



# INTERREGIONAL PACKAGING COMMISSION

DECISION OF THE  
INTERREGIONAL PACKAGING  
COMMISSION OF 2 december  
2021 CONCERNING  
ACCREDITATION OF THE  
NON-PROFIT ASSOCIATION  
VALIPAC, KONINGIN  
ASTRIDLAAN 59 BOX 11, 1780  
WEMMEL, AS A PACKAGING  
WASTE COMPLIANCE  
ORGANISATION

(...)

**has decided as follows:**

#### SECTION 1. SCOPE OF APPLICATION

**Article 1.** 1. Valipac shall be accredited as a compliance organisation as referred to in article 9 of the Cooperation Agreement of 4 November 2008 on the prevention and management of packaging waste, subject to the conditions set out in this decision.

2. This accreditation shall be granted in relation to industrial and commercial packaging waste.

In collaboration with the Interregional Packaging Commission and the industry, Valipac shall draw up, for each product family, a detailed list of packaging that is generally intended for use by businesses.

The final list approved by the Interregional Packaging Commission shall be used by Valipac as the sole criterion for determining the packaging for which membership of Valipac is required. When the approved list cannot be readily applied to a specific packaging, the list shall be supplemented.

The list can be updated annually by the Interregional Packaging Commission, in consultation with Valipac and the industry. The official version of the approved list is available from the Interregional Packaging Commission. Valipac shall provide a copy of the list to any of its members upon request.

**Art. 2.** Valipac shall aim to achieve the following objectives and targets during the current accreditation period, unless otherwise specified, in consultation with the Interregional Packaging Commission and the industry:

- The aim should be to recycle, in the European Union and preferably in Belgium, 80% of all industrial and commercial packaging waste by 2026, and 100% by 2030, and to do so in an efficient and high-quality manner;
- Complete traceability of all packaging waste to its final destination should be achieved by 2024 at the latest, and therefore full knowledge of the treatment channels for all industrial and commercial packaging waste;
- There should be maximum collaboration with public and private European organisations in order to set up an information exchange platform so that information on audits conducted at recyclers can be shared;
- The highest possible level of selective collection of industrial and commercial waste/packaging waste should be achieved through awareness-raising and communication campaigns, and by means of thorough monitoring, making companies aware of the applicable selective collection obligations, and:
  - investigating sector by sector why some unpackers have only residual (non-recyclable) waste collected for treatment;
  - making specific efforts in sectors where more than 40% of companies have only residual waste collected, with the aim of halving the percentage of companies that have only residual waste



collected, across all sectors, by the end of the current accreditation period;

- motivating unpackers as much as possible to improve packaging waste sorting, in particular by providing them with useful information about the quantities of recyclable material in their residual waste, but also by investigating the use of financial incentives;
- The aim should be to increase the number of companies that selectively sort one or more packaging streams by 25% by 2025, as compared with 2019, and then by at least a further 25% by 2030, as compared with 2025;
- The aim should be to reduce to zero the amount of recyclable industrial and commercial packaging waste in industrial and commercial residual waste.

**Art. 3.** “Materials recovery facility” shall be understood to mean: the natural person or legal entity that is responsible for the preparatory recycling phase for industrial and commercial packaging waste, which may give the material an added value that, from an economic perspective, implies that this initial phase will be followed by other phases, ultimately resulting in a finished product. The materials recovery facility receives mono-material streams that it processes into streams that meet specific quality requirements set by the purchasers. These activities of the materials recovery facility represent the first step in the recycling chain, as referred to in para. 2 of article 7.

## SECTION 2. RECYCLING RATES

**Art. 4.** Without prejudice to the decisions taken at European level in relation to Directive 94/62/EC, the recycling rates, as specified in article 5, shall be calculated for the following materials:

- paper/cardboard;
- plastics;
- metals;
- wood.

The recycling rate for composite packaging shall be calculated based on the predominant material in the packaging.

**Art. 5. 1.** Valipac must comply with the methods of calculating the recycling rates, as developed by the Interregional Packaging Commission. These methods are described in detail in paragraphs 2-4 below.

2. The denominator of the recycling rate corresponds to the quantity of one-way packaging material by weight that was placed on the market by the companies responsible for packaging (hereinafter referred to as the “responsible companies”), in respect of which they are affiliated to Valipac.

3. 1) The following may be taken into account for calculating the quantities of industrial and commercial packaging waste that have been recycled or recovered: the quantities of industrial and commercial packaging waste of Belgian origin (expressed by weight) that have been sent for recycling or recovery by operators that have concluded the prescribed standard contract with Valipac, as described in article 7 of this accreditation.

The following may also be taken into account:

- the quantities of typical industrial and commercial packaging waste such as, for example, IBCs, plastic and metal industrial drums, dunnage, pallets and industrial/commercial EPS collected at recycling centres by the municipalities or intermunicipalities that are responsible for collecting household waste

- within their area, insofar as this waste is paid for by Valipac based on a contract that complies with regional legislation and has been approved by the Interregional Packaging Commission;
- the quantities of paper/cardboard packaging waste collected by the municipalities or intermunicipalities that are responsible for collecting household waste within their area, as part of the regular selective collection of household waste, and that are clearly not of household origin, insofar as this waste is paid for by Valipac based on a contract that complies with regional legislation and has been approved by the Interregional Packaging Commission; this relates to a contract to be concluded either between Valipac and the accredited compliance organisation for household packaging waste or between Valipac and the municipalities or intermunicipalities.

