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Packaging Excise Duty Act

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RT I 1997, 5, 31
Entry into force 01.03.1997, in part 1 December 1998

§ 1. Object of taxation

Excise duty on packaging (hereinafter *excise duty*) shall be imposed on packaging of goods placed on the market in Estonia or acquired in and imported from another Member State of the European Union (hereinafter *another Member State*).

[RT I 2008, 20, 138 - entry into force 31.05.2008]

§ 2. Definitions

For the purposes of this Act:

1) 'packaging' means packaging as defined in the Packaging Act;

[RT I 2008, 20, 138 - entry into force 31.05.2008]

2) 'import' means the release for free circulation of the packaging within the meaning of Council Regulation No. 2913/92/EEC establishing the Community Customs Code (OJ L 302, 19.10.1992, pp. 1–50) (hereinafter *Community Customs Code*). Bringing packaging into the customs territory of the Community in other events shall also be considered import if it results in a customs debt within the meaning of the Community Customs Code or in using the packaging or destroying the packaging under customs supervision in Estonia.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

2¹) [Repealed - RT I 2004, 24, 165 – entered into force 01.05.2004]

2²) 'intra-Community acquisition of packaging' means bringing packaging into Estonia from another Member State for commercial purposes;

[RT I 2008, 20, 138 - entry into force 31.05.2008]

3) 'recovery of packaging' means recovery of packaging waste as defined the Packaging Act;

[RT I 2008, 20, 138 - entry into force 31.05.2008]

4) [Repealed – RT I 2000, 59, 381 – entered into force 27.07.2000]

5) [Repealed – RT I 2008, 20, 138 – entered into force 31.05.2008]

6) 'alcohol' means alcohol as defined in the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act;

[RT I 2008, 49, 272 - entry into force 01.01.2009]

7) 'soft drink' means a beverage as defined by tariff headings 2009, 2201 or 2202 of the Combined Nomenclature (CN) pursuant to Council Regulation No. 2658/87/EEC on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 07.09.1987, pp. 1–675).

[RT I 2008, 20, 138 - entry into force 31.05.2008]

§ 3. Receipt of excise duty

(1) Excise duty established by this Act shall be paid into the state budget.

(2) [Repealed – RT I 2010, 22, 108 – entered into force 01.01.2011]

§ 4. Rates of excise duty

(1) Excise duty on packaging shall be imposed according to the rates set out in the Annex to this Act.

(2) [Repealed - RT I, 17.05.2014, 1 - entry into force 27.05.2014]

(3) Types of packaging material are listed in subsection 3 (3) of the Packaging Act.

[RT I, 17.05.2014, 1 - entry into force 27.05.2014]

(4) For the purposes of this Act, 'packaging material' means the material that the fundamental part of the packaging is made of. If packaging consists of multiple materials listed in subsection 3 (3) of the Packaging Act (e.g. plastic-metal, cardboard-plastic, etc.) the material whose mass part is the largest in the composition of the packaging will be deemed as the packaging material.

[RT I, 17.05.2014, 1 - entry into force 27.05.2014]

§ 5. Payer of excise duty

(1) Excise duty on the packaging of imported goods shall be paid by the person by whom or on whose behalf the goods are declared for the customs procedure of release for free circulation within the meaning of the Community Customs Code. In other events, excise duty on the packaging of imported goods shall be paid by the person who incurs a customs debt within the meaning of the Community Customs Code or who used the packaging for self-consumption or at whose request the packaging was destroyed in Estonia.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(2) Excise duty on the packaging of goods packaged in Estonia shall be paid by the person who places the packaged goods on the market for the first time in Estonia or makes the packaged goods accessible for distribution or use.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(3) [Repealed – RT I 2004, 24, 165 - entered into force 01.05.2004]

(4) Excise duty on packaging acquired in another Member State shall be paid by the person who acquired the packaging.

§ 6. Imposition of excise duty

(1) [Repealed – RT I 2004, 89, 611 – entered into force 01.01.2005]

(2) Excise duty shall be imposed on the packaging of goods placed on the market in Estonia or acquired in and imported from another Member State in the event of the sale, exchange, transfer without charge or use for self-consumption of the packaging.
[RT I 2008, 20, 138 - entry into force 31.05.2008]

(3) The activities specified in subsection (2) of this section are deemed to take place at the earliest of the following operations:

- 1) dispatch of the packaging;
- 2) making the packaging available to the recipient;
- 3) using the packaging for self-consumption.

