

Draft

ACT

of /2019

on the deposit return scheme for disposable beverage containers and on amendments to certain acts

The National Council of the Slovak Republic has passed the following Act:

Article I

§ 1

Subject matter

- (1) This Act governs
- a) the rights and obligations of legal entities and natural persons with regard to the deposit scheme for disposable beverage containers,
 - b) the status and roles of the administrator of the deposit return scheme for disposable beverage containers (hereinafter referred to as the ‘administrator’),
 - c) the competence of government authorities with regard to the deposit scheme for disposable beverage containers and waste comprising these containers,
 - d) state supervision and the procedure to be followed by state supervisory authorities when exercising supervision, administrative offences and the proceedings to impose fines.
- (2) This Act applies to disposable beverage containers placed on the market in the Slovak Republic¹⁾ (hereinafter referred to as the ‘market’) and to waste comprising these containers.

§ 2

Basic provisions

For the purposes of this Act, the following definitions shall apply

- a) ‘disposable beverage container’ means single-use packaging for beverages²⁾,
- b) ‘disposable beverage container subject to a deposit’ means single-use packaging of a product for which, when sold, a deposit is charged in addition to the price of the product,
- c) ‘producer of packaging’ means the producer of packaging defined by special legislation³⁾ placing on the market beverages in disposable containers subject to a deposit,

¹⁾ § 52(12) of Act No 79/2015 on waste and on amendments to certain acts.

²⁾ § 3(4) of Implementing Decision No 981/1996-100 of the Ministry of Agriculture of the Slovak Republic and the Ministry of Health of the Slovak Republic of 20 May 1996 issuing Part One and Titles One, Two and Three of the Codex Alimentarius of the Slovak Republic (Notice No 195/1996).

³⁾ § 52(11) of Act No 79/2015.

- d) 'distributor of packaging' means the distributor of packaging defined by special legislation⁴⁾ distributing beverages in disposable containers subject to a deposit,
- e) 'deposit return scheme' means the set of organisational, administrative, financial, information and other related measures implemented by the administrator in order to refund the deposits that end-users of containers pay when purchasing goods in containers that are subject to a deposit, with the aim of managing packaging waste⁵⁾ in accordance with waste management hierarchy priorities⁶⁾
- f) 'deposit' means the separate monetary amount linked to the packaging of goods, the purpose of which is to ensure that packaging waste returns to the administrator and is managed in accordance with waste management hierarchy priorities,
- g) 'application of deposits for disposable beverage containers' means the activity when selling goods in disposable beverage containers subject to a deposit, whereby the person paying for the goods is charged a deposit, and the activity when the waste comprising this packaging is returned, whereby the deposit is refunded to the person returning the waste comprising this container; the deposit may also be refunded by offsetting it against another monetary claim,
- h) 'collection of waste comprising disposable beverage containers subject to a deposit' means the collection thereof from end-users within the territory of the Slovak Republic for the purposes of returning the waste comprising beverage containers to the administrator of disposable beverage containers subject to a deposit,
- i) 'sales area' means the part of the premises of an establishment, which is used to sell and display goods and which comprises the total area accessible by customers, including fitting rooms, counter space, window space and the space behind counters used by the seller; the sales area does not include offices, storage and preparation rooms, workshops, staircases, cloakrooms and other amenity rooms.

§ 3

Application of deposits for disposable beverage containers

- (1) Deposits shall be applied for disposable plastic beverage containers in the form of bottles and disposable metal beverage containers in the form of cans.
- (2) The distributor of packaging may refuse to refund the deposit paid for the disposable container referred to in paragraph (1) if it does not have the marking indicating that it is covered by the deposit return scheme or if, due to the container's degradation or deformation, it is not possible to identify whether it is covered by the deposit return scheme, or if the container does not have a visible label and legible bar code making it possible to identify the producer thereof. It is also possible to refuse to refund the deposit if the disposable container referred to in paragraph (1) is not empty.

