



# The Guide

**system comprehensive fulfilment  
obligations of take-back  
and recovery of packaging waste**

**Version 14-3.3**



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## 1. The history

### 1997

In this year Act No. 127/1997, the Waste Act, was enacted, which had only two Articles dealing with the issues of packaging. In the same year EKO-KOM was established, a company whose objective was to develop the Green Dot system in the Czech Republic. The company launched a pilot project aimed at verifying various methods of sorted waste collection in an area with 120,000 inhabitants, and in cooperation with teachers prepared an extensive and long-term educational project (Tonda Obal), which focused on the education of primary school pupils in the area of waste sorting.

### 1999

ČPSOŽP and the Ministry of the Environment signed a voluntary Agreement to Enforce Directive 94/62/EC on packaging and packaging waste in the Czech Republic. The Agreement set forth principles for the functioning of the EKO-KOM system in such a way that the enterprises participating in this system were regarded as subjects, which ensured that waste is recycled to the required extent. Since 1999, the EKO-KOM system has been incorporated into the Czech Republic Approximation Strategy for the Environment as the method to execute the conclusions of the European Parliament and Council Directive 94/62/EC on packaging and packaging materials.

### 2000

PRO EUROPE give EKO-KOM a licence to use the Green Dot mark in the Czech Republic.

### 2001

At the beginning of this year, an obligation to recycle packaging as set forth by Act No. 125/1997, the Waste Act, came into effect. During the year, economic and process stabilisation of the EKO-KOM system continued, and pilot research projects and educational campaigns were launched in municipalities. By the end of the year, almost 600 enterprises were engaged in the system, which represented 42% of all packaging put on the Czech market, and 2,750 contracts were signed with municipalities, encompassing more than 8 million inhabitants.

### 2002

At the beginning of the year, Act No. 477/2001, the Packaging Act, came into force, which defined more precisely the obligations connected with handling packaging and packaging waste. On 28/3/2002, the Ministry of the Environment give EKO-KOM an Authorisation Decree in accordance with the Packaging Act. Thus EKO-KOM became an authorised packaging company.

### 2004

Since 2002, the number of EKO-KOM system clients had grown considerably, counting nearly 21,000 firms. The number of municipalities participating in the system had grown, too. At the beginning of the year around 4,450 municipalities were involved. Gradually contracts were signed with entities authorised to handle waste. More than 100 contracts were signed. In 2004 the collection network reached more than 100,000 installed containers, making them accessible to 97% of the consumers.

### 2005

On 29/3/2005, the Ministry of the Environment issued upon EKO-KOM's recommendation a decree which pursuant to Section 17, Subsection 7 of the Packaging Act extended EKO-KOM's authorisation until 31/12/2012.

### 2006

At the beginning of 2006, the second amendment to Act No. 477/2001, the Packaging Act as amended, came into force. The objective of this amendment was mainly to determine a new strategy for recovery and recycling packaging waste until 2012. One of the important changes and a big relief for many truly small packaging producers, was waiving the obligation to recover and recycle packaging, provided two conditions are met annual production does not exceed 300 kg and annual turnover, CZK 4.5 million. Another change was scrapping

the obligation to mark packaging, mainly information concerning the material used. Furthermore, certain obligations were simplified and certain definitions in the existing law were defined in more detail.

### 2008-2009

In the second half of 2008 began to rapidly decrease demand for secondary raw materials. This crisis is fully developed in 2009. The collapse of secondary raw materials market, a drastic fall in prices and the sudden lack of recycling capacity in the first half of the year became a major theme of EU institutions.

The company EKO-KOM introduced a stabilization program, which was agreed by the Union of Towns and Municipalities and the Economic Chamber. The program, which was also discussed by parliamentary committees, presented a solution to economic shock, which was the loss of income from sales of sorted raw materials. On the financial stabilization of sorting waste participated involved cities and towns, together with industry and in this case by our company.

## 2. How does the system operate?

EKO-KOM is authorized packaging company that provides associated performance of take-back and recovery of packaging waste, resulting from the Packaging Act No. 477/2001 Coll. , as amended. Duties of return and recovery of packaging waste have by law, persons who place packaging or packaged products on the market or into circulation, ie. perform, import or sell to the CR. These persons could meet these obligations by concluding Contract on Collective Compliance with the EKO-KOM.

The EKO-KOM System provides take-back and recovery of packaging waste mainly through municipal schemes of separate collection and through the activities of persons authorized to dispose with waste. This means that EKO-KOM physically not manipulates with packaging waste, but especially finance the cost of waste collection, sorting and recovery of packaging waste.


This solution is based on the legal framework given by the Packaging Act. and Waste Act.:

- Producers, importers, fillers, and distributors of packaging and packaged products shall ensure take-back and recovery of packaging waste.
- Municipalities and cities according to the Waste Act have obligation to sort and use municipal waste, which includes also recovery of the packaging.

