

Decree of the Flemish Government amending the Decree of the Flemish Government of 17 February 2012 adopting the Flemish Regulation on sustainable management of material cycles and waste and the Decree of the Flemish Government of 23 May 2025 on environmental enforcement

Legal basis

This Decree is based on:

- the Decree of 5 April 1995 containing general provisions on environmental policy, Article 16.1.2(1)(f) and Article 16.4.27, inserted by the Decree of 21 December 2007 and amended by the Decrees of 30 April 2009 and 8 June 2018;
- the Decree of 23 December 2011 on the sustainable management of material cycles and waste, Article 5, Article 6(2), amended by the Decree of 20 May 2022, Article 9(1)(3), Article 13(1) and (2), Article 14, amended by the Decree of 18 December 2015, Article 21, amended by the Decrees of 26 February 2021 and 20 May 2022, Article 21/1, inserted by the Decree of 26 February 2021, Article 22, 32 and 35.

Procedural requirements

The following procedural requirements have been met:

- The legislative and linguistic opinion 2025/454 was received on 5 November 2025.
- The Inspectorate of Finance issued its opinion KS/2025004129 on 31 October 2025.
- The Flemish Supervisory Commission for the Processing of Personal Data issued its opinion No 2025/073 on 16 December 2025.
- An advisory application was submitted to the Environment and Nature Council of Flanders on 2 December 2025. By letter dated 9 December 2025, the Environment and Nature Council of Flanders stated that it had decided not to issue a recommendation on this file.
- An advisory application was submitted to the Social and Economic Council of Flanders on 2 December 2025. By letter dated 15 December 2025, the Social and Economic Council of Flanders stated that it had decided not to issue a recommendation on this file.
- The draft was notified to the European Commission in notification No xxx on (date) in application of Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. The three-month standstill period expired on ... (date).
- The Council of State gave opinion xxxxx/x (opinion number) on ... (date), pursuant to Article 84(1)(1)(2) of the Council of State Acts, consolidated on 12 January 1973.

Initiator

This Decree is proposed by the Flemish Minister for Environment and Agriculture.

After deliberations,

THE FLEMISH GOVERNMENT HEREBY DECREES THE FOLLOWING:

Chapter 1. Amendments to the Decree of the Flemish Government of 17 February 2012 establishing the Flemish regulation on sustainable management of material cycles and waste.

Article 1. The following amendments are made to Article 1.1.1 of the Decree of the Flemish Government of 17 February 2012 establishing the Flemish Regulation on the sustainable management of material cycles and waste, as last amended by the Decree of the Flemish Government of 2 May 2025:

1° the phrase 'and Commission Delegated Decision (EU) 2025/934 of 5 March 2025 amending Decision 2000/532/EC as regards an update of the list of waste in relation to battery-related waste' is added to the second paragraph;

2° the third paragraph is replaced with the following:

'This Decree provides for the partial implementation of:

- 1° Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC;
- 2° Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.'

Article 2. In Article 1.2.1(2) of the same Decree, last amended by the Flemish Government Decree of 2 May 2025, the following amendments shall be made:

1° a point 25°/1/1 is added with the following text:

'25°/1/1 fulfilment service provider: a fulfilment service provider as defined 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;';

2° a point 60°/1/1 is added with the following text:

'60°/1/1 online platform: an online platform as defined in Article 3(i) 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 (Digital Services Regulation);';

3° points 83°/0/1, 83°/0/2 and 83°/0/3 are inserted, reading as follows:

'83°/0/1 Regulation (EU) 2024/1157: Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006;

83°/0/2 Regulation (EU) 2019/1020: 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;

83°/0/3 Regulation (EU) 2022/2065: 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 (Digital Services Act)'.

Article 3. Article 3.2.1.6 of the same Decree, amended by the Flemish Government Decree of 22 December 2023, is replaced by the following:

§1. For the purposes of compliance with Article 30(1), points (d) and (e), of Regulation (EU) 2022/2065, providers of online platforms falling within the scope of Section 4 of Chapter 3 of that Regulation that allow consumers and end-users in the territory to conclude distance contracts with producers offering products subject to the acceptance obligation shall be required to obtain the following information from producers before allowing those producers to use their services:

- 1° the registration number or numbers of the producer with the relevant management bodies or producer organisations, or proof of an approved individual acceptance plan;
- 2° a self-attestation of the producer by which it undertakes to offer only products on the territory for which the relevant requirements on extended producer responsibility or acceptance obligation have been met.