⁴⁾ § 52(14) of Act No 79/2015.

⁵⁾ § 52(15) of Act No 79/2015.

⁶⁾ § 6(1) of Act No 79/2015.

§ 4
Obligations of producers of packaging

- (1) In order to ensure proper functioning of the deposit return scheme, producers of packaging shall
- a) apply deposits for disposable beverage containers and adhere to the deposit amount determined by the administrator,
 - b) ensure that containers are clearly marked to indicate that they are covered by the deposit return scheme,
 - c) keep separate accounting records for the price of the goods and the deposit amount,
 - d) within 60 days of receiving a notice of commencement of operations from the administrator [§ 6(8)], request the administrator to enter into a contract to fulfil the obligations under this Act,
 - e) register disposable beverage containers subject to a deposit with the administrator before placing them on the market,
 - f) pay to the administrator the deposits collected from placing beverages in disposable beverage containers subject to a deposit on the market for the period of the calendar year specified in the concluded contract,
 - g) cover all of the administrator's costs associated with participation in the deposit return scheme and costs of transport, recovery, recycling and disposal of waste comprising disposable beverage containers subject to a deposit in accordance with the concluded contract,
 - h) keep records of disposable beverage containers subject to a deposit and report data from these records to the administrator in the scope necessary to fulfil the administrator's obligations under § 7(1)(l) and (m).
- (2) Producers of packaging who are simultaneously distributors of packaging shall be subject to the provisions of § 5(1)(b), (e) to (i), paragraph (2) and paragraph (5).

§ 5
Obligations of distributors of packaging

- (1) In order to ensure proper functioning of the deposit return scheme, distributors of packaging who sell beverages in disposable packaging to end-users shall
- a) apply deposits for disposable beverage containers and adhere to the deposit amount determined by the administrator,
 - b) indicate the deposit amount on the price tag of the goods,
 - c) keep separate accounting records for the price of the goods and the deposit amount,
 - d) within 60 days of receiving a notice of commencement of operations from the administrator [§ 6(8)], request the administrator to enter into a contract to fulfil the obligations under this Act,
 - e) register with the administrator as a collection point for waste comprising disposable beverage containers subject to a deposit,
 - f) collect waste comprising disposable beverage containers subject to a deposit on the site of their establishment or within 150 metres from the site of their establishment without restrictions on quantity and without making it conditional on the purchase of goods,
 - g) refund the full deposit amount to the end-user when waste comprising the disposable beverage container subject to a deposit is returned, even without demonstrating that the deposit was paid by the end-user,

- h) collect waste comprising disposable beverage containers subject to a deposit that are no longer placed on the market by the producer of packaging for a period of at least six months from publication of the relevant notice on the administrator's website,
 - i) assist the administrator in carrying out the obligation referred to in § 7(1)(t),
 - j) keep records of disposable beverage containers subject to a deposit and report data from these records to the administrator in the scope necessary to fulfil the administrator's obligations under § 7(1)(l) and (m).
- (2) Distributors of packaging who sell beverages to end-users shall fulfil the obligations referred to in paragraph (1)(a) to (c), (i) and (j) regardless of the size of their sales area. The obligations referred to in paragraph (1)(d) to (h) shall be fulfilled by distributors of packaging who sell beverages to end-users in a sales area of no less than 300 m², except for distributors of packaging who sell foodstuffs and beverages as ancillary goods in this sales area; distributors of packaging who sell beverages on a sales area of less than 300 m² may fulfil these obligations on a voluntary basis.
- (3) Distributors of packaging who sell beverages in disposable packaging in a manner other than to end-users shall fulfil the obligations referred to in paragraph (1)(a) and (c).
- (4) The permit referred to in the special legislation⁷⁾ shall not be required for carrying out the collection of waste comprising disposable beverage containers subject to a deposit by distributors of packaging.
- (5) Distributors of packaging who collect waste comprising disposable beverage containers subject to a deposit shall
- a) gather waste separated according to types of waste and secure it against deterioration, theft or undesirable leakage,
 - b) hand over the waste comprising disposable beverage containers subject to a deposit to the administrator.