On the one hand EKO-KOM concludes into a Contract on Collective Compliance with entities which put packaging on the market or into circulation. Based on these contracts, EKO-KOM collects data concerning packaging production and accepts payments, the value of which depends on the reported packaging production.

On the other hand EKO-KOM concludes into a Packaging Waste Collection and Recycling Contract with municipalities and entities authorised to dispose with waste. These subjects are then obliged to keep a register tracking the quantity of collected and recovered packaging waste, on the basis of which EKO-KOM financially contributes to the systems of collecting, sorting and recovery of packaging waste.





The System follows similar patterns as in other EU countries, where systems provide the same services and make up an integral part of municipal waste management. Besides the associated performance of take-back and recovery of packaging waste, EKO-KOM provides other accompanied activities: statistics and information, expert and advisory, research and education.




### **2.1 Legal Framework of Membership in the System**

**Legal base of participation in the System of Collective Compliance managed by Authorized Packaging Company EKO-KOM is completed by the Contract on Collective Compliance of take-back and recovery of packaging waste.**

All entities, which have obligations according to Packaging Act 477/2001 Coll. could sign the contract. EKO-KOM has to conclude a Contract on Collective Compliance with any person which declares to be interested and has no outstanding liabilities to the authorized company. The terms for the conclusion of a Contract on Collective Compliance have to be set uniformly for all the persons. The conclusion of Contract on Collective Compliance is not the only way to comply with obligations. There are two other ways according to § 13 of Packaging Act.

### **2.2 Contractual obligations of members of the EKO-KOM system**

**The members of the EKO-KOM system have three main obligations according to Contract on Collective Compliance:**

-  **reporting of packaging placed on the market and into the circulation,**
-  **pay the amount of the quarterly Remuneration for provided services of take-back and recovery of packaging waste,**
-  **pay the fee amount for the calendar year to register in the EKO-KOM system**

By signing the Contract on Collective Compliance with the authorized packaging company, a person placing packages on the market or into circulation fulfils the obligation of take-back and recovery as provided in Sections 10 and 12 of the Packaging Act. However, the said person still has the duty to keep records on packages (Section 15) and the duty of registration in the List of Persons (Section 14) with which the duty to pay the registration fee is linked (Section 30), therefore the duties are also laid down in the Contract on Collective Compliance. Clients of the EKO-KOM system, however, do not submit the records on packages to the Ministry of the Environment, but report the packages in the system based on reports determined for that purpose. Then summary reports on packages are submitted to the Ministry of the Environment, including the current List of all clients of the authorized packaging company EKO-KOM, a.s.

#### **2.2.1 Records on packages put on the market or into circulation**

The EKO-KOM system has to collect data on the quantity of packages put on the market or into circulation by the companies with which the Contract on Collective Compliance was concluded. For that purpose, the Quarterly Statement about packages production is used, determined by the authorized packaging company in the structure as required by the government under valid legal regulations.

Separate reports are made on commercial and industrial packages. Commercial packages are further divided into sales, group and transport packages. According to the Packaging Act, packages are also divided into groups according to the prevailing material. Reports on reusable packages are kept separately. Reusable packages must be reported as well, because a certain percentage of them are disposed of as communal waste and their reports are required by government authorities under the law.

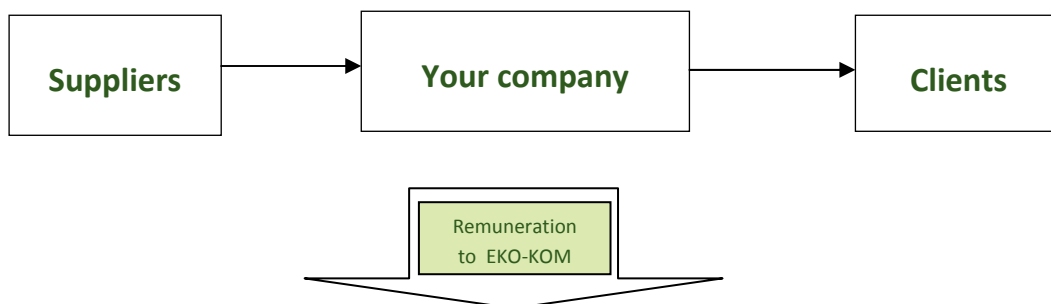
To understand the logic of the EKO-KOM system reporting, let us try to imagine a group of model companies and flows of packages among the parties. We monitor the flows of packages with regard to your company and that is why it is put in the middle of the diagram.

Your company purchases and sells packages from companies which may be clients of the authorized packaging company, but do not have to be.

