

Order on certain requirements concerning packaging, extended producer responsibility for packaging, and other waste collected with packaging waste¹⁾

The following is laid down by virtue of § 7a(1), § 9p(2), (4), (6) to (8), (11) to (14), (16), (18), (20), § 9z(2), (3) and (5) to (8), § 9æ(1), (2), (4) and (5), § 9 ø(1) and 4, § 9 å(2) and (3), § 44(1), § 51(1), (5) and (6), § 51b, § 67, § 79b, § 79e, § 80(1) and (2) and § 110(3) of the Environmental Protection Act (see Consolidation Act No 48 of 12 January 2024), as amended by [Act No], and § 30, § 30c(1), § 38f(1), § 43(1) to (3), § 45(1), § 46 and § 59(4) of the Chemicals Act (see Consolidation Act No 6 of 4 January 2023), as amended by Act No 244 of 17 February 2022, and § 48d(2) (see Consolidation Act No 48 of 12 January 2024), as amended by [Act No], and after consultation with the Minister of Climate, Energy and Utilities, and § 1(3) of the Public Administration Act (see Consolidation Act No 433 of 22 April 2014), and after consultation with the Minister of Justice:

Section I

General provisions

Chapter 1

Scope and definitions

§ 1. This Order shall apply to packaging (except as provided for in § 2).

(2) ‘Packaging’ means all articles of any kind and materials used for the packaging, protection, handling, delivery from the producer to the user or consumer and presentation of goods, be it raw materials or processed goods. Similarly, all single-use items used for the same purpose, as well as beverage containers and cups for beverages that are single-use plastic products, are to be considered as packaging. Annex 1 sets out additional criteria to be used for classifying objects as packaging. Packaging shall comprise only the following:

1) Sales packaging or primary packaging, i.e. packaging designed in such a way that at the point of sale it constitutes a sales unit for the final user or consumer.

2) grouped or secondary packaging, i.e. packaging conceived in such a way that, at the point of sale, it constitutes a grouping of a certain number of sales units, regardless of whether it is sold as such to the final user or consumer or whether it is used only to fill shelves at the point of sale; it can be removed from the goods without changing the characteristics of the goods.

3) Transport packaging or tertiary packaging, i.e. packaging designed in such a way as to facilitate the handling and transport of a number of sales units or grouped packagings in order to avoid damage caused by physical handling or transport. Transport packaging does not include road, railway, ship and air freight containers.

§ 2. This Order shall not apply to packaging covered by the Order on deposits on and collection, etc. of packaging for certain beverages, unless the producer of the packaging has been granted dispensation from being subject to the deposit and return system in accordance with that Order.

¹⁾ The Order contains provisions transposing parts of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste, OJ 1994 L 365, p. 10, as last amended by Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste, OJ 2018 L 150, p. 141, and parts of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, OJ 2019 L 155, p. 1. The Order contains provisions that have been notified as a draft in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification). The Order includes certain provisions of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, Official Journal 2019, No L 169, page 1. Pursuant to Article 288 of the Treaty on the Functioning of the European Union, a regulation must be directly applicable in all Member States. The reproduction of these provisions in the Order is therefore exclusively for practical reasons and does not affect the immediate application of the aforementioned Regulation in Denmark.

(2) The Order does not limit other packaging requirements in other legislation, including requirements on safety, packaging for the transport of dangerous goods, and the protection of health and hygiene in connection with the packaged products.

Definitions

§ 3. The following definitions apply for the purposes of this Order:

- 1) Serious risk: A combination of the likelihood of a hazard causing damage and the severity of the damage is considered to require prompt intervention from the supervisory authority, including cases where the risk does not appear immediately.
- 2) Processing: As defined in the Waste Order.
- 3) Disposal: As defined in the Waste Order.
- 4) Distributor: Any natural or legal person in the supply chain, other than a manufacturer or an importer, who makes packaging or filled packaging available on the Danish market.
- 5) Packaging waste: Any packaging or any packaging material which is included by the definition of waste in the Waste Order, except waste products from production.
- 6) Disposable packaging: Packaging that is not reusable.
- 7) Single-use plastic products: As defined in the Order on banning the placing on the market of certain single-use plastic products, etc. and on requirements for certain other single-use plastic products.
- 8) Economic operator: The manufacturer, the authorised representative, the importer, the distributor, the provider of distribution services, or any other natural or legal person who has obligations in relation to the manufacture of products, the making available on the market, or their putting into service in accordance with the rules laid down in chapters 3–5 of this Order.
- 9) Commercial packaging: Non-household packaging.
- 10) Established in Denmark: Established as an active Danish enterprise in the Central Business Register, CVR, with a Danish CVR number.
- 11) Manufacturer: Any natural or legal person who:
 - a) manufactures packaging or filled packaging;
 - b) has packaging or filled packaging designed or manufactured in their own name or under their own trademark, regardless of who manufactured the packaging or filled packaging and regardless of whether other trademarks are visible on the packaging or filled packaging; or
 - c) offers packaging or filled packaging to a micro-enterprise which has the packaging designed or manufactured in its own name or trademark, in the case of transport packaging, reusable packaging, primary production packaging, service packaging, sales packaging, or grouped packaging.
- 12) Distance selling: Any contract for the sale or purchase of packaging or filled packaging concluded between the manufacturer and the end-user, without the simultaneous physical presence of the manufacturer and end-user, and where, up to and including the time of conclusion of the contract, only distance communications are used, in one or more forms, including online sales.
- 13) Preparation for reuse: As defined in the Waste Order.
- 14) Intentional addition: Deliberate use of the regulated heavy metals as a component in packaging or packaging components with the purpose of giving the final product a specific property, a specific appearance or a specific quality. The use of recycled materials as raw materials for the manufacture of new packaging materials is not considered to be intentional addition, even where a proportion of the recycled material may contain the regulated heavy metals.
- 15) Recycling: As defined in the Waste Order.
- 16) Reuse: As defined in the Waste Order.
- 17) Reusable packaging: Packaging that was designed, constructed and put into circulation with a view to going through a number of rounds or cycles in its lifetime by being refilled or reused for the same purpose as that for which it was designed.
- 18) Household packaging: Packaging that a household is likely to be an end user of.

- 19) Importer: Any natural or legal person established in the EU who makes packaging or filled packaging from a third country available on the EU market.
- 20) Collection: As defined in the Waste Order.
- 21) Collection scheme: As defined in the Waste Order.
- 22) Collective scheme: A legal person that ensures the collective fulfilment of extended producer responsibility obligations on behalf of scheme members.
- 23) Combined collection: As defined in the Waste Order.
- 24) Municipal waste collected: Packaging waste from households and other waste collected in waste fractions containing packaging waste as well as waste from waste-producing enterprises, in cases where a municipal council mixes such together with household waste in connection with the collection.
- 25) Composite packaging: Packaging consisting of two or more layers of different materials which cannot be separated by hand and form a single integrated unit consisting of an inner container and an outer shell which is filled, stored, transported and emptied as such.
- 26) The Act: Environmental Protection Act.
- 27) Placing on the market: The first time a product is made available on the Danish market.
- 28) Micro-enterprise: Any natural or legal person who employs fewer than ten persons and has an annual turnover, understood as the amount earned during a specified period, or an annual balance sheet, understood as a statement of the company's assets and liabilities, not exceeding DKK 15 million.
- 29) Recovery: As defined in the Waste Order.
- 30) Online interface: Any software within the meaning of Chapters 3–5 of this Order, including a website, parts of a website or an application, operated by or on behalf of an economic operator, which gives end-users access to the economic operator's products.
- 31) Operational costs: Costs of collection, transport and processing of packaging waste. Pure administrative costs are not included.
- 32) P-number: The unique identification number assigned to a production unit under the CVR Act.
- 33) Plastics: As defined in the Order on banning the placing on the market of certain single-use plastic products, etc. and on requirements for certain other single-use plastic products.
- 34) Primary production packaging: An article designed and intended for use as packaging for unprocessed products of primary production as defined in Regulation (EC) 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
- 35) Producer: Any manufacturer, importer or distributor, irrespective of the selling method used, including distance selling, that is:
 - a) established in Denmark and makes transport packaging, reusable packaging, primary production packaging or service packaging available on the Danish market for the first time;
 - b) established in Denmark and makes filled packaging or packaging, not specified in (a), available on the Danish market for the first time; or
 - c) established in another EU Member State or in a third country and by distance selling, makes transport packaging, reusable packaging, primary production packaging, service packaging, or filled packaging available on the Danish market for the first time directly to end-users.
- 36) Product cycle within a closed and controlled chain: A loop system in which the packaging is reused and distributed in a controlled and closed system, in which the used packaging is used as raw materials for the manufacture of new packaging which can only be used in that system. The addition of raw materials from outside of the loop system is kept to the minimum technically possible.
- 37) Actual recycling: As defined in the Waste Order.
- 38) Representative: Any natural or legal person who is established in Denmark and authorised to represent a producer who is not established in Denmark but who makes packaging or filled packaging available on the Danish market for the first time (see § 9y(1) and (2) of the Act).
- 39) Reverse engineering: A process of examining a product to find out how it works and is put together to determine whether it complies with the applicable rules.
- 40) Service packaging: Packaging designed and intended to be filled at the point of sale to the end user. For the purposes of this Order, service packaging is understood also to include beverage containers and cups

for beverages that are single-use plastic products sold empty and which are not designed and intended to be filled at the point of sale.

- 41) End-user: Any natural or legal person residing or established in Denmark: to whom a packaging or filled packaging has been made available either as a consumer or as a professional end-user in the course of their industrial or professional activities and who does not further make the packaging or filled packaging available on the market in the form it has been supplied.
- 42) Making available: The supply of packaging or filled packaging for distribution, consumption or use on the Danish market in the course of a commercial activity, whether in return for payment or free of charge.
- 43) Separate collection: As defined in the Waste Order.

Chapter 2

Requirements for certain packaging

Composition of packaging, etc.

§ 4. Without prejudice to paragraph 2, packaging may only be marketed in Denmark if it complies with the essential requirements laid down in Annex 2.

(2) Packaging shall be presumed to comply with the essential requirements set out in Annex 2 where it is manufactured in accordance with:

- 1) harmonised standards which have been announced in the Official Journal of the European Union, or
- 2) national standards of an EU Member State which have been notified to the Commission and forwarded to the other Member States in the absence of harmonised standards in this area.

Heavy metal content of packaging

§ 5. Packaging and packaging components may only be marketed in Denmark if the sum total of the concentrations of lead, cadmium, mercury and hexavalent chromium does not exceed 100 ppm by weight (except as provided for in paragraph 2, §§ 6 and 8).

(2) The provision in paragraph 1 does not apply to packaging which is solely manufactured of lead crystal glass, as defined in Order No 122 of 6 March 1973 on crystal glass.

Requirements relating to glass packaging

§ 6. Glass packaging can, notwithstanding § 5(1), be placed on the market if

- 1) the sum total of the concentrations of lead, cadmium, mercury and hexavalent chromium does not exceed 250 ppm by weight,
- 2) lead, cadmium, mercury or hexavalent chromium are not intentionally added during the production process and where the limit value specified in § 5(1) is only exceeded due to the addition of recycled materials, and
- 3) there is proof of compliance with § 7.

§ 7. An economic operator producing glass packaging (see § 6) shall, on a monthly basis, arrange for sampling of each glass furnace and analysis of the concentration of total lead, cadmium, mercury and hexavalent chromium. The samples shall be representative of normal and regular production activity.

(2) If, over a consecutive period of twelve months, the monthly sampling from each individual glass furnace shows average concentrations of the total of the heavy metals identified in paragraph 1 exceeding 200 ppm by weight, the producer shall provide the Danish Environmental Protection Agency with a report (see paragraph 3).

(3) The report referred to in paragraph 2 shall contain the following information:

- 1) Measured values.

- 2) Description of measurement methods used.
- 3) Suspected sources of the heavy metals specified in paragraph 1.
- 4) Detailed description of the measures taken to reduce the concentration levels of the heavy metals specified in paragraph 1.

Requirements relating to plastic crates and plastic pallets

§ 8. Plastic crates and plastic pallets may, notwithstanding § 5(1), be introduced to and remain in product cycles within a closed and controlled chain, if the conditions in § 9 on manufacturing and repair, § 10 on requirements for the closed and controlled chain, and § 11 on reporting are met.

§ 9. Plastic crates and plastic pallets covered by § 8 are to be manufactured and repaired in the following way:

- 1) The manufacture and repair of the plastic crates and plastic pallets is to be carried out as a stage in a closed and controlled chain, where the addition of raw materials from outside the closed cycle is the minimum technically possible, but a maximum of 20 percent by weight.
- 2) During manufacturing or repair processes, no intentional addition of lead, cadmium, quicksilver or hexavalent chromium may be made and the limit value in § 5(1) may only be exceeded due to the addition of recycled materials.

§ 10. Plastic crates and plastic pallets covered by § 8 can be included in and remain in product cycles within a closed and controlled chain if in compliance with the following conditions:

- 1) Plastic crates and plastic pallets can be visually and permanently identified.
- 2) The proportion of plastic crates and plastic pallets which are returned to those who have introduced the plastic crates or plastic pallets into a closed and controlled chain, is to be at least 90 % of the plastic crates and plastic pallets introduced into the closed and controlled chain, calculated in relation to plastic crate or plastic pallet lifetime.
- 3) A storage management and registration system is set up, which can document
 - a) the proportion returned (see point 2),
 - b) the number of packagings put into service which are discarded from the closed and controlled chain; and
 - c) compliance with the conditions set out in Nos 1 and 4 and § 9.
- 4) Packaging that is no longer reusable shall
 - a) be recycled in accordance with § 9, where the recycled material consists of plastic crates or plastic pallets from the same packaging loop system, or
 - b) be incinerated at plants approved for the incineration of waste.

§ 11. An economic operator who produces or imports plastic crates and plastic pallets covered by § 8 shall report each year before 1 April to the Danish Environmental Protection Agency

- 1) a written declaration that the conditions stipulated in §§ 9 and 10 are complied with,
- 2) an annual report showing how the conditions laid down in §§ 9 and 10 have been complied with, and
- 3) specification of any changes to the storage management and registration system specified in § 10, No 3.

(2) An economic operator who manufactures or imports plastic crates and plastic pallets covered by § 8 shall keep the technical documentation for the information referred to in paragraph 1 for 4 years after the report.

Minimum price for certain types of carrier bags

§ 12. Points of sale of goods or products not covered by § 51 a, paragraph 5 of the Act, which provide carrier bags with handles of material other than plastic or carrier bags of plastic with and without handles with a wall thickness exceeding 30 micrometers in accordance with § 51 a, paragraphs 1 and 2, shall charge a minimum price of 4 DKK per bag.

Chapter 3

Documentation and information on the composition, etc. of packaging

Requirements relating to documentation and examinations

§ 13. Anyone who places packaging on the market shall at the request of the Danish Environmental Protection Agency provide documentation to show that the packaging fulfils the requirements in § 4 and Annex 2.

§ 14. An economic operator manufacturing or importing packaging shall hold and, at the request of the Danish Environmental Protection Agency, provide the information set out in Annex 3. The economic operator must keep the information for 5 years.

(2) The economic operator manufacturing or importing packaging shall, at the request of the Danish Environmental Protection Agency, provide documentation that the sum of the concentrations of lead, cadmium, mercury and hexavalent chromium in the packaging does not exceed the limit value laid down in § 5(1).

§ 15. The Danish Environmental Protection Agency may order any person marketing packaging to assist in obtaining the information referred to in § 14 from the person to whom the obligation under § 14 applies, and to provide the information and documentation to the Danish Environmental Protection Agency.

§ 16. If the Danish Environmental Protection Agency does not find that information or documentation submitted to the Agency in accordance with §§ 13, 14 or 15 demonstrates that the packaging complies with the requirements of § 4 (see Annex 2, or § 5(1)), the Agency may order the economic operator producing or importing the packaging to carry out an examination of whether the packaging complies with the requirements of § 4 (see Annex 2, or § 5(1)). The costs of the examinations shall be borne by the person against whom the order is addressed.

§ 17. The Danish Environmental Protection Agency may decide that examinations under § 16 shall be carried out by a laboratory accredited by the Danish Accreditation Fund or by an equivalent accreditation body that is a signatory to the European Accreditation multilateral agreement on mutual recognition.

Marking and identification system

§ 18. Packaging marketed in Denmark may bear a label indicating the nature of the packaging materials. If packaging is labelled, the following conditions must be met:

- 1) The labelling shall be in accordance with Annex 4 and shall include abbreviations and numerical codes.
- 2) The marking is to be on the packaging itself or on a label which is affixed to the packaging,
- 3) The labelling must be immediately visible and easy to read.
- 4) The marking is to have a suitable degree of permanence and durability, including after the packaging has been opened.

(2) Packaging carried by certain single-use plastic products must comply with labelling requirements laid down in the Order on banning the placing on the market of certain single-use plastic products, etc. and laying down requirements for certain other single-use plastic products.

Statistical information on the composition of packaging, etc.

§ 19. Without prejudice to paragraphs 3 and 4, the economic operator exporting or importing packaging shall be in possession of the following information for 5 years:

- 1) The total annual number of packages produced, exported or imported.
- 2) Materials used in the packaging.

(2) The economic operator covered by paragraph 1 shall, at the request of the Danish Environmental Protection Agency, provide the information referred to in paragraph 1.

(3) Any person who puts reusable packaging into circulation shall be in possession of the following information for a period of 5 years:

- 1) Number of packages put into circulation.
- 2) Materials and substances used in the packaging.
- 3) Weight of the individual materials and substances in the packaging.
- 4) A general description of the packaging.