§2. Producers who offer products subject to extended producer responsibility or the take-back obligation to end users within the territory shall provide fulfilment service providers with the information referred to in paragraph 1 at the time of conclusion of the agreement between the fulfilment service provider and the producer for one of the services referred to in Article 3(11) of Regulation (EU) 2019/1020.

§3. Upon receipt of the information referred to in paragraph 2 and at the time of conclusion of the agreement between the fulfilment service provider and the producer for one of the services referred to in Article 3(11) of Regulation (EU) 2019/1020, the fulfilment service provider shall make every effort to assess whether the information referred to in paragraph 2 is reliable and complete by using freely available official online databases or online interfaces or by requesting the producer to provide supporting documents from reliable sources. The producers are responsible for the accuracy of the information provided.

Where a fulfilment service provider obtains sufficient evidence or has reason to believe that the information obtained from the producer concerned, as set out in paragraph 2, is incorrect, incomplete or not up-to-date, the fulfilment service provider shall request that producer to complete or update the information without undue delay or within 30 calendar days. Where the producer does not correct, supplement or update that information, the fulfilment service provider

should swiftly suspend the provision of its service to that producer in relation to the making available on the territory to end-users of products subject to extended producer responsibility or the acceptance obligation until the request is fully complied with, with the fulfilment service provider informing the producer of the reasons for the suspension.

§4. Without prejudice to Article 4 of Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019, the producer concerned shall have the right to challenge a suspension by the fulfilment service provider on the basis of paragraph 3 before a competent court.'

Article 4. In Article 3.4.4.11(1) of the same Decree, inserted by the Decree of the Flemish Government of 23 May 2014, the phrase 'Regulation (EC) 1013/2006 of 14 June 2006 of the European Parliament and of the Council on shipments of waste' is replaced by the phrase 'Regulation (EU) 2024/1157'.

Article 5. Article 3.4.5.17 of the same Decree, amended by the Flemish Government Decree of 02 May 2025, is replaced by the following:

'§1. Producers who offer batteries, including batteries incorporated into equipment, light means of transport or other vehicles, to end users in the territory shall provide fulfilment service providers with the information referred to in Article 62(6) of Regulation (EU) 2023/1542 at the time of conclusion of the contract between the fulfilment service provider and the producer for one of the services referred to in Article 3(11) of Regulation (EU) 2019/1020.

§2. Upon receipt of the information referred to in paragraph 1 and at the time of conclusion of the agreement between the fulfilment service provider and the producer for one of the services referred to in Article 3(11) of Regulation (EU) 2019/1020, the fulfilment service provider shall make every effort to assess whether the information referred to in paragraph 1 is reliable and complete by using freely available official online databases or online interfaces or by requesting the producer to provide supporting documents from reliable sources. The producers are responsible for the accuracy of the information provided.

Where a fulfilment service provider obtains sufficient evidence or has reason to believe that the information obtained from the producer concerned as set out in paragraph 1 is incorrect, incomplete or not up-to-date, the fulfilment service provider shall request that producer to correct, supplement or update that information without undue delay or within 30 calendar days. If the producer does not correct, supplement or update that information, the fulfilment service provider shall promptly suspend the provision of its service to that producer in relation to the supply of batteries, including batteries incorporated into equipment, light means of transport or other vehicles to end users in the territory, until the request has been fully complied with, with the fulfilment service provider informing the producer of the reasons for the suspension.

§3. Without prejudice to Article 4 of Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019, the producer concerned shall have the right to challenge a suspension by the fulfilment service provider on the basis of paragraph 2 before a competent court.

Article 6. A third paragraph shall be added to Article 4.5.1 of the same Decree, replaced by the Flemish Government Decree of 22 March 2019, as follows:

Notwithstanding the first paragraph, an exemption may be provided for specific waste materials for which it is demonstrated that landfill provides the best environmental outcome in accordance with Article 4 of the Materials Decree, in accordance with the procedure set out in Article 4.5.3.

