

# Tax & Legal Weekly Alert

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### **New provisions regarding the management of packaging, electrical and electronic equipment, batteries and portable accumulators**

Following the blockage in the market and the impossibility of achieving the recycling / recovery objectives set by the European Union, the national provisions regarding the contributions to the Environmental Fund were amended. The most important change is the introduction of a contribution for operators who place on the Romanian market electrical and electronic equipment, batteries and portable accumulators.



## **New provisions regarding the management of packaging, electrical and electronic equipment, batteries and portable accumulators**

Two emergency ordinances amending Order no. 196/2005 regarding the Environmental Fund and Law no. 249/2015 on the management of packaging and packaging waste were published in the Official Gazette last Thursday.

### **Packaging and packaging waste**

Companies who place packed goods on the national market can fulfil individually their recycling / recovery objectives by collecting and recovering packaging waste both from their own activity and also from other waste generators.

Economic operators who take over the transfer of responsibility for management of packaging waste which do not fulfil the recycling/recovery objectives established by law, for 2 years in a row from the ascertainment, will have their operating license cancelled starting 1<sup>st</sup> of January of the following year.

Also, a greater pressure is put over economic operators who take over the transfer of responsibility for packaging and used tires. More precisely, they will pay for the difference between the annual objectives and the quantities actually recovered for which they took responsibility.

### **Goods for dismantling**

Economic operators who trade dismantling goods are no longer required to pay the contribution of 3% of the income from their sale.

### **Electrical and electronic equipment („EEE”) and portable batteries and accumulators („B/A”)**

Starting 1<sup>st</sup> of January 2017, new contributions regarding the Environmental Fund will be introduced:

- RON 4 per kg, respectively RON 20 per kg (depending on the EEE category), for the difference between the quantities of EEE placed on the market and the quantities ascertained by the Environment Fund Administration ("EFA") as placed on the market (until 31<sup>st</sup> of December 2017);
- Starting 1<sup>st</sup> of January 2018, the above contribution will be due for the difference between the collection objectives for EEE waste and the quantities actually collected;
- RON 4 per kg for the difference between the quantities of B/A placed on the market and quantities ascertained by EFA as placed on the market (until 31<sup>st</sup> of December 2017), and starting 1<sup>st</sup> of January 2018 the contribution will be due for the difference between the collection objectives for B/A waste and the quantities actually collected;

These contributions will be paid annually.

Economic operators who take over the transfer of responsibility for the management of EEE waste collection and batteries and portable accumulators will pay the same contributions from above for the difference between the collection objectives and quantities actually collected.

### **What does it mean for you?**

Changes regarding the management of packaging, packaging waste, electrical and electronic equipment, batteries and portable accumulators and used tires can entail significant additional obligations for your company in terms of contributions to the Environment Fund.

Also, the pressure put to economic operators who have taken over the transfer of responsibility for fulfilling the objectives of the waste management will lead to significant increase in their costs and fees.

In this regard, we recommend companies to consider individually fulfilling a part of the objectives of waste management, as high as possible.

For further questions regarding the aspects mentioned in this alert, please contact us.

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