

**COOPERATION AGREEMENT OF [XXX] AMENDING THE COOPERATION
AGREEMENT OF 4 NOVEMBER 2008 ON THE PREVENTION AND MANAGEMENT OF
PACKAGING WASTE**

In view of the special law of 8 August 1980 on institutional reform, as amended by the special laws of 8 August 1988 and of 16 July 1993, and especially Articles 6(1), II, 2° and Article 92bis(1);

In view of the cooperation agreement of 4 November 2008 on the prevention and management of packaging waste, as amended;

In view of Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904 and repealing Directive 94/62/EC;

Whereas the cooperation agreement of 4 November 2008 on the prevention and management of packaging waste was part of the transposition of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste;

Whereas the European legislator has opted to replace Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste with a regulation, namely Regulation (EU) No. 2025/40 (EU) of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (hereinafter: ‘the regulation’);

Whereas the purpose of this regulation is to create a harmonised framework for the entire European market, aimed at both further reducing the environmental impact of packaging and further promoting a circular economy;

Whereas this regulation has a direct effect, so that certain provisions of the existing cooperation agreement must be declared non-applicable from the date on which the regulation will apply;

Whereas the regulation requires further elaboration in the national regulations of the member states;

Whereas this elaboration should be done in a harmonised manner for Belgium in the respective regulations of the different regions;

Whereas only a cooperation agreement with statutory force provides a sufficient guarantee to establish uniform regulations throughout the territory of Belgium;

Whereas the Interregional Commission for EPR, formerly the Interregional Packaging Commission, plays a crucial role in the implementation and monitoring of this cooperation agreement; that this commission must have the necessary human resources to perform its tasks; that binding agreements between the regions are necessary for this purpose;

Whereas it is necessary to amend the cooperation agreement of 4 November 2008 on the prevention and management of packaging waste.

CHAPTER I – Changes to Chapter I of the cooperation agreement of 4 November 2008 on the prevention and management of packaging waste

Article 1

(1). The following new section 1/1 is added to Article 1 of the cooperation agreement of 4 November 2008 ('the cooperation agreement') on the prevention and management of packaging waste:

'(1)/1. This cooperation agreement implements Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904 and repealing Directive 94/62/EC.

This cooperation agreement is a partial transposition of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives and 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.

This cooperation agreement is also linked to the implementation of the cooperation agreement of [...] between the Flemish Region, Walloon Region and Brussels-Capital Region concerning the framework for extended producer responsibility for certain waste flows and litter, which transformed the Interregional Packaging Commission into the Interregional Commission for EPR and changed the internal organisation, functioning and financing of this commission.

This cooperation agreement is also linked to the implementation of the cooperation agreement of 13 July 2021 between the Federal State, Flemish Region, Walloon Region and Brussels-Capital Region on the coordination of policy on cross-border waste shipments, which has consequences for the internal organisation, operation and financing of the Interregional Commission for EPR, referred to in the aforementioned cooperation agreement under its former name of Interregional Packaging Commission.

(2). In (2), fourth paragraph, of the same article, the word 'removal' is replaced with the word 'collection'.

Article 2

In Article 2 of the same cooperation agreement, the following amendments are made:

- In Article 2, 9°, the definition of 'reusable packaging' is replaced by '*any packaging within the meaning of Article 11 of Regulation (EU) 2025/40;*'.
- In Article 2, 10°, the defined term 'single-use packaging' is replaced by '*packaging for one-time use*'.
- In Article 2, 13°, the definition of the term 'useful application' is replaced by '*any action whose main result is to give waste a useful purpose by substituting it for other materials that would otherwise have been used for a specific function, either at the plant concerned or in the wider economy, or by preparing the waste for that function; Annex II contains a non-exhaustive list of useful applications;*'.

- In Article 2, 15°, the defined term ‘Recycling’ is replaced by ‘Recycling, also referred to as ‘Reuse’. The definition is replaced by: *‘every useful application through which waste is reprocessed into products, materials or substances for its original purpose or a different purpose. This includes the reprocessing of organic waste, but does not include energy recovery or reprocessing into materials intended for use as fuel or as backfill, by which use as backfill is defined as ‘a useful application action in which non-hazardous waste is used for the restoration of excavated sites or for civil engineering applications in landscaping’. Waste used for backfill must replace non-waste materials, must be suitable for the purposes at hand and must be limited to the amount strictly necessary for those purposes;’*.
- In Article 2, 18°, the definition of ‘collection’ is replaced by *‘the collection of waste, including the preliminary sorting and storage of waste, for subsequent transport to a waste treatment facility;’*.
- In Article 2, 24°, the following phrase is added to the definition: *‘this committee is also known as ‘EPriBEL’*.
- In Article 2, 31°, the full stop at the end of the sentence is replaced by a semicolon and the following new definitions are added after that:
 - ‘32° ‘Regulation (EU) 2025/40’: Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904 and repealing Directive 94/62/EC;*
 - 33° ‘Producer’: the producer referred to in Article 3.1 (15) of Regulation (EU) 2025/40;*
 - 34° ‘Producer responsibility organisation’: the organisation referred to in Article 3.1 (66) of Regulation (EU) 2025/40;*
 - 35° ‘Authorised representative for extended producer responsibility’: the person referred to in Article 3.1 (20) of Regulation (EU) 2025/40;*
 - 36° ‘Fulfilment service provider’: the person referred to in Article 3(11) 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;*
 - 37° ‘Deposit-return system’: the system referred to in Article 3.1(62) of Regulation (EU) 2025/40.’*

Article 3

(1). In Article 3(1) of the cooperation agreement, the term *‘single-use packaging’* is replaced by *‘packaging for one-time use’*. The same replacement occurs throughout the cooperation agreement in the following places:

- Article 3(2), first and second paragraphs;
- Article 4(1), first paragraph;
- Article 6, second and third paragraphs;
- Article 18(1);
- Article 26(1), under point 9°.

(2). In the same article of the cooperation agreement, the following new paragraphs 1/1, 1/2, 1/3 are added:

‘(1)/1. This cooperation agreement applies to all packaging waste and, within its limits and modalities, has the following objectives:

1° Preventing and reducing the production or harmfulness of packaging waste;

2° Ensuring that the percentage of reusable packaging for the same goods placed on the market is not reduced compared to the previous year and ensuring that the total weight of

single-use packaging for the same goods placed on the market is reduced compared to the previous year;

3° Promoting an increase in the share of reusable packaging placed onto the market and reuse systems for packaging, promoting and imposing useful application, especially recycling, promoting an increase in the share of recycled materials in the packaging placed onto the market and a decrease in the share of packaging waste in non-selective collection;

4° Requiring producers to bear the costs of packaging waste management, as provided for in Regulation (EU) 2025/40, in accordance with Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, as well as requiring producers to make various financial contributions to regional policy;

5° Imposing and organising various monitoring and reporting obligations.

(1)/2. In order to contribute to the achievement of the objective set out in Article 43.1 of Regulation (EU) 2025/40, each producer must achieve a reduction in single-use packaging placed on the Belgian market of at least 5% by 2030 for all single-use packaging that it places on the Belgian market compared to the reference year of 2022, whereby this reduction may not be due to material substitution. Compared to the reference year of 2022, a 5% reduction must also be achieved by the year 2030 for each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40.

In order to contribute to the achievement of the objective set out in Article 43.1 of Regulation (EU) 2025/40, each producer must achieve a reduction in single-use packaging placed on the Belgian market of at least 10% by 2035 for all single-use packaging that it places on the Belgian market compared to the reference year of 2022, whereby this reduction may not be due to material substitution. Compared to the reference year of 2022, a 10% reduction must also be achieved by the year 2035 for each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40.

In order to contribute to achieving the objective of Article 43.1 of Regulation (EU) 2025/40, each producer must achieve a reduction in single-use packaging placed on the Belgian market of at least 15% by 2040 compared to the reference year of 2022, whereby this reduction may not be due to material substitution. Compared to the reference year of 2022, a reduction of 15% must also be achieved by 2040 for each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40.

The producer responsibility organisation must demonstrate on behalf of all producers who have joined it, in accordance with Article 22/1(1), third paragraph, that they comply in a comprehensive manner with the objectives of the first to third paragraphs of this section.

(1)/3. Producers must achieve the recycling and useful application objectives set out in Article 52 of Regulation (EU) 2025/40 and, in application of Article 52.6 of Regulation (EU) 2025/40, the objectives set out in the second and third paragraphs.’.

(3). In Article 3(3), third and fifth paragraph of the cooperation agreement, in the Dutch language version, the word ‘industrial’ is replaced by ‘commercial’.

CHAPTER II. – Amendments to Chapter II. – General prevention plan.

Article 4

The title of Chapter II of the cooperation agreement is amended as follows: ‘*CHAPTER II. General prevention plan*’ is replaced by ‘*CHAPTER II. - Prevention and reuse*’.

Article 5

The following article 4/1 is added to the cooperation agreement:

‘Art. 4/1. The economic operators referred to in Articles 29.1 to 29.8 of Regulation (EU) 2025/40 must report annually on the reuse objectives to the Interregional Commission for EPR, as provided for in Article 31 of Regulation (EU) 2025/40. The results of this reporting will be made available to the relevant inspection services.’.

CHAPTER III. – Amendments to Chapter III. – Management of packaging waste.

Article 6

Article 14bis is renumbered as Article 14/1.

CHAPTER IV. – Introduction of Chapter IV/1. – Register and reporting.

Article 7

A new Chapter IV/I is added to the cooperation agreement, entitled ‘*CHAPTER IV/1. – Register and reporting.*’.

The chapter contains the following Articles 22/1, 22/2 and 22/3:

‘Art. 22/1. (1). Any producer who first makes packaging or packaged products available on the Belgian market or unpacks packaged products packaged in Belgium without being an end user must be registered in an online register established and managed by the Interregional Commission for EPR and made available free of charge. The list of registered producers is public, in accordance with Article 44.13 of Regulation (EU) 2025/40.

In accordance with Article 45.3 of Regulation (EU) 2025/40 and except in the case of a representation referred to in the fourth paragraph, any producer not established in Belgium must be represented by an authorised representative for extended producer responsibility, who then assumes all the obligations of the producer. The provider of an online platform as referred to in the fourth paragraph that is not established in Belgium must also be represented by an authorised representative for extended producer responsibility.

The producer or the authorised representative for extended producer responsibility must submit an application for registration to the Interregional Commission for EPR or join a producer responsibility organisation, which will submit the application for registration on its

behalf. Producers who do not join a producer responsibility organisation must renew their registration every five years on the anniversary of their initial registration.

A provider of an online platform within the meaning of Chapter III, Section 4, of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC, which acts as a fulfilment service provider, may, on the basis of a written mandate, join a producer responsibility organisation on behalf of the producer selling via its online platform and pay the contribution to that organisation, in accordance with Article 45.4, last paragraph, of Regulation (EU) 2025/40.

Any producer responsibility organisation representing one or more producers, as referred to in the first paragraph, must be registered in the online register referred to in the first paragraph.

The registration of a producer responsibility organisation must be done separately for packaging waste of household origin and for packaging waste of commercial origin, but not for both.

The producer responsibility organisation must renew its registration every year on the anniversary date of initial registration.

(2). The register referred to in (1) must be established in accordance with Article 44 of Regulation (EU) 2025/40. For each producer, in addition to the information specified in Part A of Annex IX to Regulation (EU) 2025/40, the following information necessary for verifying and ensuring compliance with the regulation must also be included:

- 1° Extent to which products are packaged in Belgium by or under the responsibility of the manufacturer, the address of this production unit in Belgium and the brand names under which the products are offered in Belgian territory;*
- 2° Extent to which products are not packaged in Belgium by or under the responsibility of the producer, the country of origin of the products and the brand names under which the products are offered in Belgian territory;*
- 3° Information as to whether the producer places packaging on the Belgian market that gives rise to packaging waste of household origin, in accordance with the target rules made available by the Interregional Commission for EPR;*
- 4° Information as to whether the producer places packaging on the Belgian market that gives rise to packaging waste of commercial origin, in accordance with the target rules made available by the Interregional Commission for EPR;*
- 5° Designation of the type of producer, in particular the qualification as manufacturer, importer or distributor and the applicability of points (a), (b), (c), (d) or (e) in the definition of ‘producer’ in Regulation (EU) 2025/40.*

The application for registration must be made, in the case of the first or second paragraph of (1), prior to the first making available on the Belgian market of packaging or packaged products by the producer or, in the case of the last paragraph of (1), prior to the exercise of activities as a producer responsibility organisation on the Belgian market. The application for registration must be made by means of an online tool made available through the website of the Interregional Commission for EPR by the producer, the authorised representative for extended producer responsibility or the producer responsibility organisation and must contain

all the data set out in the preceding paragraph. If this online tool is temporarily unavailable, an alternative procedure will be made available via the website of the Interregional Commission for EPR.

