

AN OBLIGATORY CHARGE FOR CERTAIN TYPES OF PLASTIC BAGS EFFECTIVE AS OF 01 JANUARY 2018

Earlier this year, National Council of the Slovak Republic passed the Act No. 90/2017 Coll. (the "**Amendment**") amending and supplementing the Act No. 79/2015 Coll. on Waste, as amended (the "**Act on Waste**"). This Amendment represents local transposition of Directive (EU) 2015/720 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (the "**Directive**"), throughout which EU has, in order to promote sustained reduction of the average consumption level of lightweight plastic carrier bags, ordered Member States to take measures to significantly reduce the consumption of such plastic bags. Hence the Member States were allowed to choose between one of the following options (or both): (i) the adoption of measures ensuring that the annual consumption level does not exceed 90 lightweight plastic carrier bags per person by 31 December 2019 and 40 lightweight plastic carrier bags per person by 31 December 2025, or equivalent targets set in weight, or (ii) the adoption of instruments ensuring that, by 31 December 2018, lightweight plastic carrier bags are not provided free of charge at the point of sale of goods or products, unless equally effective instruments are implemented. Slovak republic decided to pursue the latter option and thus as of 01 January 2018 all entrepreneurs will charge customers for certain types of plastic bags.

PURPOSE?

As already mentioned, the Amendment is aiming towards implementation of the EU politics with respect to reduction of consumption of plastic bags, which were introduced by the Directive. Plastic bags are indeed a symbol of excessive and meaningless burden to the environment, as an average consumer does not tend to repeated use and therefore such bags very quickly become waste. It is estimated that 100 billion plastic bags are consumed per year in the EU, with eight billion of them ending up as waste in nature. As results from the statistics of the European Commission show, plastic can be found in stomachs of 94 % of all birds living in the North Sea.

According to the data of the European Commission, an average Slovak consumer uses approximately 466 plastic bags a year. This figure is one of the highest in the entire EU. In Denmark, on the other hand, this figure is significantly lower- only 4 plastic bags are consumed per person each year.

The above mentioned arguments demonstrate why the Ministry of Environment addressed business chains and shops with the initiative "Slovakia without plastic bags" this year, which has already been supported by various chains, e.g. Kaufland or COOP Jednota.

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WHICH BAGS WILL NO LONGER BE FREE?

The mandatory charge applies to so-called "lightweight plastic carrier bags" (i.e. plastic carrier bags with a wall thickness below 50 microns). These are common plastic bags one can generally encounter in most of the stores and shops. On the other hand, the Amendment is not affecting so-called very "lightweight plastic carrier bags" i.e. plastic carrier bags with a wall thickness below 15 microns which are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage).

The amount of charge itself is not legally regulated and therefore it is likely that it will be determined by the market in the course of first days of next year, however, it shall be set in such amount that will discourage the customer from buying such plastic bags. As of 01 January 2018 entrepreneurs who provide plastic bags shall also mandatorily provide different types of bags than plastic ones (e.g. bags made out of cloth or paper etc.).

SUBJECTS OF THE NEW OBLIGATIONS IMPOSED BY THE AMENDMENT

The new above mentioned obligations imposed by the Amendment will apply to the so-called producers of packaging, who are expressly defined in the Act on Waste. In practice, these obligations (i.e. charging of plastic bags and the mandatory offering of other types of bags) will apply to all entrepreneurs who provide lightweight plastic bags to customers towards which the Amendment is aimed.

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