

I. GENERAL PROVISIONS

MINISTRY FOR ECOLOGICAL TRANSITION AND THE DEMOGRAPHIC CHALLENGE

21709 *Royal Decree 1093/2024, of 22 October, laying down rules on the management of waste of tobacco products with filters and filters marketed for use in combination with tobacco products containing single-use plastics.*

I

In order to achieve UN Sustainable Development Goals no. 12 and 14, which are part of the 2030 Agenda for Sustainable Development adopted by the General Assembly of the United Nations on 25 September 2015, concerning the need to ensure sustainable consumption and production patterns and the conservation and sustainable use of oceans, seas and marine resources, respectively, the European Union enacted 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.

This directive is part of the European Union's efforts to prevent and combat marine litter, considering that litter dispersed in the marine environment has a transboundary character in nature and is considered a growing global problem, while adopting a circular approach that gives priority to reusable, sustainable and non-toxic products and re-use systems over single-use products, with the main goal of reducing the amount of waste generated.

To this end, Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 focuses on the single-use plastic products most frequently found on EU beaches, as well as on fishing gear containing plastic and products made of oxo-degradable plastic, for which different measures apply, depending on different factors, such as the availability of suitable and more sustainable alternatives, the feasibility of changing consumption patterns and the application of other existing EU legislation.

Among these products are tobacco product filters containing plastic, which are the second most found single-use plastic items on beaches in the Union. This directive aims to reduce the huge environmental impact caused by post-consumption waste of tobacco products with filters containing plastic, which are uncontrollably disposed of directly into the environment. To this end, it provides for different measures such as marking requirements, the obligation to set up extended producer responsibility schemes by 5 January 2023 for tobacco products with filters containing plastics and filters marketed for use in combination with tobacco products and the development of awareness raising measures. This is to be developed by the Member States.

II

Law 7/2022, of 8 April, on waste and contaminated soil for a circular economy, which repeals Law 22/2011, of 28 July, on waste and contaminated soil, transposes Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 in its Title V, including specific provisions for tobacco products with filters and filters marketed for use in combination with tobacco products, which contain plastic and are considered single-use in nature.

Article 58 of Law 7/2022, of 8 April, sets out the marking requirements as set out in Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D

of the Annex 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.

Additionally, Article 60 of the above-mentioned law provides for the regulatory development by the Government of an extended producer responsibility scheme for a number of products including tobacco products with filters and filters marketed for use in combination with tobacco products, specifying the costs to be borne by the producers of these products, which are linked to awareness-raising measures, the clean-up of litter, its transport and treatment, the collection of data and information, and the costs of collecting tobacco product waste in public collection systems, its transport and treatment.

With regard to the development of the extended producer responsibility scheme, the provisions contained in Title IV of the aforementioned law, which establishes the mandatory minimum requirements to be applied in the field of extended producer responsibility, shall be taken into account.

Finally, Article 61 of Law 7/2022, of 8 April, establishes the requirement for the competent authorities to implement awareness-raising measures to inform consumers and encourage a change of behaviour towards a more responsible one, especially among young people.

III

The filters used in tobacco products are mainly made of a plastic polymer, cellulose acetate, obtained from the modification of cellulose fibres of vegetable origin, although they may, to a lesser extent, in addition to the paper wrapping, contain other components such as flavoured capsules, activated carbon, absorbent additives, sepiolite, etc.

Therefore, this Royal Decree aims to prevent and reduce the impact on the environment of waste from tobacco products with filters and filters marketed for use in combination with tobacco products, containing plastic and which are single-use products, especially caused by their loss, abandonment or incorrect disposal.

To this end, it establishes the legal framework for their management, as well as measures aimed, as a priority, at preventing the production of this kind of waste and improving its management, with the aim of contributing to the transition towards a circular economy.

It also lays down the rules for the development of extended producer responsibility schemes, in accordance with the provisions of Article 60 of Law 7/2022, of 8 April.

This Royal Decree applies to waste arising from tobacco products with filters and to filters marketed for use in combination with tobacco products, which are placed on the Spanish market and which contain plastic and are for single use only, excluding those derived from products made entirely or partially of plastic and which have been conceived, designed or placed on the market to be refilled or re-used for the same purpose for which they were conceived and those which have been manufactured with natural polymers not chemically modified.

The products covered by this Royal Decree correspond to two categories which have a separate marketing chain and must therefore be treated differently. On the one hand, those filters that are inseparably linked to different tobacco products, products whose market is regulated and controlled, and for which there is a regulatory and supervisory body: the Commissioner for the Tobacco Market. On the other hand, filters marketed for use in combination with tobacco products where the electronic market plays a relevant role.

As regards the first category, tobacco products, according to the Commissioner for the Tobacco Market's annual reports on tobacco sales, are classified into cigarettes, cigarillos, little cigars or cigars, roll-your-own tobacco, water pipe tobacco and other products. According to the above mentioned summaries of domestic sales, in 2023, 2,127,753,571 packs of 20 cigarettes, 891,297,739 cigarillos (units), 6,521,870 of roll-your-own tobacco (kilos) and 2,159,047 tobacco for pipes (kilos) were sold, although these data do not include the Autonomous Community of the Canary Islands. Of these products, cigarettes and

cigarillos are the ones that structurally incorporate filters. There are currently no statistics that allow us to know the percentage of cigarettes and cigarillos that have filters, although from the information obtained it can be deduced that almost all cigarettes incorporate filters, while cigarillos do so in a much lower proportion.

For the second category, filters marketed for use in combination with tobacco, no official statistics are available. However, according to data from the tobacco retail sector, an estimated 7.5 billion filters are sold annually.

As regards the concept of filters, this Royal Decree includes holders used with both filtered and unfiltered products and which can also be fitted with filters. These holders can be made of plastic polymers such as polypropylene or polystyrene as a major component or any other material that includes plastic polymers in any quantity.

In order to obtain information on the placing on the market of the products governed by this regulation (tobacco products with filters and filters marketed for use with tobacco products), this Royal Decree provides for the creation of the tobacco filters section in the Register of Product Producers, the main purpose of which shall be the obtaining of such data.

As regards the implementation of the extended producer responsibility scheme, the financial contributions of producers to the extended producer responsibility schemes are specifically defined in compliance with the new requirements of the relevant EU legislation, so that producers bear the costs of the clean-up of litter generated by such products, including the clean-up in the sanitation and treatment infrastructure, and their subsequent transport and treatment; the costs of collecting waste from such discarded products in public collection systems, including the infrastructure and its operation and the subsequent transport and treatment of the waste; the costs of data and information collection, whether for regular or one-off collections due to sporadic spills or littering; the costs of awareness-raising measures; the costs of carrying out economic, technical or other analyses of prevention and recovery measures and of the environmental impacts of waste generation.

They shall also have to finance the collection and treatment of tobacco product waste collected in the context of other economic activities such as those of the hotel, restaurant and café sector (hereinafter "HORECA sector") and large retail outlets where such waste is managed privately, among others.

The costs generated by the clean-up of litter shall be limited to activities regularly undertaken by or on behalf of public authorities. The calculation methodology shall be developed in such a way that the costs of cleaning up the litter can be established in a proportionate manner.

In collective extended responsibility schemes, the financial contribution should be modulated for each product category. This modulation takes the form of a bonus granted by the collective scheme to the producer when the product meets the efficiency criteria. Modulation levels shall be high enough to provide an incentive and have a significant effect on the eco-design decisions of product producers.

The financial contribution paid by the producer shall not exceed the costs necessary for the cost-effective provision of waste management services and shall be determined in a transparent manner between the stakeholders concerned and laid down in the relevant agreements with public administrations. In order to minimise administrative costs, financial contributions to the costs of cleaning up the litter may be determined through the establishment of appropriate multi-annual fixed amounts, to be laid down in the relevant agreements with the public administrations.

IV

This Royal Decree is divided into a preliminary title and four numbered titles, three additional provisions, two transitional provisions and three final provisions. It is complemented by six annexes.

The preliminary title contains the general provisions and includes the purpose, scope, definitions, policy instruments and economic instruments that can be applied by the competent authorities.

Definitions are set out in Article 3. Firstly, those contained in Law 7/2022, of 8 April, apply, including the definition of “placing on the market”. Secondly, new concepts necessary for the application of extended producer responsibility are included, such as the definitions of “tobacco products with filters”, “filters” or “product producer”, which means adapting the definitions of Law 7/2022, of 8 April, to the specific characteristics of these products.

Title I is entitled “Prevention and waste management of tobacco products with filters and filters” and is divided into two chapters. Chapter I governs the prevention of this waste, in application of the principle of waste hierarchy contained in Article 8 of Law 7/2022, of 8 April, as the most appropriate way to improve efficiency in the use of resources and reduce environmental impact.

Finally, the marking requirements for these products is incorporated pursuant to Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020.

Chapter II addresses the management of this waste, setting out obligations for the original waste producer or other waste holder, for public administrations, as well as additional obligations for other economic operators as waste holders. In the case of administrations it is important to take into consideration in their development the provisions of Article 5.3 of the WHO Framework Convention on Tobacco Control and its implementing guidelines.

In order to ensure the proper management of its waste for the protection of human health and the environment in accordance with the principles laid down in Article 7 of Law 7/2022, of 8 April, as well as to ensure a correct waste hierarchy in accordance with Article 8 of the aforementioned law, the initial producer of waste of tobacco products with filters and filters or another holder is required to deposit any litter from this type of product in the waste fraction together with any other household waste collected in this fraction, in the public collection systems under the terms established in the articles of association of the local authorities or in the receptacles, ashtrays or containers provided for this purpose in those places available for smoking in public spaces. It is set out that under no circumstances may the original producer abandon this waste in such a way as to generate litter.

