

Fees for single-use plastic packaging

I. Regulations implementing the so-called plastic directive passed by the Sejm

With a significant delay, on 9 March 2023, the Polish parliament passed a bill implementing the so-called plastic directive, i.e. Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment. The deadline for the passing of such regulations was the end of 2021. The objective of the plastic directive is to remove certain plastic products from the European market. The law applies to single-use plastic items, such as straws, cutlery, cotton buds, dishes, cups, etc. that fill landfills and pollute the environment.

II. New definition of single-use product

The amendments introduce several new definitions. Among others, they define the concept of single-use product. It is defined as a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived.

The Sejm has completed work on draft amendments to the Act on the responsibilities of businesses for the management of certain waste (paper 3009). The amendments adapt Polish regulations to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.

III. Single-use products will be banned from the market

Under the new regulations, certain plastic products will be banned (their placement on the market will not be permitted). This includes plastic: cutlery (forks, knives, spoons, chopsticks), plates, straws, except those used for medical purposes, beverage stirrers, balloon sticks, except for industrial balloons, expanded polystyrene (type of Styrofoam) food containers generally used for food to be consumed on the spot or to take away, beverage containers and cups made from expanded polystyrene, cotton buds, except those used for medical purposes.





IV. Single-use products to be reduced

The use of food containers will have to be reduced. This will apply to single-use plastic products such as beverage cups, including their covers and lids, as well as food containers, including boxes, with or without a cover, used to contain food which: is intended for immediate consumption, either on the spot or take away; is typically consumed directly from the container and is ready for consumption without any further preparation, such as cooking, boiling or heating - including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food. This means that a cup made partly from paper and partly from plastic will be considered plastic. Whereas a plastic bottle used to package milk or a plastic egg tray will not be subject to the restrictions.

V. Fees for reduced consumption products

Businesses that sell products in packaging covered by the reduced consumption regulations will be required to collect a fee for their distribution. The fee will then be transferred to an account kept by the marshal of the voivodship with jurisdiction over the place of its collection. This means that the cost of the fee will be borne by the consumers who buy foods or beverages in such packaging. The maximum fee will be PLN 1 per single-use package (final rates to be set by decree). The fee will constitute the total cost of the packaging for the buyer, or will be added to the price set by the retailer or food vendor. Fees will also be incurred by businesses operating vending machines (i.e. selling machines - devices used for self-service sales) offering beverages or food in single-use packaging covered by the new reduced consumption regulations. Irrespective of the above, businesses will be required to keep records of single-use packages purchased and distributed in a given year. These records will have to be retained for five years.

VI. Some single-use products with special markings

In addition, the amendments indicate a group of single-use plastic products subject to special marking requirements. It includes: sanitary pads, tampons and tampon applicators; wet wipes, i.e. pre-wetted personal care and domestic wipes; tobacco products with filters and filters marketed for use in combination with tobacco products; cups for beverages. Each of the listed single-use plastic products is to bear a conspicuous, clearly legible and indelible marking on its packaging or on the product itself.

VII. List of products covered by waste management financing requirement

The amendments introduce a list of single-use plastic products covered by the requirement to finance the costs of managing waste resulting from the distribution of such products. This includes: food containers, packets and wrappers containing food, beverage containers (bottles) with a capacity of up to 3 liters, as well as composite beverage packaging, cups, lightweight plastic carrier bags, wet wipes, balloons, tobacco products with filters and filters. Those who distribute such products will pay an annual fee to cover the costs of collection (does not apply to wet wipes and balloons), cleaning, transport and treatment of the waste resulting from such products. They will also file, via the Waste Data Base, an annual report by type and on the amount of fees paid. The maximum amount of the fee is to be 20 groszy per kilogram of products listed in section one of Appendix No. 9 and 3 groszy for each product listed in sections two and three.

VIII. Administrative fines for non-compliance

The new regulations introduce severe fines for failure to comply with the new requirements, including for failure to collect fees from end users, provide alternative packaging or keep records, as well as for placing forbidden products on the market. Depending on the violation, the fines are to amount from PLN 500 to 20 thousand (e.g. for failure to collect a fee), from PLN 10 thousand to 500 thousand (e.g. for distributing products covered by Appendix 7 or failure to finance social campaigns) and from PLN 10 thousand to 100 thousand (e.g. for failure to appoint a representative or keep records). The fines - depending on the category of violation - are to be imposed by the relevant voivodship trade inspectorate or environmental protection inspectorate. The amount of the administrative fine will be determined in consideration of the severity of the violation, its type, extent and period, and the entity's previous conduct.



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