The mode of reporting the quantity of packages is illustrated in the following diagram:

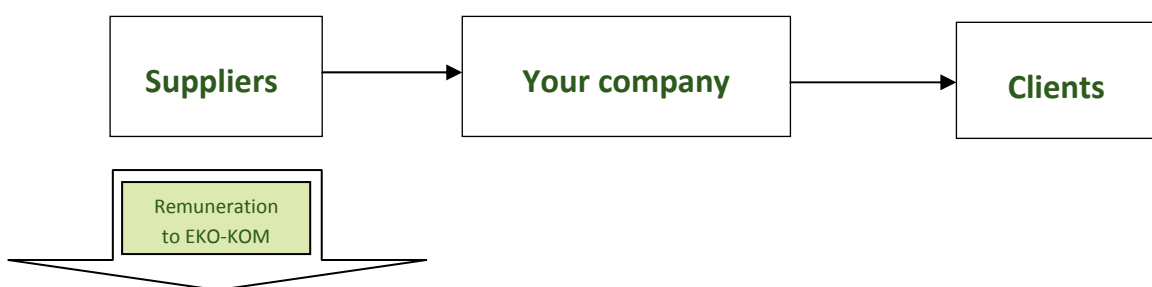
**a) Paid packages**

Packaging (in this context it is irrelevant whether they are bought or produced) for which your company pays a fee into the EKO-KOM



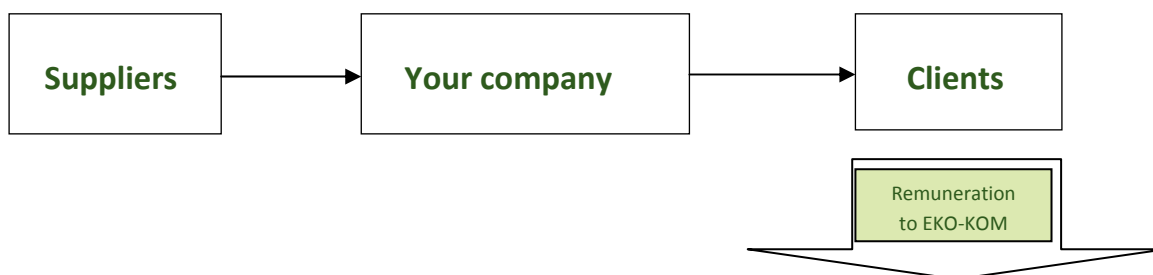
**b) Pre-paid packages**

The company from which your company buys packages has signed a Contract on Collective Compliance and pays a fee into the EKO-KOM system for the packages supplied to you.



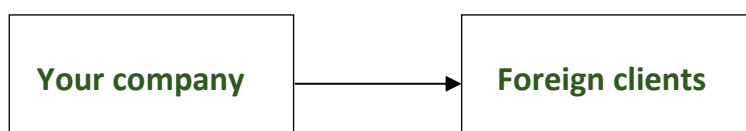
**c) Non-paid packages**

In this variant we assume that your company and your client have signed a Contract on Collective Compliance. Your company and your client have agreed that your client would pay the fee for the packages supplied by you and this is defined in writing in your trade terms and conditions.



**d) Exported packages**

Packages put by your company on the market outside the Czech Republic, i.e. exported. The packages are free of charge, because the obligation of take-back and recovery is not linked with them. They are only subject with obligation to be reported.





Municipalities and persons authorized to treat waste report the quantities of materials handed over for recycling, divided according to the types of recycled materials and the quantities of waste used for energy. EKO-KOM summarizes the data and submits them to the Ministry of the Environment to prove that the required rate of use has been achieved. The data on the quantity of waste put on the market by individual companies are regarded as confidential. Although the reports are structured so that the information contained should not have any factual commercial value, the data can never be disclosed to a third person, except for cases as stipulated by law. EKO-KOM as an authorized packaging company registers its clients (entities that have signed a Contract on Collective Compliance) in the List of Persons kept by the Ministry of the Environment automatically and regularly.

### **2.2.2 Invoicing the Fee for the take-back and recovery of waste from packages to a member of the EKO-KOM system**

The Fee for the respective period (a calendar quarter of the year), which is invoiced to the client of the authorized packaging company EKO-KOM will be calculated on the basis of the quantity of packages reported in the statement about packaging production for the period, and on the basis of the valid structure of fees.

Provided that in the calendar year the Customer pays Remuneration to the Supplier based on the Contract on Collective Compliance which does not exceed the set Minimum Amount, in the next coming calendar year, the Customer is not obliged to pay Remuneration deposits and the Remuneration is payable only once a year after the delivery of the Statement for the last calendar quarter of the calendar year.

The report must be sent to EKO-KOM within 30 days after the end of the relevant quarter of the year. Based on the report, the invoice for the previous quarter and the advance invoice for the following quarter will be issued, and the advance will equal the amount charged for the previous period. The advance is due within 30 days (if the client delivers the statement about packaging production late, the due date of the advance invoice will be reduced to 10 days) after the client receives the advance note (invoice). The client will receive a tax document within 15 days of the advance payment. After the expiry of the respective period, the advance will be charged within 15 days of receipt of the report for the respective period. If the statement about packaging production is not sent or the invoiced fee is not paid, the contract may be terminated.

Every client will be assigned a client identification number for monitoring payments, enabling the identification of payments of the fee for packages. EKO-KOM recommends that its clients indicate the information on payment of the fee together with the client identification number in its invoices.