To the same end, the obligations of public administrations are regulated, establishing the requirement to install specific containers for the collection of post-consumer waste of tobacco products with filters and filters in places where they are usually abandoned. A list of places is defined which, in any case, shall be deemed as areas where litter is usually concentrated.

In order to prepare a future management model that facilitates the recycling of this waste, a period of five years from the entry into force of this royal decree is set for the containers included in the public collection systems to have a specific infrastructure to allow for the separation of this waste.

Finally, the provision of Article 18.1.l) of Law 7/2022, of 8 April, establishes that local councils may regulate limitations on smoking on beaches, which may be subject to fines in municipal regulations in accordance with the sanctioning regime of the law, the purpose of which is to curb the generation of litter in the marine environment.

As regards additional obligations for other economic operators as waste holders, a list of establishments is defined which must have containers, receptacles or ashtrays for the collection of waste from tobacco products with filters and filters generated by the original waste producers.

Title II develops the extended producer responsibility scheme as provided for in Title IV and Article 60 of Law 7/2022, of 8 April. It is divided into two chapters, the first of which deals with “Reporting requirements regarding the placing on the market”, creating a specific section for these products in the Register of Product Producers, and requiring all producers to register and submit annually information on the placing on the market of tobacco products containing filters and filters placed on the market for use in combination with tobacco products, containing single-use plastics.

Chapter II is devoted to the “Extended producer responsibility scheme”, which includes nine articles containing the general obligations of the producer, which, depending on each of them, must be fulfilled individually or through the establishment of the corresponding collective schemes of extended producer responsibility. The following articles set out the provisions related to the establishment and operation of individual and collective extended producer responsibility schemes, the provisions for the organisation and management of these schemes, setting out some additional provisions for collective schemes and the conventions and agreements that may be entered into. This chapter also contains provisions on the scope of financial contributions from producers to the schemes, as well as the financial guarantee that extended producer responsibility schemes must subscribe to in order to ensure the financing of waste management.

Title III develops the reporting and awareness-raising requirements, setting out, firstly, the information that the extended responsibility schemes must provide annually to the Autonomous Communities and to the Waste Coordination Committee. Transparency obligations are an essential element of the information to the public that these schemes must provide, and the Royal Decree sets out in detail the minimum elements that must be guaranteed. It also develops the reporting obligations of public administrations vis-à-vis the European Commission.

Additionally, this title develops the awareness-raising measures that the public administrations in their respective areas of competence must adopt to inform consumers and to encourage responsible behaviour, especially among young people, in order to reduce litter from the products governed by means of this royal decree. These awareness-raising measures shall be financed by extended producer responsibility schemes.

Finally, Title IV regulates the control, surveillance and sanctioning regime applicable to waste management, including the actions aimed at controlling and inspecting the correct application of this royal decree by the competent authorities. It is foreseen that the monitoring of compliance with extended producer responsibility obligations shall be carried out by the Waste Coordination Committee, which shall be supported by a specialised waste working group.

Articles are complemented by three additional provisions relating to the collaboration between the Ministry for Ecological Transition and the Demographic Challenge and the Commissioner for the Tobacco Market, and to the classification of this waste, which shall be carried out in accordance with the European List of Wastes (LoW) that has been developed by means of three specific sub-codes that shall allow for more efficient management of this waste, and another additional provision relating to the application of Law 39/2015, of 1 October, on the Common Administrative Procedure for Public Administrations, with two transitional provisions relating to the application of the financial contribution from the entry into force and the reporting obligations corresponding to the year 2023; and finally, it includes three final provisions relating to the authorisation for regulatory development, the jurisdictional authority and its entry into force, respectively. Finally, this Royal Decree is completed with six annexes that develop specific aspects of the articles.

V

This regulation complies with the principles of good regulation of Article 129 of Law 39/2015, of 1 October, on the Legal Regime of Public Administration and Common Administrative Procedures, in particular, with the principles of necessity and effectiveness, proportionality, legal certainty, transparency and efficiency.

In this sense, and in accordance with the principles of necessity and effectiveness, this regulation establishes the basic conditions to be able to guarantee the protection of human health and the environment by reducing waste from tobacco products and filters containing plastic and, in particular, the intention to minimise litter. Consequently, the prevention of the generation of this type of waste is encouraged, as well as the improvement of the goals relating to its management, so as to ensure a basic common operation throughout the State.

Aligning to the principle of proportionality, this royal decree governs the essential aspects to achieve its goals.

In accordance with the principle of legal certainty, this royal decree is aligned to European Union laws on the reduction of certain plastic products in the environment, which focuses, among other issues, on the fight against litter in the marine environment, where tobacco product with filters containing plastic are one of the main threats. It also implements Law 7/2022, of 8 April, on extended producer responsibility, being consistent with it and setting out specific aspects such as the financial contributions of producers.

In accordance with the principle of transparency, all the procedures that enable the public participation of citizens and those to whom the regulation is addressed have been carried out. Thus, prior to the drafting of the text of this royal decree, the prior public consultation process, provided for in Article 133 of Law 39/2015, of 1 October, in relation to Article 26.2 of Law 50/1997, of 27 November, of the Government, has been carried out through the Internet website of the Ministry for Ecological Transition and the Demographic Challenge.

The Autonomous Communities, the cities of Ceuta and Melilla, and the Spanish Federation of Municipalities and Provinces have been heard in the drafting of this royal decree through the Waste Coordination Committee. Likewise, the hearing procedure has been formally complied with at the same time as the public information procedure. Therefore, economic and social stakeholders and the most representative sectors potentially affected have been consulted. Furthermore, the draft has been submitted to the Waste Coordination Committee, has been subject to the opinion of the Environmental Advisory Council, and to the public participation procedure, in accordance with the provisions of Law 27/2006, of 18 July, which regulates the rights of access to information, public participation and access to justice in environmental matters, and with the provisions of Law 50/1997, of 27 November.

In relation to the principle of efficiency, this regulation aims to rationalise the management of public resources by not imposing unnecessary or ancillary administrative burdens on citizens and businesses.

Particularly, in accordance with the eighth additional provision of Law 7/2022, of 8 April, the processing of all procedures related to this waste shall be carried out by electronic means. The same applies to the reporting obligations included in this royal decree, which must be carried out through the Internet websites of the collective extended producer responsibility schemes.

Finally, this royal decree, in accordance with Article 25 of Law 50/1997, of 27 November, is included in the Annual Regulatory Plan 2024.

This royal decree is issued under the provisions of Article 149.1.13 and 23 of the Spanish Constitution, which grants the State exclusive powers over the bases and coordination of the general planning of the economic activity, as well as over basic legislation on environmental protection, without prejudice to the powers of the Autonomous Communities to establish additional protection regulations, respectively.

The authorisation to carry out this regulatory development is contained in the fourth final provision, section 1 paragraphs b), c) and d) of Law 7/2022, of 8 April, which empowers the Government to issue, within the scope of its powers, the regulatory provisions necessary for the development and application of this law and, in particular, to establish rules for the different types of products in relation to the waste they generate, to develop the extended producer responsibility by means of regulations, and to establish rules for waste, through which particular provisions shall be established relating to its production and management.

By virtue thereof, at the proposal of the Minister for Ecological Transition and the Demographic Challenge, with the prior approval of the Minister for Digital Transformation and the Civil Service, in agreement with the Council of State, and following deliberation by the Council of Ministers at its meeting of 22 October 2024,

I DO HEREBY

ORDER:

PRELIMINARY TITLE

General Provisions

Article 1. *Purpose.*

The purpose of this Royal Decree is to establish the legal regime applicable to waste from tobacco products with filters and filters marketed for use in combination with tobacco products, provided that both contain plastic and are intended for single use only, with the aim of preventing and reducing their impact on the environment caused by their incorrect disposal, loss or abandonment.

To this end, measures are set out to prevent the production of this waste as a priority and then to improve its management in order to contribute to the transition towards a circular economy.

Article 2. *Scope of application.*

1. This royal decree applies to tobacco products with filters and to filters marketed for use in combination with tobacco products provided that they contain plastic and are single-use in nature and are placed on the market and to waste generated by the use of these products.

2. However, this royal decree does not apply to waste derived from products which:

a) Are made wholly or partly of plastics and have been conceived, designed or placed on the market to be refilled or re-used for the same purpose for which they were conceived, designed or placed on the market.

b) Are made of non-chemically modified natural polymers as defined in the Communication from the Commission - Commission guidelines for single-use plastic products under 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.

Article 3. *Definitions.*

In addition to the definitions included in Law 7/2022, of 8 April, on waste and contaminated soil for a circular economy, for the purposes of the provisions of this royal decree, the following definitions shall apply:

a) "Tobacco products with filters" means products which may be consumed and consisting, in whole or in part, of tobacco, whether genetically modified or not, as defined in Article 3.ac) of Royal Decree 579/2017, of 9 June, regulating certain aspects relating to the manufacture, presentation and making available on the market of tobacco products and related products, and which, additionally, contain filters.

b) "Filter" means elements made of cellulose acetate, polypropylene or polystyrene as a major component or of any other material, including plastic polymers in any quantity, which are intended to retain or remove part of the smoke particles produced by the combustion of tobacco passing through the filter and which are placed on the market together with tobacco products or separately for use with tobacco products. Holders marketed separately for use in combination with tobacco products are also included.

c) "Dedicated waste collection infrastructure" means those receptacles specifically designed for the collection of waste from tobacco products with filters and filters, properly identified.

d) "Hotspots of regular concentration of litter" means those places in natural or urban areas where there is a significantly higher concentration of litter than in the immediate surroundings as a result of the habit or behaviour leading to the repeated deposit of litter in the same place.

e) "Product producer" means any natural or legal person who professionally develops and manufactures tobacco products with filters and filters and operators engaged in the

importation or purchase in other Member States of the European Union of tobacco products with filters and filters for the purposes of placing them on the market.

