

Draft Decree of the Walloon Government of ... (date) amending the Decree of the Walloon Government of 6 July 2017 on plastic bags

The Walloon Government,

Having regard to the Decree of 9 March 2023 on waste, circularity of materials and public cleanliness, Article 22(1)(3), (4), Article 24, Article 27(2), and Article 49(1)(1);

Having regard to the Decree of the Walloon Government of 6 July 2017 on plastic bags;

Having regard to the Decree of the Walloon Government of 8 June 2017 on the organisation of budgetary and accounting internal controls and audits as well as the administrative and budgetary control of the Walloon Government Services, administrative services with autonomous accounting, regional companies, bodies and the Ombudsman Service and the Walloon Energy Commission in the Walloon Region;

Having regard to the opinion of the Waste Commission, given on (date);

Having regard to the opinion of the Environment Division, Waste Section, given on [date];

Having regard to the opinion of the Data Protection Authority, given on [date];

Having regard to the opinion of the Finance Inspector, given on 6 November 2023;

Having regard to the agreement of the Minister for the Budget, given on [date];

Having regard to the report of [date] established in accordance with Article 4(2), of the Decree of 3 March 2016 enforcing the resolutions of the United Nations Conference on Women in Beijing in September 1995 and integrating the gender dimension into all regional policies;

Having regard to opinion number xxx/x of the Council of State, given on [date] pursuant to Article 84(1), subparagraph 1(2), of the laws on the Council of State, consolidated on 12 January 1973;

Whereas the Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic bags;

Whereas the Decree of 4 December 2008 approving the Cooperation Agreement between the Flemish Region, the Walloon Region and the Brussels-Capital Region on the prevention and management of packaging waste;

Whereas the Regional Policy Declaration for Wallonia 2019-2024 provides for the extension of the ban on plastic bags as laid down in the Decree of 6 July 2017 on plastic bags, in its version published on 11 August 2017 in the Moniteur belge, to "plastic packages of fruits and vegetables";

Whereas single-use plastic nets containing fruits and vegetables such as onions, garlic, potatoes or dried fruit are considered to be single-use plastic primary packaging within the meaning of this Decree;

Whereas Article 204, subparagraph 1(8) of the Decree of 9 March 2023 on waste, circularity of materials and public cleanliness, makes non-compliance with Articles 24 to 27 of the same Decree as well as non-compliance with this Decree, a second category offence within the meaning of Part VIII of Book 1 of the Environmental Code;

On the proposal of the Minister of Environment;

Following deliberation,

HEREBY DECREES:

Article 1. The title of the Walloon Government Decree of 6 July 2017 on plastic bags is replaced by the following:

" Walloon Government Decree on reusable bags, single-use plastic bags and single-use plastic primary packaging".

Article 2. The following amendments are made to Article 1 of the same Decree:

(1) in paragraph 1, the following amendments are made:

a) (1) is replaced by the following:

"(1) the Decree of 9 March 2023: the Decree of 9 March 2023 on waste, circularity of materials and public cleanliness;"

(b) (1)/1 to (1)/6 are inserted, worded as follows:

(1)/1 the Cooperation Agreement of 4 November 2008: the Cooperation Agreement of 4 November 2008 on the prevention and management of packaging waste;

(1)/2 the administration: the Inspector General of the Soil and Waste Department of the Public Service of Wallonia Agriculture, Natural Resources and Environment, or his delegate;

(1)/3 plastic: plastic as referred to in Article 5(1)(48) of the Decree of 9 March 2023;

(1)/4 single-use plastic product: single-use plastic product as referred to in Article 5(1)(49) of the Decree of 9 March 2023;

(1)/5 plastic bag: plastic bag as referred to in Article 5(1)(50) of the Decree of 9 March 2023;

(1)/6 lightweight plastic bag: lightweight plastic bag as referred to in Article 5(1)(51) of the Decree of 9 March 2023;"

c) (2) is replaced by the following:

"(2) single-use plastic bag: the single-use plastic product in the case of a bag;"

d) in (3), the following amendments are made:

