

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Environment, Finland

Government Decree on Packaging and Packaging Waste

(1029/2021)

By decision of the Government, the following is enacted under the Waste Act (646/2011):

Section 1

Objectives

This Decree lays down requirements on the separate collection, re-use, recycling and other waste management of used packaging and on the properties and characteristics as well as the marking of packaging placed on the Finnish market.

Section 2

Restrictions on the scope of application

Sections 10–11, 13–20 and 21 of this Decree do not apply to producers of beverage containers carrying out their obligations relating to producer responsibility for beverage containers by establishing a return system for beverage containers referred to in the Waste Act (646/2011) or by joining such a system.

Section 10 of the Decree does not apply to hazardous waste referred to in entry 15 01 10 of the list of waste referred to in section 4 of the Government Decree on Waste (978/2021), hereinafter the *Waste Decree*.

Provisions on a restriction on the scope of application concerning packaging producers whose turnover is less than EUR 1,000,000 are laid down in section 48, subsection 2 of the Waste Act.

Section 3

Definitions

For the purposes of this Decree:

- 1) *packaging* means all disposable or other products that are to be used for the containment, protection, presentation, handling or delivery of substances or objects from the producer to the consumer or other user and that meet the additional criteria in accordance with Annex 1 on sales, grouped or transport packaging as well as other additional criteria;
- 2) *packaging waste* means packaging or packaging material that is waste referred to in the Waste Act, excluding waste generated from the manufacture of packaging;
- 3) *used packaging* means packaging delivered for re-use as well as packaging waste;
- 4) *reusable packaging* means packaging which has been conceived, designed and placed on the market to accomplish within its lifecycle multiple trips or rotations and which is refilled or reused for the same purpose for which it was conceived;
- 5) *composite packaging* means packaging made of two or more layers of different materials which cannot be separated by hand and form a single integral unit, consisting of an inner receptacle and an outer enclosure, and that it is filled, stored, transported and emptied as such;
- 6) *plastic* means material consisting of a polymer defined in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, to which additives or other substances may have been added and which is capable of functioning as a main structural component of end products, excluding natural polymers which have not been modified chemically.

Section 4

Essential requirements for packaging

Packaging placed on the market shall comply with the essential requirements on the manufacturing, composition, reusability and recoverability of packaging provided in Annex 2.

Packaging is considered to fulfil the essential requirements if it complies with a harmonised standard or a standard communicated to the Commission in accordance with European Parliament

and Council Directive 94/62/EC on packaging and packaging waste and if the reference number of the standard has been published in the Official Journal of the European Union.

Section 5

Concentration levels of heavy metals in packaging

The sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components that can be separated by hand or by simple physical means placed on the market shall not exceed 100 milligrams per kilogram measured from the weight of the packaging or the packaging component.

The provision of subsection 1 does not, however, apply to:

- 1) packaging entirely made of crystal glass referred to in Council Directive 69/493/EEC on the approximation of the laws of the Member States relating to crystal glass;
- 2) plastic crates or plastic pallets introduced and kept in product loops which are in a closed and controlled chain in accordance with Commission Decision 2009/292/EC establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, and the use of which also otherwise complies with the requirements laid down in the Commission Decision;
- 3) glass packaging covered by the scope of application of Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste.

The party placing the packaging on the market shall ensure that the following information is submitted to the Finnish Safety and Chemicals Agency for the purpose of supervising the derogations referred to in subsection 2:

- 1) an annual report on plastic crates or plastic pallets in accordance with the Commission Decision referred to in subsection 2, paragraph 2 by the end of March each year;
- 2) a report on glass packaging in accordance with the Commission Decision referred to in subsection 2, paragraph 3, where necessary.

Section 6

Marking of packaging

Packaging placed on the market may be marked to enable the identification of its materials.

Packaging shall bear the marking either on the packaging or on the label in accordance with Annex 3. The marking shall be clearly visible and easily legible, including after the packaging has been opened.

In addition, packaging may be marked to facilitate its re-use and the sorting and recovery of discarded packaging in accordance with the order of priority.

Provisions on the marking requirements for certain single-use plastic products and their sales and group packaging are laid down in the Government Decree on Certain Plastic Products (771/2021).

