertiary (transport) packaging.

(2) Paragraph one of this Section shall not be applied to plastic carrier bags used as packaging.

[*21 April 2005; 26 May 2011; 25 October 2018*]

**Chapter II**

**Requirements Set for Packaging**

**Section 6.** The following requirements shall be laid down for the design, production, and utilisation of packaging:

1) the volume and weight of the packaging shall be minimal, however, a sufficient level of safety and hygiene shall be ensured for the goods and the consumer;

2) packaging shall be designed, produced, and utilised in such a way as to permit its reuse or recovery, including recycling, in line with the waste management hierarchy, and to minimise its impact on human health and the environment when packaging waste or residues from packaging waste management operations are disposed of;

3) the volume of materials in the packaging, and also the content of hazardous chemical substances and hazardous chemical products in packaging materials or other packaging components shall be minimal, taking into account the emission of these materials and products into the air or water, ashes or infiltration, in the process of acquiring energy or burying the packaging waste.

[*21 April 2005; 9 July 2020*]

**Section 7.** The total level of concentration of lead, cadmium, mercury, and chromium (VI) in packaging or in the materials or components thereof may not exceed 100 parts per million (ppm by weight), that is, 100 milligrams in one kilogram of packaging or the materials or components thereof, except for packaging which is made entirely of lead. The types of packaging and materials to which exceptions in relation to heavy metal content, and also the time periods in which the relevant exceptions may be applied shall be determined by the Cabinet.

**Section 8.** The requirements laid down for packaging intended for reuse shall, in addition to the requirements laid down in Sections 6 and 7 of this Law, be the following:

1) the physical and other characteristics of the packaging shall be such as to ensure an appropriate quality of packaging and allow it to be reused;

2) the packaging shall be such that it is possible to restore the initial functions thereof, taking into account the health protection of employees and the requirements of safety at work.

**Section 9.** The requirements laid down for packaging intended for recovery shall be the following:

1) if the packaging waste is intended for processing in order to acquire secondary raw materials – the characteristics of the packaging materials shall be such as to allow the packaging to be utilised for the acquisition of secondary raw materials;

2) if the packaging waste is intended for recovery with energy recovery – the minimum heat capacity of the packaging material shall be at least such that optimises energy generation process;

3) if the packaging waste is intended for recovery by composting it – the packaging properties shall be such that allow to collect it separately and compost. The packaging shall be such that is able to break down as a result of biological effect – mostly into carbon dioxide, biomass, and water. The packaging from oxo-degradable plastic is not biologically degradable.

[*9 July 2020; 25 November 2021*]

**Section 10.** (1) In order to facilitate the collection, reuse, and processing of packaging, the packaging shall be classified and marked according to the materials used in the production thereof.

(2) The procedures for the classification and marking of packaging shall be determined by the Cabinet.

**Section 11.** For packaging which is produced or in which goods and products are packed in Latvia, the requirements of the national standards of the Republic of Latvia and the adapted standards of the international standardisation organisation, having the status of a national standard, shall be applied.

[*21 April 2005*]

**Chapter III**

**Prevention and Management of Packaging Waste**

[*9 July 2020*]

**Section 12.**The following methods shall be used for the prevention and management of packaging waste:

1) reduction of the creation of packaging waste, also reducing the volume and hazardousness of packing materials and developing environmentally friendly goods and technologies related to the production, distribution, packing, and sale of packaging, and also the management of packaging waste;

2) acceptance or collection of reusable packaging and packaging waste from a final user or from a waste stream, applying the most appropriate waste management type thereto;

3) reuse of packaging and preparation thereof for reuse in an environmentally friendly way and without endangering food hygiene or consumer safety;

4) recycling and recovery of packaging waste:

a) recycling of packaging waste, also organic recycling – the placing of biodegradable packaging waste components in an aerobic (composting) or anaerobic (bio-methanation) environment under controlled conditions by using micro-organisms – for the excretion of stable organic residues or methane, except for the landfilling in a landfill site;

b) recovery of packaging waste with or without energy recovery;

5) the landfilling of packaging waste in such a way as not to endanger human life and health, the environment, or private property;

6) reducing the consumption of plastic carrier bags.

