



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2023/0490/BE (Belgium)

Cooperation Agreement on the framework for extended producer responsibility for certain waste streams and for litter

Date received : 07/08/2023

End of Standstill : 08/11/2023 (08/02/2024)

Message

Message 001

Communication from the Commission - TRIS/(2023) 2356

Directive (EU) 2015/1535

Notification: 2023/0490/BE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – 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 - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai 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: 20232356.EN

1. MSG 001 IND 2023 0490 BE EN 07-08-2023 BE NOTIF

2. Belgium

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3B. Interregionale Verpakkingscommissie - Directie

4. 2023/0490/BE - S20E - Waste

5. Cooperation Agreement on the framework for extended producer responsibility for certain waste streams and for litter



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6. Specific waste streams and litter subject to extended producer responsibility

7.

8. This Cooperation Agreement is a text with statutory force, which will apply to the entire Belgian territory. The aim of the legislation is to establish a national framework within the competences of the Regions, in respect of certain waste streams subject to the extended producer responsibility in order to achieve a coherent and uniform regulation. The new regulation (partly) replaces similar legislation of the three Regions. This makes it easier for producers to comply with Belgian regulations in the field of the extended producer responsibility, and facilitates monitoring of and reporting on national results. In this respect, 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 an extended producer responsibility for litter, with the costs of managing this litter being charged to producers.

In this regard, this Cooperation Agreement is a partial transposition and implementation of the Directive (EU) 2019/904 on SUP.

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 obligation on producers not acceding to an administrative institution. However, we consider that these provisions do not constitute a technical regulation, 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 regulation, either *de jure* or *de facto*. We mention this for information purposes only.

Articles 27 and 28 and 36(6) and (7) introduce a levy on national collective and approved bodies, representing producers that place certain products on the market, that are predominantly to be found in litter. The Regions are extending the scope of the SUP Directive with cans, cigarette packaging and chewing gum; in the long term, the intention is to further extend the scope to all household packaging. However, those articles also provide for the option for these collective and approved 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 provide for the possibility for individual producers to be able to comply with this obligation independently, subject to parallel 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 regulation.

The other provisions of the Cooperation Agreement are communicated for information only. These provisions do not contain any technical regulations, *de jure* or *de facto*.

9. The extension of the scope of the levy to products not endorsed by the SUP Directive is necessary to avoid discrimination between producers. In principle, it is indefensible to exempt groups of producers whose packaging is largely present in litter from the extended producer responsibility, because the SUP Directive only targets plastic packaging waste.

10. Numbers or titles of basic texts:



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11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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