

CYPRUS
Packaging and Packaging Waste Law of 2002 to 2003

Date Basic Law was enacted: 12 April 2002

Date Basic Law was revised: 19 December 2003

PART I – BASIC PROVISIONS:

Definitions:

"Economic Operators" means regarding packaging, the packaging material providers, packaging manufacturers and packaging modifiers, bottlers and users, importers, traders and distributors, Public Authorities and Public Organisations.

"Prevention" means the reduction of the quantities and their damaging impact on the environment.

- a. of the materials and substances contained in packaging and packaging waste and
- b. of the packaging or the waste in production processes and in the trading, distribution, use and obliteration, especially with the development of "clean" products and technologies.

"Return System" means the system for alternative management of packaging according to which buyer of a packaged product pays to the seller a deposit fee (return fee) which is returned to the buyer when the packing is return to the seller for alternative management.

"Minister" means the Minister of Agriculture, Natural Resources and the Environment (MARNE).

The rest Definitions of Packaging are exactly as they are in the 94/62/EU Directive with the same breakdown in primary, secondary and transport packaging.

Law Coverage

- 3 (1) Law covers all packaging distributed in the market and all packaging waste that have either been used or are originated from industries, trade, offices, shops, services, households or any other source, irrespective of the materials made of.
- 4 (1) Full compliance with directive 94/62/EU with special targets to prevent and reduce the environmental impact of packaging waste ensuring this way high environment protection standards and at the same time ensure the smooth operation of the

economic market avoiding obstacles to trade, market distortions and limitations to competition.

- (2) Basic targets of 4(1) are realised with the following measures:
- (a) Prevention of waste production or minimisation for sustainable development.
 - (b) Minimisation of packaging waste or other waste disposal by encouraging:
 - (i) Systems for re-use in environment friendly ways including material recovery and recycling to reduce energy consumption and the use of primary raw materials.
 - (ii) Energy Recovery as an effective method of utilisation.
 - (c) Setting quantifiable targets for recycling and other utilisation methods including respective timeframes.
 - (d) The design and establishment of return systems including return fees, collection and utilisation with the participation of all interested parties.
 - (e) Provision for identification systems for Packaging.
 - (f) Designation of the basic requirements for the nature and composition of re-usable and able to be utilised packaging and other products including recycling.
 - (g) Limit the noxious heavy materials and other harmful substances in packing.
 - (h) Sorting of packaging waste at source.
 - (i) Establish standards for packaging.
 - (j) Promote the "polluter pays principle".
 - (k) Establish communication systems for the consumers to inform them for their role in packaging and other waste management.
 - (l) Establish information system for the public with regard to packaging standards and specifications.

PART II – SPECIAL PROVISIONS

Packaging Waste Management Programs

- 5 (1) The Cabinet of Ministers issues regulations for the development of packaging waste management systems aiming to:
- (a) Prevent the packaging waste production and specifically:
 - (i) Give priority to re-use and material recovery through recycling.
 - (ii) Energy recovery with environmentally safe ways to reduce waste disposal.

- (b) Implement the "Polluter Pays Principle".
 - (c) Implement the principle for co-responsibility of the public and private factors involved.
 - (d) Inform the public and encourage them to participate in the management systems.
3. The Minister may consult all economic factors before preparing the programs and utilises all relevant initiatives.
4. The packaging systems authorised by the Cabinet of Ministers may include measures aiming to:
- (a) Encourage re-use of packaging if re-use is environmentally advantageous and technologically possible.
 - (d) Reach the recovery and recycling targets set at each time.
- 6 (1) Recycling targets:
- (a) By the 31st December 2005, between 50% as a minimum and 65% as a maximum by weight of the packaging waste must be recovered.
 - (b) Within this general target, and with the same limit, between 25% as a minimum and 45% as a maximum by weight of the total of packaging materials contained in packaging waste must well be recycled with a minimum of 15% by weight for each packaging material.
- (2) The Cabinet of Ministers may issue, after recommendation of the Counseling Committee for Waste Management (ΣΕΔΑΣ):
- (a) Higher (stricter) recovery and recycling targets.
 - (b) Special measures to reach the higher targets provided. Such measures should not distort the market.
- (3) The Minister informs the EU when higher targets are introduced
- 7 (1) Prohibition of non-complying packaging
- After January 1st 2003 it is prohibited to import, produce and distribute packaging non-conforming with the law and specially the provisions for:
- (a) Standards included in article 8.
 - (b) The basic and Special Provisions included in Appendix III.