[*9 July 2020*]

**Section 12.1** In order to ensure the reduction of the consumption of plastic carrier bags:

1) from 1 January 2019, a packer at the point of sale:

a) shall not provide plastic, including lightweight and oxo-degradable plastic, carrier bags to the consumers free of charge, except for very lightweight plastic carrier bags;

b) shall inform consumers of the necessity to reduce the consumption of plastic carrier bags, of alternative types of packaging available at the point of sale and of the possibility to use a bag which has been brought along or another packaging;

2) from 1 January 2025, a packer at the point of sale shall replace lightweight plastic carrier bags, except for very lightweight plastic carrier bags, with the packaging made of paper and cardboard or other natural fibre and bioplastic raw materials.

[*25 October 2018*]

**Section 13.** (1) A packer shall be responsible for the management of such packaging waste which results from his or her activities.

(2) The Cabinet shall determine:

1) the objectives for recovery, including recycling, of all types of packaging waste and other packaging and the time periods for fulfilment thereof;

2) the conditions for the calculation of the fulfilment of the objectives for recycling of packaging waste;

3) the requirements for the calculation of the amount of reusable packaging.

(21) The Cabinet shall determine the percentage of and the time periods for the acceptance, collection, recycling, preparation for reuse, and return for reuse of the deposit packaging.

(3) [26 May 2011]

(4) The packaging waste shall be managed (including recycled and recovered) in accordance with the requirements laid down in the Waste Management Law.

[*21 April 2005; 26 May 2011; 24 October 2019; 9 July 2020*]

**Section 14.** (1) The programme for the prevention of packaging waste and the measures for the development of packaging waste management shall be included in a separate chapter of the State plan for the waste management and regional plan for the waste management which is transferred for public consultation to packaging producers, packers, packaging managers, State and local government authorities, and also to the public before approval.

(2) The plan referred to in Paragraph one of this Section shall include economic instruments, description of the extended producer responsibility system, and other measures in order to reduce the impact of packaging on the environment and to provide incentives for the application of the waste hierarchy. The measures shall be developed by meeting the requirements in respect of the environmental and consumer health protection, safety and hygiene, quality protection, authenticity and technical characteristics of packaged goods and used materials, and also protection of industrial and commercial property rights.

[*9 July 2020*]

**Section 15.** (1) A packer may perform management of packaging waste himself or herself, or enter into a contract with a packaging manager. The mutual relations, rights, duties, and liabilities between the packer and the packaging manager shall be set out in the contract. A packer who has entered into a contract for the management of packaging waste with a packaging manager may terminate the contract with the packaging manager and enter into a contract with another packaging manager not more often than once in a calendar year.

(2) A packer for which the volume of packaging waste generated in a calendar year exceeds the volume stipulated by the Cabinet or a packaging manager shall:

1) in accordance with the procedures laid down in the laws and regulations regarding the natural resources tax, establish and apply the used packaging management system and enter into a contract with the State Environmental Service for the application of the management system. If the manager has entered into a contract with the State Environmental Service for the application of the management system, the packer who does not establish the used packaging management system itself has the obligation to enter into a contract with the manager for participation in the packaging management system;

2) organise packaging waste management in cooperation with local governments, ensuring:

a) that the packaging waste management system is open for participation for all packers, it is applied to all kinds of packed goods which are placed on the market in Latvia or to the packaging added to articles, and the conditions for its application, including in respect of payments for the participation in the system, it does not cause obstacles for trade or distortions of competition;

b) qualitative recycling of packaging waste, including composite packaging waste, in accordance with laws and regulations regarding waste management;

3) in accordance with the procedures and form laid down in the laws and regulations regarding the natural resources tax, submit to the State Environmental Service a report and audited report. If the packer has entered into a contract with a packaging manager, the abovementioned reports shall be submitted by the packaging manager. The information indicated in reports shall be justified by accounting documents.