§ 6 Administrator

- (1) The administrator is a non-profit organisation providing services of general interest with its head office in the Slovak Republic and is established for an indefinite period of time. The administrator shall exclusively perform roles arising from this Act, in particular, coordinate the deposit return scheme and the system for financing the scheme and perform coordination tasks related to the clearing of deposits. The administrator may also provide other services of general interest, which are directly related to carrying out the tasks for which it was established, in particular educational and promotional activities.
- (2) The administrator shall be established by a legal entity or a consortium of legal entities associating⁸⁾ producers of packaging, which has been designated to do so by the Ministry of the Environment of the Slovak Republic (hereinafter referred to as the 'Ministry of the Environment') on the basis of a selection from registered interested parties (hereinafter referred to as 'interested party'). The call for registration for the selection shall be published

⁷⁾ § 97 of Act No 79/2015, as amended.

⁸⁾ Act No 83/1990 on associations of citizens, as amended.

by the Ministry of the Environment on its website no later than 60 days prior to the selection.

- (3) Interested parties may register for the selection no later than 30 days prior to the selection. Within the time limit referred to in the first sentence, interested parties shall forward to the Ministry of the Environment a draft of
 - a) the organisational plan for the deposit return scheme, including a plan for the technical framework for the functioning thereof,
 - b) the funding scheme and method of financing the deposit return scheme, as well as the method for determining the deposit amounts,
 - c) the plan for achieving the collection rate targets for disposable beverage containers subject to a deposit laid down by this Act,
 - d) the schemes of the future contractual relations between the administrator, producers of packaging and distributors of packaging, specifying in particular the essential details of the future contracts to fulfil the obligations under this Act,
 - e) the plan of educational and promotional activities related to the deposit scheme for disposable beverage containers.
- (4) The Ministry of the Environment shall make the list of the interested parties publicly available on its website.
- (5) The administrator shall be selected using a scoring system by an expert committee set up by the Ministry of the Environment. In addition to the draft documents submitted in accordance with paragraph (3), the expert committee shall also assess the nature and number of packaging producers cooperating with the interested party and the quantity of disposable beverage containers placed by these producers on the market in the calendar year preceding the calendar year in which the selection is being made.
- (6) The person entrusted with designating an administrator shall be determined by the Ministry of the Environment on the basis of the expert committee's recommendation. The expert committee may make comments on the draft documents submitted in accordance with paragraph (3). If the expert committee does not recommend any of the registered interested parties to the Ministry of the Environment, the Ministry of the Environment shall recommend that the selection be repeated; the selection shall also be repeated if no interested parties register for the selection on the basis of the call published pursuant to paragraph (2). The repeated selection shall be subject to the provisions of paragraphs (2) to (4).
- (7) The person entrusted to designate the administrator shall apply for registration of the non-profit organisation in the register referred to in special legislation⁹⁾ within 30 days of being notified of the designation. Immediately after the registration decision¹⁰⁾ becomes final, the person entrusted to designate the administrator shall present to the Ministry of the Environment the documents referred to in paragraph (3). If, when entrusting the person to designate the administrator, the Ministry of the Environment specifies that the submitted documents need to be modified according to the expert committee's recommendations, the documents shall be presented to the Ministry of the Environment with the adaptations.

⁹⁾ Act No 213/1997 on non-profit organisations providing services of general interest, as amended.

¹⁰⁾ § 9 of Act No 213/1997, as amended by Act No 335/2007.