2) The quantities of industrial and commercial packaging waste referred to in the first paragraph of 1) are determined based on statistical analyses conducted by an independent analysis agency, if necessary under the supervision of Valipac, at the premises of each operator that has concluded the prescribed standard contract with Valipac.

The methods for carrying out the statistical analyses, including the sampling procedure to be used, shall be included in the draft contract that is submitted to the Interregional Packaging Commission for prior approval.

The independent analysis agency shall draw up a report on each statistical analysis it conducts. This report should specifically include:

- the date on which the analyses were started and the duration;
- a list of the persons present during the analyses;
- the contact details of the operator being inspected;
- the characteristics of the analysed sample and the sampling method;
- per material referred to in article 4, the tonnage of industrial and commercial packaging waste that is generated in Belgium and originates from one-way packaging, separately identifying the quantities intended for recycling and for recovery and detailing how this tonnage was calculated;
- an estimation of the margin of error in the results and the circumstances that may have affected this margin.

The independent analysis agency shall send this report both to Valipac and to the Interregional Packaging Commission. As a general rule, all communications between the independent analysis agency and Valipac shall be by email, with a copy to the Interregional Packaging Commission.

3) In order to enable the Interregional Packaging Commission to fulfil its supervisory role under the Cooperation Agreement, Valipac shall inform the Interregional Packaging Commission at least two working days beforehand of the location and date of the statistical analyses referred to in 2).

#### 4. Calculating the quantity of recycled packaging waste

The quantity of recycled packaging waste is calculated, in accordance with the European calculation method, at the start of the recycling process, deducting sorted materials that are not sent for recycling.

### SECTION 3. PAYING THE INDUSTRIAL UNPACKERS

**Art. 6.** Valipac is required to deploy any resources and systems needed for it to fulfil its take-back (i.e. recycling and recovery) obligation.

2. Valipac shall deploy at least the following resources and systems:

- 1) A container incentive intended to encourage the selective collection of industrial and commercial

packaging waste. This incentive shall be paid by Valipac to the unpacker as a contribution towards the cost of hiring selective containers for industrial and commercial packaging waste; it is part of the payment of the full cost of managing this type of waste.

2) A recycling incentive intended to encourage the recycling of specific materials. This incentive shall be paid by Valipac to the unpacker; it is part of the payment of the full cost of managing industrial and commercial packaging waste.

3) A starter incentive intended as a once-only payment for unpackers just starting to collect packaging waste selectively.

4) An SME plan for small unpackers, i.e. those with fewer than 50 employees, and for retailers with a view to:

- encouraging the selective collection of industrial and commercial packaging waste, for example by introducing or maintaining appropriate incentives or other financial contributions that take account of regional initiatives concerning the collection of waste from SMEs;
- developing the Clean Site System and establishing national systems for the selective collection of specific kinds of industrial and commercial packaging waste along the lines of the Clean Site System, with the funding being shared between Valipac and the responsible companies that place the packaging in question on the market;
- in the context of the Clean Site System, setting up projects to encourage the collection of rigid plastic;
- further improving communication and awareness and tailoring this to the target groups;
- organising the practical coordination of campaigns directed at small unpackers, in collaboration with municipalities, intermunicipalities, the Belgian Regions, associations (de facto or otherwise) of small unpackers and other accredited compliance organisations.

Valipac shall make a total budget available for this SME plan of at least EUR 760,000, annually adjusted to the consumer price index, excluding the personnel costs of the management and excluding the incentives referred to under 1), 2) and 3), to fund:

- the communication plan for unpackers, specifically small unpackers, i.e. those with fewer than 50 employees, intended to ensure, via targeted communication campaigns, that each professional sector and each kind of unpacker has maximum access to the unpackers' payment system; the communication plan shall focus particularly on areas where sorting results are weakest;
- the part funded by Valipac in the Clean Site System and similar projects, including the incentives referred to under 1) and 2), the latter by way of exception to the rule set out above;
- the continuation and further development of the collaboration with the intermunicipalities in their action plans to encourage selective collection from SMEs, such as:
  - at recycling centres (charging or otherwise),
  - via separate, charging collection routes for packaging waste;
- projects, evenly spread across the Belgian Regions, to encourage selective collection from SMEs and from farmers.

In the event of Valipac failing to meet the forecasts made in its accreditation application, concerning

the increase in (1) the number of companies taking part in selective collections and (2) the weight of the selectively collected quantities as a proportion of the total stream of industrial and commercial packaging waste, Valipac shall submit a proposal to the Interregional Packaging Commission to adjust the system set up.

3. The incentives referred to in para. 2 may be combined.

4. Each year before 31 October, Valipac shall communicate to the Interregional Packaging Commission the amounts of the container, recycling and starter incentives for the next calendar year.