(3) The procedures for submitting the report referred to in Paragraph two, Clause 3 of this Section shall be determined and the model report form shall be approved by the Cabinet.

(31) Based on the information provided by the packaging managers on the packers and the amount of packaging, the State Environmental Service shall establish and maintain a database of packers, compile information on the amount of packaging of goods and articles placed on the market and the managed packaging waste, ensuring effective system of quality control and traceability of the packaging waste.

(4) Latvia shall include the amount of packaging waste collected or accepted in the territory of Latvia from waste generators and recycled or recovered in Latvia, sent or exported to another country for recycling or recovery in the recycling or recovery indicators of packaging waste.

(41) Latvia shall include the amount of packaging waste exported from Latvia in the recycling or recovery indicators only if, in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, there are justified evidence that waste shipment complies with the requirements of the abovementioned Regulation and recycling or recovery of waste packaging outside the European Union has been conducted in accordance with the conditions laid down in the laws and regulations regarding natural resources tax, waste management and in this Law in respect of packaging waste management.

(42) Such amount of packaging waste which is brought in or imported from other countries for recycling or recovery in the territory of Latvia shall not be included in the recycling or recovery indicators of packaging waste.

(5) The Cabinet shall determine the requirements which a commercial company must fulfil in order for it to be registered with the institution subordinated to the Ministry of Environmental Protection and Regional Development as a packaging manager.

[*21 April 2005; 16 December 2010; 26 May 2011; 23 November 2016; 25 October 2018; 9 July 2020; 25 November 2021 / The new wording of Paragraph two, Clauses 1 and 3 shall come into force on 1 January 2022. See Paragraph 14 of Transitional Provisions*]

**Section 16.** (1) A packaging manager has a duty to inform the public of:

1) the possibilities of collecting sorted packaging waste and of resource recovery;

2) the functions of the packaging user in reusing packaging and of the processing and recovery of packaging waste;

3) the meaning of the packaging markings.

(2) A packer has a duty to inform the public of the possibilities of collecting sorted packaging waste and of resource recovery.

[*21 April 2005*]

**Section 17.** (1) The Packaging Management Council shall be a consultative institution established by the Cabinet decisions of which in respect of packaging management issues shall be of a recommendatory nature. The Cabinet shall determine the institutions to be represented in the Packaging Management Council and shall approve the by-laws of the Council.

(2) The Minister for Environmental Protection and Regional Development shall approve the personnel of the Packaging Management Council.

(3) The Packaging Management Council shall facilitate implementation of the requirements of this Law, submit proposals for the improvement of laws and regulations associated with the field of packaging, and also cooperate with non-governmental organisations that work on packing management.

[*21 April 2005; 16 December 2010*]

**Section 18.**[*24 October 2019*]

**Chapter III.1**

**Application of a Deposit System**

[*24 October 2019 / Chapter shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.1** A deposit packer the amount of beverage deposit packaging waste of which makes 150 kilograms or more in a calendar year has an obligation to manage the beverage deposit packaging waste in the entire territory of Latvia by entering into an agreement with a deposit system operator on participation in the system.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.2** A deposit system shall not be applied to such beverage packaging which together with beverages:

1) is exported outside the territory of Latvia to the European Union or European Economic Area Member States or third countries;

2) is consumed during international carriage in the European Union or European Economic Area Member States or third countries.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.3** A deposit packer shall be responsible for the placement of a special sign on the application of a deposit system on a deposit packaging or label. The Cabinet shall determine the sample of the special sign of the deposit packaging and the conditions for the use thereof.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.4** A deposit packer shall transfer a deposit fee to a deposit system operator in the amount stipulated by the Cabinet for each unit of packaging in which beverage is placed on the market.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.5** A deposit packaging seller shall indicate a deposit fee on the product price sign separately. The deposit packaging seller shall register the purchase of a final user in the deposit accounting system. Upon receipt of beverage deposit packaging waste, the deposit fee shall be refunded to the final user in the form of non-cash payments in conformity with the amount specified in the deposit accounting system or a voucher shall be issued for the appropriate amount. The voucher may be used as means of payment when purchasing goods at a point of sale where beverages are sold in deposit packaging and where (or in the vicinity of which in accordance with Section 18.8 of this Law) the empty beverage deposit packaging is returned. The procedures for the use of the voucher and the requirements in respect of the voucher shall be determined by the Cabinet. At the places where deposit packaging is accepted manually, the deposit fee may be refunded by using cash.

