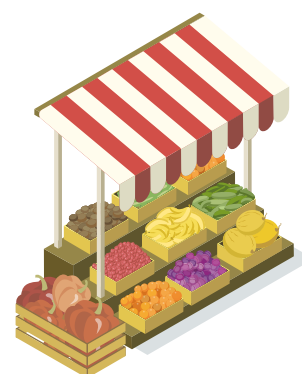


Waste



Merchants, distributors and importers

INTERPRETIVE GUIDE OF LAW 8/2019 ON WASTE AND CONTAMINATED SOILS OF THE BALEARIC ISLANDS



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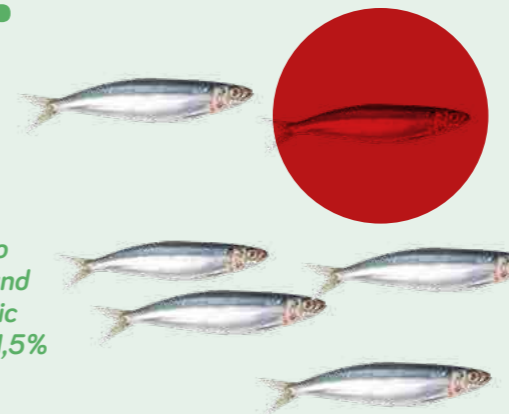
The United Nations warns that, if there is no radical change in the current consumption model, in 2050 there will be more plastics than fish in the sea.



Why new obligations regarding waste?

Waste generation is one of the causes that contributes to climate change and air, soil and water pollution. In the Balearic Islands it has increased by 21,5% compared to 2010.

In 2018, on average, 2,376 tonnes of municipal garbage were collected per day. This means that 867,234 tonnes of waste were mostly incinerated or deposited in landfills in just one year. All this amount of garbage makes the Balearic Islands the Spanish autonomous community that generates more waste per inhabitant (573 kg annually).



To the previous figures, we must also add the waste abandoned in the environment and the waste leaked into the sewage system, which is mainly contaminating the sea and the living beings that inhabit it.

Nowadays, one out of every six fish that are marketed and that inhabit the Balearic Islands contains microplastic in their stomach. Moreover, the United Nations warns that, if there is no radical change in the current consumption pattern, in 2050 there will be more plastics than fish in the sea.

The new obligations of Law 8/2019 on waste and contaminated soils are the answer to these problems.

A set of pioneering measures throughout Europe that pose, for example, relevant changes in waste management, restrictions on single use plastic products or the promotion of composting or preparation for reuse, in order to minimize the impact of waste on the environment and promote a circular economy in the Balearic Islands.



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573 kg annually

Precepts to be fulfilled

1 Single use products

Article 23

From 20th March 2021

All the following restrictions are applicable to traditional commerce and also to sales on electronic media and digital channels.

Plates, cutlery, glasses, cups and food trays

These single-use plastic utensils cannot be sold, distributed or used, except if they are made of compostable plastic (certified by the UNE EN 13432: 2001 standard) or are considered packaging.*

Compostable utensils must be labeled and be identifiable so that the consumer can deposit them in the organic fraction.

