



Notification Number : 2023/0472/BE (Belgium)

Cooperation Agreement on the framework for extended producer responsibility for specific waste streams and litter⁶. Specific waste streams and litter subject to extended producer responsibility^{7,8}. This Cooperation Agreement is an instrument with statutory force, which will apply to the entire territory of Belgium. The legislation is seeking to establish a national framework, falling within the competences of the Regions, to achieve coherent and uniform regulation for specific waste streams subject to extended producer responsibility. The new regulations will (partly) replace the equivalent regulations of the three Regions. This will make it easier for producers to comply with Belgian regulations on extended producer responsibility and also facilitate the monitoring and reporting of national results. In this field, this Cooperation Agreement is a partial transposition and implementation of Directive 2008/98/EC on waste materials. At the same time, this Cooperation Agreement introduces extended producer responsibility for waste, with the costs of managing this waste being charged to producers. In this respect, this Cooperation Agreement is a partial transposition and implementation of the SUP Directive (EU) 2019/904. Article 8 of the Cooperation Agreement introduces a limited levy for national management bodies to intervene in certain costs of the Regions. Article 9(9) imposes the same duty on producers who do not accede to an administrative institution. However, we consider that these provisions do not constitute a technical norm, either de jure or de facto. We mention this for information purposes only. Article 11 of the Cooperation Agreement introduces duties for operators of online marketplaces. However, we consider that this provision does not constitute a technical norm, either de jure or de facto. We mention this for information purposes only. Articles 27-28 and 36(6) and (7) introduce a levy on national collective and approved bodies, representing producers who market certain products, which are predominantly found in waste. The Regions hereby expand the scope



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of the SUP directive to include cans, cigarette packages and chewing gum; In time, the aim is to expand the scope further to include all household packaging. However, these articles also provide the option for these collective and recognised bodies, in agreement with the authorities concerned, to replace the levy with an 'operational and financial responsibility'. Articles 22 and 36(2) of the Cooperation Agreement makes it possible for individual producers to discharge this duty independently, under similar conditions. By extending the scope of the levy to products not targeted by the SUP directive, these provisions could be deemed to constitute a de facto technical norm. The other provisions of the Cooperation Agreement are communicated for information only. These provisions do not contain technical norms, either de jure or de facto.⁹ The extension of the scope of the levy to products not targeted by the SUP directive is necessary to avoid discrimination between producers. It is fundamentally indefensible to exempt groups of producers, whose packaging is highly prevalent in waste, from extended producer responsibility, because the SUP directive only targets plastic packaging waste.¹⁰ Numbers or titles of basic texts: B-2023-0472-NL-01 B-2023-0472-FR-01 11. No 12. 13. No 14. No 15. No 16. TBT aspects: No SPS aspects: No *** European Commission Contact point Directive (EU) 2015/1535 email: grow-dir2015-1535-central@ec.europa.eu**

Date received : 31/07/2023

End of Standstill : 03/11/2023 (withdrawn)

Message

Message 001

Communication from the Commission - TRIS/(2023) 2280

Directive (EU) 2015/1535

Notification: 2023/0472/BE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación –



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Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving –
Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване -
Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata -
Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora -
Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie
otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud -
Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20232280.EN

1. MSG 001 IND 2023 0472 BE EN 31-07-2023 BE NOTIF

2. Belgium

3A. FOD Economie, KMO, Middenstand en Energie

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3B. Interregionale Verpakkingscommissie - Directie

4. 2023/0472/BE - S20E - Waste

5. Cooperation Agreement on the framework for extended producer responsibility for specific waste streams and litter6. Specific waste streams and litter subject to extended producer responsibility7.8. This Cooperation Agreement is an instrument with statutory force, which will apply to the entire territory of Belgium. The legislation is seeking to establish a national framework, falling within the competences of the Regions, to achieve coherent and uniform regulation for specific waste streams subject to extended producer responsibility. The new regulations will (partly) replace the equivalent regulations of the three Regions. This will make it easier for producers to comply with Belgian regulations on extended producer responsibility and also facilitate the monitoring and reporting of national results. In this field, this Cooperation Agreement is a partial transposition and implementation of Directive 2008/98/EC on waste materials. At the same time, this Cooperation Agreement introduces extended producer responsibility for waste, with the costs of managing this waste being charged to producers. In this respect, this Cooperation Agreement is a partial transposition and implementation of the SUP Directive (EU) 2019/904. Article 8 of the Cooperation Agreement introduces a limited levy for national management bodies to intervene in certain costs of the Regions. Article 9(9) imposes the same duty on producers who do not accede to an administrative institution. However, we consider that these provisions do not constitute a technical norm, either de jure or de facto. We mention this for information purposes only. Article 11 of the Cooperation Agreement introduces duties for operators of online marketplaces. However, we consider that this provision does not constitute a technical norm, either de jure or de facto. We mention this for information purposes only. Articles 27-28 and 36(6) and (7) introduce a levy on national collective and approved bodies, representing producers who market certain products, which are predominantly found in waste. The Regions hereby expand the scope of the SUP directive to include cans, cigarette packages and chewing gum; In time, the aim is to expand the scope further to include all household packaging. However, these articles also provide the option for these collective and recognised bodies, in agreement with the authorities concerned, to replace the levy with an 'operational and financial responsibility'. Articles 22 and 36(2) of the Cooperation Agreement makes it possible for individual producers to discharge this duty independently, under similar conditions. By extending the scope of the levy to products not targeted by the SUP directive, these provisions could be deemed to constitute a de facto technical norm. The other provisions of the Cooperation Agreement are communicated for information only. These provisions do not contain technical norms, either



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de jure or de facto.9. The extension of the scope of the levy to products not targeted by the SUP directive is necessary to avoid discrimination between producers. It is fundamentally indefensible to exempt groups of producers, whose packaging is highly prevalent in waste, from extended producer responsibility, because the SUP directive only targets plastic packaging waste.10. Numbers or titles of basic texts:B-2023-0472-NL-01B-2023-0472-FR-0111. No12.13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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