[*24 October 2019; 9 July 2020*]

**Section 18.6** A deposit system operator shall refund the deposit fee for the beverage deposit packaging waste collected and returned to the operator in the previous month to a deposit packaging seller or to a manager of packaging acceptance point or sorted waste collection site who has entered into an agreement with the deposit system operator and accepts deposit packaging from a final user until the 25th day of the current month, unless the agreement for acceptance of the beverage deposit packaging waste specifies another time period.

[*25 November 2021*]

**Section 18.7** (1) A deposit packer shall pay a deposit system participation fee to a deposit system operator which is used for ensuring of the activity of the operator.

(2) The methodology for the determination of a deposit system participation fee, and also the information, documents to be submitted for the determination of such fee and the procedures for the submission thereof shall be determined by the Public Utilities Commission (hereinafter – the Regulator).

(3) Examination of the draft deposit system participation fee calculated by the deposit system operator, decision-making and notification thereof shall be conducted in accordance with the procedures laid down in Chapter IV of the law On Regulators of Public Utilities.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.8** (1) A deposit packaging seller has an obligation to accept all types of beverage deposit packaging waste from a final user at its point of sale, its territory, or in the vicinity of the sales point, however not further than 150 metres from the point of sale:

1) in State cities if the area of the sales room is equal to 300 square metres or larger;

2) in other administrative territories if the area of the sales room is equal to 60 square metres or larger.

(2) If deposit packaging sellers create a common point for the acceptance of the deposit packaging in one administrative territory, the distance from each point of sale to the common point for the acceptance of the deposit packaging may not exceed 500 metres, except when it is coordinated with the State Environmental Service and the local government in the administrative territory of which the common point for the acceptance of the deposit packaging is situated.

[*24 October 2019; 15 June 2021*]

**Section 18.9** (1) If there is no deposit packaging seller in the territory of a local government which has an obligation to accept the beverage deposit packaging waste from a final user, or the number of such points of sale does not conform to the minimum requirements in respect of the territorial coverage of deposit packaging acceptance points, the decision on deposit packaging acceptance points shall be taken by the local government.

(2) A private individual who, in accordance with the decision referred to in Paragraph one of this Section, accepts deposit packaging from a final user has an obligation to enter into an agreement with a deposit system operator.

(3) A deposit system operator shall pay a deposit fee to the person referred to in Paragraph two of this Section for the collected beverage deposit packaging waste and the deposit packaging management fee.

(4) A deposit system operator may organise acceptance of the beverage deposit packaging waste also outside points of sale, including by installing reverse vending machines for all or separate types of the deposit packaging or ensuring mobile acceptance of the beverage deposit packing waste and informing final users thereof.

[*24 October 2019; 9 July 2020*]

**Section 18.10** If a deposit packaging seller has no obligation to accept the beverage deposit packaging waste from a final user at its point of sale, its territory or vicinity of the point of sale, it shall place information available for a final user on the address and working hours of the nearest deposit packaging acceptance point.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.11** A deposit system operator shall pay a deposit packaging management fee to a deposit packaging seller or a manager of packaging acceptance point or sorted waste collection site which has entered into an agreement with the deposit system operator and accepts deposit packaging from a final user. The methodology for determining the deposit packaging management fee, the documents to be submitted, and the procedures for payment shall be determined by the Cabinet.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.12** The following requirements are brought forward for a deposit system operator:

1) profit it gains upon fulfilment of the tasks referred to in this Law according to the agreement which has been entered into with the State Environmental Service on the implementation of a deposit system shall be reinvested in ensuring of the development and operation efficiency of the deposit system;