- (8) The Ministry of the Environment shall approve the documents presented pursuant to paragraph (7) within 30 days of receiving them and, at the same time, specify the date from which the person entrusted with designating the administrator may operate as the administrator under this Act. When approving the submitted documents, the Ministry of the Environment shall perform a formal check thereof and a check of whether the documents have been adapted pursuant to paragraph (7). If the Ministry of the Environment does not approve the submitted documents, it shall notify the person entrusted with designating the administrator of this fact within the time limit referred to in the first sentence and specify the time limit for resubmission of the documents. The reasons why it did not approve the documents shall be specified by the Ministry of the Environment in the request for resubmission of the documents. If the resubmitted documents fail to meet the specified requirements, the Ministry of the Environment shall withdraw the person entrusted with designating the administrator and proceed in accordance with paragraph (2).
- (9) The documents submitted in accordance with paragraph (7) and approved by the Ministry of the Environment shall become the administrator's basic documents. The administrator shall notify the Ministry of the Environment of any amendments to the basic documents that do not have an effect on carrying out the administrator's roles under this Act within 30 days of making them; any other changes shall be subject to approval by the Ministry of the Environment. Amendments that are subject to approval by the Ministry may be made by the administrator only on the basis of a written notification from the Ministry of the Environment that it has no objections to them. In case of doubts as to the nature of the proposed amendments to the basic documents, the administrator may request the Ministry of the Environment in writing to provide its opinion.
- (10) Amendments to the administrator's basic documents may also be made by the Ministry of the Environment after prior consultations with the administrator if it is repeatedly found by state supervision (§ 12) that, when performing its roles under this Act, the administrator discriminates against a packaging producer or packaging distributor, or fails to act in conformity with their legitimate interests. The Ministry of the Environment may also make amendments to the basic documents when the administrator is unable to ensure appropriate protection of the data reported to the administrator by packaging producers and packaging distributors for the purposes of performing the administrator's roles under this Act and inadequate protection of this data may potentially cause substantial damage to a packaging producer or packaging distributor in respect of their business activities or market position.

§ 7

- (1) The administrator shall
 - a) create, administer and finance the deposit return scheme in accordance with the administrator's basic documents,
 - b) notify producers of packaging and distributors of packaging that it has commenced operating as the administrator [§ 6(8)] within 60 days of approval of the basic documents and enter into contracts with producers of packaging and distributors of packaging to fulfil the obligations under this Act within 30 days of being so requested by them,
 - c) ensure that the return rate targets for disposable beverage containers subject to a deposit set out in Annex 1 are achieved,
 - d) provide services to producers of packaging and distributors of packaging under non-discriminatory terms,

- e) carry out the measures specified in the organisational plan of the deposit return scheme and in the funding scheme,
- f) carry out the measures specified in the plan of educational and promotional activities and provide information on issues related to the deposit return scheme,
- g) specify a deposit amount at least equal to the prescribed amount,
- h) in accordance with the concluded contracts, reimburse distributors of packaging for the payments made to refund the deposits,
- i) reimburse the costs of distributors of packaging associated with the collection of waste comprising disposable beverage containers subject to a deposit, including capital investments, in accordance with the concluded contract,
- j) provide for the transport, recovery and recycling of waste comprising disposable beverage containers subject to a deposit and disposal of unrecoverable separated waste comprising disposable beverage containers subject to a deposit,
- k) educate and inform the public about the deposit return scheme,
- l) create and operate a deposit scheme information system and, using this system, enter data to the information system maintained by the Ministry of the Environment,
- m) keep records of disposable beverage containers subject to a deposit and report data from the records to the Ministry of the Environment,
- n) by 31 January of each year, deliver to the Ministry of the Environment an up-to-date list of producers of packaging and distributors of packaging who have entered into a contract with the administrator,
- o) upon written request from the Ministry of the Environment, present to the Ministry within the set time limit information about how the obligations under points (a) to (m) are being fulfilled,
- p) in the pursuit of its activities, act with due professional care and in accordance with the legitimate interests of producers of packaging and distributors of packaging that are under contract with the administrator,
- q) allow for the exercise of state supervision conducted under this Act and provide the state supervisory authorities with true and complete information related to the performance of the administrator's obligations,
- r) keep the data reported under § 4(1)(h) and § 5(1)(j) confidential; this obligation also applies to members of the administrator's bodies and the administrator's employees,
- s) publish on its website
 1. information for end-users about the possibility to return waste made of disposable beverage containers,
 2. notices that a beverage in a disposable container will no longer be placed on the market and sold; the notices shall be publicly available throughout the period the waste made of this packaging is being collected,
 3. data from the deposit scheme information system in an aggregated form, by 28 February of each year, for the preceding calendar year,
- t) publish the notices referred to in the second indent of point (s) on the site of the distributors of packaging,
- u) refrain from acting in favour of an owner or in favour of an operator of a facility for the collection, recovery, recycling, treatment or disposal of waste made of disposable beverage containers that are the subject of this Act, in which the administrator holds, directly or indirectly, any ownership, decision-making or voting rights, regardless of whether the owner or operator of such a facility operates in the territory of the Slovak Republic or another Member State of the European Union.