When filters from outside Spain are introduced into the market through electronic trading platforms and the producer has not appointed an authorised representative in accordance with the provisions of Article 16.2, the said platform shall act, ancillary, as the producer of the product for the purposes of the financial and reporting obligations, as well as organisational obligations where applicable, regulated by virtue of this royal decree and in respect of those products.

f) "Public collection systems" means those receptacles provided by public administrations for the collection of waste from tobacco products with filters and filters. These include both the specific infrastructures installed in public places where litter is usually concentrated, and any other receptacles in which this waste can be disposed of, including those where it can be deposited together with other waste. Excluded are the containers set up for the collection of the waste fraction on the street.

Article 4. *Policy instruments.*

1. The State Waste Prevention Programme and the State Waste Management Framework Plan may implement, within the scope of municipal waste, specific measures on tobacco products with filters and filters, as well as regarding to their waste. These include the setting of qualitative and quantitative targets and the measures needed to achieve them.

2. In alignment with the above-mentioned instruments, the waste prevention and management plans and programmes of the Autonomous Communities and, where appropriate, of local authorities, may also contain specific measures on these products and their waste.

Article 5. *Economic instruments.*

The competent authorities may make use of economic instruments and other measures such as those referred to in Annex V of Law 7/2022, of 8 April, to provide incentives for the implementation of the waste hierarchy and compliance with the goals set out in this royal decree.

In particular, among the examples set out in Annex V, those set out in paragraphs 10, 11, 13, 14 and 15 are especially applicable.

TITLE I

Prevention and waste management of tobacco products with filters and filters

CHAPTER I

Prevention of waste from tobacco products with filters and filters

Article 6. *Goals and prevention measures.*

1. In order to curb the generation of litter from tobacco products with filters and filters, in application of the provisions of Article 18.1.1) of Law 7/2022, of 8 April, local councils may establish limitations on smoking on beaches, which may be sanctioned in municipal ordinances in accordance with the sanctioning regime of the aforementioned law.

2. No later than five years after the entry into force of this royal decree, the Ministry for Ecological Transition and the Demographic Challenge, through the Directorate General for Environmental Quality and Assessment, shall assess the relevance of establishing prevention goals in order to advance in the reduction of the quantity and impact of waste from tobacco products with filters and filters on the environment.

3. Likewise, for the same purpose, on the initiative of the Ministry for Ecological Transition and the Demographic Challenge, by virtue of royal decree of the Council of

Ministers, criteria or conditions may be established for the design of tobacco products with filters and filters.

4. Product producers exceeding an annual share of 2.5% of the national total of products placed on the market shall develop and implement business plans regarding prevention and eco-design, in order to reduce the plastic content in these products and to reduce their abandonment as litter, among others.

Such plans may be drawn up individually by product producers or through collective extended producer responsibility schemes, but the implementation and responsibility for their compliance lies with the product producers to which the previous paragraph applies.

These plans shall be valid for five years and once they have been completed, those product producers concerned or the collective extended producer responsibility schemes must send a report assessing their results to the Autonomous Community where their registered offices are located within three months of their completion, which, in turn, shall send it to all others Autonomous Communities.

Product producers or collective schemes shall make such reports publicly available on their websites, safeguarding, where appropriate, any confidential information relevant to their business.

Article 7. Marking requirements.

In order to reduce the environmental impact of waste from tobacco products with filters and filters, and in compliance with Article 58 of Law 7/2022, of 8 April, tobacco products with filters and filters placed on the market shall be marked as laid down in Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to 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.

CHAPTER II

Waste management of tobacco products with filters and filters

Article 8. Obligations of the original producer of the waste or other holder concerning the waste management of tobacco products with filters and filters.

According to Article 20 of Law 7/2022, of 8 April, the original producer of waste from tobacco products with filters and filters or other holder is required to ensure the proper management of its waste for the protection of human health and the environment in accordance with the principles laid down in Article 7, as well as to ensure a correct waste hierarchy in accordance with Article 8 of the aforementioned law. For this purpose, the original producer or other holder of the waste from tobacco products with filters and filters shall deposit waste at:

- a) the waste fraction together with any other household waste collected in that fraction or;
- b) Public collection systems under the terms established in the ordinances of the local authorities or;
- c) The specific infrastructure provided for this purpose in smoking areas in public places.

Under no circumstances may the original producer or other holder abandon this waste in such a way as to generate litter.

Article 9. Obligations of public administrations.

1. Competent public administrations shall provide for public collection systems for post-consumer waste of tobacco products with filters and filters in places where they are commonly abandoned. The specific receptacles of these systems, which must be properly

identified, may be installed permanently or temporarily, including receptacles for individual use.

2. The following places where smoking is permitted shall be considered as places where the litter of such waste is usually concentrated:

- a) Beaches, areas and places bordering beaches that are designated for smoking,
- b) Public parks, recreation areas and leisure areas, including those in natural areas,
- c) In public workplaces and/or premises of public administrations and public law entities, including public educational establishments under the terms of Article 7.d) of Law 25/2008, of 26 December, on health measures against smoking and regulating the sale, supply, consumption and advertising of tobacco products.
- d) Places where large events and mass gatherings take place, whether permanently or temporarily, including entrances, parking areas and surrounding areas of public concentration sites.
- e) Public sports facilities, including access and parking areas.
- f) Service areas of the road network.
- g) Stations and areas corresponding to the public means of transport mentioned in Article 7.ñ), o), p) and q) of Law 25/2008, of 26 December.
- h) Other sites as may be determined by virtue of the application of technical criteria developed by the Autonomous Communities, together with their local authorities, for the determination of those sites where the receptacles are to be located according to the usual concentration of the waste. The Waste Coordination Committee may propose common basic criteria.

3. The collected waste referred to in this Article shall be managed together with the waste fraction.

Article 10. Additional requirements for other economic operators.

1. Within six months of the entry into force of this Royal Decree, the establishments or sites set out below must have specific infrastructure for the collection of waste generated by the initial producers of waste from tobacco products with filters and filters, in places where smoking is permitted:

- a) Establishments corresponding to the HORECA sector;
- b) Private workplaces.
- c) Commercial and service premises with a surface area of more than 400 square metres.
- d) Private educational establishments under the terms of Article 7.d) of the Law 25/2008, of 26 December.
- e) Private sports facilities, including access and parking areas.
- f) Any other establishment or centre of a private nature which is a holder of waste from tobacco products with filters and filters.

2. The obligation to install receptacles regulated in this Article shall be incumbent on the legal representative or manager, as the case may be, of the economic activity.

3. The collected waste referred to in this Article shall be managed together with the waste fraction.

Article 11. Separate collection.

1. Within a term of five years from the entry into force of this royal decree, the public collection systems referred to in Article 9 must be designed in such a way that they have a

specific infrastructure to allow for the separation of waste from tobacco products with filters and filters.

2. In 2030 the Government shall assess the appropriateness of setting requirements and, where appropriate, separate collection targets for the recycling of waste from tobacco products with filters and filters. This assessment shall take into account the report of the European Commission to be prepared by 3 July 2027 to review the measures taken on single-use plastic products as provided for in Article 15.4 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019.

Article 12. *Assessment of measures.*

The Autonomous Communities, in collaboration with the local authorities, may establish monitoring programmes to assess the application and degree of effectiveness of the measures set forth in this chapter and to make progress in the implementation of new measures.

The Autonomous Communities shall inform the Ministry for Ecological Transition and the Demographic Challenge of the establishment of these programmes, as well as the result of their assessment.

TITLE II

Extended producer responsibility

CHAPTER I

Reporting obligations on the placing on the market of tobacco products with filters and filters

Article 13. *Creation of the section of producers of tobacco products with filters and filters in the Register of Product Producers.*

In order to comply with waste management reporting obligations and, in particular, in order to collect information on the placing on the market of tobacco products with filters and filters, the section of tobacco products with filters and filters (hereinafter "TPF Producers Section") is created in the Register of Product Producers, in accordance with Article 7.2 of Royal Decree 293/2018, of 18 May, on reducing the consumption of plastic carrier bags and creating the Register of Producers.

Article 14. *Registration with the Register of Product Producers.*

1. Product producers or, where appropriate, authorised representatives, shall register with the TPF Producers Section within three months of the date of entry into force of this royal decree.

2. Product producers shall be required, at the time of registration, to provide the information contained in Annex I.A, which shall be updated when modified.

Additionally, a certificate of membership to an individual scheme or to a collective extended producer responsibility scheme shall be provided within one month after such schemes have been set up.

3. The information provided shall be made public. Personal data shall be protected by virtue of the current legislation on personal data protection.

4. At the time of registration, a registration number shall be assigned which must be stated on invoices.

5. In the event of definitive cessation of the activity, the product producer or its authorised representative shall communicate the cancellation to the Register of Product Producers within one month of the cessation of the activity and shall prove the cessation by submitting the corresponding document of cessation of the activity of the company.

Article 15 Annual reporting obligations on placing on the market.