2) it shall ensure collection of deposit packaging from the points of sale, packaging acceptance points, or sorted waste collection sites which have entered into an agreement with the deposit system operator, and also sorting, transportation, recycling, or preparation for reuse in conformity with the amounts specified in laws and regulations;

3) it shall ensure compilation of information in a deposit accounting system on the type and amount of beverage deposit packaging sold, the type and amount of deposit packaging accepted from a final user, and also the type and amount of beverage packaging transferred for recycling or preparation for reuse in conformity with its initial task;

4) it shall comply in its activity and decision-making with the transparency principle, including when justifying the costs related to the implementation of a deposit system;

5) it shall ensure measures for informing of the public on a deposit system;

6) it is registered in the register of public service providers.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.13** A person which is applying for the right to become a deposit system operator shall submit the following to the State Environmental Service:

1) a submission regarding the establishment of a deposit system the content of which is determined by the Cabinet;

2) a plan for the organisation and implementation of operation of a deposit system the content of which is determined by the Cabinet;

3) a financial security document in accordance with the laws and regulations regarding financial security in the field of application of the natural resources tax;

4) a calculation of the deposit system participation fee upon commencing the activity of a deposit system operator which has been developed according to the financial estimation necessary for ensuring a deposit system;

5) a confirmation of those deposit packers which will become a participant of the relevant economic operator if the right of the deposit system operator is to be granted to such economic operator.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.14** (1) The State Environmental Service shall, within three months from the end of the time period specified for the submission of the documents, assess and take the decision on a deposit system operator if, according to the plan for the organisation and implementation of the activity of a deposit system, it proves that it will ensure conformity with the minimum requirements stipulated by the Cabinet for the territorial coverage of deposit packaging acceptance points and the percentage of the acceptance, collection, recycling, preparation for reuse, and return for reuse of the deposit packaging.

(2) If several economic operators have applied for the status of a deposit system operator, the State Environmental Service shall select the economic operator by assessing the plan for the organising and implementation of the activity of a deposit system, including the conformity with the minimum requirements laid down for the territorial coverage of deposit packaging acceptance points and the percentage of the acceptance, collection, recycling, preparation for reuse, and return for reuse of the deposit packaging, and also the number of beverage deposit packaging units placed on the market by deposit packers represented by the applicant.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.15** (1) On the basis of the decision taken, the State Environmental Service shall enter into an agreement on the ensuring of the activity of a deposit system in the entire territory of Latvia for seven years.

(2) Until entering into the agreement, an economic operator has an obligation to register such deposit packers with the Commercial Register Office as participants to the economic operator which have signed the confirmation referred to in Section 18.13, Clause 5.

(3) A deposit system operator has an obligation to apply a deposit system participation fee which is calculated upon commencement of its activity until the time when the deposit system participation fee enters into effect which is approved in accordance with the procedures laid down in the law On Regulators of Public Utilities.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.16** (1) After entering into the agreement with the State Environmental Service, a deposit system operator shall, within two weeks, register as a provider of public utilities with the Regulator in accordance with the procedures laid down in the law On Regulators of Public Utilities.

(2) The State Environmental Service shall provide information to the Regulator on termination of the agreement with a deposit system operator. On the basis of the received information, the Regulator shall exclude the deposit system operator from the Register of Public Service Providers.

(3) The State Environmental Service shall, 18 months before the end of validity of the agreement on the ensuring of the activity of a deposit system, publish the notification in accordance with the procedures laid down in the Law on Official Publications and Legal Information on the time period for the submission of the application for obtaining the right to become a deposit system operator.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.17** A deposit system operator shall pay a State fee for the regulation of public utilities in accordance with the procedures laid down in the law On Regulators of Public Utilities. The State fee for the regulation of public utilities shall be paid from the deposit fee received from a deposit system operator in the previous calendar year.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.18** (1) The Regulator, as an out-of-court instance, shall examine discrepancies on the deposit packaging management fee in accordance with the procedures laid down in this Law if the parties involved in the discrepancies have not turned to a court or arbitration court for the settlement of the discrepancies. The Regulator shall not apply the procedures for the examination of discrepancies laid down in Chapter VII of the law On Regulators of Public Utilities for the examination of the disputes referred to in this Law.

