

Law No 87/2018 amending and supplementing Law No 249/2015 regarding the management of packaging and packaging waste

The Parliament of Romania hereby adopts this law.

Sole Article. - Law No 249/2015 regarding the management of packaging and packaging waste, published in the Official Gazette of Romania, Part I, No 809 of 30 October 2015, as subsequently amended and supplemented, is amended and supplemented as follows:

1. In Article 5, two new Paragraphs 3 and 4 shall be inserted after Paragraph 2, with the following content:

‘(3) By way of an exception to the provisions of Paragraph 2, as of 1 July 2018, it shall be forbidden to place lightweight and very lightweight plastic carrier bags with a handle on the national market.

(4) By way of an exception to the provisions of Paragraph 2, as of 1 January 2019, it shall be forbidden to market lightweight and very lightweight plastic carrier bags with a handle.’

2. In Article 9, a new Paragraph 3 shall be entered after Paragraph 2, with the following content:

‘(3) Economic operators placing biodegradable and compostable plastic carrier bags on the national market shall be responsible for labelling this sales packaging in accordance with the order of the Central Public Authority for Environmental Protection provided for in Article 21(2).’

3. Article 13 is amended to read as follows:

‘Article 13. - (1) Economic operators marketing products packaged in reusable primary packaging shall be obliged to receive the reusable packaging in exchange for new one or to reimburse the consumer the value of the deposit, upon their request.

(2) Economic operators marketing plastic carrier bags shall be obliged to market only plastic carrier bags meeting the essential requirements regarding the reusable nature of packaging materials, provided for in Point 2 of Annex 2, so that they are suitable for multiple reuse, with the exception of very lightweight plastic carrier bags.’

4. In Article 16(1), the introductory part and Subparagraph (c) are amended to read as follows:

‘Article 16. - (1) Economic operators shall be responsible for managing packaging that has become waste on national territory and for fulfilling at least the objectives provided for in Article 14, as follows:

.....
c) economic operators placing sales packaging on the national market, including plastic carrier bags, shall be responsible for the waste generated by the packaging in question;’.

5. In Article 17, a new Paragraph 6 is inserted after Paragraph 5, with the following content:

‘(6) As of 27 May 2018, the statements and reports on packaging and packaging waste management sent to the European Commission by the Ministry of Environment, in accordance with the provisions of Paragraph 5, shall also include data regarding the annual consumption of lightweight plastic carrier bags.’

6. In Article 21, Subparagraph (e) is inserted after d) with the following content:

‘(e) the environmental impact of the excessive consumption of lightweight plastic carrier bags.’

7. In Article 21, a new Paragraph 2 is inserted after Paragraph 1, with the following content:

‘(2) The Central Public Authority for Environmental Protection shall ensure the adoption by order of the Minister of Environment, published in the Official Gazette of Romania, Part I, within 120 days of publication in the Official Journal of the European Union of the implementing act adopted by the European Commission establishing the specifications of the labelling or markings intended to ensure that biodegradable and compostable plastic carrier bags are recognised at European Union level.’

8. In Article 26(1), (c), (d) and (f) are amended to read as follows:

‘(c) a fine of between RON 4 000 and RON 8 000 if the provisions of Article 9(1) and (3) and Article 10(1) to (3) are not complied with;

(d) a fine of between RON 8 000 and RON 15 000 if the provisions of Article 13 are not complied with;

.....
(f) a fine of between RON 15 000 and RON 25 000 for:

1. failing to comply with the provisions of Article 5(1) and (2), Article 8(1), Article 10(4) and Article 16(6), (7), (9), (11) and (14);

2. failing to comply with the provisions of Article 5(3) and (4) and Article 16(8).’

9. In Annex 1 ‘Meaning of specific terms’, Point 1 ‘Meaning of the terms’, after Subparagraph (h), five new Subparagraphs, (h¹)-(h⁵), are inserted, with the following content:

‘(h¹) *plastic carrier bags* - carrier bags, with or without a handle, made of plastic, which are supplied to consumers at the point of sale of goods or products;

(h²) *lightweight plastic carrier bags* - plastic carrier bags with a wall thickness below 50 microns;

(h³) *very lightweight plastic carrier bags* - plastic carrier bags with a wall thickness below 15 microns, that are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage;

(h⁴) *oxo-degradable plastic carrier bags* - carrier bags made of plastic materials that include additives which catalyse the fragmentation of the plastic material into micro-fragments;

(h⁵) *plastic* - a polymer, within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, published in the Official Journal of the European Union L 396, of 30 December 2006, to which additives or other substances may be added and which is capable of functioning as the main structural component of the carrier bags.’

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This law transposes 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, published in the Official Journal of the European Union L 115/11 of 6 May 2015.

The technical regulations set out in this law comply with the notification procedure stipulated in 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, published in the Official Journal of the European Union L 241/1 of 17 September 2015.

This law was adopted by the Parliament of Romania in accordance with the provisions of Articles 75 and 76(2) of the Constitution of Romania, as republished

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Bucharest, 4 April 2018

No 87.