

LAW ON AMENDING AND COMPLEMENTING ARTICLES 2, 30, 34 AND APPENDIX 5 OF THE LAW ON WASTE MANAGEMENT OF THE REPUBLIC OF LITHUANIA AND COMPLEMENTING THE LAW WITH ARTICLES 34⁸, 34⁹, 34¹⁰, 34¹¹

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(Official Gazette 1998, No. 61-1726; 2002, No. 72-3016; 2004, No. 73-2544; 2005, No. 84-3111)

Article 1. Amending Article 2 paragraphs 18, 19 and 32 and complementing the Article with paragraphs 34 and 35

1. Amend Article 2 paragraph 18 as follows:

“18. **Producer** means any person with a business registered in the order established by the legal acts of the Republic of Lithuania who:

1) produces oils, vehicles, taxable products (excluding batteries and accumulators) and (or) packages the products within the territory of the Republic of Lithuania, or

2) places batteries and accumulators (included those incorporated into appliances or vehicles) on the market of the Republic of Lithuania for the first time, including by means of distance communication, or

3) manufactures electrical and electronic equipment within the territory of the Republic of Lithuania under his own brand and resells his own brand equipment to other persons and (or) exports it to other states, irrespective of the sales technique used, including by means of distance communication.”.

2. Amend Article 2 paragraph 19 as follows:

“19. **Importer** means any person with a business registered in the order established by the legal acts of the Republic of Lithuania who:

1) imports and (or) brings oils, vehicles, taxable products (excluding batteries and accumulators) and other packed products from another state into the territory of the Republic of Lithuania, or

2) imports and (or) brings from another state and places batteries and accumulators (including those incorporated into appliances or vehicles) on the market of the Republic of Lithuania for the first time, including by means of distance communication, or

3) imports and (or) brings from another state (exports and (or) takes to another state) electrical and electronic equipment and resells it under his own brand to other persons, irrespective of the sales techniques, including by means of distance communication.”.

3. Amend Article 2 paragraph 32 as follows:

“32. **Distributor** means any person who provides oils, vehicles, electrical and electronic equipment and (or) taxable products on a commercial basis to users.”.

4. Complement Article 2 with paragraph 34 as follows:

“34. **Battery (voltaic cell) or accumulator** (hereinafter – battery or accumulator) means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable).”.

5. Complement Article 2 with paragraph 35 as follows:

“35. **Waste battery or accumulator** means any battery or accumulator which is waste within the meaning of Article 2 paragraph 4 of this Law.”.

Article 2. Amending Article 30 paragraph 3 subparagraph 4

Amend Article 30 paragraph 3 subparagraph 4 as follows:

“4) means of individual collection of domestic hazardous waste (excluding waste batteries and accumulators). The Municipalities shall ensure that their set-up schemes for the collection of domestic waste will not refuse to take back waste batteries and accumulators from end-users.”.

Article 3. Amending Article 34 paragraph 3, paragraph 4 subparagraph 4 and paragraph 5 subparagraph 3

1. Amend Article 34 paragraph 3 as follows:

“3. The funds of the program are used for financing:

1) disposition of untreated waste electrical and electronic equipment, taxable products and packaging due to failure of the Government or its authorised institution to carry out or execute the tasks set out.

2) education of the society on issues of treatment of electrical and electronic equipment, taxable products, packaging and their waste.

3) implementation of investment projects on treatment of waste electrical and electronic equipment, taxable products and packaging.”.

2. Amend Article 34 paragraph 4 subparagraph 4 as follows:

“4) funds acquired by means of the environment pollution tax for pollution of the environment with waste products and (or) packaging for certain group and (or) sort of packaging, also the funds acquired in accordance with warranties, sponsorship insurance agreements and other documents set out to ensure financing of waste electrical and electronic equipment treatment, as indicated in Article 34⁶ paragraphs 3 and 4 of this Law, are only used to collect, sort and recycle waste of that particular group of taxable products or packaging sort, to generate electricity or to treat waste electrical and electronic equipment. When there is no need for such a fund in the current year, the funds shall be used for treatment of other waste taxable products, electrical and electronic equipment and (or) packaging.”.

3. Amend Article 34 paragraph 5 subparagraph 3 as follows:

“3) The Board, being a deliberative body, is formed from the representatives of state institutions, payers of tax for environment pollution with product and (or) packaging waste or their representing organisations, managers of waste taxable products and packaging or their representing organisations, producers of packaging or their representing organisations, producers, importers, managers or waste of electrical and electronic equipment or their representing organisations and representatives of the Association of Lithuanian Municipalities. The composition of the Board is approved by the Government or its authorised institution.”.

Article 4. Complementing the Law with Article 34⁸

Complement the Law with Article 34⁸ as follows:

“Article 34⁸. Supplying batteries and accumulators to the market

1. Supplying batteries and accumulators to the market means supplying batteries and accumulators for a certain price or free of charge to other persons within the European Community, also including import into the tax territory of the European Community.

2. Producers and importers are prohibited to place on the market certain batteries and accumulators with levels of mercury and cadmium exceeding the levels established by the Ministry of Health.

3. Producers and importers of batteries and accumulators shall label the batteries and accumulators supplied to the market as per the order set out by the Ministry of Economy.”.

