

Commission Decision of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (notified under document number C(2005) 854) (Text with EEA relevance) (2005/270/EC)

[^{F1} Article 1

This Decision establishes the formats for reporting data pursuant to Article 12 of Directive 94/62/EC, as well as the rules for the calculation, verification and reporting of data pursuant to that Directive, as regards the following:

- (a) attaining an adjusted level of the recycling targets referred to in points (f) to (i) of Article 6(1) of Directive 94/62/EC by taking account of reusable packaging pursuant to Article 5(2) of that Directive;
- (b) taking account of repair for reuse of wooden packaging pursuant to Article 5(3) of Directive 94/62/EC;
- (c) compliance with the targets set in in points (f) to (i) of Article 6(1) of Directive 94/62/EC;
- (d) quality check and the measures taken pursuant to Article 6a(3) and (8) of Directive 94/62/EC.]

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

Article 2

[^{F1} For the purposes of this Decision, the following definitions shall apply in addition to the relevant definitions set out in Article 3 of Directive 94/62/EC:

- a ‘targeted materials’ means packaging waste materials that are reprocessed in a given recycling operation into products, materials or substances that are not waste;
- b ‘non-targeted materials’ means, for the purposes of the calculation of the recycling targets set in points (f) to (i) of Article 6(1) of Directive 94/62/EC, waste materials that are not reprocessed in a given recycling operation into products, materials or substances that are not waste;
- c ‘preliminary treatment’ means any treatment operation that packaging waste materials undergo before submission to the recycling operation whereby those materials are reprocessed into products, materials or substances that are not waste. This includes checking, sorting and other preparatory operations to remove non-targeted materials and to ensure high-quality recycling;
- d ‘calculation point’ means the point where packaging waste materials enter the recycling operation whereby waste is reprocessed into products, materials or substances that are not waste, or the point where waste materials cease to be waste as a result of a preparatory operation before being reprocessed;
- e ‘measurement point’ means the point where the mass of waste materials is measured with a view to determining the amount of waste at the calculation point;

Changes to legislation: There are outstanding changes not yet made to Commission Decision of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (notified under document number C(2005) 854) (Text with EEA relevance) (2005/270/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- f 'rotation' means a trip performed by reusable packaging from the moment it is placed on the market together with the goods it is intended to contain, protect, handle, deliver or present, to the moment it is sent back for reuse in a system to reuse packaging with a view to its repeated placing on the market together with the goods;
- g 'a system to reuse packaging' means organisational, technical or financial arrangements which ensure that reusable packaging performs multiple rotations.]

2 [F²Generated packaging waste, as referred to in paragraph 1(b), shall not include any kind of residues from the production of packaging or packaging materials, or from any other production process.]

For the purposes of this Decision, packaging waste generated in a Member State may be deemed to be equal to the amount of packaging placed on the market in the same year within that Member State.

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)
- F2** Deleted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

Article 3

1 The data for total packaging shall cover all packaging as defined in Article 2(1) and 3(1) of Directive 94/62/EC.

In particular for materials occurring in smaller quantities and those not mentioned in this Decision, estimates may be used. These estimates shall be based on the best information available and shall be described in accordance with Article 7.

2 Reusable packaging shall be considered to be placed on the market when it is made available for the first time, together with the goods it is intended to contain, protect, handle, deliver or present.

Reusable packaging shall not be considered packaging waste when it is sent back for reuse. Reusable packaging shall not be considered to be placed on the market as packaging when it has been reused with a good and is made available again.

Reusable packaging discarded at the end of its useful life shall be considered packaging waste.

For the purposes of this Decision, packaging waste generated in a particular Member State from reusable packaging may be deemed to be equal to the amount of reusable packaging placed on the market within that Member State in the same year.

[F¹³ For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, packaging made of different materials which cannot be separated by hand shall be reported under the predominant material by weight.]

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Additionally, separate data on recovery and recycling of composite materials may be provided on a voluntary basis.

[^{F14} For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, the weight of recovered or recycled packaging waste shall be the input of packaging waste to an effective recovery or recycling process. If the output of the sorting plant is sent to effective recycling or recovery processes without significant losses, it is acceptable to consider this output to be the weight of the recovered or recycled packaging waste.]

Textual Amendments

F1 Substituted by Commission Implementing Decision (EU) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (notified under document C(2019) 2805) (Text with EEA relevance).

Article 4

[^{F11} For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, packaging waste exported out of the Union shall be counted as recovered or recycled only if there is sound evidence that the recovery and/or recycling took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.]

2 Transboundary movements of packaging waste shall comply with Council Regulation (EC) No 259/93⁽¹⁾ Council Regulation (EC) No 1420/1999⁽²⁾, and Commission Regulation (EC) No 1547/1999⁽³⁾.

[^{F13} For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, packaging waste generated in another Member State or outside the Union which is sent for recovery or recycling to a Member State shall not be counted as recovered or recycled in the Member State to which this packaging waste was sent.]