1. Product producers registered in the TPF Producers Section shall collect the information contained in Annex I.B corresponding to tobacco products with filters and filters they have placed on the domestic market in each calendar year.

2. This information shall be sent to the Ministry for Ecological Transition and the Demographic Challenge before 31 March of the year following the year to which it refers, in order to ascertain the quantities of these products placed on the market, to monitor compliance with the requirements established in this royal decree, the operation of extended producer responsibility, and to prepare the relevant information on the management of waste of tobacco products with filters and filters that must be supplied to the European Commission in accordance with the provisions of Article 27.

3. The information provided shall not be publicly available and shall only be accessible to the competent authorities for inspection and control purposes.

CHAPTER II

Extended producer responsibility scheme

Article 16. Obligations of the product producer.

1. In compliance with the provisions of Article 60 of Law 7/2022, of 8 April, and in application of Article 37 thereof, in addition to the requirements set out in the previous articles that may apply to them, producers of tobacco products with filters and filters shall be required to comply with the following obligations; they shall:

a) Develop and implement prevention and eco-design business plans in accordance with Article 6.4, with the aim of reducing the use of non-renewable resources and contributing to the fulfilment of the purposes of this royal decree.

b) Place on the market tobacco products with filters and filters complying with the eco-design requirements that may be established by the Ministry for Ecological Transition and the Demographic Challenge in application of the provisions of Article 6.3.

c) Label the product in accordance with Article 7.

d) Achieve the prevention and management targets that may be established in application of the provisions of this royal decree.

e) Finance the collection and treatment of waste from tobacco products with filters and filters in accordance with Article 23.

f) Provide the collective extended producer responsibility schemes with the information necessary for the scheme to comply with its reporting obligations under this royal decree. In any case, collective schemes must safeguard the information they receive, under the terms of Article 48.2 of Law 7/2022, of 8 April.

g) Ensure that the extended producer responsibility schemes that are set up comply with the requirements set out in this royal decree and that they have sufficient financial resources to meet their obligations to finance the management of the waste generated by their products throughout the territory of the State.

h) Carry out economic, technical or other analyses on prevention and recovery measures, as well as on the impacts on the environment resulting from the generation of abandoned waste. These studies, both at the draft stage and after completion, must be submitted to the working group of the Waste Coordination Committee.

i) Observe the principles of protection of human health, consumer protection, environmental protection, the application of the waste hierarchy and the protection of competition, in relation to the placing on the market of these products and the management of their waste.

2. Product producers who are established in another Member State or in third countries and who market products in Spain must designate a natural or legal person in Spanish

territory as an authorised representative for the purpose of fulfilling the obligations of the product producer.

For the purposes of monitoring and verifying compliance with the product producer's obligations in relation to extended producer responsibility, the natural or legal persons appointed as authorised representatives must have the appropriate documents evidencing their representation powers.

In the event that the product producers have not appointed an authorised representative in Spain, the first distributor or trader of the product based in Spain shall be, ancillary, the party responsible for the obligations established for product producers.

3. Producers shall comply with the obligations set out in items d), e) and h) of paragraph one by setting up individual or collective extended producer responsibility schemes.

Producers may opt for a combination of several extended responsibility schemes in case they place products corresponding to different categories on the market. In no case may the producer fulfil the obligations for the same product by participating in several extended producer responsibility schemes.

All other obligations of product producers shall be fulfilled on an individual basis.

Product producers shall submit the prior notification or application for authorisation within six months of the entry into force of this royal decree.

Article 17. Establishment and operation of individual extended producer responsibility schemes.

1. Those producers opting for an individual scheme shall submit to the competent regional body where their registered office is located a prior notification with the content set out in Annex II.A, together with the financial guarantee subscribed in accordance with Article 24. This notification shall be entered ex officio by the competent regional authority in the Register of Waste Production and Management, taking into account the provisions of Article 49.2 of Law 7/2022, of 8 April.

2. Individual schemes shall submit their financial statements to the Waste Coordination Committee each year, reflecting the financial resources allocated to the fulfilment of the extended producer responsibility obligations, without prejudice to the reporting obligations set out in Article 25.

3. The Autonomous Communities, from the moment the scheme is registered with the corresponding register, shall monitor compliance in their territorial area with the provisions included in the notification.

Failure by individual schemes to comply with the extended responsibility obligations may lead to the initiation of the corresponding sanctioning procedure. The authority competent to initiate the sanctioning procedure shall be the Autonomous Community corresponding to the territory where the infringement is committed, which may suspend the activity of the individual scheme in its territory.

Without prejudice to the foregoing, the financial guarantee may be executed in whole or in part by the competent authority.

When non-compliance occurs in more than one Autonomous Community, the Waste Coordination Committee shall first issue a report assessing the relevance of the ineffectiveness of the notification. The decision shall be issued and notified by the competent body of the Autonomous Community where the notification was submitted, which shall proceed to de-register the notification in the Register of Waste Production and Management. In any case, the revocation shall be made after the interested party has been heard.

Article 18. Establishment, authorisation and operation of collective extended producer responsibility schemes.

1. Producers who opt for a collective scheme for compliance with the obligations arising from the extended producer responsibility established in this royal decree shall set it up in accordance with the provisions of Article 50 of Law 7/2022, of 8 April. The sole purpose of the collective scheme shall be to comply with the extended producer responsibility obligations established by virtue of this royal decree.

2. The application for authorisation submitted by the collective scheme and the authorisation granted shall include the information set out in Annex II.B. The application for authorisation shall be submitted in accordance with the provisions of Article 50.2 of Law 7/2022, of 8 April, and shall be accompanied by the documentation relating to the financial guarantee that the collective scheme is going to subscribe pursuant to Article 24 of this royal decree.

3. The Waste Coordination Committee shall assess the content of the application in relation to the fulfilment of the extended responsibility obligations. The following aspects, among others, shall be assessed:

a) Transparency and objectivity in the manner of adhering producers to the collective scheme, establishing flexible and simple schemes, and without discrimination of any kind against product producers.

b) The annual possibility for producers to change the way they fulfil their extended responsibility, either through another collective scheme or by setting up an individual scheme.

c) The internal decision-making process, which shall be carried out exclusively by the producers making up the scheme, based on objective criteria, without prejudice to the existence of executive bodies that shall be elected by all the members of the scheme or their representatives, and which shall in all cases comply with the decisions taken by the producers that make up the scheme.

d) The rights of producers who are part of the scheme to be informed, to make claims and to have them assessed.

e) The mechanisms for the exchange of information among the members of the collective scheme and between the collective scheme and the other waste management operators.

f) The application of objective, transparent and non-discriminatory conditions in relations between schemes and other waste operators, as well as regarding agreements between collective schemes. Decision-making processes and information provision should not lead to an increased risk of collusion between producers in the scheme, nor between the scheme and other waste management operators.

g) The absence of conflict of interest between members of the scheme or members of the executive bodies and other operators, in particular with the waste managers with whom they contract, if any.

h) Compliance with the obligations arising from the extended producer responsibility provided for in this royal decree during the validity term of the authorisation and during the authorisation renewal procedure.

4. Following a report by the Waste Coordination Committee on the application, the competent body of the Autonomous Community shall grant, if appropriate, the authorisation in which the technical, organisational, economic, logistical and operational requirements and guarantees necessary for compliance with this royal decree throughout the territory of the State shall be established, in accordance with the contents of Annex II.B.

Additionally, it shall include any clarifications arising from the report of the Waste Coordination Committee on waste and from the compliance with the obligations arising from the extended producer responsibility, including, where appropriate, the specifications relating to the performance of the collective scheme in the autonomous territories.

5. The maximum period for the processing of the authorisation shall be six months, which may be extended for an additional term of six months, on the ground of the complexity of the dossier, such extension to be made before the original term has expired.

If no express decision has been notified within this term, the application shall be deemed to have been rejected.

6. Once the documentation evidencing the validity of the corresponding financial guarantee has been submitted, the Autonomous Community shall register the authorisation in the Register of Waste Production and Management, and the collective scheme may begin its activity from that moment onwards. If a period of one month has elapsed since the notification of the decision on the authorisation of the collective scheme without evidencing validity of the financial guarantee, the authorisation shall be deemed void.

7. The authorisation shall be valid for a term of eight years, at the end of which term it shall be reviewed and the procedure established in this article shall be commenced once again, and the authorisation shall remain in force until notification of the express decision on the application for its renewal, which may be either the approval or rejection of the application. In each annual financial year and during the validity term of the authorisations, the Autonomous Communities shall monitor compliance with the conditions of the authorisation in their territorial area.

8. Failure to comply with the conditions of the authorisation may lead to the commencement of the corresponding sanctioning procedure. The competent authority to commence the sanctioning procedure shall be the competent authority of the Autonomous Community of the territory where the infringement is committed, which may suspend the activity of the scheme in its territory.

Without prejudice to the foregoing, the financial guarantee may be executed in whole or in part by the competent authority.

When non-compliance occurs in more than one Autonomous Community, the Waste Coordination Committee shall first issue a report assessing the relevance of the total revocation of the authorisation. The decision shall be issued and notified by the competent body of the Autonomous Community where the authorisation was granted, which shall proceed to de-register the authorisation from the Register of Production and Management of Waste. In any case, the revocation shall be made after the interested party has been heard.

9. Any producer who intends to leave a collective extended responsibility scheme must inform the scheme of origin, the new scheme being set up or into which it is integrated, and the Register of Waste Production and Management, within the last three months of the year. The change from one collective extended responsibility scheme to another means that the new scheme takes over the full obligations of the producer corresponding to its market share in the following year.