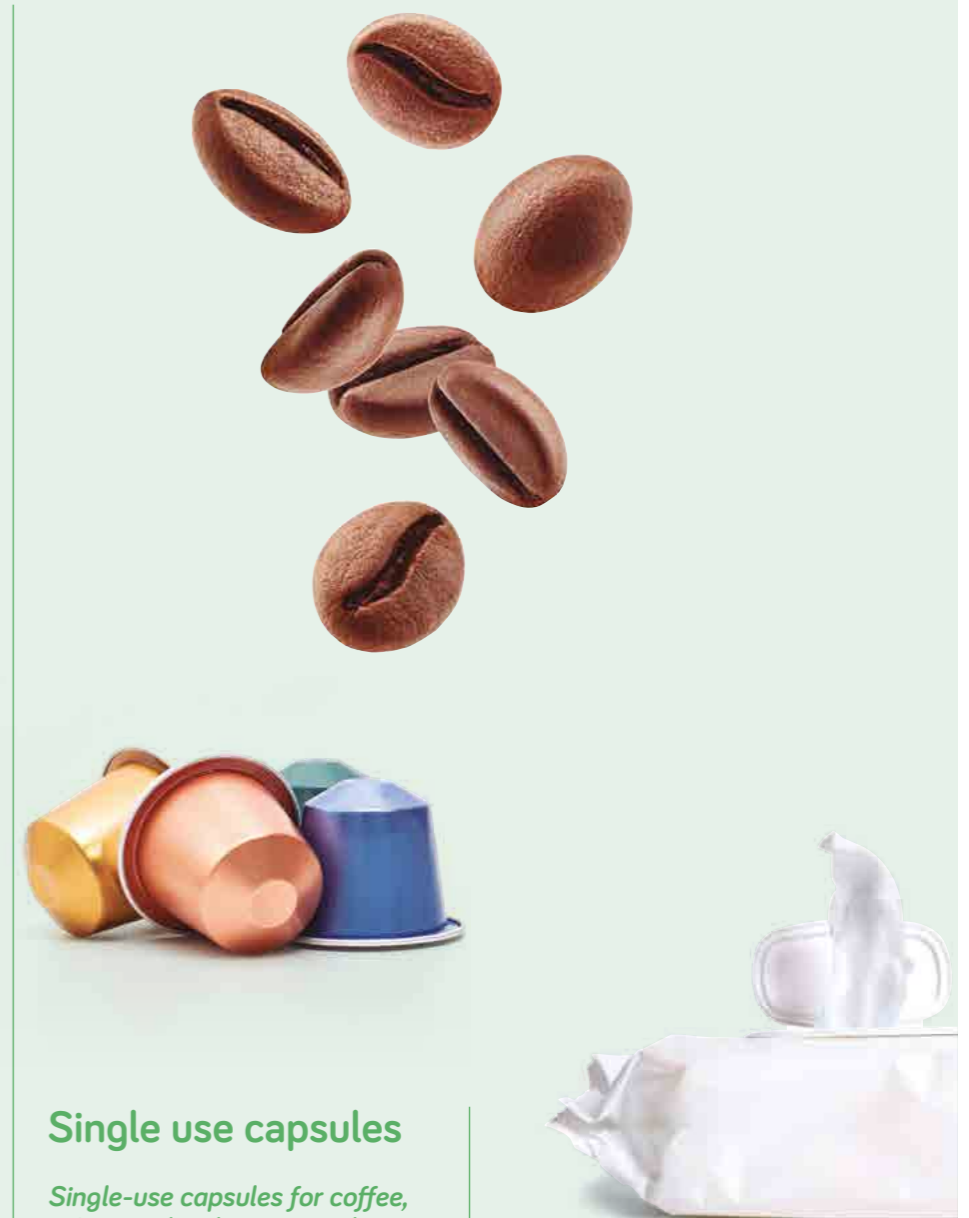
Idea: Sell the above utensils made from certified compostable cardboard, as not all cardboard is compostable

* See complementary information



Straws, swabs and candy sticks

If they are not reusable or edible, these products can only be distributed and commercialized if they are made with compostable materials (certified by the UNE EN 13432: 2001 standard).



Single use capsules

Single-use capsules for coffee, infusions, broths, etc. used in coffee machines will have to be made of compostable or recyclable materials.

Manufacturers, importers or distributors of recyclable single-use capsules have to organize an individual or collective system that guarantees, and certifies to the Government of the Balearic Islands, their correct recycling and compliance of the objectives of the Law (article 2.2). The competent body in the matter of waste of the Government of the Balearic Islands will authorize and register these systems of extended producer responsibility.

Idea: Promote the sale and distribution of reusable capsules.

Wet wipes

They cannot be eliminated in a way that affects the sewer network. Therefore, on the packaging and on the points of sale, clear and sufficient information must be incorporated about:

- ✓ The expensive and difficult management of this waste.
- ✓ The adverse effects they represent for the environment, in case of flushing them into the toilet

Information (data, images, campaigns, etc.) regarding the problems of wet wipes can be found at the web pages of the main water distribution and purification companies of the Balearic Islands.

2 Other products

Article 24

All the following restrictions are applicable to traditional commerce and also to sales on electronic media and digital channels



From 20th March 2021

Products with microplastics and nanoplastics

Given its broad scope and to ensure legal certainty of its recipients, article 24.1a of the Law will be interpreted as follows:

The sale and distribution of products containing intentionally added microplastics, which are inevitably released into the environment and for which there are alternatives, is prohibited.

