

Factsheet | Dutch legislation

October 2015

This factsheet is part of the essential requirements series of factsheets. In this factsheet, you will find information about the European Directive on packaging and the essential requirements. In addition, it details Dutch legislation and regulations, comprising the Packaging Decree, the Framework Agreement for Packaging 2013-2022 and the corresponding Addendum.

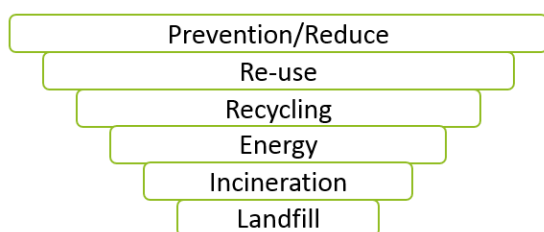


Figure 1 - Lansink's Ladder²

European Directive

On December the 20th 1994, the European Parliament and the Council of the European Union issued Directive 94/62/EG¹ (hereafter: the Directive) on packaging and packaging waste. The objective of the Directive is to limit the use of packaging material and to promote recycling, re-use and other useful applications for packaging waste. Landfill is the least favorable option² for packaging waste (see figure 1). Hardly any packaging waste is sent to landfill sites anymore in the Netherlands³. Every EU member state is required to implement the Directive in its own legislation. The Directive is aimed at improving the sustainability of packaging, for which purpose sustainability measures have been set out in the Essential Requirements. It also specifies minimum percentages for the recycling of materials in packaging waste. A percentage is stipulated for each material (see table 1^{1,3,4}).

The Packaging Decree

Following on from the Directive, the Packaging

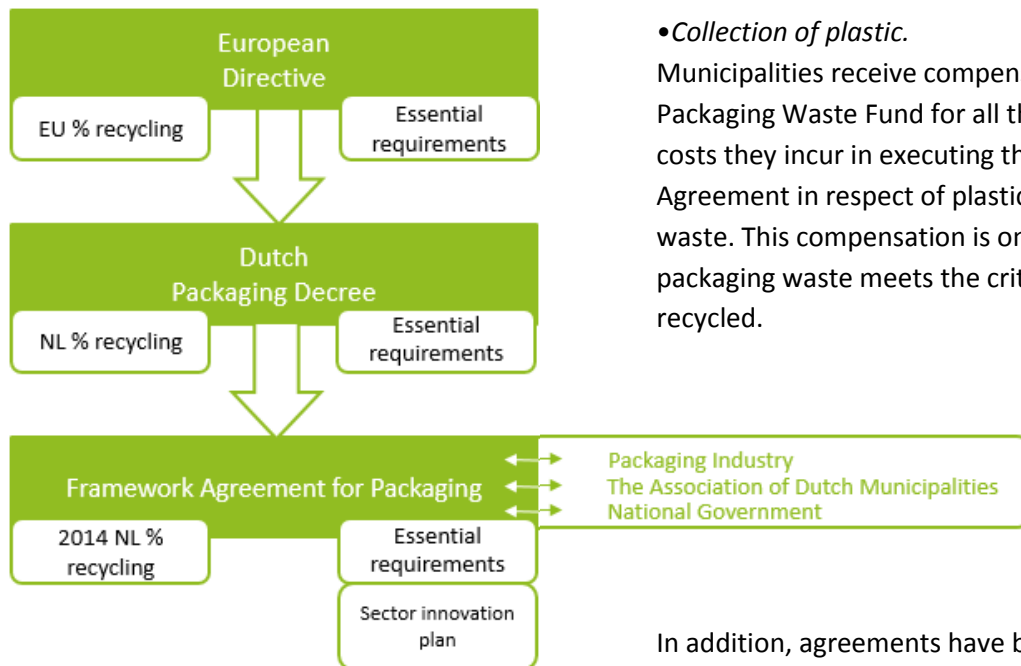
Decree⁵ (hereafter: the Decree) was implemented in the Netherlands. The Decree incorporates the essential requirements for improved sustainability. The minimum percentages for the recycling of packaging materials in the Netherlands stipulated in the Decree are higher than the percentages stipulated in the Directive (table 1).