For example, as follows:

**The fee for the take-back and recovery of packaging waste for the packages of the above mentioned packaged products was paid to EKO-KOM under client Identification No. EK-.....**

The information facilitates the correct registration of packages of individual clients of the EKO-KOM system.

### **2.2.3 Invoicing the Fee for registration in the system of collective compliance**

The Fee for registration in the EKO-KOM system is charged to every client. The Fee is CZK 1,600 excluding VAT, and it includes the registration fee into the State Fund of Environment according to Section 30 of the Packaging Act, amounting to CZK 800, and the administration fee for the registration in the EKO-KOM system, amounting to CZK 800 as well.

### 3. How to join the system?

If you decide to conclude a Contract on Collective Compliance with the authorized packaging company EKO-KOM, pay attention to the following paragraphs, containing the recommended steps.

First, you need to think about whether your business will actually have to pay fees to the EKO-KOM as packaging put on the market or into circulation. It's a good idea to check with your suppliers, whether they signed the Contract on Collective Compliance and whether they pay for the packaging of goods that they deliver. On the basis of this information will continue to depend on evidence of your packaging. Either that is, as paid, pre-paid or non-paid, as specified in section 2.2.1. If we imagine the flow of packaging from the filling or import to sales to consumers, for packaging will pay only one of the entities in such a commercial chain. Others register packaging as pre-paid or non-paid, for which of course is no fee again.

In the following several steps you will find the way in which it is possible to join into the EKO-KOM.

1. The first step is to fill in the Entry statement about packaging production. Completed Entry statement sent to the Client department of EKO-KOM, e-mail (info@ekokom.cz), mail (EKO-KOM, as the Pankraci 1685/19, 140 21 Prague 4) or fax (729848439, 261 176 274).
2. Based on the Entry statement we send you by post three copies of the Contract on Collective Compliance (two in Czech language and one liberal translation in English - for information only).
3. Statutory body of your company (the person authorized to sign) the two signed copies of contracts send back to the Client department of EKO-KOM
4. After that the Contract will be countersigned by the head of Client Department and one copy will be sent back to the company.
5. In direct connection with the signing of contracts, our financial department will issue an invoice for the annual fee of 1600 CZK + VAT.
6. After payment of invoice will be generated your client identification number of EKO-KOM (EK-... ..) which will demonstrate to your customers, and will represent your business is in the client database on our website www.ekokom.cz.
7. Finally client receives a Certificate of integration in the EKO-KOM Collective Compliance System where all of his identification data, including his Client Identification Number, are stated.

### 4. Frequently asked questions

#### **Do the duties under the Packaging Act apply to our company?**

If you place packages, packaged goods or packaging means on the market or into circulation within your business activities, you must fulfil the duties as ensuing from Act 477/2001 Coll., on Packages, as amended.

#### **Do the duties under the Packaging Act apply to our company if we put only several kilograms of packages on the market or into circulation?**

The current wording of the Packaging Act already regulates the problems of fulfilment of the duties by persons producing a minimum quantity of packages. If your company satisfies two conditions as referred to in Section 15a of the Packaging Act, i.e. the total quantity of packages put on the market by your company does not exceed 300kg and the annual turnover of your company does not exceed CZK 4.5 million, your company does not have to fulfil the duties as referred to in Sections 10 to 15, namely the duties of take-back, recovery and registration and the duty to apply to be entered on the List of persons. If an inspection is executed in your company, you must prove the fulfilment of the said conditions. Otherwise the inspection body will regard you as an entity having all duties in the respective period.



### What is packaging?

A package is defined as any product made of any material and designed for the holding, protection, handling, delivery or presentation of products determined for consumers (citizens) or other end users. Packages are divided into three groups.

**Sales packages** – forming a sales unit for a consumer or another end user at the point of sale,

**Group packages** – forming a group of a certain number of sales units at the point of sale, sold to a consumer or another end user, or used as an aid for placement on shelves at the point of sale, which may be removed from products without affecting their qualities,

**Transport packages** – should facilitate the handling of a certain quantity of sales units or group packages and should facilitate their transport and protect them from physical damage during their handling and transport.

Annex 1 to the Packaging Act contains criteria and illustrative examples including further details about the concept of a package.

### Whom should I contact if I'm not sure if it is a package or not?

The Ministry of the Environment will decide whether a certain type of product is a package or not in the event of doubt.

### Who is a different end user?

A different end user is defined as a legal entity or a natural person conducting business, buying packages or packaged products for its business activities, but not putting them into circulation. This means that they are all users with whom packages or packaging waste remain, excluding a consumer – natural person not conducting business, i.e. a citizen. Under the Packaging Act, packages designed solely for packaging products determined solely to different end users are called **industrial packages**.

### Are industrial packages subject to the Fee?

Yes, because the Act on Packages defines the duty related to industrial packages in the same manner as for group and transport packages. Thus in the EKO-KOM system, the Fee for industrial packages is the same as for group and transport packages.