(2) The Regulator shall not examine discrepancies in respect of other disputes arising from the agreement with a deposit system operator.

(3) The party which wants to solve discrepancies with the Regulator as an out-of-court instance shall submit a written submission to the Regulator on examination of discrepancies (hereinafter – the submission). The Regulator shall determine the information to be indicated in the submission, the documents to be submitted, the information to be included in the explanation of the defendant, and the procedures for the examination of discrepancies.

(4) The day when the Regulator has received all the necessary information and documents, and also the confirmation of the payment for the examination of discrepancies shall be regarded as the day of receipt of the submission.

(5) The Regulator shall examine the submission in written procedure within two months from the day of receipt of the submission and the necessary documents.

(6) Upon examining discrepancies in written procedure, the Regulator shall become acquainted with the submitted materials and, where necessary, request the parties involved in discrepancies to submit additional information and evidence in writing.

(7) If the Regulator does not consider that it is necessary to listen to the parties involved in the discrepancies, it shall convene the council meeting of the Regulator to which the parties involved in the discrepancies shall be invited in writing.

(8) The parties involved in the discrepancies shall execute their procedural rights in conformity with the principle of adversarial proceedings. They have equal rights to express their opinion and to defend their rights and interests.

(9) If the invited persons do not arrive to the council meeting of the Regulator, the Regulator may examine the submission without the presence of the parties involved in the discrepancies.

(10) The council of the Regulator shall take a decision in the matter on examination of discrepancies and determine the procedures and time period for the enforcement thereof. The Regulator shall indicate in the decision on satisfaction or refusal of the claim the claim and explanations of the submitter, the arguments of the submitter on the economic justification of the deposit packaging management fee offered, the objections of the defendant and the justification of the defendant, explanations of other persons involved in the examination of the discrepancies and conclusions of the Regulator on the justification or non-justification of the claim by indicating economic and legal justification.

(11) In the resolution part of the decision the Regulator shall indicate whether the claim of the submitter is satisfied fully or partly, or refused. The Regulator may determine the obligation for the party involved in the discrepancies to fulfil specific activities within the time period stipulated by the Regulator. If the parties involved in the discrepancies have not submitted sufficient evidence, the Regulator shall indicate in the resolution part that the proceedings for the examination of discrepancies are terminated.

(12) The Regulator shall, within five working days after taking of a decision, send one copy of the decision to each party involved in discrepancies and the decision shall be published on the website thereof.

(13) If the party involved in discrepancies is not satisfied with the decision of the Regulator in the matter on examination of discrepancies, it is entitled to turn to a court or court of arbitration with a statement of claim on the subject of discrepancies in accordance with the procedures laid down in laws and regulations within 30 days from the day when the decision of the Regulator is taken in the matter on examination of discrepancies, notifying the Regulator thereof.

(14) The decision of the Regulator in the matter on examination of discrepancies shall enter into effect on the day when the time period specified in Paragraph thirteen of this Section has passed and the Regulator has not received the information on examination of discrepancies in a court or court of arbitration within five working days after the abovementioned time period.

(15) The decision of the Regulator on examination of discrepancies which has entered into effect shall be binding on the parties involved in the discrepancies.

(16) If the decision of the Regulator in the matter on examination of discrepancies is not fulfilled voluntarily, the party involved in discrepancies may turn to a court with an application for the issue of a writ of execution for the forced enforcement of the decision of the Regulator.

(17) The chairperson of the Regulator shall terminate the examination proceedings of discrepancies if a submitter revokes its submission or the parties involved in discrepancies reach amicable agreement.

(18) After examination of a submission on the merits or termination of the examination proceedings of discrepancies, the party involved in discrepancies is not entitled to submit the submission on examination of discrepancies on the same subject of discrepancies and on the same grounds anew to the Regulator.

(19) A submitter shall pay the fee for examination of discrepancies stipulated by the Regulator upon submission of a submission.