Material	Objectives for Europe from 2005	Objectives for The Netherlands for 2005-2012	2013 Results for The Netherlands	Objectives for The Netherlands for 2013-2022
Glass	60%	90%	79%	90%
Paper/Cardboard	60%	75%	89%	75%
Wood	15%	25%	22%	43%
Metal	50%	85%	93%	85%
Plastic	22,5%	42%	46%	51%

Table 1 – Recycling percentages per material^{1,3,4}

Framework Agreement

In the Netherlands, the national government, the packaging industry and the Association of Dutch Municipalities (VNG) (hereafter: the three parties) made agreements about implementation of the Decree. These agreements were set out in the Framework Agreement for Packaging 2013-2022⁶ (hereafter: Framework Agreement). A number of agreements in the Framework Agreement have been incorporated into law in the Decree. In addition to the Framework Agreement, a supplementary document with agreements has been formulated; the Addendum⁷.



• *Collection of plastic.*

Municipalities receive compensation from the Packaging Waste Fund for all the necessary costs they incur in executing the Framework Agreement in respect of plastic packaging waste. This compensation is only paid if the packaging waste meets the criteria for recycled.

Agreements

The following points summarize the

Figure 2 - The relationship between the European Directive, the Packaging Decree and the Framework Agreement.

agreements in the Framework Agreement and the Addendum:

• *Financing system*

The packaging industry ensures a robust and adequate system of financing that provides for a fund (The Packaging Waste Fund), consisting of Packaging Waste Management Contributions levied on the basis of a collective binding agreement, from which all activities required to execute the Framework Agreement are funded. This Fund is sufficient to cover these activities and places no limits on the volume of material to be collected.

• *Goals for the recycling of materials.*

For each material, a determination is made as to the percentage of total packaging material introduced to the market that must be recycled. (See table 1.)

In addition, agreements have been made about collection methods for plastic. For example, when a municipality switches from separately collection to post-separation, the recycling percentage may not fall below 2012 levels.

• *Deposits.*

If the packaging industry meets all performance guarantees in the Framework Agreement (Article 11), it is agreed that the deposit system for large PET bottles will be abolished. In June 2015, the Human Environment and Transport Inspectorate found⁸ that the performance guarantees had not been met. State Secretary for Infrastructure and the Environment, Wilma Mansveld, therefore decided not to abolish the deposit system for large PET bottles⁹.

• *Litter.*

Annually, 20 million euros is allocated to tackling litter. Municipalities decide how to spend that sum, and report on this annually to the packaging industry on a retrospective basis.

This is referred to producer responsibility for packaging.

In addition, the packaging industry carries out its existing activities under the Nederland Schoon initiative.

- *The Netherlands Institute for Sustainable Packaging (KIDV).*

This is an independent, professional knowledge institute that was established to formulate the sustainability agenda. Scientists and representatives of the three parties are involved in this. The institute carries out research and determines the highest attainable objectives for the sustainability of packaging, based on the sector innovation plans.

- *Sustainability agenda.*

This agenda is devised by the KIDV and contains specific and quantifiable objectives to achieve further sustainability of packaging materials.

- *Sector innovation plans.*

The Framework Agreement stipulates that sectors are to formulate sector innovation plans for packaging (referred to as prevention plans in the Addendum) with the highest attainable objectives. The goal of these sector innovation plans is to encourage the industry to improve the sustainability of packaging. The KIDV evaluates these plans and determines the highest attainable objectives.

Packaging waste in the Netherlands

Article 5 of the Decree stipulates that the producer or importer is responsible for separate collection or collections and post-separation of packaging material for the packaged products they offer on the market.