Section 7

Overall targets for re-use and recycling of used packaging

Producers of packaging and operators of return systems for beverage containers shall ensure that the following targets are attained each year:

- 1) a minimum total of 90 per cent by weight of the total quantity of used packaging placed on the market and delivered for re-use will be re-used or recycled;
- 2) no later than 1 January 2025 a minimum 65 per cent by weight of the quantity of packaging waste equivalent to the quantity of packaging placed on the market will be recycled (*recycling rate*);
- 3) no later than 1 January 2030 a minimum of 70 per cent by weight of the quantity of packaging waste equivalent to the quantity of packaging placed on the market will be recycled.

When assessing the attainment of the targets laid down in subsection 1, paragraphs 2 and 3, the level of the targets may be adjusted by no more than five percentage points by subtracting the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time in all sales packaging placed on the market.

An operator of a return system for beverage containers in accordance with section 68 of the Waste Act is considered to comply with the targets set in subsection 1 if the operator complies with the recycling obligations laid down in the Government Decree on a Return System for Beverage Containers (526/2013). Producers of packaging other than packaging included in a return system for beverage containers shall, for their part, contribute to ensuring the attainment of the recycling targets set in subsection 1.

Section 8

Packaging waste recycling targets by packaging material

Producers of packaging and operators of return systems for beverage containers shall organise the separate collection and recycling of packaging waste by packaging material in such a way that the quantity of recycled packaging waste in relation to the totality of packaging containing that material placed on the market is each year:

- 1) from 1 January 2025:
 - a) a minimum of 50 per cent by weight for plastic packaging waste;
 - b) a minimum of 25 per cent by weight for wooden packaging waste;
 - c) a minimum of 70 per cent by weight for ferrous metal packaging waste;
 - d) a minimum of 70 per cent by weight for aluminium packaging waste;
 - e) a minimum of 70 per cent by weight for glass packaging waste;
 - f) a minimum of 75 per cent by weight for paper and board packaging waste;
- 2) from 1 January 2030:
 - a) a minimum of 55 per cent by weight for plastic packaging waste;
 - b) a minimum of 30 per cent by weight for wooden packaging waste;
 - c) a minimum of 80 per cent by weight for ferrous metal packaging waste;
 - d) a minimum of 80 per cent by weight for aluminium packaging waste;
 - e) a minimum of 75 per cent by weight for glass packaging waste;
 - f) a minimum of 85 per cent by weight for paper and board packaging waste.

When assessing the attainment of the targets laid down in subsection 1, the level of the targets may be adjusted by no more than five percentage points by subtracting the share, in the

preceding three years, of reusable sales packaging placed on the market for the first time in all sales packaging placed on the market containing that material.

An operator of a return system for beverage containers in accordance with section 68 of the Waste Act is considered to comply with the targets set in subsection 1 if the operator complies with the recycling obligations laid down in the Government Decree on a Return System for Beverage Containers. Producers of packaging other than packaging included in a return system for beverage containers shall, for their part, contribute to ensuring the attainment of the recycling targets set in subsection 1.

Section 9

Calculation of the recycling rate

When assessing the attainment of the targets set in section 7, subsection 1 and section 8, subsection 1, only such packaging discarded in Finland may be taken into account in the weight of recycled packaging waste that is actually recycled and processed into new products, materials or substances in Finland or in another country and from which waste materials unsuitable for recycling have been removed by means of necessary preliminary treatment measures. The calculation may, however, take into account the weight of wooden packaging that is repaired for re-use as well as the weight of metals separated and recycled after incineration of waste in proportion to the share of the packaging waste incinerated.

Composite packaging and other packaging made of more than one material shall be calculated and reported for each material contained in the packaging. This may be deviated from if the share of a material in the total mass of the packaging is no more than five per cent by weight. In such cases, the total weight of the packaging is calculated and reported on the basis of the main material of the packaging.

Packaging waste exported from the European Union for preparing for re-use or for recycling may be taken into account in the calculation of the weight of packaging waste prepared for re-use or recycled if the data on waste required for the calculation of the recycling rate is obtained and if the exporter is able to demonstrate the appropriateness of the shipment in accordance with section 117b of the Waste Act.

In addition, the calculation of the recycling rate shall comply with the calculation rules laid down in Article 6(a) of the Directive specified in section 4, subsection 2 as well as in Commission Decision 2005/270/EC establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, hereinafter the *Commission Decision on database formats*.