(20) The Regulator shall determine the amount of the fee for examination of discrepancies, the procedures and time period for the payment thereof. The costs arising for the Regulator during examination of discrepancies shall be included in the fee for examination of discrepancies. The abovementioned fee shall be transferred into the State budget in the account of the Regulator in the Treasury, separating it from the financing of the activity of the Regulator which is specified in the law On Regulators of Public Utilities.

(21) The parties involved in discrepancies may agree on covering of expenditures of the submitter in respect of the fee for examination of discrepancies.

(22) The Regulator shall not refund the fee for examination of discrepancies if:

1) it has examined discrepancies;

2) it has performed actions to evaluate the submission;

3) the parties involved in discrepancies have reached amicable agreement;

4) the parties involved in discrepancies have not submitted sufficient evidence in order to examine discrepancies;

5) the submitter has asked not to examine discrepancies.

[*24 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions*]

**Section 18.19** The Cabinet shall determine:

1) the beverages to the packaging of which the deposit system is applied and the packaging of beverages whereto the deposit system is applied;

2) the conditions and procedures by which continuity of operation of the deposit system is ensured, the use of the infrastructure, the selection of an operator, and the procedures for entering into and terminating of the agreement on ensuring the operation of the deposit system;

3) the procedures for registering the deposit packaging;

4) the procedures by which a deposit system operator submits the report on the implementation of the deposit system to the State Environmental Service, the report form, and the information to be included therein;

5) the procedures by which the deposit packaging seller who sells beverages in deposit packaging to final users ensures the acceptance of the deposit packaging, and the procedures by which a deposit system operator ensures the minimum requirements in respect of the territorial coverage of deposit packaging acceptance points;

6) the conditions according to which several deposit packaging sellers may create a common point for the acceptance of the deposit packaging.

[*24 October 2019; 9 July 2020*]

**Chapter IV**

**Information Systems and Notification**

[*9 July 2020*]

**Section 19.** (1) A packaging producer and packer shall keep the data on the amount of the packaging produced, brought to other countries, and brought into from other countries, including the information on the toxicity or dangerousness of the packaging materials and components used for the production thereof, and also on the amount of reused packaging and materials, including the information on the toxicity or dangerousness of the packaging materials and components used for the production thereof.

(2) A packaging manager shall survey and separately store the data regarding household and industrial packaging waste:

1) volumes;

2) recovered, recycled, and disposed volumes in the territory of Latvia and abroad, broken down to types of materials.

(3) The data referred to in Paragraphs one and two of this Section shall be stored for at least three years and provided to the competent State authorities upon their request.

[*26 May 2011; 9 July 2020*]

**Section 20.** (1) The State Environmental Service shall draw up a report each year on the amount, types of materials, and management of the packaging used in the country the sample of which is determined by the Cabinet, and publish it on the website thereof.

(2) *Valsts sabiedrība ar ierobežotu atbildību “Latvijas Vides, ģeoloģijas un meteoroloģijas centrs”* [State limited liability company Latvian Environment, Geology and Meteorology Centre] shall enter the report referred to in Paragraph one of this Section in the database of the European Commission within 18 months after the end of the reporting year.

[*26 May 2011; 23 November 2016; 9 July 2020*]

**Chapter V**

**Monitoring**

**Section 21.** (1) The State Environmental Service shall control the activity of packaging producer, packer, packaging manager, and deposit packer in accordance with the requirements laid down in this Law.

(2) The State Environmental Service shall monitor the activities of a deposit system operator in accordance with the requirements laid down in this Law. The Regulator shall monitor the activities of a deposit system operator in conformity with Section 18.7, Section 18.15, Paragraph three, and Sections 18.16 and 18.17 of this Law.

(3) The Ministry of Environmental Protection and Regional Development shall assess each year the performance of the packaging waste recycling objectives, where necessary, ask for extension of the time period for the fulfilment of the packaging waste recycling objectives and prepare the implementation plan for the submission to the European Commission. The Cabinet shall determine the requirements in respect of the content of the implementation plan and time period for the submission of the plan to the European Commission.