Article 19. *General obligations of individual and collective extended producer responsibility schemes.*

1. Individual and collective schemes shall be required to comply with the obligations conferred on them by the product producers in accordance with Article 16.1. Likewise, they shall be required to apply the provisions included in the prior notification and authorisation of the extended producer responsibility schemes, in accordance with the provisions of this royal decree.

2. In any case, these schemes shall:

a) Have at their disposal the financial resources necessary to fulfil their extended producer responsibility obligations, which shall be exclusively earmarked for the fulfilment of those obligations.

b) Conclude agreements with the public administrations involved in the organisation of the management of waste from tobacco products with filters and filters, in order to finance the management costs provided for in Article 23.

c) Conclude, as provided for in Article 22, agreements with the operators referred to in Article 10 involved in the management of waste from tobacco products with filters and filters, in order to finance the management costs provided for in the last paragraph of Article 23.2.

d) Draw up and send to all the Autonomous Communities in which they operate and to the Waste Coordination Committee the annual report set out in Article 25.1.

e) Provide each local authority with which it has concluded an agreement, by 31 March each calendar year, with data on the management of waste from tobacco products with filters and filters, as well as any other information agreed in the agreement in accordance with Article 21.

f) Implement an appropriate self-monitoring mechanism to assess:

1. Its financial management, including compliance with the requirements established in Article 23, supported by means of periodic independent audits, which include studies of costs and economic indicators and the results of the scheme, both at national level and broken down by each Autonomous Community.

2. The quality of data collected and reported in accordance with paragraph d), supported by means of independent audits.

g) Make publicly available the information provided for in Article 26.1, as well as the audits provided for in paragraph f) in relation to the financial management and data quality.

Article 20. Additional provisions on the organisation and management of collective extended producer responsibility schemes.

1. Without prejudice to the provisions of the previous article, collective schemes shall:

a) Ensure the equal treatment of product producers irrespective of their origin or size.

b) Establish its internal operating rules guaranteeing the participation of producers in decision-making processes, under the terms provided for in Article 18. All members of the collective scheme shall have the right to receive the information arising from the compliance with the provisions of this royal decree, to make comments and claims and to have them assessed and taken into account in the operation of the scheme.

c) Safeguard the confidentiality of information that members of the collective scheme have provided for the operation of the scheme, especially information that may be relevant to the economic activity of the members of the scheme. They shall also, where appropriate, ensure the confidentiality of information provided by waste managers with whom they have concluded agreements.

d) Communicate to producers the initiation of a sanctioning procedure for non-compliance with their extended producer responsibility obligations provided for in this Royal Decree.

e) Draw up and send to all the Autonomous Communities in which they operate and to the Waste Coordination Committee, the report set out in Article 25.2.

f) In the event of the termination of the activity of the collective scheme, the collective schemes shall give three months' notice to all producers comprising the scheme, in order to ensure compliance with the obligations of the producers, and to the administrative authority that granted its authorisation, so that the authorisation can be withdrawn. Producers may set up or join another extended responsibility scheme in accordance with the provisions of this royal decree. The financial guarantees deposited shall be returned to the producers.

g) Make publicly available the updated information provided for in Article 26.2.

2. Collective extended liability schemes may fulfil their obligations on their own or may set up or hire a management company which must have its own legal personality other than that of the collective scheme and which shall act under the management of the collective scheme.

3. The collective extended responsibility schemes must give three months' notice to all the members of the scheme and to the Autonomous Community granting the authorisation, which shall send it to the corresponding working group of the Waste Coordination Committee, of the foreseen modification of the financial contributions associated with the financing of the obligations undertaken by the collective scheme.

4. Without prejudice to the provisions of paragraph 1.a), collective schemes may, on a voluntary basis and with the express consent of the producers who pay for it, allocate financial resources to carry out activities that complement the purpose of the collective scheme. The financing of these voluntary activities may not conflict with the activities of waste managers, and competition law applies to them.

Consent shall never appear as a compulsory clause in the contract of adherence of producers to the collective scheme, nor shall it be required for their permanence in it.

Article 21. Public administration agreements with extended producer responsibility schemes.

1. Extended producer responsibility schemes shall conclude agreements with public administrations to determine the financing of the costs corresponding to the management of waste from their products, with the minimum content set out in Annex III.

These agreements shall include the financing to be provided by the extended responsibility schemes to the public administrations involved in waste management, in accordance with the provisions of Article 23.

These agreements may take into account the measures resulting from the studies referred to in Article 16.1.h) with the aim of reducing the generation of waste and increasing material recovery, specifically those relating to the collection and recycling of these products, where appropriate.

2. The agreements referred to in the previous paragraph shall be concluded:

a) Preferably, with the corresponding Autonomous Community, which shall guarantee the participation of the local authorities in the negotiation and monitoring, or

b) Directly with the local authority, with the prior acknowledgement and approval of the corresponding Autonomous Community.

3. The agreements governed by virtue of this Article must be concluded within a maximum term of twelve months from the authorisation or prior notification of the extended responsibility scheme.

In the event of disagreements between the local authorities or Autonomous Communities and the extended producer responsibility schemes on the contents of the agreement, in particular those of an economic nature, which may prevent their execution, they shall be settled by means of the arbitration proceedings described in the following section.

If there are indications of a possible practice contrary to Law 15/2007, of 3 July, on the Defence of Competition, the competent authority shall communicate such indications to the National Commission for Markets and Competition.

4. Any disputes or disagreements that may have arisen during the negotiation process of the aforementioned agreements shall be settled by virtue of an arbitration award adopted in accordance with the measures and procedures established in Law 60/2003, of 23 December, on Arbitration and according to the following specific rules:

a) The local authority or Autonomous Community and the extended producer responsibility scheme shall enter into an arbitration agreement identifying any items subject matter of disagreement.

b) The arbitration award shall determine the conditions for the provision of services by the local authority or Autonomous Community, as the case may be.

The award shall establish the corresponding financial compensation to be paid by the scheme by means of a fixed amount corresponding to all the aspects included in Article 23, which shall be calculated in accordance with the criteria and metrics established in Annex IV and shall be applicable during the term of the agreement or, failing that, for a maximum term of four years, although it shall be reviewed annually in accordance with the criteria that must necessarily be established in the arbitration award.

5. In the case of paragraph 2.a), if it is established that it is the Autonomous Communities the ones that must receive the amounts regulated in Article 23 from the

extended producer responsibility schemes, the Autonomous Communities shall transfer to the local authorities the amount of the costs actually incurred. This transfer shall be made within the term laid down in the agreement, which shall in no case exceed one month from the date of receipt of the aforementioned amounts.

6. The scope of the content of the agreements must be such that transparency obligations can be met. The agreements must be published in full, including their technical and financial annexes, in the official gazettes of the autonomous communities and/or, where appropriate, in the corresponding official municipal gazette. These agreements shall be published within one month after the day on which they are signed.

Article 22. Agreements with other operators for the financing of waste management.

In those cases provided for in Article 10 where management is not carried out by the local authority, extended responsibility schemes shall conclude agreements with the economic operators set out in Article 10 to finance the management of waste generated by their products.

In these cases, anti-competitive practices shall be avoided and the confidentiality of these activities shall be complied with pursuant to Law 15/2007, of 3 July, on the Defence of Competition.

Article 23. Scope of the financial contribution of product producers to extended responsibility schemes.

1. In accordance with the “polluter pays” principle, those costs relating to the financing of waste management, including the costs of the necessary infrastructure and its operation, shall be borne by the product producers.

2. In accordance with Articles 43 and 60.3 of Law 7/2022 of 8 April, the financial contribution paid by the product producer to fulfil its extended producer responsibility obligations shall cover the following costs:

a) The clean-up of litter generated by tobacco products with filters and filters, including the cleaning of wastewater sanitation and treatment infrastructures and their subsequent transport and treatment,

b) The collection of waste of such discarded products from public collection systems and specific infrastructures set up in accordance with Articles 9 and 10 and their subsequent transport and treatment. These costs shall include both the public collection systems and the specific infrastructure for the collection of waste of such products in places where their abandonment is usually concentrated pursuant to Article 9.1. These costs do not include the costs for the collection and subsequent transport and treatment of waste corresponding to tobacco products with filters and filters from households disposed of in the waste fraction together with other household waste and deposited in containers set up by local authorities for their collection,

c) The collection of data and information, whether from regular or ad hoc collections due to sporadic dumping or littering,

d) The awareness-raising measures referred to in Article 28 in relation to those products,

e) Those associated with the provision of the financial guarantees referred to in Article 24,

f) Those linked to the carrying out of the studies referred to in Article 16.1.h), in respect of the products marketed by the producer.

3. Costs to be borne shall not exceed those costs necessary to provide such services in an economically efficient manner and shall be determined in a transparent manner between the stakeholders involved in the agreements to be concluded.

Annex IV sets out the metrics and the calculation procedures for the identification of the costs to be compensated to public administrations when they take part in the organisation of waste management.

Likewise, in the case of the activities referred to in Article 10 where the management of such waste is not carried out by public administrations, producers shall finance the costs of the collection of waste from tobacco products with filters and filters and its subsequent transport and treatment.

4. The costs generated by the clean-up of litter shall be limited to activities regularly undertaken by or on behalf of public authorities. The calculation methodology shall be developed in such a way that the costs of cleaning up the litter can be established in a proportionate manner, as set out in Annex IV.

5. In order to minimise administrative costs, financial contributions to the costs of cleaning up the litter may be determined through the establishment of appropriate multi-annual fixed amounts, to be laid down in the relevant agreements with the public administrations concluded in accordance with Article 21.