Standards

- 8 (1) The national body responsible for identification issues permits for the use of European or International Standards or in their absence Cyprus Standards for the packaging.
- (2) These standards refer mainly to:
- (i) Criteria and methodologies for the analysis of life cycle of packaging.
 - (ii) Methods for the measure and identification of noxious heavy metals and other dangerous substances in packaging and their dispersion to the environment.
 - (iii) Criteria for a minimum percentage of recycled materials to be included in appropriate types of packaging.
 - (iv) Criteria for recycling methods, composting methods and produced compost.
 - (v) Criteria for packaging marking.
- (3) The minister may order the compulsory application of the above standards.

Responsibility of Economic Factors

- 9 (1) Persons (physical or legal) producing, manufacturing, importing, providing or in any way trading products in packaging that can be recycled, re-used or collected for re-exportation are responsible to treat such packaging according to the principles of this law and undertake the cost of treatment of packaging after its use.
- (2) The Cabinet of Ministers may after a recommendation of ΣΕΔΑΣ issue regulations monitoring the responsibilities of the economic factors as well as the enforcement of penalties for violation of such regulations.

Revision of the law 19/12/03 states that companies putting in the market less than 5 tons of packaging waste annually (as a total including all packaging) are relieved from their responsibilities and obligations according to this law and regulations.

Concentration Levels of Heavy Metals

- 10 (1) As from January 1st 2003 the concentration cannot exceed the 100 ppm by weight.
- (3) Cabinet of Ministers may issue regulations stating:
- (a) The types of packaging that can be excluded from the regulation (1).
 - (b) The prerequisites for excluding recyclable materials and circuits of products in a closed and controlled chain from the regulation (1).

Packaging Marking and Identification Systems

- 11 (1) Packaging marking and identification requirements according to the directive showing:
- (3) (a) The nature of the materials used to produce packaging in order to ease the identification from the interested industry.
 - (b) Special marking showing that the packaging is included in a packaging waste management system.
 - (c) The return fee whenever applicable.
- (5) Minister may issue order stating the details and enforcing the use of an identification system for materials included in Appendix IV of the law.

Mixed Packaging

- 12 Minister may issue order stating the details of the construction of mixed packaging and specifically the constitution of the materials and the percentage of materials by weight.

Return and recovery systems

- 13 (1) Cabinet of Ministers with the recommendation of ΣΕΔΑΣ may decide and set the terms and conditions covering the authorisation of return, collection and recovery systems with which the following are ensured:
- (a) Return or collection of used packaging or packaging waste from the consumer or other user, or recovered from the waste stream, in order to be forwarded to the most appropriate alternative treatment solutions and
 - (b) Re-use or recovery, including recycling of collected packaging or packaging waste for reaching the targets of the law.
- (2) The systems mentioned above are designed in a way to ensure that specifically for import products:
- (a) Avoid obstacles to trade, distortions and limitations of competition.
 - (b) Avoid discrimination especially for details that are in force and possible fees enforced for access to such systems.
 - (c) Allow access to all economic factors of the specific industries and the competent public authorities.
 - (d) Take into consideration special requirements for:
 - (i) Protection of the environment and public safety, health and hygiene.
 - (ii) Protection of the quality, authenticity and technical characteristics of packed goods and materials used
 - (iii) Protection of the industrial and commercial property rights.