(4) Any person who puts reusable packaging into circulation shall, at the request of the Danish Environmental Protection Agency, provide the information referred to in paragraph 3.

Part II

Producer register for extended producer responsibility

Chapter 4

Producer register of producers of packaging and their representatives

§ 20. Dansk Producentansvar (Data Centre for Circular Economy), as controller, maintains a digital producer register of

- 1) producers who make packaging available, cf. §§ 21 and 22,
- 2) representatives of producers covered by point 1, and
- 3) collective schemes (see § 82), and
- 4) municipal collection schemes (see § 33).

(2) All registrations in the register must be made digitally and in accordance with the instructions of the Data Centre for Circular Economy.

(3) The Data Centre for Circular Economy must ensure that the producer register is available publicly and free of charge on the website www.produceransvar.dk. The Data Centre for Circular Economy shall refer to the national producer registers of the other EU Member States on its website.

Registration in the producer register

§ 21. A producer who makes packaging available shall register themselves or their representative (see § 9y(1) of the Act), in the producer register (see § 20) no later than 14 days before making it available.

(2) A producer who makes reusable packaging available shall register themselves or their representative (see § 9y(1) of the Act) in the producer register (see § 20) no later than 1 February 2025 and no later than 14 days before the start of making the reusable packaging available.

§ 22. Registration in the producer register (see § 20) shall contain the information specified in Annex 5, Nos 1–10 (except as provided for in paragraph 2).

(2) Registration of reusable packaging in the producer register shall contain the information specified in Annex 5, points 1–9 and point 11.

(3) The registration obligation is only fulfilled when

- 1) all information referred to in (1) has been reported comprehensively;
- 2) the registration fee has been paid, cf. § 89; and
- 3) the producer's representative has confirmed their registration as representative, cf. § 23, paragraph 3.

(4) The producer may at any time register a representative in the producer register, cf. paragraphs 1–3, including a change of representative or the termination of the authorisation to be represented.

(5) The representative may at any time register the termination of the authorisation.

§ 23. The Data Centre for Circular Economy must confirm the registration in the producer register (see § 21, paragraphs 1–2) to the producer and their representative, if any, within 14 days after the registration has been made, without prejudice to paragraph 4.

(2) The Data Centre for Circular Economy confirms within 7 days the registration of the termination of authorisation (see § 22, paragraphs 4 and 5) to both the producer and the previously registered representative.

(3) The Data Centre for Circular Economy requests the natural or legal person registered by the producer as a representative, cf. § 22(4), to confirm or deny the registration as a representative within 7 days, including that the registered information about the representative is correct and that the representative has become aware of their obligations under this Order.

(4) The Data Centre for Circular Economy shall notify the producer in writing that registration has not been completed if the natural or legal person registered by the producer as representative denies the registration or if the deadline of 7 days, cf. paragraph 3, is exceeded.

§ 24. Producers or their representatives shall register changes in the information already registered, cf. § 22(1) and (2), to the Data Centre for Circular Economy no later than one month after the changes have taken place.

(2) The Data Centre for Circular Economy shall confirm the changes of registration in the producer register (see paragraph 1) to the producer and or their representative, if any, within 14 days after the registration has been made.

§ 25. Where a producer ceases to make packaging available, they or their representative shall register such in the producer register within one month after ceasing to make packaging available.

§ 26. At the request of an enterprise which may be subject to the obligation to register in the producer register, cf. § 21, the Data Centre for Circular Economy shall decide whether:

- 1) the enterprise is subject to the obligation to register in the producer register, cf. § 21;
- 2) a representative, cf. § 22(4), meets the requirements of § 9y to be registered.
- 3) An object constitutes a packaging.
- 4) A packaging constitutes a single use packaging or reusable packaging.
- 5) A packaging falls under household or commercial packaging and under which material category the packaging falls, cf. Annex 6.

(2) The Data Centre for Circular Economy shall also take a decision in accordance with paragraph 1, if the Danish Environmental Protection Agency so requests.

Chapter 5

Reporting to the Data Centre for Circular Economy

Reporting on packaging made available

§ 27. Producers shall report to the Data Centre for Circular Economy before 1 June each year on the amount of packaging made available by the producer in the previous calendar year, without prejudice to paragraph 2.

(2) Producers of reusable packaging shall report annually, before 1 June, information on the amount of reusable packaging, made available for the first time by the producer for the purpose of undergoing a number of trips or cycles by being refilled or reused for the same purpose for which it was conceived, during the previous calendar year.

(3) Producers who start making packaging available after the reporting deadline referred to in paragraph 1 shall, in connection with registration, cf. § 21, report information on the expected amount of packaging made available for the current calendar year.

(4) If producers make packaging available without the quantities being reported to the Data Centre for Circular Economy pursuant to paragraphs 1 and 2, the producer shall report information on quantities of packaging made available for the period during which the producer has made packaging available but has not complied with the reporting obligation.

(5) Reporting of packaging quantities in accordance with paragraphs 1–3 shall be indicated as follows:

- 1) in kilograms;
- 2) broken down by material category referred to in Annex 6, specifying whether it is household packaging or commercial packaging; and
- 3) whether they are single-use packaging or reusable packaging, without prejudice to paragraph 7.

(6) For packaging that consists of several materials not easily separated and not falling under one of the material categories specified in Annex 6, information on the total weight of the main material of the packaging shall be reported. If the packaging is to be sorted as hazardous or residual waste according to the sorting criteria set out in the Order on waste, this shall be stated, without prejudice to paragraph 7.

(7) Producers making available less than 8 tonnes of packaging in a calendar year, and their representatives, if any, may choose to report only information on the weight of the total amount of packaging made available in that calendar year, broken down into household packaging and commercial packaging, respectively.

§ 28. A producer may make changes in quantities reported under § 27, paragraphs 1 and 2, under the following conditions:

- 1) Changes in reported quantities must be reported together for the previous calendar year together with the reports referred to in § 27, paragraphs 1 and 2, for the new calendar year.
- 2) Changes can only be made for the calendar year preceding the reporting year pursuant to § 27, paragraphs 1 and 2.
- 3) Changes must be based on a need, as a result of:
 - i) errors in the quantities of packaging reported for the previous calendar year; or
 - ii) that reported quantities of packaging have been made available outside Denmark, subject to paragraph 2.
- 4) Changes must be made in accordance with § 27.

(2) A producer who wishes to make changes in accordance with paragraph 1, as a result of a reported amount of packaging within the same calendar year as the producer has reported for, being made available by someone other than the producer themselves outside Denmark, must submit a digital statement to the Data Centre for Circular Economy to that effect. The declaration must be drawn up by the enterprise that has made available outside Denmark the amount of packaging that the producer wishes to be deducted.

Reporting on take-back schemes

§ 29. Before 1 June each year, and for the first time in 2026, producers shall report to the Data Centre for Circular Economy information on quantities of packaging waste collected by the producer in their own take-back scheme, cf. § 66.

(2) Reporting the quantities referred to in paragraph 1 shall be declared as follows:

- 1) in kilograms;
- 2) broken down by waste fractions listed in Annex 7, specifying whether it is household packaging waste or commercial packaging waste; and
- 3) without prejudice to paragraph 3, whether it is packaging waste from end-of-life single-use or reusable packaging.

(3) For packaging waste collected in combination or together with other waste, quantities of packaging calculated in accordance with the allocation keys in Annex 8 shall be reported.

Other reporting

§ 30. A producer who has handed over municipally collected packaging waste, see § 35, once a year before 1 June, for the first time in 2026, shall report to the Data Centre for Circular Economy the amount of packaging waste from the previous year which the producer has received from the municipal council in accordance with its allocation.

(2) A producer who has been given payment obligations for municipally collected packaging waste, cf. § 36(1) and (2), shall report to the Data Centre for Circular Economy once a year and no later than 1 June the amount of packaging waste from the previous year for which the producer has incurred costs in connection with the municipal council's collection, transport and waste processing.

(3) Reporting of information in accordance with paragraphs 1 and 2 shall be indicated in kilograms, divided into the waste fractions referred to in Annex 7, and per municipality. Where packaging waste is collected in combination or together with other waste, the allocation keys in Annex 8 shall be used to calculate amounts of packaging waste.

§ 31. A producer of commercial packaging waste who has been given payment obligations for packaging waste from waste-producing enterprises, cf. § 55(1), shall report to the Data Centre for Circular Economy once a year and no later than 1 June, for the first time in 2026, the amount of packaging waste from the previous year for which the producer has incurred costs in connection with the waste-producing enterprises' collection, transport and waste processing.

(2) Reporting of information in accordance with paragraph 1 shall be indicated per municipality and in kg divided by the waste fractions in Annex 7.

§ 32. Before 1 June each year, the municipal council shall inform the Data Centre for Circular Economy about collection schemes. and any changes in the collection schemes established by the municipal council, cf. the Order on waste, for the subsequent allocation period.

(2) The municipal council shall, before 1 June each year, inform the Data Centre for Circular Economy about collection schemes, see paragraph 1, which are established jointly with one or more municipal councils and where the municipally-collected waste from the relevant municipal councils are mixed together during the collection.

(3) The Data Centre for Circular Economy publishes information about municipal collection schemes on the Data Centre for Circular Economy website; www.produceransvar.dk.

The Data Centre for Circular Economy's transmission of data to the Danish Environmental Protection Agency

§ 33. The Data Centre for Circular Economy checks the quality and transmits – after the reporting deadline pursuant to § 27, paragraphs 1 to 3, § 29, § 30, paragraphs 1 and 2, and § 31, paragraph 1, has expired and no later than 15 August – the following data to the Danish Environmental Protection Agency:

- 1) The total amount of packaging made available by the producer in the previous calendar year and reported to the Data Centre for Circular Economy, cf. § 27(1) and (2). The quantities shall be expressed in kilograms and broken down into the material categories referred to in Annex 6, household packaging, and commercial packaging, including whether they are single-use packaging or reusable packaging.
- 2) The total amount of packaging waste disposed of to the producer in the previous calendar year, cf. § 42, and taken back in the producer's own take-back scheme, cf. § 66. The quantities shall be expressed in kilograms and broken down into the material categories referred to in Annex 6, household packaging, and commercial packaging, including whether they are single-use packaging or reusable packaging.
- 3) The total amount of packaging waste for which the producer has incurred costs in connection with the waste-producing enterprises' collection, transport and waste processing, cf. § 54(1).

(2) The Data Centre for Circular Economy quality assures and transmits changes in reported data, see § 28, paragraph 1, to the Danish Environmental Protection Agency after the reporting deadline – in accordance with § 27, paragraphs 1 and 2 – has expired and no later than 15 August.

General reporting requirements

§ 34. Reports pursuant to §§ 27-31 shall be made digitally and in accordance with the instructions of Dansk Producentansvar.

Part III

Municipally collected waste

Chapter 6

Allocation of municipally-collected waste

Decisions on allocation of physical organisational responsibility for municipally collected waste

§ 35. On the basis of the quantities reported under § 27(1) and § 28 for the first time on 1 April 2025 and thereafter on 1 October every two years, the Data Centre for Circular Economy shall make decisions on allocation of producers' responsibility for receiving waste, cf. § 45, without prejudice to § 37. Dansk Producentansvar calculates the allocation in accordance with the guidelines set out in Annex 9.

(2) The Data Centre for Circular Economy, when calculating allocations for the first time, shall use data reported before 15 October 2024. When calculating subsequent allocations, the Data Centre for Circular Economy shall use data reported before 1 June.

Decisions on the allocation of payment obligation for municipally collected packaging waste

§ 36. On the basis of the quantities reported under § 27(1) and § 28(1) for the first time on 1 April 2025 and thereafter on 1 October every two years, the Data Centre for Circular Economy shall make decisions on allocation of producers' payment obligations for the municipal council's collection, transport and processing of packaging waste, without prejudice to paragraph 2 and § 37(1). The Data Centre for Circular Economy calculates the allocations in accordance with the guidelines set out in Annex 9.

(2) On the basis of the quantities reported under § 27(1) and § 28(1) for the first time on 1 April 2025 and thereafter on 1 October every two years, the Data Centre for Circular Economy shall make decisions on allocation of producers' payment obligations for the municipal council's collection, transport and processing of packaging waste that is correctly sorted as hazardous waste collected via recycling centres, without prejudice to § 37(2).

(3) The Data Centre for Circular Economy, when calculating allocations for the first time, shall use data reported before 15 October 2024. When calculating subsequent allocations, the Data Centre for Circular Economy shall use data reported before 1 June, cf. § 27.

Other provisions on the allocation of municipally-collected waste

§ 37. The Data Centre for Circular Economy does not make decisions on allocation, cf. §§ 35 and 36, of waste fractions consisting of the material categories textile, porcelain, cork, ceramic, or other, cf. Annex 6.

(2) The Data Centre for Circular Economy does not make decisions on allocation of packaging waste that is correctly sorted as hazardous waste in a collection scheme.

§ 38. The first allocation period shall run from 1 October 2025 to 31 December 2026. Subsequent allocation periods shall then run for a two-year period from 1 January to 31 December of the following calendar year, subject to § 40(2) and (3).

§ 39. The Data Centre for Circular Economy shall notify producers and municipal councils of decisions on allocations for the first allocation period, cf. §§ 35 and 36, by no later than 1 April 2025. The Data Centre for Circular Economy shall notify producers and municipal councils of decisions on allocation for the subsequent allocation periods every two years on 15 October to, subject to § 40(2) and (3).

(2) The Data Centre for Circular Economy publishes the allocation decisions on the Data Centre for Circular Economy website, www.produceransvar.dk.

§ 40. When calculating the allocation of obligations in accordance with §§ 35 and 36, the Data Centre for Circular Economy shall make a retroactive adjustment that takes into account any errors in the allocation for the applicable allocation period. This applies in the case of inadequate reporting, non-reporting, or other errors in the calculation of the applicable allocation in the current allocation period, and which have not resulted in a new decision on allocation in accordance with paragraph 2 or paragraph 3.

(2) The Data Centre for Circular Economy may amend a decision on allocation after the time deadline laid down in §§ 35 and 36 if errors are found in the allocation after the allocation period has begun, but before the end of the allocation period, and if the Data Centre for Circular Economy considers that the error has significant economic significance for one or more producers. The new allocation shall enter into force three months after the decision in accordance with point 1 was made.

(3) The Data Centre for Circular Economy amends a decision on allocation after the deadline laid down in §§ 35 and 36 when a collective scheme that performs obligations on behalf of one or more producers, see § 78, Nos 3 and 4, ceases operations during a current allocation period. An amendment to a decision on allocation in accordance with point 1 must be made no later than 4 weeks after the collective scheme has ended. The new allocation shall take effect two months after the decision in accordance with point 1 has been made.

(4) The Data Centre for Circular Economy amends a decision on allocation when a collective scheme that performs obligations on behalf of one or more producers, see § 78, Nos 3 and 4, ceases operations during a current allocation period. and until a new decision in accordance with paragraph 3 is taken, no later than 7 days after the collective scheme has ceased. Emergency allocation shall take effect 7 days after the decision in accordance with point 1 is taken.

Chapter 7

Waste collection and processing

§ 41. The municipal council shall organise separate collection, transport and processing of packaging waste, cf. § 9p(2) of the Act, the Waste Order, and the Order on waste regulations, fees, and stakeholders, etc. subject to § 42.

Chapter 8

The municipal council's obligation to transfer municipally-collected waste, and transitional arrangements

§ 42. The municipal council shall transfer the following waste fractions collected through a collection scheme, cf. the Order on waste, to the producer or producers who have been allocated the waste fractions, subject to §§ 44 and 45:

- 1) Cardboard waste.
- 2) Paper waste when collected in combination with cardboard waste.
- 3) Metal waste, including aluminium waste.
- 4) Glass waste.
- 5) Plastic waste.
- 6) Food and beverage carton waste.

(2) The municipal council shall transfer the following waste fractions collected through a recycling centre, cf. the Order on waste, to the producer or producers who have been allocated the waste fractions, subject to §§ 44 and 45:

- 1) Cardboard waste.
- 2) Paper waste when collected in combination with cardboard waste.
- 3) Glass waste.

- 4) Plastic waste collected in the same way as the pick-up scheme for plastic waste from private households.

§ 43. The municipal council shall designate a place on which the municipal council usually carries out reloading of the municipally-collected waste, where the municipal council transfers the collected waste fraction concerned, see § 42, to the producer or producers who have been allocated the waste fraction, subject to Chapter 10 of the Order on waste regulations, fees, and stakeholders, etc. on the municipal council's reloading of waste, subject to paragraph 2.

(2) The producer shall designate a waste management facility or a location where the municipal council transfers waste not covered by paragraph 1. The municipal council must transfer the collected waste fraction concerned, see § 42, at the waste management facility or location designated by the producer, when the municipal council does not reload the waste before waste processing.

(3) Transfer of waste fractions in accordance with paragraphs 1 and 2 shall take place in accordance with the guidelines in Annex 13.

§ 44. The municipal council may refrain from transferring waste in accordance with §§ 42 or 43 if the municipal council has concluded a waste processing contract which was initiated before [date of submission of draft Act] and which expires after 1 October 2025, until the expiry of the contract.

(2) If the municipal council has concluded a contract for waste processing of waste fractions within the meaning of §§ 42 and 43 after [date of submission of draft Act] or has exercised an extension option expiring before 1 October 2025, these may not run beyond 1 October 2025, unless necessary in order for the municipal council to fulfil a contractual obligation to that effect entered into before [date of submission of draft Act].