In this sense, it will be taken into account the restriction proposal of the European Chemical Substances and Mixtures Agency (ECHA), which can be consulted on the website of this organization, advancing its application for those products for which the agency considers the elimination of added microplastics viable since 2020.

Therefore, immediately, as of March 20, 2021, the sale of cosmetic rinsing products and household maintenance and cleaning products that contain added microbeads (microplastics used in products with abrasive purposes, to exfoliate, polish or clean) is forbidden.

Examples of cosmetic rinsing products that contain microbeads: facial exfoliating products, soaps, make-up remover, toothpaste, tooth whiteners, etc.

Examples of household maintenance and cleaning products that contain microbeads: hard surface cleaners, bathroom acid cleaners and stainless steel cleaners.

Cartridges and toners for printers and copiers

Only those that are reusable and rechargeable can be marketed and distributed.



Lighters

Only those that guarantee at least 3,000 effective lights can be marketed and distributed, according to the criteria of the EN 13869 and ISO 9994 standards.

Manufacturers, importers or distributors of disposable lighters with more than 3,000 effective lights have to organize an individual or collective system that guarantees, and accredits to the Government of the Islands Balearic Islands, their correct recycling and compliance with the objectives of the Law (article 2.2). The competent body in the matter of waste of the Government of the Balearic Islands will authorize and register these systems of extended producer responsibility.



From 20th March 2025

Razors

Only rechargeable razors can be marketed and distributed. All of these razors have to be made with recyclable materials. Razors intended for health use are exempt of this regulation.



3 Secondary packaging

Article 25.6

From 20th March 2021

Given its broad scope and to ensure legal certainty of its recipients, article 25.6 will be interpreted as follows:

Packages of cans or drinking bottles held by plastic rings or through other secondary packaging may not be distributed. In any case, the latter will have to be made of biodegradable material and indicate this to the consumer, as of March 20, 2021.



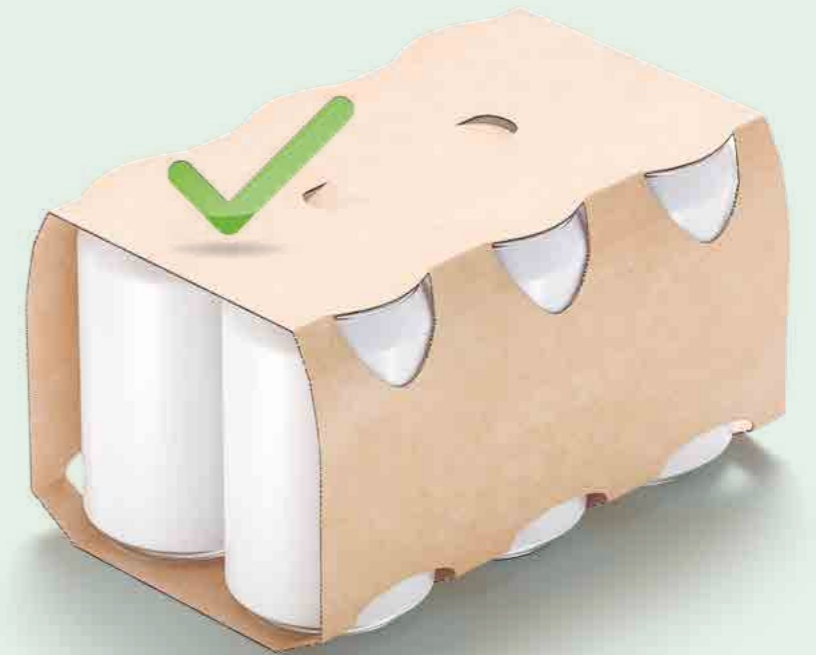
Therefore, beverage cans and bottles cannot be distributed, under any circumstances, held by plastic rings. Secondary packaging can only be used for beverages if they are made of cardboard or compostable material in accordance with the UNE-EN 13432: 2001 standard. This circumstance must be made known to distributors and consumers with the marking in accordance with the community regulations to be approved.