Section 10

Organising reception

When organising the reception of residential packaging waste in accordance with section 49, subsection 1 of the Waste Act, a producer shall ensure that the following minimum requirements for service level and accessibility are fulfilled:

- 1) the network of reception points covers the whole country in such a way that reception points are also available in areas other than those where the collection and management of waste are the most profitable;
- 2) reception points are available equally across areas, taking account of population density and any property-specific separate collection of packaging waste organised in the area in accordance with section 49a of the Waste Act;
- 3) reception points are located in conjunction with convenience goods shops or other regularly used services or along commonly used routes;
- 4) there are a minimum of 1,000 reception points for the separate collection of glass, metal, plastic as well as paper and board packaging waste in such a way that they serve, as well as possible, properties that fall outside property-specific separate collection carried out under section 18 of the Waste Decree or section 91, subsection 3 of the Waste Act.

In addition, a producer shall in accordance with section 49 of the Waste Act organise a sufficient number of reception points for the separate collection of packaging waste other than residential packaging waste as well as for the reception of packaging waste collected separately from residential properties. The reception points shall be located equally across areas in such a way that they serve well the reception of packaging waste collected from properties.

Provisions on the obligation of municipalities and packaging producer responsibility organisations to organise property-specific separate collection of packaging waste are laid down in section 49a of

the Waste Act and in section 18 of the Waste Decree. Provisions on the setting up, maintenance and management of waste reception points are laid down in section 10 of the Waste Decree.

Section 11

Obligations relating to keeping used packaging separate

The separate collection of used packaging shall be organised in such a way that:

- 1) packaging delivered for separate collection is emptied and, if necessary, cleaned so that it will not contain significant amounts of residues of food or other substances;
- 2) other wastes may be included in separate collection only if the producer accepting the packaging has authorised the reception of such wastes.

Section 12

Producers' payment contributions

All payment contributions made by producers to carry out their producer responsibility obligation referred to in section 63a of the Waste Act shall, where possible, be determined specifically for each packaging material in accordance with the following basic principles:

- 1) payments are made pro rata based on the quantity of packaging placed on the market by the producer in such a way that the total quantity of packaging placed on the market by the producer does not affect the unit charge paid for the product;
- 2) payments provide an incentive to promote the order of priority laid down in section 8 of the Waste Act in particular by providing an incentive to reduce the quantity of waste in such a way that payment contributions are lower for packaging that is durable, repairable and re-usable;
- 3) the recyclability and other characteristics of discarded packaging are taken into account in the determination of payment contributions;
- 4) payments are higher for such packaging which has factors that impede sorting, which is not recyclable, which is only partly recyclable or which contains hazardous substances or hampers the functioning of existing recycling systems;

- 5) payments are lower for packaging that contains recycled material, taking account of the other characteristics of the packaging in accordance with the principles presented in paragraphs 1–4, however;
- 6) payment for re-usable packaging is required only when the packaging is placed on the market for the first time;
- 7) the sum total of the payment contributions, by packaging material, of all of the producers belonging to the producer responsibility organisation covers the total costs arising from carrying out the obligations laid down for the producer responsibility organisation concerning the packaging material in question;
- 8) the criteria used for the payment contributions are public, transparent and clearly verifiable by product.

Paragraphs 2–5 of subsection 1 do not apply to administrative charges.

The determination of administrative charges may deviate from the provision of subsection 1, paragraph 1 on making payments pro rata based on the quantity of packaging placed on the market by the producer. In such cases, administrative charges shall be determined in such a way that their share is not unreasonably high compared with the quantity of packaging placed on the market by the producer and with the payments based on waste management and other producer responsibility obligations relating to the packaging.

Section 13

Provision of information on packaging and used packaging

The producer shall, by means of public information campaigns and other communication, ensure that users of packaging and consumers obtain the necessary information about:

- 1) the separate collection obligations and collection instructions for used packaging as well as the separate collection, re-use and recovery systems available;
- 2) the importance of taking part in the separate collection, re-use, recycling and other recovery of used packaging;
- 3) the markings referred to in section 6;
- 4) the potential for reducing the quantity and harmfulness of waste and preventing littering.

