

# Waste



**HORECA Sector** 

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



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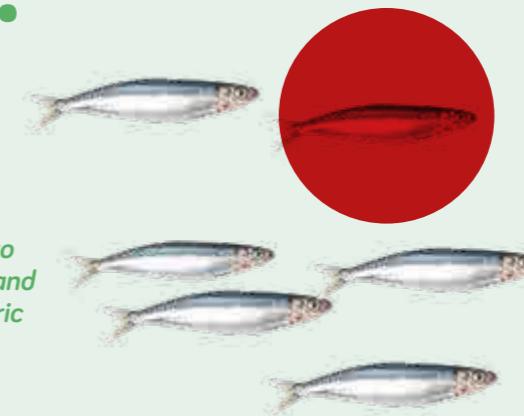
The United Nations warns that, if there is no radical change in the current consumption model, in 2050 there will be more plastics than fish in the sea.



# Why new obligations regarding waste?

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

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



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

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

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

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



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573 kg annually

# Precepts to be fulfilled

## 1 Specific objectives for the HORECA sector

Article 2



↑ 65%

### Recycling

By 2021, preparation for reuse and recycling of paper, metals, glass, plastic and biowaste should increase to at least 50% by weight and for each fraction. This percentage should reach 65% by 2030.

### Reuse

In 2030, 40% of water containers, 70% of soft drink containers and 80% of beer containers are to be reused.



40%  
containers  
of water

70%  
containers  
of soft drink

80%  
containers  
of beer



↓ 50%

### Food waste

Reduce food waste by up to 50% by 2030 compared to 2020.

# 2 Single-use products

Article 23

From 20 March 2021

  
Inside the facility



Single-use utensils, regardless of the material they are made of, may not be used for the consumption of food and drinks (plates, cutlery, glasses, cups, trays, drinking straws, boxes, bags for food consumed on the spot, etc.).

Cellulose napkins and tablecloths are exempted from this obligation.

## Alternatives for serving food and drink without disposable utensils:

- ✓ Serve clients food or drinks with reusable utensils.
- ✓ Use reusable beverage containers (reusable glass bottles, water jugs, kegs and other refillable formats).

Food products in single-dose format (sachets, capsules, tubs, bags, plastics, bottles and other small items) cannot be used within the establishment.

Main types of single-dose products that are regulated

### Granules and Powders

- ✗ Sugar
- ✗ Saccharine
- ✗ Salt
- ✗ Milk
- ✗ Cocoa
- ✗ Coffee



### Sauces and Garnishes

- ✗ Ketchup
- ✗ Mustard
- ✗ Mayonnaise
- ✗ Barbecue
- ✗ Vinegar



### Herbs

- ✗ Teas
- ✗ Spices



### Spreads

- ✗ Pâté
- ✗ Jam
- ✗ Butter and margarine
- ✗ Cheese



### Desserts

- ✗ Yogurt
- ✗ Ice cream
- ✗ Jelly



### Cereals and pastries

- ✗ Cereals
- ✗ Biscuits
- ✗ Muffins



### Beverages

- (volum less than 200ml)
- ✗ Soft drinks
  - ✗ Water
  - ✗ Juice
  - ✗ Milk



## Alternatives for food products in single-dose format:

- ✓ Prioritize the purchase of bulk or large format food products.
- ✓ Provide the customer with reusable dispensers that prevent contact with the content.
- ✓ Offer the customer a portion of the product directly on their plate. In the case of buffets, offer an amount that matches the number of people who will be eating on the premises.
- ✓ Offer infusions using teapots or infusion devices, that are prepared when ordered.



## Alternatives to welcome products or single-use amenities:

### Will not be considered single-dose:

- ✓ Offer these amenities only when requested by the client.
- ✓ Replace small containers and packaging of hygiene and cosmetic products (soap, shower gels, shampoo, moisturizers, etc.) for refillable dispensers.
- ✓ Offer amenities in sustainable containers. For example, those made of compostable materials, of biological origin, recycled, etc.
- ✓ Olive oils, since they must be used with non-reusable packaging, in accordance with Royal Decree 895/2013.
- ✓ Beverages and foods with a volume equal to or exceeding 200ml.
- ✓ Compostable (certified) infusion bags not individually packed.
- ✓ Ice cream popsicles individually packaged for health guarantee reasons and for which there is no alternative.
- ✓ The products offered by the mini-bar service in the hotel rooms.
- ✓ The hotels' welcome products and amenities. However, any initiative to replace or remove single-use amenities is welcome.