The application for registration may be completed up to six weeks after the date of the initial application for registration.

(3). Both in the application for registration, and in the five-year renewal of its registration, as provided for in (1) and (2), the producer or authorised representative for extended producer responsibility who does not use a producer responsibility organisation must pay a fee of EUR 1,500 as compensation for administrative costs, data processing and monitoring costs, software development costs and inspection costs.

When applying for registration, as specified in (1), the producer responsibility organisation must pay a fee of EUR 175 per producer affiliated with the organisation and per online platform provider affiliated with the organisation within the meaning of the fourth paragraph of (1) as compensation for administrative costs, data processing and monitoring costs, software development costs and inspection costs. Each year, at the time of the renewal of the registration, the producer responsibility organisation must pay an additional fee of EUR 175 per newly affiliated producer and an additional fee of EUR 175 per producer for the renewal of the registration of previously affiliated producers. The total annual fee for a producer responsibility organisation must be at least EUR 50,000 and at most EUR 1,000,000; these amounts will be doubled if a producer responsibility organisation is registered for both household and commercial packaging waste.

The online tool made available via the website of the Interregional Commission for EPR will generate an electronic document per application for registration showing the concrete modalities of payment, and this is considered an invoice. The amounts of fees will accrue to the Interregional Commission for EPR. On request, the producer or producer responsibility organisation must provide proof of payment of the fee due to the Interregional Commission for EPR.

(4). The amounts referred to in (3) are adjusted in line with the normal consumer price index in Belgium. The basic amounts are multiplied annually by the index for April of the previous year, divided by the index for April [2026] and then rounded to the nearest multiple of EUR 25. If the interval between two multiples of 25 is equal, the highest multiple of 25 is preferred.

The Interregional Commission for EPR ensures the publication in the Belgian Official Gazette of the amounts of the indexed fees. The adjusted amounts apply from the initial applications for registration submitted on 1 January following publication in the Belgian Official Gazette.

(5). The registration will be approved by the Interregional Commission for EPR, provided that all necessary information has been included and after verification of full payment of the applicable file fee, within a maximum period of 12 weeks from the date of the initial application for registration or, in the case of completion of the application, from the date of the last completion. On approval of this registration, a registration number will be issued. If, within a period of no less than six weeks after the date of the initial application for registration, the Interregional Commission for EPR determines that the application for registration is incomplete or that the applicable file fees have not been paid in full, the

registration will be refused, without any obligation to refund the file fees already paid. In this case, no registration number will be issued.

Approval or rejection of the registration will be communicated by the Interregional Commission for EPR exclusively by electronic means to the email address of the designated contact person provided by the applicant.

Art. 22/2. The producer, authorised representative for extended producer responsibility and producer responsibility organisation must report annually to the Interregional Commission for EPR within the time limits and in accordance with the modalities laid down in Articles 44, 7 and 8 of Regulation (EU) 2025/40.

Reporting is done by means of an online tool made available through the website of the Interregional Commission for EPR. If this online tool is temporarily unavailable, an alternative procedure will be made available via the website of the Interregional Commission for EPR.

The reporting must be audited and certified by an independent auditor, who acts in accordance with the procedures laid down by the Interregional Commission for EPR.

At the request of the Interregional Commission for EPR, the producer, the authorised representative for extended producer responsibility and the producer responsibility organisation shall also report to this Commission and in accordance with the modalities laid down by it, on the dates to be reported to the European Commission in accordance with Article 56 of Regulation (EU) 2025/40. The Interregional Commission for EPR may also require an audit and certification for this reporting.

Art. 22/3. The packaging waste processor responsible for the management of packaging waste must, to the extent that it does not already report to a producer responsibility organisation on a contractual basis, report annually to the Interregional Commission for EPR within the time limits and in accordance with the modalities laid down in Article 23 of Regulation (EU) 2025/40.

Reporting is done by means of an online tool made available through the website of the Interregional Commission for EPR. If this online tool is temporarily not available, an alternative procedure will be made available through the website of the Interregional Commission for EPR.’.

CHAPTER V. – Introduction of Chapter IV/2. – Approval regarding compliance with extended producer responsibility.

Article 8

A new Chapter IV/2 is introduced in the cooperation agreement, entitled ‘CHAPTER IV/2. – Approval regarding compliance with extended producer responsibility.

The chapter contains the following Articles 22/4, 22/5, 22/6, 22/7 and 22/8:

‘Art. 22/4. (1). No later than six weeks following the date of the initial application for registration, as provided for in Article 22/1, the producer, whether or not represented by an authorised representative for extended producer responsibility, who does not have recourse to a producer responsibility organisation, must submit an application for approval for the fulfilment of extended producer responsibility to the Interregional Commission for EPR.

This application must be written in an official national language and submitted by email to the specific email address indicated for this purpose on the website of the Interregional Commission for EPR, stating ‘EPR-PACK producer’ in the subject line of the email.

The application procedure described in the previous paragraph may, where appropriate, be replaced by a web application made available via the website of the Interregional Commission for EPR.

The application describes the measures that the producer will take towards preventing packaging waste, as referred to in Article 3(1/2), and describes in a clear and convincing manner how the producer will achieve the recycling and useful application objectives set out in Article 3(1/3) of the current cooperation agreement for packaging waste originating from packaging that it has placed on the Belgian market and for which it is the producer.

(2). The Interregional Commission for EPR will assess, within a period of eight weeks from receipt of the application, whether the application is sufficiently clear and convincing. If not, the producer must complete the application. If the application is not completed within a period of ten weeks from the date of notification that the application has been assessed as insufficiently clear and convincing, it will be rejected.

The Interregional Commission for EPR grants or refuses approval within a period of 18 weeks from the date of submission of the complete application file. If this period is exceeded, the approval will be deemed to have been granted.

The decision to refuse approval will be substantiated and result in the registration being cancelled.

Approval is granted for a minimum period of four years and a maximum period of five years and expires on 31 December unless the Interregional Commission for EPR decides otherwise for reasons of public interest or because the producer requests a shorter period. The approval cannot be granted for a longer period than requested by the producer.

(3). The producer or authorised representative for extended producer responsibility to whom the approval was granted must notify the Interregional Commission for EPR as soon as possible of any changes to the content of the application for approval, as submitted in accordance with (1), as well as the permanent cessation of activities. This notification is submitted by email to the specific email address indicated for this purpose on the website of the Interregional Commission for EPR, stating ‘EPR-PACK-producer-MOD’ in the subject line of the email.

As provided for in Article 47.5 of Regulation (EU) 2025/40, the Interregional Commission may, provided justification is provided, withdraw approval for EPR in the event of permanent cessation of activities and if the condition laid down in the first paragraph is no longer met.

Art. 22/5. (1). No later than six weeks after the date of the initial application for registration, as specified in Article 22/1, the producer responsibility organisation must submit an application for approval regarding compliance with extended producer responsibility to the Interregional Commission for EPR.

This application must be submitted, in Dutch and in French, in writing and against receipt to the Interregional Commission for EPR, addressed to the Director and stating 'EPR-PACK-PRO'. A copy of the application must also be submitted by email to the specific email address indicated for this purpose on the website of the Interregional Commission for EPR, stating 'EPR-PACK-PRO' in the subject line of the email.

The application procedure described in the previous paragraph may, where appropriate, be replaced by a web application made available via the website of the Interregional Commission for EPR.

The application describes the measures that the producer responsibility organisation will take to achieve the production objective of the prevention of packaging waste, as referred to in Article 3(1/2), and describes in a clear and convincing way how the producer responsibility organisation for the collection of packaging waste on the Belgian market originating from packaging by producers affiliated with the organisation will achieve the recycling objectives and useful application of Article 3(1/3) of the current cooperation agreement for the whole of its affiliated producers.

The application must include a financial plan and a budget for the period for which approval is requested, as well as a full description of the operational resources to be used for the prevention, collection, sorting and processing of the packaging waste.

The application must cover either all packaging waste of household origin or all packaging waste of commercial origin.

(2). The application referred to in (1) also contains the statutes and social purpose of the producer responsibility organisation and describes how it ensures that:

- there is no objective to distribute profit to other persons;*
- no commercial activities are carried out that do not align with the obligations of the producer responsibility organisation or of the producers affiliated with it in Belgium, in accordance with Regulation (EU) 2025/40 and the current cooperation agreement.*

(3). The application referred to in (1) also describes:

1° the manner in which the members' contributions are determined and made public annually, whereby the contributions must not discriminate between individual members and cover the costs of the obligations borne by the producer responsibility organisation in accordance with Regulation (EU) 2025/40 and the current cooperation agreement;

- 2° the conditions of member affiliation, which may only be producers or authorised representatives for extended producer responsibility, and how it is ensured that membership is accessible to each producer or authorised representative for extended producer responsibility;
- 3° the manner in which the contributions of the members, as well as the balance sheets and income statements for the previous year and the budget for the following year, are submitted annually to the Interregional Commission for EPR for advice;
- 4° the manner in which the models of standard contracts with members and with operators responsible for the collection, trading, sorting or processing of waste materials may be amended during the term of the approval and the manner in which these amendments will be submitted to the Interregional Commission for EPR for prior advice;
- 5° the manner in which the quality of the collected and sorted quantities will be monitored in order to facilitate recycling;
- 6° the manner in which the verifiability and controllability of the recycling and useful application of packaging waste will be guaranteed, as well as the manner in which the environmental and social conditions in which the recycling and useful application take place will be monitored;
- 7° the manner in which the entire Belgian territory will be covered, in such a way that the collection, useful application and disposal of the waste materials taken back is guaranteed, as well as the manner in which it is guaranteed that the objectives for recycling and useful application set out in Article 3(1/3) of the current cooperation agreement are achieved in a uniform manner throughout the entire Belgian territory;
- 8° the manner in which employment will be guaranteed and developed in associations or companies with a social purpose that, in accordance with their social purpose, are active in the collection, sorting, recycling and useful application of packaging waste, without prejudice to the powers of municipalities and agglomerations;
- 9° specifically for packaging waste of household origin, the manner in which the objective of Article 50.1 of Regulation (EU) 2025/40 will be achieved, as well as the modalities of cooperation with the system operator for the deposit system, as referred to in Articles 22/16 and 22/17;
- 10° specifically for packaging waste of household origin, the way in which it will be ensured that an equivalent percentage of the population is served in each region, within the framework of the public service mission of the producer responsibility organisation;
- 11° specifically for packaging waste of household origin, the way in which the contributions of the contractors are calculated for each packaging material in relation to the:
- actual total cost associated with each material;
 - proceeds from the sale of the collected and sorted materials;
 - contribution to achieving the objectives of the producer responsibility organisation within the framework of extended producer responsibility;
 - durability, repairability, reusability, recyclability and the presence of hazardous substances, especially taking into account Article 7.7 of Regulation (EU) 2025/40;
- and with a view to financing the real and full cost of:
- reduction and prevention actions, as provided for in Article 51.3 of Regulation (EU) 2025/40;
 - existing and unrealised selective collections according to the method set out by the legal entity under public law responsible for household waste collection in the territory;
 - selective collection of a flow of packaging waste of household origin by a regional body;
 - recycling and useful application, including any chain deficit;

- operational information and public awareness of these collections;
- sorting of packaging waste collected;
- removal of sorting residues, recycling and valorisation of packaging waste;
- recycling, useful application and, where necessary, disposal of packaging waste that is contaminated or has contained hazardous substances;
- financial contributions referred to in Articles 22/9 and 22/11;