(3) The municipal council must, if it has concluded a contract, see paragraph 1 or paragraph 2, no later than 1 March 2025, submit documentation of such to the Danish Environmental Protection Agency, see paragraph 4.

(4) The documentation to the Danish Environmental Protection Agency referred to in paragraph 1 shall contain:

- 1) documentation of the conclusion of the contract,
- 2) information on the duration of the contract, and
- 3) information on any options on extension, including conditions thereof.

§ 45. The municipal council may refrain from transferring waste in accordance with §§ 42 or 43 if the municipal council has received dispensation to process certain waste fractions suitable for material recovery at processing facilities, see the Order on waste stakeholders, Chapter 10, but no later than until the expiry of the dispensation.

Part IV

Obligation of the producer to take over municipally-collected waste

Chapter 9

Obligation of the producer to take over municipally-collected waste

§ 46. A producer who has been allocated a waste fraction from a municipality, see § 35, shall take over and ensure waste processing of the municipally-collected waste that the municipal council transfers to the producer pursuant to § 43. The producer's taking over of the waste shall take place in accordance with the guidelines set out in Annex 13.

(2) Responsibility for the waste referred to in paragraph 1 shall pass to the producer when the producer has either collected the waste at the location designated by the municipal council, cf. § 43(1) or when the municipal council has delivered the waste at the processing facility designated by the producer, cf. § 43(2).

§ 47. The municipal council may request a producer that is assigned to the municipality concerned to provide information on the quantities of waste collected by the producer from the municipality concerned, cf. § 43, including:

- 1) the amount transferred per waste fraction, cf. §§ 42 and 43;
- 2) the amount of waste, after processing, actually recycled per waste fraction, cf. § 76; and
- 3) the facilities used for the processing of the waste transferred.

Chapter 10

Payment for the further management of municipally-collected non-packaging waste

§ 48. The municipal council shall pay the producer for the costs of transport and processing of the part of the transferred municipally-collected waste, see § 46, which does not constitute packaging waste, subject to paragraph 2.

(2) The municipal council shall receive a payment from the producer if the producer achieves an overall profit from the further transport and processing of the part of the transferred municipally-collected waste, see § 46, which does not constitute packaging waste.

§ 49. The producer shall calculate the amount per waste fraction, cf. § 42, to be paid by the municipal council or the producer, cf. § 48, in accordance with the guidelines, including the key figures in Annex 11, and using the allocation keys in Annex 8.

(2) The producer must within a reasonable time send the calculation in accordance with paragraph 1 to the municipal council for use in the collection of the producer's receivable from the municipal council or the municipal council's receivable from the producer.

(3) The producer shall, at the request of the municipal council or the supervisory authority, provide further documentation necessary to assess whether the total amount has been calculated in accordance with Annex 11.

§ 50. The producer shall charge the calculated amount, see § 49, if the calculation shows that the producer has a receivable from the municipal council, subject to paragraph 2. The producer may make a single charge for a period of up to three consecutive months.

(2) The municipal council shall charge the calculated amount, see § 49, if the calculation shows that the municipal council has a receivable from the producer. The municipal council may make a single charge for a period of up to three consecutive months.

§ 51. The municipal council must pay the amount that the producer charges, see § 50, paragraph 1, in accordance with the producer's instructions.

(2) The producer must pay the amount that the municipal council charges, see § 50, paragraph 2, in accordance with the municipal council's instructions.

Key figures for producer's calculations of municipally-collected non-packaging waste

§ 52. The Danish Environmental Protection Agency shall establish key figures to be used for the producer's calculation of the amount to be paid for the further transport and processing of the part of the transferred municipally-collected waste, see § 46, which does not constitute packaging waste. The Danish Environmental Protection Agency shall set the key figures for the first time no later than 1 October 2025.

(2) The Danish Environmental Protection Agency shall index the key figures referred to in paragraph 1 by price at least once a year and publish them on its website; www.mst.dk.

(3) The Danish Environmental Protection Agency shall revise a key figure if, for a longer period of time, it is deemed to have deviated from the actual market price, by adjusting the key figure prospectively for a shorter defined period of time, cf. Annex 11.

The municipal council's accounting records

§ 53. In the municipal budget and accounting system, the municipal council must record the expenditures or revenues separately for payment that the municipal council has made or received pursuant to § 49.

(2) At the request of the Danish Environmental Protection Agency, the municipal council must provide information on the calculation of the individual expenditure or revenue, see paragraph 1, and evidence that these are separately accounted for in the municipal council's budget and accounting system, see paragraph 1.

Producer's annual statement of payments, collections and actual costs

§ 54. Each year, the producer shall draw up a statement for the preceding calendar year of payments made and collections made in accordance with §§ 48 and 53(1) and (2), as well as the producer's actual costs and income for the transport and processing of the part of the transferred waste, see § 46, which does not constitute packaging waste. The producer's statement shall be drawn up in accordance with the guidelines set out in Annex 11.

(2) The producer shall submit the statement referred to in paragraph 1 to the Danish Environmental Protection Agency for the first time no later than 1 April 2026 and thereafter each year no later than 1 April. The producer shall, at the request of the Danish Environmental Protection Agency, submit the documentation relevant to the statement.

Part V

Packaging waste from waste-producing enterprises

Chapter 11

Decisions on allocation of payment obligations for commercial packaging waste

§ 55. On the basis of the quantities reported under § 27(1) and § 28(1), the Data Centre for Circular Economy shall, for the first time on 1 April 2025 and then on 1 October every two years, decide on the allocation of payment obligations for commercial packaging waste processed in accordance with § 60 to producers of commercial packaging. The Data Centre for Circular Economy calculates the allocations in accordance with the guidelines set out in Annex 10.

(2) On the basis of the quantities reported under § 27(1) and § 28(1) for the first time on 1 April 2025 and thereafter on 1 October every two years, the Data Centre for Circular Economy shall make decisions on allocation of producers' payment obligations for the municipal council's collection, transport and processing of packaging waste that is correctly sorted as hazardous waste collected via recycling centres, without prejudice to § 37(2).

(3) The Data Centre for Circular Economy, when calculating allocations for the first time, shall use data reported before 15 October 2024. When calculating subsequent allocations, the Data Centre for Circular Economy shall use data reported before 1 June.

Other provisions on allocation of payment obligations for commercial packaging waste

§ 56. The Data Centre for Circular Economy does not make decisions on allocation, cf. § 55(1), of waste fractions consisting of the material categories textile, porcelain, cork, ceramic, or other, cf. Annex 6.

(2) The Data Centre for Circular Economy does not make decisions on allocation of packaging waste that is correctly sorted as hazardous waste.

§ 57. The first allocation period shall run from 1 October 2025 to 31 December 2026. Subsequent allocation periods shall then run for a two-year period from 1 January to 31 December of the following calendar year.

§ 58. The Data Centre for Circular Economy shall notify commercial packaging producers of decisions on allocations for the first allocation period, cf. § 55(1), by no later than 1 April 2025. The Data Centre for Circular Economy shall notify producers of commercial packaging of decisions on allocation for the subsequent allocation periods every two years on 15 October.

(2) The Data Centre for Circular Economy publishes the allocation decisions on the Data Centre for Circular Economy website, www.produceransvar.dk.

§ 59. When calculating the allocation of obligations in accordance with § 55, the Data Centre for Circular Economy shall make a retroactive adjustment that takes into account any errors in the allocation for the applicable allocation period. This applies in the case of inadequate reporting, non-reporting, or other errors in the calculation of the applicable allocation in the current allocation period, and which have not resulted in a new decision on allocation in accordance with paragraph 2.

(2) The Data Centre for Circular Economy may amend a decision on allocation after the time deadline laid down in § 55 if errors are found in the allocation after the allocation period has begun, but before the end of the allocation period, and if the Data Centre for Circular Economy considers that the error has significant economic significance for one or more commercial packaging producers. The new allocation shall enter into force three months after the decision in accordance with point 1 was made.

(3) The Data Centre for Circular Economy amends a decision on allocation after the deadline laid down in § 55 when a collective scheme that performs obligations on behalf of one or more producers, see § 78, point 4, ceases operations during a current allocation period. An amendment to a decision on allocation in accordance with point 1 must be made no later than 4 weeks after the collective scheme has ended. The new allocation shall take effect two months after the decision in accordance with point 1 has been made.

Chapter 12

Waste collection and processing

§ 60. Waste-producing enterprises shall organise separate collection, transport and waste processing of packaging waste that they create, cf. § 9p(2) of the Act, the Waste Order, and the Order on waste regulations, fees, and stakeholders, etc.

Payment for collection, transport and processing of commercial packaging waste

§ 61. Waste-producing enterprises may request payment from producers to cover the costs of collection, transport and waste processing of commercial packaging waste which has been managed by the enterprise itself or has been transferred to a collection enterprise or a waste management facility in accordance with the Order on waste regulations, fees, and stakeholders, etc. subject to paragraph 2. A request shall be addressed to the producer who has been allocated the payment obligation for commercial packaging waste of the material category in question, cf. § 55(1) and Annex 6, in the municipality in which the waste-producing enterprise is physically located according to its P-number.

(2) Waste-producing enterprises may request payment from producers to cover the costs of collection, transport and waste processing of commercial packaging waste that forms part of the enterprise's residual waste and that is properly sorted as residual waste and has been processed in accordance with paragraph 1. A request shall be addressed to the producer who has been allocated the payment obligation for commercial packaging waste in residual waste, cf. § 55(1), in the municipality in which the waste-producing enterprise is physically located according to its P-number.

(3) The municipal council takes over the right to receive payment, see paragraphs 1 and 2, from the waste-producing enterprises when the municipal council collects commercial waste from waste-producing enterprises in the municipality in such a way that it is not mixed with household waste.

§ 62. The producer shall indicate how a request for payment, cf. § 61, is to be addressed to the producer. However, the producer shall ensure that the request can be made in an easily accessible manner through commonly used means of communication.

(2) Waste-producing enterprises requesting payment, cf. § 61(1) and (2), may request payment for a total period of up to three months. A request from the waste-producing enterprises shall contain the following information and documentation:

- 1) The enterprise name, address, p-number, CBR No. and industry group, cf. Annex 8.
- 2) Information on the quantity of waste for which payment is requested under § 61(1) and (2). The quantity shall be expressed in kilograms and per waste fraction, cf. Annex 7.
- 3) Documentation for No 2 in the form of invoice, weighing slip or similar.
- 4) Information on the waste processor, cf. § 61, or the waste collector who has assumed responsibility for the waste in accordance with the Order on waste regulations, fees, and stakeholders, etc.

(3) A waste-producing enterprise which does not directly belong to one of the industry groups listed in Annex 8 shall, when requesting payment in accordance with paragraph 2, specify the industry group to which the waste-producing enterprise considers that it belongs.

(4) The municipal council which takes over the right to receive payment, see § 61, paragraph 3, may, on behalf of the waste-producing enterprise, request payment for a total period of up to three months. A request from the municipal council must contain the information referred to in paragraph 2, Nos 1-4, subject to paragraph 3.

§ 63. The producer shall calculate the amount per waste fraction to be paid to the waste-producing enterprise or the municipal council pursuant to §§ 61 and 62(3) when the waste-producing enterprise or the municipal council has so requested, in accordance with § 62(2) and (3). The producer shall carry out the calculation in accordance with the guidelines, including the key figures, set out in Annex 12.

(2) The producer shall pay the calculated amount referred to in paragraph 1 to the waste-producing enterprise or the municipal council within 30 days of the request being made in accordance with § 62.

(3) The producer shall, within a reasonable time, send the calculation referred to in paragraph 1 to the waste-producing enterprise or to the municipal council.

Key figures for the producer's calculations for commercial packaging waste

§ 64. The Danish Environmental Protection Agency shall establish key figures to be used to calculate the amount the producer shall pay to cover the waste-producing enterprise's costs for the collection, transport and waste processing of commercial packaging waste, cf. § 61. The Danish Environmental Protection Agency shall set the key figures for the first time no later than 1 October 2025.

(2) The Danish Environmental Protection Agency shall index the key figures referred to in paragraph 1 by price at least once a year and publish them on its website; www.mst.dk.

(3) The Danish Environmental Protection Agency shall revise a key figure if, for a longer period of time, it is deemed to have deviated more than 25 % from the actual market price, by adjusting the key figure prospectively for a shorter defined period of time, cf. Annex 12.

§ VI

Reusable packaging and own take-back schemes

Chapter 13

Reusable packaging

§ 65. Producers of reusable packaging shall, when the reusable packaging ceases to be re-used and becomes packaging waste, arrange for the take-back of the packaging waste in accordance with § 66.

Chapter 14

Producers' own take-back schemes

§ 66. A producer may, at its own expense, arrange for the take-back of packaging waste originating from its own packaging made available and ensure that it is waste processed in accordance with § 76.

(2) A producer's take back in accordance with paragraph 1 may take place in one of the following ways:

- 1) The producer collects the packaging waste from the end-user.
- 2) The end-user delivers the packaging waste to the producer or to a location or area designated by the producer.

(3) Take-back by the producer in accordance with (1) shall not be subject to remuneration from the end-user.

(4) Producers of single-use packaging who establish a take-back scheme may not retrieve packaging waste from households, without prejudice to paragraph 5.

(5) Producers of single-use packaging who establish a take-back scheme may retrieve packaging waste covered by a take-back scheme from households when done in conjunction with the delivery of a new product.

(6) A producer who has taken back packaging waste cannot apply for payment for collection, transport and processing of commercial packaging waste originating from the producer's own packaging made available.

§ 67. A producer who has established a take-back scheme, cf. § 66, shall ensure that end-users of the producer's packaging are informed, in sales and information material, including instructions for use or at the point of sale, of where and how the end-user can dispose of packaging waste in the take-back scheme.

Part VII

Chapter 15

Provision of security

§ 68. A producer who is allocated obligations for packaging waste, cf. §§ 35, 36 and 55, shall, no later than 4 weeks before an allocation period begins, provide security to ensure funding for the processing of packaging waste.

§ 69. The Data Centre for Circular Economy shall decide on the amount of the security, see § 68. The security shall correspond to the known or expected costs for a period of three months of handling the packaging waste that producers are obligated to take over and pay for, cf. § 35, or the packaging waste that producers are obligated to pay for, cf. §§ 36 and 55.

§ 70. The Data Centre for Circular Economy shall decide when the security referred to in § 69 is to be provided, subject to § 68.

(2) The producer must provide the security in accordance with the Data Centre for Circular Economy's instructions and submit documentation that the security has been provided correctly.

Release of the provided security

§ 71. The Data Centre for Circular Economy shall release a security provided by a collective scheme, cf. § 78, point 22, for a completed allocation period, to the collective scheme in question when the scheme has documented that the packaging waste allocated for that period has been handled, cf. § 78, point 23, or that the payment obligation allocated for that period has been fulfilled, cf. § 78, points 17 and 27, and a security has been provided under § 68 for a subsequent allocation period.

§ 72. If a collective scheme, on behalf of a producer that has been allocated municipally-collected packaging waste, cf. § 78, point 3, does not retrieve waste at the municipal council designated transfer location, see § 43, or does not ensure that the municipal council can hand over waste at a waste management facility designated by the producer, see § 43, paragraph 2, the municipal council can recover its actual, documented costs for emergency collection and management of the packaging waste, by making a claim directly against the collective scheme.

(2) The Data Centre for Circular Economy may, if the collective scheme does not pay the documented expenses, see paragraph 1, release the security to the municipal council, proportionately.

§ 73. If a collective scheme that on behalf of a producer has been allocated payment obligations, see § 78, points 5 and 17, does not meet these payment obligations after a reasonable number of reminders, the municipal council or the waste-producing enterprise can recover their actual, documented costs by making a claim against the collective scheme.

(2) The Data Centre for Circular Economy may, if the collective scheme does not pay the documented expenses, see paragraph 1, release the security to the municipal council, or the waste-producing enterprise proportionately on the basis of the (under paragraph 1) actual, documented costs of the Data Centre for Circular Economy.

§ 74. If a collective scheme, which on behalf of a producer has been allocated municipally-collected packaging waste, see § 78, point 4, ceases operations during a current allocation period, the municipal council in the period until a new allocation under § 40, paragraph 3, has taken place, may recover its actual, documented costs for emergency collection and management of municipally-collected packaging waste by requesting the Data Centre for Circular Economy for a proportionate release of the provided security on the basis of documented costs.

§ 75. If a collective scheme which, on behalf of a producer, has been allocated payment obligations for commercial packaging waste, cf. § 78, point 17, ceases operations during a current allocation period, the waste-producing enterprise and the municipal council may recover their costs for the collection, transport and processing of commercial packaging waste, cf. § 61, by applying to the Data Centre for Circular Economy for a proportionate release of the provided security to the waste-producing enterprise or the municipal council concerned.

Part VIII

Waste processing

Chapter 16

Waste processing

§ 76. Without prejudice to paragraph 3, the producer or the person responsible at all times for the processing of packaging waste shall ensure a high level of effective recycling of packaging waste, ensuring at least the following:

- 1) effective recycling of paper packaging waste of 75 % by 31 December 2025 and of 85 % by 31 December 2030.
- 2) effective recycling of cardboard packaging waste of 75 % by 31 December 2025 and of 85 % by 31 December 2030.
- 3) effective recycling of plastic packaging waste of 60 % by 31 December 2025.
- 4) effective recycling of ferrous metal packaging waste of 70 % by 31 December 2025 and of 80 % by 31 December 2030.
- 5) effective recycling of aluminium packaging waste of 50 % by 31 December 2025 and of 60 % by 31 December 2030.
- 6) effective recycling of glass packaging waste of 70 % by 31 December 2025 and of 75 % by 31 December 2030.