The Government reserves the right to apply Article 23.4, by which it may propose to Parliament the legislative process to establish restrictions on the sale, distribution and use of other single-use products that present difficulties for their management, among which may be some amenities and other non-food single-dose products.



## Outside the facility

Take-away service



*If food and beverages are not consumed in the establishment, disposable utensils can be used with the following particularities:*

- ✓ Beverage straws: must be made of compostable materials in accordance with standard UNE EN 13432:2001.
- ✓ Plates, cutlery, glasses, cups and food trays may not be made of plastic, except if it is compostable or if any of these utensils is considered to be packaging\*

\*See additional information

### Tips for Take-away service:

- ✓ Encourage customers to bring their own containers or lend them out through a deposit-refund system.
- ✓ Serve drinking straws only on request.
- ✓ Offer edible or reusable straws.



# 3 Plastic bags

**Article 23**

From 20th March\*  
2021

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



### Reusable plastic bags

(the thickest, 50 microns or more)

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

*The customer must be charged for them.*

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

### Lightweight plastic bags

(thickness between 15 and 50 microns)

*They cannot be supplied, not even the ones made of plastic of biological origin.*

### Very lightweight plastic bags

(less than 15 microns thick)

*They can only be distributed if they are compostable, certified by the UNE EN 13432:2001 standard, and if they are used to prevent food waste or because of hygiene or food safety reasons.*

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

### Tips to avoid single-use plastic bags:

- ✓ Encourage customers to bring their reusable bags, for example through awareness-raising posters, especially in establishments where products and take-away food are sold.
- ✓ Sell customers reusable cotton bags with their order.
- ✓ Use reusable bags (thermal, cloth, raffia, esparto, etc.) for food delivery. Once the order is delivered, the deliverer can take the bag.
- ✓ Use glass or plastic reusable containers (lunch box).
- ✓ Distribute paper bags.



# 4 Water packaging prevention

**Article 25.5**

Since 22nd February 2019

*Customers should be offered the possibility of consuming unpackaged water, free of charge and complementary to the offer of the establishment. The water must have the guarantee of the town hall or supply company that it is fit for human consumption.*

In case the water is unfit for human consumption and the relevant communication made by the water supply service is available, this obligation would be suspended and not applicable.



# 5 Waste separation at source

**Article 29**

Since 22nd February 2019

*The following separation\* of waste must be established: paper, metal, plastic, glass, pruning, textiles, organic matter, vegetable oils, electrical and electronic equipment, bulky materials, construction and demolition waste, and hazardous waste of domestic origin.*

*This obligation of separation must necessarily be included in the maintenance and cleaning contracts.*

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



*The organic fraction must be deposited in certified compostable bags.*

Large capacity compostable bags are available: 50, 70, 100 liters, etc.

*In construction or renovation works, adequate spaces must be provided with the minimum necessary surface area to locate the necessary containers.*



# 6 Other obligations



## Article 231.e Information about ear swabs and sweets

From 20th  
March 2021

*In case they are offered to the customer, only ear swabs and candy-sticks made of compostable materials (certified according to UNE EN 13432:2001) can be distributed, marketed and used.*

## Article 42.2 Waste minimisation study for large waste producers

*Establishments generating more than 10 tonnes per year of hazardous waste or generating more than 1,000 tonnes per year of non-hazardous waste must prepare and submit to the Government of the Balearic Islands a waste minimisation study every four years.*

*It must also be submitted to the competent administrations in order to obtain environmental and activity permits.*

*The content of this report is defined in Article 42 of Law 8/2019 on wastes and contaminated soils.*



## Article 26.6 Avoid food waste

Since 22nd February 2019

*Customers who wish so will be given the option of taking their surplus food in compostable packaging in accordance with the UNE EN 13432:2001 standard (packaging made of cellulose (paper, cardboard, vegetable fibers) and compostable plastics).*

*Establishments with buffet service or group menus are exempt from this obligation, as it will not be possible to order this excess.*



## Article 28.1 Management of commercial or industrial packaging

Since 22 February 2019

*All packaging waste, whether it be domestic, commercial or industrial (secondary packaging, products in special formats, large products, etc.) should become part of an extended producer responsibility system.*

*An organised collection system similar to the one currently in place for domestic packaging will be established through the green, blue and yellow containers.*





# Additional information



food trays, glasses and cups are considered packaging if they are intended to be filled at the point of sale. Food trays are also considered packaging when used to preserve the sterility of products.