Via the container and recycling incentives and via the action plan referred to in para. 2, 4), Valipac shall aim to cover the full cost of packaging-waste management by setting the incentives at the average amount of the full cost, taking into account the value of the materials and the objectives to be achieved, as stipulated in the European Waste Framework Directive, and by ensuring these incentives are available to as many industrial unpackers as possible.

Valipac's cost study shall be updated, in consultation with the Interregional Packaging Commission, by 15 December 2023 at the latest.

5. By 30 June 2024, Valipac shall, in consultation with the Interregional Packaging Commission, carry out a thorough evaluation of the incentives referred to in para. 2. If it is found that the container and recycling incentives do not sufficiently cover the full cost, they must be increased. The incentives may be reduced if it can be shown that the full cost is structurally exceeded.

The evaluation of the incentives should also look at the extent to which they increase selective collection and at how they can make a greater contribution in this area.

By 30 June 2024, consideration should also be given to the technical feasibility of doubling the plastic recycling incentive for unpackers who explicitly opt to have their packaging waste recycled in a circular application, such as film-to-film recycling, in the European Union, provided that the actual costs of these unpackers are not exceeded and that the operators concerned can give firm guarantees regarding the recycling conditions. If technically feasible, this solution should be implemented in practice by 1 January 2025. In this context, Valipac shall also carry out a study on the uses of reggranulates.

By 30 June 2024, Valipac shall carry out a thorough evaluation of the effectiveness of the SME plan in consultation with the Interregional Packaging Commission.

6. Valipac shall check whether the industrial and commercial packaging waste unpackers that receive the incentives referred to in para. 2 are members of Valipac. It shall also check the company profile and geographical location of these unpackers.

Valipac shall set up a general indicator that comprises the share of the costs of the container and recycling incentives in the total liabilities in the Valipac budget. Within the monitoring committee, Valipac shall make the necessary arrangements with the Permanent Secretariat of the Interregional Packaging Commission for setting up additional indicators.

Each year Valipac shall submit the overall results of its checks, as well as the changes in the indicators, according to the practical arrangements made by the Interregional Packaging Commission after discussion in the monitoring committee.

7. Regardless of whether an industrial unpacker is a member of Valipac, it is eligible for the payment made by Valipac, insofar as it is able to demonstrate that it complies with the take-back and reporting obligations.

If an industrial unpacker is unable to demonstrate that it complies with the provisions of the Cooperation Agreement, it is not eligible for any payment from Valipac.

#### SECTION 4. OPERATIONAL ASPECTS

**Art. 7. 1.** Valipac shall adapt its standard contract with the operators, as set out in the accreditation application, so as to bring it in line with the provisions of this accreditation.

Each contract with an operator shall require the operator to allow the checks and inspections specified in this accreditation and to provide any explanations that are conducive to obtaining a good understanding of the data being checked.

The operators must explicitly undertake to provide Valipac with any relevant information on the final destination of industrial and commercial packaging waste and to answer any additional questions from Valipac on this subject. The final destination may be in either the “waste” phase or the “end-of-waste” phase. The operators must take into account that Valipac will have to make all this information available, even if it is confidential, to the members of the Permanent Secretariat of the Interregional Packaging Commission that are specifically responsible for monitoring under article 29(1) of the Cooperation Agreement.

The final version of the adapted standard contract with the operators shall be submitted to the Interregional Packaging Commission for approval, within a maximum of six months of accreditation being granted.

2. Valipac shall systematically describe both the first and the second step of the recycling chain, quantify these steps and report on them in full to the Interregional Packaging Commission. The first step is the delivery of mono-material streams to a trader or a final recycler. The second step is the delivery of the same or combined mono-material streams by the trader to its purchasers.

For this purpose, Valipac shall enter into contracts with the traders, in accordance with a standard contract approved by the Interregional Packaging Commission. This contract shall provide for the possibility of conducting systematic audits at the final recyclers.

The final version of the adapted standard contract with the traders shall be submitted to the Interregional Packaging Commission for approval, within a maximum of six months of accreditation being granted.

3. At least five working days before each meeting of its “operator working group”, Valipac shall send the agenda and the documents for this meeting to the Interregional Packaging Commission.

The minutes of the meeting shall be sent to the Interregional Packaging Commission within five working days of the date of the meeting. The Interregional Packaging Commission can ask Valipac for further explanations and/or justifications concerning any topic discussed.

**Art. 8. 1.** Valipac shall differentiate between the administrative payments made to operators according to the quality and circularity of recycling and the cost of checking the data, by means of the following cumulative bonuses, which are added to the normal administrative payment:

- a) EUR 10/tonne for recycling within the EU;
- b) EUR 10/tonne for recycling within a maximum distance, determined by the cost of checking the data, as set out in the accreditation application;
- c) EUR 5/tonne for recycling by certified plastic recyclers;

d) As from 1 January 2025 at the latest, EUR 5/tonne for recycling plastic in a circular application, such as film-to-film recycling, which covers the increased administrative costs associated with the higher recycling incentives for unpackers who explicitly opt to have their packaging waste recycled in a circular application in the EU, as set out in para. 5 of article 6.