6. In collective extended responsibility schemes, the contribution shall be modulated for each product category, taking into account, among others, the nature and quantity of plastic materials used in their manufacture, their recycling potential, the amount of recycled materials they contain, the presence of hazardous substances or other factors affecting the recyclability of the waste.

Modulation takes the form of a bonus granted by the collective scheme to the producer when the product meets the efficiency criteria. Bonuses should be established by collective schemes, in a transparent and non-discriminatory manner, ensuring the participation of all stakeholders. Modulation may take into account the criteria set out in Annex V or similar criteria which apply to products belonging to such collective schemes and which achieve similar results.

Modulation levels shall be high enough to provide an incentive and have a significant effect on the eco-design decisions of product producers.

Within five years of the entry into force of this royal decree, the Ministry for Ecological Transition and the Demographic Challenge, at the proposal of the Directorate General for Environmental Quality and Assessment, shall analyse the effects of the modulation adopted by the collective schemes and shall review Annex V, if appropriate. This review shall be carried out, where appropriate, by order of the Minister for Ecological Transition and the Demographic Challenge.

7. For the purposes of facilitating the control and monitoring of the financing obligations provided for in this royal decree, invoices issued by producers for commercial transactions involving tobacco products with filters and filters placed on the market through collective extended producer responsibility schemes must identify the contribution made to such schemes in a clearly differentiated manner from the rest of the items included in the invoice. Producers must be able to provide product-by-product information on request.

In any case, where the amount of the contribution to the collective schemes is not shown on the invoice, it shall be presumed, in the absence of proof to the contrary, that the contribution accrued for the products it covers has not been paid.

Producers shall communicate the actions and verifications carried out by both the managing bodies of collective extended producer responsibility schemes and the competent authorities to verify the quantity and typology of tobacco products with filters and filters placed on the market by producers through such schemes.

The managing bodies of collective schemes shall comply with the principles of confidentiality of commercial and industrial data in relation to any information they may learn as a result of the waste management of the companies comprising them.

Producers shall be required, in respect of tobacco products with filters and filters placed on the market through collective extended producer responsibility schemes, to keep information on the annual contribution made to the scheme for each type of product made available on the market for a period of five years.

Article 24. *Financial guarantees.*

1. In compliance with the provisions of Article 51 of Law 7/2022 of 8 April, extended producer responsibility schemes shall subscribe a financial guarantee and prove such subscription before the competent body in the Autonomous Community where the prior notification is to be submitted or where authorisation of these scheme is to be requested. This financial guarantee must be in place throughout the entire term of operation of the extended producer responsibility scheme.

2. The term of the financial guarantee is annual, after which time it shall be reviewed and a new one may be subscribed to adapt its scope and amount to the provisions of the previous section, or, where appropriate, be replenished throughout its period of activity.

3. Regarding all matters not specifically provided for in this Royal Decree, the financial guarantee shall be governed by the provisions of Royal Decree 208/2022 of 22 March on financial guarantees for waste. Specifically, the partial or total execution of the financial guarantee, as well as its replenishment, must be carried out in accordance with the aforementioned royal decree.

4. The producer who chooses an individual extended responsibility scheme must submit the certification of the subscription of the financial guarantee together with the notification to the competent body of the Autonomous Community.

The competent body to which the prior notification has been addressed shall supervise the documentation submitted, as well as the calculation of the amount of the guarantee on the basis of the provisions of the following section.

The guarantee must be in force at the time of commencement of the activity of the individual liability scheme.

5. Producers choosing a collective extended producer responsibility scheme shall contribute to the subscription of the financial guarantee of the collective scheme in proportion to the tobacco products with filters and filters they place on the market. The application for authorisation of the collective scheme shall be accompanied by the documentation relating to the financial guarantee that the collective scheme is to subscribe so that it can be assessed by the competent administration.

The amount of the financial guarantee is made up of the sum of the guarantees of the producers making up the scheme. In turn, the amount of the financial guarantee for each producer shall be determined based on the annual quantities of tobacco products with filter and filters placed on the market through the scheme and on the estimated average costs of financing waste management for each product group in the compliance year, based on the actual costs incurred (awareness-raising campaigns, data and information collection and average costs of the waste management financing), in accordance with the formula set out in Annex VI.

The financial guarantee must be in force at the time of the starting up of the collective scheme's activity and must be lodged with the competent authority within one month of notification of the decision authorising the collective scheme.

TITLE III

Reporting and awareness-raising obligations

Article 25. *Information to be provided by extended liability schemes on their management.*

1. Individual and collective extended producer responsibility schemes shall send, before 31 May of the year following the compliance period, to all the Autonomous Communities in which they operate and to the Waste Coordination Committee, the annual report with the content foreseen in sections a) and b) of Annex II.C. The report to be submitted to the Waste Coordination Committee shall include information relating to regional and national levels. The report to be sent to each Autonomous Community shall include territorialised data on the placing of products on the market.

2. Additionally, individual schemes shall include in this report their financial statements as set out in Annex II.C paragraph d.1).

Likewise, collective extended producer responsibility schemes shall include in the report the content foreseen in Annex II.C paragraphs c) and d.2), duly audited and incorporating elements indicating its authenticity, both at regional and national levels. In the event that the report entails deviations from the forecasts submitted the previous year by the collective scheme, justification for this deviation must be provided.

The Waste Coordination Committee may request any additional information as it deems necessary.

3. The annual report of the extended responsibility schemes provided for in paragraph 1 shall be assessed by each competent Autonomous Community authority in its territorial area by means of the monitoring instruments it deems appropriate. In the case of the State-level report, it shall be reviewed by the working group of the Waste Coordination Committee, as referred to in Article 29.

Article 26. Transparency obligations.

1. Individual and collective extended producer responsibility schemes shall make publicly available through their Internet websites annual updates on the achievement of prevention and management goals, where applicable; information on the status of such waste as litter, as well as on the progress regarding the elimination of this litter; and the audits provided for in Article 19.2.f) in relation to financial management and data quality.

2. Collective extended liability schemes shall make information on the following publicly available:

a) The legal form chosen, stating its structure and members, as well as on the producers participating in the scheme, including their manner of participation in the decision-making processes of the scheme.

b) The financial contributions paid by product producers per tonne of product made available on the market, for each category, as well as any additional contributions to the scheme stating their purpose, including modulations of producers' financial contributions to the scheme.

Without prejudice to these active publicity obligations, which may be complied with through the Internet websites of the collective schemes, the final users or consumers of these products shall have the right to obtain a duly grounded response, within a maximum period of two months, to the queries made on the manner obligations of the collective extended producer responsibility scheme are complied with, including access to information on the financial amounts devoted to the financing of waste management.

c) Agreements signed with local authorities for the management of waste.

Article 27. Annual report to the European Commission.

In compliance with Article 65.6 of Law 7/2022 of 8 April, the Ministry for Ecological Transition and the Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, shall send to the European Commission, for each calendar year, the corresponding data on tobacco products with filters and filters and the waste collected. The information shall be communicated in the format determined by the European Commission in accordance with the implementing acts it shall establish for this purpose.

Article 28. Awareness-raising measures and their financing.

1. In compliance with Article 61 of Law 7/2022, of 8 April, the State, the Autonomous Communities and local entities, within the scope of their competences, shall adopt measures to inform consumers and to encourage responsible behaviour, especially among young people, in order to reduce litter corresponding to the products governed by virtue of this royal decree.

2. The head of the Ministry for Ecological Transition and the Demographic Challenge, at the proposal of the Directorate General for Environmental Quality and Assessment, may sign agreements with the extended responsibility schemes for the definition of these campaigns at national level. Likewise, the extended producer responsibility schemes may enter into agreements with the competent authorities of the Autonomous Communities to complement, extend or specify the scope of the campaigns at regional level.

These campaigns may be carried out in partnership with consumer, user and environmental organisations, as well as with any interested civil society organisation.

Campaigns may take the form of demonstration projects, such as the distribution of single-use recyclable ashtrays or collection and recycling campaigns, where appropriate.

3. These awareness-raising measures shall be financed by extended producer responsibility schemes as set out in Article 23.

The Waste Coordination Committee, through the working group set up for this purpose, shall establish on an indicative basis the minimum annual amount to be guaranteed by extended responsibility schemes.

Likewise, this Committee shall propose, where appropriate, the distribution of the budget available for the different actions to be programmed among the different public administrations, prioritising campaigns of national scope, and those that affect a greater number of consumers or users.

4. Distributors and retailers making both face-to-face and remote sales of tobacco products with filters and filters shall inform consumers of these products about the correct collection or disposal of the waste produced. This information shall, additionally, be included on their Internet websites or on the instrument supporting remote selling, as well as at the point of sale in a manner clearly visible to the consumer.

TITLE IV

Control, inspection and sanctioning regime

Article 29. Collaboration and monitoring of the fulfilment of obligations.

1. The competent authorities in the matters provided for in this royal decree, especially those competent in waste management at local, regional and state level, shall collaborate with each other to ensure the proper application of this royal decree, to ensure that the economic agents involved comply with their obligations and to establish an adequate flow of information between public administrations.

This obligation to collaborate may be fulfilled through the Waste Coordination Committee and the specific working group that monitors compliance with this royal decree.

2. Monitoring of compliance with the obligations of the extended producer responsibility scheme shall be carried out by the competent regional authorities in accordance with the criteria established by the Waste Coordination Committee at the proposal of the working group mentioned in the previous paragraph. In carrying out this monitoring work, other authorities of the Autonomous Communities and the General State Administration, which may not be part of the Waste Coordination Committee, may collaborate, especially when this work affects non-environmental matters, without prejudice to the competence of the competent authorities to carry out these tasks.