7) effective recycling of wood packaging waste of 25 % by 31 December 2025 and of 30 % by 31 December 2030.

(2) Without prejudice to paragraph 3, for other packaging waste fractions not listed in points 1-7 of paragraph 1 and other waste collected together with packaging waste, the producer, or the person responsible for the processing of the packaging waste at any time, shall ensure a high level of effective recycling.

(3) The municipal council must ensure that waste, see § 42, is collected and transferred in a way that supports a high level of effective recycling.

(4) The producer, or the person responsible at any time for the processing of packaging waste, must document that the waste in question is delivered to facilities that can recycle the waste, as well as document how much of the waste after processing is actually recycled.

Part IX

Collective schemes

Chapter 17

Producers of single-use packaging

§ 77. A producer who makes single-use packaging available shall be registered for a collective scheme by no later than upon registration in the producer register, cf. § 21.

(2) A producer who makes single-use packaging available and who is already registered in the producer register, cf. § 21, shall be registered in a collective scheme by 14 January 2025.

(3) If a collective scheme is terminated during an allocation period, the producer must register for a new collective scheme within 14 days of the termination of the collective scheme.

§ 78. A collective scheme shall carry out the following obligations on behalf of producers registered for the collective scheme under § 77(1) and (2):

- 1) Proportionately in relation to the producer's market share of packaging, arrange for the separate collection, transport and processing of packaging waste at its own expense, cf. § 9p(1) of the Act.
- 2) Report information, cf. §§ 30 and 31.
- 3) Take over municipally-collected waste that is transferred by the municipal council, cf. § 46.
- 4) Charge the municipal council for the further transport and processing of non-packaging waste in the waste transferred pursuant to § 46, cf. § 48(1).
- 5) Pay the municipal council the total profits from onward transport and processing of non-packaging waste in the transferred waste pursuant to § 46, cf. § 48, paragraph 2.
- 6) Calculate the amount that the producer must pay to the municipal council in accordance with §§ 48 and 55(1).
- 7) Send the calculation for payment for non-packaging waste to the municipal council, see § 49(2).
- 8) Provide documentation, at the request of the municipal council or supervisory authority, necessary to assess the calculated amount, see § 49(3).
- 9) Pay the amount that the municipal council charges for the management of municipally-collected non-packaging waste, see § 51(2).
- 10) Charge the municipal council a residual amount for the producer's transport and processing of non-packaging waste in the waste transferred under § 46, when the producer has a receivable, see § 53(1), (3) and (4).
- 11) Repay the residual amount to the municipal council for the producer's transport and processing of non-packaging waste in the waste transferred under § 46, when the municipal council has a receivable, see § 53(2)-(4).
- 12) Calculate a balance in accordance with § 53(3), point 1 and ensure that the payment or collection of the balance is accompanied by the calculation and statement in accordance with Annex 11, see § 53(3), point 2.

- 13) Provide documentation, at the request of the municipal council or supervisory authority, necessary to assess the calculated balance, see § 53(4).
- 14) Provide information on collected quantities at the request of the municipal council, see § 47.
- 15) Prepare an annual statement of payments and costs, cf. § 54(1).
- 16) Submit the annual statement to the Danish Environmental Protection Agency, cf. § 54(2) point 1, and submit the documentation relevant to the annual statement to the Danish Environmental Protection Agency at the Agency's request, cf. § 54(2), point 2.
- 17) Pay waste-producing enterprises for collection, transport and processing of commercial packaging waste, cf. § 61.
- 18) Indicate how a request for payment should be addressed to the producer, and ensure that the request can be made in an easily accessible way via commonly used means of communication, cf. § 62(1),
- 19) Calculate the amount to be paid to the waste-producing enterprise or municipal council, cf. § 63.
- 20) Pay the calculated amount to the waste-producing enterprise or municipal council no later than 30 days after the request is received, cf. § 62(2), point 1.
- 21) Inform the waste-producing enterprise or municipal council, within a reasonable time, of how the amount has been calculated and how it is distributed by the individual waste fractions, cf. § 62(1), point 2.
- 22) Provide security to ensure funding of the management of packaging waste, cf. § 68.
- 23) Document that the security has been provided correctly, cf. § 70(2).
- 24) Ensure waste processing of municipally-collected waste, cf. § 76.
- 25) Ensure a high degree of actual recycling of packaging waste, cf. § 76.
- 26) Document that waste under § 76 (1) and (2) is delivered to facilities that can recycle the waste, as well as document how much of the waste after processing is actually recycled, cf. § 76(4).
- 27) Payment of fees to the municipal council, cf. § 100.

(2) The obligations referred to in paragraph 1 shall, where the collective scheme fails to fulfil its obligations thereunder, be fulfilled by each producer within three months of the end of the performance of the tasks referred to in paragraph 1.

§ 79. A collective scheme may carry out the following obligations on behalf of producers registered for the collective scheme under § 77:

- 1) Registration and reporting of information, cf. §§ 21(1), 22, 24, 25, 27 and 28.
- 2) Payment of registration fee to Dansk Producentansvar, cf. Section 89.
- 3) Payment of an annual fee to Dansk Producentansvar for administration pursuant to this Order, cf. Section 90.
- 4) Payment of an annual fee to the Danish Environmental Protection Agency for administration pursuant to this Order, cf. §§ 92 and 93.

(2) The obligations referred to in paragraph 1 shall, where the collective scheme fulfils obligations on behalf of the producer in accordance with paragraph 1 and where the collective scheme fails to fulfil its obligations thereunder, be fulfilled by each producer within three months of the end of the performance of the tasks referred to in paragraph 1.

Producers of reusable packaging and producers with own take-back schemes

§ 80. A producer making reusable packaging available and a producer with its own take-back scheme may choose, through membership in a collective scheme, to fulfil the following obligations:

- 1) Registration and reporting of information, cf. §§ 21(2), 22, 24, 25, 27 and 29.
- 2) Payment of registration fee to Dansk Producentansvar, cf. Section 89.
- 3) Payment of an annual fee to Dansk Producentansvar for administration pursuant to this Order, cf. Section 90.
- 4) Payment of an annual fee to the Danish Environmental Protection Agency for administration pursuant to this Order, cf. § 94.
- 5) Obligations to provide information under Section 67.

- 6) Take back waste from reusable packaging in their own take-back schemes, cf. §§ 65 and 66.
- 7) Carry out self-monitoring, cf. § 87(1), points 1, 3 and 4.

Common provisions for collective schemes

§ 81. A collective scheme shall ensure that

- 1) every producer of packaging shall have equal access to participation in the collective scheme and shall be treated on equal terms, taking into account the producer's market share;
- 2) the information to be passed on to the Data Centre for Circular Economy pursuant to this Order is collected from the individual producers; and
- 3) competitively sensitive information is not disclosed to other enterprises.

§ 82. A collective scheme shall be established in the producer register, cf. § 21, for the purpose of carrying out the obligations referred to in §§ 78-80 and it shall indicate the name of the scheme, contact person, address, telephone number, email address and CBR No, subject to paragraph 2.

(2) For foreign collective schemes that are not registered in the CVR register, the company's VAT number, European VAT identification number or national VAT identification number must be provided instead of the CVR number.

§ 83. Collective schemes shall scale the producer's financial contribution to cover operational costs related to the management of packaging waste in the collective scheme in accordance with Annex 14, subject to paragraphs 2 and 3.

(2) Collective schemes shall not scale the producer's financial contribution if the producer makes available less than 8 tonnes of packaging in a calendar year, cf. § 27(5), without prejudice to paragraph 4.

(3) Without prejudice to paragraph 4, collective schemes shall not scale the financial contribution of the producer for the following packagings:

- 1) Immediate packaging as defined in Article 1, No 23 of Directive 2001/83/EC and in Article 4, No 25 of Regulation (EU) 2019/6.
- 2) Contact sensitive packaging of medical devices covered by Regulation (EU) 2017/745.
- 3) Contact sensitive packaging of in vitro diagnostic medical devices covered by Regulation (EU) 2017/746.
- 4) Outer packaging as defined in Article 1, No 24 of Directive 2001/83/EC and in Article 4, No 26 of Regulation (EU) 2019/6 in cases where such packaging is necessary to meet specific requirements to preserve the quality of the medicinal product.
- 5) Contact sensitive packaging of infant formula and follow-on formula, processed cereal-based food and baby food and food for special medical purposes as defined in Article 1 (a), (b) and (c) of Regulation (EU) No 609/2013.

(4) Collective schemes shall scale the producer's financial contribution, cf. paragraphs 2 and 3 if the producer so requests.

§ 84. Collective schemes shall, when setting producers' financial contributions to cover operational costs relating to the management of packaging waste, deduct the quantities taken back by producers in their own take-back schemes, cf. § 66.

§ 85. Collective schemes shall publish on their websites information on

- 1) ownership;
- 2) producers in the scheme;
- 3) indicative financial contribution per material category to cover operational costs in the scheme from producers per ton of product made available, as well as parameters for any discounts, additional costs; and
- 4) the selection procedure of the collective scheme for waste management operators.

(2) The information referred to in paragraph 1 shall be updated if there are changes in relation to the published information.

Chapter 18

Self-monitoring

Self-monitoring for producers of single-use packaging

§ 86. Producers making single-use packaging available shall carry out self-monitoring in order to ensure the quality of the collected and reported data on packaging made available, cf. § 27(1), (3)-(6) and § 28.

(2) The producer must conduct own checks in accordance with paragraph 1 at least once a year.

(3) Producers must draw up a written description of the procedure and documentary evidence for conducting the own checks referred to in (1).

(4) The description and documentary evidence referred to in (3) shall be available to the Danish Environmental Protection Agency on request.

Self-monitoring of producers of reusable packaging and producers with own take-back schemes

§ 87. Producers making reusable packaging available and producers with their own take-back schemes shall carry out self-monitoring in order to ensure;

1) that they fund the take-back and management of packaging waste in accordance with the requirements of §§ 66 and 76;

2) that they fund the obligation to provide information to end-users of packaging in accordance with the requirements of § 67;

3) the quality of the data collected and reported on packaging made available, cf. §§ 27 and 28;

4) the quality of the data collected and reported on quantities of packaging waste collected by the producer in its own take-back scheme, cf. § 66.

5) that they comply with the requirements of Regulation No 1013/2006/EC of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as amended.

(2) The producer must conduct own checks in accordance with paragraph 1 at least once a year.

(3) Producers must draw up a written description of the procedure and documentary evidence for conducting the own checks referred to in (1).

(4) The description and documentary evidence referred to in (3) shall be available to the Danish Environmental Protection Agency on request.

(5) Producers who provide the task of collecting and processing waste from third parties shall use weight slips or other documentation from the third party as part of their self-monitoring of data on collected and processed packaging waste.

(6) Producers making reusable packaging available and producers with their own take-back schemes shall be exempt from the obligation to carry out self-monitoring of the obligations referred to in paragraph 1, points 1, 3 and 4, to the extent that the obligation is taken over by a collective scheme, cf. § 80.

Self-monitoring of collective schemes

§ 88. Collective schemes must carry out self-monitoring in order to ensure:

1) that the contributions collected from the members of the collective scheme cover the funding for the quantities collected which the collective scheme must handle, cf. § 78(4), and cover the funding for payment obligations, cf. § 78(17) and (27).

2) that the contributions received from the producers of the collective scheme have been modulated in accordance with Annex 14;

3) that the quality of the data that the collective scheme can collect and report on behalf of producers, cf. § 80(1), is in line with the requirements of §§ 21(1), 22, 24, 25, 27 and 28 and that they comply with the requirements of Regulation No 1013/2006/EC of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as amended.

(2) Collective schemes must conduct self-monitoring in accordance with (1) at least once a year.

(3) Collective schemes must draw up a written description of the procedure and documentary evidence for carrying out self-monitoring.

(4) The description referred to in paragraph 3 shall be available to the Danish Environmental Protection Agency on request.

(5) Collective schemes that provide the task of collecting and processing waste from third parties shall use weight slips or other documentation from the third party as part of their self-monitoring of data on collected and processed packaging waste.

Part X

Fees

Chapter 19

Data Centre for Circular Economy – fees

§ 89. For registration in the producer register, cf. Section 21, a one-off fee of DKK 1,000 per producer shall be paid to Dansk Producentansvar. If the producer is already registered in the producer register pursuant to one of the following Orders, a one-off fee of DKK 500 shall be paid:

- 1) Order on batteries and accumulators and end-of-life batteries and accumulators.
- 2) Order on the handling of waste in the form of motor vehicles, the collection of environmental contributions and the payment of a scrapping compensation (the Scrap Car Order).
- 3) Order on the placing on the market of electrical and electronic equipment and the handling of such equipment waste (Order on electronic waste)
- 4) Order on extended producer responsibility for certain single-use plastic products.
- 5) Order on extended producer responsibility for fishing gear containing plastic.

§ 90. For the administration of allocation schemes for commercial packaging and household packaging, cf. §§ 35, 36 and 55, producers pay an annual fee to the Data Centre for Circular Economy. The fee shall be calculated in proportion to the amount of packaging made available in the previous calendar year.

(2) For other administrative tasks performed by the Danish Producer Responsibility in accordance with this Order, all producers shall pay an annual fee. The fee shall be calculated in proportion to the amount of packaging made available in the previous calendar year.

(3) Where a newly registered producer has not made packaging available during the previous calendar year, a fee shall be paid for the amount of packaging expected to be made available by that producer during that calendar year, instead of the fees referred to in paragraphs 1 and 2. If the quantity placed on the market differs from the expected quantity declared, the fee shall be adjusted in accordance with the quantity corresponding to the difference.

(4) The fees in accordance with paragraphs 1 and 2 together or paragraph 3 respectively shall amount to at least DKK 250 annually.

(5) If a producer or a collective scheme gives rise to additional administration in connection with the allocation scheme, see paragraph 1, in connection with the provision of security, see §§ 69 and 70, or in connection with other administrative tasks, see paragraph 2, a separate fee per commenced hour shall be charged.

§ 91. The fees referred to in § 90 shall correspond to the actual costs incurred by the Data Centre for Circular Economy in connection with the performance of tasks set out in this Order. The fees are charged by Dansk Producentansvar.

(2) The Danish Environmental Protection Agency shall annually set the fee rates specified in § 90 on the basis of the budget and the recommendation on the amount of the fee from the Data Centre for Circular Economy. The Data Centre for Circular Economy publishes the fee rates on their website; www.producentansvar.dk.

(3) Appeals against the amount of the fee cannot be filed with other administrative authorities.

The Danish Environmental Protection Agency – fees

§ 92. Producers of household packaging must pay an annual fee for the Danish Environmental Protection Agency's administration. Without prejudice to paragraph 2, the fee shall be calculated in proportion to the amount of household packaging made available in the previous calendar year. This fee covers the Danish Environmental Protection Agency's costs for:

- 1) Calculation of the share of packaging waste in collected waste, broken down by waste fractions.
- 2) Preparation of cost-effectiveness analyses.
- 3) Awareness-raising actions aimed at users of packaging, with a view to provide information on waste prevention measures, collection and take-back schemes, and the fight against packaging waste littering.
- 4) Processing appeals against decisions, cf. § 112(1).
- 5) Administration and collection of fees.
- 6) Supervision of the registration of producers and collective schemes in the producer register and the submission of correct information.

(2) If the amount of the fee referred to in paragraph 1 cannot be calculated on the basis of the producer's information on the quantities made available, cf. § 27, the Danish Environmental Protection Agency may make an estimate of the fee liability.

(3) Appeals against the amount of the fee cannot be filed with other administrative authorities.

§ 93. Producers of commercial packaging must pay an annual fee for the Danish Environmental Protection Agency's administration. Without prejudice to paragraph 2, the fee shall be calculated in proportion to the amount of commercial packaging made available in the previous calendar year. This fee covers the costs of:

- 1) Calculation of the share of packaging waste in collected waste broken down by waste fractions by industry.
- 2) Secretariat services for certain advisory committees set up by the Danish Environmental Protection Agency with a view to establishing and continuously updating relevant key figures, cf. § 64.
- 3) Awareness-raising actions aimed at users of packaging, with a view to provide information on waste prevention measures, collection and take-back schemes, and the fight against packaging waste littering.
- 4) Processing appeals against decisions, cf. § 112(1).
- 5) Administration and collection of fees.
- 7) Supervision of the registration of producers and collective schemes in the producer register and the submission of correct information.

(2) If the amount of the fee referred to in paragraph 1 cannot be calculated on the basis of the producer's information on the quantities made available, cf. § 27, the Danish Environmental Protection Agency may make an estimate of the fee liability.

(3) Appeals against the amount of the fee cannot be filed with other administrative authorities.

§ 94. Producers of reusable packaging must pay an annual fee for the Danish Environmental Protection Agency's administration. Without prejudice to paragraph 2, the fee shall be calculated in proportion to the amount of reusable packaging made available in the previous calendar year.

- 1) Processing appeals against decisions.
- 2) Administration and collection of fees.
- 3) Supervision of the registration of producers in the producer register and the submission of correct information.

(2) If the amount of the fee referred to in paragraph 1 cannot be calculated on the basis of the producer's information on the quantities made available, see § 27, paragraphs 2–6, the Danish Environmental Protection Agency may make an estimate of the fee liability.

(3) Appeals against the amount of the fee cannot be filed with other administrative authorities.