The payments referred to in a), b) and c) accrue to the party that has the power to decide whether recycling has actually been carried out. This is usually, but not always, the operator. The payment referred to in d) accrues to the operator who carries out collection.

2. In close consultation with the Interregional Packaging Commission, Valipac shall develop an ambitious programme by 30 June 2023 to set up and subsequently roll out circularity pilot projects and shall ensure that these are evenly spread across the Belgian Regions. The contract with the operators shall include an obligation for all operators to take part in these pilot projects where possible. One of the aims of this programme will be to recycle half of the film collected into new film by 2026.

**Art. 9.** Valipac shall be involved in seeking sustainable treatment methods to recover packaging streams that are currently difficult or impossible to recycle.

**Art. 10.** Valipac is required to provide the Interregional Packaging Commission, on request, with a copy of each contract it concludes with an operator.

**Art. 11. 1.** Valipac can only conclude a contract with an operator that:

- provides a guarantee that the applicable environmental regulations will be complied with;
- has the required technical capabilities to enable it to complete its task;
- has the required logistic and administrative capabilities to enable it to guarantee the quality of the information provided to Valipac;
- agrees to provide Valipac with any information it requests relating to the nature, origin and destination of the industrial and commercial packaging waste collected.

2. Each operator that is rejected by Valipac due to failure to meet one of the conditions listed in para. 1 can submit a new request to enter into a contract with Valipac after it has provided proof that it has taken the necessary measures to ensure that the condition is met.

3. The tonnages of an operator that has a contract with Valipac cannot be excluded from the results.

4. Valipac shall not discriminate between operators.

**Art. 12. 1.** Valipac is required to take all necessary measures to ensure a level of inspection that sufficiently guarantees the accuracy of recycling and recovery data, checked up to final recycling or final treatment. Within three months of this accreditation being granted, Valipac must submit a comprehensive inspection strategy to the Interregional Packaging Commission for approval. This inspection strategy should provide for:

- 1) annual inspections of operators by Valipac;
- 2) annual audits of the annual statement at the premises of each operator and each trader, performed by a completely independent expert;
- 3) targeted inspections, performed by a completely independent expert at the premises of one or more



operators that have concluded a contract with Valipac, according to the needs of Valipac;

- 4) a programme of systematic audits of final recyclers by an independent expert, under both the contract with the operators and the contract with the traders; with respect to trading, auditing is deemed to be systematic if at least 90% of the tonnage is audited annually and no later than six months after the end of the audit period; derogation from the figure of 90% may be granted on the basis of the risk analysis referred to in article 13; with respect to trading, systematic auditing must be carried out no later than 2024.

2. The inspections referred to in para. 1 are intended, inter alia, to ascertain whether the packaging waste reported by the operators under contract with Valipac as being recycled or recovered:

- 1) is collected from industrial unpackers in Belgium;
- 2) is actually packaging waste of industrial/commercial origin and from one-way packaging, generated in Belgium;
- 3) has genuinely and wholly been entrusted to a recycling or recovery centre, with a view to being recycled or recovered.

In order to fulfil his task in accordance with para. 1, 2) and 3), the independent expert shall have access to all information, confidential or otherwise, relating to the execution of the contract between Valipac and the operators or traders. The independent expert can perform any inspection, sampling, survey, analysis or checks that are conducive to the proper performance of his task. The independent expert shall abide by the rules of confidentiality.

On completion of the inspections in accordance with para. 1, 2) and 3), the independent expert shall draw up a report on the methods of inspection, sampling, surveying and analysis used and on the nature of the data checked. The report shall contain a reasoned opinion in relation to the correctness, or otherwise, of the execution of the contracts concluded between Valipac and the operators or traders and in relation to the reliability of the data provided by these operators or traders. The expert shall send his report to the operator/trader so that they can formulate a response. This response shall be appended to the report. The expert shall send the final report and appendices both to Valipac and to the Interregional Packaging Commission. The final report shall contain a detailed calculation of the checked and the accepted tonnages.

3. In order to enable the Interregional Packaging Commission to fulfil its supervisory role under the Cooperation Agreement, Valipac or the expert shall inform the Interregional Packaging Commission at least five working days beforehand about the inspections referred to in para. 1, 1), 2) and 3).

4. The contract between Valipac and the operators shall provide for the necessary measures that must be applied if the operator fails to comply with the pre-established inspection rules or if, during the inspections within the meaning of para. 1, 2) and 3), or during the inspections within the meaning of para. 1, 1), the independent expert or the inspector, respectively, finds deviations in excess of 10% in the declarations submitted to Valipac regarding the quantity of industrial and commercial packaging waste reported by the operator.

5. Valipac shall keep the reports of the inspections referred to in para. 1, 1) to 3), and para. 2 available for inspection by the Interregional Packaging Commission for a period of five years.

**Art. 13.** The programme of systematic audits of final recyclers, referred to in article 12(1)(4), shall be drawn up jointly by Valipac and the Permanent Secretariat each year and is intended to ensure systematic scrutiny of final recycling of industrial and commercial packaging waste, organised by operators and traders, with due

regard for confidential processing of sensitive company data. The frequency and procedures of the actual checks shall take into account a risk analysis of the recyclers (location, quantity, material, etc.).