In addition, the producer shall provide operators collecting used packaging with the information necessary for efficient reception concerning the separate collection, transport and handling of used packaging as well as about quality assurance and other procedures relating to reception.

Provisions on the producer's obligation to disclose information about compliance with obligations concerning the separate collection and recovery of waste are laid down in section 54 of the Waste Act. Provisions on the obligation of producer responsibility organisations to disclose information about their owners and members and on the general principles and procedures to be complied with in their service procurement are laid down in sections 63 and 66 of the Act.

Section 14

Authorised representative's obligation to provide information

An authorised representative authorised by such an operator established in another state that delivers packaged products to the Finnish market by means other than distance selling directly to end users shall, without delay, notify its authorisation and acceptance into the producer register as well as any amendment to or cancellation of the authorisation or acceptance to such a producer which, without the authorisation granted, would be responsible for the producer responsibility obligations for that packaging. If the above-mentioned producer, instead of which the authorised representative carries out the producer responsibility obligations for that packaging, is a member of a producer responsibility organisation, the authorised representative shall, in addition, notify the producer responsibility organisation of its authorisation and the authorisation date without delay.

The authorised representative shall provide information in accordance with the provisions of subsection 1 on the type, nature and quantity of products placed by it on the market and to present how compliance with producer responsibility obligations is organised. In addition, the producer responsibility organisation shall be informed who would have been responsible for the producer responsibility obligations for the said products in the absence of the authorisation granted.

Section 15

Report on financial arrangements and action plan on organising re-use and waste management

The producer responsibility organisation or the producer ordered by the Centre for Economic Development, Transport and the Environment for Pirkanmaa under section 64, subsection 2 of the Waste Act shall, by the end of June each year, submit to the Centre for Economic Development, Transport and the Environment for Pirkanmaa the report referred to in subsection 1 of the said section on its sufficient financial arrangements as well as an action plan on organising re-use and waste management.

The report on financial arrangements shall include the adopted financial statements for the most recent financial period, the budget for the financial period underway and, where necessary, interim financial statements or a financial statements forecast. If the said documents cannot be submitted, other reliable proof shall be provided of sufficient financial arrangements.

Section 16

Producer's application for acceptance into the producer register

A producer's application for acceptance into the producer register shall contain:

- 1) the producer's name, contact details and business identity code;
- 2) the contact person's name and contact details;
- 3) information on the packaging placed on the market by the producer as well as an assessment of its quantity in tonnes per year, specified by packaging material;
- 4) information on the separate collection and reception point network, transport, preliminary treatment, re-use, recycling, other types of recovery as well as disposal of used packaging organised by the producer;
- 5) an assessment of the quantity, in tonnes by packaging material, of used packaging included annually within the scope of the re-use and waste management organised by the producer in accordance with the Commission Decision on database formats;
- 6) an account of the provision of information about packaging and used packaging;
- 7) an account of agreements concerning the organisation of re-use and waste management and of the environmental permits and any environmental management systems of the contractual partners;
- 8) a list of the Member States to which the producer sells packaged products by distance selling directly to users and the names of any authorised representatives in those Member States;

- 9) the self-monitoring plan;
- 10) the date on which the application was made;
- 11) a declaration stating that the information provided is true.

Section 17

Producer responsibility organisation's application for acceptance into the producer register

A producer responsibility organisation's application for acceptance into the producer register shall contain:

- 1) information concerning the producer responsibility organisation and its activities equivalent to that specified in section 16, subsection 1, paragraphs 1–2 and 4–11;
- 2) a description of the packaging placed on the market by producers belonging to the producer responsibility organisation as well as an assessment of its quantity in tonnes per year, specified by packaging material;
- 3) the name, business identity code and scope of activity of each founder of the producer responsibility organisation;
- 4) the names and business identity codes of the producers belonging to the producer responsibility organisation and the dates on which they joined the producer responsibility organisation;
- 5) an account of the division of obligations between the producers and of how new producers can agree on the carrying out of producer responsibility with the producer responsibility organisation;
- 6) the report referred to in section 15 on the producer responsibility organisation's sufficient financial arrangements for the appropriate organisation of its activities.

Section 18

Notification of changes in activities

The notification referred to in section 106 of the Waste Act concerning substantial changes in activities and changes of members of the producer responsibility organisation shall be submitted within one month of any change.