Article 7. In Article 4.5.2(1)(1) of the same Decree, last amended by the Decree of the Flemish Government of 2 May 2025, the phrase 'to prepare for re-use or' is inserted between the word 'which' and the word 'for'.

Article 8. In Article 5.2.3.5 of the same Decree, point 2 shall be replaced by the following:

'2° solid waste shall be stored in a single-use grey plastic bag produced from recycled plastics in accordance with Article 5.3.13.1. The plastic bag is tear-resistant, leak-proof and adapted to the nature and weight of the contents. The plastic bag shall be printed or labelled to clarify the distinction with other waste fractions.'

Article 9. In Article 5.2.3.6 of the same Decree, the words 'by the manufacturer of the container or bag' and the word 'black' are deleted.

Article 10. In Article 5.2.5.4 of the same Decree, replaced by the Decree of the Flemish Government of 23 May 2014 and amended by the Decrees of the Flemish Government of 23 September 2016 and 22 December 2017, each occurrence of the phrase 'Regulation (EC) 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste' shall be replaced with the phrase 'Regulation (EU) 2024/1157'.

Article 11. In Article 5.2.6.2 of the same Decree, the phrase 'Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste' is replaced by the phrase 'Regulation (EU) 2024/1157'.

Article 12. In Article 5.2.7.3 of the same Decree, replaced by the Decree of the Flemish Government of 2 May 2025, the phrase 'Article 2(15) of Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste' is replaced by the phrase 'Article 3(6) of Regulation (EU) 2024/1157'.

Article 13. In Article 5.2.14.2 of the same Decree, inserted by the Decree of the Flemish Government of 2 July 2021, the phrase 'Regulation (EC) 1013/2006 of 14 June 2006 on shipments of waste' is replaced by the phrase 'Regulation (EU) 2024/1157'.

Article 14. In Article 5.3.13.1 of the same Decree, inserted by the Decree of the Flemish Government of 22 March 2019 and amended by the Decree of the Flemish Government of 22 December 2023, the following amendments shall be made:

1° in paragraph 1(2), 2°, the percentage '100%' shall be replaced with the percentage '90%';

2° in paragraph 2(1), 2°, the phrase 'and waste bags intended for non-hazardous medical waste, as referred to in Article 5.2.3.5' is deleted.

Article 15. In Article 5.3.16.1(1)(2), 2°, Article 5.3.18.1(1)(2), 2°, Article 5.3.19.1(1)(2), 2°, and Article 5.3.22.1(1)(2), 2°, of the same Decree, inserted by the Decree of the Flemish Government of 22 December 2023, the percentage '100%' is replaced by the percentage '90%'.

Article 16. The heading of subsection 5.3.17 of the same Decree, inserted by the Decree of the Flemish Government of 22 December 2023, is replaced by the following:

'Subsection 5.3.17. Conditions for the use of rigid plastic containers for the collection of waste at home'.

Article 17. In Annex 5.3.17.1 to the same Decree, inserted by the Flemish Government Decree of 22 December 2023, the following amendments shall be made:

1° in paragraph 1, the first and second paragraphs shall be replaced with the following:

'The use of hard plastic containers for the collection of household waste contracted out by a municipal authority, a provincial authority or the Flemish administration, as referred to in Article 1.3., 2° of the Administrative Decree, which are not produced from recycled plastics, is prohibited.

The minimum recycled plastics content is set at 80%, of which at least half shall be post-consumer plastics.';

2° in paragraph 2, the words 'the roller container' are replaced by the words 'the container' and the words 'and the wheels' are replaced by the phrase ', the wheels and the handle.';

3° paragraph 3 is replaced by the following:

'§3. Existing hard plastic containers for the collection of household waste are not covered by the prohibition referred to in paragraph 1 if they were put into use before 1 May 2027

Hard plastic containers for the collection of household waste from existing stocks may continue to be used without restriction if the stock was purchased before 1 May 2027.'.

Article 18. The following amendments are made to the heading of subsection 5.3.21 of the same Decree, inserted by the Flemish Government Decree of 22 December 2023:

1° the word 'plastics' is removed;

2° between the word 'tubes' and the word 'for', the words 'produced from PVC' are inserted.