The programme should enable the supervisory authority (the Interregional Packaging Commission) and the Belgian Regions to guarantee that Belgian packaging waste has genuinely and indisputably been recycled and that it has been done under environmental and social/ethical conditions comparable to those in the European Union.

Quantities of packaging waste that cannot be verified may not be included in the recycling figures, except in cases of force majeure or unforeseeable circumstances.

The programme and Valipac's reports based on it should enable the Interregional Packaging Commission to correctly calculate the quantities of waste actually recycled, in accordance with the calculation method set out in Implementing Decision (EU) 2019/1004. The Interregional Packaging Commission will be responsible for reporting to the EU and will also keep the Belgian Regions informed. Valipac's reports will be made available to the Regions to enable them to fulfil their reporting obligation on municipal waste.

## **SECTION 5. MEMBERSHIP CONTRACT WITH THE COMPANIES RESPONSIBLE FOR PACKAGING**

**Art. 14.** 1. Valipac must accept the membership of any company responsible for packaging ("responsible company") wishing to join in relation to all of its industrial and commercial packaging.

2. The responsible company has for the duration of this accreditation the right to unilaterally cancel its membership contract with Valipac at the end of each calendar year, without being liable to pay any compensation, subject to a notice period of six months.

3. Valipac shall submit to the Interregional Packaging Commission the list of members that cancel their membership due to the fact that they are no longer subject to the take-back obligation under article 6 of the Cooperation Agreement of 4 November 2008. Valipac shall submit this list within the time limits agreed in the monitoring committee.

**Art. 15.** 1. Each year, by no later than 31 October, Valipac shall submit its rates for its members to the Interregional Packaging Commission. These rates shall at least meet the fundamental requirement of maintaining the existing link between the rates set and the recyclability of the packaging.

If the rates do not meet this requirement, the Interregional Packaging Commission can reject them, in which case Valipac shall submit new proposals.

2. With effect from the first year of membership, the members shall pay Valipac a "minimum fee" of EUR 50 per year.

**Art. 16.** Starting in 2022, a bonus of EUR 50 per tonne of post-consumer recycled material will be granted for using post-consumer recycled material in plastic packaging composed of at least 50% post-consumer recycled material. Valipac will investigate in 2023 whether this bonus can also be granted, as from 2024, for packaging composed of less than 50% post-consumer recycled material and whether a further bonus can be paid for packaging that meets minimum "Design for Recycling" criteria. The amount of this bonus will be evaluated in 2024 and may be revised, subject to the agreement of the Interregional Packaging Commission.

The rate for non-recyclable packaging must be at least double that for recyclable plastic from 2023 onwards.

Non-recyclable packaging is packaging where the waste generated is not used in a new product within the context of prevailing collection, sorting and treatment practices.

**Art. 17.** 1. Valipac members shall report to Valipac on the use of recycled materials in their industrial and commercial packaging; Valipac shall collate this data and submit it to the Interregional Packaging Commission. The practical arrangements for this will be agreed within the monitoring committee.

2. Valipac shall make funds available to set up pilot projects that promote the use of recycled materials in its members' industrial and commercial packaging. The pilot projects shall be undertaken in close consultation with the Interregional Packaging Commission, and Valipac shall ensure that they are evenly spread across the Belgian Regions.

**Art. 18.** 1. Val-I-Pac must apply retroactive membership for the five calendar years that precede the year in which the membership contract was signed. The annual membership fee is set at a flat rate of EUR 250 for companies that are responsible for more than 50 tonnes of one-way packaging in the year they join, and at EUR 100 for companies that are responsible for a maximum of 50 tonnes of one-way packaging in the year they join, irrespective of whether the minimum fee applied in the first year of non-retroactive membership.

The retroactive membership fees are not payable for the years in respect of which:

1. no packaging was placed on the Belgian market;
2. the responsible company can demonstrate conclusively that it has fulfilled its take-back obligation, either itself or by contracting a third party;
3. the responsible company has suffered a penalty as provided for in article 32 of the Cooperation Agreement.

2. Contrary to para. 1, Valipac may not apply retroactive membership if the responsible company has undergone an inspection within the meaning of article 29 of the Cooperation Agreement, as a result of which an official report was drawn up by the Interregional Packaging Commission, under penalty of nullity of the retroactive membership. This ban on applying retroactive membership shall be lifted on payment of the administrative fine, imposed under article 31 of the Cooperation Agreement.

3. In the event of retroactive membership, Valipac may charge default interest for the five calendar years preceding the year in which the company becomes a member, equivalent to the amount that would be payable if interest calculated at the statutory rate were applied to the retroactive membership fees. Valipac shall, however, make provision for the necessary terms of payment.

4. Without prejudice to the requirement that Valipac must submit the complete list of affiliated responsible companies each year in accordance with article 19(1) of the Cooperation Agreement, Valipac shall submit a list of new retroactive members to the Interregional Packaging Commission each quarter.