Producers and importers that generate in excess of 50,000 kilograms of packaging on the Dutch market annually, are obliged to pay an annual Packaging Waste Management Contribution to the Packaging Waste Fund. This obligation is stipulated in the binding agreement on packaging waste management contributions¹⁰. The Packaging Waste Fund uses these contributions to finance the collection and recycling of packaging waste and other activities as described in the Framework Agreement, such as tackling litter. By virtue of the Environmental Management Act (Article 10.21)¹¹, municipalities are obliged to collect household packaging waste. They receive compensation for this from the Packaging Waste Fund.

Further Information

The Netherlands Institute for Sustainable Packaging (KIDV) has produced a series of factsheets on the criteria for packaging, such as the so-called essential requirements. This series consists of seven factsheets.

You can download the factsheets from our website, www.kidv.nl (Library – Factsheets).

Source references

¹ European Directive 94/62/EG

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31994L0062&from=EN>

² De Kracht van de Kringloop - Geschiedenis en toekomst van de Ladder van Lansink

Ad Lansink and Hannel de Vries - in het Veld

ISBN 978 90 8947 063 8

³ Monitoringsrapport Nedvang 2013 (Dutch language monitoring report produced by Nedvang)

http://www.nedvang.nl/uploads/Monitoring_Verpakkingen_-_Resultaten_2013.pdf

⁴ Monitoringsrapport Verpakkingen Nedvang 2012 (Dutch language monitoring report produced by Nedvang)

http://www.nedvang.nl/uploads/Monitoringsrapport_verpakkingen_2012.pdf

⁵ Besluit beheer verpakkingen papier en karton 2005 (Dutch language version of the Packaging Decree)

http://wetten.overheid.nl/BWBR0018139/geldigheidsdatum_23-04-2013

Besluit beheer verpakkingen 2014 (Dutch language version of the Packaging Decree with a number of agreements from the Framework Agreement)

<https://zoek.officielebekendmakingen.nl/stb-2014-409.html>

(See the explanatory note for the background, key points, stakeholders and problem definition in respect of formulation of the Decree)

⁶ 2013 Framework Agreement for the Packaging Industry (Dutch language version)

<http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/01/24/raamovereenkomst-verpakkingen.html>

⁷ Addendum to the Framework Agreement for the Packaging Industry (Dutch language version)

<http://www.rijksoverheid.nl/documenten-en-publicaties/vergaderstukken/2013/01/24/addendum-raamovereenkomst-verpakkingen-over-de-aanpak-van-de-dossiers-verpakkingen-en-zwerfafval-voor-de-jaren-2013-t-m-2022.html>

⁸ Tweede Monitoring Prestatiegaranties Raamovereenkomst Verpakkingen (Dutch language version of report on Framework Agreement performance guarantees)

<http://www.tweedekamer.nl/downloads/document?id=dc102ff4-24f9-45e4-a08f-0866b922e0d1&title=Tweede%20Monitoring%20Prestatiegaranties%20Raamovereenkomst%20Verpakkingen.pdf>

⁹ Letter from the State Secretary for Infrastructure and the Environment to the House of Representatives regarding the National Waste Management Plan (Dutch language version)

<http://www.tweedekamer.nl/downloads/document?id=44e8d224-275b-41f4-b7a7-6de602047390&title=Versterking%20uitvoering%20Raamovereenkomst%20Verpakkingen%20en%20afhandelings%20openstaande%20moties%20en%20toezeggingen.pdf>

¹⁰ Dutch language version of the agreement on Packaging Waste Management Contributions

http://www.afvalfondsverpakkingen.nl/fileadmin/downloads/20121004_Afvalbeheersbijdrageovereenkomst_zonder_handtekeningen.pdf

Dutch language notification of the agreement on Packaging Waste Management Contributions being declared legally binding, Agentschap NL

<https://zoek.officielebekendmakingen.nl/stcrt-2012-26296.html>

¹¹ Wet Milieubeheer (Dutch language version of the Environmental Management Act)

<http://wetten.overheid.nl/BWBR0003245/>

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