Article 19. Article 5.3.21.1 of the same Decree, amended by the Flemish Government Decree of 22 December 2023, shall be replaced by the following:

'Article 5.3.21.1. §1. The use of underground pressure-free pipes procured by the municipal, provincial and Flemish authorities with a diameter of 110 mm to 400 mm for the drainage of rain and waste water which are produced from PVC and not recycled plastics, shall be prohibited from 1 January 2027.

The minimum recycled plastic content is set at:

- 1° 5% from 1 January 2027, consisting entirely of post-consumer PVC;
- 2° 10% from 1 January 2030, consisting entirely of post-consumer PVC.

When using recycled plastics, the declared content of recycled plastics must be proved by a certification, such as QA-CER or equivalent, issued by an accredited body guaranteeing the origin and content of recycled plastics in the plastic pipes for rainwater and wastewater drainage.

§2. Existing underground, pressure-free PVC pipes with a diameter as referred to in paragraph 1(1), for the disposal of rainwater and wastewater, tendered by the government, which have already been put into service before 1 January 2027, are not covered by the prohibition referred to in paragraph 1.

Underground pressure-free PVC pipes with a diameter as referred to in paragraph 1(1), for the disposal of rainwater and wastewater, from existing stocks, purchased before the effective date of the ban as referred to in paragraph 1, may continue to be put into service until 31 December 2029.'

Article 20. In Article 6.1.1.2(3) in the first paragraph of the same Decree, the phrase 'Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste' is replaced by the phrase 'Regulation (EU) 2024/1157'.

Article 21. In Article 6.1.1.4(4) of the same Decree, inserted by the Decree of the Flemish Government of 23 September 2016 and amended by the Decree of the Flemish Government of 22 December 2017, the phrase 'Regulation (EC) 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste' is replaced by the phrase 'Regulation (EU) 2024/1157'.

Article 22. In Article 6.1.3.1, fifth paragraph of the same Decree, inserted by the Decree of the Flemish Government of 16 November 2012, the phrase 'Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste' is replaced by the phrase 'Regulation (EU) 2024/1157'.

Article 23. In the same Decree, last amended by the Flemish Government Decree of 2 May 2025, the following amendments are made:

1° Section 6.2, consisting of Articles 6.2.1 to 6.2.18, is replaced by the following:

'Section 6.2. Cross-border shipments of waste

Article 6.2.1. This Section applies to the transboundary movements of wastes where those wastes are subject to the provisions set out in Regulation (EU) 2024/1157.

Article 6.2.2. The submission of a notification dossier and the exchange of information for shipments subject to prior written notification and consent, as

referred to in Article 4 of Regulation (EU) 2024/1157, are carried out via the web portal provided by OVAM on its website.

To complete the transport documents referred to in Article 16 of Regulation (EU) 2024/1157, the web portal offered by OVAM via its website may be used, or the software referred to in Article 2 of Commission Implementing Regulation (EU) 2025/1290 of 2 July 2025 laying down implementing rules for Regulation (EU) 2024/1157 of the European Parliament and of the Council as regards the requirements necessary for the interoperability between the central system for the electronic submission and exchange of information and documents relating to the shipment of waste and other systems or software, as well as other technical and organisational requirements necessary for the practical implementation of such electronic submission and exchange of information and documents.

Carriers acting solely as carriers within the meaning of Article 16 of Regulation (EU) 2024/1157 fall within the scope of Article 5(2) of Commission Implementing Regulation (EU) 2025/1290 of 2 July 2025 laying down implementing rules for Regulation (EU) 2024/1157 of the European Parliament and of the Council as regards the requirements necessary for the interoperability between the central system for the electronic submission and exchange of information and documents relating to the shipment of waste and other systems or software, as well as other technical and organisational requirements necessary for the practical implementation of such electronic submission and exchange of information and documents.

For shipments covered by the general information obligations referred to in Article 4 of Regulation (EU) 2024/1157, the information shall be exchanged through the systems provided by the European Commission.