(4) Use for self-consumption of the packaging of goods placed on the market in Estonia or acquired in or imported from another Member State means the use of the goods in the packaging by a payer of excise duty for business-related purposes or transfer thereof to an employee by an employer who is a payer of excise duty.
[RT I 2008, 20, 138 - entry into force 31.05.2008]

(5) If in the period of taxation the quantity of the packaging to be recovered is smaller than the level specified in subsection (1) of section 8 of this Act, excise duty shall be paid for the difference between the level and the actual quantity of the recovered packaging, which is smaller than the level.

(6) Upon importing packaging in other events, provided that it results in the incurrance of a customs debt, the debtor shall be liable to tax as of the date of incurrance of the customs debt.

§ 7. Taxable period and reporting

(1) [Repealed – RT I 2004, 89, 611 – entered into force 01.01.2005]

(2) The period of taxation of the packaging of goods placed on the market in Estonia or acquired in and imported from another Member State is a quarter. The period of taxation of the packaging of goods placed on the market in Estonia or acquired in and imported from another Member State with respect to which a payer of excise duty has transferred their obligations pursuant to § 11¹ of this Act is a calendar year.
[RT I 2008, 20, 138 - entry into force 31.05.2008]

(3) Excise duty on the packaging of goods placed on the market in Estonia or acquired in and imported from another Member State shall be paid to the bank account of the Tax and Customs Board and an excise duty return shall be filed with the Tax and Customs Board by the fifteenth day of the month following the period of taxation. The format for excise duty returns shall be established by the Minister of Finance.
[RT I 2008, 20, 138 - entry into force 31.05.2008]

(4) [Repealed – RT I 2004, 89, 611 – entered into force 01.01.2005]

§ 8. Exemption from excise duty

(1) The following shall be fully exempt from excise duty:

1) packaging concerning which a deposit has been established under the Packaging Act, except metal packaging of beverages, and from which

at least 60 percent of each class of packaging material is recovered as of 1 January 2005;

at least 63 percent of each class of packaging material is recovered as of 1 January 2006;

at least 65 percent of each class of packaging material is recovered as of 1 January 2007;

at least 70 percent of each class of packaging material is recovered as of 1 January 2008;

at least 75 percent of each class of packaging material is recovered as of 1 January 2009;

at least 85 percent of each class of packaging material is recovered as of 1 January 2012;

[RT I 2008, 20, 138 - entry into force 31.05.2008]

2) metal packaging of beverages of which at least 40 percent is recovered; of which at least 50 percent is recovered as of 1 January 2010;

[RT I 2008, 20, 138 - entry into force 31.05.2008]

3) [Repealed – RT I 2008, 20, 138 - entered into force 01.01.2009]

4) [Repealed – RT I 2008, 20, 138 - entered into force 01.01.2009]

5) as of 1 January 2009, other packaging recovered to the extent provided for in § 36 of the Packaging Act.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(1¹) In order to obtain an exemption from excise duty, the recovery rates of packaging provided for in subsection (1) of this section shall be complied with during the period of taxation.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(2) The following shall be fully exempt from excise duty:

1) packaging containing goods which natural persons import from or acquire in another Member State for purposes other than business;
[RT I 2008, 20, 138 - entry into force 31.05.2008]

2) exported packaging;

[RT I 2008, 20, 138 - entry into force 31.05.2008]

3) packaging imported on the basis of a declaration of goods for diplomatic purposes by foreign diplomatic representations and consular

posts, representations of intergovernmental organisations, and foreign diplomatic representatives, consular agents and representatives of special missions accredited to Estonia together with goods intended for internal use;

4) packaging delivered from Estonia to another Member State and packaging delivered on board a water craft or aircraft used for international carriage of passengers to be consumed on board or sold to be taken away;

[RT I 2010, 28, 145 - entry into force 19.06.2010]

5) plastic packaging of goods placed on the market in Estonia or acquired in and imported from another Member State with a weight of less than 25 kilograms per quarter and packaging made of another material with the weight of less than 50 kilograms per quarter.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(3) The procedure for calculation of the recovery rate of packaging and determination of the weight of packaging shall be established by the Minister of the Environment.

