

## **Ordinance (1997:185) on Producers' Responsibility for Packaging;**

**1 §** The purpose of this ordinance is so that

1. packaging shall be produced in such a way that its volume and weight is limited to the level required in order to maintain a good level of safety and hygiene,
2. producers shall arrange systems for the collection of all packaging waste that arises,
3. packaging waste shall be taken care of in an environmentally acceptable way, and
4. meet the recycling objectives for collected packaging waste, provided in appendix 1 of this ordinance. Ordinance (2005:221).

**1 a §** For those purposes that are given in 1 §, packaging shall be designed, produced, and offered for sale in such a way that it can be re-used or its material can be re-used, or it can be recycled in some other way, so that

1. the discharge of harmful matter is minimised when packaging, packaging waste, or product residue from handling is deposited or burnt and
2. general influence on the environment is limited when packaging waste or product residue from handling of the packaging waste is disposed of. Ordinance (2004:558).

**2 §** This ordinance shall, with exception for 1 § 4 and 10 §, not apply to packaging that is covered by the requirements in 2 § ordinance (2005:220), relating to return systems for plastic bottles and metal cans.

What is stated in 4-6 a §§ relating to collection, sorting, and removal transportation shall not apply to packaging that, due to prior or residue contents, represents dangerous waste according to the waste ordinance (2001:1063). There are regulations relating to such waste in the ordinance. Ordinance (2005:221).

### *Definitions*

**3 §** In this ordinance, the following terms and expression are explained below:

1. Packaging: A product that is produced to contain, protect, or present goods, or to be used to deliver, or in some other way, handle goods, from raw material to end product, and from producer to user and consumer, if the product according to appendix 2 of this ordinance is consumer packaging (primary packaging), group packaging (secondary packaging), or transportation packaging (tertiary packaging). Even disposable items that are used for this purpose shall be considered to be packaging.
2. Packaging waste: Packaging and packaging material that is waste, according to the waste ordinance (2001:1063). Product residue from production shall not however be considered as such waste.

3. The producer: He who professionally manufactures, imports into Sweden, or sells packaging, or goods, that are enclosed in such packaging.
4. Re-use: Each process through which the packaging is designed to be used again, at least a certain number of times, re-filled, or re-used for the purpose for which it was designed. Re-use shall occur with or without support from aid products that are available on the market and that enable re-filling of the packaging. Re-used packaging becomes packaging waste when it can no longer be re-used.
5. Recycling: Every applicable process stated in appendix 4 of the waste ordinance (2001:1063)
6. Material usage: Reprocessing, in a waste material production process, to an original purpose or to other purposes. Biological treatment is included in this concept. Energy extraction is not included in this concept.
7. Energy extraction: Utilisation of combustible packaging waste to generate energy through direct burning, with or without other waste, but with utilisation of the heat.
8. Biological treatment: Aerobe (requiring free oxygen) or anaerobe (not requiring free oxygen) treatment of the biodegradable parts of the packaging waste. Treatment shall occur under controlled conditions and with the use of micro-organisms, where stabilised organic waste products or methane is produced. Depositing the waste shall not be seen as biological treatment.
9. Handling of packaging waste: Collection, transportation, recycling, and disposal of waste, including inspection of such activity and subsequent treatment of landfill.
10. Disposal: The procedures stated in appendix 5 of the waste ordinance (2001:1063) Ordinance (2005:221).

### *Collection*

**4 §** A producer shall ensure that there is a suitable collection system for all packaging pertaining to the producer.

A collection system shall be considered suitable if it is easily accessible, makes disposal easy for those with packaging waste, and generally provides a good service to those entering packaging waste into the system.

During assessment of whether the collection system is considered suitable, particular consideration shall be paid to what, during the consultation according to 5 a §, emerged about the region's conditions. Ordinance (2004:558).

**5 §** Households and other users shall separate packaging from household refuse and other waste and present it for removal in the collection systems provided by the producers. Ordinance (1998:949).

### *Consultation*

**5 a §** A producer that shall provide a collection system according to 4 §, shall consult with the municipality concerned on matters related to the collection system. By the municipality concerned, is meant the municipality where obligation, according to 4 § to take care of packaging through a collection system, shall be fulfilled.

The consultation shall have the purpose of coordinating the producer's refuse obligation responsibilities, taking into consideration the local conditions in the municipality. In the consultation, there shall be a discussion about how the municipality can ease the organisation of the collection system, for example by assigning locations for packaging waste collection, and what actions the producer intends to take or has taken against littering at or around these locations.

The producer shall, at the consultation, supply the details that the municipality needs, in order to be able to inform the households according to 8 §. Ordinance (2004:558).

**5 b §** The producer shall fulfil its consultation obligation by voluntarily or on the request by the municipality:

1. supplying a detailed account to the municipality, of how the producer fulfils or intends to fulfil the obligations resulting from 4 §,
2. supplying the details given in 5 a § third paragraph to the municipality, and
3. giving the municipality an occasion to deliberate with the producer about the changes or the co-ordination that the municipality feels is required. Ordinance (2004:558).

**5 c §** The municipality shall, during the consultation, give the producer the opportunity to provide comments on the design of the information for households, according to 8 §. Ordinance (2004:558).

#### *Management of pre-sorted packaging*

**6 §** A producer shall ensure that all pre-sorted packaging that household and other users have deposited in the producer's collection system is transported away and re-used, recycled, or taken care of in some other environmentally acceptable way. Ordinance (2004:558).