Provisions on when to submit the report on sufficient financial arrangements and the securing of activities as well as the action plan if the activities of the producer responsibility organisation substantially change are laid down in section 64 of the Waste Act.

Section 19

Notification of monitoring data

A producer or a producer responsibility organisation acting on behalf of its members shall notify the Centre for Economic Development, Transport and the Environment for Pirkanmaa by the end of June of each year of the following information on its activities during the previous year:

- 1) the quantity in tonnes of packaging placed on the Finnish market, specified by sales packaging and other packaging;
- 2) the quantity in tonnes of used packaging collected separately in Finland;
- 3) the quantity in tonnes of re-used packaging, specified separately by:
 - a) quantity of reusable packaging placed on the market for the first time;
 - b) rotations of reusable packaging;
 - c) quantity of reusable sales packaging;
 - d) quantity of all reusable packaging;
- 4) for discarded packaging delivered to waste management organised by the producer, the quantity in tonnes of recycled and in other ways recovered as well as disposed used packaging, specified by packaging material, calculated in accordance with section 9, by treatment facility, as well as the name and location of the treatment facility;
- 5) the attained re-use or recycling rate and any other recovery rate as well as an assessment of the recycling rate of discarded sales packaging;
- 6) the assessment and calculation principles for data referred to in paragraphs 1–5 as well as an assessment of the reliability of the data;
- 7) the provision of information about packaging and used packaging.
- 8) information on the measures and audits required by the self-monitoring plan;
- 9) information on any changes in the organisation of reception laid down in section 10, subsections 1 and 2.

Producers of plastic carrier bags shall report the quantities of single-use plastic carrier bags placed by them on the market, specifying bags with a wall thickness below 15, between 15 and 50 and above 50 microns separately. Such plastic carrier bags are deemed to comprise carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of goods and products.

The information referred to in subsection 1, paragraphs 1–3, 5 and 6 shall be specified by packaging material. In addition, provisions on reporting specifications and data quality checks referred to in subsections 1–2 are laid down in the Commission Decision on database formats.

Section 20

Self-monitoring

The self-monitoring plan referred to in section 53a of the Waste Act shall contain:

- 1) an account of the compilation of the monitoring data referred to in section 19 by packaging material and an assessment of the reliability of the data as well as a plan on the development of the reliability of data;
- 2) an assessment of the fulfilment of the producer's cost responsibility referred to in sections 46 and 49b of the Waste Act specified by packaging material;
- 3) an account of the producer's payment contributions referred to in section 63a of the Waste Act and in section 12 of this Decree as well as the criteria for their adjustment and their monitoring;
- 4) the procedures for the regular reassessment and development of the payment contributions and the criteria for their adjustment referred to in paragraph 3;
- 5) a plan on the implementation and organisation of self-monitoring and the audits conducted to support self-monitoring.

Audits to support self-monitoring shall be conducted by an auditor who is an impartial third party independent of the producer, producer responsibility organisation and its owners. The auditor shall have the necessary knowledge, skills or other qualifications for the performance of the task. Audits may be conducted in multiple parts, taking account of the auditor's special expertise, or included in

another equivalent external audit of the activities of the producer responsibility organisation. If the producer has a certified management system, the audit may be incorporated into that system.

Section 21

Submitting a summary of an agreement between a producer responsibility organisation and municipalities

A producer responsibility organisation shall by the end of June each year submit to the Centre for Economic Development, Transport and the Environment for Pirkanmaa a summary referred to in section 49d of the Waste Act of agreements concluded with municipalities in the previous calendar year and their implementation, specified by packaging material.

The auditor referred to in section 49d, subsection 1 of the Waste Act shall be an impartial third party independent of the producer responsibility organisation and its owners as well as municipalities. The auditor shall have the necessary knowledge, skills or other qualifications for the performance of the task.

Section 22

Compilation of monitoring data and reporting it to the Commission

In order to monitor compliance with the obligations laid down in this Decree, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall draw up an annual compilation of monitoring data referred to in section 19 as well as assess the quantity of used packaging generated in Finland and the attained re-use, recycling and recovery rates.

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall submit the information in accordance with the Commission Decision on database formats annually to the European Commission within 18 months from the end of the calendar year for which the data is compiled.