12° specifically for packaging waste of household origin, the manner in which the producer responsibility organisation will adapt to the modalities of collection determined by the legal entities of public law for their territory responsible for the collection of household waste;

13° specifically for packaging waste of household origin, the manner in which an agreement will be established with each authority responsible for the territory that is responsible for the selective collection of a flow of packaging waste of household origin;

14° specifically for packaging waste from households, the manner in which local communication, in particular on the modalities of waste flow collection, will be drawn up in consultation with the authorities referred to in point 13° and financed by the producer responsibility organisation, as well as the manner in which supra-local and national communication will be drawn up in consultation with each competent regional administration and financed by the producer responsibility organisation;

15° specifically for packaging waste of commercial origin, the manner in which the contributions of the members are calculated, taking into account the costs incurred by each commercial end user of packaging waste of commercial origin with a view to recycling;

16° specifically for packaging waste of commercial origin, the special measures provided for in favour of smaller commercial end users, i.e. end users with fewer than 50 employees, in order to promote the prevention and useful application of packaging waste of commercial origin and to reduce the costs of its management;

17° specifically for packaging waste of commercial origin, the manner in which the free market of selective collection, recycling and useful application is disturbed as little as possible and the equality is respected between the private or public operators responsible for the collection, sorting, recycling and useful application of packaging waste of commercial origin;

18° specifically for packaging waste of commercial origin, the manner in which a maximum number of commercial end users will be encouraged to engage in selective collection, recycling and useful application by means of financial contributions towards the costs of selective containers that are primarily intended for the collection of packaging waste of commercial origin;

19° the manner in which any premiums for consumers or business end users are determined and made public, whereby such premiums must not discriminate between individual consumers or business end users;

20° the manner in which the confidentiality of the individual data originating from the members and from the contracting private or public operators responsible for the collection, sorting, recycling or useful application of packaging waste will be guaranteed, without prejudice to the various reporting obligations or to the absolute right of access of the Interregional Commission for EPR in the context of monitoring compliance with the obligations of the producer responsibility organisation;

21° how the producer responsibility organisation will cooperate with other producer responsibility organisations to whom the approval on the fulfilment of extended producer responsibility is granted for the Belgian market in order to achieve a coordinated fulfilment of the obligations of the producer responsibility organisations, as provided for in Article 46.2 of Regulation (EU) 2025/40;

- 22° the manner in which the financial policy of the producer responsibility organisation is audited in an independent manner, including the possibilities for the Interregional Commission for EPR to question the audit body, being an auditor or another body, as part of the verification of compliance with the obligations of the producer responsibility organisation, with a view to obtaining any information it deems useful;
- 23° the policy on commissions and reserves as defined in the cooperation agreement of ... concerning the framework for extended producer responsibility for certain waste flows and litter, whereby reserves may correspond at most to the operating costs of the producer responsibility organisation for the waste flow concerned for 18 months and where commissions are only possible to the extent that they are permitted by accounting law and are adequately justified in light of market instability, which is demonstrated by an annual detailed study of current and future markets;
- 24° the manner in which the producer responsibility organisation itself will ensure systematic verification of the members' declarations and the results achieved with regard to the collection, sorting and processing of packaging waste, as well as the manner in which this data will be additionally checked by a sufficient system of three-yearly external and independent audits, which guarantees the statistical accuracy of the entirety of the data;
- 25° the manner in which selective collection containers will be labelled, in accordance with Article 13 of Regulation (EU) 2025/40;
- 26° the manner in which the quality, circularity and verifiability of recycling is enhanced;
- 27° the manner in which, within the limits of European law and especially of Regulation (EU) 2025/40, short processing chains for recycling are privileged, which imply that recycling takes place exclusively within the European Union and at most in Belgium.

(4). The following will also be added to the application:

- 1° insurance policy taken out to cover damage that may result from the planned activities or their design;
- 2° model of uniform agreement to be concluded with members;
- 3° models of uniform agreements which, with a view to achieving and verifying the recycling and useful application objectives, will be concluded with operators responsible for the collection, trading, sorting or processing of waste;
- 4° specifically for packaging waste of household origin, the model of uniform agreement to be concluded with any legal person governed by public law with territorial responsibility for household waste, including the model specifications for the allocation of waste collection and sorting markets;
- 5° in the event that a producer responsibility organisation wishes to carry out these activities in Belgium for the first time, identification of the provisions of the current cooperation agreement that can reasonably only be complied with after a start-up period of no more than five years, specifying how these provisions can be complied with as much as possible immediately, as well as a detailed plan to fully comply with these provisions within a period of no more than five years.

Art. 22/6. (1). Within a period of eight weeks after receipt of the application referred to in Article 22/5, the Interregional Commission for EPR will assess whether the application is sufficiently clear and convincing. If not, the producer responsibility organisation must complete its application. If it has not completed the application within a period of ten weeks from the date of notification that the application has been assessed as insufficiently clear and convincing, it will be rejected.

The Interregional Commission for EPR grants or refuses approval within a period of 18 weeks from the date of submission of the complete application file.

Approval is granted for a minimum period of four years and a maximum period of five years and expires on 31 December, unless the Interregional Commission for EPR decides otherwise for reasons of public interest or because the producer responsibility organisation requests a shorter period. The approval cannot be granted for a longer period than requested by the producer responsibility organisation.

(2). The decision to refuse approval will be substantiated and result in the registration being cancelled.

(3). The Interregional Commission for EPR may impose special conditions when granting the approval, which aim to:

- ensure the correct application of the current cooperation agreement and of Regulation (EU) 2025/40;*
- ensure the correct application of European and Belgian law;*
- serve public interest;*
- in the case of an approval for packaging waste of household origin, establish the exact level of the deposit, pursuant to Article 22/8;*
- in the event that the producer responsibility organisation will be carrying out these activities in Belgium for the first time and within the framework of a start-up period of no more than five years, grant a limited and temporary deviation from the provisions of the current cooperation agreement relating to the content of the application for approval regarding compliance with extended producer responsibility or the obligations of the producer responsibility organisation, in order to ensure the correct implementation of the cooperation agreement as soon as possible;*
- regulate cooperation between different producer responsibility organisations to whom the approval of the fulfilment of extended producer responsibility has been granted for the Belgian market, in order to achieve a coordinated fulfilment of the obligations of the producer responsibility organisations, as provided for in Article 46.2 of Regulation (EU) 2025/40, whereby the Interregional Commission for EPR may, where appropriate, impose on the producer responsibility organisations to establish a coordination body for this purpose;*
- determine a minimum percentage of the annual budget to be allocated to the financing of reduction and prevention actions, as provided for in Article 51.3 of Regulation (EU) 2025/40;*
- set realistic prevention objectives, including reuse objectives, to be pursued by the producer responsibility organisation on behalf of all its members in order to achieve the overall target set out in Article 43 of Regulation (EU) 2025/40.*

(4). Any change during the period of validity of an approval to the content of the application for approval, as submitted pursuant to Article 22/5, as well as the permanent cessation of activities, must be reported to the Interregional Commission for EPR as soon as possible. This notification is submitted by email to the specific email address indicated for this purpose on the website of the Interregional Commission for EPR, stating 'EPR-PACK-PRO-MOD' in the subject line of the email.

As provided for in Article 47.4 of Regulation (EU) 2025/40, the Interregional Commission for EPR may, provided justification is provided, amend the approval in order to take account of the notified change, during the period of validity of an approval, to the content of the application for approval.

(5). As provided for in Article 47.5 of Regulation (EU) 2025/40, the Interregional Commission for EPR may, provided justification is provided, withdraw approval in the event of permanent cessation of activities, as well as, after consulting the producer responsibility organisation, in any of the following cases:

- If, following a change during the period of validity of an approval to the content of the application for approval, the producer responsibility organisation no longer complies with the provisions of Article 22/5;*
- If the producer responsibility organisation no longer meets all of the obligations stated in Article 22/7.*

(6). Any decision to grant, refuse, amend or revoke an authorisation under the current article will be published in full in the Belgian Official Gazette.

Art. 22/7. The producer responsibility organisation that has obtained approval has the following obligations:

- 1. Compliance with the obligations for producer responsibility organisations set out in Regulation (EU) 2025/40 or in the current cooperation agreement, or determined in application of Directive 2008/98/EC;*
- 2. Compliance with the special conditions imposed by the Interregional Commission for EPR when granting approval;*
- 3. Timely notification of any change during the period of validity of an approval to the contents of the application for approval, as provided for in Article 22/6(4);*
- 4. Fulfilment of the reporting obligation referred to in Article 22/2;*
- 5. Compliance with the guarantee obligation, as provided for in Article 22/8;*
- 6. Compliance with the tax obligations described in Articles 22/9, 22/10 and 22/11;*
- 7. Answering all legitimate questions, granting unlimited access to the various databases containing relevant data and providing all useful information to the Interregional Commission for EPR, as well as, within the context of financial policy and policy on provisions and reserves, to the auditing body, being a company auditor or other body, which is tasked by the Interregional Commission for EPR with conducting an additional financial audit of the producer responsibility organisation, in order to enable the Interregional Commission for EPR to monitor the functioning of the producer responsibility organisation and to verify the results achieved.*

Art. 22/8. (1). Pursuant to Article 47.6 of Regulation (EU) 2025/40, any producer who submits an application for approval regarding compliance with extended producer responsibility to the Interregional Commission for EPR must, within 60 working days of obtaining approval, provide a guarantee of EUR 5,000 in the manner described in (2). This guarantee serves to cover costs incurred in relation to waste management activities in the event of non-compliance with extended producer responsibility obligations, especially the risk of non-payment of invoices for the collection and processing of its packaging waste.

In application of Article 47.6 of Regulation (EU) 2025/40, each producer responsibility organisation submitting an application for approval for the fulfilment of extended producer responsibility for packaging waste of commercial origin to the Interregional Commission for EPR must, within a period of 60 working days after obtaining the approval, provide a guarantee of EUR 50,000 in the manner described in (2). This guarantee serves to cover costs incurred in relation to waste management activities in the event of non-compliance with extended producer responsibility obligations, especially the risk of non-payment of invoices for the collection and processing of packaging waste originating from packaging for which its members are the producers.

Pursuant to Article 47.6 of Regulation (EU) 2025/40, any producer responsibility organisation that submits an application for approval regarding compliance with extended producer responsibility for packaging waste from households to the Interregional Commission for EPR must, within 60 working days of obtaining approval, for each of the legal entities governed by public law responsible for the collection of household waste in their territory, provide a guarantee to cover the costs incurred in relation to waste management activities in the event of non-compliance with extended producer responsibility obligations and that corresponds in particular to the estimated costs of meeting the extended producer responsibility obligations for a period of nine months. The Interregional Commission for EPR determines the exact amount of the safeguards to be provided in the approval for the fulfilment of extended producer responsibility.

(2). The guarantee described in (1) may be provided by means of a deposit into the account of the Deposit and Consignment Office or by means of a bank guarantee. In both cases, it must be stipulated that the guarantee is payable in full or in part on simple and reasoned request by the Interregional Commission for EPR in the event of partial or total non-fulfilment of the obligations.

If the financial security consists of a bank guarantee, it must be issued by a credit institution recognised either by the Banking and Finance Commission or by a government of a member state of the European Union authorised to supervise credit institutions.

Before requesting the release or payment of all or part of the guarantee, the Interregional Commission for EPR will issue a warning by registered letter. The warning will explicitly state the obligations that have not been met, the specific measures to be taken and the time limit within which this must be done. This period will be at least 15 calendar days.

The Interregional Commission for EPR will hear the producer or the producer responsibility organisation if they so request. Prior to the hearing, the producer or producer responsibility organisation submits all arguments it considers useful for its defence in writing to the Interregional Commission for EPR. The request to be heard does not suspend the procedure.

The guarantee is returned or terminated when the producer or producer responsibility organisation has definitively ceased the activity that gave rise to the guarantee and the Interregional Commission for EPR has determined that all obligations have been fulfilled.

CHAPTER VI. – Introduction of Chapter IV/3. – financial contributions to the policy of the regions and management of litter.