- (2) The obligation of confidentiality referred to in paragraph (1)(r) shall not apply to the data provided by the administrator to the Ministry of the Environment in order to perform its roles under this Act.

Authorities exercising state administration with regard to the deposit scheme for disposable beverage containers and waste made up of these containers

§ 8

The bodies of state administration with regard to the deposit scheme for disposable beverage containers and waste made up of these containers are

- a) the Ministry of the Environment,
- b) the Slovak Environmental Inspectorate (hereinafter referred to as the ‘Inspectorate’),
- c) the Slovak Trade Inspection.

§ 9

Ministry of the Environment

- (1) The Ministry of the Environment shall be the central government authority for the deposit scheme for disposable beverage containers and waste made of these containers.
- (2) The Ministry of the Environment shall
 - a) manage and control the state administration with regard to the deposit scheme for disposable beverage containers subject to a deposit and waste made of these containers,
 - b) perform the tasks associated with the establishment of the administrator and approval and modifications of the administrator’s basic documents,
 - c) keep record of the data reported under this Act.
- (3) An act of general application to be issued by the Ministry of the Environment shall lay down the details of
 - a) the disposable beverage containers subject to a deposit and the minimum deposit amount,
 - b) the labelling of disposable beverage containers subject to a deposit,
 - c) the record-keeping and reporting obligations.

§ 10

Inspectorate

The Inspectorate shall

- a) be the authority to carry out state supervision (§ 12) of compliance with the obligations laid down by this Act, unless otherwise provided in § 11(a),
- b) impose fines (§ 13).

§ 11

Slovak Trade Inspection

The Slovak Trade Inspection shall

- a) be the authority to carry out state supervision (§ 12) of compliance with the obligations referred to in § 4(1)(a) and (b) and § 5(a), (b) and (f) to (h) in relation to consumers, except for primary production,

- b) impose fines (§ 13) for breaches of the obligations referred to in point (a).