Article 6.2.3. §1. In the event of waste being exported from the Flemish Region, the notifier or another natural or legal person acting on behalf of the notifier shall provide a bank guarantee or deposit in favour of OVAM, or the notifier or another natural or legal person acting on behalf of the notifier shall take out equivalent insurance to cover the costs of transport and disposal or recovery, in accordance with Article 7 of Regulation (EU) 2024/1157.

In the case of imports of waste into the Flemish Region, the OVAM may require a bank guarantee, a financial guarantee or equivalent insurance from the notifier or from another natural or legal person on behalf of the notifier in accordance with Articles 51(3)(a) and 53(3) of the aforementioned Regulation if this is necessary to comply with the provisions referred to in Article 7 of the aforementioned Regulation.

The OVAM shall determine the sum of the bank guarantee, the collateral or of the risk to be insured.

§2. The proof of the bank guarantee, bond, or insurance referred to in paragraph 1 shall constitute part of the notification file.

Without the evidence referred to in the first paragraph, OVAM will not consider the notification file to be complete.

§3. The bank guarantee or bond may be released with prior consent from OVAM if the requirements as referred to in Article 7(5) of Regulation (EU) 2024/1157 have been fulfilled. The agreement is granted within 30 days after the OVAM has received the notifier's request for release of the bank guarantee or bond.

Article 6.2.4. Applications for a pre-approved waste recovery facility as referred to in Article 14 of Regulation (EU) 2024/1157 shall be submitted on the web service desk made available by OVAM through its website.

Article 6.2.5. A register of pre-approved waste recovery facilities is made available by OVAM through its website.

Article 6.2.6. The application referred to in Article 6.2.4 of this Decree shall contain the information referred to in Article 14(2) of Regulation (EU) 2024/1157, as well as the following information:

- 1° a contact person;
- 2° a telephone number;
- 3° an email address.

The registration number referred to in Article 14(2)(2)(a) of the aforementioned Regulation consists of the company number and, if available, the establishment number of the facility to which the application relates.

The address referred to in Article 14(2)(2)(a) of the aforementioned Regulation shall consist of an indication of the following data:

- 1° the street;
- 2° the house number and unit number;
- 3° the postcode;
- 4° the municipality.

Article 6.2.7. The OVAM may refuse an application as referred to in Article 6.2.4 of this Decree in accordance with Article 14(7) of Regulation (EU) 2024/1157.

In order to assess the application, at least the following elements will be taken into consideration:

- 1° proven experience during the three years prior to the application in the useful application of the waste materials for which registration as a pre-approved facility is being sought;
- 2° the extent to which the proposed recovery contributes to the effective material recycling of the waste;
- 3° the violations and abuses of the environmental regulations that have already been established and of which the OVAM has been informed;
- 4° all other relevant elements other than those mentioned in points 1° to 3°, which are apparent from the information submitted with the application, as referred to in Article 6.2.6.

Article 6.2.8. OVAM shall inform the applicant referred to in Article 6.2.4 of receipt of the application by means of an electronic acknowledgement of receipt in the online portal for pre-approved waste recovery facilities. Until the applicant receives an electronic notification of receipt, the application shall be considered as not submitted.

Article 6.2.9. The OVAM shall inform the applicant of an application as referred to in Article 6.2.4 of its decision via the online portal made available by the OVAM via its website.

Article 6.2.10. If the application referred to in Article 6.2.4 does not contain the necessary information in accordance with Article 6.2.6, OVAM shall request the missing information via the online portal made available through its website. After the applicant has submitted the additions via the online portal, they will receive an electronic confirmation of receipt.

A re-submission of an application after a refusal is only possible if the recovery facility submits new information that justifies this.

Article 6.2.11. Any change in the details of the prior approval of the recovery facility shall be communicated via the online portal made available by OVAM through its website. After approval by OVAM, the amended data shall be updated in the register of pre-approved waste recovery facilities as referred to in Article 6.2.5.

Article 6.2.12. The prior approval of the recovery facility cannot be passed on to third parties, except if the pre-approved facility is taken over.

In the event of an acquisition of the pre-approved facility as referred to in paragraph 1, the acquired facility shall communicate the information referred to in Article 6.2.6 and proof of the acquisition to the OVAM.

The data and evidence referred to in the second paragraph shall be submitted via the online portal provided by OVAM on its website. The new approval as a pre-approved facility in the name of the acquiring facility shall be valid until the same expiry date as the existing prior approval.

In the event of discontinuation of the facility or of activities subject to the prior approval, the prior approval of the facility shall be withdrawn. The prior approval shall then be deleted from the register of pre-approved waste recovery facilities referred to in Article 6.2.5. The holder of a pre-approved facility shall report the discontinuation of the facility or activities via the online portal made available by OVAM through its website. OVAM shall send an electronic acknowledgement of receipt of the cancellation request and an electronic acknowledgement of the cancellation.

Article 6.2.13. Any abuse of the approval or violation of applicable environmental legislation may be grounds for suspension of the approval.

If abuse of the approval or violation of applicable environmental legislation is found, OVAM will notify the pre-approved facility for the recovery of waste materials of the intended decision to suspend the approval by secure mail. The pre-approved waste recovery facility has fourteen days to inform OVAM of its defences or to demonstrate that its affairs have since been put into order. The pre-approved waste recovery facility may request to be heard.

OVAM shall inform the pre-approved waste recovery facility of the suspension by secure mail. After the suspension, the pre-approved waste

recovery facility shall be removed from the register of pre-approved waste recovery facilities referred to in Article 6.2.5.

A suspension of pre-approval of a waste recovery facility shall remain in effect for a period ending on the end date of the original approval. A suspension may subsequently be cancelled if the suspended pre-approved waste recovery facility successfully demonstrates that the grounds for suspension no longer apply. During the period of suspension, the pre-approved facility for the recovery of waste materials cannot obtain new approval as a pre-approved facility for the recovery of waste materials.”;

2° Articles 6.2.14, 6.2.15, 6.2.16 and 6.2.18 are repealed.

Article 24. In the same Decree, last amended by the Decree of the Flemish Government of 2 May 2025, an Article 9.2.3/1 is inserted, reading as follows:

'Article 9.2.3/1. The amount of the administrative costs associated with the implementation of the notification and supervision procedure for the import, export or transit of waste, imposed on the notifier and, if necessary, on the client, shall be set at EUR 465.

After receipt of the payment information, including the structured communication, the amount referred to in the first paragraph shall be paid to OVAM, free of all bank charges, in accordance with the specifications included in the payment information. The payment order shall be accompanied by the numerical payment code as included in the payment details given by OVAM. Payments that do not mention that structured communication will not be accepted and refunded.

As long as the OVAM has not received the payment of the file fee, the decision of the notification shall not be sent.'

Article 25. In Annex 2.1 to the same Decree, inserted by the Flemish Government Decree of 7 June 2024, the following amendments are made:

1° the code 09 01 11* is replaced by the following:

'09 01 11* disposable cameras containing batteries listed under 16 06 01-16 06 04, 16 06 07-16 06 11 or 16 06 14';

2° the following codes are inserted between code 10 08 20 and code 10 08 99:

10 08 21* slag from the recycling of discarded lithium batteries containing dangerous substances

10 08 22 slag from the recycling of waste lithium batteries other than those mentioned in 10 08 21

10 08 23* slag from the recycling of waste nickel batteries containing hazardous substances

10 08 24 slag from the recycling of waste nickel batteries not falling under 10 08 23

10 08 25* slag from the recycling of waste batteries containing hazardous substances other than those mentioned in 10 04 01, 10 08 21 or 10 08 23

10 08 26 slag from recycling of other waste batteries not covered by 10 08 25;

3° subchapter 16 06, consisting of codes 16 06 01* to 16 06 06*, is replaced by the following:

