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| **DRAFT**  |
| **KINGDOM OF Belgium** |
| **FEDERAL PUBLIC SERVICE** **Public Health, Food Chain Safety and the Environment** |
| **Royal Decree to limit the placing on the market of single-use products harmful to the environment and to increase the recycled content of certain products** |
| PHILIPPE, King of the Belgians, |
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| To all those present and to come, Greetings.  |
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| Having regard to the Law of 21 December 1998 on product standards for the promotion of sustainable production and consumption and the protection of the environment and health, Article 5, §1(1), (3) and (4); |
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| Having regard to the Royal Decree of 9 September 2008 laying down product standards for the designation of compostable and biodegradable materials; |
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| Having regard to the Royal Decree of 9 December 2021 on single-use products and the promotion of reusable products; |
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| Having regard to the resolution to ban PFAS from food packaging approved by the House of Representatives on 7 July 2022; |
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| Having regard to the harmful effects of the presence of PFAS on the environment and the high concentrations of these substances found in Belgium; |
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| Having regard to the primary objective of the Federal Circular Economy Action Plan, adopted by the Council of Ministers on 17 December 2021, to encourage the placing on the market of circular products and services, including measures 1 and 6 of that action plan to amend product standards in order to promote reuse and recycling and to ban certain disposable products with a view to reducing environmental and health impacts; |
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| Having regard to Action 6 of the Federal Marine Litter Action Plan 2022-2027 for phasing out the use of single-use plastics; |
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| Having regard to the need to reduce the amount of unrecycled plastic packaging waste for which Belgium pays an annual contribution of EUR 800 per tonne to the European Commission; |
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| Having regard to the need to reduce the consumption of single-use plastic products in accordance with Article 4 of the European Directive on the reduction of the impact of certain plastic products on the environment; |
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| Given the high likelihood that single-use plastic packaging, for immediate consumption, either on-the-spot or take-away, will end up in litter; |
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| Having regard to the involvement of regional governments in the preparation of this Decree, on …; |
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| Having regard to the opinion of the Federal Council for Sustainable Development issued on …;  |
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| Having regard to the opinion of the High Council for Health issued on …; |
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| Having regard to the opinion of the Special Advisory Commission on Consumption issued on …;  |
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| Having regard to the opinion of the Central Economic Council issued on …;  |
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| Having regard to the opinion of the Inspector of Finances, issued on …; |
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| Having regard to the agreement of the Secretary of State for the Budget, dated … ;  |
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| Having regard to opinion No xx.xxx of the Council of State, issued on …, pursuant to Article 84, § 1(1)(2) of the laws on the Council of State, consolidated on 12 January 1973;  |
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| On the proposal of the Minister for the Environment, and on the advice of Ministers who have deliberated it in Council, |
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| We have decreed and hereby decree: |
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| **Article 1.** The purpose of this Decree is to reduce the placing on the market of single-use products harmful to the environment and to increase the recycled content of certain products. |
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| **Article 2.** For the application of this Decree, the following definitions shall apply:1) ‘plastic’: a material consisting of a polymer as defined in Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which may act as the main structural component of final products, with the exception of natural polymers which have not been chemically modified;2) ‘single-use plastic product’: a product made entirely or partially from plastic and that is not designed, created or placed on the market to complete, during its lifetime, several journeys or rotations by being returned to a producer to be refilled or reused for a use identical to that for which it was designed;3) compostable at home: compostable in accordance with the specifications of Annexes I and III to the Royal Decree of 9 September 2008 laying down product standards for the designation of compostable and biodegradable materials4) post-consumer: generated by households or commercial, industrial or institutional facilities as end-users of the product and which can no longer be used for the intended purpose. This includes material returns from the distribution chain.5) PFAS: Perfluoroalkyl and Polyfluoroalkyl Substances |