Information Systems

- 14 (1) The Minister creates databases for packaging and packaging waste according to tables included in Appendix V.
- 15 (1) Packaging management companies and all the relevant economic factors must provide dependable data to the Minister.
 - (2) Minister may require additional data but takes into account the particular problems of small and medium sized enterprises in providing information.

Material Reporting System

- 16 Minister organises a national information system for packaging used including consumers and any interested public or private body, referring mainly to:
 - (a) Packaging management systems.
 - (b) The return, collection and recovery systems available to them.
 - (c) The role in contributing to re-use, recovery and recycling of packaging and packaging waste.
 - (d) The meaning of markings on packaging existing in the market.
 - (e) The appropriate elements of the management plans for packaging waste as referred in the strategy formed according to the Solid and dangerous waste law.
 - (a) Packaging management systems.
 - (b) The return, collection and recovery systems available to them.
 - (c) The role in contributing to re-use, recovery and recycling of packaging and packaging waste.
 - (d) The meaning of markings on packaging existing in the market.
 - (e) The appropriate elements of the management plans for packaging waste as referred in the strategy formed according to the Solid and Hazardous Waste Law.

Return Fee

- 17 Ministers with the recommendation of ΣΕΔΑΣ may issue regulations governing the return fees enforced according to the management system adopted.

Voluntary Agreements

- 18 (1) The Cabinet of Ministers, following the recommendation of ΣΕΔΑΣ may authorise voluntary agreements between competent public authorities and economic factors that import and place in the market products or materials creating waste which aim

among other things to monitor the expenses derived from the collection, storing, treatment, re-treatment, destruction, controlled disposal or exporting of the waste.

- (2) The voluntary agreement must be open to all parties interested to follow its rules in order to contribute to meeting the targets of the law.
- (3) The voluntary agreement is submitted to the Minister and must include all the information and studies required by the Minister and cover everything that is needed to ensure, including the assurance mechanism, that the buyers or users are not contributing more than once.
- (4) The Minister may allow the exclusion from the agreement of any responsible importer or trader if he can prove that a specific raw material or product that he imports or trades can be treated in an environmentally acceptable way by him and also in a way that is at least as effective as the treatment method provided in the authorised system.

Cancellation of Voluntary Agreement

- 19 The Cabinet of Ministers may cancel or postpone an agreement previously authorised when:
 - (a) Later on in time is evident that the information provided were inaccurate or untrue.
 - (b) Later changes or circumstances or new data and facts make it evident that its continuation is not contributing in reaching the targets of this law and the need for an effective management of the waste or
 - (c) International agreements or agreements for regional economic integration in which the country is or becomes a member make necessary the cancellation of the agreement.

PART III – COMPLIMENTARY PROVISIONS

Report to the EU

- 20 (1) The Minister every two years prepares a report concerning the implementation of the law and submits it to the Commission.
- (2) The report is in a form that covers the requirements of the Commission and refers to practical measures including checks and inspections and other data regarding deviation of the regulations issued according to this law.
- (3) The Ministry prepares an annual report according to tables in Appendix V, Article 16 and 18 (4) and submits it to the Commission within 18 months after the end of every Calendar year.
- (4) The Minister prepares and submits a report including:

- (a) Quantitative data on the heavy metal and toxic substances contained in packaging.
- (b) Quantitative data for packaging waste considered as hazardous due to the contained products according to the framework law (Solid and Hazardous waste law) especially when they are not appropriate for recovery.

Freedom of distribution in the market

- 21 No provision of this law may be interpreted in way that may obstruct the distribution in the market within the country packaging that follows the provisions of this law.

Transition Period

- 22 The requirements on the construction of packaging are not compulsory for any packaging before the 1st of January 2003.