'16 06 waste from the manufacture, supply and use of batteries
16 06 01* discarded lead-acid batteries
16 06 02* discarded nickel-cadmium batteries
16 06 03* discarded mercury-containing batteries
16 06 04* discarded alkaline batteries other than those mentioned in 16 06 03
16 06 06* separately collected electrolyte from discarded batteries
16 06 07* discarded lithium batteries
16 06 08* discarded nickel batteries other than those mentioned in 16 06 02 (e.g. NiMH, Na-NiCl₂)
16 06 09* discarded zinc batteries, including silver oxide batteries
16 06 10* discarded sodium batteries containing hazardous substances (excluding 16 06 11)
16 06 11* discarded sodium-sulphur batteries
16 06 12 other discarded sodium batteries (except 16 06 10 and 16 06 11)
16 06 13* mixed discarded batteries
16 06 14* other discarded batteries containing dangerous substances
16 06 15 discarded batteries not covered by 16 06 12 and 16 06 14 and not mentioned elsewhere
16 06 22* wastes from the manufacture of lead-acid batteries containing hazardous substances (e.g. lead paste)
16 06 23 wastes from the manufacture of lead-acid batteries other than those mentioned in 16 06 22
16 06 24* wastes from the manufacture of lithium batteries containing hazardous substances (e.g. cut-off cathode material, cathode slurry, insufficient battery cells, modules and/or packs to specifications)
16 06 25 wastes from the manufacture of lithium batteries other than those mentioned in 16 06 24 (e.g. cut anode material)
16 06 26* wastes from the manufacture of nickel batteries containing hazardous substances (e.g. liquid and solid cathode material)
16 06 27 wastes from the manufacture of nickel batteries other than those mentioned in 16 06 26
16 06 28* wastes from the manufacture of alkaline batteries containing hazardous substances
16 06 29 wastes from the manufacture of alkaline batteries other than those mentioned in 16 06 28
16 06 30* wastes from the manufacture of zinc batteries containing hazardous substances
16 06 31 wastes from the manufacture of zinc batteries other than those mentioned in 16 06 30
16 06 32* wastes from the manufacture of sodium batteries containing hazardous substances
16 06 33 wastes from the manufacture of sodium batteries other than those mentioned in 16 06 32
16 06 34* wastes from the manufacture of batteries containing hazardous substances other than those mentioned in 16 06 22, 16 06 24, 16 06 26, 16 06 28, 16 06 30 or 16 06 32
16 06 35 waste from the manufacture of batteries not covered by 16 06 23, 16 06 25, 16 06 27, 16 06 29, 16 06 31 or 16 06 33;

4° the code 19 02 11* is removed;

5° the following codes are inserted before code 19 02 99:

'19 02 12* solid salts and solutions containing heavy metals from battery recycling
19 02 13* other waste containing dangerous substances';

6° between code 19 13 08 and Chapter 20, the following codes are inserted:

'19 14 Intermediate fractions of thermal and/or mechanical treatment of waste batteries and waste from battery manufacturing
19 14 01* intermediate fraction from the thermal and/or mechanical processing of discarded lead-acid batteries and waste from the manufacture of lead-acid batteries containing a mixture of electrode material
19 14 02* intermediate fraction from the thermal and/or mechanical processing of waste lithium batteries and waste from the manufacture of lithium batteries containing a mixture of electrode materials
19 14 03* intermediate fraction from the thermal and/or mechanical processing of discarded nickel batteries and waste from the manufacture of nickel batteries containing a mixture of electrode material
19 14 04* intermediate fraction from the thermal and/or mechanical processing of waste alkaline batteries and waste from the manufacture of alkaline batteries containing a mixture of electrode material
19 14 05* intermediate fraction of thermal and/or mechanical processing of waste zinc batteries and of wastes from the manufacture of zinc batteries containing a mixture of electrode material
19 14 06* intermediate fraction of thermal and/or mechanical processing of waste sodium batteries and wastes from the manufacture of sodium batteries containing a mixture of electrode material
19 14 07* intermediate fraction from the thermal and/or mechanical processing of waste batteries and battery manufacturing waste containing a mixture of electrode materials, not covered by 19 14 01-19 14 06
19 14 08 metal alloys from the recycling of waste batteries (in solid form)';

7° codes 20 01 33* and 20 01 34 are deleted;

8° the following codes are inserted between code 20 01 41 and code 20 01 99:

'20 01 42* under 16 06 01-16 06 04, 16 06 08-16 06 11 or 16 06 14 mentioned waste batteries and mixed waste batteries with those waste batteries and also batteries under 16 06 07
20 01 43* waste lithium batteries mentioned under 16 06 07
20 01 44 discarded batteries not covered by 20 01 42 and 20 01 43'.

