

Amendments to the Waste Management Law

Amend the [Waste Management Law](#) as follows:

1. Add Paragraphs 31, 32, 33, 34, and 35 to the first paragraph of Article 1 of the Law, as follows::

- 31) an electronic smoking device is defined as a non-rechargeable electronic smoking device within the meaning of Article 1(7)(a) and (b) of the [Law on the handling of tobacco products, tobacco substitute products, herbal products for smoking, electronic smoking devices and their liquids](#);
- 32) a deposit device is an electronic smoking device which a manufacturer of electrical and electronic equipment places on the market in the Republic of Latvia;
- 33) deposit device system – the reception of used deposit devices from end-users, their sorting, transport, storage, recycling or recovery, as well as the planning and organisation of these activities;
- 34) deposit device system operator – an economic operator who, on the basis of a contract with the Latvian State Environmental Service, ensures the operation of the deposit system in accordance with the requirements of rules and regulations;
- 35) deposit fee – the amount of money paid by the end-user when purchasing a deposit device as security for the return of the device, which is refunded to the end-user when the device is returned.

2. To supplement the Law with Article 29¹ worded as follows:

Article 29¹ (1) The manufacturer of electrical and electronic equipment who places deposit devices on the market shall be responsible for ensuring that:

- 1) a special indication concerning the application of the deposit system (hereinafter – special indication) is affixed on the packaging of the deposit device;
 - 2) the deposit device is affixed with a machine-readable identifier (hereinafter – identifier) that ensures the refund of the deposit to the end user upon return of the deposit device.
- (2) A manufacturer of electrical and electronic equipment that places deposit devices on the market shall pay the deposit fee to the operator of the deposit system.
- (3) The seller of deposit-bearing devices must show the deposit fee separately on the price label and record the end-user's purchase in the deposit recording system.
- (4) The seller of deposit devices is responsible for complying with one of the following requirements:
- 1) accepting used deposit devices from end-users at its place of business, on its premises, or in the vicinity of its place of business, if a return point for deposit devices has been established there;

- 2) making information available to the end-user regarding the address and opening hours of the nearest return point for deposit-bearing devices, if the seller of such devices does not accept used deposit-bearing devices at their point of sale.
- (5) If the end-user places the used deposit device in the deposit machine operated by the deposit system operator, the deposit-system operator shall refund the deposit fee to the end user via non-cash payment. An end-user may return an electronic smoking device that does not bear an identifier to a deposit facility operated by the deposit system operator without receiving a refund.
- (6) The deposit system operator shall have the following obligations:
- 1) to ensure the collection of the deposit devices from points of sale, in accordance with the terms of the contract concluded between the seller of the deposit devices and the operator of the deposit device system;
 - 2) to accept electronic smoking devices that do not bear an identifier at deposit facilities and settle accounts for the waste management of these devices with the operator of the municipal waste landfill in the relevant waste management region or with the regional waste management centre, if it provides for the disposal of municipal waste;
 - 3) to ensure that waste is sorted, transported, recycled or recovered in accordance with the quantities specified in the relevant legislation;
 - 4) to ensure that information is recorded in the deposit recording system regarding the quantities of waste from deposit-bearing devices and electronic smoking devices – on which no identifier is affixed – that have been sold, accepted and managed;
 - 5) to observe the principle of transparency in its operations and decision-making, including by justifying the costs related to the implementation of the deposit system;
 - 6) to organise the public outreach activities regarding the deposit system.
- (7) A person claiming the right to become a system operator of deposit devices shall submit to the Latvian State Environmental Service:
- 1) an application for the establishment of a deposit system;
 - 2) a plan for the organisation and implementation of the deposit system;
 - 3) a financial security document pursuant to the laws governing financial securities for the purposes of the natural resource tax;
 - 4) certificates from those deposit device manufacturers who will become members of the economic operator if that economic operator is granted the rights to operate the deposit system.
- (8) Within one month of the expiration of the deadline for submitting documents set in the announced tender, the Latvian State Environmental Service shall evaluate the applicants and make a decision regarding the operator of the deposit system, provided that, in accordance with the plan for the organization and implementation of the deposit

system, the operator demonstrates that it will ensure compliance with the minimum requirements regarding the territorial coverage of deposit device return points and the percentage of deposit devices received or collected, prepared for reuse, recycling, or recovery.

(9) If several economic operators apply for the right of a deposit device system operator, the Latvian State Environmental Service shall select an economic operator by evaluating the plan of operation and implementation of the deposit system (including compliance with the minimum requirements regarding the territorial coverage of deposit device return points and the percentage of return or collection, recycling or recovery of deposit devices), as well as the number of deposit devices placed on the market by the manufacturers represented by the applicant.

(10) On the basis of the decision taken, the Latvian State Environmental Service shall conclude a contract with the operator of the deposit system for the operation of the deposit system throughout the territory of Latvia for a period of seven years.

(11) The Cabinet shall determine:

- 1) the conditions and procedures for ensuring the continuity of the deposit system, use of the deposit system's infrastructure, the choice of an operator, and entry into and termination of an agreement on a deposit system;
- 2) the procedure for the recording and registration of deposit systems;
- 3) the procedure by which the operator of a deposit system submits a report on the implementation of the deposit system to the Latvian State Environmental Service, as well as the form and content of the report;
- 4) the procedure for the deposit system operator to ensure minimum requirements for the territorial coverage of deposit return points;
- 5) the template and conditions of use of the specific indication on the deposit device packaging and the conditions of use of the deposit device identifier;
- 6) a deposit fee per unit of the deposit device;
- 7) the percentage and deadlines for the return, collection and recycling of deposit devices;
- 8) the methodology for determining the actual operating costs of deposit systems and the documents to be submitted to substantiate these costs;
- 9) the procedure for mutual settlements between the operator of the deposit system and the operator of a municipal solid waste landfill or a regional waste management centre, if it provides for the disposal of municipal solid waste, regarding the actual management costs within the deposit system.