This article does not affect products other than packaged beverages, such as oils, sauces, or other foods that can be drunk (soups, broths and creams, gazpacho, yogurts, ...); but yes water, juices, milk, drinkable and refreshing dairy products (horchata, smoothies, chocolate drinks), refreshing, energy and carbonated drinks, alcoholic and non-alcoholic drinks, liquors, wines and beers.

For secondary beverage packaging, in specific cases, prior motivated and environmentally justified request, it will be alternatively accepted:

- ✓ The use of plastic that contains at least 50% of recycled and non-fragmentable plastic, certified by the UNE-EN 15343: 2008 standard. This percentage will have to be 70% from the 1st of January 2024.
- ✓ The use of plastic that contains at least 50% of bioplastic, certified by the UNE-CEN / TS 16137: 2012 standard. This percentage will have to be 70% from the 1st of January 2024.
- ✓ The use of plastic that is made, with at least 50%, of raw materials that are renewable (bioplastic) and/or that proceed from chemical recycling of plastics (pyrolysis oil). This will be certified through a certification scheme based on traceability and mass balance, such as ISCC PLUS certification. This percentage will have to be 70% from the 1st of January 2024.

Exceptionally, to guarantee the integrity of the package, the incorporation of other materials will be allowed, provided that they do not form a significant part of the package.



4 Plastic bags

Article 23

From 20th March*
2021

*Notwithstanding the precepts that enter into force on the date of January 1st, 2021 established in Royal Decree 293/2018 on the reduction of plastic bags.



Reusable plastic bags

(the thickest, 50 microns or more).

They must be made from a minimum of 50% recycled plastic (70% from 2024).

The customer must be charged for them.

Moreover, although the objective is to reduce plastic bags, if they are distributed, priority should be given to those made of biological plastics, preferably compostable.

Lightweight plastic bags

(thickness between 15 and 50 microns).

They cannot be supplied, not even the ones made of bioplastic

Very lightweight plastic bags

(less than 15 microns thick).

They can only be distributed if they are compostable, certified by the UNE EN 13432:2001 standard, and when they are intended only for food products, to prevent waste and/or for reasons of hygiene or food safety.

Plastic bags	Regulation
Very light (<15 microns).	Only compostable.
Light (15 - 50 microns).	Forbidden (including compostable).
Reusable (>50 microns).	50% recycled plastic (70% by 2024), are to be charged.

Tips to avoid single-use bags:

- ✓ Encourage and allow the customers to bring their reusable bags, carts, backpacks or other means to transport their purchase.
- ✓ Distribute or sell reusable bags.



And for very light single-use bags:

- ✓ Encourage and allow the customer to bring their reusable containers to buy fresh products in bulk (vegetables, pulses, fruit, meat, fish, eggs, cheese, etc.).
- ✓ Distribute and / or sell reusable cloth bags.



5 Separation of waste at origin

Article 29
Since February 22nd, 2019



The following waste fractions must be separated*:

- ✓ paper
- ✓ metal
- ✓ plastic
- ✓ glass
- ✓ organic matter
- ✓ waste with hazardous characteristics

In addition to others that may be generated eventually, such as:

- ✓ pruning
- ✓ textiles
- ✓ vegetable oils
- ✓ electrical and electronic appliances
- ✓ bulky waste
- ✓ construction and demolition waste

* City councils will have until May 11th, 2021 to implement the differentiated collection of compostable organic matter, pruning, used vegetable oil, textiles and hazardous waste of household origin (Third Transitory Provision).

It should be considered that, if the above waste is produced as a result of the economic and productive activity of the company, a private manager must be hired for its collection and treatment, or, if it exists, use the public (municipal) system of commercial waste collection.

The organic fraction must be deposited in certified compostable bags.

There are large capacity compostable bags: 50, 70, 100 liters, etc.

In construction or renovation works appropriate spaces, with the necessary surface areas, have to be enabled to locate the different containers for waste separation.



Idea: Install a sufficient number of bins / containers, the minimum possible of general refuse, to facilitate the separation of waste to customers and workers.

6 Management of commercial and industrial packaging

Article 281
Since February 22nd, 2019



All packaging waste, whether it is considered household, commercial or industrial (secondary packaging, products in special formats, large sizes, etc.) must become part of an extended producer responsibility system.

Those responsible for placing packaging on the market have to establish a collection system (individual or collective) authorized by the Government of the Balearic Islands.