Article 30. Inspection and control.

1. The competent public administrations, including the Security Forces and Bodies, shall carry out the appropriate controls and inspections to verify the proper application of this royal decree when, due to their duties, they are required to carry out control, surveillance and inspection tasks. Without prejudice to the provisions of Article 106 of Law 7/2022 of 8 April, such inspections shall include, at least:

- a) The registration and reporting obligations provided for in Articles 14 and 15;

b) The information communicated in connection with products placed on the market in the Register of Product Producers provided for in Articles 15 and 25;

c) The information supplied by the managers and by the extended producer responsibility schemes as provided for in this royal decree, including the financing systems;

d) The obligations on economic agents concerning the specific infrastructure for the collection of waste generated by original producers of tobacco products with filters and filters, as provided for in Article 10.

2. Compliance with the obligations of the product producer may be subject to verification by the customs authorities for the purpose of controlling fraud of imported tobacco products with filters and filters subject to extended producer responsibility.

3. The competent authorities shall be responsible for the monitoring and control of the activities of operators within their territory as set out in Article 21 of Law 20/2013, of 9 December, on guaranteeing market unity.

4. The powers of inspection and control regarding the obligations set out in Article 7 in relation to the labelling, presentation and packaging of tobacco products with filters shall correspond to the Commissioner for the Tobacco Market, without prejudice to the powers of other public authorities.

Article 31. *Sanctioning regime.*

Failure to comply with the provisions of this royal decree shall be sanctioned in accordance with the provisions of Chapter II of Title IX of Law 7/2022, of 8 April.

The head of the Ministry for Ecological Transition and the Demographic Challenge is responsible for exercising the power to impose penalties under the terms set out in Article 12.3.g) of Law 7/2022, of 8 April.

First additional provision. *Collaboration between the Ministry for Ecological Transition and the Demographic Challenge and the Commissioner for the Tobacco Market.*

The Ministry for Ecological Transition and the Demographic Challenge and the Commissioner for the Tobacco Market shall collaborate jointly with the aim of exchanging information, especially that referred to in Articles 13 and 26, in order to avoid inconsistencies in this information.

Second additional provision. *Waste classification*

The classification of waste from tobacco products with filters and filters, irrespective of the place of accumulation of the litter from which it originates, shall follow the LoW codes below:

20 01 45 Waste from tobacco products with filters collected separately.

20 03 03-01 Waste from tobacco products in street cleaning waste.

20 03 06-01 Waste from tobacco products in sewer cleaning waste and in sewage and water treatment infrastructures.

Third additional provision. *Application of Law 39/2015, of 1 October, on the Common Administrative Procedure for Public Administrations.*

The provisions of this royal decree are laid down without prejudice to the provisions of Law 39/2015, of 1 October, which shall be applicable to all those procedures not expressly included in this regulation and, in particular, those relating to registration in the Register of Product Producers, governed by means of Article 14 and the procedures of the sanctioning proceedings provided for in Articles 17 and 18.

First transitional provision. *Financial obligations of extended producer responsibility schemes.*

The financial responsibilities of the extended producer responsibility schemes governed by virtue of this royal decree shall apply from its entry into force. These contributions shall be set out in the agreements referred to in Article 21 retroactively.

Second transitional provision. *Commencement of the calculation of the reporting obligations of producers.*

In relation to the reporting obligations of producers under Articles 15.2 and 27, the first reporting year shall be 2023. Once registered in the TPF Producers Section in accordance with Article 14, producers shall submit this information by the deadline stated and retroactively.

First final provision. *Regulatory development authority.*

1. The head of the Ministry for Ecological Transition and the Demographic Challenge is authorised to issue, within the scope of his or her powers, as many provisions as may be necessary for the application and development of this royal decree.

2. The head of the Ministry for Ecological Transition and the Demographic Challenge is empowered, under the same terms as in the previous section, to introduce as many technical modifications to the annexes as may be necessary to keep them adapted to any technical innovations that may appear and especially to the provisions of European Union regulations.

Second final provision. *Jurisdictional authority.*

This royal decree is considered basic legislation, and is issued under the provisions of Article 149.1. 13 and 23 of the Spanish Constitution, which grants the State, respectively, exclusive powers over the bases and coordination of the general planning of the economic activity, as well as over basic legislation on environmental protection, without prejudice to the powers of the Autonomous Communities to establish additional protection regulations.

Third final provision. *Entry into force.*

This royal decree shall enter into force on the day following its publication in the «Spanish Official State Gazette».

However, paragraph 4 of Article 6 shall apply to product producers exceeding an annual share of 2.5% of the national total of products placed on the market as from 1 January 2030. Therefore, the obligation provided for in that Article shall apply from 1 July of the calendar year following the year in which product producers exceeded that annual share.

In Madrid, on 22 October 2024.

FELIPE, THE KING.

The Third Vice-President of the
Government

and Minister for Ecological Transition and the Demographic
Challenge, TERESA RIBERA RODRÍGUEZ

ANNEX I

Registration and annual information to be provided to the Register of Product Producers

A. Data to be provided upon registration

a) Name and address of the producer or its authorised representative, including postcode, town, street and number, country, telephone number, fax number, if available, e-mail address and contact person. In the case of an authorised representative, the contact details of the manufacturer being represented shall also be provided.

b) European tax identification number or national tax identification number.

c) In the case of producers of tobacco products with filters established in Spain, with the exception of the Canary Islands, the registration number in the Commissioner for the Tobacco Market's register of operators.

d) Statement of truthfulness of the information provided.

e) Statement of the extended producer responsibility scheme(s) under which they fulfil their obligations for each product category. A certificate of membership of the collective extended producer responsibility scheme shall be provided within one month of the establishment of the collective extended producer responsibility scheme.

B. Annual information on quantities placed on the market by type of product

Category of products placed on the market, according to the classification below.

	Cigarettes with filter	Cigarillos with filter	Other tobacco products with filters	Filters placed on the market for use in combination with tobacco products	Polypropylene and polystyrene holders as main component
No. units placed on the market (in thousands of ...)					
Weighted average weight of filters/holders (in g).					
% (by weight) of filter on unit weight of the ...					
% (by weight) of plastic on unit weight of filter/holder.					
% of recycled material on filter/holder unit weight.					

ANNEX II

Establishment of extended producer responsibility schemes and annual report

A. Content of the prior notification of individual extended liability schemes

1. Identification details of the producer: registered office and tax identification number. Indication whether it is a manufacturer, importer or intra-Community acquirer.

2. Territorial scope.

3. Identification (type and weight) of products it produces placed on the market annually and an estimate by weight of the waste expected to be generated, following the provisions set out in Annex I.B.

4. Copy of the financial guarantee signed.

5. Copy of the agreements concluded for the financing of waste management.

6. Manner of financing the activities.
7. Procedure for data collection and for the provision of information to public administrations.
8. Compliance with reporting obligations and, in particular, the actions set forth to ensure that holders of waste from these products are informed about waste prevention measures and the abandonment of litter, as well as the mechanisms for exchanging information between the individual scheme and between the individual scheme and the rest of the waste management operators.

B. Content of the application for authorisation of collective extended producer responsibility schemes

1. Identification of the legal form.
2. Registered office of the collective scheme.
3. Description of the categories of products and waste managed, according to the specifications in Annex I.
4. Description of the territorial scope.
5. Identification of the producers that make up the collective scheme, criteria for the adhesion of new members and description of the conditions for their adhesion.
6. Description of the measures for compliance with the obligations arising from the extended product producer responsibility, in accordance with the provisions of this royal decree.
7. Identification, where applicable, of the management company (legal form, registered office), as well as the legal relationships and links established between this company and the collective extended liability scheme and its members.

Likewise, identification of the obligations undertaken by the management company.

8. Legal relationships and links or agreements that are established with public administrations or, where appropriate, with the economic agents in Article 10, for the financing of waste management in compliance with the obligations corresponding to them.

9. Description of the financing of the scheme:

- Estimated expenditure: costs arising from specific agreements signed with public administrations for the financing of waste management, reporting obligations, awareness-raising campaigns, and administrative costs of the collective scheme, including details of financial investments made by the scheme.

- Income estimation. Details of income and sources of income. Producer fees and method of calculating the fee associated with the coverage of the costs set out in the previous section. It shall also state, where appropriate, the cost passed on to the product.

- Where appropriate, the differentiation in fees broken down by material, type or category, stating, where appropriate, the way in which financial contributions are modulated.

- Method of collection of the fee.

- Conditions and arrangements for revision of the fees in relation to the evolution of the fulfilment of the obligations undertaken.

10. Proposal regarding financing criteria to public administrations.

11. Proposal for the financing of the management to the other stakeholders referred to in Article 10, where the provisions of the last paragraph of Article 23.3 apply.

12. Procedure for the collection of data from operators who carry out activities related to the exercise of the duties of the collective extended responsibility scheme and the provision of information to public administrations, as established in Article 25.

13. Proposal of the amount and form of the financial guarantee required.

14. Annual estimate, for the term of validity of the authorisation in each Autonomous Community, of the quantities of waste in kilograms or tonnes, by categories of waste to be generated.

C. Annual report of extended producer responsibility schemes

The report shall contain the following information supported by independent audits carried out by accredited companies:

a) General data on placing on the market:

1) Identification of the extended producer responsibility scheme and the production and waste management register number.