§ 12

State supervision

- (1) State supervision means oversight of compliance with the provisions of this Act and acts of general application issued to implement this Act by legal entities and natural persons – entrepreneurs (hereinafter referred to as ‘persons subject to supervision’) and decisions issued under this Act.
- (2) The persons carrying out state supervision shall identify themselves using their business card; upon request, they shall permit the card to be inspected.
- (3) When performing their tasks, persons carrying out state supervision on behalf of the Inspectorate shall be entitled to
 - a) enter freely and at any time the sale, storage and other premises used by the person subject to supervision for the conduct of business activities,
 - b) require proof of identity from the person subject to supervision and employees or persons acting on behalf of the person subject to supervision,
 - c) require the presentation of operating records, other records and other documents by the person subject to supervision and inspect and request copies of these records,
 - d) make the necessary inquiries and require the necessary data and explanations related to the conduct of the inspection,
 - e) check the labelling of disposable beverage containers at the stage of distribution and in primary production.
- (4) In addition to exercising the privileges referred to in paragraph (3)(a) and (d), when carrying out state supervision, inspectors of the Slovak Trade Inspection shall also be entitled to
 - a) require presentation of accompanying documents for products and other records and documents of the person subject to supervision and inspect and request copies of these documents,
 - b) check the labelling of disposable beverage containers at the stage of their distribution to consumers, with the exception of primary production,
 - c) in the event of non-compliance with their obligations arising from this Act in relation to consumers, notify producers of packaging and distributors of packaging of the shortcomings identified and, by means of a binding instruction, require that measures to remedy these shortcomings be taken,
 - d) until the shortcomings are remedied, prohibit the delivery, sale to consumers or use of disposable beverage containers if they do not meet the criteria laid down by this Act or acts of general application issued to implement this Act.
- (5) Persons subject to supervision shall
 - a) tolerate the state supervision,
 - b) grant the persons carrying out state supervision and any invited experts access to the storage and sale premises and other premises,
 - c) provide proof of their identity and identity of their employees and persons acting on their behalf,

- d) present originals of their operating records and documents, permit them to be inspected, make copies thereof and present them to the person carrying out state supervision,
- e) allow the necessary inquiries and provide the necessary documents, explanations and true and complete information in relation to this Act,
- f) without delay, make available an employee to assist the person carrying out state supervision.

§ 13 Administrative offences

A legal entity or natural person – entrepreneur, will commit an administrative offence by

- a) failing to fulfil the obligation under § 4(1)(d),
- b) breaching the obligations under § 4(1)(b), (c) and (h),
- c) breaching the obligations under § 4(1)(a), (e) to (g),
- d) failing to fulfil the obligation under § 5(1)(d),
- e) breaching the obligations under § 5(1)(a), (e) to (h)
- f) breaching the obligations under § 5(1)(b), (c), (i) and (j),
- g) failing to fulfil the obligation under § 7(1)(a),
- h) failing to fulfil the obligation under § 7(1)(c),
- i) breaching the obligations under § 7(1)(b), (d), (e), (h) to (j), (p) to (s) and (u),
- j) breaching the obligations under § 7(1)(f), (g), (k) to (o), and (t),
- k) breaching the obligation under § 17.

§ 14 Imposition of fines

- (1) A fine, the amount of which shall be calculated as a multiple of the deposit for disposable beverage containers as specified by the administrator and the total number of disposable beverage containers placed by the producer on the market over a period of one calendar year, shall be imposed on the producer of the packaging by the competent state supervisory authority for the administrative offence referred to in § 13(a). If the deposit amount has not been specified by the administrator, the minimum deposit amount pursuant to § 9(3)(a) shall be used for the calculation.
- (2) A fine, the amount of which shall be calculated as a multiple of the deposit for disposable beverage containers as specified by the administrator and the total number of disposable beverage containers sold by this distributor over a period of one calendar year, shall be imposed on the distributor of packaging by the competent state supervisory authority for the administrative offence referred to in § 13(d). If the deposit amount has not been specified by the administrator, the minimum deposit amount pursuant to § 9(3)(a) shall be used for the calculation.
- (3) A fine, the amount of which shall be calculated as a multiple of the deposit for disposable beverage containers as specified by the administrator and the total number of disposable beverage containers placed on the market over a period of one calendar year, shall be imposed by the competent state supervisory authority for the administrative offence referred to in § 13(g). If the deposit amount has not been specified by the administrator, the minimum deposit amount pursuant to § 9(3)(a) shall be used for the calculation.