Producers, distributors or importers of packaged products, placed on the market of the Balearic Islands in commercial or industrial packaging covered by the exemption of the first additional provision of Law 11/1997, on packaging and packaging waste, have to comply with the provisions of this article.

7

Single-use beverage containers in public establishments

Article 25



From 20th March 2021



Any type of drink in single-use containers (plastic bottles, bricks, non-reusable glass bottles, single-use cups, etc.) cannot be distributed in facilities where activities or services developed by the public administrations are located. Neither can they be sold through vending machines.

In health and educational centres, the sale of water in single-use containers, as an alternative to the installation of drinking water sources, is allowed. If cups have to be dispensed, these should preferably be reusable or, alternatively, compostable.



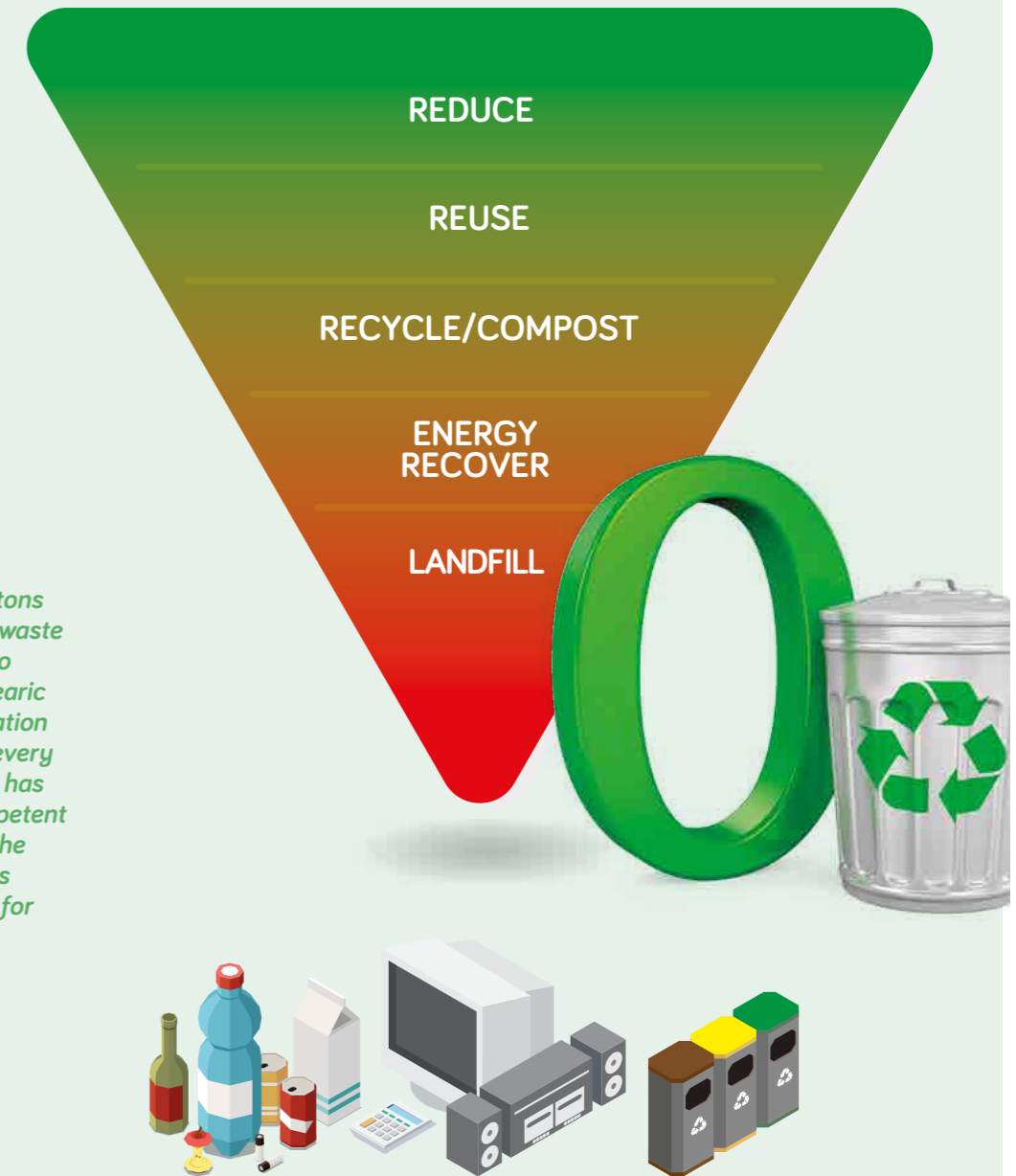
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Waste minimization study