PART IV – MANAGEMENT AND IMPLEMENTATION

Set up of ΣΕΔΑΣ

- 23 (1) A counseling Committee for packaging up Waste Management is set up (ΣΕΔΑΣ) with the following members:
- (a) Representative of the Ministry of Agriculture Natural Resources and the Environment as president.
 - (b) Representative of the Ministry of Finance.
 - (c) » » » Interior.
 - (d) » » » Trade Industry and Tourism.
 - (e) » » the Union of Municipalities.
 - (f) » » the Union of Communities.
 - (g) » » Chamber of Commerce & Industry.
 - (h) » » Employers and Industrialist Federation.
 - (i) » » Cyprus Consumers Association.

The Committee can elect one of its members to act as a president in case the president is absent.

Responsibilities of ΣΕΔΑΣ

- 24 (1) ΣΕΔΑΣ is responsible for the following:
- (a) Consults the Minister on issues regarding Packaging Waste.

- (b) Recommends and consults on the establishments of rules and regulations according to this law.
- (c) Consults the Minister for the appointment of Inspectors for the correct implementation of the law.

25 (1) Minister can appoint Inspectors following the recommendation of ΣΕΔΑΣ.

Appointment of Inspectors Penalties

26 Any person (legal or physical) is violating this law is guilty and committing a crime and can be fined with a lump sum not exceeding the amount of £50,000 (law was changed, initial penalty was £10,000 max.)

Regulations

- 27 (1) The Cabinet of Ministers may issue Regulations for the settlement of any relevant issue that may or may not be part of this law in order to improve implementation of the law.
- (2) More specifically the regulations may cover all or some of the following:
- (a) Additional procedures regarding the organisation and the terms of operation of alternative management systems.
 - (b) Duties and authorities of the Inspectors.
 - (c) The timeframes for specific actions provided by the law.
 - (d) The imposition of penalties not exceeding the £50,000 for violation of the regulations.
- (3) Regulations issued by the Cabinet of Ministers based on this law may authorise the Minister to issue orders to regulate technical or administrative issues.

Order

- 28 The Minister may additionally, with official orders, authorise necessary changes to the Appendices of this law to keep them up to date with scientific and technical developments.
- 29 (1) The law is active from the date of its issue in the National Gazette (12 April 2002).
- (2) Articles 11 and 20 (Managing on Packaging and Reporting to the EU) will become active at a later date to be set by the Cabinet of Ministers and issued in the National Gazette.

APPENDICES

APPENDIX I

PART A

Recovery Works – (According to EU Directives) – Referred to in Article 2 – Definitions

PART B

Disposal Works – » » » » » » »

APPENDIX II

Waste Categories (According to EU Directives) – Referred to in Article 2 – Definitions

APPENDIX III

Basic Requirements for the composition, re-usable, recoverable and recyclable nature of the packaging – Referred to in Articles 7 and 20

APPENDIX IV

Identification System (According to EU Directives) – Referred to in Article 11

APPENDIX V

Database System for the Packaging and packaging waste (According to EU Directives) – Referred to in Articles 14 and 20)

Regulations Based on Article 27 of the law

Summary:

Regulations covering the Appointment of Inspectors for the implementation of the law.

Explains how they are appointed and the procedures to be followed.

Their Role:

Perform regular and non-regular inspections in waste treatment facilities to ensure whether the waste treatment works are carried out according to the provisions of the law and the respective regulations.

Can check the operation and the adherence to the regulations and their authorisation for individual or collective systems for packaging waste management.

Can check books, certificates and other documents related to packaging waste management to ensure there is no violation of the law and the regulations.

Can get samples from treatment material that can also be used as evidence in a court of law.

Can have full access and must be provided with all facilities required in visiting and inspecting waste treatment facilities. In case there is a violation the Inspector can issue an “improvement requirement notice” giving a period of time less than 21 days for the waste management facility to stop the violation.

In case this does not happen in the said period or the inspector has information that the facility is or will be operated in a dangerous way, then the inspector can issue a “prohibitive notice” either giving a specific period of time within which to stop the violation and terminate the operation of the facility or if this is not done issue an immediate termination of the operation notice if the dangers for the public from the operation are immediate.