Therefore, if the above criteria are not met, as of March 20, 2021, this single-use plastic utensils cannot be served in take-away service.

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

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

## European-level restrictions

As of the entry into force of Directive 2019/904 /EU on disposable plastics (3 July 2021 for this specific provision), disposable ear swabs, drinking straws, plates and cutlery (forks, knives, spoons, chopsticks) cannot be made of plastic (not even of biological origin).

In addition, single-use plastic cups and trays (considered as containers and/or packaging) may not be made of expanded polystyrene.

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

- ✓ Disposable plates and cutlery must be made of materials other than any type of plastic.
- ✓ Drinking straws and single-use ear-sticks shall be made of non-plastic compostable material (cellulose) according to standard UNE EN 13432:2001.
- ✓ Single-use food containers and plastic cups shall not be made of expanded polystyrene.

## Regulation of plastic rings and secondary containers

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

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

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

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

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

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

## What establishments are included in the HORECA sector?

We can define the HORECA sector as the set of establishments (generally dedicated to tourism and leisure) for the preparation, distribution and consumption of food and beverages inside and outside the premises.

## Examples of HORECA establishments

### Conventional

- Bars
- Cafés
- Restaurants

### Touristic accommodations

- Hotels
- Hostels
- Campsites

### Clubs

- Discos
- Cocktail bars

### Entertainment

- Cinemas
- Theatres
- Circus

### Catering events

- Congresses
- Weddings

### Other

- Arcades
- Vending machines
- Petrol stations
- 24h shops
- Ships

## Postponement of dates

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

## What does “compostable material” mean?

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

It should be noted that there is also the “OK compost Home” certification, which guarantees that the product is compostable under domestic conditions.

## When are disposable trays, plates, glasses and mugs considered containers (packaging)?

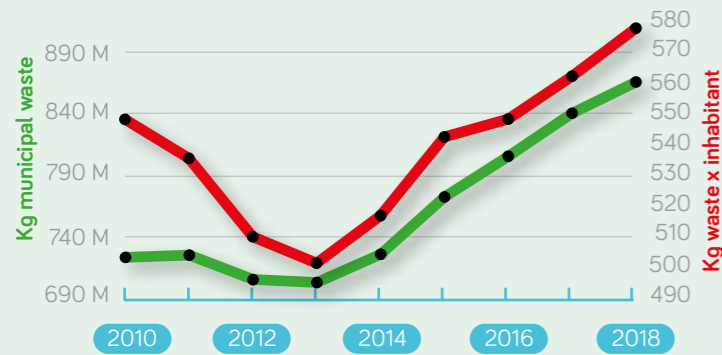
According to the Packaging Directive 94/62 / EC, packaging shall mean: “all **products** made of any materials of any nature **to be used for the containment, protection, handling, delivery and presentation of goods**, from raw materials to processed goods, **from the producer to the user or the consumer**.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

Annex 1 of Directive 94/62 / EC, incorporated in 2013, specifies **that cutlery is not packaging and that plates,**

# Status of municipal waste in the Balearic Islands

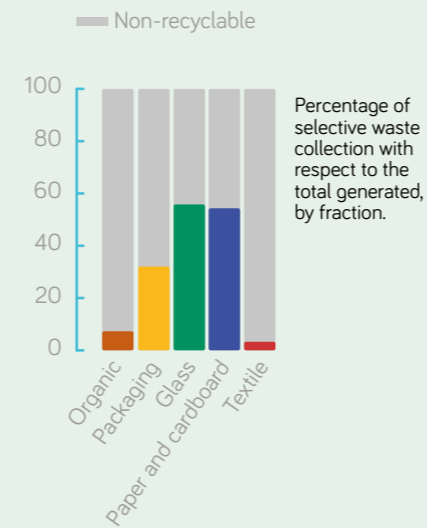
## How much municipal waste is generated in the Balearic Islands?