Article 42

Businesses that generate more than 10 tons per year of hazardous waste or that generate more than 1,000 tons per year of non-hazardous waste have to prepare, and send to the Government of the Balearic Islands, a study of minimization in the production of waste every four years. This study, also, has to be presented to the competent administrations to receive the environmental and activities permits that are necessary for the exercise of the activity.

The content of this report is defined in article 42 of Law 8/2019 on waste and contaminated soils of the Balearic Islands.



Additional information



What is a “compostable material”?

As a general rule, a material will be considered compostable as long as it is proven that it complies with the European standard UNE EN 13432: 2001. This certification guarantees that all the components of the product (the same material, colours, labels, glues and, in the case of packaged products, content residues) can be composted only under industrial conditions.

It must be taken into account that there is also the “OK compost Home” certification, which guarantees that the product is compostable in domestic conditions.



What is understood by “secondary packaging”?

According to the definition of Directive 94/62/EC, on packaging and packaging waste, secondary packaging is: “any packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics”.

Deposit-refund system

In the event that during the year 2020 the objectives set by this law or by the more restrictive state or European regulations are not met, the Government of the Balearic Islands may establish other complementary systems for the management of packaging waste, such as deposit-refund system (DRS)

For its implementation, the following obligation will be taken into account: those responsible for the first placing of packaging on the island market (manufacturers, importers, distributors, etc.) will be obliged to charge customers an individualized amount of money for each product, which the Government of the Balearic Islands will set. This amount will not be considered a price, nor will it be subject to taxation.

When are plates, glasses, cups and trays considered packaging?

According to the Packaging Directive 94/62/EC, “packaging” shall mean “all **products** made of any materials of any nature **to be used for the containment, protection, handling, delivery and presentation of goods**, from raw materials to processed goods, **from the producer to the user or the consumer**. ‘Non-returnable’ items used for the same purposes shall also be considered to constitute packaging.”

Annex 1 of Directive 94/62/EC, incorporated in 2013, specifies **that cutlery is not packaging and that plates, food trays, glasses and cups** are considered packaging **if they are intended to be filled at the point of sale. Food trays** are also considered packaging **when used to preserve the sterility** of products.

Therefore, **if the above criteria are not met, these single-use plastic utensils cannot be sold, distributed and used, from 20th March 2021**.

It is important to take into account that packers or those responsible for placing this packaging on the market have to comply with the obligations of Law 11/1997 of April 24th, on packaging and packaging waste and its Regulations.

For example, if single-use cups or trays are used to sell food or drink, the principle of extended producer responsibility must be fulfilled and an individual or collective packaging recovery system must be implemented.



Food in single-dose format

It should be taken into account that food products in single-dose format are restricted in hotels, bars, restaurants and similar establishments. “Food products in single-dose format” should be understood as packaging, generally of small sizes, that is used to contain food and beverages that are consumed at once. Examples: sachets, capsules, tubs, bags, plastics, bottles, etc.

For more information consult the interpretive guide of the HORECA sector.



Restrictions at European level

As of the entry into force of Directive 2019/904/EU on single-use plastics (July 3rd, 2021 for this specific provision), single-use ear buds, plates, and cutlery (forks, knives, spoons, sticks) may not be of any kind of plastic (including bioplastic)

Also, plastic food packaging and single-use cups cannot be made of expanded polystyrene.

Therefore, in accordance with the Balearic Law and the mentioned Directive:

- ✓ Disposable plates and cutlery will have to be made of materials other than any kind of plastic.
- ✓ The drinking straws and disposable ear buds must be made of non-plastic compostable material (cellulose) in accordance with the UNE EN 13432: 2001 standard.