(1) the word "and/" repealed;

(2) the word "pack" is replaced by the word "carry";

(3) (5) is repealed;

(4) (7)/1 to (7)/4 are inserted, worded as follows:

"(7)/1 packaging: packaging within the meaning of the Article 2(1), subparagraph 1, of the Cooperation Agreement;

(7)/2 single-use plastic primary packaging: the single-use plastic product used as packaging directly in contact with the product or commodity;

(7)/3 fruits and vegetables: plant species or a component part of this type of species such as stems, roots, tubers, leaves, fruits and seeds intended for human consumption, including edible mushrooms;

(7)/4 unprocessed fruits and vegetables: fruits and vegetables in their raw state or which have undergone, where appropriate, preparation operations such as trimming or cleaning;"

(e) in (8) the words "the Cooperation Agreement of 4 November 2008 on the prevention and management of packaging waste." shall be replaced by "the Cooperation Agreement of 4 November 2008.";

(2) in paragraph 2, the following amendments are made:

a) in subparagraph 1, the following amendments are made:

(1) the first indent is supplemented by the following sentence:

" It has a size that guarantees its reuse: a bag with a size that is too small or specific that would restrict its reuse is not considered to be reusable";

(2) third indent, the word "and/" is repealed;

(b) in subparagraph 3, the word "Administration" is replaced by the word "administration".

Article 3. The following amendments are made to Article 2 of the same Decree:

(1) in paragraph 1, subparagraph 1, the words "in places and spaces dedicated to trade" are inserted between the words "The prohibition on the use of single-use plastic checkout bags" and the words "from 1 December 2016";

(2) in paragraph 2, the following amendments are made:

a) in subparagraph 1(1) and (3), the word "primary" is repealed each time;

b) in subparagraph 2, the word "Administration" is replaced by the word "administration";

(3) in paragraph 3, the word "Administration" is replaced by the word "administration".

Article 4. In the same Decree, Article 2(1) is inserted, worded as follows:

" Article 2/1. From 1 January 2025, the use of any primary single-use plastic primary packaging, around unprocessed fruits and vegetables in retail premises and spaces shall be prohibited as part of any contractual relationship or offer to contract between:

(1) traders, including their agents and subcontractors; and

(2) customers or consumers.

By way of derogation from subparagraph 1, the prohibition of use referred to shall not apply to the following unprocessed fruits and vegetables and, where applicable, under the following conditions:

(1) unprocessed aromatic herbs;

(2) organic unprocessed fruits and vegetables that are not identifiable in a manner different from that involving single-use plastic primary packaging, such as a label or laser engraving;

(3) unprocessed fruits and vegetables which present a risk of deterioration when sold in bulk:

- (a) broccoli;
- (b) mushrooms;
- (c) salad;
- (d) corn salad;
- (e) nursery plants;
- (f) spinach;
- (g) sorrel;
- (h) edible flowers;
- (i) cranberries;
- (j) blueberries;
- (k) winter cherries;
- (l) sprouted grains;
- (m) raspberries;
- (n) strawberries;
- (o) blueberries;
- (p) blackberries;
- (q) gooseberries;
- (r) wood sorrel;
- (s) blackcurrants;
- (t) kiwis."

Article 5. In the same Decree, Article 3/1 is inserted, worded as follows:

" Article 3/1. In accordance with Article 204(1)(8) of the Decree of 9 March 2023, non-compliance with Articles 2 and 2/1 of this Decree constitutes a second category offence within the meaning of Part VIII of Book 1 of the Environmental Code."

In Article 4 of the same Decree, the words "Article 2/1 shall enter into force on 1 January 2025." shall be inserted after the words "which takes effect on 1 March 2017".

Article 6. This Decree shall enter into force on

Article 7. The Minister of Environment shall be responsible for the enforcement of this Decree.

Namur, ... (date).

For the Government:

The Minister-President,

Elio Di Rupo

The Minister of Environment,

Céline Tellier