Any obstruction to the work of inspectors is a crime and is subject to penalties to Article 26 of the law.

Regulations Based on Articles 9 and 13 of the law – (ΚΔΠ 747/2003)

Issued 3/10/03 (Date of activation is the same)

Title

- 1 Packaging and Packaging Waste Regulations (Responsibility of economic factors) of 2003.

Definitions

- 2 "Responsible Authority" Minister of Agriculture, National Resources and the Environment

"Management system" means the legal entity formed by packaging managers or/and local authorities aiming to organise and operate a collective packaging waste management system.

"Packaging Management": Providers, manufacturers, packers, importers of packed products and distributors of packaging.

Responsibilities of Economic Factors

- 3 (1) (a) Packagers and importers of packed goods to collect and sort packaging waste and ensure that such waste are directed to re-use or to authorised treatment facilities.
 - (b) The providers and manufacturers to collect from authorised areas or facilities the secondary material and use it for the manufacturing of new products.
 - (c) The distributors to collect the packaging waste or used packaging and
 - (d) The local authorities to treat the packaging waste included in the municipal solid waste stream according to the provisions of the law and the regulations.
- (2) In case the provider, manufacturer, packer or importer of the products cannot be identified, the responsibility in 3(1)(a) is transferred to the entity that first put the products in the market.

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Management Systems

- 4 (1) To cover their responsibilities according to the law and the regulations, the packaging managers are obliged, six months from the activation of these regulations (i.e. by 3 April 2004) to deal with the management of the packaging derived from their operations by either:

- (a) Organising individual packaging waste management systems or
 - (b) Participating in collective packaging waste management systems.
- (2) For the organisation of any individual or collective system the authorisation of the responsible authority is required.
- (3) The above mentioned authorisation is issued after the recommendation of ΣΕΔΑΣ for a six years period to businesses, legal or physical entities, companies or association of businesses, provided that the terms of these regulations are followed.

Authorising Individual Systems

- 5 For the authorisation of an individual system according to paragraph (2) of Regulation 4 the packaging manager must:
- (a) Prove that it uses a deposit system.
 - (b) Provide the responsible authority with data concerning:
 - (i) Description of the deposit system used and especially the methods and its targets.
 - (ii) The technical and financial infrastructure in hand for the implementation of the system.
 - (iii) Detail of the operating method proving that it can cover the requirements of the law.
 - (c) Pay an authorised fee, the amount of which will cover the administrative cost for reviewing its application as set up by the responsible authority.
 - (d) Prove that the recyclable materials collected are treated with recovery of recycling according to the provisions of the law.

Collective Systems

- 1 The Packaging Manager if:
- (a) it does not operate an individual system or
 - (b) the individual system he has proposed has failed, is obliged to participate in a collective packaging management system.
- 2 The collective management system is organised by a management body which is formed either by a packaging manager or by a packaging manager along with local authorities and is a non-profit organisation.
- 3 Participation in a collective system requires the payment of a subscription fee from the participating packaging managers.

- 4 The packaging manager participating in an authorised system is relieved from any other responsibility for its packaging and the respective responsibility is transferred to the collective system it participates in.

Authorisation of Collective Systems

- 1 For the authorisation of any collective system the system manager must submit to the responsible authority data concerning:
 - (a) The technical infrastructure required for the implementation of the system.
 - (b) The financing of the set-up, operation and maintenance of the system.
 - (c) The organisational and set-up of the system.
 - (d) The targets and methods applied for each packaging material it treats.
 - (e) The subscription fee for the participating member which must be compiled considering mainly the volume, the weight of packaging and the quantity of packaging waste produced and must be aimed to sustain the following principles:
 - (i) To reward the light weight packaging (lower weight of packaging per unit of similar product).
 - (ii) Avoid punishing heavier packaging if they have a higher percentage of recyclable materials in their composition (it is a technical implication associated with the use of recyclable raw materials).
 - (iii) Punish the shift in habits from re-usable to disposable packaging and from recyclable to non-recyclable.
 - (f) The return fee in cases a return system is used.
 - (g) The geographical coverage.
 - (h) The feasibility study for a period of six years.
- 2 Every collective system in order to be authorised must be designed so that:
 - (a) Ensures the full access and participation of the packaging managers that fulfill the terms and conditions of the system.
 - (b) Have a fully developed contract agreement for its members with a brief description of their contractual obligations.
 - (c) Ensure the possibility of establishing contractual agreements for cooperation with the bodies responsible for municipal solid Waste Management.
 - (d) Ensure the cooperation of the proposed system with other existing systems and state the terms and conditions for possible collaboration with the local authorities.