Postponement of dates

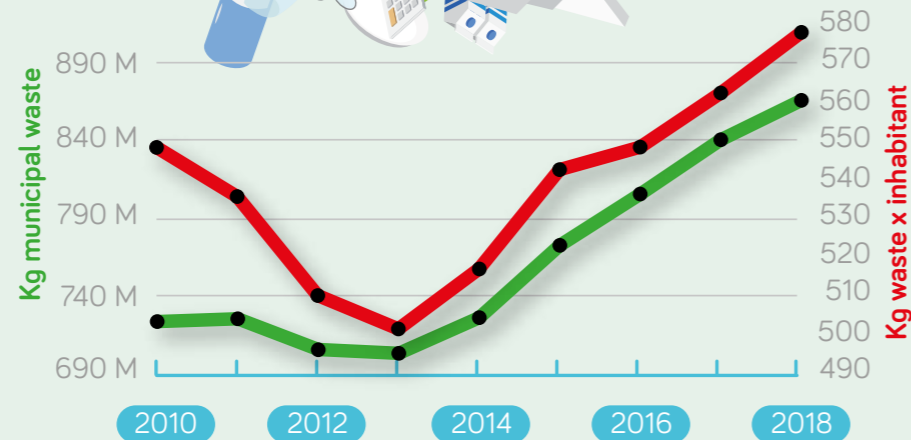
The dates of entry into force of the regulations that appear in this guide are different from those of Law 8/2019, because they have been postponed 78 days due to the application of the suspension of the administrative deadlines established by the additional provisions of the RD 463/2020, of March 14th, which declares the state of alarm due to the crisis situation caused by COVID-19. It must be taken into account that these dates could change again in case of new suspensions.

Status of municipal waste in the Balearic Islands



How much municipal waste is generated in the Balearic Islands?

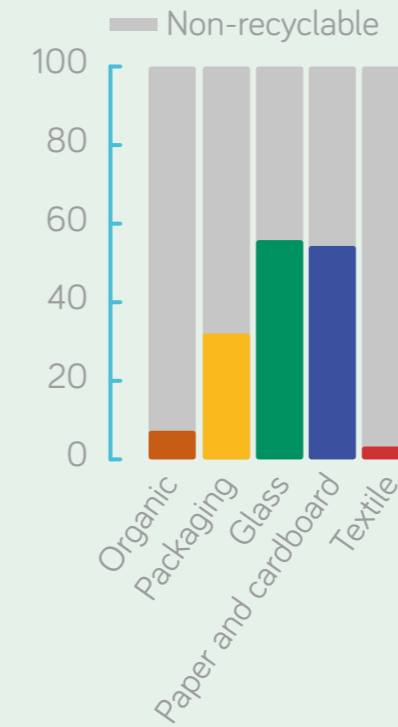
From 2013 to 2018 the generation of total and per capita waste (taking into account the de facto population or HPI) in the Balearic Islands has not stopped increasing to reach 573 kg per inhabitant per year, the highest in Spain.



How much municipal waste is collected separately?

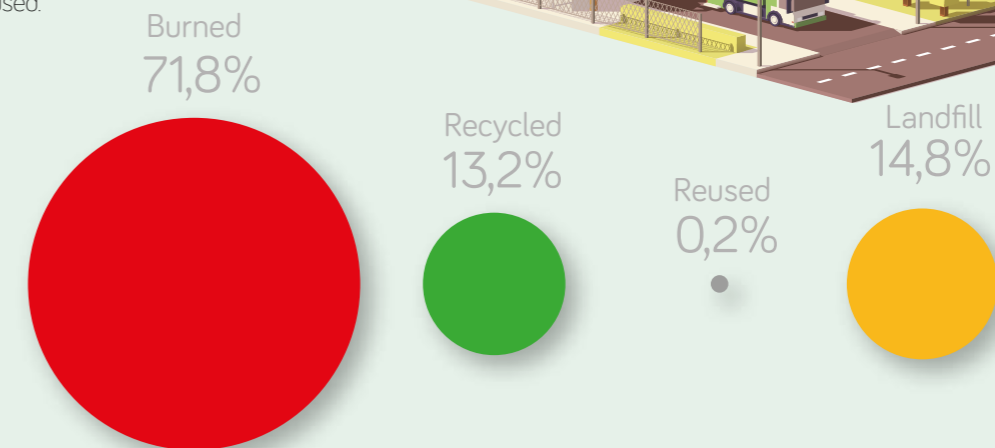
Of all the waste generated in the Balearic Islands, only 17% is collected separately. In order to comply with the European objectives, 50% of selective collection should be achieved.