§ 95. The fees referred to in §§ 92–94 shall be published on the website of the Danish Environmental Protection Agency www.mst.dk. The fees are then adjusted annually as of 1 January on the basis of the latest published price and salary index in the Economic-Administrative Guidelines from the Ministry of Finance.

§ 96. The fee for a fee period shall be paid digitally to the Danish Environmental Protection Agency within a time limit set by the Danish Environmental Protection Agency in connection with invoicing for the quantities reported as made available.

(2) If the Danish Environmental Protection Agency does not receive the fee within the deadline referred to in paragraph 1, the Danish Environmental Protection Agency shall send a reminder letter to the producer with a new payment deadline. If the Danish Environmental Protection Agency does not receive payment of the fee within the new deadline from the reminder letter, the amount may be handed over for recovery.

(3) If a producer is found to have made incorrect reports, cf. Section 27, resulting in them having paid too little in terms of fees, they shall be required to pay the amount due within 14 days of the demand.

(4) If, by mistake, the producer has paid too much in terms of fees, the Danish Environmental Protection Agency pays the overpaid amount to the producer. The amount shall be paid no later than 3 weeks after the producer has informed the Danish Environmental Protection Agency of the error, or the Danish Environmental Protection Agency has found the error.

Municipal Councils – fees

§ 97. The municipal council shall, in accordance with § 9p(15) of the Act, set out, in a fee sheet, the specific fees for the waste schemes established by the municipal council pursuant to the Order on waste, as relates to packaging waste, cf. § 9p(2) of the Act and Annex 15, and which are allocated to producers, cf. § 36.

(2) The municipal council shall not, when setting the fees, include the costs of metal packaging waste collected through recycling centres established in accordance with the Order on waste, subject to paragraph 4.

(3) The municipal council shall not, when setting the fees, include the costs of plastic packaging waste collected through recycling centres established in accordance with the Order on waste, when the waste is not collected in the same way as in the pick-up scheme for plastic waste established by the municipal council, subject to paragraph 4.

(4) The municipal council may, when setting fees in accordance with paragraph 1, include costs in accordance with paragraph 2 or paragraph 3, if the municipal council has drawn up true and fair distribution keys for the proportion of packaging waste and non-packaging waste in the waste fractions concerned.

(5) The municipal council shall, in accordance with § 9p(15) of the Act, set out in a fee sheet a specific fee for packaging waste that is correctly sorted as residual waste, cf. § 9p(2) of the Act, and which is allocated to producers, cf. § 36.

(6) The municipal council shall, in accordance with § 9p(15) of the Act, set out in a fee sheet, specific fees for general administrative costs in accordance with Annex 15, which cannot be attributed to the individual schemes, and which the municipal council shall allocate proportionally between the individual schemes, cf. paragraph 1.

(7) The municipal council shall, in accordance with § 9p(15) of the Act, set out in a fee sheet, specific fees for awareness-raising actions, cf. § 9p(11) of the Act, and for other communications relating to the municipal council's management of packaging waste, Annex 15, and which the municipal council shall allocate proportionally between the individual schemes, see paragraph 1.

(8) The municipal council publishes the fee sheet on the municipality's website.

§ 98. The municipal council shall, when setting fees under § 97(1), quantify the costs on the basis of the total cost of a waste scheme established pursuant to the Order on waste, which is distributed between waste fractions that are collected combined, as well as packaging and non-packaging waste, using fixed allocation keys, see Annex 8.

§ 99. The municipal council shall determine the fees, see § 97, for the first time by 1 April 2025 and then once per year by 1 October.

§ 100. The municipal council shall charge the set fees, cf. § 97, to the producer who has been allocated packaging waste in the municipality concerned, in accordance with § 36, for the first time by 1 October 2025 and every quarter thereafter. The municipal council may collect the fees in aggregate.

(2) The municipal council shall, in cases where the municipal council has established a waste scheme with combined collection of several waste fractions or collects several waste fractions via a recycling centre, allocated to two or more producers, quantify the costs per waste fraction and charge these as a separate fee from the individual producers.

The municipal council's annual statement and reporting

§ 101. The municipal council shall each year, for the first time in 2026, draw up a statement of the costs included in the municipal council's fees, see § 9p(15), for the previous year. The statement shall be published on the municipality's website no later than 1 May.

(2) The Danish Environmental Protection Agency shall draw up a fixed template for the municipal council's statement of costs in accordance with paragraph 1, which the municipal council must use. The template shall be published on the website of the Danish Environmental Protection Agency.

§ 102. Each year, starting in 2026, the municipal council shall report in writing on the background to the municipal council's waste management costs relating to packaging waste for the previous year. The report shall include descriptions of:

- 1) the waste schemes established by the municipal council, including the current level of service for waste collection in the municipality.
- 2) how the municipal council has worked and expects to work with cost efficiency in waste collection.

(2) The Danish Environmental Protection Agency shall draw up a fixed template for the municipal council's reporting, which the municipal council must use. The template shall be published on the website of the Danish Environmental Protection Agency.

(3) The municipal council's reporting in accordance with paragraph 1 shall be forwarded to the Danish Environmental Protection Agency and published on the municipality's website no later than 1 May.

Section XI

Administrative provisions, etc.

Chapter 20

Retention of documents

§ 103. Dansk Producentansvar shall ensure that documents received or dispatched by Dansk Producentansvar as part of administrative proceedings in connection with the activities of Dansk Producentansvar and which are relevant to a case or otherwise are stored in such a way that it is possible, for instance in connection with supervision, request for access to documents or appeal proceedings, to identify them and find them. The same applies to internal documents which are in final form.

(2) Documents referred to in paragraph 1 shall be kept for at least 5 years.

Administrative cooperation and exchange of information

§ 104. Within the framework of the data protection regulations, the Data Centre for Circular Economy shall cooperate with the Danish Environmental Protection Agency and in this connection exchange

information and documents relevant to producers' compliance with their obligations regarding packaging, cf. § 1, and waste thereof in accordance with the Act and this Order.

§ 105. Within the framework of the data protection rules, Dansk Producentansvar shall, where appropriate, cooperate with relevant authorities and producer registers in other EU Member States as well as the European Commission and in this context exchange information and documents relevant to producers' compliance with their obligations regarding packaging, cf. § 1, and waste thereof pursuant to the Act and this Order.

(2) The exchange of information and documents referred to in paragraph 1 shall take place digitally.

§ 106. As a supervisory authority within the framework of the data protection rules, the Danish Environmental Protection Agency shall, where appropriate, cooperate with relevant authorities and producer registers in other EU Member States as well as the European Commission, and in this context exchange information and documents relevant to producers' compliance with their obligations regarding packaging, cf. § 1, and waste thereof pursuant to the Act and this Order, including information on quantities made available and on the results of supervisions.

(2) The exchange of information and documents referred to in paragraph 1 shall take place digitally.

Chapter 21

Supervision, monitoring, and appeals

§ 107. Without prejudice to paragraph 2, the Danish Environmental Protection Agency carries out supervision to ensure compliance with the provisions of this Order.

(2) The municipal council carries out supervision to ensure compliance with §§ 42, 43, 53, 77 (3), and §§ 97-102.

§ 108. The Danish Environmental Protection Agency can require anyone who is placing packaging on the market, immediately or within a specified timeframe, to cease marketing the packaging, if the Danish Environmental Protection Agency has a reasonable suspicion that the packaging does not meet the requirements of §§ 4-6 or 8.

(2) The Danish Environmental Protection Agency may maintain injunctions in accordance with paragraph 1 until it is documented to the Danish Environmental Protection Agency that the requirements of §§ 4-6 or 8 are complied with.

§ 109. The Danish Environmental Protection Agency may require economic operators and collective schemes to submit relevant documents, technical specifications, data or information on compliance and technical aspects of packaging regulated in this Order, including access to embedded software to the extent that such access is necessary to assess the packaging's compliance with the rules laid down in this Order. Supervision to ensure compliance with §§ 5, 6 and 9, point 2, shall be carried out in accordance with the relevant rules of the Chemicals Act.

(2) The Danish Environmental Protection Agency may require economic operators to provide information on the supply chain and the distribution network, on the quantities of packaging on the market and on other packaging models that have the same technical characteristics as the packaging in question.

(3) The Danish Environmental Protection Agency may require economic operators to provide information on the ownership of a website when that information is relevant to the case.

§ 110. The Danish Environmental Protection Agency may acquire product samples of packaging, including under a hidden identity, and check those samples and reverse engineer them in order to identify non-compliance with §§ 5, 6 and 9. Supervision to ensure compliance with §§ 5, 6 and 9, point 2, shall be carried out in accordance with the relevant rules of the Chemicals Act.

§ 111. The Danish Environmental Protection Agency may order the owner of an online interface, if there is no other effective means to eliminate a serious risk, to modify or remove content on the online interface where reference is made to packaging that does not comply with §§ 5, 6 and 9 of this Order. Supervision to ensure compliance with §§ 5, 6 and 9, point 2, shall be carried out in accordance with the relevant rules of the Chemicals Act.

§ 112. Decisions taken by the Data Centre for Circular Economy may be appealed to the Danish Environmental Protection Agency, cf. § 90(3) of the Act.

(2) The rules of the Administrative Act shall apply to the cases in which the decision of Dansk Producentansvar is taken pursuant to this Order.

(3) Appeals against decisions of the Danish Environmental Protection Agency under this Order cannot be made to any other administrative authority.

Monitoring

§ 113. The Danish Utility Regulator shall monitor and analyse the fees set by the municipal council in accordance with § 9p(15) of the Act.

(2) The Danish Utility Regulator shall draw up an annual report, starting in 2027, comparing the fees set by the municipal councils pursuant to § 9(15) of the Act for the previous year. The report shall be published on the Danish Utility Regulator's website.

Chapter 22

Penal provisions

§ 114. Unless a higher penalty is due under the other legislation, a fine shall be imposed on any person who

- 1) makes available packaging in violation of § 4;
- 2) makes available packaging in violation of § 5(1);
- 3) makes available packaging in violation of § 6;
- 4) fails to allow sampling, cf. § 7(1);
- 5) fails to submit a report to the Danish Environmental Protection Agency, cf. § 7(2);
- 6) fails to provide information, cf. § 7(3);
- 7) makes available packaging in violation of § 8;
- 8) manufactures and repairs plastic crates and plastic pallets contrary to § 9;
- 9) uses plastic crates and plastic pallets in a closed and controlled chain contrary to § 10;
- 10) fails to submit information, cf. § 11;
- 11) fails to charge a minimum price of DKK 4 per bag, cf. § 12;
- 12) fails to provide documentation at the request of the Danish Environmental Protection Agency, cf. § 13;
- 13) fails to hold or provide information as specified in Annex 4, cf. § 14;
- 14) fails to provide documentation at the request of the Danish Environmental Protection Agency, cf. § 14(2);
- 15) fails to contribute to obtaining information or documentation, cf. § 15;
- 16) fails to provide information and documentation, cf. § 15;
- 17) fails to comply with an injunction under § 16;
- 18) fails to comply with Danish Environmental Protection Agency decisions in accordance with § 17,
- 19) labels packaging contrary to of § 18;
- 20) fails to be in possession of information, cf. § 19(1) and (3);
- 21) fails to provide information at the request of the Danish Environmental Protection Agency, cf. § 19(2) and (4);
- 22) makes packaging available without having registered as a producer or collective scheme, cf. §§ 79 and 80, in accordance with § 21;
- 23) as a producer or collective scheme, cf. §§ 79 and 80, provides false or misleading information pursuant to § 22(1)-(3);

- 24) as a producer or collective scheme, cf. §§ 79 and 80, fails to register changes in accordance with § 24(1);
- 25) as a producer or collective scheme, cf. §§ 79 and 80, fails to register cessation of being a producer of packaging in accordance with § 25;
- 26) as a producer or collective scheme, cf. §§ 79 and 80, fails to report information or provides false or misleading information pursuant to §§ 27-31, or fails to report in accordance with Data Centre for Circular Economy's instructions in accordance with § 34;
- 27) as a collective scheme, cf. § 78, point 4, fails to take over and ensure waste management of municipally-collected waste transferred in accordance with § 46(1);
- 28) as a collective scheme, cf. § 78, point 15, fails to provide information to the municipal council on collected quantities pursuant to § 47;
- 29) as a collective scheme, cf. § 78, point 6 fails to calculate the amount that the producer must pay to the municipal council in accordance with § 49, paragraph 1;
- 30) as a collective scheme, cf. § 78, point 7, fails to send the calculation for payment for non-packaging waste to the municipal council within a reasonable time, cf. § 49(2);
- 31) as a collective scheme, cf. § 78, point 8, fails, at the request of the municipal council or the supervisory authority, to provide further documentation pursuant to § 49(3);
- 32) as a collective scheme, cf. § 78, point 9, fails to pay the amount that the municipal council is charging pursuant to § 51, paragraph 2;
- 33) as a collective scheme, cf. § 78, point 11, fails to repay a balance to the municipal council, if a change in the key figures means that the municipal council has a receivable, see § 53, paragraph 2;
- 34) as a collective scheme, cf. § 78, point 13, fails to calculate a balance in accordance with § 50(3), point 1, or fails to ensure that the payment or collection of the balance is accompanied by the calculation and statement in accordance with Annex 11, cf. § 53(3), point 2;
- 35) as a collective scheme, see § 78, point 14, fails to provide further documentation for the balance to the municipal council or the supervisory authority at their request, see § 53(4);
- 36) as a collective scheme, cf. § 78, point 16, fails to draw up an annual statement of payments and collections made, as well as the producer's actual costs and revenues, in accordance with § 54(1);
- 37) as a collective scheme, cf. § 78, point 17, fails to submit the annual statement, cf. § 54(1), to the Danish Environmental Protection Agency in accordance with § 54(2) point 1, or fails to submit the documentation relevant to the annual statement to the Danish Environmental Protection Agency at its request, cf. § 54(2), point 2;
- 38) as a collective scheme, cf. § 78, point 19, fails to ensure that requests for payment for commercial packaging waste can be made in an easily accessible manner via commonly used means of communication, cf. § 62(1);
- 39) as a waste-producing enterprises provides false or misleading information and documentation in connection with a request for payment, cf. § 62(2);
- 40) as a collective scheme, cf. § 78, point 20, fails to calculate, in accordance with § 63(1), the amount that the producer must pay to the waste-producing enterprise or the municipal council for the management of commercial packaging waste;
- 41) as a collective scheme, cf. § 78, point 21, fails to pay the calculated amount to the waste-producing enterprise or the municipal council in accordance with § 63(2), point 1;
- 42) as a collective scheme, cf. § 78, point 22, fails to inform the waste-producing enterprise or the municipal council within a reasonable time in accordance with § 63(2), point 2;
- 43) as a collective scheme, cf. § 78, point 23, fails to provide security on behalf of the producer, cf. § 68;
- 44) as a collective scheme, cf. § 78, point 24, fails to provide security in accordance with the instructions of the Data Centre for Circular Economy and to provide documentation that the security has been provided correctly, cf. § 70(2);
- 45) fails to register for a new collective scheme pursuant to § 77(3);
- 46) as a producer or collective scheme, cf. § 80(6), fails to take back reusable packaging, cf. § 65;
- 47) as a producer or collective scheme, cf. § 80(6), takes back packaging waste contrary to § 66;
- 48) as a producer or collective scheme, cf. § 80(5), fails to inform an end-user of packaging of how take-back may take place, cf. § 67;
- 49) fails to register for a collective scheme, cf. § 77(1) and (2);

- 50) as a collective scheme, fails to ensure compliance with the requirements of § 81;
- 51) as a collective scheme, fails to register in the producer register in accordance with § 82;
- 52) as a collective scheme fail to modulate producers' financial contributions in accordance with Annex 14, cf. § 83,
- 53) as a collective scheme, fails to deduct quantities taken back, by setting scaled contributions, cf. § 84;
- 54) as a collective scheme, fails to publish information on the website of the collective scheme in accordance with § 85;
- 55) as a collective scheme, cf. § 78, point 26, fails to ensure high actual recycling, cf. § 76(1) and (2);
- 56) as a collective scheme, cf. § 78, point 27, or waste-producing enterprise, fails to document recycling, cf. § 76(4);
- 57) as a producer or collective scheme, cf. § 80, point 7, fails to carry out self-monitoring of the obligations referred to in § 87(1), points 1, 3 and 4;
- 58) as a producer, fails to carry out self-monitoring in accordance with §§ 86 and 87;
- 59) as a collective scheme, fails to carry out self-monitoring in accordance with § 88;
- 60) fails to stop the making available of packaging following an order from the Danish Environmental Protection Agency, cf. § 109;
- 61) fails to comply with an order from the supervisory authority to provide documents, data, specifications or information under § 109;
- 62) fails to comply with the supervisory authority's order to change or remove content of an online interface under § 111.

(2) The penalty may increase to 2 years' imprisonment if the infringement was committed wilfully or through gross negligence, and said infringement:

- 1) caused damage to or endangered the environment; or
- 2) achieved or was intended to achieve a financial benefit for the party concerned or for others, including through savings.

(3) Companies etc. (legal persons) may be rendered criminally liable in accordance with the provisions in Chapter 5 of the Criminal Code.

Chapter 23

Entry into force and transitional provisions

§ 115. This Order shall enter into force on 31 December 2024, without prejudice to (2).

(2) §§ 42, 46, 47, 49-52, 53, 54, 61, 65-67, 76, 78, points 1-21 and 24-26, § 81, points 5-7, §§ 83, 84, 88, points 1, 2, 4 and 5 and § 89, points 1 and 2, of the Order shall take effect from 1 October 2025.