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| **Article 3.** It shall be prohibited to place on the market for the first time any single-use plastic container intended for the distribution of food or drink for immediate consumption either on-the-spot or take-away, with the exception of single-use plastic containers which are industrially pre-filled. |
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| **Article 4.** § 1. It is prohibited to place on the market for the first time, non-compostable labels intended to be glued to fruit and vegetables. § 2. From 1 January 2025, it is prohibited to place on the market for the first time labels which are not compostable at home, intended to be glued to fruit and vegetables. |
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| **Article 5.** It is prohibited to place on the market for the first time single-use plastic packaging intended to pack unprocessed fresh fruit and vegetables, with the exception of fruit and vegetables packaged in batches of 1.5 kilograms or more and fruit and vegetables presenting a clear risk of deterioration when sold in bulk as listed in Annex 1. |
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| **Article 6.** § 1. It is prohibited to place on the market for the first time products listed in Annex 2 which are not composed of post-consumer recycled plastic.The minimum recycled plastic content of these products is set out in Annex 2.§ 2. The Minister responsible for the Environment determines the modalities for the implementation of paragraph 1, by decree deliberated in the Council of Ministers. |
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| **Article 7.** It is prohibited to place on the market for the first time the single-use products listed in Annex 3. |
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| **Article 8.** It is prohibited to place on the market for the first time advertising or non-addressed printed matter with packaging containing plastic. |
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| **Article 9.** It is prohibited to place on the market for the first time single-use cups made of cardboard with a plastic coating. |
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| **Article 10.** It is prohibited to place on the market for the first time packaging containing PFAS. |
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| **Article 11.** This Decree shall enter into force on 1 January 2024. |
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| **Article 12.** The Minister who is responsible for the Environment shall be responsible for the implementation of this Decree. |
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| Brussels, [date] |
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| By the King: |
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|  | The Environment Minister, |
|          Z. KHATTABI |

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| **Annex 1: Fruit and vegetables referred to in Article 5** |
| (1) Edible flowers(2) Raspberries(3) Strawberries(4) Blueberries(5) Blackberries(6) Redcurrants(7) Blackcurrants |
| **Annex 2:** **Products referred to in Article 6** |
| (1) Shrinkable sleeves, also called pallet sleeves or pallet cover sleeves; materials consisting of a plastic film that is placed on a product or series of products to be packaged. By means of a heat source, the sheet retracts shrinks and fits very tightly to the material to be packaged.The minimum recycled plastic content shall be:  1. 25% from 1 January 2024, made entirely of post-consumer plastic;  2. 50% from 1 January 2026, made entirely of post-consumer plastic.(2) Plastic compost drums and bins, except for moving parts of the compost bin or compost barrel.The minimum recycled plastic content shall be: 1. 80% from 1 January 2024, made entirely of post-consumer plastic;  2. 100% from 1 January 2026, made entirely of post-consumer plastic.(3) Plastic rolling containers for waste except the container body, lid, chassis and wheels. The minimum recycled plastic content shall be: 1. 50% from 1 January 2024, of which at least half is made up of post-consumer plastic;  2. 80% from 1 January 2026, of which at least half is made up of post-consumer plastic.(4) Plastic nursery pots, nursery trays and plant trays used for the cultivation and packaging of flowers and plantsThe minimum recycled plastic content shall be:  1. 80% from 1 January 2024, made entirely of post-consumer plastic;  2. 100% from 1 January 2026, made entirely of post-consumer plastic.(5) Urban furniture with plastic parts, where the plastic parts have not been produced from recycled plastics, with the exception of plastic assembly elements intended to connect the different parts of the furniture into a single structural unit The minimum recycled plastic content shall be:1. 80% from 1 January 2024, made entirely of post-consumer plastics;  2. 100% from 1 January 2026, made entirely of post-consumer plastics. |
| **Annex** **3: Single-use products referred to in Article 7** |
| (1) Plastic confetti(2) Plastic glitter(3) Plastic sticks other than for medical applications(4) Plastic skewers(5) Plastic coffee, tea and herbal tea bags(6) Single-use coffee capsules containing plastic or aluminium (7) Cutlery and plates other than home compostable ones(8) Laminated advertising cards |