§ 9. – § 10. [Repealed – RT I 2004, 89, 611 – entered into force 01.01.2005]

§ 11. Keeping records

(1) A payer of excise duty shall keep quarterly records concerning the sale, transfer without charge, exchange and use for self-consumption of the packaging of goods placed on the market in Estonia or acquired in and imported from another Member State, based on the weight of packaging and type of packaging material. If a payer of excise duty has transferred their obligations pursuant to § 11¹ of this Act, the aforementioned record-keeping period with respect to such packaging shall be the calendar year.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

1) If a payer of excise duty has not transferred their obligations pursuant to § 11¹ of this Act, the payer of excise duty shall keep quarterly records concerning the recovery of packaging. If a payer of excise duty has transferred their obligations pursuant to § 11¹ of this Act, the record-keeping period with respect to the recovery of packaging shall be the calendar year.

(2) Data concerning activities relating to packaging and packaging waste shall be submitted pursuant to subsections 24 (4) and (6) of the Packaging Act.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

§ 11¹. Transfer of obligations

(1) A payer of excise duty shall transfer the obligations provided for in this Act under a written contract only to a recovery organisation founded on the basis of subsection 16 (2) of the Packaging Act.

(1¹) A payer of excise duty shall transfer the obligations provided for in this Act to a recovery organisation on a date specified in a written contract. The payer of excise duty cannot retroactively transfer such obligations relating to the period of taxation preceding the entry into the contract whose term of performance has expired, regardless of whether the parties have performed the obligations arising from the contract.

[RT I 2010, 28, 145 - entry into force 19.06.2010]

(2) A payer of excise duty who has transferred the obligations provided for in this Act under a written contract to a recovery organisation and performed their obligations towards the recovery organisation shall not be liable for compliance with the target recovery indicators and submission of information to the packaging register and other competent bodies.

[RT I 2004, 89, 611 - entry into force 01.01.2005]

§ 12. Verification and liability

(1) The correctness of calculation and the timeliness of payment of excise duty shall be verified by the Tax and Customs Board.

(2) In the event of incorrect calculation, tax evasion or late payment of excise duty, the tax authority for state taxes shall impose sanctions and charge the interest provided for in the Taxation Act.

(3) [Repealed – RT I 2004, 89, 611 – entered into force 01.01.2005]

(4) The interest provided for in the Taxation Act shall not be calculated on the excise duty arrears of a payer of excise duty until the due date for submission of the excise duty return specified in section 7 (3) of this Act.

[RT I 2004, 89, 611 - entry into force 01.01.2005]

§ 13. Certification of export and import

(1) In a dispute between the Tax and Customs Board and a taxable person concerning whether or not goods have been re-imported or imported, a document certifying the registration of the export of the goods issued by the customs authorities of the foreign state from which the goods, according to the information at the disposal of the Tax and Customs Board, arrived directly in Estonia, shall be deemed to be proof of the re-import or import of the goods.

(2) In a dispute between the Tax and Customs Board and a taxable person concerning whether goods have been exported or re-exported, a document certifying the registration of the import of the goods issued by the customs authorities of the foreign state in which the goods, according to the information supplied by the taxable person, arrived directly from Estonia, shall be deemed to be proof of the export or re-export of the goods.

(3) The Tax and Customs Board shall contact the customs authorities of a foreign state to obtain the documents specified in subsections (1) and (2) of this section.

[RT I 2003, 88, 591 - entry into force 01.01.2004]

§ 13¹. Implementation of Act

(1) Packaging recovery certificates shall be valid until the expiry date indicated on the certificate, but not longer than until 1 January 2006.

(2) If the quantity of recovered packaging during a period of taxation is smaller than the level indicated on the certificate, excise duty shall be paid for the difference between the level indicated on the certificate and the quantity of actually recovered packaging, which is smaller than the quantity indicated on the certificate.

[RT I 2004, 89, 611 - entry into force 01.01.2005]

§ 14. Entry into force of Act

(1) This Act shall enter into force on 1 March 1997, except clause 2) of the Annex to this Act, which shall enter into force on 1 December 1998.

(2) On 1 January 2005:

1) subsections 6 (5) and (6) and §§ 11¹ and 13¹ of this Act shall enter into force;

2) clauses 2 1), 3) and 7), subsection 5 (1), subsections 6 (2) and (4), subsections 7 (2) and (3), §§ 8 and 11, subsection 12 (4) of this Act and the Annex to this Act shall enter into force in the wording of 15 December 2004;

3) subsection 6 (1), subsections 7 (1) and (4), §§ 9 and 10 and subsection 12 (3) shall be repealed.

(3) Clauses 8 (1) 3) and 4) of this Act shall be repealed as of 1 January 2009.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

Annex RATES OF PACKAGING EXCISE DUTY

[RT I, 17.05.2014, 1 - entry into force 27.05.2014]