**6 a §** When pre-sorted packaging, according to 6 §, is to be transported away by the producer, no-one other than the producer or those subcontracted by the producer for that purpose, may deal with the transport. Ordinance (1998:949).

**6 b §** A producer shall ensure that packaging used in Sweden is primarily re-used, if this can be environmentally motivated.

An item of packaging is deemed to be re-usable if the item of packaging's physical properties and design make it possible to:

1. under normal foreseeable re-usage conditions re-use the item of packaging several times,
2. treat the used item of packaging in accordance with hygiene and safety requirements for employees, and
3. recycle the item of packaging when it can no longer be re-used. Ordinance (2004:558).

**7 §** In order for packaging to be considered recoverable, the following requirements must be satisfied:

1. Packaging which can be recovered by the recycling of materials shall be manufactured in such a way as to enable the use of a certain percentage by weight of the materials used in the manufacture of

marketable products, in compliance with current standards in the Community. This percentage may vary, depending on the type of material of which the packaging is composed.

2. In cases where packaging can be recovered by the extraction of energy, the packaging waste processed for the purpose of energy recovery shall have a minimum calorific value to allow optimisation of energy recovery.

3. In cases where packaging can be recovered by composting, the packaging waste shall be sufficiently biodegradable not to impede separate collection and the composting process or activity into which it is introduced.

4. Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the final compost ultimately decomposes into carbon dioxide, biomass and water.

#### *Obligation to inform about packaging management*

**8 §** When a municipality informs households about waste management within the region, the information in question about packaging shall contain explanations about:

1. the purpose of the collection, according to 1 §,
2. the obligation to pre-sort package waste in accordance with 5 § and instructions on how pre-sorting is done,
3. the collection system that the households have access to,
4. the goals in appendix 1 to this ordinance, and
5. the recycling results to which the pre-sorting contributes. Ordinance (2005:221).

**9 §** A producer shall, in the question relating to packaging, ensure that others than households, receive the information given in 8 §. Ordinance (2004:558).

#### *Producer's duty to inform*

**10 §** A producer shall supply the following information to the Swedish Environmental Protection Agency:

1. details of the results of the collection operation, re-usage, recycling, and material usage, as well as other items that relate to the disposal of pre-sorted packaging, and
2. details about manufacturing, import into Sweden, export from Sweden to countries outside of the European Union, sales and other items that Swedish Environmental Protection Agency needs in order to:
  - a) calculate fulfilment of the goals in appendix 1 to this ordinance, and
  - b) report to the European Joint Commission in accordance with article 12 and appendix 3 of the European Parliament's and Council's directive 94/62/EG dated the 20th December 1994 relating to packaging and packaging waste, revised through the European Parliament's and Council's directive 2004/12/EG.

When it comes to fulfilment of the goals in appendix 1 to this ordinance for the kind of packaging waste that is exported from Sweden to a country outside the European Union, the producer shall

be able to show that recycling and material usage is carried out in the same way as is stated in this ordinance.

With regard to the question of packaging covered by the requirement in 2 § of ordinance 2005:220, relating to the return system for plastic bottles and metal cans, the reporting obligation applies to those who, according to the regulation, shall ensure that the packaging is part of an approved return system. Ordinance (2005:221).

**10 a §** The local council may prescribe that a producer shall supply details relating to the nature, composition, amount, and handling requirements of the packaging waste, as a basis for the municipality's waste management system. Ordinance (1999:190).

*A particular chapter relating to packaging in municipal waste plans*

**10 b §** A municipal waste plan shall contain particular chapters regarding packaging and locations for the collection of packaging waste. The plan shall also contain details regarding actions to prevent packaging waste and actions to promote the re-use of packaging. Ordinance (2004:558).

*Supervision etc.*

**11 §** In ordinance (1998:900) relating to supervision according to the Environment Code, there are regulations that relate to supervision. Ordinance (1998:949).

**12 §** Has been abolished through ordinance (1998:949).

*Authorization*

**13 §** The Swedish Environmental Protection Agency may issue further regulations about the obligations referred to in 4, 6 and 10 §§.

The Swedish Environmental Protection Agency may issue regulations relating to special handling, in the question of certain types of packaging, if there are particular reasons for it, from an environmental and health & safety point of view. Ordinance (2004:558).

**14 §** The Swedish Environmental Protection Agency may issue further regulations required to enforce this ordinance. Ordinance (1998:949).

*APPENDIX 1*

<b>Type of packaging waste</b>	<b>Recycling in weight percentage</b>
All packaging waste	Up to and including 2008: 50 % of which at least 25 percentage points constitute material recycling  Up to and including 2009: 60 % of which at least 55 percentage points constitute material recycling
Metal packaging, excluding beverage packaging	70 % material recycling
Cardboard, paper, carton, and corrugated cardboard packaging	65 % material recycling
Plastic packaging, excluding beverage packaging	70 % material recycling of which at least 30 percentage points constitute material recycling back to plastic
Glass packaging	70 % material recycling
Metal beverage packaging	90% material recycling
Beverage packaging of a polymer material	90 % material-recycling
Wooden packaging	70 % of which at least 15 percentage points constitute material-recycling
Other packaging material	Per material type: 30 % of which at least 15 percentage points constitute material-recycling

(Ordinance(2005:221)).

*APPENDIX 2*

Appendix 2 contains criteria for what should be regarded as packaging under this ordinance. This appendix is not translated here.