Section 23

Market surveillance

The market surveillance authority for packaging referred to in section 24a of the Waste Act supervises compliance with sections 4–6 of this Decree.

Provisions on market surveillance are laid down in Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 as well as in the Act on the Market Surveillance of Certain Products (1137/2016).

Section 24

Cooperation and exchange of information with other Member States of the European Union

To ensure the appropriate implementation of section 66a of the Waste Act and the provisions of this Decree, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall, for its part, ensure cooperation and a sufficient flow of information with relevant authorities of other Member States of the European Union. The cooperation shall include granting access to relevant documents, information and audit results, unless otherwise provided in the Act on the Openness of Government Activities (621/1999), the Data Protection Act (1050/2018) or Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). To promote the implementation and supervision of the registration procedure, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall publish on its website links to the producer registers or the authority supervising producer responsibility of the other Member States of the European Union.

Section 25

Entry into force

This Decree enters into force on 1 December 2021. However, its section 10 only applies from 1 July 2023 and section 23 from 1 January 2022.

This Decree repeals the Government Decree on Packaging and Packaging Waste (518/2014); however, the repeal of its section 9 does not enter into force until 1 July 2023, the repeal of its

section 7, subsections 2 and 3 and section 8 does not enter into force until 1 January 2025 and the repeal of its section 21 does not enter into force until 1 January 2022.

In case of any references elsewhere in law to the Government Decree on Packaging and Packaging Waste in force when this Decree enters into force, this Decree shall be applied instead.

Annex 1

ADDITIONAL CRITERIA RELATED TO THE DEFINITION OF PACKAGING

Sales packaging is packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase.

Grouped packaging is packaging, used in addition to sales packaging, conceived so as to constitute at the point of purchase a grouping of a certain number of sales units, whether the grouping is sold as such to the final user or consumer or whether it is only used at the point of sale, and which can be removed from the product without affecting its characteristics.

Transport packaging is packaging, used in addition to sales or group packaging, conceived so as to facilitate handling and transport of a number of sales units in order to prevent physical handling and transport damage. Transport packaging does not, however, include road, rail, ship and air containers.

The following additional criteria shall also be taken into account when defining packaging:

Additional criterion 1

Items shall be considered to be packaging if they fulfil the definition of packaging referred to in section 3, subsection 1 without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or discarded together.

Examples of packaging that meets additional criterion 1 include:

- sweet boxes;
- film overwrap around a CD case;
- mailing pouches for catalogues and magazines (with a magazine inside);
- cake doilies sold with a cake;
- rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit;

- flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its lifetime;
- glass bottles for injection solutions;
- CD spindles (sold with CDs, not intended to be used as storage);
- clothes hangers (sold with a clothing item);
- matchboxes;
- sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product);
- beverage system capsules (e.g. coffee, hot chocolate, milk) which are left empty after use;
- refillable steel cylinders used for various kinds of gas, excluding fire extinguishers.

Examples of packaging that does not meet additional criterion 1 include:

- flower pots intended to stay with the plant throughout its life time;
- tool boxes;
- tea bags;
- wax layers around cheese;
- sausage skins;
- clothes hangers (sold separately);
- beverage system coffee capsules, coffee foil pouches, and filter paper coffee pods disposed of together with the used coffee product;
- cartridges for printers;
- CD, DVD and video cases (sold together with a CD, DVD or video inside);
- CD spindles (sold empty, intended to be used as storage);
- soluble bags for detergents;
- grave side lights (containers for candles);
- mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill).

Additional criterion 2

An item designed and intended to be filled at the point of sale and a disposable item sold, filled or designed and intended to be filled at the point of sale shall be considered to be packaging provided it fulfils a packaging function.

Examples of packaging that meets additional criterion 2 if it is designed and intended to be filled at the point of sale include:

- paper or plastic carrier bags;
- disposable plates and cups;
- cling film;
- sandwich bags;
- aluminium foil;
- plastic foil for cleaned clothes in laundries.

Examples of packaging that does not meet additional criterion 2 include:

- stirrer;
- disposable cutlery;
- wrapping paper (sold separately);
- paper baking cases (sold empty);
- cake doilies sold without a cake.

