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COMMISSION IMPLEMENTING DECISION (EU) .../...

of XXX

laying down rules for the application of Directive (EU) 2019/904 of the European Parliament and of the Council as regards the calculation, verification and reporting of data on the separate collection of waste single-use plastic beverage bottles

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 environment¹, and in particular Articles 9(3) and 13(4) thereof,

Whereas:

- (1) Directive (EU) 2019/904 sets targets for the separate collection for recycling of waste single-use plastic beverage bottles listed in Part F of the Annex to that Directive ('waste single-use bottles'). Pursuant to Article 9(1) of Directive (EU) 2019/904, the target for 2025 is 77 % by weight of all such single-use bottles placed on the market and the target for 2029 is 90 %. The Commission is to lay down the methodology for the calculation and verification of those separate collection targets and the format in which the Member states are to report data on waste single use bottles that have been separately collected each year.
- (2) To ensure comparability of data, it is necessary to set out detailed rules for determining the points where the weight of the collected waste single-use bottles is measured. Those rules should take into account the existing separate collection practices and the amount of other materials and substances present in the collected waste in addition to such bottles.
- (3) In order to ensure the comparability of the data to be reported, it is necessary to provide detailed rules for how to apply the two alternative methods, referred to in Article 9(1) of Directive (EU) 2019/904, of determining the amount of waste single-use bottles and the amount of such single-use bottles placed on the market.
- (4) In order to ensure accuracy of the data on the weight of the collected waste single-use bottles, the reporting format should ensure that all parameters relevant for the calculation of the amount of waste single-use bottles separately collected are identified and that a description of the methodologies applied for the calculation and verification of the data for those parameters is provided.
- (5) While the obligation to separately collect waste requires that waste be kept separate by type and nature, it should be possible to collect certain types of waste together provided that this does not impede high-quality recycling in line with the waste hierarchy in accordance with Article 10(2) and point (a) of Article 10(3) of Directive 2008/98/EC.

¹ OJ L 155, 12.6.2019, p.1.

- (6) The methodology for the calculation and verification of the separate collection targets for waste single-use bottles referred to in Article 9(3) of Directive (EU) 2019/904 is closely linked to the format for reporting on such separate collection referred to in Article 13(4) of that Directive in view of the subject-matter of those measures and the context in which they are to apply. It is therefore appropriate to adopt this act on the basis of both of those provisions in order to ensure coherence between the rules on calculation, verification and reporting on separate collection of waste single-use bottles and facilitate access to those rules.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council²,

HAS ADOPTED THIS DECISION:

Article 1

Methodology for the calculation and reporting of the amount of separately collected waste single-use bottles

1. The amount of separately collected waste single-use plastic beverage bottles listed in Part F of the Annex to Directive (EU) 2019/904 ('waste single-use bottles') shall be calculated by dividing the weight of the separately collected waste single-use bottles by the weight of such single-use bottles placed on the market ('single-use bottles placed on the market'). The resulting ratio shall be expressed in percent.
2. Member States shall apply the formulas laid down in Annex I to calculate the amount of separately collected waste single-use bottles.

Article 2

Methodology for the determination of the weight of separately collected waste single-use bottles

1. The weight of the waste single-use bottles shall include the weight of their caps and lids.
2. The weight of the waste single-use bottles shall not include the weight of any remaining beverage.
3. The weight of the waste single-use bottles may include the weight of labels and adhesives only if it is included also in the weight of the single-use bottles placed on the market.
4. The waste single-use bottles shall be considered as separately collected where either of the following conditions is fulfilled:
 - (a) the waste single-use bottles have been collected separately for recycling from any other waste;
 - (b) the waste single-use bottles have been collected together with other waste packaging fractions of municipal waste or with other non-packaging plastic, metal, paper or glass fractions of municipal waste collected separately for recycling, and

² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

- (i) the collection system does not collect waste likely to contain hazardous substances;
 - (ii) the collection of waste and the subsequent sorting are designed and carried out to minimise contamination of collected waste single-use bottles from waste plastics not originating from such bottles and other waste;
 - (iii) quality assurance systems are set up by the waste operators in order to verify that the conditions set out in points (i) and (ii) are fulfilled.
5. The quality assurance systems referred to in paragraph 4, point (b)(iii) shall meet the following requirements:
 - (a) it shall take account of the adequacy of personnel, their knowledge and skills, and the organisation of the premises and equipment to the extent necessary to ensure that collected waste single-use bottles comply with the conditions set out in paragraph 4, point (b)(i) and (ii);
 - (b) the verifying operations shall be carried out in accordance with pre-established instructions and procedures;
 - (c) it shall be certified by an independent third party.
6. The weight of waste single-use bottles collected separately in accordance with paragraph 4, point (a), shall be measured at the point where they are collected or at the output of the sorting operations. The weight of such bottles may be calculated by counting the bottles and applying conversion factors that take into account the weight of each bottle size, the polymer type of the bottles and the lids and caps as well as the losses in subsequent sorting operations.
7. The weight of waste single-use bottles collected separately in accordance with paragraph 1, point (b), shall be measured at the output of the sorting operations where they are separated from the other waste with which they were collected.
8. Where waste single-use bottles and other packaging waste of the same polymer are present at the output of a sorting operation, the weight of the waste single-use bottles shall be proportional to the share of waste single-use bottles at the input of a sorting operation. That share shall be determined based on representative sampling and subsequent compositional analysis.

Article 3

Methodology for the determination of the weight of single-use bottles placed on the market

1. The weight of single-use bottles placed on the market shall include only the weight of such bottles that were placed on the market after having been filled with beverage.
2. The weight of single-use bottles placed on the market may, where there are significant imports, exports or other movements within the Union of such bottles by operators or by natural persons for their own personal use, be adjusted in order to take account of such movements.
3. In cases where Member States determine the weight of single-use bottles placed on the market on the basis of the weight of the waste generated from such products as referred to in Article 9(1), second subparagraph, of Directive (EU) 2019/904, the weight of that waste shall include the following:

- (a) separately collected waste single-use bottles, irrespective of whether or not they meet the requirements set out in Article 2(4), points (a) and (b);
- (b) waste single-use bottles collected as mixed municipal waste;
- (c) waste single-use bottles disposed of as litter outside of waste collection systems, irrespective of whether or not they have subsequently been collected.

The weight of the bottles referred to in the first subparagraph, points (b) and (c), shall be calculated by applying the sampling methodology and the waste composition analysis set out in Article 4.

Article 4

Sampling methodology and waste composition analysis to calculate the weight of waste single-use bottles collected as mixed municipal waste or disposed of as litter

1. The data collection for the waste composition analysis shall be based on surveys and a collection of representative samples. This data collection shall take into account:
 - (a) seasonal variations of waste single-use bottles disposed as litter outside of waste collection systems;
 - (b) variations in the levels of urbanisation;
 - (c) variations in frequency, types and location of municipal waste collection.
2. The data collection and analysis referred to in paragraph 1 shall cover the entire territory of a given Member State.

Article 5

Collection and reporting of data

1. Collection of data to calculate the weight of waste single-use bottles and single-use bottles placed on the market in accordance with Article 2(4), Article 2(9) and Article 3 shall be carried out every year. Member States shall, to the extent possible, use electronic registries to collect and report data.
2. Member States shall report the data referred to in Article 13(1), point (c), of Directive (EU) 2019/904 in the format laid down in Annex II to this Decision and submit the quality check report referred to in Article 13(2) of that Directive as regards those data in the format laid down in Annex III to this Decision.
3. The Commission shall publish the data reported by the Member States unless a Member State provides a justified request in the report referred to in paragraph 2 to withhold the publication of certain data.

Article 6

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Ursula VON DER LEYEN
The President

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