(3) Order No 466 of 16 May 2024 on the registration and reporting of packaging is hereby repealed.

(4) Order No 1271 of 6 June 2021 on certain requirements for packaging is repealed.

[Main signatory]

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/[Co-signatory]

Additional criteria for classifying products as packaging, cf. § 1(2) of the Order

I. 3 criteria

Criterion 1: Articles are considered to be packaging if they meet the definition in § 1(2), irrespective of other functions that the packaging may have, unless the article constitutes an integrated part of a permanent product which is necessary to contain, support or preserve this product throughout its useful life and all elements are intended for use, consumption or disposal together.

Criterion 2: Articles which are designed and intended to be filled at the point of sale and disposable articles which are sold filled or which are designed and intended to be filled at the point of sale are considered to be packaging, providing they fulfil a packaging function.

Criterion 3: Packaging components and auxiliary elements integrated into the packaging shall be considered as part of the packaging into which they are integrated. Ancillary elements which are attached to the product directly or otherwise affixed to the product and which fulfil a packaging function shall be considered as packaging, unless they form an integral part of that product and all elements are intended for consumption or disposal.

II. Examples of the 3 criteria

1. Examples of criterion 1:

1) Packaging

- a) Confectionery boxes.
- b) Cellophane wrapping for a CD.
- c) Plastic wrapping for the dispatch of catalogues and magazines (with content).
- d) Paper cake napkins (with cake).
- e) Rolls, tubes and drums around which flexible material is wound (such as plastic foil, aluminium or paper), although not rolls, tubes and drums which form part of a production machine and are not used to present a product as a unit of sale.
- f) Flower pots intended exclusively for the sale and transport of plants and not to hold the plant throughout its life.
- g) Glass bottles for injection fluid.
- h) CD spindles (which are sold with CDs but are not intended for the storage of the CDs).
- i) Clothes hangers (sold with a garment).
- j) Boxes of matchsticks.
- k) Sterile barrier systems (wrapping, trays and materials necessary to keep a product sterile).

l) Capsules for beverages (e.g. coffee, cocoa, milk) which are empty after use.

m) Refillable steel cylinders for different kinds of gas, with the exception of fire extinguishers.

2) *Not packaging*

a) Plant pots which are designed to contain a plant throughout its life.

b) Tool boxes.

c) Tea bags.

d) Wax crusts on cheese.

e) Sausage rind.

f) Hangers for clothes (sold separately).

g) Coffee capsules, coffee foil bags and filter paper coffee pads which are thrown away together with the used coffee product.

h) Printer cartridges.

i) CD, DVD and video covers (sold together with a CD, DVD or video).

j) CD spindles (sold without content, designed for the storage of the CDs).

k) Soluble bags for detergents.

l) Memory lights (holders for candle lights).

m) Mechanical grinders (integrated in a refillable container, such as a refillable pepper pot).

2. Examples of criterion 2:

1) *Packaging, if it is designed and intended to be filled at the point of sale*

a) Paper or plastic carrier bags.

b) Single-use plates and cups.

c) Plastic foil.

d) Food package bags.

e) Aluminium foil.

f) Plastic film for clean laundromat laundry.

2) *Not packaging*

- a) Stirrers.
- b) Disposable cutlery.
- c) Wrapping paper (sold separately).
- d) Paper baking forms (without contents).
- e) Paper cake napkins (without cake).

3. Examples of criterion 3:

1) Packaging

- a) Labels hung directly on a product or otherwise affixed to it.

2) Part of packaging

- a) Mascara brush which is a part of the container's closing mechanism.
- b) Self-adhesive labels affixed to another packaging item.
- c) Staples.
- d) Plastic band rolls.
- e) Dosing device which is a part of the closing mechanism of a washing and cleaning agent container.
- f) Mechanical grinders (integrated in a non-refillable container filled with a product, e.g. a pepper mill filled with pepper).

3) Not packaging

- a) RFID labels (for radio frequency identification).

Main requirements for the composition of packaging and the possibilities for recycling and recovery, including reuse, cf. § 4 of the Order.

1. Requirements for the manufacture and composition of packaging

- 1) Packaging is to be manufactured in such a way that the packaging's volume and weight is reduced to the minimum which is required to preserve the packaged product and to provide consumers with the required safety, hygiene and acceptance level.
- 2) Packaging shall be designed, manufactured and placed on the market in such a way that it can be reused or recovered, including recycled, and that its impact on the environment is minimised during the final disposal of packaging waste or residues from packaging waste management.
- 3) Packaging shall be so manufactured that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimised with regard to their presence in emissions, ash or leachate when packaging or residues from the management of packaging waste are incinerated or landfilled.

2. Requirements relating to recovery of packaging

- 1) Recovery of packaging in the form of material recycling.

The packaging is to be manufactured in such a way that it is possible to recycle a specific percentage by weight of the materials used in the manufacture of saleable products, the current standards in the Community being taken into consideration. The setting of this percentage can vary, depending on what type of material the packaging consists of.

- 2) Recovery of packaging in the form of energy recovery.

Packaging waste which is manufactured such that energy can be recovered at end-of-life, is to have a minimum lower calorific value that ensures optimal energy recovery.

- 3) Recovery of packaging in the form of composting.

Packaging waste processed for composting shall be biodegradable to such an extent that it does not impede separate collection nor the composting process or activity to which the waste is subject.

- 4) Biodegradable packaging.

Biodegradable packaging waste is to be able to be degraded physically, chemically, thermally or biologically in such a way that most of the compost is finally degraded to carbon dioxide, biomass and water.

**Requirements for information on the content of materials, substances and components in packaging,
cf. § 14(1) of the Order**

Documentation, which producers and importers according to § 14(1) must be in possession of:

- 1) Address of manufacturing and storage sites.
- 2) A general description of the packaging.
- 3) Lists of materials, substances, components, etc. used and their weight distribution, including the weight content of lead, cadmium, mercury and hexavalent chromium in the packaging.
- 4) The necessary descriptions and explanations to understand the lists specified in point 3.

Labelling of packaging, cf. § 18 of the Order**A. Number and abbreviation system for non-composite materials, cf. § 18 of the Order**

Material	Abbreviation ⁽¹⁾	Number
Polyethylene terephthalate	PET	1
High density polyethylene	HDPE	2
Polyvinyl chloride	PVC	3
Low density polyethylene	LDPE	4
Polypropylene	PP	5
Polystyrene	PS	6
Corrugated cardboard	PAP	20
Other cardboard	PAP	21
Paper	PAP	22
Steel	FE	40
Aluminium	ALU	41
Wood	FOR	50
Cork	FOR	51
Cotton	TEX	60
Jute	TEX	61
Clear glass	GL	70
Green glass	GL	71
Brown glass	GL	72

⁽¹⁾ Abbreviations must be written in capital letters.

B. Number and abbreviation system for composite materials, cf. § 18 of the Order

Materials	Number
Paper and cardboard/different metals	80
Paper and cardboard/plastics	81
Paper and plastic/aluminium	82
Paper and cardboard/tinplate	83
Paper and cardboard/plastic/aluminium	84
Paper and cardboard/plastic/aluminium/tinplate	85
Plastic/aluminium	90
Plastic/tinplate	91
Plastic/different metals	92
Glass/plastic	95
Glass/aluminium	96
Glass/tinplate	97
Glass/different metals	98

Abbreviation: When shortening composite materials, write C plus the abbreviation for the predominant material. The abbreviation must be written in capital letters. Example: C/PAP.

Information to be provided in connection with the registration of producers and their representatives, if any, cf. § 22(1) and (2) of the Order

Common to all producers:

- 1) The company's name under which the company makes packaging available.
- 2) Address of the company (street name and number, postal code and city, country and country code), URL, telephone number and e-mail address.
- 3) CVR number. For foreign companies that are not registered in the Central Business Register, CVR, the company's VAT number, European VAT identification number or national VAT registration number should be provided instead of CVR number.
- 4) Contact person in the company, who must be employed in the same company: Name, telephone number and email address.
- 5) Any representative of the company in Denmark: Name, address (street name and number, postal code, city and country), e-mail address, CVR number and telephone number. If the representative is a legal person, the name, address (street name and number, postal code and city), telephone number and e-mail address of the contact person of the representative shall also be provided.
- 6) Type of packaging, including whether the producer makes single-use packaging or reusable packaging available.
- 7) Selling method used. For companies with a CVR number, if distance selling is used as a sales method.
- 8) Declaration that the information provided in the request for registration is correct.
- 9) To the extent that Dansk Producentansvar can retrieve the information via CVR, only the contact person, cf. No 4, shall be stated, instead of Nos 1 and 2.

For producers of single-use packaging:

- 10) Which collective scheme the producer is a member of. One collective scheme per material category shall be indicated.

For producers of reusable packaging:

- 11) Which collective scheme the producer is a member of if the producer is a member of a collective scheme. One collective scheme per material category may be specified.

Material categories, cf. §§ 26, 27, 33, 37, 56 and 61

1. Cardboard
2. Paper
3. Ferrous metals
4. Aluminium
5. Glass
6. Plastic
7. Food and beverage cartons
8. Wood
9. Textile, porcelain, cork and ceramics
10. Others

Waste fractions, cf. §§ 29 and 30 of the Order

1. Cardboard packaging waste
2. Paper packaging waste
3. Metal packaging waste, including ferrous metal packaging waste and aluminium packaging waste
4. Glass packaging waste
5. Plastic packaging waste
6. Food and beverage carton packaging waste
7. Wood packaging waste
8. Packaging waste properly sorted as residual waste
9. Packaging waste in hazardous waste

Distribution keys, cf. §§ 29, 30, 49, 62 and 98

Distribution keys indicate the distribution of packaging waste and other waste collected with the packaging waste ('non-packaging waste') for a given waste fraction as well as the distribution between waste fractions in the case of combined collection, e.g. the proportion of cardboard and paper respectively in a scheme with combined collection of cardboard and paper. The distribution keys are shown in Tables 1-6.

2. Distribution keys for municipally-collected waste

Distribution keys for municipally-collected waste are set out in Tables 1 to 3.

Table 1 concerns distribution keys for packaging waste and non-packaging waste in municipally-collected waste from pick-up schemes. Table 2 concerns distribution keys for waste fractions in municipally-collected waste collected through combined collection. Table 3 concerns distribution keys for household waste in drop-off schemes.

Table 1. Distribution keys for packaging waste and non-packaging waste per waste fraction for municipally-collected waste collected through pick-up schemes

Waste fraction	Packaging waste	Non-packaging waste
Paper	2 %	98 %
Cardboard	88 %	12 %
Plastic	51 %	49 %
Food and beverage cartons	54 %	46 %
Metal	33 %	67 %
Glass	97 %	3 %
Residual waste	3 %	97 %
Hazardous waste	12 %	88 %

Table 2. Distribution keys for waste fractions in municipally-collected waste from pick-up schemes, which collect through combined collection.

Combined waste fraction	Allocation
Cardboard/paper	70 % cardboard / 30 % paper
Plastic/Food and beverage carton	80 % plastic / 20 % food and beverage carton
Plastic/Food and beverage carton/metal	54 % plastic / 23 % food and beverage carton / 23 % metal
Glass/metal	75 % glass / 25 % metal

Table 3. Distribution keys for packaging waste and non-packaging waste in municipally-collected waste collected through recycling centres

Waste fraction	Packaging waste	Non-packaging waste
Paper	2 %	98 %
Cardboard	88 %	12 %
Glass	97 %	3 %
Household-like plastic collected as in pick-up scheme	51 %	49 %
Interior wood	84 %	16 %
Hazardous waste	12 %	88 %

3. Distribution keys for commercial waste

Distribution keys for commercial waste are shown in Tables 4-6 below. If a waste-producing enterprise makes use of combined collection, cf. § 61 of the Order on waste, the waste-producing enterprise shall use distribution keys for combined collection as drawn up for municipally-collected waste, cf. Table 2 above, and use distribution keys for packaging waste and non-packaging waste in Tables 4 to 7.

Table 4. Distribution keys for packaging waste and non-packaging waste collected from industry and manufacturing

Waste fraction	Packaging waste	Non-packaging waste
Paper	32 %	68 %
Cardboard	95 %	5 %
Plastic	87 %	13 %
Food and beverage cartons	67 %	33 %
Metal	35 %	65 %
Glass	87 %	13 %
Residual waste	4 %	96 %
Wood	73 %	27 %
Hazardous waste	12 %	88 %

Table 5. Distribution keys for packaging waste and non-packaging waste collected from offices

Waste fraction	Packaging waste	Non-packaging waste
Paper	11 %	89 %
Cardboard	96 %	4 %
Plastic	60 %	40 %
Food and beverage cartons	67 %	33 %
Metal	51 %	49 %
Glass	92 %	8 %
Residual	5 %	95 %
Wood	73 %	27 %
Hazardous waste	12 %	88 %

Table 6. Distribution keys for packaging waste and non-packaging waste collected from retail

Waste fraction	Packaging waste	Non-packaging waste
Paper	34 %	66 %
Cardboard	95 %	5 %
Plastic	88 %	12 %
Food and beverage cartons	53 %	47 %
Metal	19 %	81 %
Glass	100 %	0 %
Residual waste	2 %	98 %
Wood	73 %	27 %
Hazardous waste	12 %	88 %

Table 7. Distribution keys for packaging waste and non-packaging waste collected from hotels, restaurants, and culture

Waste fraction	Packaging waste	Non-packaging waste
Paper	5 %	95 %
Cardboard	92 %	8 %
Plastic	81 %	19 %
Food and beverage cartons	67 %	33 %
Metal	49 %	51 %
Glass	95 %	5 %
Residual waste	5 %	95 %
Wood	73 %	27 %
Hazardous waste	12 %	88 %

Guidelines for the calculation of the allocation of obligations for municipally-collected waste, cf. §§ 42 and 48(2) of the Order.**1. Market share of producers**

The Data Centre for Circular Economy uses the reported quantities pursuant to § 27 made available by each producer in Denmark in the reporting period concerned to calculate the respective market share of each registered producer for household packaging.

Producers' market share shall be the producer's share of the total reported volumes of household packaging made available for the previous calendar year. In the subsequent allocation, the quantities of waste which the producer has taken back under their own take-back scheme, cf. § 66, and which have been reported pursuant to § 29, shall be deducted.

2. Allocation of municipally-collected waste to be transferred, cf. § 42

The Data Centre for Circular Economy shall, on the basis of the calculated market shares, see § 1, assign a producer the organizational responsibility for, and the physical obligation to manage one or more waste fractions, which are transferred from one or more municipal councils.

When calculating allocations, the Data Centre for Circular Economy shall, as far as possible, take into account the following considerations:

- 1) That waste fractions collected in combination or otherwise mixed together in connection with municipal collection, including collection across municipalities, are not physically divided before being transferred to the collective scheme.
- 2) All waste fractions from a municipal council are assigned to the same collective scheme.

3. Allocation of payment obligations for municipally-collected packaging waste, cf. § 43

On the basis of the calculated market shares, cf. Section 1, the Data Centre for Circular Economy shall assign a producer a payment obligation for the municipal council's collection, transport and processing of packaging waste.

When allocating payment obligations under § 36, the Data Centre for Circular Economy shall, as far as possible, make the allocation depend on which producer, including its collective scheme, is allocated to it the physical obligation under § 35.

4. Other allocation guidelines**4.1. Producers that start making packaging available within an applicable allocation period**

The Data Centre for Circular Economy does not calculate market shares nor does it make decisions on allocations for those producers who start making household packaging available during an applicable allocation period.

The Data Centre for Circular Economy calculates the market share and decides on allocation for the subsequent allocation period on the basis of the amount made available by the producer for the allocation period during which the producer starts making available household packaging. The amount is multiplied by two.

4.2. Producers ceasing to make packaging available within an applicable allocation period

The Data Centre for Circular Economy calculates a producer's market share, but only assigns a payment obligation, cf. § 36, for the subsequent allocation period, on the basis of the quantities of packaging made available until the end of the current allocation period. A producer who has ceased to make packaging available within an applicable allocation period will thus not be included in the calculation of the physical allocation under § 35.

Guidelines for the calculation of the allocation of payment obligations for commercial packaging waste, cf. § 55(1) of the Order**1. Market share of producers of commercial packaging**

The Data Centre for Circular Economy uses the reported quantities pursuant to § 27 made available by each producer in Denmark in the reporting period concerned to calculate the respective market share of each registered producer for commercial packaging.

Producers' market share shall be the producer's share of the total reported volumes of made-available [household] packaging for the previous calendar year. In the subsequent allocation, the quantities of waste which the producer has taken back under their own take-back scheme, cf. § 66, and which have been reported pursuant to § 29, shall be deducted.

2. Allocation of payment obligations for commercial packaging waste, cf. § 55

On the basis of the calculated market shares, cf. Section 1, the Data Centre for Circular Economy shall assign a producer a payment obligation for commercial packaging waste that has been handled in accordance with § 55.

3. Other allocation guidelines**3.1. Producers starting to make available commercial packaging within an applicable allocation period**

The Data Centre for Circular Economy does not calculate market shares nor does it make decisions on allocations for those producers of commercial packaging who start making commercial packaging available during an applicable allocation period.

The Data Centre for Circular Economy calculates the market share and decides on allocation for the subsequent allocation period on the basis of the amount made available by the producer for the allocation period during which the producer starts making available commercial packaging. The amount is multiplied by two.

3.2. Producers ceasing to make commercial packaging available within an applicable allocation period

The Data Centre for Circular Economy calculates a producer's market share for the subsequent allocation period on the basis of the quantities made available until the end of the current allocation period.