- (e) Ensure the achievement of the quantitative targets as set, based on Article 6 of the law.
- 3 In cases that a collective system is organised in which local authorities participate, the local authorities and the packaging waste managers sign between them an agreement with maximum duration of 6 years in which the following are provided for:
- (a) The business plans of the alternative treatment systems which for example contain the treatment works, the quantitative targets and the timeframe for their achievement, the specifications of secondary materials like packaging waste and
 - (b) The framework, the terms and the evaluation criteria of the fees charged to the responsible waste management bodies.

It is expected that these fees are based on a mechanism for calculating the real cost of the total management of municipal solid waste in which the total savings to the bodies responsible for Municipal Solid Waste Management from managing packaging waste alternatively is taken into account.

- 4 The provisions of this regulation are not obstructing the operation of people who are dealing with collection of recyclable used materials on an occasional basis or of the schools or other non-governmental organisations of non-for-profit character, provided that such actions are not obstructing the operation of the authorised collective management systems operating according to the law and the regulations.

Marking of Packaging

- 8 The packaging waste manager participating in the system is allowed to print its packaging with the "Mark" described in the contractual agreement he has with the system.

Reporting of the Systems

- 9 (1) The packaging waste managers are under the obligation to prepare and submit to the relevant authority a detailed annual report concerning the implementation and operation of the collective or individual system used and the way their responsibilities, derived from these regulations, are fulfilled.
- (2) The responsible authority may ask for any additional information needed for the evaluation and proofing of the report.
- (3) The responsible authority may require corrective changes to the system if from the report it is evident that this is necessary to improve the effectiveness of the system.

Management Responsibilities

- 10 The responsibility for the operation of the management systems according to the terms of its authorisation lies on:
- (a) The packaging managers in the case of individual systems.
 - (b) The proposed and authorised managing body for collective systems.

Control for Responsible Authority

- 11 Without affecting the provisions of Regulation 9, the responsible authority may run checks and inspection on individual and collective systems to ensure their effectiveness.

Changes in the Systems

- 12 (1) In case the packaging manager or the managing body of a collective system wants to change in any way the authorised system, must submit to the relevant authority an official application.
- (2) The relevant authority is under the obligation to examine the application within a reasonable time period and decide taking into account the recommendations of ΣΕΔΑΣ.

Cancel Authorisation

- 13 (1) The responsible authority may cancel (recall) its authorisation in the following cases:
- (a) When the system operating is violating the terms of authorisation.
 - (b) When the system operation is violating the underlying laws especially with regard to the required licences for the facilities used for the waste treatment or the processes provided for in the system.
 - (c) When the quantitative targets are not achieved.
 - (d) When it is evident that false data has been submitted in the authorisation process or in the annual report provided in Regulation 9.
 - (e) When the checks and inspections provided in regulation 11 prove that the system is not operating efficiently.
 - (f) When important changes required by the responsible authority according to paragraph (3), Regulation 9 have, without excuse, not been adopted.

Inspectors

- 14 The Inspectors appointed by the Minister according to Article 25 of the law are performing the inspections referred to in these regulations and are responsible for the supervision to ensure correct application of these regulations.

Penalties

- 15 Any person, physical or legal, violating any provision of these regulations is liable for a penalty according to the law.