2) Where appropriate, and in the first year of the report, a list of the producers that make up the scheme, stating the Register of Product Producers number of each one of them. Regarding subsequent years, a list of producers joining and leaving the extended producer responsibility scheme, as well as situations of non-compliance with financial obligations, also stating their Register number.

3) Period covered by the report.

4) Quantity in weight (tonnes) and total number of units of the products placed on the market by producers, breaking down the data by category.

b) Waste management data broken down by type of treatment (recycling, recovery and disposal) where appropriate.

c) List of managers with whom there are agreements in place in case the management is not carried out by public entities.

d) Financial data.

d.1) Annual account reflecting the financial resources allocated to the fulfilment of the extended producer responsibility obligations, in particular providing the information necessary for the verification of the provisions of Article 23 and, where appropriate, the impact on the cost of the product.

d.2) The audit of the annual report of the collective extended liability schemes shall contain the financial data corresponding the annual activity carried out by the scheme as provided for in its authorisation.

This annual report shall include, at least:

1) Evidence of the allocation of the expenses of the scheme, and evidence proving that they have been exclusively allocated to the fulfilment of the obligations corresponding to the extended producer responsibility that the scheme has undertaken. The costs associated with each of the actions carried out by the scheme within the framework of its obligations should be stated.

2) A report on the payments or receipts made to the public administrations that carry out the management of the waste and to the managers with whom agreements are in place.

3) Financing of the scheme:

- Details of the procedure for the setting of the amount and the amount of the fee applied per product category, as well as a description of the application of the modulation, as set out in Article 23.

- Economic contribution of producers to the scheme.

- Revenues received by the scheme from any other sources, stating these sources, as well as from agreements with other extended responsibility schemes, including other waste streams, providing information on the economic terms of such agreements. It must be ensured that there is no double financing in the case of application of different extended producer responsibility schemes.

4) Broken down information on the costs corresponding to:

- The awareness-raising measures referred to in Article 28.

- The collection of waste from discarded products in public collection systems, including the supporting infrastructure and its operation and the subsequent transport and treatment of the waste. These costs shall include the establishment of specific infrastructure for the collection of waste from such products at locations where litter is concentrated.

- The clean-up of the litter generated by these products, including the cleaning of sewage and purification infrastructures and their subsequent transport and treatment.

5) Additional economic information on:

- Collaboration agreements entered into with public administrations for collection, transport and treatment purposes.

- Communication campaigns, stating, where appropriate, the costs of the campaigns in each Autonomous Community.

- Administrative costs of the scheme, breaking down the costs corresponding to the complying with reporting obligations, in particular the costs of developing and maintaining data collection systems, the costs of obtaining the information and the costs associated with ensuring the traceability and reliability of the data. Where appropriate, the costs of carrying out economic, technical or other analyses on prevention and recovery measures, as well as on the impacts on the environment arising from the generation of the abandoned waste referred to in Article 16.1.h).

6) List of audited companies and general summary of the audits carried out on the product producers making up the scheme.

7) Estimate of the fees to be applied in the year following the compliance period, as well as their justification.

8) Income and expenditure forecasts for the year following the compliance period.

ANNEX III

Minimum content of public administrations' agreements with extended producer responsibility schemes

The minimum content shall be the following:

a) Purpose and territorial scope.

b) Manner of adhesion of the local entities when the agreement is entered into by the Autonomous Community.

c) Financing of waste management, including obligations and commitments between the parties.

d) Provision of information to public administrations.

e) Calculation methodology for the financing provided by extended responsibility schemes for waste management to public administrations, as set out in Article 23.

f) Invoicing and payment. In the event that the agreement is signed by the Autonomous Community, it must also include the deadline for the transfer to the local entities of the amount of the costs actually incurred for the provision of the service, which in no case may be more than one month from the date of receipt of the aforementioned amounts by the Autonomous Community.

g) Development of citizen information and awareness campaigns, to be carried out by the public administrations, with the schemes financing them in the number and amount to be established. If public administrations decide to delegate the implementation of campaigns to extended producer responsibility schemes, this should be expressly stated in the agreement.

h) Control and monitoring mechanisms. The establishment of a plan shall ensure that characterisations are carried out periodically at all stages of the waste management process to confirm the traceability of the waste. Regarding controls, characterisations and audits,

the participation of the local authorities, the Autonomous Community and the extended producer responsibility scheme must be guaranteed sufficiently in advance, and a report must be drawn up. At least 50% of the characterisations shall be carried out where and when determined by the competent body of the Autonomous Community, ensuring the representativeness of management characterisation throughout its territory.

i) Monitoring committee, which shall be made up of the extended producer responsibility schemes, the public administration entering into the agreement, and the local entities in the event that the agreement is entered into by the Autonomous Community.

j) Entry into force, term and conditions for its extension, if applicable.

k) Causes for termination.

ANNEX IV

Criteria to be applied in the calculation of the financing of the cost of waste management

The financing corresponding to the cost of the waste management of these products shall be carried out for periods of four years at the level of the Autonomous Community in accordance with the criteria laid down in this Annex.

For the purposes of financing, only the proportional part of the management costs corresponding to the percentage, by weight, of the waste contained in the mass of waste collected in accordance with the provisions of this royal decree, to be deposited in the landfill or that must receive other treatment, shall be taken into account.

The basis for the methodology for the calculation of management costs shall be proposed by the Waste Coordination Committee.

The financing costs shall be broken down based on the following items, without prejudice to any other costs which, within the framework of this royal decree, may be agreed in the corresponding collaboration agreements.

1. Financing costs corresponding to waste management.

The financing of waste management comprises the following items:

- The costs of collecting the discarded waste in public collection systems and of the regular clean-up of the litter generated by these products, including the relevant infrastructure and its operation and the subsequent transport and treatment of the waste.

- The costs of cleaning up the litter generated by these products, including the cleaning of sewage and purification infrastructures and their subsequent transport and treatment.

This financing may be provided in accordance with Article 23 by covering the costs incurred or by establishing a multi-annual fixed amount as provided for in Article 23.5.

The following items shall be taken into account for the determination of costs:

a) Collection and transport.

The costs of waste collection and transport shall be broken down into costs associated with infrastructure or fixed elements and costs associated with operating costs or variable elements.

The costs associated with infrastructure or fixed elements shall be those corresponding to litter bins, vehicles and materials used in waste collection for the following items, which, in any case, shall be stated in the agreements to be signed:

- a. Purchase of the materials.
- b. Amortisation of the materials.
- c. Replenishment of materials.
- d. Maintenance, including cleaning and washing.
- e. Company overheads and industrial profit.

The costs associated with operating costs or variable elements shall be those associated with the waste collection and transport service corresponding to the following items:

- a. Depreciation of vehicles.
- b. Vehicle fuel expenditure.
- c. Cleaning and maintenance of vehicles.
- d. Insurance and vehicle taxes.
- e. Collection and transport staff.
- f. Overheads and industrial profit of the company.

b) Cost of waste treatment.

Costs associated with the treatment of waste, including the cost of landfilling, shall also be considered.

2. Costs associated with the specific infrastructure for the collection of waste from such products at locations where litter is concentrated.

The costs of purchase, replacement and maintenance of specific receptacles (containers, litter bins, ashtrays, etc.) installed by public administrations in places of regular waste accumulation according to the agreed technical criteria pursuant to Article 9.2, provided that it is demonstrated that these receptacles efficiently and specifically collect this waste.

Those costs necessary for the identification of the usual places of concentration of litter are not taken into account for financing purposes under the extended responsibility scheme.

The specific characteristics and efficiency criteria shall be set out in the agreements entered into with the competent public authorities, as well as the maximum cost of investment, replacement in the event of deterioration and maintenance and the maximum unit costs of the specific receptacles, which shall in any case comply with the principles of transparency and economic efficiency set out in Article 26. Costs must be duly evidenced by means of the supply, installation and maintenance contracts signed by the local authorities.

3. Awareness-raising campaigns.

The costs of the awareness-raising measures referred to in Article 28 shall include the costs of designing the campaign, the materials used, the development costs and the management costs to be established in the relevant agreements with the public administrations.

4. Overheads incurred by local authorities or, where appropriate, the Autonomous Communities for management control and monitoring.

Those expenses incurred by the local authorities or, where appropriate, the Autonomous Communities, when so set forth in the agreement, for the control and monitoring of the management of the extended responsibility scheme, including costs related to the characterisations carried out, shall be taken into account. Likewise, costs incurred by local authorities or Autonomous Communities for the collection of data, statistics and information to be sent to the European Union, whether corresponding to regular or one-off collections due to sporadic dumping or litter in the environment, shall also be considered.

ANNEX V

Cost modulation

Modulation criteria, by product group, may relate to:

- The reduction in weight of plastic content through eco-design.
- The recyclability of the product, which must be audited and certified by entities other than the product producers themselves.
- The amount of recycled product incorporated in the product.

ANNEX VI

Calculation of the producers' financial guarantee

The amount of each producer's financial guarantee shall be calculated based on the following formula:

$$\text{Total scheme FG} = 0.30 * \Sigma (\text{A} * \text{MAC of waste per category})$$

Where:

Total scheme FG: Amount of the producer's annual financial guarantee according to the quantities of products and, where appropriate, categories placed on the market, in euros (€).

A: Annual amounts of products to be placed on the market through the scheme, in tonnes (t).

MAC: Estimated average costs for the financing of waste management corresponding to each product category, taking into account the classification in Annex I.B, in the year of compliance, based on actual costs incurred, in euros (€/t).