Guidelines for the calculation of amounts for payment and annual statement of payments and costs for the producer's management of municipally-collected non-packaging waste, including key figures, cf. § 49(1) and (3) and § 53(3) and (4) of the Order

1. Guidelines for the producer's calculation of amounts to be paid for the further management of municipally-collected non-packaging waste, including key figures

The producer shall calculate the amount of the payment for the further transport and processing of municipally-collected non-packaging waste, cf. § 49, which is collected or paid to the municipal council.

1.1. Formula for calculating the cost of payment for non-packaging waste

The producer shall calculate the amount of the payment for separately collected waste fractions on the basis of the following formula:

$$\begin{aligned} \text{amount to be paid} = & \\ & \text{number of tonnes} * \text{key figure for waste processing} * \text{distribution key for non-packaging share} \\ & + \text{number of kilometres} * \text{key figure for waste transport} * \text{distribution key for non-packaging share} \\ & + \text{number of hours of administration} * \text{hourly rate} \end{aligned}$$

The producer shall calculate the amount of the payment for waste fractions collected in combination on the basis of the following formula:

$$\begin{aligned} \text{amount to be paid} = & \\ & \text{Distribution key for weight distribution of combined fraction} \\ & * (\text{number of tonnes} * \text{key figure for waste processing} * \text{distribution key for non-packaging share} \\ & + \text{number of kilometres} * \text{key figure for waste transport} * \text{distribution key for non-packaging share} \\ & + \text{number of hours of administration} * \text{hourly rate}) \end{aligned}$$

The number of tonnes is the amount of waste taken over from the municipal council.

The number of kilometres is calculated for the total transport length of a waste fraction, including if the transport takes place in several stages. The producer calculates the number of kilometres www.krak.dk following the fastest route and comparing it with the number of loads of waste carried. If the producer has a contractor handling the waste management, including transport, the producer must obtain the necessary data on waste transport from the contractor.

The number of administration hours is the hours spent on the producer's calculation and collection of payment for the further management of municipally-collected non-packaging waste. The producer must use the current hourly rate at the time of the calculation, which will appear on the Danish Environmental Protection Agency website www.mst.dk. The hourly price is determined on the basis of current hourly prices for labour costs from Statistics Denmark.

The key figure for waste management is an overall market price for all stages of waste management, including the pre-processing and marketing of waste materials, but excluding waste transport.

The producer shall use the current key figures for transport and processing, which appear on the website of the Danish Environmental Protection Agency at the time of the calculation; www.mst.dk. There are different key figures for separately collected waste and waste collected through combined collection, cf. the formulae above. The Danish Environmental Protection Agency shall establish key figures for processing and transport on the basis of base numbers from current market prices, which are regularly updated, including by using relevant indices for sales prices.

For all fractions, the producer shall use the distribution keys for packaging vs. non-packaging set out in Table 1 and Table 3 of Annex 8. In addition, for combined fractions, the producer shall use the distribution keys for waste fractions set out in Table 2 of Annex 8.

2. Producer's annual statement of payments and costs

The annual statement of payments, charges and costs for the further transport and waste processing of non-packaging waste submitted to the Danish Environmental Protection Agency annually, cf. § 54, shall be drawn up separately for each municipality from which waste has been transferred to the producer.

For each fraction, total annual tonnes, total annual transport distance, and total annual hours of administration are stated. In addition, the actual transport, processing, and administrative costs incurred or earned by the producer in the previous year are calculated both in total and for the proportion of non-packaging waste. Finally, the total annual payment for transport and processing, respectively, which the producer has charged or paid to the municipal council is calculated. The report shall follow the following format.

Table 1: Format for annual statement of costs and payments.

[Insert name of municipality]	[Insert waste fraction 1]	[Insert waste fraction 2]
Number of tonnes of packaging waste		
Number of tonnes of non-packaging waste		
Number of administration hours		
Mileage		
Annual costs for processing of packaging and non-packaging		
Annual cost of transporting packaging and non-packaging		
Annual cost of processing of non-packaging		
Annual cost of transporting non-packaging		
Annual cost of administration		

Annual payments for processing non-packaging		
Annual payments for transport of non-packaging		
Annual payments for administration		

Guidelines on the calculation of amounts to be paid for the management of commercial packaging waste, including key figures, cf. § 63(1) of the Order

1. Guidelines on the calculation of amounts to be paid for the management of commercial packaging waste, including key figures, cf. § 63(1)

The producer calculates the payment for the collection and disposal of commercial waste from waste producers using the formula below.

1.2. Formula for calculation of payment

The producer shall calculate the payment for separately collected waste fractions on the basis of the following formula:

Payment for packaging in case of separate collection=

number of tonnes*distribution key for packaging share*(key figure for collection + key figure for processing)

The producer shall calculate the payment for each waste fraction collected through combined collection using the following formula:

Payment for packaging in case of combined collection=

number of tonnes * distribution key for waste fraction * distribution key for packaging share * (key figure for collection + key figure for processing)

The number of tonnes is the amount of waste for which the waste producer has generated and requested payment within the given payment period.

The key figure for waste management is an overall market price for all stages of waste management after waste collection, including pre-processing, processing, and marketing of waste materials and waste transport.

When calculating the payment, the producer must use key figures for the costs of collection and processing, respectively, to be determined by the Danish Environmental Protection Agency. The producer shall use the current key figures, which appear on the website of the Danish Environmental Protection Agency at the time of the calculation: www.mst.dk, cf. § 64.

The producer shall use the allocation keys for the proportion of packaging and, as appropriate, for combined collection, as set out in Annex 8.

The Danish Environmental Protection Agency shall establish key figures for the collection and processing of commercial waste on the basis of a base number for a current market price for processing and transport, respectively. The base numbers are adjusted on an ongoing basis, including through the use of sales price indices, and multiplied by price efficiency factors in order to adjust the key figure downwards to reflect efficient collection and sales.

Guidelines for the transfer of municipally-collected waste, cf. §§ 41-42 of the Order

1. Transfer location

The municipal council shall, as a starting point, transfer the waste that is covered by § 42 to a location designated by the municipality, see § 43. The municipal council shall provide to the producer at least the following information about the transfer location:

- 1) Address of the transfer location
- 2) Contact information (contact person, telephone, and email address)
- 3) Period during which municipally-collected waste can be collected at the transfer location
- 4) Any special conditions regarding access to the location, e.g. handing out of keys, etc.

The information will be updated as soon as possible if there are changes to the information provided.

The municipal council may, with seven months' notice, designate a new location where the waste is transferred over to the producer who is obliged to take over the waste.

2. Collection conditions

The waste can be collected on an ongoing basis upon request or on a fixed weekday, cf. the terms and conditions for collection in § 2.1.

2.1 Collect on request

A request to collect must be made no later than 12 noon the day before the weekday on which collection requested.

Collection at the location must take place within the period indicated by the municipal council, see § 1(3).

Holidays that fall on weekdays are counted as weekdays.

When requesting collection, the municipal council shall, as far as possible, ensure that the producer can always collect full loads.

Any cancellation of an agreed collection must be made no later than 12 noon the day before the desired collection.

If the municipal council has requested collection, the municipal council will have the right to arrange emergency collection if the producer fails to collect, see the conditions and procedure for doing so in § 2.4.

2.2 Failure to collect

In the event of a delay in collecting, the producer shall inform the municipal council as soon as possible and no later than when the time at which collection should have taken place.

If the producer does not collect the waste in accordance with the set deadline or the agreed fixed collection time, the municipal council shall inform the producer thereof.

The producer must then arrange for collection of the waste within no more than **four hours** after the municipal council has informed about the failure to collect.

If the producer has not collected the waste within the four-hour period, the municipal council may arrange for emergency collection to be carried out by a third party. The municipal council shall inform the Danish Producer Responsibility of the lack of pick-up according to the instructions of the Danish Producer Responsibility.

If it is not indicated in advance where the waste is to be delivered after reloading, the producer must be given the opportunity within the four-hour time limit to designate a waste management facility or a location where the municipal council can have a third party deliver the emergency-collected waste.

The producer must cover the municipal council's costs for the management of packaging waste in connection with emergency collection, including administrative costs.

If the producer does not pay within the payment deadline set by the municipal council, the municipal council may request the Data Centre for Circular Economy to recover the actual costs incurred by the municipal council in connection with emergency collection, from the security provided by the producer. Documentation for this is done in accordance with instructions from the Data Centre for Circular Economy.

2.3 Incorrect sorting at the transfer location

The municipal council must ensure that grossly incorrect sorting is manually sorted before the transfer, as regulated in detail in the Order on waste regulations, fees, and operators, etc.

The municipal council must otherwise ensure that waste is collected and transferred in a way that supports a high level of effective recycling.

3. Requirements for the transfer location

The municipal council's location where the transfer takes place must be easily accessible to vehicles that can load the waste in question.

The municipal council's location must be accessible to the producer for at least eight hours on weekdays.

4. Producer's designation of a waste management facility or transfer location

In cases where the municipal council does not reload a waste fraction in connection with the collection, the waste is handed over at a waste management facility or a location designated by the producer who is obliged to take over the waste.

The municipal council informs the producer about which waste fractions the municipal council does not carry out reloading of.

For these fractions, the producer must designate for the municipal council a waste management facility or a location where the waste can be delivered, no later than two months before an allocation period begins. In this connection, the producer must, as a minimum, provide the following information to the municipal council:

- 1) Address of waste management facility
- 2) Contact information (person, telephone. and email address)
- 3) Period during which municipally-collected waste can be delivered to the waste management facility or location.
- 4) Any special conditions regarding access to the waste management facility, e.g. handing out of keys, etc.

The producer may, with six months' notice, designate a new waste management facility or location where the waste in question is to be transferred.

The waste management facility or location designated by the producer shall be easily accessible to vehicles capable of unloading the waste concerned.

The waste management facility or location must also be accessible to the municipal council for at least eight hours on weekdays.

Criteria, methodologies, and proportions for scaling of contributions for packaging, cf. § 83(1) of the Order

1. Methodology for categorising material subcategories for scaling of contributions

A packaging consists of a main component and potentially separate components. The main component and separate components may have integrated components.

The main component, documented separate components, and integrated components that can be documented as separable from the component on which it is integrated, are categorised independently of each other and according to the component's dominant material based on weight.

If a separate component is not documented, it is categorised in the same material subcategory as the main component and counts towards its weight.

An integrated component shall be documented as separable by separating it by simple mechanical action during transport or sorting from the component it is integrated with.

If it is not documented whether integrated components are separated from the main component [by simple mechanical impact], they are categorised in the same material subcategory as the main component and counts towards its weight.

In the absence of a dominant material, the packaging is categorised according to the material that pays the highest contribution in the collective scheme concerned.

2.1 Methodology and proportion of scaling of material subcategories with three levels, see §§ 3.1, 3.2, 3.3, 3.4 and 3.8

A packaging shall be divided into one of the following levels:

- Green level: Meets the design requirements for green level and none of the design requirements for red level.
- Yellow level: Meets the design requirements for yellow or green level, and none of the design requirements for red level.
- Red level: Meets one or more of the design requirements for red level.

If one design criterion cannot be documented, the packaging is placed in red level.

The collective scheme attributes an additional cost of 35 percent to each producer who makes packaging available at red level, in addition to the calculated operational costs of the producer's made-available packaging for the packaging in red level in a material subcategory. The collective scheme uses the revenues from the additional costs collected in a material subcategory to give a bonus to producers in the same material subcategory who make green-level packaging available. However, the collective scheme must ensure that producers with green-level packaging in the material subcategory pay at least 20 percent of the producer's calculated operational costs for the material subcategory.

Any additional revenues from additional costs collected shall first be allocated to producers in the same material subcategory, which make available yellow-level packaging.

Yellow-level packaging must also pay at least 20 percent of operational costs.

Any additional revenue from additional costs collected is then allocated to producers in the same material subcategory, which make packaging available at red level.

2.2 Methodology and proportion of scaling of material subcategories with two levels, see §§ 3.5, 3.6, 3.7, 3.9 and 3.10

A packaging shall be divided into one of the following levels:

- Green level: Meets the design requirements for green level and none of the design requirements for red level, within the individual material subcategory of packaging. Red level: Meets one or more of the design requirements for red level.

If one design criterion cannot be documented, the packaging is placed in red level.

The collective scheme attributes an additional cost of 35 percent to each producer who makes packaging available at red level, in addition to the calculated operational costs of the producer's made-available packaging for the packaging in red level in a material subcategory.

The collective scheme uses the revenues from the additional costs collected in a material subcategory to give a bonus to producers in the same material subcategory who make green-level packaging available. However, the collective scheme must ensure that producers with green-level packaging in the material subcategory pay at least 20 percent of the producer's calculated operational costs for the material subcategory.

Any additional revenue from additional costs collected is allocated to producers in the same material subcategory, which make packaging available at red level.

3.1 Design criteria for the flexible plastic material subcategory

Includes packaging containing predominant plastics, made of flexible foils, laminates, multilayer material and flexible plastics. Flexible plastics can be made of a single type of plastic or composed of many different materials, e.g. polyethylene (PE), polypropylene (PP), polyethylene terephthalate (PET), nylon (PA), fibre-based materials and aluminium, etc.

Main component:

	Green level	Yellow level	Red level
Material	- Exceeding or equal to 90 % by weight of PP single or multi-layer material or - Exceeding or equal to 95 % by weight of PE single or multi-layer material	- Mixture of PE and PP of more than or equal to 90 % by weight of PE/PP	- biodegradable plastic And/or - All other materials e.g. mono-PS, multi-layer foils with mixed materials e.g. PET, PVC, PS, paper
Density	- Density of PE or PP less than or equal to 1 g/cm ³	- Density of PE or PP less than or equal to 1 g/cm ³	- Density of material exceeding 1 g/cm ³
Colour	- Uncoloured or - Added colour without carbon black	- Uncoloured or - Added by colour without carbon black	- Added colour containing carbon black

Barriers	<ul style="list-style-type: none"> - No barrier Or any of the following: - PVOH - SiOx - AlOx - Acrylic - Metallization (0.02-0.05 µm) - EVOH without binder or compatible binder with less than or equal to 5 % by weight of the whole main component 	- Other barriers with less than or equal to 5 % by weight of the whole main component	<ul style="list-style-type: none"> - Material with PVC or PVdC and/or - Other barrier with more than 5 % by weight of the whole main component
Adhesives for multi-layer materials	- Less than or equal to 5 % by weight of the total weight of the main component	- Less than or equal to 7 % by weight of the total weight of the main component	- More than 7 % by weight of the total weight of the main component

Main component and integrated component

	Green level	Yellow level	Red level
Printing ink for labelling and decorating foil	<ul style="list-style-type: none"> - No printing and/or - Printing complies with current EuPIA* list of printing inks 	<ul style="list-style-type: none"> - No printing and/or - Printing complies with current EuPIA* list of printing inks 	- Does not comply with current EuPIA* list of printing inks
Recycled content from PCR plastic	- More than or equal to 20 % by weight of recycled plastics by total weight of packaging excluding contact sensitive products	<ul style="list-style-type: none"> - Less than 20 % by weight of recycled plastics by total weight of packaging excluding contact sensitive products or - None 	

3.2 Design criteria for the hard plastic material subcategory

Covers packaging made of all types of hard plastics, e.g. polyethylene, polypropylene, polystyrene. Though, excluding hard polyethylene terephthalate (PET). Hard plastics can be made of a single type of plastic or composed of different types of materials.

Main component:

	Green level	Yellow level	Red level
Material	<ul style="list-style-type: none"> - Exceeding or equal to 95 % PP by weight <p>or</p> <ul style="list-style-type: none"> - Exceeding or equal to 99 % PE by weight 	<ul style="list-style-type: none"> - Less than or equal to 30 % PE by weight in PP main component <p>or</p> <ul style="list-style-type: none"> - Less or equal to 5 % PP by weight in PE main component 	<ul style="list-style-type: none"> - biodegradable plastic <p>and/or</p> <ul style="list-style-type: none"> - All other materials of mono or mixed materials
Density	<ul style="list-style-type: none"> - Density of PP or PE less than or equal to 0.97 g/cm³ 	<ul style="list-style-type: none"> - Density of PP or PE less than or equal to 0.97 g/cm³ 	<ul style="list-style-type: none"> - Density of material exceeding 0.97 g/cm³
Colour	<ul style="list-style-type: none"> - Uncoloured <p>or</p> <ul style="list-style-type: none"> - Added colour without containing carbon black 	<ul style="list-style-type: none"> - Uncoloured <p>or</p> <ul style="list-style-type: none"> - Added colour without containing carbon black 	<ul style="list-style-type: none"> - Added colour containing carbon black
Barriers	<ul style="list-style-type: none"> - No barrier <p>Or any of the following:</p> <ul style="list-style-type: none"> - AlO_x - SiO_x - EVOH without binder or with compatible binder with less than or equal to 6 % by weight of the whole main component 	<ul style="list-style-type: none"> - Barriers other than those specified in 'green' or 'red' <p>and/or</p> <ul style="list-style-type: none"> - EVOH with compatible binder, exceeding 6 % by weight of the entire main component 	<ul style="list-style-type: none"> - Any of the following: - PA - PVC - PVdC - EVOH with non-compliant binder

Integrated component

	Green level	Yellow level	Red level
All	<ul style="list-style-type: none"> - No integrated component <p>or</p> <ul style="list-style-type: none"> - Integrated component of the same material as the main component with a density of integrated component of less than 1 g/cm³ <p>and/or</p> <ul style="list-style-type: none"> - Material of PE label for PP main component or PP label for PE main component shall be removed by washing at less than or equal to 40 degrees Celsius 	<ul style="list-style-type: none"> - Material of integrated component of PE, PP or PE/PP with density less than 1 g/cm³ <p>and/or</p> <ul style="list-style-type: none"> - Material with density greater than or equal to 1 g/cm³ e.g. PET, PETG, PLA, PS 	<ul style="list-style-type: none"> - Material of other plastics with a density of less than 1 g/cm³ <p>and/or</p> <ul style="list-style-type: none"> - Material with metal or metallization <p>and/or</p> <ul style="list-style-type: none"> - Material with fibre or paper - And/or - Material with PVC

			and/or - biodegradable plastic
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Main component and integrated component

	Green level	Yellow level	Red level
Recycled content from PCR plastic	- More than or equal to 20 % by weight of recycled plastics by total weight of packaging excluding contact sensitive products	- Less than 20 % by weight of recycled plastics by total weight of packaging excluding contact sensitive products or - None	

3.3 Design criteria for the material subcategory foam plastics

Covers packaging made of all types of foam plastics, for example for transport protection or insulation, e.g. EPS (expanded polystyrene), XPS (extruded polystyrene), EPP (expanded polypropylene), PUR (polyurethane) and similar materials. For foam plastic, the dominant material is foam plastic, but the packaging can be composed of different materials.

