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PUBLIC LAW PRACTICE

Law 4819/2021 transposing Directive (EU) 2018/852 on
packaging and packaging waste

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On July 7th 2021, the Greek Parliament transposed the Directive (EU) 2018/852 on packaging and packaging waste by issuing the Law 4819/2021 (Government Gazette A 129/23.7.2021) aiming at the reduction of waste production and optimization in their management and including *inter alia* provisions for reuse, recovery and recycling of plastics. The most noteworthy provisions are summarized as follows.

About Packaging and Packaging Waste

The articles 76-94 of the newly adopted Law 4819/2021, provide for the prevention of the production of packaging waste and aim at reusing packaging, at recycling and other forms of recovering packaging waste and, therefore, at reducing the final disposal of such waste in order to contribute to the transition towards a circular economy. The provisions relating to packaging waste apply to all packaging placed on the market and packaging waste from industry, commerce, offices, shops, services, households or any other source.

Among others, the new law includes provisions relating to measures for the steady reduction of consumption of plastic carrier bags. The law also includes special provisions relating to

plastic bottles labeled with polyvinyl chloride (PVC). As regards the latter, it is stipulated that from June 1st 2022, producers and importers of packaging of products part of the packaging of which contains polyvinyl chloride (PVC) as part of the packaging, shall be prohibited from placing a marking on the packaging itself or on the packaging label stating that the packaging can be recycled. As from the same date, consumers will be charged a recycling fee of eight (8) cents for products whose packaging contains polyvinyl chloride (PVC), which shall be indicated in a distinct and legible manner on the sales documents.

Significant provisions regarding the reusable packaging placed on the market and the systems to reuse packaging are also included in the new law. Specifically, it is provided that packaging producers who place reusable packaging on the market are required to provide the relevant data annually to the Greek Recycling Agency through the National Producer Register per packaging material, such as plastic, wood, ferrous metal, aluminum, glass, paper, cardboard and in particular the weight of the total reusable packaging placed on the market for the first time and the weight of primary reusable packaging. Also, it is

stipulated that the placing on the market of reusable packaging shall be certified with an appropriate system to ensure the re-use of packaging, in accordance with the ELOT EN13429 standard.

According to the provisions of the same law, specific quantitative targets are set per material for the recycling of waste packaging and reuse for the period up to December 31st, 2025, and thereafter for the period up to December 31st, 2030.

It is also stipulated that as of January 1st, 2025, plastic carrying bags must contain at least thirty percent (30%) recycled plastic. For this reason, the producers of these products and the natural and legal persons that perform recycling works are obliged to comply with an appropriate system of quality assurance of the recycling processes and traceability of the recycled plastics. From January 1st, 2023, the bodies of the General Government are prohibited from procuring in any way plastic bags that do not contain at least thirty percent (30%) recycled plastic.

Extended Packaging Producer Responsibility

By Law 4819/2021 an Extended Producer Responsibility Program for packaging is established and the persons responsible for the organization and operation of the Alternative Management Systems are defined. The responsibility in case of distance selling of goods via an online platform is also regulated. The abovementioned persons are obliged to

plan, organize and operate Collective Alternative Management Systems or to organize Individual Alternative Management Systems for all the packaged products or packages available on the market for the purpose of achieving the above recycling targets.

Return, collection and recovery systems

Especially the carriers of packaging of beverages made of aluminum up to one and a half (1.5) litres, of disposable glass up to three (3) litres, as well as of disposable plastic products, for compliance with the above obligation, are required from January 5th 2023 to plan, implement and operate Collective Alternative Management Systems nationwide, with a view to implementing a guarantee refund system¹ for such packaging, in order to achieve the quantitative targets for separate collection, preparation for reuse and recycling. The aforementioned persons are required to organize the separate collection of packaging waste in separate streams within their premises.

Administrative Sanctions

The Law provides for further administrative sanctions in case of infringements of the above provisions, applied in addition to the sanctions already mentioned and according to the abovementioned procedure.

¹ "Guarantee refund system" is a set of measures and or the organized return of a product or waste whereby the buyer of the product pays the seller a financial consideration (guarantee fee), which is refunded to the seller when the product is returned for the purpose of reuse or when the waste is returned for the purpose of its alternative management.

Hellenic Recycling Agency

By the same Law, the National Agency for the Alternative Management of Packaging and Other Products is renamed to “Hellenic Recycling Agency”.

The main target of the Hellenic Recycling Agency is the development and implementation of programs for waste prevention and alternative management of packaging waste, while its specific responsibilities are included in the same law. Some of these responsibilities indicatively are the monitoring of the implementation of the abovementioned packaging waste recycling targets and, in case of deviations, the recommendation of measures to achieve them, as well as the imposition of the administrative sanctions.

In conclusion, the adoption of the above measures of the new Law is expected to give a significant boost to reuse and recycling of packaging and packaging waste with a view to meet the requirements of circular economy.

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