Article 5. Complementing the Law with Article 34⁹

Complement the Law with Article 34⁹ as follows:

“Article 34⁹. Treatment of waste batteries and accumulators

1. Producers and importers of batteries and accumulators must:

1) organise a system of treatment and recycling of waste batteries and accumulators in compliance with the requirements of environment protection and public health safety, set out in the information materials of the European Union on best production methods available before 26 September 2009;

2) ensure treatment and recycling of all waste battery and accumulators collected after 26 September 2009 in compliance with the requirements of environment protection, public health safety and waste management set out by the legal acts of the European Community and the Republic of Lithuania;

3) ensure that after 26 September 2011, the recycling efficiency set out by the Government is reached in the recycling waste batteries and accumulators collected.

2. Producers and importers of batteries and accumulators shall inform end-users of the potential effects on the environment and human health of the substances used in batteries and accumulators, systems of collection, treatment and recycling of waste batteries and accumulators via public information campaigns and other methods in the order set out by the Ministry of the Environment.

3. Producers and importers of batteries and accumulators shall cover all costs of collection, transportation, treatment and recycling of waste batteries and accumulators and the costs of organisation and execution of the public information campaigns as indicated in paragraph 2 of this Article.

4. Producers and importers of industrial and automotive batteries and accumulators may agree on financing the treatment of waste industrial and automotive batteries and accumulators together with end-users of such batteries and accumulators in a way different from that indicated in paragraph 3 of this Article. Such agreements shall ensure collection and treatment of industrial and automotive waste batteries and accumulators in accordance with the requirements set out by this Law and other applicable legal acts.

5. Producers and importers of portable batteries and accumulators shall organize a system of collection of waste portable batteries and accumulators, and such schemes shall not involve any charge to end-users when discarding waste batteries or accumulators nor any obligation to buy a new battery or accumulator. Such schemes shall enable end-users to discard waste portable batteries and accumulators at an accessible collection point in their vicinity, having regard to population density.

6. Producers and importers of industrial batteries and accumulators shall not refuse to take back waste industrial batteries and accumulators from end-users, regardless of their chemical composition and origin.

7. Producers and importers of automotive batteries and accumulators shall set up schemes for the collection of waste automotive batteries and accumulators of private, non-commercial vehicles from end-users free of charge and without any obligation to buy a new battery or accumulator.

8. All parties, including producers, importers, distributors of batteries and accumulators and parties engaged in treatment of waste batteries and accumulators, have the right to take part in the schemes of collection, treatment and recycling of waste batteries and accumulators indicated in this Article.

9. The rules of treatment of waste batteries and accumulators, sorting batteries and accumulators into portable, automobile, industrial and other sorts of batteries and accumulators, and the requirements for the schemes of collection of waste batteries and accumulators for portable and automobile batteries and accumulators is set out by the Ministry of the Environment.”.

Article 6. Complementing the Law with Article 34¹⁰

Complement the Law with Article 34¹⁰ as follows:

“Article 34¹⁰. Obligations of the distributors of portable batteries and accumulators

1. Distributors of portable batteries and accumulators shall:

- 1) collect the waste batteries and accumulators returned by end-users free of charge;
- 2) inform end-users of the possibility to return waste batteries and accumulators in their places of sale in the order established by the Ministry of the Environment;
- 3) transfer waste batteries and accumulators collected from end-users to companies authorised to treat such waste.

2. When selling portable batteries and accumulators, it is forbidden to indicate costs of collection, treatment and recycling of waste portable batteries and accumulators separately.”.

Article 7. Complementing the Law with Article 34¹¹

Complement the Law with Article 34¹¹ as follows:

“Article 34¹¹. Application of clause eight¹

The provisions of this clause shall not apply to:

1) equipment connected with the protection of essential security interests of the Republic of Lithuania, arms, munitions and war materials, with the exclusion of products that are not intended for specifically military purposes;

2) batteries and accumulators used in products as indicated in subparagraph 1 of this Article and in equipment designed to be sent into space.”.

Article 8. Amending Annex 5 of the Law

Amend Annex 5 of the Law as follows:

“LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED

1. Council Directive of 16 June 1975 on the disposal of waste oils (75/439/EEC) (*Official Journal* 2004: special edition: Chapter 15, Volume 1, p. 14) as amended by Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 (*Official Journal* 2004: special edition: Chapter 15, Volume 5, p. 353).

2. Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (*Official Journal* 2004: special edition: Chapter 15, Volume 2, p. 78) as amended by Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January 2006 (*Official Journal* 2006: L 33, p. 1).

3. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (*Official Journal* 2004: special edition: Chapter 13, Volume 13, p. 349) as amended by Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 (*Official Journal* 2005 L 70, p. 17).

4. Council Directive 96/61/EEC of 24 September 1996 concerning integrated pollution prevention and control (*Official Journal* 2004: special edition: Chapter 15, Volume 3, p. 80) as amended by Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January 2006 (*Official Journal* 2006: L 33, p. 1).

5. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (*Official Journal* 2004: special edition: Chapter 15, Volume 5, p. 224) as amended by Council Decision 2005/673/EC of 20 September 2005 (*Official Journal* 2005 L 254, p. 69).

6. Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (*Official Journal* 2004: special edition: Chapter 15, Volume 7, p. 359) as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 (*Official Journal* 2004: special edition: Chapter 15, Volume 7, p. 692).

7. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (*Official Journal* 2006 L 102, p. 15).

8. Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (*Official Journal* 2006 L 114, p. 9).

9. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (*Official Journal* 2006 L 266, p. 1).”.

Article 9. Entry into force

Subparagraphs 4, 5, 6 of this Law shall enter into force on 26 September 2008.

Article 10. Suggestions to the Government and other state institutions

The Government and other state institutions shall adopt legal acts required for the implementation of the Law before 26 September 2008.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC