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Brussels, **XXX**  
[...] (2020) **XXX** draft

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

**of **XXX****

**laying down rules for the calculation, verification and reporting of data on the separate collection of single use plastic beverage bottles**

(Text with EEA relevance)

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DRAFT

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

of **XXX**

### **laying down rules for the calculation, verification and reporting of data on the separate collection of single use plastic beverage bottles**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to Directive 2019/904/EU of the European Parliament and the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment<sup>1</sup>, and in particular Articles 9(3) and 13(4) thereof,

Whereas:

- (1) Directive 2019/904/EU provides general rules for the purpose of calculating and verifying whether the targets for waste single use plastic beverage bottles separately collected for the purpose of recycling for 2025 and 2029 laid down in points (a) and (b) of Article 9(1) of that Directive have been attained.
- (2) In order to ensure uniform application of the calculation rules by all Member States, it is necessary to establish what single use plastic beverage bottles consist of and also the materials, substances and objects that should therefore not be included in the calculation of the weight of single use plastic beverage bottles placed on the market and waste single use plastic beverage bottles collected.
- (3) The Directive does not prescribe how separate collection is to be carried out. Therefore, to ensure comparability of the data, detailed rules are necessary to determine the points where the weight of single use plastic beverage bottles collected is measured. Those rules must take into account the existing different separate collection practices and the amount of other materials present in the collected waste in addition to single use plastic beverage bottles.
- (4) The rules set out in Article 9(1) of the Directive envisage that, by way of exception, the target of waste single use plastic beverage bottles separately collected for the purpose of recycling can be achieved also by means of collecting waste single use plastic beverage bottles together with certain other waste if the following cumulative conditions are met. First, it should be demonstrated that the material at the output of recycling of sorted waste single-use plastic beverage bottles collected through this practice is of comparable quality to that achieved through separate collection of waste single use plastic beverage bottles from any other waste. Second, this practice should

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<sup>1</sup> OJ L 155, 12.6.2019, p.1.

not affect the potential of waste single use plastic beverage bottles to undergo recycling.

- (5) Waste collection practices collecting waste single use plastic beverage bottles separately from any other waste can ensure that the presence of other substances, materials and objects in the collected waste is minimal and that the output of subsequent sorting and recycling operations complies with EU requirements for recycled plastic materials and articles intended to come into contact with foods. Therefore, this quality requirement should be considered as the reference quality requirement for the purposes of calculating the weight of waste single use plastic beverage bottles collected by means of collection practices that co-mingle waste single use plastic beverage bottles and other waste at the point where they are discarded.
- (6) In order to ensure the comparability of the data to be reported on waste single use plastic beverage bottles separately collected, it is necessary to provide detailed rules for the two different ways to calculate the share of waste single use plastic beverage bottles separately collected, namely, taking as a denominator the weight of single-use plastic beverage bottles placed on the market or the amount of waste single use plastic beverage bottles generated. For that purpose, it is necessary to define the points of measurement where data is to be collected, which reflect a point where the share of waste materials and substances other than waste single use plastic beverage bottles is easily identifiable with reasonable precision having undergone certain cleaning and sorting. Therefore, it is also necessary to establish a requirement to apply correction factors to ensure that only the weight of waste single use plastic beverage bottles is counted towards the target and other materials removed during sorting operations and still present at the output of such operations are accounted for.
- (7) The calculation rules for the amount of waste generated should take into account all waste single-use plastic beverage bottles generated, including those which become litter instead of being disposed of through waste collection systems, and including those which are not collected through measures for litter clean-up.
- (8) In order to ensure the reliability and accuracy of the data and other information necessary for the proper implementation of the calculation and verification rules, it is necessary to lay down requirements on the information to be collected.
- (9) In order to facilitate reporting to the Commission, it is necessary to lay down requirements for reporting of data on single use plastic beverage bottles and waste single use plastic beverage bottles generated and separately collected for the purpose of recycling.

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### *General rules on the calculation of separately collected waste single-use plastic beverage bottles for the purpose of recycling*

1. Member States shall calculate the weight of waste single-use plastic beverage bottles separately collected by using the methodologies set out in either:
  - (a) Articles 2 and 4 or

(b) Articles 3 and 4.

The choice of methodology to be used may vary in a single Member State depending on the different waste single use plastic beverage bottle types.

The weight of empty waste single-use plastic beverage bottles shall include its caps and lids. In case bottles and caps or lids consist of different polymers, the choice of the methodology may vary for each polymer.

2. The weight of waste single-use plastic beverage bottles separately collected for the purpose of recycling shall include only:
  - (a) waste single-use plastic beverage bottles collected for the purpose of recycling separately from any other waste;
  - (b) waste single-use plastic beverage bottles collected for the purpose of recycling together with certain types of other waste where the following conditions are fulfilled:
    - (i) waste single-use plastic beverage bottles are collected for the purpose of recycling together with other waste packaging fractions of municipal waste or with other non-hazardous non-packaging plastic, metal, paper or glass fractions of municipal waste subject to separate collection for the purpose of recycling;
    - (ii) the waste collection system referred to in point (i) does not collect wastes likely to contain hazardous substances;
    - (iii) the collection of waste referred to in point (i) and subsequent sorting is designed and carried out to minimise incidental contamination with waste plastics not originating from single use beverage bottles, and with other waste materials;
    - (iv) waste single-use plastic beverage bottles collected for the purpose of recycling are subsequently subject to preliminary treatment as defined in Article 1(d) of Implementing Decision 2019/1004<sup>2</sup> to separate them from that other waste. Member States may allow the sorting of single-use plastic beverage bottles and other packaging waste of the same polymer into one fraction provided that
      - this mixture meets the quality criteria of paragraph 3,
      - only the weight of the waste single-use plastic beverage bottles are reported as separately collected,
      - the fraction of the waste single-use plastic beverage bottles derived material is determined by representative sampling and analysis.
3. The material at the output of recycling of separately collected single-use plastic beverage bottles collected complies with EU requirements for recycled plastic materials and articles intended to come into contact with foods as specified in Commission Regulation (EC) No 282/2008 or, where such rules do not exist,

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<sup>2</sup> OJ L 163, 20.6.2019, p. 66

- complies with EU and national requirements that regulate the use of recycled plastic materials in new products;
4. The weight of waste single-use plastic beverage bottles sorted from waste collected as mixed municipal waste or from fractions derived from the sorting of waste collected as mixed municipal waste shall not be reported as separately collected waste single use plastic beverage bottles.
  5. Depending on the type or material of bottles, both collection systems referred to in points (a) and (b) of paragraph 2 may apply within a Member State.
  6. The weight of empty waste single-use plastic beverage bottles shall not include labels, adhesives, residues of products that the bottles contained and any other material that is not part of an empty single-use plastic bottle.
  7. The weight of waste single-use plastic beverage bottles separately collected in accordance with point (a) of paragraph 2 shall be measured at the output of sorting operations. The weight of waste single-use plastic beverage bottles collected by way of deposit-refund schemes shall be measured at a point where they are collected or at the output of sorting or counting operations.
  8. The weight of waste single-use plastic beverage bottles separately collected in accordance with point (b) of paragraph 2 shall be measured at the output of sorting operations when single-use beverage bottles are separated from certain other waste with which it was collected.
  9. The weight of waste single-use plastic beverage bottles at the measurement points referred to in paragraphs 5 and 6 shall be adjusted to take account of the waste materials that are not part of an empty single-use plastic bottle as defined in paragraph 4 and other waste. The weight of other waste materials that are not waste single use plastic beverage bottles as defined in paragraph 4 present in waste collected in accordance with point (b) of paragraph 2 shall be determined by measuring sorted waste single-use plastic beverage bottles collected by means of representative and regular sampling and analysis, where available, based on technical specifications for sorted waste.

## *Article 2*

### *Rules for the calculation of the share of separately collected waste single-use plastic beverage bottles for the purpose of recycling based on the weight of single-use plastic beverage bottles placed on the market in a Member State*

1. Where a Member State calculates the share of waste single-use plastic beverage bottles separately collected based on the weight of single-use beverage bottles placed on its market, it shall do so by applying the following formula:

$$SSC_{PBBpom} = TWSC_{PBBpom} / POM_{PBB} * 100\%$$

*Where:*

$SSC_{PBBpom}$  means the share (in %) of waste single-use plastic beverage bottles separately collected for the purpose of recycling in respect to the weight of single-use plastic beverage bottles placed on the market;

$TWSC_{PBBpom}$  means total weight of waste single-use plastic beverage bottles separately collected in accordance with Article 1(2) in respect to the weight of single-use plastic beverage bottles placed on the market;

$PoM_{PBBpom}$  means total weight of single-use plastic beverage bottles placed on the market.

2. Member States shall calculate the total weight of single-use plastic beverage bottles placed on the market by applying the following formula:

$$PoM_{PBBpom} = Prod_{PBBpom} + Imp_{PBBpom} - Exp_{PBBpom}$$

Where:

$Prod_{PBBpom}$  means weight of single-use plastic beverage bottles produced in the Member State;

$Imp_{PBBpom}$  means weight of single-use plastic beverage bottles imported to the Member State;

$Exp_{PBBpom}$  means weight of single-use plastic beverage bottles exported from the Member State.

3. A beverage bottle shall be considered as placed on the market when it is filled with beverage, labelled and leaves the place of domestic production or is imported.
4. The weight of single-use plastic beverage bottles placed on the market shall be measured at the point where they are first made available on the market of a given Member State.