### How should I keep records of industrial packages?

The "Industrial" (packages) column in the report of produced packages is determined for recording such packages. Other packages, i.e. packages designed for delivery to consumers together with the product, are called "Business" (packages) for easier distinction. The packages are further divided into sales, group and transport packages. Industrial packages are not divided into subgroups, because the same fee is paid for all three groups.

### What are the main obligations according to the Packaging Act?

- 🌀 to minimize the occurrence of heavy metals and hazardous chemical substances in the packages
- 🌀 to minimize the volume and weight of the packaging material during the packaging construction
- 🌀 to provide to the inspection authorities all technical documentation necessary to prove that the requirements specified in Sections 3 and 4 have been met and to inform its customers about it
- 🌀 to enter on the list of persons obligated to take-back or recovery of package waste
- 🌀 to keep records concerning packages and package waste and concerning the manner of the disposal thereof
- 🌀 to ensure take-back and recovery of package waste

### Does my packaging contain heavy metals?

Most packaging materials do not contain heavy metals, e.g. plain paper. However, these heavy metals can occur in some inks and coatings.



As the proper testing is costly, it is better to consider it only in those areas where strong colours are used and/or where a particularly thick coating is applied. Examples include:

- the enamels on packages, which may contain lead oxide or cadmium (for bright red or yellow pigments);
- coating of drums or cans which may contain lead chromate or hexavalent chromium in the decorative; and
- yellow, orange or red pigments in some plastics, typically in packages aimed for a non-food usage. Examples are the crates and pallets used in the distribution.

In addition, the substantial recycling may result in the low level lead contamination of glass packaging.

#### **What are the limits for heavy metals content?**

According to Section 4 of Packaging Act the packages are not allowed more than 100 µg/g of heavy metals.

#### **Who controls heavy metal content?**

Heavy metal content control falls under the jurisdiction of the Czech Environmental Inspection.

#### **What are the penalties when limits are not respected?**

Penalties can be as high as 10,000,000 CZK in each individual case.

#### **Do I have to label the packages I place on the market or into circulation in any manner?**

The Packaging Act does not impose the duty to label packages placed on the market or into circulation. However, if you decide to indicate the material of which a package is made on the package, according to the provisions of Section 6 of the Packaging Act you must label it in accordance with the law of the European Community, namely with Directive 94/62/EC and Commission Decision 97/129/EC of 28 January 1997. The ČSN 770052-2 technical standard was prepared according to the Decision, therefore you can follow the standard.

#### **Do I have to inform consumers on how the used package is handled?**

In the context of the Packaging Act, it is not necessary to inform consumers on the treatment of the package, because neither Directive 94/62/EC nor Commission Decision contains such a condition. Labelling packages with the symbol of "**a figure with a basket**" has regained its original significance, appealing to consumers to "Take care of the environment!"

Pay attention to the provisions of other legal regulations under which such information **is strictly required** for packages of some products, such as the Waste Act, Chemical Act or Pharmaceutical Act, etc.! The requirements of the acts must be observed even if the duty was omitted by the amendment to the Packaging Act.

#### **What is meant by 'recovery' and 'recycling'?**

**Recovery** includes a number of processes, which results in a net benefit being derived from the used packaging. Recovery includes reuse, recycling; energy recovery from heat generated during burning; and composting of packaging materials.

**Recycling** is a more precise term for the re-processing of the used packaging so that the produced material can be re-used for its original or another purpose.

#### **To what extent do I have to reuse and to recycle packages?**

Your duty is to reuse and recycle the packages placed on the market or into circulation to the extent as determined by Annex 3 to the Packaging Act. The Act stipulates special quantity shares for individual types of packages.

#### **Who will enforce this obligation?**

Local and district authorities will enforce this obligation, mainly the Czech Environmental Inspection will be involved.

### **What sanctions may I expect if my business will not be able to prove recovery and recycling?**

Authorities may impose fines up to 10,000,000 CZK if the business fails to ensure recover of packages put to the market. This fine may be imposed repeatedly.

### **Do I have to keep records of packages?**

Yes, the records must be kept by everybody placing packages or packaged products on the market or into circulation. A penalty of up to CZK 1,000,000 may be imposed for violation of the duty.

### **What is meant by 'take-back obligation'?**

The take-back obligation requires your company to take such steps that the consumer is able to return the used package back to you without any additional cost or requirements.

### **Who will check whether producer or retailer does take-back?**

Mainly Czech Environmental Inspection will check this.

### **What sanction may they use to enforce this?**

Entities may be penalised by a fine up to 10,000,000 CZK in any branch of a product distribution.

### **How do I meet my recovery and take-back obligations?**

There are three ways you can do this:

1. You can either undertake the obligations on your own (as an individual complier)
2. or you can transfer this obligation to the other person to which you pass on the packaging or
3. to sign a Contract on Collective Compliance with the authorized package company EKO-KOM, which was set-up to enable you to fulfil your legal obligations in exchange for you meeting its conditions.