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

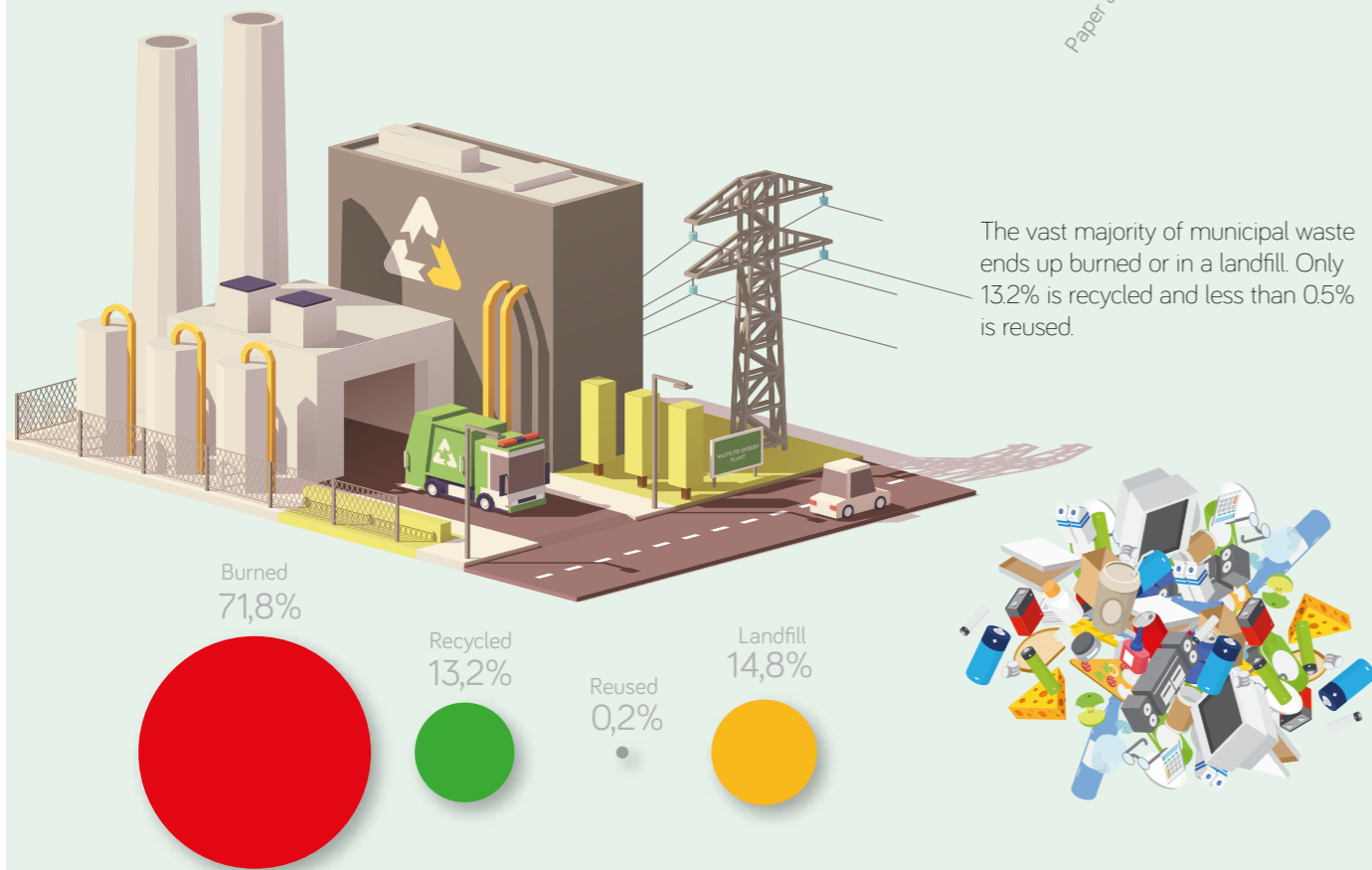


## How much municipal waste is collected separately?

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



## Where does municipal waste end up?



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