- (4) A fine, the amount of which shall be calculated as a multiple of the deposit for disposable beverage containers as specified by the administrator and the total number of disposable beverage containers placed on the market over a period of the calendar year, for which the target pursuant to Annex 1 was not achieved, shall be imposed by the competent state supervisory authority for the administrative offence referred to in § 13(h). If the deposit amount has not been specified by the administrator, the minimum deposit amount pursuant to § 9(3)(a) shall be used for the calculation.
- (5) A fine of EUR 500 to EUR 5 000 shall be imposed by the competent state supervisory authority for the administrative offences referred to in § 13(b), (f) and (j).
- (6) (6) A fine of EUR 2 000 to EUR 80 000 shall be imposed by the competent state supervisory authority for the administrative offences referred to in § 13(c) and (e).
- (7) A fine of EUR 5 000 to EUR 120 000 shall be imposed by the competent state supervisory authority for the administrative offences referred to in § 13(i) and (k).
- (8) The proceedings on the imposition of a fine on a person subject to supervision for a breach of or failure to comply with obligations under this Act may commence within one year of the date when the state supervisory authority became aware of the breach of the obligation; the date when the state supervisory authority became aware of a breach of or failure to comply with obligations under this Act shall be the date of consultation of the state supervision report or the date when the inspection record containing a record of the shortcoming was drawn up.
- (9) When imposing the fine, the seriousness, scope and duration of the unlawful conduct shall be taken into consideration in particular.
- (10) The decision imposing the fine may simultaneously require the liable party to take measures, within a set time limit, to remedy the consequences of the unlawful conduct for which the fine was imposed. If the liable party fails to take the imposed measures within the set time limit, another fine of up to double the upper limit of the fine for a breach of or failure to comply with the obligation for which the original fine was imposed shall be imposed by the state supervisory authority on the liable party. A fine amounting to double the upper limit of the fine for a breach of or failure to comply with an obligation shall also be imposed if the liable party fails to comply with or breaches the same obligation within one year of the decision imposing the original fine becoming final.
- (11) The fines shall be due within 30 days of the date the decision imposing the fine becomes final, unless an earlier date is specified in the decision.
- (12) The fines shall be revenue of the Environmental Fund.

§ 15

Common provisions

- (1) When exercising state supervision, the state supervisory authority referred to in § 10 shall follow general legislation on control in state administration, unless otherwise provided in § 12.

- (2) When exercising state supervision, the state supervisory authority referred to in § 11 shall follow special legislation¹¹⁾, unless otherwise provided in § 12.
- (3) Proceedings under this Act shall not be subject to the Code of Administrative Procedure, with the exception of proceedings on the imposition of fines.

§ 16

Transitional provisions

Disposable beverage containers subject to the obligation under § 3(1) which do not comply with the requirements of this Act may be placed on the market until 31 December 2021 or distributed until 30 June 2022.

Final provisions

§ 17

This Act was adopted in accordance with a legally binding act of the European Union in the field of technical standards and technical regulations.¹²⁾

§ 18

This Act transposes the legally binding acts of the European Union listed in Annex 2.

Article II

Act No 128/2002 Coll. on state control of the internal market in matters of consumer protection and on amendments to certain acts, as amended by Act No 634/1992, Act No 284/2002, Act No 22/2004, Act No 377/2004, Act No 451/2004, Act No 725/2004, Act No 266/2005, Act No 308/2005, Act No 646/2005, Act No 250/2007, Act No 648/2007, Act No 67/2010, Act No 129/2010, Act No 161/2011, Act No 182/2011, Act No 78/2012, Act No 301/2012, Act No 142/2013, Act No 367/2013, Act No 102/2014, Act No 106/2014, Act No 373/2014, Act No 35/2015, Act No 387/2015, Act No 391/2015, Act No 56/2018, Act No 106/2018, Act No 157/2018, Act No 170/2018 and Act No 177/2018, is amended as follows:

The following point (l) is added in § 2:

‘l) compliance with the obligations related to the deposit scheme for disposable beverage containers in accordance with special legislation^{9f)}’.

Footnote 9f reads as follows:

‘^{9f)} Act No .../2019 on the deposit return scheme for disposable beverage containers and on amendments to certain acts.’