#### **ad 1) As an individual complier you must:**

- 🌱 Set up your own take-back system in the whole area of your product distribution
- 🌱 Enter on the List of Persons Obligated to Take-back and Recovery of Package Waste at the Ministry of the Environment
- 🌱 Take back the packaging from all consumers using this system
- 🌱 Recover this taken-back packaging
- 🌱 Be able to prove to authorities what amount of packaging you put to the market and
- 🌱 Be able to prove that you ensured that 30% of this packaging was recovered while at least 25% was recycled. (For the year 2002 only)

#### **ad 2) When you transfer the obligation to the other person, you must:**

- 🌱 Enter on the List of Persons Obligated to Take-back and Recovery of Package Waste at the Ministry of the Environment
- 🌱 To keep records of packages under the Packaging Act
- 🌱 The contract of transfer of ownership title to the package to which the obligations relate must clearly declared the transfer of obligations followed on the Packaging Act no. 477/2001 Coll.
- 🌱 To be able to prove by which contract were transferred all obligations to the other person.

#### **ad 3) Members of the authorized package company must:**

- 🌱 Be confirmed as members of a system
- 🌱 Meet the system conditions of membership, which will include providing data and a payment of the system subscription and other charges. Terms of the system are set by the Contract on Collective Compliance, which you are supposed to sign with EKO-KOM when joining the system.
- 🌱 Members of a system have no individual obligation to meet recovery and recycling obligations and they don't have the obligation to enter on the List of Persons Obligated to Take-back and Recovery of Package by themselves, since the authorized package company carries this responsibility on behalf of all its members.



If you want to use the associated benefits, that is, become a client of EKO-KOM, you must take into account that authorized packaging company, EKO-KOM, by law bears responsibility for all the client packages on the market or into circulation and for which the Contract on Collective Compliance took responsibility. In practice this means that the conclusion of the collective compliance does not exclude the option of fulfilling the obligation to take back and recovery through a combination of three ways according to § 13 of Packaging Act. That in the framework of the collective compliance can transfer the responsibility for taking back and recovery between persons who concluded the Contract on Collective Compliance, as permitted by law. This option takes into account the collective compliance and the associated performance reports on the amount of packaging put into circulation, ensuring that there is the fact that the collective compliance of one and the same packaging and refinance EKO-KOM two or more obligors. The client is responsible for proving yet the truth of the amounts of packaging and also demonstrates that the obligation transferred to another client unless it says.

If the client wants to use the option in addition to take-back and recovery of packaging placed on the market or put into circulation separately organized and technically at his own expense, which the law allows him according to § 13 paragraph 1 point. a), then it is possible. However, it is necessary to conclude a special appendix to the contract that defines the implementation modalities of take-back and especially the way of registered packaging waste (packaging taken back) and its use. In this case the client is not authorized by the company for taking back and using these packages, because the obligation is performed independently. The client is responsible for it but to be able to show the quantity actually taken packaging and packaging waste recovery from packaging it has placed on the market or put into circulation, because the ultimate responsibility for the registration is carried by Authorized packaging company. Records and packaging waste for him in this case continues to lead the company authorized in accordance with the terms and conditions and for a negotiated fee. For the remaining production of packaging for which the return and recovery system, secured transactions authorized associated companies, the client pays the appropriate fee based on the Remuneration fee structure.

#### **How is EKO-KOM managed?**

The board of directors consisting of industry representatives manages the operation of EKO-KOM. All shareholders are those who market or circulate packages and they are members of EKO-KOM. According to the Packaging Act, the profit of the authorized company shall not be distributed to the shareholders.

#### **What is the aim of EKO-KOM?**

To develop the cost efficient scheme that will enable businesses to meet their obligations related to the packaging waste recovery. The aim is to achieve the total recovery rate specified in the Packaging Act. on behalf of all scheme members in short term and to achieve the recovery rate set by the EU legislation in a longer term.

#### **How does EKO-KOM ensure the take-back and recovery of packages?**

Based on contracts, EKO-KOM subsidizes primarily the systems of waste treatment in municipalities and implements other programmes promoting the recovery of packages and optimization of their collection. Our cooperation with collection companies and companies focused on waste treatment has been developing successfully. EKO-KOM cooperates with municipalities so that the local system of waste treatment would enable consumers to dispose of used packages in the system of the collection, separation and reuse of communal waste.

#### **How does EKO-KOM ensure the recovery of industrial packages?**

In the same way as EKO-KOM has ensured the reuse of transport and group packages from the trade network for its clients so far. AOS has signed contracts with collection companies focused on the treatment of such packaging waste. On the basis of the contracts, the collection companies ensure for AOS that packaging waste collected from the trade network or companies will not be disposed of in dumps, but will be handed over for recycling after separation.