Main component:

	Green level	Yellow level	Red level
Material	- Exceeding or equal to 95 % by weight of EPS, mono EPS, potentially coated with PS or - Exceeding or equal to 95 % by weight of EPP, mono EPP, potentially coated with PP	- Exceeding or equal to 90 % by weight of EPS, potentially coated with PS or - Exceeding or equal to 90 % by weight of EPP, potentially coated with PP	- Other foamed materials, mixes, or mono-materials e.g. XPS, PUR PVC and/or - Biodegradable plastic
Additives	- No additives or - Stabilizers and/or - Antioxidants and/or - Lubricants and/or - Peroxides	- No additives or - Stabilizers and/or - Antioxidants and/or - Lubricants and/or Peroxides	- Mineral fillers and/or - Other additives e.g. flame retardant, plasticizer and/or - Content that gives bio/oxo/photodegradable properties

Colour	<ul style="list-style-type: none"> - Uncoloured or - EPS in white and EPS can be added graphite (grey colour) or - EPP in white, grey, black 	- Other colours	
Ink and coverage	<ul style="list-style-type: none"> - None or - Ink follows EuPIAa's list and/or - Laser marking and/or - Printing ink less than 25 percent coverage of outer surface 	- Printing ink less than 50 percent coverage of outer surface	<ul style="list-style-type: none"> - Printing ink that does not follow EuPIA's list and/or - Printing ink equal to or greater than 50 percent coverage of the outer surface

Integrated component

	Green level	Yellow level	Red level
All	<ul style="list-style-type: none"> - No integrated component or Material is the same as main component: EPS (PS) or EPP (PP) 	<ul style="list-style-type: none"> - No integrated component or - Material is the same as main component: EPS (PS) or EPP (PP) 	<ul style="list-style-type: none"> - Materials are other than the main component

Main component and integrated component

	Green level	Yellow level	Red level
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<p>Recycled content from PCR plastic</p>	<p>- More than or equal to 20 % by weight of recycled plastics by total weight of packaging excluding contact sensitive products</p>	<p>- Less than 20 % by weight of recycled plastics by total weight of packaging excluding contact sensitive products</p> <p>or</p> <p>- None</p>	
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3.4 Design criteria for the hard PET material subcategory

Includes hard polyethylene terephthalate (PET) packagings which do not fall under the material subcategory flexible plastics. For hard PET, the dominant material is hard PET, but the packaging can be composed of different materials.

Main component

	Green level	Yellow level	Red level
Material	- Exceeding or equal to 98 % PET by weight	- Exceeding or equal to 95 % PET by weight or - PET/PE of less than or equal to 10 % PE by weight	- PET with other materials e.g. PVC, PS, Aluminium, PP, PETG, PET-GAG, expanded PET and/or - Materials that are biodegradable
Additives	- No additives or - Silicone coating content and/or - Anti-blocking masterbatch content and/or - Masterbatch content for impact-strength modification and/or - Content of nucleation masterbatch for controlling crystal formation	- Content of other additives e.g. UV stabilizer; AA blockers; optical bleaching; oxygen scavengers, etc.	- Content that gives bio/oxo or photodegradable properties and/or - Nanocomposite content
Colour	- Uncoloured or - Added colour without carbon black	- Uncoloured or - Added colour without carbon black	- Added colour with carbon black or - Fluorescent colour or - Metallic colour

Barriers	<ul style="list-style-type: none"> - No barrier or - Material with SiOx and/or - Material with PET based barrier 	<ul style="list-style-type: none"> - Material with barrier other than specified in 'green' or 'red' and/or - Material with oxygen scavenger 	<ul style="list-style-type: none"> - Material with EVOH and/or - Material with PA
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Integrated component

All	<ul style="list-style-type: none"> - No integrated components or - Hard PET lids and other components and/or - Flexible plastics of PE or PP with a density of less than 1 g/cm³ 	<ul style="list-style-type: none"> - Material with mixture of PE and PP and/or - Material of flexible PET and/or - Material of foam PET and/or - PET multi-material with and without barrier e.g. PET/EVOH/PE and/or - Pads of bubble wrap or absorbent paper 	<ul style="list-style-type: none"> - Other materials with a density greater than or equal to 1 g/cm³ and/or - Material with fibre or paper and/or - Material with metal layer or metallization and/or - Material with silicone and/or - Material with PVC and/or - Material that is biodegradable plastic
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Main component and integrated component

Recycled content from PCR plastic	<ul style="list-style-type: none"> - More than or equal to 20 % by weight of recycled plastics by total weight of packaging 	<ul style="list-style-type: none"> - Less than 20 % by weight of recycled plastic by total weight of packaging or - None 	
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3.5 Design criteria for the material subcategory glass
Includes glass packaging.

Main component

	Green level	Red level
Material	- Free from ceramic, stone, porcelain, crystal glass, lead glass, quartz, borosilicate glass	- Contains ceramic, stone, porcelain, crystal glass, lead glass, quartz, borosilicate glass
Colour and decoration	- No metallisation of glass and - A light permeability greater than or equal to 10.00 percent at a wavelength of 400 nm to 780 nm, measured at the darkest point on the glass	- Has metallisation of glass and/or - A light permeability of less than 10.00 percent at wavelengths 400 nm to 780 nm, measured at the darkest point on the glass
Adhesive	- No glue on main component or integrated component or - Glue is water washable at less than or equal to 60 degrees Celsius	- Glue is not water washable at less than or equal to 60 degrees Celsius

Integrated component

	Green level	Red level
Label	- No label/sleeve or similar or - Attached a full body sleeve of plastic, bast or textile that takes up less than or equal to 75 % of the outer surface of the packaging without a lid and - The full body sleeve is shrunk so that the foil does not go under the bottom of the bottle and - The label of fibres or plastics takes up less than or equal to 50 percent of the outer surface of the packaging without a lid	- Attached to a full body sleeve made of plastic, bast or textile that occupies more than 75 % of the outer surface of the packaging without a lid, except for product information purposes where specified in other legislation and/or - The full body sleeve is shrunk so that the foil goes under the bottom of the bottle and/or - The label of fibres or plastics occupies more than 50 percent of the outer surface of the packaging without a lid, except for product information purposes where specified in other legislation

3.6 Design criteria for the material subcategory cardboard

Includes fibre-based packaging which is often not flexible e.g. carton, (cartonboard), corrugated cardboard and similar materials, which are produced in a cardboard production process. Carton typically has a weight between 180 grams/m² to 400 grams/m². Cardboard typically has a weight from 400 grams/m² and up.

Main component and integrated component

	Green level	Red level
Material	<ul style="list-style-type: none"> - Consists of more than or equal to 95 % by weight of fibre material, of the total weight. Main component + integrated component, where tape does not count. and - Not intentionally added PFAS or mineral oils in the form of either mineral oils with saturated hydrocarbons (MOSH) or mineral oils with aromatic hydrocarbons (MOAH). This requirement shall not apply when adding when using recycled content and - No additives have been added to make the cardboard highly soluble, cf. ISO Standard 5263 	<ul style="list-style-type: none"> - Consists of less than 95 % by weight of fibre material, of the total weight (main component + integrated component where tape does not count) or - Intentionally added PFAS or mineral oils in the form of either mineral oils with saturated hydrocarbons (MOSH) or mineral oils with aromatic hydrocarbons (MOAH). This requirement shall not apply when adding when using recycled content or - Additives have been added to make the cardboard highly soluble, cf. ISO Standard 5263
Surface treatment	<ul style="list-style-type: none"> - Not surface-treated with wax or paraffin 	<ul style="list-style-type: none"> - Surface-treated with wax or paraffin

3.7 Design criteria for the material subcategory paper

Includes fibre-based packaging that is flexible, e.g. paper bags, sandwich paper, muffin forms and the like made in a paper production process. Paper can be seen in some contexts also used in connection with e.g. non-flexible packaging. Paper typically has a weight between 17 grams/m² to 180 grams/m².

Main component and integrated component

	Green level	Red level
Material	<ul style="list-style-type: none"> - Consists of more than or equal to 95 % by weight of fibre material, of the total weight and - Not intentionally added PFAS or mineral oils in the form of either mineral oils with saturated hydrocarbons (MOSH) or mineral oils with aromatic hydrocarbons (MOAH). This requirement shall not apply when adding when using recycled content and - No additives have been added to make the paper highly soluble, cf. ISO Standard 5263 	<ul style="list-style-type: none"> - Consists of less than 95 % by weight of fibrous material, of the total weight or - Intentionally added PFAS or mineral oils in the form of either mineral oils with saturated hydrocarbons (MOSH) or mineral oils with aromatic hydrocarbons (MOAH). This requirement shall not apply when adding when using recycled content or - Additives have been added to make the paper highly soluble, cf. ISO Standard 5263
Surface treatment	<ul style="list-style-type: none"> - Not surface-treated with wax or paraffin 	<ul style="list-style-type: none"> - Surface treated for wet resistance with wax or paraffin

3.8 Design criteria for the material subcategory food and beverage cartons

Covers food and beverage cartons which have contained food, e.g. milk cartons, juice cartons and cartons for e.g. peeled tomatoes or the like

Main component and integrated component

	Green level	Yellow level	Red level
Printing inks	<ul style="list-style-type: none"> - No colour <p>or</p> <ul style="list-style-type: none"> - Does not contain printing inks from inks listed on the EuPIA exclusion list 	<ul style="list-style-type: none"> - No colour <p>or</p> <ul style="list-style-type: none"> - Does not contain printing inks from inks listed on the EuPIA exclusion list 	<ul style="list-style-type: none"> - Contains printing inks from inks listed on the EuPIA exclusion list
Laminates and barrier films	<ul style="list-style-type: none"> - Contains more than or equal to 90 % PE by weight <p>and</p> <ul style="list-style-type: none"> - Laminates and barrier films contain less than or equal to 5 % PET by weight <p>and</p> <ul style="list-style-type: none"> - Laminates and barrier films do not contain biodegradable plastics 	<ul style="list-style-type: none"> - Contains more than or equal to 80 % PE by weight <p>and</p> <ul style="list-style-type: none"> - Laminates and barrier films contain less than or equal to 5 % PET by weight <p>and</p> <ul style="list-style-type: none"> - Laminates and barrier films do not contain biodegradable plastics 	<ul style="list-style-type: none"> - Laminates and barrier films contain less than 80 % PE by weight <p>or</p> <ul style="list-style-type: none"> - Laminates and barrier films contain more than 5 % PET by weight <p>or</p> <ul style="list-style-type: none"> - Laminates and barrier films contain biodegradable plastics
Lid/closure	<ul style="list-style-type: none"> - None <p>or</p> <ul style="list-style-type: none"> - The material is the same as the main component <p>and</p> <ul style="list-style-type: none"> - Does not contain biodegradable plastics 	<ul style="list-style-type: none"> - Contains more than or equal to 80 % PE or PP by weight of integrated component <p>and</p> <ul style="list-style-type: none"> - Does not contain biodegradable plastics 	<ul style="list-style-type: none"> - Contains less than 80 % PE or PP by weight of integrated component <p>or</p> <ul style="list-style-type: none"> - Contains biodegradable plastic

3.9 Design criteria for the material subcategory ferrous metals

Includes metal packaging consisting predominantly of steel and other ferrous materials such as cans, drums, buckets and the like.

Main component and integrated component

	Green level	Red level
Material	<ul style="list-style-type: none">- Consists of more than or equal to 90 % by weight of ferrous metals, of the total weight and <ul style="list-style-type: none">- Does not contain aluminium or aluminium alloy	<ul style="list-style-type: none">- Consists of less than 90 % by weight of ferrous metals, of the total weight or <ul style="list-style-type: none">- Contains aluminium or aluminium alloy

3.10 Design criteria for the material subcategory aluminium

Includes aluminium packaging consisting predominantly of aluminium content, e.g. cans, foils and trays and the like.

Main component

	Green level	Red level
Format	- Is not an aerosol container	- Is an aerosol container

Main component and integrated component

	Green	Red
Material	<ul style="list-style-type: none"> - For thick-walled (rigid) aluminium packaging (application of aluminium sheets with thickness >200 micron) apply: the packaging consists of more than or equal to 90 % aluminium by weight, of the total weight <p>or</p> <ul style="list-style-type: none"> - For thin-walled (semi-rigid) aluminium packaging (application of aluminium foil with a thickness > 60 micron and < 200 micron) apply: If the packaging consists of more than or equal to 85 % aluminium by weight, of the total weight <p>or</p> <ul style="list-style-type: none"> - For flexible aluminium foil packaging (application of aluminium foil with a thickness ≤ 60 micron applies If the packaging consists of more than or equal to 79 % aluminium by weight, of the total weight <p>and</p> <ul style="list-style-type: none"> - Does not contain ferrous metals or ferrous metal alloys 	<ul style="list-style-type: none"> - For thick-walled (rigid) aluminium packaging (application of aluminium sheets with thickness >200 micron) apply: the packaging consists of less than 90 % aluminium by weight, of the total weight <p>or</p> <ul style="list-style-type: none"> - For thin-walled (semi-rigid) aluminium packaging (application of aluminium foil with a thickness > 60 micron and < 200 micron) apply: The packaging consists of less than 85 % aluminium by weight, of the total weight <p>or</p> <ul style="list-style-type: none"> - For flexible aluminium foil packaging (application of aluminium foil with a thickness ≤ 60 micron applies If the packaging consists of less than 79 % aluminium by weight, of the total weight <p>or</p> <ul style="list-style-type: none"> - Contains ferrous metals or ferrous metal alloys

Examples of costs in municipal fees for packaging waste, cf. § 97

The municipal council sets fees for producers of packaging for the tasks described in § 9(p), paragraph 15. Below are examples of costs that can and cannot be included in the fees. The list is not exhaustive.

I. Examples of costs that may be included in municipal fees for schemes containing packaging waste (including residual waste)

- Collection and transport of separately collected waste, including capital and operating costs for cars, manning and waste containers, including at recycling centres (including provisions for future investments or depreciation).
- Costs for labelling waste containers.
- Costs for maintenance of e.g. cars and waste containers (including e.g. buckets/bags, buried containers, waste suction).
- Establishment, maintenance and operation of car depots, places for reloading waste or other facilities necessary to support waste collection, including costs related to pre-processing of separately collected waste in connection with reloading with a view to transport optimisation, cf. § 34 of the Order on waste stakeholders.
- Costs of waste processing necessary to ensure that the waste becomes new products or resources or is recovered, including the management of residues from this process (to the extent that the municipality performs these tasks).
- Costs for the sale of recyclable or recyclable materials (any revenues from the sale of recyclable or recyclable materials shall be deducted from the total costs) (to the extent that the municipality carries out these tasks).
- Concrete planning and administration of waste schemes covered by producer responsibility for packaging, including costs for the preparation, implementation and operation of tenders and purchases, as well as development projects and efficiency measures.

II. Examples of costs that may be included in general administration fees for packaging waste

- General administration costs, such as IT, HR and financial services, which are related to the waste processing of packaging waste but cannot be attributed to specific waste schemes.
- Costs for general administration of producer responsibility for packaging, including setting of producer fees, preparation and publication of fee sheets, preparation of annual report on the producer fee, calculation of costs, collection and reporting of data, participation in meetings with collective schemes, etc.
- Costs for the Danish Utility Regulator's monitoring of producer fees.
- Costs for the collection and recording of information related to the allocation of waste.

III. Examples of costs that may be included in fees for awareness-raising and other communication related to packaging waste

- Costs for the development, production and distribution of information and communication on waste schemes to citizens and businesses, including campaigns and sorting guides.
- Costs for updating and operating the website with information on guidance.
- Costs for the production and installation of signage in connection with e.g. holidays.

- Costs for responding to specific inquiries, customer service, etc.

III. Examples of costs that cannot be included in producer fees

- Preparation of municipal waste plans.
- Preparation of municipal waste regulations.
- Operation of boards and political committees.
- Memberships.
- Collection of waste fees.
- Special fees, cf. § 15(2) of the Order on waste stakeholders.
- Consultation responses and monitoring, etc.
- Other fees to the Danish Utility Regulator that are not specifically related to packaging waste.
- Dissemination activities for kindergartens, schools and educational institutions.