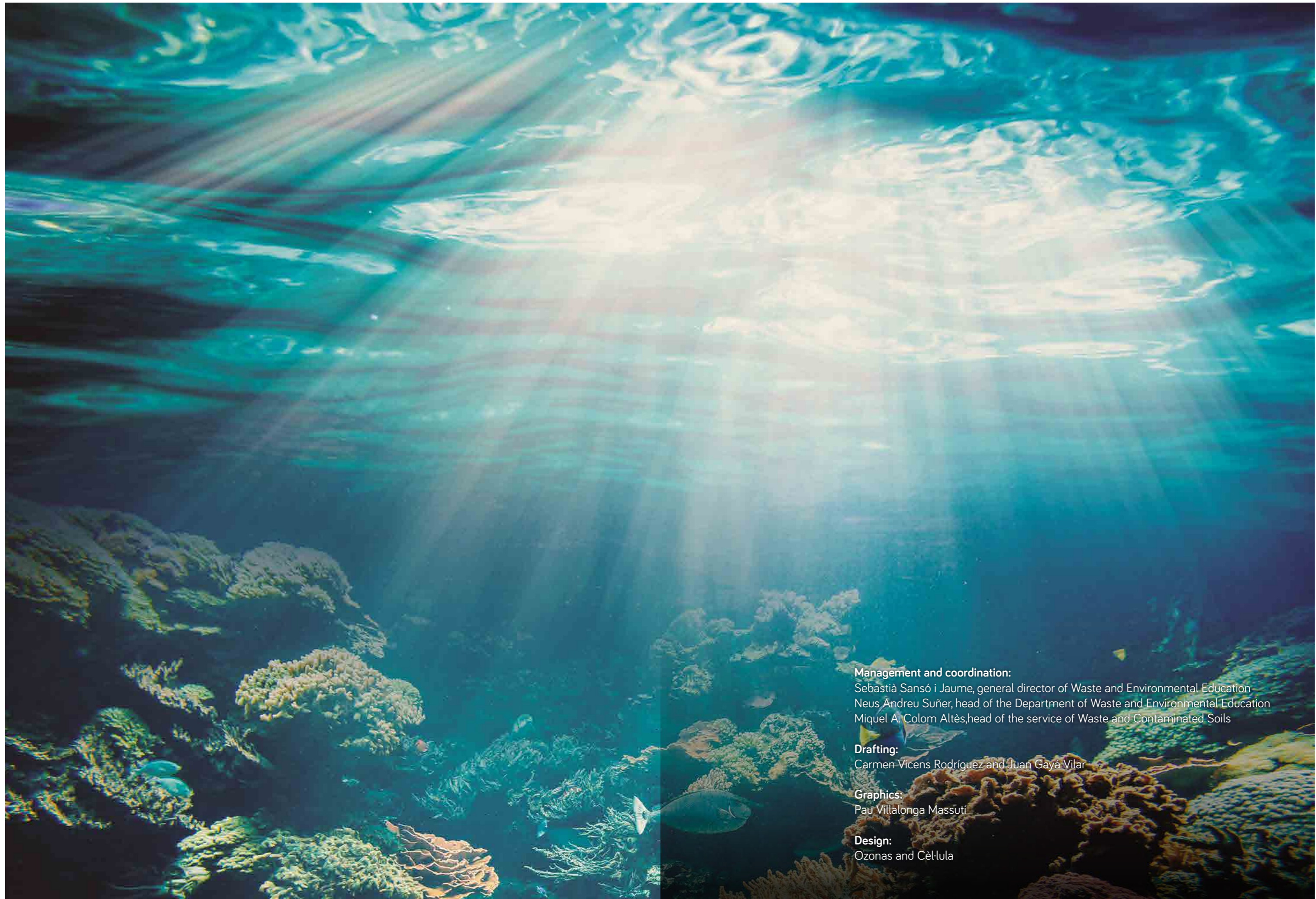
Percentage of selective waste collection with respect to the total generated.



Where does municipal waste end up?

The vast majority of municipal waste ends up burned or in a landfill. Only 13.2% is recycled and less than 0.5% is reused.





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