Article 9

A new Chapter IV/3 is added to the cooperation agreement, entitled ‘CHAPTER IV/3. – Financial contributions to the policy of the regions and management of litter’.

The chapter contains the following articles: 22/9, 22/10, 22/11, 22/12, 22/13 and 22/14:

‘Art. 22/9. (1). Packaging waste of household origin is subject to a financial obligation in the form of a levy on the producer responsibility organisation; this is intended to contribute to the financing of the regions’ policy on the prevention and management of the waste concerned. The contribution is expressed as 50 [from 2025: 73] euro cents per inhabitant per year, by which the number of inhabitants is determined by the most recent population statistics of the General Direction of Statistics and Economic Information from the Federal Public Service Economy, SMEs and Energy, available on 1 January.

The amount of 50 euro cents per resident is adjusted annually in line with the consumer price index, using the consumer price index for December 2008 as the base index, with 2004 as the base year. [year to be adjusted as appropriate, together with the amount of the levy in the previous and current paragraph]

Indexed amounts are rounded to the next or previous euro cent, depending on whether or not the tenth euro cent figure reaches five. The Interregional Commission for EPR publishes the amount of the contribution, as adjusted in accordance with this provision, in the Belgian Official Gazette.

If there are several producer responsibility organisations, the levy is borne by each organisation in proportion to its market share. The market share of a producer responsibility organisation in a given calendar year N is the sum of the market share of each producer and authorised representative for extended producer responsibility affiliated to that organisation, as established at the end of the previous calendar year N-1. The market share of a producer or authorised representative for extended producer responsibility is expressed as a percentage calculated by dividing the number of household packaging items placed on the market by the producer or authorised representative for extended producer responsibility, from which the relevant waste stream originates, divided by the total number of household packaging placed on the market from which the waste stream in question originates, and then multiplied by a factor of one hundred.

Each producer responsibility organisation reports to the Interregional Commission for EPR, with regard to a given calendar year N, no later than 1 March of the year following that calendar year, the quantities of packaging placed on the market by its members in calendar year N-1 to which the levy applies. The Interregional Commission for EPR then determines, for year N on the basis of the figures for year N-1, the market share of the producer responsibility organisation, as determined in accordance with the previous paragraph, and communicates the specific amounts to be paid by the producer responsibility organisation within 30 days. The levy is paid annually by 15 April in year N+1 by means of bank transfer to the account numbers communicated by each region.

The levy is only owed if the calculated levy is at least EUR 500.

(2). The region's policy on the prevention and management of packaging may include:

- prevention and reuse of the waste concerned;*
- fight against the presence of the waste concerned in litter, illegal and residual waste;*
- research and development to improve the quality of the products concerned and especially their recyclability;*
- improvement of the results and/or quality of the selective collections of the waste concerned;*
- non-selective collection and processing of the waste concerned;*
- reimbursement of staff responsible for monitoring, implementing and following up on the above actions;*
- reporting and evaluation of this waste;*
- promoting local and high-quality processing in the context of a circular economy.*

The global funding amount is allocated between the regions according to the latest population statistics from the General Direction of Statistics and Economic Information from the Federal Public Service Economy, SMEs, Self-Employed and Energy, available on 1 January of the year N+1.

The region determines the specific destination of the contribution following consultation with the producer responsibility organisation for household packaging waste.

Where applicable, the contribution to the financing of the regions may be implemented by means of an agreement between the region and producer responsibility organisation.

Art. 22/10. (1). Packaging waste of commercial origin is subject to a financial obligation in the form of a levy for the producer responsibility organisation; this must contribute to the financing of the regions' policy on the prevention and management of the waste concerned.

The levy is expressed as an amount per capita per year, the number of inhabitants being determined by the most recent population statistics of the General Directorate for Statistics and Economic Information from the Federal Public Service Economy, SMEs, Self-Employed and Energy, available on 1 January of the same year.

If there are several producer responsibility organisations, the levy is borne by each organisation in proportion to its market share. The market share of a producer responsibility organisation in a given calendar year N is the sum of the market share of each producer and authorised representative for extended producer responsibility affiliated to that organisation, as established at the end of the previous calendar year N-1. The market share of a producer or authorised representative for extended producer responsibility is expressed as a percentage calculated by dividing the number of commercial packaging items placed on the market by the producer or authorised representative for extended producer responsibility from which the waste flow in question originates divided by the total number of commercial packaging placed on the market from which the waste flow in question originates and then multiplied by a factor of one hundred.

Each producer responsibility organisation reports to the Interregional Commission for EPR, with regard to a given calendar year N, no later than 1 March of the year following that calendar year, the quantities of packaging placed on the market by its members in the previous calendar year N-1 to which the levy applies. The Interregional Commission for EPR

then determines, for year N on the basis of the figures for year N-1, the market share of the producer responsibility organisation, as determined in accordance with the previous paragraph, and communicates the specific amounts to be paid by the producer responsibility organisation within 30 days. The levy is paid annually by 15 April in year N+1 by means of bank transfer to the account numbers communicated by each region.

The levy is EUR 0.040/resident.

The amounts per capita are adjusted annually in line with the health index of consumer prices, the base index being the average of the figures of the health index of consumer prices of the four first months of the previous year.

The indexed amounts are rounded to the next or previous tenth euro cents, depending on whether or not the figure of the hundredth euro cent reaches five.

The amounts of the levy are reduced by the amounts corresponding to the combined market share of producers and authorised representatives for extended producer responsibility who do not use a producer responsibility organisation.

The levy is only owed if the calculated levy is at least EUR 500.

(2). The regions' policy on the prevention and management of the waste concerned may include:

- prevention and reuse of the waste concerned;*
- fight against the presence of the waste concerned in litter, illegal and residual waste;*
- research and development to improve the quality of the products concerned and especially their recyclability;*
- improvement of the results and/or quality of the selective collections of the waste concerned;*
- non-selective collection and processing of the waste concerned;*
- reimbursement of staff responsible for monitoring, implementing and following up on the above actions;*
- reporting and evaluation of this waste;*
- promoting local and high-quality processing in the context of a circular economy.*

The global amounts of the levy are distributed between the regions according to the latest population statistics of the General Directorate for Statistics and Economic Information from the FPS Economy, SMEs, Self-Employed and Energy, available on 1 January of the year N+1.

After consulting with the producer responsibility organisations concerned, each region determines the specific uses of the amounts they have received.

Art. 22/11. (1). To the extent that no contract as provided for in (2) of this article and to the extent that the members of the approved body do not fulfil this obligation through another legal entity established for this purpose, the packaging of household origin is subject to a financial obligation in the form of a levy on the producer responsibility organisation. This obligation means that, from the calendar year 2025 onwards, the producer responsibility organisation has to bear the costs provided for in (2) by paying a levy of EUR 101,916,395.63,

which consists of an amount of EUR 33,071,946.73 for the Brussels-Capital Region, an amount of EUR 22,810,842.29 for the Walloon Region and an amount of EUR 46,033,606.61 for the Flemish Region.

The EPR decision-making body ensures the notification by the region of the public authorities concerned and the share of the total costs of each of those public authorities, thereby further distinguishing between the costs referred to in (2), subsections 1, 2, 3 and 4.

The amounts of the levy referred to in the first paragraph of this section must be adjusted at the latest from the calendar year 2028 on the basis of the evaluation provided for in Article 27(1) of the cooperation agreement on the framework for extended producer responsibility for certain waste flows and for litter, with the express intention of extending the scope of the levy to cover litter from all household packaging.

The amounts of the levy referred to in the first paragraph of this section will be reduced by 25% by operation of law from the calendar year following the first full year of operation of a deposit-return system or an equivalent system for household beverage containers; the amounts reduced are subsequently reduced by 5% each year for each of the six subsequent calendar years.

The amounts of the levy are reduced by the amounts corresponding to the combined market share of producers and authorised representatives for extended producer responsibility who do not use a producer responsibility organisation. The market share of that producer or authorised representative for extended producer responsibility is expressed as a percentage calculated by dividing the numbers of household packaging placed on the market by the producer or authorised representative for extended producer responsibility from which the waste in question arises by the total numbers of household packaging placed on the market from which the litter in question arises and then multiplying it by a factor of 100.

The levy is only owed if the calculated levy is at least EUR 500.

To the extent that the producer responsibility organisation, together with the relevant government agencies, has opted for the organisational and financial take-back of litter, the levy does not apply to that share.

The amounts referred to in the first paragraph of this point are adjusted annually in line with the health index of consumer prices, the base index being the average of the figures of the health index of consumer prices of the four first months of the previous year.

To the extent that no contract applies, as provided for in (2) of this article, and the levy provided for in the first paragraph is paid, the regions undertake to measure the efficiency of the actions financed by the levies collected using performance indicators discussed with the authorised body.

Within two years of the entry into force of the cooperation agreement of ... on the framework for extended producer responsibility for certain waste streams and for litter, the Interregional Commission for EPR, together with the competent regional administrations, will evaluate the amounts of the levy, as set out in the first paragraph, on the basis of the same assumptions in

the three regions for the regional governments. This evaluation is then repeated every five years.

The producer responsibility organisation reports to the Interregional Commission for EPR, with regard to a given calendar year N no later than 1 March of the year following that calendar year, the quantities of household packaging placed on the market by its members in the previous calendar year N-1 to which the levy applies. The Interregional Commission for EPR then determines, for year N on the basis of on the figures for year N-1, the market share of the producer responsibility organisation, as determined in accordance with the fifth paragraph of this section, and communicates the specific amounts to be paid by the producer responsibility organisation within 30 days by means of a form. The levy is paid annually by 15 April in year N+1 by means of bank transfer to the account numbers communicated by each region. Each region is responsible for the further distribution of the levy to all public authorities that bear the costs referred to in (2), 1°-3°, within its territory.

The form referred to in the tenth paragraph of this section contains the following information at a minimum:

- 1° The amounts claimed by region or public authority concerned;*
- 2° The account numbers to which the amounts must be transferred.*

If the producer responsibility organisation does not make payment or if, after verification by the official responsible for collection and recovery, it appears that the sums paid are incorrect, a fine may be imposed by the members of the Standing Secretariat responsible for monitoring. That fine is 10% of the unpaid amount.

If the amounts have not been paid after the expiry of the prescribed payment period, the statutory interest is due automatically, as stated in the Royal Decree of 4 August 1996 amending the statutory interest rate.

The producer responsibility organisation is be required to submit all the information necessary to verify the accuracy of the amounts paid at any request made by the officials responsible for the inspection.

The producer responsibility organisation must, at the request of the officials responsible for the inspection, provide, orally or in writing, any information requested to verify the accuracy of the sums paid.

(2). If the producer or authorised representative for extended producer responsibility chooses, through the producer responsibility organisation together with the relevant government authorities, to fulfil its obligation by means of a system of organisational and financial take-back of litter (organisational and financial option), the producer responsibility organisation must conclude contracts with the government authorities that bear the costs of managing litter originating from household packaging covered by the SUP Directive, from cigarette packaging and household beverage cans placed on the market by members of the producer responsibility organisation. These contracts must be in accordance with the model contracts which, after analysis by and on the proposal of the EPR decision-making body, are approved by the packaging decision-making body and which have as their objective the organisation and financing of the total and real costs of:

- awareness-raising measures with a view to reducing litter from household packaging and informing consumers about:
 - a) availability of reusable alternatives, reuse systems and opportunities for the management of disposable household packaging waste, as well as best practices for sound waste management in accordance with regional waste legislation;
 - b) environmental effects, especially the marine environment, of litter and other inappropriate forms of disposal of household packaging waste;
- cleaning up the litter of household packaging and subsequent transport and processing of that litter in accordance with regional provisions;
- collection of household packaging waste disposed of in public collection systems, including the costs for infrastructure, operation and subsequent transport and processing of that waste. These costs should also cover the establishment of specific infrastructure for collection, whether selective or non-selective from household packaging, such as appropriate waste containers in places where litter is frequently found;
- proportional contribution to the general costs of government litter policy, including control.