[*24 October 2019; 9 July 2020; 25 November 2021*]

**Chapter VI**

**Administrative Offences in the Field of Packaging and Competence in Administrative Offence Proceedings**

[*17 October 2019 / Chapter shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions*]

**Section 22.** (1) [25 November 2021]

(2) For the use of a special sign of the packaging deposit system for the packaging other than registered as the packaging to which a deposit system is applied, a fine from one hundred and forty to two hundred and eighty units of fine shall be imposed on a legal person.

[*17 October 2019; 25 November 2021*]

**Section 23.** The administrative offence proceedings for the offences referred to in Section 22 of this Law shall be conducted by the State Environmental Service.

[*17 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 5 of Transitional Provisions*]

**Transitional Provisions**

1. Section 18 of this Law shall come into force on 1 January 2003.

2. The Cabinet shall, by 1 October 2005, issue the regulations referred to in Section 1.1, Paragraph three, Section 13, Paragraph two, and Section 15, Paragraphs three and five of this Law.

[*24 April 2005*]

3. Up to the day of the coming into force of the new Cabinet regulations, but not later than 1 October 2005, Cabinet Regulation No. 139 of 2 April 2002, Regulations Regarding Volumes and Time Periods for Recovery of Packaging Waste, Procedures for Submission of Reports and Model Forms of Reports, shall be in force insofar as it not in contradiction to this Law.

[*21 April 2005*]

4. The Cabinet shall, by 1 October 2005, make the necessary amendments to Cabinet Regulation No. 414 of 22 July 2003, Regulations Regarding Application of Deposit System to Reusable Packaging.

[*21 April 2005*]

5. Chapter VI of this Law shall come into force concurrently with the Law on Administrative Liability.

[*17 October 2019*]

6. Amendments to Sections 1, 3, 12, 13, and 21 of this Law regarding the establishment and implementation of the deposit system and Chapter III.1 shall come into force on 1 July 2020.

[*24 October 2019*]

7. The Cabinet shall, by 30 June 2020, issue the regulations referred to in Section 13, Paragraph 2.1, Sections 18.3, 18.4, 18.5, and 18.11, Section 18.13, Clauses 1 and 2, and Section 18.19 of this Law.

[*24 October 2019*]

8. The Regulator shall, by 30 September 2020, issue the regulations referred to in Section 18.7, Paragraph two and Section 18.18, Paragraphs three and twenty of this Law.

[*24 October 2019*]

9. The person who qualifies for the right to become a deposit system operator shall, along with the start of the operation of the deposit system, submit the documents referred to in Section 18.13 of this Law to the State Environmental Service by 30 September 2020.

[*24 October 2019*]

10. If no application for the establishment of the deposit system is received by 30 September 2020 or none of the applicants that qualify for the right to become a deposit system operator conforms to the requirements laid down in laws and regulations, the State Environmental Service shall, not later than by 30 September 2020, announce repeated application for the right to become a deposit system operator by publishing the announcement in accordance with the procedures laid down in the Law on Official Publications and Legal Information.

[*24 October 2019*]

11. The deposit system shall become operational on 1 February 2022.

[*24 October 2019*]

12. By 31 July 2022, the points of sale may concurrently place on the market beverages in a deposit packaging with or without the special indication (marking) on the packaging.

[*24 October 2019*]

13. The Cabinet shall, by 1 October 2020, issue the regulations referred to in Section 20, Paragraph one and Section 21, Paragraph three of this Law.

[*9 July 2020*]

14. Amendments to Section 15, Paragraph two of this Law regarding the new wording of Clauses 1 and 3 shall come into force on 1 January 2022.

[*9 July 2020*]

**Informative Reference to the Directives of the European Union**

[*26 May 2011; 25 October 2018; 9 July 2020*]

This Law contains legal norms arising from:

1) European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;

2) Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste;

3) Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 amending Directive 94/62/EC on packaging and packaging waste;

4) Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance);

5) Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (Text with EEA relevance).

The Law shall come into force on 1 July 2002.

The Law has been adopted by the *Saeima* on 20 December 2001.

President V. Vīķe-Freiberga

Rīga, 9 January 2002