### Article 3

*Rules for the calculation of the share of separately collected waste single-use plastic beverage bottles based on the weight of waste single-use plastic beverage bottles generated*

1. Where a Member State calculates the share of waste single-use beverage bottles separately collected based on the mass of waste single-use beverage bottles generated, it shall do so by applying the following formula:

$$SSC_{PBBmwg} = TWSC_{PBBmwg} / TWG_{PBBmwg} * 100\%$$

Where:

$SSC_{PBBmwg}$  means the share (in %) of separately collected waste single-use plastic beverage bottles based on the weight of waste single-use plastic beverage bottles generated;

$TWSC_{PBBmwg}$  means total weight of waste single-use plastic beverage bottles based on the weight of waste single-use plastic beverage bottles separately collected for the purpose of recycling in accordance with Article 1(2);

$TWG_{PBBmwg}$  means total weight of waste single-use plastic beverage bottles generated.

2. Where a Member State calculates the share of waste single-use beverage bottles separately collected based on the weight of waste single-use beverage bottles generated in its national market, it shall do so by applying the following formula:

$$TWG_{PBBmwg} = TWSC_{PBBmwg} + WWC_{PBBmwg} + WLC_{PBBmwg} + WL_{PBBmwg}$$

Where:

$TWG_{PBBmwg}$  means total weight of waste single-use plastic beverage bottles generated;

$TWSC_{PBBmwg}$  means total weight of waste single-use plastic beverage bottles separately collected in accordance with Article 1(2);

$WWC_{PBBmwg}$  means weight of waste single-use plastic beverage bottles collected as municipal waste other than by separate collection in accordance with Article 1(2);

$WLC_{PBBmwg}$  means weight of waste single-use plastic beverage bottles littered outside of waste collection systems and subsequently collected;

$WL_{PBBmwg}$  means weight of waste single-use plastic beverage bottles littered outside of waste collection systems and subsequently not collected.

3. The weight of waste single-use plastic beverage bottles collected as part of municipal waste collection other than by separate collection referred to in Article 1(2) and the weight of waste single-use plastic beverage bottles disposed of by original waste producers outside of waste collection systems and subsequently not collected shall be measured through composition analysis and surveys of that waste and litter.

#### Article 4

##### *Rules for the calculation of the share of waste single-use plastic beverage bottles separately collected*

1. Member States shall calculate the weight of waste single-use plastic beverage bottles collected separately in a Member State by applying the following formulas:

$$TWSC_{PBBpom} = SC_{PBBpom} + CSC_{PBBpom}$$

$$TWSC_{PBBmwg} = SC_{PBBmwg} + CSC_{PBBmwg}$$

Where:

$TWSC_{PBB}$  means total weight of waste single-use plastic beverage bottles separately collected in accordance with Article 1(2);

$SC_{PBB}$  means weight of waste single-use plastic beverage bottles separately collected in accordance with Article 1(2)(a);

$CSC_{PBB}$  means weight of waste single-use plastic beverage bottles separately collected in accordance with Article 1(2)(b).

The suffixes “*pom*” refers to the calculation method laid down in Article 2 and the suffix “*mwg*” refers to the calculation method laid down in Article 3.

2. Member States that determine the weight of certain plastic types of waste single-use plastic beverage bottles according to Article 2 and the weight of other plastic types of waste single-use plastic beverage bottles according to Article 3 shall calculate the total weight of waste single-use plastic beverage bottles put in circulation in a Member State by applying the following formula:



$$PiC_{PBB} = PoM_{PBB} + TWG_{PBB}$$

Where:

$PiC_{PBBm}$  means total weight of single-use plastic beverage bottles put in circulation;

$PoM_{PBB}$  means total weight of single-use plastic beverage bottles determined as placed on the market not taking into account the amounts of waste determined as  $TWG_{PBB}$ ;

$TWG_{PBB}$  means total weight of waste single-use plastic beverage bottles generated not taking into account the amounts of waste determined as  $PoM_{PBB}$ .

3. Member States shall calculate the share of waste single-use plastic beverage bottles separately collected based on the weight of single-use beverage bottles put in circulation by applying the following formula:

$$SSC_{PBBm} = TWSC_{PBB} / PiC_{PBB} * 100\%$$

Where:

$SSC_{PBB}$  means the share (in %) of separately collected waste single-use plastic beverage bottles.