Art. 22/12. (1). The producer referred to in Article 22/4(1) is responsible, either for the organisational and financial take-back of the totality of the litter from household packaging placed on the market by the producer or for the reimbursement of the costs listed in Article 22/11(2) of all government authorities that bear those costs, for litter that originates from the household packaging it has placed on the market. The first option must include the agreement of the government authorities responsible for the management of litter from household packaging placed on the market by the producer and includes, in addition to a plan of action for the disposal of litter, actions to collect and report the data and to finance the other elements of the litter policy stated in Article 22/11(2), 1°-3°. The second option concerns reimbursement to all government authorities that bear these costs. This reimbursement must be proportionate to its market share, as determined in accordance with Article 22/11(1), fifth paragraph.

In its application for approval concerning the fulfilment of extended producer responsibility, as referred to in Article 22/4(1), the producer must describe how it will comply with this obligation.

This section applies solely to producers that place the following packaging on the market: packaging covered by the SUP Directive, cigarette packaging and household beverage cans.

(2). The producer, as referred to in Article 22/4(1), must contribute, in respect of each calendar year N, by means of a levy proportionate to its market share in the previous calendar year N-1, to the regions' policy on the prevention and management of packaging waste.

More specifically, in relation to each calendar year N, the producer will have to pay a levy calculated on the basis of the amount per inhabitant in Article 22/9 for the waste flow of household packaging waste and in Article 22/10 for the waste flow of commercial packaging waste, albeit in proportion to its market share in calendar year N-1 and to the extent that the calculated levy per waste stream is at least EUR 500.

Each producer reports to the Interregional Commission for EPR, in respect of a given calendar year N, no later than 1 March of the year following that calendar year, the numbers of packages subject to the levy that it placed on the market in calendar year N-1. The Interregional Commission for EPR then determines the market share of the producer for year N based on the numbers in year N-1 and communicates the specific amount to be paid within 30 days. The levy is paid annually by 15 April in year N+1 by means of bank transfer to the account numbers communicated by each region.

Article 22/13. (1). If the objective for the prevention of packaging waste, as referred to in Article 3(1/2), first, second or third paragraph, is not achieved for all single-use packaging placed on the Belgian market by all producers who have joined a producer responsibility organisation in accordance with Article 22/1(1), third paragraph, this producer responsibility organisation is liable for an annual levy equal to:

- From the year 2030 onwards, the amount in euros calculated by multiplying by minus fifty (-50) the result of the following calculation:
 - o For each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40, the tonnage of single-use packaging placed on the Belgian market by all members in 2022, expressed in tonnes and rounded down to the nearest whole number, minus 5%;
 - o For each of these materials, the tonnage of single-use packaging placed on the Belgian market by all members in 2030, expressed in tonnes and rounded down to the nearest whole number, is then subtracted from the result obtained.
 - o Any negative results obtained for the various materials are totalled;
- From the year 2035 onwards, the amount in euros obtained by multiplying by minus fifty (-50) the result of the following calculation:
 - o For each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40, the tonnage of single-use packaging placed on the Belgian market by all members in 2022, expressed in tonnes and rounded down to the nearest whole number, minus 10%;
 - o For each of these materials, the tonnage of single-use packaging placed on the Belgian market by all members in 2035, expressed in tonnes and rounded down to the nearest whole number, is then subtracted from the result obtained.
 - o Any negative results obtained for the various materials are totalled;
- From the year 2040 onwards, the amount in euros obtained by multiplying by minus fifty (-50) the result of the following calculation:
 - o For each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40, the tonnage of single-use packaging placed on the Belgian market by all members in 2022, expressed in tonnes and rounded down to the nearest whole number, minus 15%;
 - o For each of these materials, the tonnage of single-use packaging placed on the Belgian market by all members in 2040, expressed in tonnes and rounded down to the nearest whole number, is then subtracted from the result obtained.
 - o Any negative results obtained for the various materials are totalled.

If the objective for the prevention of packaging waste, as referred to in Article 3(1/2), first, second or third paragraph, is not achieved for all single-use packaging placed on the Belgian market by the producer that does not make use of a producer responsibility organisation in

accordance with Article 22/1(1), third paragraph, this producer is liable for an annual levy equal to:

- From the year 2030 onwards, the amount in euros calculated by multiplying by minus fifty (-50) the result of the following calculation:
 - o For each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40, the tonnage of single-use packaging placed on the Belgian market by the producer in 2022, expressed in tonnes and rounded to the lower integer, minus 5%;
 - o For each of these materials, the tonnage of single-use packaging placed on the Belgian market by the producer in 2030, expressed in tonnes and rounded down to the nearest whole number, is then subtracted from the result obtained.
 - o Any negative results obtained for the various materials are totalled;
- From the year 2035 onwards, the amount in euros obtained by multiplying by minus fifty (-50) the result of the following calculation:
 - o For each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40, the tonnage of single-use packaging placed on the Belgian market by the producer in 2022, expressed in tonnes and rounded to the lower integer, minus 10%;
 - o For each of these materials, the tonnage of single-use packaging placed on the Belgian market by the producer in 2035, expressed in tonnes and rounded down to the nearest whole number, is then subtracted from the result obtained.
 - o Any negative results obtained for the various materials are totalled;
- From the year 2040 onwards, the amount in euros obtained by multiplying by minus fifty (-50) the result of the following calculation:
 - o For each packaging material, as referred to in Article 52.1 of Regulation (EU) 2025/40, the tonnage of single-use packaging placed on the Belgian market by the producer in 2022, expressed in tonnes and rounded to the lower integer, minus 15%;
 - o For each of these materials, the tonnage of single-use packaging placed on the Belgian market by the producer in 2040, expressed in tonnes and rounded down to the nearest whole number, is then subtracted from the result obtained.
 - o Any negative results obtained for the various materials are totalled.

(2). If the levy specifically owed by a producer or a producer responsibility organisation, as referred to in (1), is less than EUR 150, the levy will not be owed. If the levy specifically owed by a producer or a producer responsibility organisation, as provided for in the previous paragraph, is at least EUR 150 but less than EUR 250, the levy will be at least EUR 250.

(3). The levy referred to in (1) must contribute to the financing of the regions' policy on the prevention and management of the waste concerned and is subject to the provisions of Article 22/10(2). The Interregional Commission for EPR will communicate the specific amounts to be paid per region and the payment terms to producers and producer responsibility organisations during the course of year N+2.

The levy must be paid within a period of three months.

Article 22/14. (1). If a recycling objective, as referred to in Article 3(2) or Article 3(3), is not achieved by an organisation for producer responsibility for its affiliated producers, it must pay a levy of EUR 50 per tonne started for which this objective is not achieved.

If the recycling objective, as referred to in Article 3(2) or Article 3(3), is not reached by the management body for a second successive year by the producer responsibility organisation, the amount of the levy will be increased to EUR 100 per tonne started and from the third successive year, the amount of the levy will be increased to EUR 150 per tonne started.

(2). The levy referred to in (1) must contribute to the financing of the regions' policy on the prevention and management of the waste concerned and is subject to the provisions of Article 22/10(2). The packaging decision-making body communicates the actual amounts to be paid by the region to the producer responsibility organisation.

The levy is paid within three months at the latest by bank transfer to the account number communicated by each region.'

CHAPTER VII. – Introduction of Chapter IV/4 – Reporting to the Commission

Article 10

A new Chapter IV/4 is added to the cooperation agreement, entitled '*CHAPTER IV/4. – Reporting to the Commission*'.

This chapter contains the following Article 22/15:

'Article 22/15. (1). The Interregional Commission for EPR is responsible for reporting to the European Commission in accordance with Article 56 of Regulation (EU) 2025/40.

(2). The Interregional Commission for EPR provides the relevant departments of the federal government with the data on packaging waste required for the mandatory reports to the European Commission under 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, insofar as this data can be collected by it in the context of its normal operations and its powers.'

CHAPTER VIII. – Introduction of Chapter IV/5 – Special provisions concerning the deposit-return system

Article 11

A new Chapter IV/5 is added to the cooperation agreement, entitled '*CHAPTER IV/5. – Special provisions relating to the deposit-return system*'.

The chapter contains the following articles 22/16 and 22/17:

'Article 22/16. (1). By 1 January 2029 at the latest, producers of beverage packaging referred to in Article 50(1) of Regulation (EU) 2025/40, with the exception of beverage packaging

referred to in points a) to d) of Article 50.4 of Regulation (EU) 2025/40, must collectively meet the separate collection objective set out in Article 50(1) of Regulation (EU) 2025/40.

(2). The producers referred to in (1) designate a non-profit association as a candidate system operator for the deposit-return system referred to in Article 50.2 of Regulation (EU) 2025/40, which submits an application to the Interregional Commission for EPR by 30 June 2027 at the latest in order to be accepted as a system operator in accordance with Article 22/17. The application and any acceptance thereof are independent of the decision as to whether or not to introduce a deposit-return system.

(3). The decision to introduce a deposit-return system in accordance with Article 50.2 of Regulation (EU) 2025/40 is made by means of an executive cooperation agreement concluded by the three regional governments, which also lay down the specific modalities of the deposit-return system.

The deposit-return system must fulfil the following conditions:

- The deposit-return system is accessible to the entire population and to all producers of the packaging concerned;
- The deposit-return system may not have a negative impact on public cleanliness;
- The system is adapted to the typology and needs of the different areas, as well as to the density and composition of the population, the specific territorial characteristics of each region and regional needs.
- The packaging waste collected by the deposit-return system is made available free of charge to the existing collection system organised and financed by the producer responsibility organisations for the packaging waste of household origin;
- The deposit-return system always respects the privacy of users, in accordance with the regulations in force and in particular the General Data Protection Regulation;
- Revenue from unreturned deposits should not generate a 'profit' for producers that place packaging subject to a deposit on the market.
- The system administrator communicates all key figures relating to the deposit-return system to the public in a transparent manner; prior to publication, all corresponding figures and calculations must be verifiable by the Permanent Secretariat of the Interregional Commission for EPR.

The operational cooperation agreement must be concluded following consultation with the system operator for the deposit-return system accepted pursuant to Article 22/17 and with the producer responsibility organisations for the packaging waste of household origin and must provide for at least 24 months between the conclusion of the operational cooperation agreement and the concrete introduction of the deposit.

Article 22/17. (1). The system operator of the deposit system, as referred to in Annex X to Regulation (EU) 2025/40, is a non-profit association that is either a producer responsibility organisation for packaging waste of household origin with a market share of at least 50% of the packaging subject to the deposit-return system placed on the Belgian market by producers or a third party that has concluded exclusive cooperation agreements with one or more producer responsibility organisations for packaging waste of household origin, which together have a market share of at least 50% of the packaging subject to the deposit-return system placed on the Belgian market by producers.

The system administrator is approved by the Interregional Commission for EPR in accordance with the provisions of (3).

(2). If the system operator referred to in (1) is a producer responsibility organisation for packaging waste of household origin, it must fulfil the following conditions:

- There must be completely separate accounting between the activities as a producer responsibility organisation and as a system administrator;*
- The system operator must enter into a cooperation agreement with any other producer responsibility organisation for packaging waste of household origin that has obtained an approval for compliance with extended producer responsibility from the Interregional Commission for EPR, under conditions equivalent to those to which the system operator may itself operate in its capacity as a producer responsibility organisation;*
- A comprehensive financial plan must demonstrate that there will be sufficient financial resources available within the activities as a system operator to adequately fulfil the task of a system operator.*

If the system administrator referred to in (1) is a third party, they must fulfil the following conditions:

- The system administrator is responsible for the practical management of the deposit system;*
- The system operator concludes a uniform cooperation agreement on equal conditions with any producer responsibility organisation for packaging waste of household origin that has obtained an approval for compliance with extended producer responsibility from the Interregional Commission for EPR;*
- The system administrator makes the collected materials available free of charge to the aforementioned producer responsibility organisations and uses collection methods that ensure that the quality of these materials is at least as good as when collected in accordance with the normal collection methods of the producer responsibility organisations;*
- The system operator ensures the controllability and transparency of all key figures and make the necessary arrangements with the aforementioned producer responsibility organisations for the exchange of all relevant data, for the purpose of monitoring and reporting to the Interregional Commission for EPR;*
- A comprehensive financial plan must demonstrate that sufficient financial resources will be available to properly fulfil the task of a system operator.*

(3). The non-profit association referred to in (1) submits a written application to the Interregional Commission for EPR, against receipt, to be accepted as the Belgian system operator for the deposit-return system referred to in (1).