### **Do we have to pay for the collection of our waste although our supplier refers to its conclusion of a contract with EKO-KOM?**

If any waste arises from your business activities as an entity conducting business, you are a waste producer and must treat the waste according to the Waste Act. i.e. you must hand it over to an entity authorized to treat waste. The duties as ensuing from the Packaging Act and applying to your supplier, i.e. to ensure the take-back and recovery of packaging waste, are fulfilled by AOS on its behalf only after the waste collection. AOS, on the basis of its cooperation with collection companies, will ensure the fulfilment of the percentage rate of recovery and recycling of packaging waste on behalf of your supplier. The duties as ensuing from the Waste Act and the Packaging Act are two different independent duties.

Therefore the person authorized to collect waste will conclude 2 contracts: One with the waste producer who pays the fee for waste collection and another with EKO-KOM, a.s. which pays the costs connected with the registration and ensuring of the reuse of waste from packages, and which thus ensures the fulfilment of the duty of recovery and recycling of packaging waste on behalf of its clients.

### **Our client – a company – demands that our company take packaging waste from the client or pay the costs of waste removal to the client. Is this really required by Packaging Act., as amended, as alleged by the client?**

No, it is not. Everybody placing packages on the market and into circulation must ensure its take-back and recovering, which, however, does not mean removal of waste from your client. On the contrary, under the Waste Act the client has the duty to hand over produced waste solely to an entity authorized to dispose of waste. The duty to collect packages is imposed only on entities delivering packaged goods to consumers, being persons not conducting business. The duty, together with ensuring the reuse of packaging waste is fulfilled by EKO-KOM on behalf of all companies that have signed the Contract on Collective Compliance with EKO-KOM. If goods are delivered to an entity conducting business, the duty to collect packages does not arise and the client cannot demand the collection of packages by law.

### **How does EKO-KOM raise the necessary funds for ensuring the take-back and recovery of packages?**

The EKO-KOM system charges fees to the clients. Their amounts are determined on the basis of the quantities of packages placed on the market by them. EKO-KOM uses the funds raised in such a manner for the fulfilment of the duties for all its clients.

### **How are the fees calculated?**

The fees paid by individual clients are calculated according to the total weight of packages for which the fees are to be paid. EKO-KOM does not make a profit and will determine the fees so that they cover the operating costs of the system based on the real costs connected to the separation of packaging waste in municipalities. The fees are calculated and charged quarterly on the basis of the client's Statement about packaging production put on the market or into circulation for the respective quarter of the year.

### **What is the fee for the connection to the EKO-KOM system?**

Companies connecting to the system pay quarterly fees according to the quantity of packages and a fixed annual fee, amounting to CZK 1,600, excluding VAT. The rate of the quarterly fee cannot be determined without detailed information on the quantity of packages placed by the company on the Czech market.

### **What else besides the payment of fees will EKO-KOM required by our company?**

Each client is required to send quarterly statements specified the amount of packaging placed on the market or put into circulation in the specified layout and structure. The statement consists of items for a given period as reported by weight and in a separate part of the statement shall indicate the quantity of reusable packaging.

### **It is not administratively too complicated?**

EKO-KOM tries reporting structure as simple as possible. These statements conform to the requirements of government statistics led to the authorized packaging company. Statements, which would corroborate the use of packaging in case you decide not to join the authorized packaging company, is even more detailed.

### **Who is responsible for the recovery of the waste from packages – the manufacturer, package filler or retailer?**

The legal duty is imposed on the entities placing packages or packed products on the market or into circulation. The responsibility starts upon the completion of packages (upon their closing, labelling, etc.) or import of packages and it is transferred through the entire trade chain, i.e. from the filling of packages, distribution up to the sale to the consumer. All participating entities, whether companies filling packages, importers, distributors or retailers, must fulfill their duty of package recovery themselves or by connecting to the system. The question of whether a producer of *future* packages is responsible has to be considered. According to the provisions of Packaging Act., at this phase they are considered as packaging agent to which the duty of recovery does not apply. However, the statements of the Ministry of the Environment regarding package origination must be taken into account at the moment that the package is filled, closed or becomes part of a sales unit or group or sales units or facilitates their handling.

### **This means that the EKO-KOM system should pay for the same cover charge all?**

Absolutely not! Everyone should have a contract with the authorized packaging company, or operate their own individual system of take-back and recovery. Upon payment of a fee have the opportunity to agree on who was behind the cover that pays a fee. This means that for example a distributor and its supplier, a company that performs packaging may agree which of them will pay the fee. If paid once, then cover the entire supply chain. If the filler pays a fee, then placed on the distributor invoice client's number along with information that for the packaging was paid the fee. Distributor filled in the statement these packaging as pre-paid. Generally, the client of authorized packaging company should never pay a fee for packaging for which the fee has already paid or will pay another client of EKO-KOM. For exported packaging are not paying any fees.