4. Where waste single-use plastic beverage bottles separately collected in accordance with Article 1(2)(a) have been mixed with waste single-use plastic beverage bottles separately collected in accordance with Article 1(2)(b) or other waste or waste from other countries before undergoing sorting, Member States shall identify the source, proportion and characteristics of each input waste stream using appropriate methods, such as electronic registries and sampling surveys. Those factors have to be taken into account to determine the weight of waste single-use plastic beverage bottles separately collected in a given Member State.
5. Data referred to in paragraphs 2 and 3 shall be adjusted to take account of the waste materials that are not part of an empty single-use plastic bottle.

#### *Article 5*

##### *Rules on data collection and verification*

1. For the purposes of verifying the accuracy of the data to calculate the share of separately collected waste single use plastic beverage bottles Member States shall collect at least the following information and data:
  - (a) the source, weight and characteristics of the waste containing waste single-use plastic beverage bottles collected in accordance with Article 1(2) at the output of sorting operations;
  - (b) the weight and the characteristics of materials that are not part of an empty single-use plastic bottle removed in the course of the sorting operation;
  - (c) the weight of single use plastic beverage bottles placed on the market;
  - (d) evidence from establishments or undertakings managing waste that the output of sorting where waste single-use plastic beverage bottles are separated from

certain other waste they were collected with comply with the applicable quality requirements for material entering recycling processes authorised in accordance with EU legislation on recycled plastic materials and articles intended to come into contact with foods or requirements that ensure comparable quality.

2. For the purposes of verifying the accuracy of the data on the total weight of single-use plastic beverage bottles placed on the market and waste single-use plastic beverage bottles, Member States shall ensure that the data collected is verified and cross-checked with other sources of data to, inter alia, prevent double counting or underreporting.
3. Member States shall ensure that certified quality management systems are set up for the verification of compliance with Article 1(2)(b) that meets the following requirements:
  - (a) The waste operator shall establish, implement and ensure adherence to an effective and documented quality assurance system. That system shall take account of the adequacy of personnel, their knowledge and skills, and the organisation of the premises and equipment such as is necessary to ensure that collected waste single-use plastic beverage bottles comply with the rules of Article 1(2)(b);
  - (b) The different operations to meet the requirements of Article 1(2)(b) shall be carried out in accordance with pre-established instructions and procedures;
  - (c) The quality assurance systems shall be certified by an independent third party.
4. Where data on single-use plastic beverage bottles and waste single-use plastic beverage bottles is available by item, it shall be converted into weight, considering the following factors:
  - (a) volume of bottles,
  - (b) polymer type used in bottles,
  - (c) polymer type of caps and lids of bottles.
5. Where data collection is based on surveys and waste composition analyses, including sampling methodologies, they shall reflect at least the following factors:
  - (a) variation in the seasonal occurrence and abundance of waste disposed by original waste producers outside of waste collection systems;
  - (b) variation in the levels of urbanisation;
  - (c) variation in frequency, types and location of waste collection, including collection of litter;
  - (d) minimum volume of samples taken of at least equal 3 litres per 1,000 inhabitants.

In addition, they shall fulfil the following minimum requirements:

- (a) they shall be carried out at regular, specified intervals, and shall adequately reflect the variation in the data to be surveyed;
  - (b) they shall be based on a representative sample of the population to which their results are applied.
6. Surveys and composition analysis to establish the weight of waste single-use plastic beverage bottles disposed of outside waste collection systems shall, in addition to the requirements set out in paragraphs 4 and 5, cover all the territory of a given Member State, in particular, those areas prone to littering such as seaside and other areas around bathing waters, forests, road- and highway sides.
7. Member States shall ensure that surveys and composition analyses of waste disposed of outside waste collection systems are conducted to simultaneously cover several single-use plastic products that are subject to reporting or extended producer responsibility obligations in accordance with Directive 2019/904/EU.
8. Extrapolations of data collected in accordance with paragraphs 2 and 5 for the purpose of establishing the weight of waste single-use plastic beverage bottles placed on the market and separately collected in a given calendar year shall take into account the following:
  - (a) population density;
  - (b) variation in the collection systems across the Member State.
9. Member States shall obtain data directly from establishments or undertakings managing waste.
10. The collection of data referred to in this Article, shall be carried out every year and whenever there are reasons to expect significant changes in the collection and sorting systems applied and the amount or composition of single use plastic beverage bottles placed on the market.
11. Member States shall use electronic registries to collect data on separate collection of single use plastic beverage bottles.
12. Member States shall ensure confidentiality of data collected.

#### *Article 6* *Reporting of data*

1. Member States shall report the data and submit the quality check report concerning the implementation of points (a) and (b) of Article 9(1) of Directive 2019/904/EU in the format laid down in the Annex.
2. The Commission shall publish the data reported by the Member States unless as regards information included in the quality check reports a Member State provides a justified request to withhold the publication of certain data.

#### *Article 7*

This Decision is addressed to the Member States.

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Done at Brussels,

*For the Commission  
Ursula VON DER LEYEN  
The President*

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