The Interregional Commission for EPR assesses within a period of 18 weeks from the receipt of the application whether it is complete and meets all conditions set out in (2). If not, the applicant must complete the application. If it does not comply with the conditions set out in (2), it must be adjusted in order to be brought into line with them. The period of 18 weeks does not begin until receipt of a complete application that meets all the conditions of (2).

Acceptance as a system administrator is not limited in time, but may be withdrawn at any time by the Interregional Commission for EPR on justified grounds if it appears that the system

administrator no longer meets the conditions of the current cooperation agreement or the conditions of the operational cooperation agreement referred to in Article 22/16(3).

Every decision to accept or withdraw acceptance as a system administrator is published in full in the Belgian Official Gazette.

(4). The system operator of the deposit system referred to in (1), accepted in accordance with the provisions of (3), has the sole right and duty to manage the deposit system in Belgian territory. This system administrator is subject to the following special obligations:

- a) The system operator complies with the conditions set out in points b), g), h), i), j) and o) of Annex X to Regulation (EU) 2025/40;*
- b) The system administrator responds to any questions from the Interregional Commission for EPR as regards monitoring and reporting, in accordance with point k) of Annex X to Regulation (EU) 2025/40;*
- c) The system operator ensures that any economic operator who makes packaged products subject to the deposit-return system available on the market in Belgium charges the deposit, except in the case that the product is consumed in the hospitality sector, where the supply, opening, consumption and return takes place entirely on site;*
- d) The system administrator reports any relevant changes to its system and its operation in advance to the Interregional Commission for EPR.'*

CHAPTER IX – Amendments to Chapter V. – The Interregional Commission for EPR and competent regional administration.

Article 12

(1). The following amendments are made to Article 23 of the cooperation agreement:

- *The following sentence is added to the first paragraph of (1): ‘The ‘Interregional Commission for EPR’ is also known as ‘EPRiBEL’.’.*
- *The following sentence is added to the third paragraph of the same section: ‘In addition to these nine members, three observers are also appointed by the federal government for both departments, one of whom is appointed by the federal ministers responsible for the environment, economy and finance, respectively.’*
- *The following sentence is added to the fourth paragraph of the same section: ‘The Interregional Commission for EPR is also the competent authority referred to in Article 40.1 of Regulation (EU) 2025/40.’.*

(2). The second paragraph is replaced by the following provision:

‘(2). In order to fulfil the administrative and technical tasks assigned to it, the Permanent Secretariat has staff members contractually recruited by the Interregional Commission for EPR.

The Permanent Secretariat’s own staff members are recruited by employment contract and under the authority of the managing director. Daily supervision of the performance of each staff member is ensured by the member of the management committee designated for this purpose by the employment regulations and the organisational chart, who is responsible for the annual appraisal of that member of staff in accordance with the procedures laid down in the employment regulations, as referred to in Article 23/2(2).

Within the limits of the available appropriations, staff is recruited on the basis of the job descriptions referred to in Article 23/2(2). Staff members carry out their assignments at the office of the Interregional Commission for EPR, without prejudice to the possibility to work from home.

The starting salary of the Permanent Secretariat's own staff members is determined per level on the basis of the average salaries in the three regions. Salaries are linked to the trigger index and may, subject to a favourable staff evaluation and within the limit of the available appropriations, be increased by the 'packaging decision-making body' of the Interregional Commission for EPR, on the proposal of the executive committee and in consultation with the 'EPR decision-making body', with the average seniority increase for the officials of the three regions. For all in-house staff with favourable staff evaluations, the same seniority increase is applied annually. The modalities for determining the starting salaries and seniority increases will be further detailed in the working regulations referred to in Article 23/2(2).

Own staff members perform their duties in a loyal, meticulous and honest manner. Outside the performance of their duties, they avoid any action likely to impair the trust of the public in their service.'

(3). The third section is replaced by the following provision:

(3). Staff members of the regions may be made available to the Interregional Commission for EPR at the request of the Permanent Secretariat or competent regional administration.

The regions only make staff available that are subject to the regulations or staff with an indefinite contract.

The number of members of the Permanent Secretariat made available by each regional government is limited to no more than the number of staff per level provided for in the organisation chart for each region in accordance with Article 23/2(2).

The managing director of the Permanent Secretariat makes the necessary practical arrangements with each region regarding the organisation of the assignments and the recruitments, respecting the following guidelines:

- Only in the case of unfulfilled positions may the competent regional administration proceed with the secondment of staff members;*
- The managing director of the Permanent Secretariat is actively involved by the competent regional administration in all procedures for the secondment of staff and all procedures for the recruitment of staff with a view to their secondment;*
- The managing director of the Permanent Secretariat may refuse the proposed secondment, provided that reasons are given based on the conditions laid down for the post by the Interregional Commission for EPR;*
- If the organisational chart is not fully completed and the competent regional administration does not wish to make staff members available, the Permanent Secretariat organises its own recruitment procedure, to which the competent regional administration is invited to participate.*

The officials and staff members that are made available perform their duties in a loyal, meticulous and honest manner. Outside the performance of their duties, they avoid any action likely to impair the trust of the public in their service.’

(4). The fourth section is replaced by the following provision:

‘(4). The members of the Permanent Secretariat made available by the regional governments, except in the case of leave on account of assignment, remain subject to the statutory provisions applicable to them, unless otherwise provided for in the second paragraph of this section, in (5) of this article or in Article 23/2(1) of the present cooperation agreement.

The daily supervision of the work of each member of the Permanent Secretariat is ensured by the member of the management committee designated for this purpose by the internal regulations and the organisational chart, who is responsible for staff evaluations in accordance with the procedures laid down in the internal regulations, as referred to in Article 23/2(3).

(5). The following fifth section is added:

‘(5). Staff members of the Permanent Secretariat and staff members seconded from regional administrations who perform exceptionally well in relation to planning expectations are eligible for a special performance allowance. This allowance is granted within the limits of the available funds, on the recommendation of the management committee, by the ‘packaging decision-making body’ of the Interregional Commission for EPR, to one or more members of staff. The maximum amount of the allowance will be based on what is customary in the regions and the terms and conditions for granting it will be further elaborated in the employment regulations referred to in Article 23/2(2) for its own staff and in the internal regulations referred to in Article 23/2(3), for seconded staff.’

Article 13

The following new Article 23/1 is added to the cooperation agreement:

‘Art. 23/1. (1). The budget of the Interregional Commission for EPR consists of a personnel budget that covers the costs of its own staff and an operating budget. The operating budget is financed in accordance with Article 25.

(2). The personnel budget of the Interregional Commission for EPR is financed by the Interregional Commission for EPR's own revenue, which comes from fines imposed on offenders and by appropriations entered as a separate line in the general expenditure budget of each region. These appropriations are made available from the financial year 2026 and calculated as follows:

- The basic amount is set at EUR 3,000,000 for the financial year of 2026, corresponding to an establishment plan of 34 FTEs; if the basic amount is too high or too low to finance this establishment plan, the basic amount may be reduced or increased, respectively, by means of an operational cooperation agreement concluded by the three regional governments; the adjusted or unadjusted basic amount will be increased annually in January by 2% for each exceedance of the central index in the*

preceding year and then increased by 1%, as a flat-rate estimate of the evolution of wage scales;

- The indexed base amount is reduced by the estimated revenue in the budget year from the fees referred to in Article 22/1 and by the estimated revenue in the budget year from the fees due to the Interregional Commission for EPR pursuant to the cooperation agreement of 13 July 2021 between the federal government, Flemish Region, Walloon Region and Brussels-Capital Region on the coordination of policy on cross-border waste shipments;
- The indexed base amount is then reduced by the portion of the indexed base amount corresponding to the waste flows for which extended producer responsibility measures have not yet been imposed on producers by means of an implementing cooperation agreement, in accordance with the provisions of Book II of the cooperation agreement on the framework for extended producer responsibility for certain waste flows and litter; if the result of this calculation is a reduced indexed base amount that is negative, this amount will be offset in the operating budget of the Interregional Commission for EPR;
- The reduced indexed base amount is allocated to each of the regions in accordance with the distribution key set out in Article 25, second paragraph;
- The amount per region is reduced by the percentage of the indexed base amount corresponding to the officials and servants made available by the regional government, as provided for in Article 23(2);
- If the sum of the calculated amounts for the three regions exceeds the total estimated actual personnel costs for the Interregional Commission for EPR, taking into account the actual salaries, the actual seniorities and various additional remuneration, granted in accordance with the labour regulations referred to in Article 23/2(2), the difference between the two will be deducted from the basic amount to be financed and the two previous steps shall be repeated;
- If the result of this calculation for a region yields a negative amount to be financed, this amount will be offset against that region's contribution to the operating budget of the Interregional Commission for EPR; if the result after this settlement is still negative, this amount must be reimbursed to the region by way of contribution to the personnel costs associated with the staff made available by the regional administration to the Permanent Secretariat.

The managing director of the Permanent Secretariat of the Interregional Commission for EPR calculates annually and at the latest in May, in accordance with the previous paragraph, the contributions actually due by each region in the following financial year to the staff budget of the Interregional Commission for EPR. The 'packaging decision-making body' of the Interregional Commission for EPR validates this calculation and takes the necessary measures to obtain funding for this budget from the regions.

Each region pays the contribution due to the staff budget into the account of the Interregional Commission for EPR in good time so that salaries can be paid correctly. If a negative amount is owed by a region, the Interregional Commission for EPR pays this amount to the region by 30 September at the latest, in accordance with the terms and conditions determined by the region.

Article 14

The following new Article 23/2 is added to the cooperation agreement:

'Art. 23/2. (1). The 'packaging decision-making body', in consultation with the 'EPR decision-making body', approves the work programme of the Permanent Secretariat each year. It sets the annual objectives to be achieved by the managing director, administrative director and the other departmental heads of the Permanent Secretariat. The managing director and administrative director of the Permanent Secretariat are evaluated each year by the 'packaging decision-making body', taking into account the objectives set for them. The decision-making body may be assisted in this by an external service provider appointed by it.

Where appropriate, these evaluations are communicated to the regional administration that makes these members available.

The internal rules referred to in (3) describe the method for the annual evaluation of the managing director and departmental heads of the Permanent Secretariat.

(2). The 'packaging decision-making body' determines, on the proposal of the management committee and in consultation with the 'EPR decision-making body', the organisational chart of the Permanent Secretariat and determines the job descriptions for the staff members of the Permanent Secretariat.

On the basis of the organisational chart and the job descriptions, the 'packaging decision-making body' establishes the staff and language framework on the proposal of the management board and in consultation with the 'EPR decision-making body'. The coordinated laws on the use of languages in administrative matters apply.

On the basis of the organisational chart and job descriptions, the 'packaging decision-making body', acting on a proposal from the executive committee and in consultation with the 'EPR decision-making body', approves the draft labour regulations. The employment regulations are then implemented in accordance with the procedure laid down by the King in accordance with Article 15septies of the Law of 8 April 1965 establishing the employment regulations.

(3). The Permanent Secretariat has a managing director and steering committee in which the three regions are represented and consisting specifically of the managing director and departmental heads, by which one of these heads also serves the function of administrative director. The functioning of the Permanent Secretariat is governed by internal regulations that are approved by the 'packaging decision-making body' in consultation with the 'EPR decision-making body'. These internal regulations clarify the respective powers of the managing director and management committee.

The managing director, administrative director and departmental heads are appointed by the 'packaging decision-making body' in consultation with the 'EPR decision-making body'.

The day-to-day management of the Permanent Secretariat is the responsibility of the managing director, subject to specific allocation of powers in the internal rules and delegation of powers by the managing director. The departmental heads and administrative director each have a detailed description of their duties, describing how they are to prepare policy. The management committee ensures policy coherence between the departments. All fundamental decisions, especially those reserved for the decision-making body by this cooperation

agreement, are discussed in advance by the management committee and submitted to the decision-making body for approval.