**Art. 19.** 1. Within four months of being granted this accreditation, Valipac shall submit a final draft of the membership contract to the Interregional Packaging Commission for approval. This draft shall include the proposed revisions set out in the accreditation application.

The Interregional Packaging Commission shall announce its decision within two months of receiving the final draft in full.

2. Any amendments to the membership contract made during the term of this accreditation must be submitted to the Interregional Packaging Commission for prior approval. The latter shall announce its decision regarding the proposed amendments within four months of receiving the proposal in full.

## **SECTION 6. OTHER OBLIGATIONS OF THE ACCREDITED COMPLIANCE ORGANISATION**

**Art. 20.** Valipac shall be required to take out insurance to cover the full contractual and non-contractual

liability that may arise in relation to any of its activities. The terms of the insurance cover may not be restrictive.

**Art. 21.** 1. Valipac shall submit to the Interregional Packaging Commission the required information relating to the impact of its rates on quantitative and qualitative prevention and on the promotion of reusable packaging.

2. By 15 December 2022 at the latest, Valipac shall propose an ambitious action programme to the Interregional Packaging Commission concerning the prevention of packaging waste among its members. This action programme should aim to achieve an absolute reduction, without jeopardising the achievement of the recycling targets, in the quantity of one-way packaging placed on the market by at least 5% (as compared with the 2021 tonnage) by the end of the accreditation period. This shall apply to all members. The proposed measures should be evenly spread across the Belgian Regions. The action programme should include at least the following:

- communication and information campaigns at the responsible companies on preventing packaging at source, encouraging the use of sustainable packaging and reusing packaging; these campaigns should raise responsible companies' awareness and encourage them to take responsibility for these matters;
- communication and information campaigns at the responsible companies aimed at promoting easy-to-recycle packaging and the use of recycled materials;
- measures to encourage bulk deliveries;
- the introduction of a sectoral benchmark among the members, focusing on bulk deliveries; this benchmark will analyse the effectiveness and environmental impact of the proposed preventive measures;
- the organisation of "packaging diagnoses" among the members and active promotion of this instrument; the "packaging diagnosis" sets out a specific action plan for the different types of packaging that members place on the market;
- measures to promote ecodesign and circularity;
- the development of "design4recycling guidelines", as stipulated in the accreditation application;
- the introduction and possible subsequent rollout of pilot projects, with at least one pilot project per Belgian Region, which should be developed in consultation with the competent regional administration and the Interregional Packaging Commission;
- monitoring of the various measures and their environmental impact, as well as monitoring of one-way packaging placed on the market by members, per sector and per type of company;
- a cost estimate for the action programme.

3. By 15 December 2022 at the latest, together with the action programme referred to in para. 2, Valipac shall propose to the Interregional Packaging Commission an ambitious action programme to encourage its members to use reusable packaging. The proposed measures should be evenly spread across the Belgian Regions. The action programme should include at least the following:

- specific measures to encourage the use of reusable packaging by the members, investigating the possibility of offering financial incentives in addition to raising awareness and proactively providing information;



- the introduction of a sectoral benchmark among the members, with priority for the most effective measures to extend the packaging life cycle;
- the organisation of “packaging diagnoses” among the members and active promotion of this instrument; the “packaging diagnosis” sets out specific measures to increase the members’ use of reusable industrial and commercial packaging;
- the introduction and possible subsequent rollout of pilot projects, with at least one pilot project per Belgian Region, which should be developed in consultation with the competent regional administration and the Interregional Packaging Commission;
- the development and promotion of “design4reuse guidelines”;
- monitoring of the various measures;
- a cost estimate for the action programme.

## SECTION 7. REPORTING OBLIGATIONS

**Art. 22.** 1. Each year, by no later than 31 March, Valipac shall submit a report, in both Dutch and French, to the Interregional Packaging Commission on implementation of and compliance with the provisions of this accreditation and of the Cooperation Agreement during the course of the preceding calendar year.

This report shall address the following issues in particular:

- a) the achievement of the recycling and recovery targets;
- b) the data falling under the reporting obligation, as provided for in articles 18 and 19 of the Cooperation Agreement;
- c) per packaging material, the operators with which Valipac has concluded a contract within the meaning of Section 4 of this accreditation;
- d) per packaging material, the overall tonnages, divided into the categories that are identified by the Interregional Packaging Commission after consultation with Valipac within the monitoring committee, in respect of which Valipac has concluded a contract within the meaning of Section 4 of this accreditation;
- e) per packaging material, the materials recovery facilities, recycling companies or recovery companies to which the invoiced packaging waste was ceded by the operators that have concluded a contract with Valipac within the meaning of Section 4, in accordance with the practical arrangements for the annual declaration by the contracting parties regarding the treatment of the packaging waste, as provided for under article 7(1) of this accreditation;
- f) the charging of the costs associated with the take-back obligation to the responsible companies and the way in which the costs incurred by the unpackers in relation to the management of industrial and commercial packaging waste are covered;
- g) the incentives referred to in article 6(2);
- h) social employment;

- i) the evaluation of the inspections carried out by Valipac during the course of the previous year.