Chapter 2. Amendments to the Decree of the Flemish Government of 23 May 2025 on environmental enforcement

Article 26. In Article 24 of Annex 1 to the Decree of the Flemish Government of 23 May 2025 on environmental enforcement, the row:

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6.2.3	Notifiers may submit notifications relating to the export of waste to OVAM in the following ways:
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	<p>1° the notifier may send the original notification, with at least one copy of it, by post to OVAM. If there are transit countries, one additional copy shall be enclosed for each transit country. The exchange of information between the notifier and OVAM as part of the processing of the notification is then done by mail or email;</p> <p>2° the notifier may, if he agrees to the digital transmission of the annexes to the notification file and the digital processing of his notification, submit the annexes via the web block made available by OVAM via its website. He then only sends the original notification form, the original transport document and the original attestation of the bank guarantee, bond or equivalent insurance by post to OVAM and uploads the other annexes to the notification form in the online portal. The notifier then does not attach a copy and an additional copy for each transit country. All information exchanges between the notifying party and OVAM during processing of the notification will then be done through the online portal;</p> <p>3° the notifier, if he agrees to the digital submission and treatment of his dossier, can use the web block offered by OVAM via its website. The notification document, the transport document, a bank guarantee, bond or equivalent insurance signed digitally by the financial institution and the necessary annexes can then be submitted to OVAM via the online portal. Any information exchange between the notifier and OVAM in the context of processing the notification is then done via the online portal.</p>
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is replaced by the row:

6.2.2	<p>The submission of a notification dossier and the exchange of information for shipments subject to prior written notification and consent, as referred to in Article 4 of Regulation (EU) 2024/1157, are carried out via the web portal provided by OVAM on its website.</p> <p>To complete the transport documents referred to in Article 16 of Regulation (EU) 2024/1157, the web portal offered by OVAM via its website may be used, or the software referred to in Article 2 of Commission Implementing Regulation (EU) 2025/1290 of 2 July 2025 laying down implementing rules for Regulation (EU) 2024/1157 of the European Parliament and of the Council as regards the requirements necessary for the interoperability between the central system for the electronic submission and exchange of information and documents relating to the shipment of waste and other systems or software, as well as other technical and organisational requirements necessary for the practical implementation of such electronic submission and exchange of information and documents.</p> <p>Carriers acting solely as carriers within the meaning of Article</p>
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	<p>16 of Regulation (EU) 2024/1157 fall within the scope of Article 5(2) of Commission Implementing Regulation (EU) 2025/1290 of 2 July 2025 laying down implementing rules for Regulation (EU) 2024/1157 of the European Parliament and of the Council as regards the requirements necessary for the interoperability between the central system for the electronic submission and exchange of information and documents relating to the shipment of waste and other systems or software, as well as other technical and organisational requirements necessary for the practical implementation of such electronic submission and exchange of information and documents.</p> <p>For shipments covered by the general information obligations referred to in Article 4 of Regulation (EU) 2024/1157, the information shall be exchanged through the systems provided by the European Commission.</p>
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Chapter 3. Transitional and implementing provisions

Article 27. Blue bags that comply with the provisions of Article 5.2.3.5 of the Decree of the Flemish Government of 17 February 2012 adopting the Flemish Regulation on sustainable management of material cycles and waste, as in force prior to the date of entry into force of Article 8 of this Decree, may still be used for six months from the date of entry into force of this Decree.

After the expiry of the period referred to in paragraph 1, only the use of grey plastic bags that comply with the provisions referred to in Article 5.2.3.5, as in force from the date of entry into force of Article 8 of this Decree, shall be permitted.

Article 28. Articles 4, 10, 11, 12, 13, Articles 20 to 24 and Article 26 shall enter into force on 21 May 2026.

Article 17 shall enter into force one year after the publication of this Decree.

Article 25 shall apply for the first time from 9 December 2026.

Article 29. The Flemish minister, competent authority for the environment and nature, is responsible for the implementation of this Decree.

Brussels, (date).

The Minister-President of the Flemish Government,

Matthias DIEPENDAELE

The Flemish Minister for Environment and Agriculture,

Jo BROUNS