(4). The managing director and chairperson of the ‘packaging decision-making body’ represent the Interregional Commission for EPR in legal proceedings. In the event of extreme urgency, the managing director may act alone. However, if the court cases only concern authorities of the ‘EPR decision-making body’ and are not urgent, by which the managing director acts alone, the Interregional Commission for EPR is represented by the managing director and chairperson of the ‘EPR decision-making body’.

Article 15

In Article 24(3), in the Dutch language version, the words ‘internal regulations’ are replaced by the words ‘internal rules’.

Article 16

Article 25 of the cooperation agreement is replaced by the following provision:

‘Art. 25. The ‘packaging decision-making body’ of the Interregional Commission for EPR determines annually and no later than May, in consultation with the ‘EPR decision-making body’, the operating budget of the Interregional Commission for EPR for the following financial year and takes the necessary measures to obtain the financing of this budget by the regions. The operating budget may be included in the budgets of regional institutions or administrations, such as the competent regional administrations.

The annual operating budget of the Interregional Commission for EPR is made available by each region in accordance with the following distribution key: 58.05% for the Flemish Region, 31.33% for the Walloon Region, 10.62% for the Brussels-Capital Region.’.

Article 17

The following amendments are made to Article 26(1) of the cooperation agreement:

- In point 10°, the words ‘the organisational chart and’ are replaced by: ‘within its first department, in consultation with its second department,’.
- The following points 10/1, 10/2, 10/3 and 10/4 are added:
 - ‘10/1° determines within its first department, on the proposal of the management committee and in consultation with its second department, the organisational chart of the Permanent Secretariat and job descriptions for the staff members of the Permanent Secretariat;
 - 10/2° establishes within its first department and in consultation with its second department, on the proposal of the management committee, the staffing and language framework of its own staff within the Permanent Secretariat;
 - 10/3° decides within its first department, in consultation with its second department, on recruitment and the recruitment procedure within the available budget and decides on the starting salaries of its own staff;
 - 10/4° establishes within its first department, in consultation with its second department, the conditions for granting an allowance for extraordinary functioning to certain staff members of

the Permanent Secretariat and may grant this allowance annually, on a proposal from the management committee, within the available budget;’.

Article 18

The following new Article 26/1 is added to the cooperation agreement:

‘Art. 26/1. (1). The EPR decision-making body of the Interregional Commission for EPR:

1° ensures the monitoring of the objectives set out in Article 3 within its first department;

2° assesses within its first department the applications for registration, as provided for in Article 22/1, and, where appropriate, determines the framework within which the Permanent Secretariat will assess certain applications for registration on behalf of the decision-making body;

3° grants within its first department applications for approval regarding compliance with extended producer responsibility, as provided for in Article 22/4 and Article 22/5, and refuses, amends or withdraws them and, where appropriate, determines the framework within which the Permanent Secretariat will grant, refuse, amend or withdraw certain applications for approval regarding compliance with extended producer responsibility on behalf of the decision-making body;

4° imposes special conditions within its first department, where applicable, when granting an application for approval regarding compliance with extended producer responsibility and determines, in particular, the minimum percentage of the annual budget that must be allocated to the financing of reduction and prevention actions, as provided for in Article 51.3 of Regulation (EU) 2025/40;

5° determines within its first department, when granting an application for approval regarding compliance with extended producer responsibility, the realistic prevention objectives, including the reuse objective that the producer responsibility organisation must pursue for all its members in order to achieve the overall objective set out in Article 43 of Regulation (EU) 2025/40;

6° determines within its first department the amount of each guarantee, as provided for in Article 22/8(1), third paragraph, and requests its release in the event of non-performance of the obligations;

7° assesses within its first department applications for acceptance as a system administrator, as provided for in Article 22/3decies;

8° determines within its first department, in consultation with its second department, the rules of internal operation of the Interregional Commission for EPR;

9° determines within its first department, on the proposal of the management committee and in consultation with its second department, the organisational chart of the Permanent Secretariat and the job descriptions for the staff members of the Permanent Secretariat;

10° establishes within its first department, on the proposal of the management committee and in consultation with its second department, the staffing and language framework for its own staff within the Permanent Secretariat;

11° decides within its first department, in consultation with its second department, on recruitment and the recruitment procedure within the available budget and decides on the starting salaries of its own staff;

12° establishes within its first department, in consultation with its second department, the conditions for granting an allowance for exceptional performance to certain staff members of the Permanent Secretariat and may grant this allowance annually, on a proposal from the management board, within the available budget;

13° within its second department, performs the tasks set out in the cooperation agreement on the framework for extended producer responsibility for certain waste flows and for litter;

14° is responsible within its first department for designating the persons authorised to supervise compliance with the provisions of this cooperation agreement, in accordance with Article 29/1(1) of this cooperation agreement, and, where applicable, authorised to impose fines, in accordance with Article 31/1(1) of this cooperation agreement;

15° is responsible within its second department for designating the officials and staff members of the Permanent Secretariat who are competent for supervising compliance with the provisions of the cooperation agreement of [...] between the Flemish Region, Walloon Region and Brussels-Capital Region concerning the framework for extended producer responsibility for certain waste flows and litter, in accordance with Article 37 of the cooperation agreement;

16° is entrusted within its first department with all other tasks conferred on it by the cooperation agreement of 13 July 2021 between the federal government, Flemish Region, Walloon Region and Brussels-Capital Region on the coordination of policies on cross-border shipments of waste, including all implicit tasks and powers necessary to properly exercise the tasks and powers explicitly mentioned therein;

17° is responsible within its first department for all other tasks assigned to it under this cooperation agreement, including all implicit tasks and powers necessary for the proper exercise of the explicitly mentioned tasks and powers.

(2). The Interregional Commission for EPR verifies within its first department:

1° how producers, authorised representatives for extended producer responsibility and producer responsibility organisations achieve the recycling and useful application objectives set out in Article 3(1/3);

2° the quality of the reports referred to in Article 22/2.

(3). The members of the Permanent Secretariat of the Interregional Commission for EPR question the financial auditing body of the producer responsibility organisations and may be assisted or represented by their own financial auditing body for the purposes of an investigation. The members of the Permanent Secretariat of the Interregional Commission for EPR are responsible for supervising all provisions of the cooperation agreement.

(4). The Interregional Commission for EPR draws up an annual report on its activities for the regional governments.’.

Article 19

The following new Article 27/1 is added to the cooperation agreement:

‘Art. 27/1. The Interregional Commission for EPR formulates proposals and/or opinions within its first department, in consultation with its second department, for the regional governments on:

1° its internal functioning and annual budget;

2° changes to the current cooperation agreement for legal or factual reasons;

3° effectiveness of recycling and useful application chains.’.

Article 20

The following new Article 28/1 is added to the cooperation agreement:

‘Art. 28/1. (1). Each competent regional administration:

1° offers mediation at the request of one of the parties in the absence of an agreement between a producer responsibility organisation and a legal entity under public law competent for the collection of household waste in its territory;

2° advises the Interregional Commission for EPR on the effectiveness of recycling and useful application chains, as well as on incineration with energy recovery at waste incineration plants;

3° advises the Interregional Commission for EPR on conformity with the regional waste plan for the planning of the geographical areas covered by a producer responsibility organisation that carries out these activities for the first time in Belgium and therefore benefits from a start-up period not exceeding five years.

(2). An observer from the Permanent Secretariat of the Interregional Commission for EPR is invited to the mediation referred to in (1), 1°.

The competent regional administration notifies the regional government concerned in the event of a definitive failure of the mediation.

CHAPTER X – Amendments to Chapter VI. – Control, administrative penalties and criminal provisions.

Article 21

The following new Article 29/1 is added to the cooperation agreement:

‘Art. 29/1. (1). Without prejudice to the powers of the judicial police officers, officials and staff of the Permanent Secretariat of the Interregional Commission for EPR referred to by the ‘packaging decision-making body’, as well as the officials and staff of each competent administration of the region specifically designated by their government to act under this cooperation agreement, are responsible for monitoring the provisions of this cooperation agreement. The regions ensure that the officials and staff members of the competent administration of the region designated for this purpose comply with the general control guidelines drawn up by the Interregional Commission for EPR.

Contract staff members assigned to the supervisory duties described in this chapter take an oath in that capacity.

The supervisory officials and staff of the Permanent Secretariat of the Interregional Commission for EPR, as well as the officials and staff of the competent administration of the region designated for this purpose by their government, have the opportunity to be assisted by the ordinary police.

The regulators exercise their supervisory powers independently and impartially. They must be able to properly fulfil their task and are provided with the necessary resources to this end. They must not be placed at a disadvantage as a result of the task they perform as a supervisory body.

The supervisory officials and staff of the Permanent Secretariat of the Interregional Commission for EPR must have a certificate of identity issued by the Director of the Permanent Secretariat and immediately provide this if requested.

(2). Every producer, every authorised representative for extended producer responsibility and every producer responsibility organisation is required, at the request of the persons referred to in the first section, to make all documents and correspondence available and provide, orally or in writing, all information relating to the performance of its obligations under Regulation (EU) 2025/40 and under this cooperation agreement.

If the documents and correspondence are kept, prepared, issued, received or stored by means of a computerised system, the persons referred to in the first section have the right to obtain access to the data placed on data carriers in a legible and intelligible form. The persons referred to in the first section and in the first paragraph of this section may also request that the person mentioned above make copies in their presence and with their equipment in the form of all or part of the aforementioned data as they wish, as well as to carry out the computer operations deemed necessary to monitor compliance with the obligations of Regulation (EU) 2025/40 and this cooperation agreement.

(3). Every producer, every authorised representative for extended producer responsibility and every producer responsibility organisation is required, at any time and without prior notice, to

grant free access to the premises in which the activity is carried out, provided that such premises are not used for housing, in order to enable the persons referred to in the first section to verify compliance with the obligations of Regulation (EU) 2025/40 and the present cooperation agreement.

All premises where an activity is carried out should be considered offices, factories, workshops, shops, garages and premises used as a factory, workshop or warehouse.’.

Article 22

The following article 31/1 is added to the cooperation agreement:

‘Art. 31/1. (1). The members of the Permanent Secretariat of the Interregional Commission for EPR referred to for this purpose by the ‘packaging decision-making body’ may impose an administrative fine on the producer or authorised representative for extended producer responsibility who, prior to making packaging or packaged products available on the Belgian market, does not apply for registration with the Interregional Commission for EPR and does not connect to a producer responsibility organisation, as imposed by Article 22/1(1), third paragraph. The administrative fine is EUR 5,000.

The members of the Permanent Secretariat of the Interregional Commission for EPR designated for this purpose by the ‘packaging decision-making body’ may impose an administrative fine on the producer or authorised representative for extended producer responsibility whose application for registration has been refused and who fails to submit a new application or join a producer responsibility organisation within a period of three weeks. The administrative fine is EUR 5,000.

The members of the Permanent Secretariat of the Interregional Commission for EPR referred to for this purpose by the ‘packaging decision-making body’ may impose an administrative fine on the producer responsibility organisation which, prior to its activities on the Belgian market, does not apply for registration with the Interregional Commission for EPR or does not renew its registration in a timely manner, as imposed by Article 22/1(1), fourth paragraph. The administrative fine is EUR 50,000.

The members of the Permanent Secretariat of the Interregional Commission for EPR referred to for this purpose by the ‘packaging decision-making body’ may impose an administrative fine on the producer responsibility organisation whose application for registration has been refused or withdrawn and who fails to submit a new application or to cease its activities on the Belgian market within a period of six weeks. The administrative fine is EUR 50,000.

(2). The members of the Permanent Secretariat of the Interregional Commission for EPR appointed for this purpose by the ‘packaging decision-making body’ may impose an administrative fine on the producer, the authorised representative for extended producer responsibility or the producer responsibility organisation that fails to comply with the reporting obligations set out in Article 22/2. The administrative fine is EUR 5,000.

(3). If a new offence is committed within three years of the imposition of an administrative fine, the amounts specified in this article will be doubled.’.

Article 23

In the second paragraph of Article 32(1), the word ‘euro’ is replaced by ‘euros’ in the French language version.