Additional criterion 3

A packaging component and an ancillary element integrated into packaging is considered to be part of the packaging. An ancillary element hung directly on or attached to a product that fulfils a packaging function is considered to be packaging unless the item is an integral part of this product and all elements are intended to be consumed or discarded together.

Examples of packaging that meets additional criterion 3 include:

- labels hung directly on or attached to a product.

Examples of products integrated into packaging that meet additional criterion 3 include:

- mascara brush which forms part of the container closure;
- sticky labels attached to packaging item;
- staples;
- plastic sleeves;
- device for measuring dosage which forms part of the container closure for detergents;
- mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper).

Examples of packaging that does not meet additional criterion 3 include:

- radio frequency identification (RFID) tags.

Annex 2

ESSENTIAL REQUIREMENTS ON THE MANUFACTURING, COMPOSITION, REUSABILITY AND RECOVERABILITY OF PACKAGING

1) Requirements specific to the manufacturing and composition of packaging

Packaging shall be so manufactured that the packaging volume and weight be limited to the minimum adequate amount. However, the packaging shall be manufactured in such a way as to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer.

Packaging shall be designed, produced and commercialised in such a way as to permit its reuse, recycling or other recovery in accordance with the order of priority referred to in section 8 of the Waste Act and to minimise any adverse environmental effects of the disposal of packaging waste or residues from its treatment.

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 to prevent any adverse environmental effects of the landfilling or incineration of the packaging waste or residues from its treatment.

2) Requirements specific to the reusable nature of packaging

The following requirements shall be simultaneously satisfied:

- the physical properties and characteristics of the packaging shall enable a number of trips and rotations in normally predictable conditions of use;
- it shall be possible to process the used packaging in order to meet health and safety requirements for the workforce; and
- the packaging shall fulfil the requirements specific to recoverable packaging when it is no longer reused and becomes waste.

3) Requirements specific to the recoverable nature of packaging

a) Recyclable packaging

Packaging shall be manufactured in such a way as to enable a certain percentage by weight of the materials it is composed of to be recycled and used as raw material for products to be placed on the market in accordance with the standards referred to in section 4, subsection 2. The establishment of this percentage may vary, depending on the type of material of which the packaging is composed.

b) Packaging suitable for energy recovery

Packaging delivered for energy recovery shall have a minimum inferior calorific value to allow optimisation of energy recovery.

c) Compostable packaging

Packaging waste delivered for composting shall be of such a biodegradable nature that it does not hinder the separate collection and the composting process or activity into which it is introduced.

d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water. Oxo-degradable plastic packaging shall not be considered as biodegradable. Such oxo-degradable plastic means plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.

Annex 3

MARKING OF PACKAGING

This Annex establishes the numbering and abbreviations used in the identification system for packaging materials for the purpose of specifying the packaging material type and specifies which materials shall be subject to the identification system.

Numbering and abbreviations in the identification system

Material	Abbreviation(*)	Numbering
1. Plastic		
Polyethylene terephthalate	PET	1
High-density polyethylene	HDPE	2
Polyvinyl chloride	PVC	3
Low-density polyethylene	LDPE	4
Polypropylene	PP	5
Polystyrene	PS	6
2. Paper and fibreboard		
Corrugated fibreboard	PAP	20
Non-corrugated fibreboard	PAP	21
Paper	PAP	22
3. Metals		
Steel	FE	40
Aluminium	ALU	41
4. Wood materials		
Wood	FOR	50
Cork	FOR	51
5. Textile materials		
Cotton	TEX	60
Jute	TEX	61
6. Glass		
Colourless glass	GL	70
Green glass	GL	71
Brown glass	GL	72

7. Composites

Paper and fibreboard/miscellaneous metals	(**)	80
Paper and fibreboard/plastic		81
Paper and fibreboard/aluminium		82
Paper and fibreboard/tinplate		83
Paper and fibreboard/plastic/aluminium		84
Paper and fibreboard/plastic/aluminium/tin plate		85
Plastic/aluminium		90
Plastic/tinplate		91
Plastic/miscellaneous metals		92
Glass/plastic		95
Glass/aluminium		96
Glass/tinplate		97
Glass/miscellaneous metals		98

(*) Only capital letters shall be used.

(**) C plus abbreviation corresponding to the predominant material (C/).