Valipac shall also compile the data in point e) of this report in the form of a data sheet for each operator, which shall also include the relevant available tonnages; each year, by 30 September, Valipac shall send this data sheet to each of the operators with which it has concluded a contract in order to help them fulfil any regional reporting obligations they may have.

Each year, by no later than 30 September, Valipac shall submit a report, in both Dutch and French, to the Interregional Packaging Commission on the monitoring of the second step of the recycling chain, as provided for in article 7(2) of this accreditation.

Based on these reports and on its own inspections, the Interregional Packaging Commission shall determine the recycling and recovery results obtained by Valipac, in accordance with article 26(2) of the Cooperation Agreement.

2. Valipac shall also submit to the Interregional Packaging Commission the data relating to potentially hazardous packaging, as provided for in article 18(1)(6) of the Cooperation Agreement, in accordance with the practical arrangements made by the Interregional Packaging Commission after discussion in the monitoring committee.

Valipac shall also submit the statistics referred to in article 18(1)(1) and 18(1)(4) of the Cooperation Agreement in relation to “glass” packaging material.

3. Valipac shall submit to the Interregional Packaging Commission all the details it has and which are needed for the mandatory reports made by the Belgian government to the European Commission.

The details relating to the recycling and recovery of industrial and commercial packaging waste that is generated in Belgium shall make a distinction, per packaging material within the meaning of article 4, between invoiced packaging waste intended for the domestic market and that intended to go abroad. For foreign destinations, a further distinction shall be made between destinations within and outside the European Union.

By 2022 at the latest, Valipac shall make a correct estimate, for each material, of the total quantity of one-way and reusable (both open-loop and closed-loop) industrial and commercial packaging placed on the Belgian market, based on a methodology previously approved by the Interregional Packaging Commission. Valipac shall also analyse to what extent reusable industrial and commercial packaging is placed on the market for the first time and how it is treated at the end of its life cycle.

4. Per material, Valipac shall provide the Interregional Packaging Commission with the aggregated data from the declarations submitted to it by the members of the non-profit organisation AgriRecover, making a distinction between hazardous and non-hazardous packaging. Valipac shall also submit the figures relating to the disposal and recovery of packaging waste, as supplied by AgriRecover.

5. The members of the Permanent Secretariat of the Interregional Packaging Commission shall, within the scope of their monitoring task, have free access without prior notice being required to all the basic data of Valipac. This shall be accessible via a data carrier compatible with the computer system of the Interregional Packaging Commission.

Valipac shall provide full online access (“read-only”) to its databases containing information relating to recycled and recovered quantities and to certificates issued within the scope of the various incentives referred to in article 6(2).

6. Valipac shall submit to the Interregional Packaging Commission, in addition to the above and by the electronic means specified by the Interregional Packaging Commission, all the details requested by the latter within the stipulated time limits.

**Art. 23.** Each year and always before 31 October, Valipac shall submit a report, in both Dutch and French, to the Interregional Packaging Commission and the regional administrations on the industrial and commercial packaging waste streams that are treated or resold by the operators with which Valipac has concluded a contract.

This report shall concern all of the aforementioned waste streams and shall include the total figures per material, broken down by Region and for all of the operators, both for industrial/-commercial packaging waste and for the proportion that is not industrial/commercial packaging waste. If Valipac has to make extrapolations to prepare the report, it shall specify the extrapolation method used.

This report shall indicate the number of companies that have the aforementioned waste streams collected and shall provide an overview of the number of selective streams collected per company. The selective streams are industrial and commercial residual waste, paper/cardboard, A, B and C-grade wood, ferrous and non-ferrous metals and mixed metals, flat, hollow and hazardous glass, plastic film, EPS and rigid plastic. This report shall include the total figures, broken down by Region and for all of the operators, per activity sector and per material, both for collection by means of receptacles that are exclusively used for industrial and commercial packaging waste and for collection by means of receptacles that are partly used for industrial and commercial packaging waste. The basic data for the report shall be linked with the company registration number of the company that has its waste collected; this will ensure there is a link to the sector (NACE code) and geographical unit (postcode). If Valipac has to make extrapolations to prepare the report, it shall specify the extrapolation method used.

The report shall also include monitoring of waste treatment, differentiating between fractions that are prepared for reuse, recycled and recovered with energy recovery.

The report shall contain the basic data required, including specifically:

- identification of the collection address, with at least company registration number, any establishment number and postcode;
- for each collection address, identification of the collector and, for each operator, the first destination of the collected waste, identified as a recycler, trader, sorting facility or other facility;
- for each collection address, the sector and cluster classification, as well as the quantities for each waste stream;
- for each collection address, the period during which the waste was collected and the collection receptacles used for each waste stream.

The basic data can be consulted at Valipac's offices as part of a statutory audit, during which data confidentiality must be guaranteed.