¹¹⁾ Act No 128/2002 on state control of the internal market in matters of consumer protection and on amendments to certain acts, as amended.

¹²⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17 September 2015).

Article III

Act No 79/2015 on waste and on amendments to certain acts, as amended by Act No 91/2016, Act No 313/2016, Act No 90/2017, Act No 292/2017, Act No 106/2018, Act No 177/2018, Act No 208/2018 and Act No 312/2018, is amended as follows:

1. The following paragraphs (23) and (24) are added to § 27:

‘(23) Producers of disposable beverage containers^{58a)} placing on the market in the Slovak Republic beverages in disposable beverage containers subject to a deposit shall fulfil the obligations referred to in paragraph (4)(e), (f) and (g) via the administrator of the deposit return scheme for disposable beverage containers.^{58b)}

(24) The obligations referred to in paragraph (4)(j) and (k) shall not apply to producers of disposable beverage containers placing on the market in the Slovak Republic beverages in disposable beverage containers subject to a deposit.’

Footnotes 58a and 58b read as follows:

^{58a)} § 2(c) of Act No .../2019 on the deposit return scheme for disposable beverage containers and on amendments to certain acts.

^{58b)} § 6 of Act No .../2019.’.

2. In § 52, paragraphs (9) and (10) are as follows:

‘(9) For the purposes of this Act, packaging subject to a deposit means packaging of goods for which, when sold, a separate amount linked to the packaging of the goods is charged in addition to the price of the goods (hereinafter referred to as the ‘deposit’), the purpose of which is to ensure that the used packaging is returned. The deposit scheme shall apply to reusable packaging for beverages.

(10) For the purposes of this Act, the application of deposits for packaging means the activity whereby the person paying for goods sold in packaging subject to a deposit is charged a deposit and the activity whereby, when the packaging subject to a deposit is being returned, the deposit is refunded to the person returning the used packaging; the deposit may also be refunded by offsetting it against another monetary claim.’

3. The following paragraph (7) is added to § 54:

‘(7) Producers of disposable beverage containers subject to a deposit placing on the market in the Slovak Republic beverages in disposable containers subject to a deposit shall fulfil the obligations referred to in paragraph (1)(d) to (f) via the administrator of the deposit return scheme for disposable beverage containers.’

Article IV

This Act shall enter into force on 1 January 2020, with the exception of Article I, § 3, § 4(1)(a) to (c) and (f) to (h), § 5(1)(a) to (c) and (f) to (j), § 6(10), § 7(1)(c), (d), (g), (i), (n), and (q) to (s) and Article III, which shall enter into force on 1 January 2022.

**Annex 1 to Act
No .../2019**

Collection rate targets for disposable beverage containers subject to a deposit

1. Collection rate targets for plastic disposable beverage containers subject to a deposit:
 - a) by the end of 2022 – at least 60 %,
 - b) by the end of 2024 – at least 77 %,
 - c) from 2027 – at least 90 %.

2. Collection rate targets for metal disposable beverage containers subject to a deposit:
 - a) by the end of 2024 – no target,
 - b) from 2025 – at least 90 %.

**Annex 2 to Act
No .../2019**

**LIST OF LEGALLY BINDING ACTS OF THE EUROPEAN UNION THAT ARE
BEING TRANSPOSED**

European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ Special Edition, Chapter 13/Vol. 13; OJ L 365, 31.12.1994) as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 (OJ Special Edition, Chapter 1/Vol. 4; OJ L 284, 31.10.2003), Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 (OJ Special Edition, Chapter 13/ Vol. 34; OJ L 47, 18.2.2004), Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 (OJ L 70, 16.3.2005), as amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 (OJ L 87, 31.3.2009), Commission Directive 2013/2/EU of 7 February 2013 (OJ L 37, 8.2.2013), Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 (OJ L 115, 6.5.2015) and Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 (OJ L 150, 14.6.2018).