### **Does EKO-KOM collect waste from companies?**

No, AOS clients do not have the duty to collect packages toward entities conducting business, which they have toward consumers – persons. Therefore AOS does not ensure the collection of waste from companies in the way it must ensure with respect to communal waste on behalf of its clients. As regards communal waste, under the law, AOS must ensure, and therefore must also pay, the collection of separated communal waste and its follow-up separation and handover for recycling (recovery). As opposed to trade and company waste, AOS does not have to ensure its collection, but must only ensure its follow-up separation and handover for recycling (use), which it executes within contracts on waste treatment. The costs of collection of waste from a trade or company under the Packaging Act will be paid by the producer of the waste being an entity conducting business. The entity, however, is not responsible for ensuring the use and recycling of the waste (according to Waste Act), because the duty is held by the suppliers and the fulfilment of the duty is arranged by AOS on their behalf based on the Contract on Collective Compliance.

### **Is there any relation between different duties and amounts of fees paid to the EKO-KOM system?**

Yes, there is. As the duty to take-back packages is connected with sales packages, the amount of the fee paid into the EKO-KOM system is higher than the fee for group, transport and industrial packages with which the duty of take-back and recovering at the determined percentages is connected.

### **What are the fees for providing take-back and recovery of packaging waste in the future - will remain the same or increase?**

Charges will be able to monitor the evolution of operating costs. These are mainly proportional to the cost of sorting waste, but also depend on market prices of secondary raw materials. It is expected that charges will be quarterly for the amount of packaging placed on the market to increase in relation to increasing costs of collection and sorting of waste. Another factor that may affect the amount of fees is a measure of recovery and recycling, which is set out in Appendix 3 of the Packaging Act, which is needed in a given year to achieve. This rate increases each year in accordance with the requirements of the relevant EU Directive.

### **What are the EKO-KOM's fees compared with other existing waste recovery systems in Europe?**

Fees of EKO-KOM are much lower than those charged for instance in the famous dual system introduced for example in Germany, where the industry has created its own system of collection and recovery independent on the municipal waste collection system. Due to the different economic environments are also lower than the system (even more effective than the dual system) operating in Western Europe on the principle of so-called integrated waste management. This principle of direct cooperation between industry and municipalities in waste management also applied EKO-KOM.

Currently, the fees of the EKO-KOM are the lowest in Europe.

### **Does EKO-KOM uses "Green Dot" or similar method of marking, as do some other European systems, ensuring the use of packaging?**

EKO-KOM enables its clients to use a special symbol of EKO-KOM and "Green Dot". GREEN DOT is a trademark, which reflects the financial participation of the associated performance and informs customers and consumers on how the collection is provided. EKO-KOM does not consider to set mandatory of using these marks, their usage will depend on individual decisions of producers and their marketing strategy.

## **5. The Green Dot**

### **What does this symbol mean?**

This symbol means that for this packaging was paid a fee to the organization which provides take-back and recovery of packaging waste.

If this symbol is on the packages and products, which are distributed in the Czech Republic, then these packages must be registered with EKO-KOM. In practice this means that the packaging of such products must be paid a fee for take back and recovery to EKO-KOM system. Clients of EKO-KOM are not charged with any additional fee for using of Green Dot. The company EKO-KOM also provides legal protection of the symbol in the Czech Republic.

The regime of authorization conditions of the Green Dot doesn't grants authorization for more than one organization in the state. Consolidation of symbol within the EU simplifies packaging design which can be common to all Member States.

The Green Dot should not be used in any other sense, and may not be accompanied with any other text, which would put it into context with the characteristics of the package, particularly in relation to environmental protection.

In September 2000 organization PRO EUROPE gives a licensee to use the Green Dot in the Czech Republic. That means that the EKO-KOM System fulfils all PRO EUROPE requirements and the System is fully compatible with European systems to ensure take back and recovery of packaging waste according to Directive 94/62/EC.



Austria (ARA AG)  
Belgium (FOST Plus)  
Bulgaria (EcoPack Bulgaria Jsc)  
Cyprus (The Green Dot of Cyprus)  
Croatia (Eko-Ozra)  
Czech Republic (EKO-KOM)  
Estonia (ERO – Estonian Recovery Org.)  
Finland (PYR Ltd.)  
France (Eco-Emballages S.A.)  
Germany (DSD)  
Greece (Herra)  
Hungary (Ökopannon)  
Ireland (REPAK Ltd.)  
Iceland  
Latvia (LATVIAS ZALAIŠ PUNKTS)  
Lithuania (Žaliasis Taškas)  
Luxembourg (Varolux)  
Malta (GreenPack Ltd.)  
North America (CSR)  
Norway (Materialretur AS)  
Netherlands  
Poland (Rekopol)  
Portugal (SPV S.A.)  
Romania (ECO-ROM Ambalaje SA)  
Slovakia (ENVI-PAK)  
Slovenia (Slopak)  
Spain (Ecoembalajes Espana S.A.)  
Sweden (Repa)  
Turkey (Cevko)  
Ukraine (UkrPEEC)  
United Kingdom (CSR)



If your company exports to the above mentioned countries should bear in mind that in these countries the usage of the Green Dot is governed by specific conditions applicable to that state. If needed, we will provide you a contact with systems in other countries.

## 6. Contacts

Should you have any other questions, feel free to contact us on the following numbers:

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With regards,

Customer service department  
EKO-KOM, a.s.