Specifically, the following shall be reported:

- a) the quantities per Belgian Region for each waste stream;
- b) the number of individual collection addresses per Region for each waste stream;

- c) the selective collection rate per Region and per cluster, specifying the number of collection addresses per Region and per cluster, where, respectively, 1, 2, 3, 4, 5 or more of the identified waste streams are collected;
- d) the selective collection rate per Region and per sector, specifying the number of collection addresses per Region and per sector, where, respectively, 1, 2, 3, 4, 5 or more of the identified waste streams are collected;
- e) the selective collection rate of paper/cardboard and plastic film per Region and per sector, specifying the number of collection addresses per Region and per sector, where, respectively, only industrial and commercial residual waste, only industrial and commercial residual waste and paper/cardboard and only industrial and commercial residual waste, paper/cardboard and plastic film are collected;
- f) the quantities for each waste stream per sector and per size class (number of employees), differentiating between post-consumer waste and production waste;
- g) the number of individual collection addresses per sector and per size class (number of employees), specifying the number of individual collection addresses where, respectively, industrial and commercial residual waste, paper/cardboard, EPS, plastic film, A-grade wood, B-grade wood and the various relevant combinations of these streams are collected.

Valipac shall also compile the relevant reporting data in the form of a data sheet for each operator; each year, by 30 September, Valipac shall send this data sheet to each of the operators with which it has concluded a contract in order to help them fulfil any regional reporting obligations they may have.

**Art. 24.** Valipac shall annually submit to the regional authorities a proposal for communication and information campaigns targeted at sorting within companies, taking into account regional and local characteristics and also the actual results for selective collection per Region and per activity sector.

**Art. 25.** 1. Each year and always before 31 October, Valipac shall submit a report, in both Dutch and French, to the Interregional Packaging Commission on the sales prices of materials, which shall also include an explanatory note regarding the monitoring of the sales prices of materials. The format of this report and the way in which it is to be submitted shall be determined by the Interregional Packaging Commission after discussion in the monitoring committee.

2. Before 30 November each year, Valipac shall submit to the Interregional Packaging Commission an update, in both Dutch and French, of the execution of the SME plan provided for in article 6(2)(4) of this accreditation, as well as the necessary proposals, in both Dutch and French, for the implementation of the SME plan in the following calendar year.

**Art. 26.** 1. Each year, immediately after approval has been given by its decision-making bodies and by no later than 15 December, Valipac shall present its annual budget to the Interregional Packaging Commission.

2. In accordance with article 12(5) of the Cooperation Agreement, Valipac must respond to all questions asked by the Interregional Packaging Commission regarding its financial income, including retroactive membership fees.

The retroactive membership fees should be shown as a separate item in the accounts of Valipac.

3. Valipac shall inform the Interregional Packaging Commission, in both Dutch and French, about any intended modifications to its declaration system for the responsible companies no later than two months prior to these modifications taking effect. The declaration system may not discriminate between the responsible companies that are members of Valipac.



**Art. 27.** Any alteration in the resources and systems deployed by Valipac to fulfil its take-back obligation must be communicated in writing to the Interregional Packaging Commission, in both Dutch and French.

Any significant alteration must be submitted to the Interregional Packaging Commission in writing two months beforehand and must be adequately explained. This alteration can only take effect with the explicit approval of the Interregional Packaging Commission.

Significant alterations are considered to include:

- the scrapping or introduction of an incentive within the meaning of article 6(2)(1), 6(2)(2) or 6(2)(3);
- the reduction of the amount of such an incentive compared with the amounts stated in the accreditation application;
- the amendment of the content of one of the standard contracts referred to in this accreditation.

Valipac may not in any way renege on any of the undertakings made in the accreditation application.

## SECTION 8. COLLABORATION WITH THIRD PARTIES

**Art. 28.** If Valipac provides staff or expertise to a third party for the purpose of consultancy or statistical processing of waste data, or for any other purpose that is extraneous to its take-back obligation, this must be done with the full knowledge of the Interregional Packaging Commission and in return for payment that covers the costs.

Valipac shall ensure at all times the confidentiality of the data in its various databases vis-à-vis third parties outside its organisation.

## SECTION 9. MONITORING COMMITTEE

**Art. 29.** There shall be a monitoring committee, composed of representatives from the Permanent Secretariat and from Valipac, whose role is to evaluate the implementation of this accreditation.

This monitoring committee does not have decision-making power.

The minutes of every meeting of the monitoring committee shall be recorded in French and Dutch. The chairmanship and the secretariat of the monitoring committee shall be ensured by the Permanent Secretariat.

## SECTION 10. FINAL PROVISIONS

**Art. 30.** This accreditation shall in no way affect the provisions of the Cooperation Agreement or the rights and obligations contained therein.

Any provision in the accreditation application that, literally or in its implementation, is found to be contrary to the provisions of the Cooperation Agreement shall be deemed null and void.

**Art. 31.** Valipac shall comply with the rules on the use of languages and shall ensure that any official communication to the Interregional Packaging Commission is submitted in at least Dutch and French.

**Art. 32.** The accreditation shall take effect on 1 January 2022 and shall remain valid until 31 December 2026 inclusive, without prejudice to the provisions of article 26(1)(4) of the Cooperation Agreement.

Brussel, 2 december 2021.

**ANNELEEN DE WACHTER**

Deputy Chair of the Interregional Packaging Commission

**CÉLINE SCHAAR**

Deputy Chair of the Interregional Packaging Commission

**MARTINE GILLET**

Chair of the Interregional Packaging Commission

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