Article 24

The following new Article 33/1 is added to the cooperation agreement:

‘Art. 33/1. (1). If supervisory authorities, as referred to in Article 29/1, determine that an infringement is likely to occur, they may issue any advice they deem useful to prevent it.

If supervisory authorities, as referred to in Article 29/1, identify an infringement in the course of their supervisory duties, they may issue a warning to the suspected offender and any other parties involved to take the necessary measures to end the infringement, remedy its consequences in whole or in part, or prevent its recurrence.

(2). When establishing an infringement, the supervisory authorities referred to in Article 29/1 may draw up a statement of findings. They immediately deliver it to the members of the Permanent Secretariat of the Interregional Commission for EPR who have been designated for this purpose by the decision-making body, in accordance with Article 31/1. They simultaneously deliver a copy of the statement of findings to the alleged offender.

(3). When determining whether an infringement has occurred, the supervisory authorities referred to in Article 29/1 may verify the identity of the suspected offender.

The identity documents handed over to the supervisory authority must be returned to the person concerned immediately after verification of identity.

In the absence of an identity card, the suspected offender will be offered the opportunity to prove his identity by another means.’

Article 25

The following article 34/1 is added to the cooperation agreement:

‘Art. 34/1. (1). Within 60 days of receiving the report of findings in which an infringement is established by a supervisory authority as referred to in Article 29/1, the member of the Permanent Secretariat of the Interregional Commission for EPR designated for this purpose by the decision-making body may, in accordance with Article 31/1, inform the alleged offender of the intention to impose an administrative fine. The alleged offender is invited to submit a written defence within 30 days of notification of this.

The suspected offender will also be informed that he:

1° may, on request, inspect and obtain copies of the documents on which the proposal to impose an administrative fine is based;

2° explain his written defence orally. To this end, the alleged offender can, within 30 days of notification, submit an application to the member of the Permanent Secretariat

of the Interregional Commission for EPR designated for this purpose by the decision-making body, in accordance with Article 31/1.

(2). The member of the Permanent Secretariat of the Interregional Commission for EPR designated for this purpose by the decision-making body, in accordance with Article 31/1, may request the supervisor, as referred to in Article 29/1, to provide additional information.

(3). Within 90 days of notification of the report referred to in (1), the member of the Permanent Secretariat of the Interregional Commission for EPR designated for this purpose by the decision-making body will decide, in accordance with Article 31/1, whether or not an administrative fine will be imposed. The member notifies the (alleged) offender of his decision by registered letter or serve the decision by bailiff's writ within one month of the decision being taken, on penalty of forfeiture of the fine.

In accordance with the provisions of the Act of 29 July 1991 on the explicit justification of administrative acts, the decision will at a minimum state the amount imposed, if any, the possibilities for appeal and the conditions for appeal, as well as the deadline by which and the manner in which the administrative fine must be paid, if applicable.

(4). The person subject to an administrative fine may lodge an appeal against the decision imposing the fine, as provided for in (3), with the court of first instance. The appeal is lodged on the basis of Articles 1034/1 et seq. of the Judicial Code by way of an appeal made directly to the court. The District Court of Brussels has territorial jurisdiction. The deadline for lodging an appeal is three months from the date of service or notification of the decision. This period is prescribed on penalty of forfeiture. The Interregional Commission for EPR acts as a defendant in this appeal.

The appeal does not suspend the decision. If an appeal is lodged, the fine paid is signed by the Interregional Commission for EPR at the Deposit and Consignment Office pending final judgement. However, the Court of First Instance of Brussels is authorised to suspend enforcement of the decision imposing the fine against which the appeal is directed if enforcement could have serious consequences for the person concerned.

The Court of First Instance of Brussels is authorised to reduce the administrative fine to below the statutory minimum if there are mitigating circumstances. The Court of First Instance of Brussels is also authorised to grant suspension of the enforcement of sentences where the circumstances required for this are available.

(5). The administrative fine must be paid within a period of three months from the day after the decision is served or notified. It can be paid by deposit or transfer to the account of the Interregional Commission for EPR. The decision explicitly states this account number and the information that must accompany the payment.

(6). In the event of failure to pay the administrative fine within three months of notification, the Director of the Permanent Secretariat of the Interregional Commission for EPR will send the decision, together with a request for recovery, to the department within the Federal Public Service Finance responsible for non-tax collection.

(7). The administrative fine is the responsibility of the Interregional Commission for EPR.'

CHAPTER XI. – Amendments to Chapter VIII. – Final provisions

Article 26

The following new Article 38 is added to the cooperation agreement:

‘Art. 38. (1). The following articles and annexes enter into force on the day on which Regulation (EU) 2025/40 comes into force:

- *Article 1(1/1);*
- *Article 3(1/1), 3(1/2) and 3(1/3);*
- *article 4/1;*
- *Articles 22/1 through 22/17;*
- *Articles 26/1, 27/1 and 28/1;*
- *Article 29/1;*
- *Articles 31/1, 33/1 and 34/1.*

From the date on which Regulation (EU) 2025/40 comes into force, the following articles and annexes will cease to apply:

- *Article 1(1);*
- *Article 2, 1°, 2°, 3°, 4°, 5°, 6°, 12°, 16°, 19°, 20°, 21°, 22°, 27°, 28°, 29°, 30°, 31°;*
- *Article 3(1);*
- *Article 3(4);*
- *Articles 4 and 5;*
- *Articles 6, 7 and 8;*
- *Articles 9 and 10;*
- *Article 11;*
- *Articles 12, 13, 14 and 14/1;*
- *Articles 15 and 16;*
- *Article 17;*
- *Articles 18 and 19;*
- *Article 20;*
- *Article 21;*
- *Article 22;*
- *Articles 26, 27 and 28;*
- *Articles 29, 30, 31, 32, 33 and 34;*
- *Annex I.*

(2). By way of derogation from (1), recognition granted in accordance with Article 10 of this cooperation agreement remains valid until its expiry date. The recognition is considered as approval of compliance with extended producer responsibility within the meaning of Article 22/5 and the recognised body is considered a producer responsibility organisation. Sections 4 and 5 of Article 22/5 on the amendment and withdrawal of an approval regarding the fulfilment of extended producer responsibility apply to the recognition.

The registration referred to in Article 22/1(1), fourth paragraph, must be requested by the recognised body within a period of six weeks from the date on which Regulation (EU) 2025/40 enters into force and the fee provided for in Article 22/1(3) is owed. The registration is

approved in accordance with the procedure provided for in Article 22/1(5). If the registration or payment of the fee is not done in time, the recognition lapses by operation of law.

By way of derogation from the first paragraph, the approved body has the right to submit an application for approval concerning the fulfilment of extended producer responsibility within the meaning of Article 22/5 during the duration of the recognition. On entry into force of the approved approval regarding compliance with extended producer responsibility, the recognition lapses by operation of law.

Chapter XII – Amendments to the annexes.

Article 27

The following second annex is added to the cooperation agreement:

‘ANNEX II USEFUL APPLICATION ACTIONS

R 1 PRIMARY USE AS FUEL OR OTHER MEANS OF ENERGY GENERATION ^(^{*1})

R 2 SOLVENT RECOVERY/REGENERATION

R3 RECYCLING/RECOVERY OF ORGANIC SUBSTANCES NOT USED AS SOLVENTS (INCLUDING COMPOSTING AND OTHER BIOLOGICAL CONVERSION PROCESSES) ^(^{*2})

R 4 RECYCLING/RECOVERY OF METALS AND METAL COMPOUNDS ^(^{*3})

R 5 RECYCLING/RECOVERY OF OTHER INORGANIC MATERIALS ^(^{*4})

R 6 REGENERATION OF ACIDS OR BASES

R7 RECOVERY OF COMPONENTS USED TO REDUCE CONTAMINATION

R 8 RECOVERY OF COMPONENTS FROM CATALYSTS

R9 RE-REFINING OF OIL AND OTHER REUSE OF OIL

R10 SPREADING FOR AGRICULTURAL OR ENVIRONMENTAL IMPROVEMENT

R 11 USE OF WASTE SUBSTANCES RELEASED DURING ONE OF THE ACTIONS LISTED UNDER R 1 TO R 10

R 12 EXCHANGE OF WASTE FOR ONE OF THE ACTIONS LISTED IN R 1 TO R 11 ^(^{*5})

R 13 STORAGE OF WASTE INTENDED FOR ONE OF THE ACTIONS REFERRED TO UNDER R1 TO R12 (NOT INCLUDING TEMPORARY STORAGE PRIOR TO COLLECTION AT THE PLACE OF PRODUCTION) ^(^{*6})

^(^{*1}) This includes incineration plants specifically intended to process municipal solid waste, provided that their energy efficiency is at least:

- 0.60 for installations that were in operation before 1 January 2009 and have a permit in accordance with applicable European Community law
- 0.65 for installations for which a permit is issued after 31 December 2008,

as calculated with the following formula:

Energy efficiency = $(E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$

in which:

E_p = the quantity of energy produced annually as heat or electricity. In the calculation, energy in the form of electricity is multiplied by a factor of 2.6 and heat produced for commercial applications by a factor of 1.1 (in GJ/year).

E_f = the annual energy input into the system originating from fuels used for the production of steam (in GJ/year)

E_w = the quantity of energy contained in the annual waste throughput, calculated on the basis of the net calorific value of the waste (in GJ/year)
E_i = the amount of energy imported annually, excluding *E_w* and *E_f* (in GJ/year)
 0.97 = correction factor to take account of energy losses through bottom ash and radiation

This formula is used in accordance with the European reference document on best available methods for waste incineration.

The value of the energy efficiency formula is multiplied by a Climate Correction Factor (CCF) as follows:

1. CCF for installations that were in operation before 1 September 2015 and have a permit in accordance with applicable European Union law:

$CCF = 1$ if $HDD \geq 3,350$

$CCF = 1.25$ if $HDD \leq 2,150$

$CCF = - (0.25/1,200) \times HDD + 1,698$ if $2,150 < HDD < 3,350$

2. CCF for installations for which a permit is issued after 31 August 2015 and for installations referred to in point 1 after 31 December 2029:

$CCF = 1$ if $HDD \geq 3,350$

$CCF = 1.12$ if $HDD \leq 2,150$

$CCF = - (0.12/1,200) \times HDD + 1,335$ if $2,150 < HDD < 3,350$

(The resulting CCF value will be rounded to three decimal places).

The HDD value (Heating Degree Days) is the average of the annual HDD values for the location of the combustion plant, calculated over a period of 20 consecutive years prior to the year for which the CCF is calculated. The HDD value is calculated using the following method established by Eurostat: HDD is equal to $(18\text{ °C} - T_m) \times d$ if T_m is less than or equal to 15 °C (heating threshold) and is equal to zero if T_m is more than 15 °C , where T_m is the mean $(T_{min} + T_{max})/2$ outdoor temperature over a period of d days. The calculations must be carried out daily ($d = 1$) and totalled for an entire year.

(*2) Includes preparing for reuse, gasification and pyrolysis in which the components are used as chemicals and recovery of organic material in the form of backfilling.

(*3) This includes preparation for reuse.

(*4) Includes preparation for reuse, recycling of inorganic construction materials, recovery of inorganic materials in the form of backfilling and soil cleaning resulting in soil remediation.

(*5) If there is no other suitable R code, this may include preliminary operations prior to utilisation, including pretreatment, such as disassembly, sorting, crushing, compacting, pelleting, drying, shredding, conditioning, repackaging, separating or mixing, preceding one of the operations as referred to in R1 to R11.

(*6) Temporary storage means provisional storage in accordance with Article 3, point 10. '.

CHAPTER XIII – Final provisions.

Article 28

This cooperation agreement enters into force on the implementation date of the last act of assent.

Brussels,

Minister-President of the Flemish Government,
M. Diependaele

Flemish Minister for the Environment and Agriculture,
J. Brouns

Minister-President of the Walloon Government,
A. Dolimont

Walloon Minister for Health, Environment, Solidarity and Social Economy,
Y. Coppieters

Minister-President of the Brussels-Capital Government,
R. Vervoort

Minister of the Brussels Capital Government responsible for Climate Transition, Environment, Energy
and Participative Democracy,
A. Maron