Textual Amendments

F1 Substituted by Commission Implementing Decision (EU) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (notified under document C(2019) 2805) (Text with EEA relevance).

Article 5

[^{F11} For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, the weight of recovered or recycled packaging waste shall be measured using a natural humidity rate of the packaging waste comparable to the humidity rate of equivalent packaging put on the market.]

Corrections shall be made to measured data relating to the weight of recovered or recycled packaging waste, if the humidity rate of that packaging waste regularly and significantly differs from that of packaging placed on the market and if this factor risks leading to substantial over- or underestimates of packaging recovery or recycling rates.

Changes to legislation: There are outstanding changes not yet made to Commission Decision of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (notified under document number C(2005) 854) (Text with EEA relevance) (2005/270/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Those corrections shall be limited to exceptional cases, caused by specific climatic or other conditions.

[^{F1}Significant corrections shall be reported in the descriptions regarding the data compilation in the data quality check report.]

[^{F12} For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, the weight of recovered packaging shall, as far as is practical, exclude non-packaging materials collected together with the packaging waste.]

Corrections shall be made to the data relating to the weight of recovered or recycled packaging waste, if non-packaging materials in the waste sent to an effective recovery or recycling process risk leading to substantial over- or underestimates of packaging recovery or recycling rates.

No corrections shall be made in the case of small amounts of non-packaging materials, or for such contamination as can regularly be found in packaging waste.

[^{F1}Significant corrections shall be reported in the descriptions regarding the data compilation in the data quality check report.]

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

[^{F1}Article 6

For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, the provisions on recovery in Articles 3, 4 and 5 of this Decision shall apply *mutatis mutandis* to packaging waste incinerated at waste incineration plants with energy recovery.]

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

[^{F3}Article 6a

1 For the purposes of attaining an adjusted level of the recycling targets set in points (f) to (i) of Article 6(1) of Directive 94/62/EC by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and reused as part of a system to reuse packaging, as provided for in Article 5(2) of Directive 94/62/EC, the amount of reusable sales packaging which is discarded after its first rotation shall be deducted from the total amount of reusable sales packaging placed on the market for the first time in a given year.

2 The percentage points that may be subtracted from the recycling targets to determine the adjusted level referred to in Article 5(2) of Directive 94/62/EC shall be calculated as a simple

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average of the percentage points that represent the share of reusable sales packaging in each of the preceding three years. That share shall be calculated by dividing the amount of reusable sales packaging determined in accordance with this Article that is composed of the packaging material to which the recycling target applies, by the amount of all sales packaging composed of that packaging material and placed on the market for the first time in a given year.

Textual Amendments

- F3** Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\)](#).

Article 6b

1 Where a Member State takes into account the amounts of wooden packaging that is repaired for reuse in the calculation of the targets laid down in point (f), point (g)(ii), point (h) and point (i)(ii) of Article 6(1) of Directive 94/62/EC, the amount of wooden packaging that is repaired for reuse shall be added to both the generated packaging waste and the recycled packaging waste.

2 The amount of wooden packaging that is repaired for reuse shall be established on the basis of the mass of the repaired wooden packaging units that are subsequently reused and shall exclude wooden packaging or components of wooden packaging that are directed to waste treatment operations.

Textual Amendments

- F3** Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\)](#).

Article 6c

1 For the purposes of calculating and verifying compliance with the recycling targets set in points (f) to (i) of Article 6(1) of Directive 94/62/EC, the following shall apply:

- a The amount of recycled packaging waste shall be the amount of waste at the calculation point. The amount of packaging waste entering the recycling operation shall include targeted materials. It may include non-targeted materials only to the extent that their presence is permissible for the specific recycling operation.

The calculation points applicable to certain packaging waste materials and certain recycling operations are specified in Annex II.

- b Where the measurement point relates to the output of a facility that sends packaging waste for recycling without further preliminary treatment, or to the input of a facility where packaging waste enters the recycling operation without further preliminary treatment, the amount of sorted packaging waste that is rejected by the recycling facility shall not be included in the amount of recycled packaging waste.
- c Where a facility carries out preliminary treatment prior to the calculation point in that facility, the waste removed during the preliminary treatment shall not be included in the amount of recycled packaging waste reported by that facility.

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- d Where biodegradable packaging that is subject to aerobic or anaerobic treatment is included in the recycled amounts for the respective packaging material, the amount of biodegradable packaging in biodegradable waste shall be determined by performing regular composition analyses of the biodegradable waste entering those operations. Biodegradable packaging waste that is removed before, during or after the recycling operation shall not be included in the recycled amounts.
 - e Where the humidity rate of packaging waste at the measurement point differs from that of packaging placed on the market, the amount of packaging at the measurement point shall be corrected in order to reflect the natural humidity rate of the packaging waste comparable to the humidity of equivalent packaging placed on the market.
 - f The amount of recycled packaging waste shall exclude non-packaging materials collected together with the packaging waste, such as waste of the same material that does not originate from packaging, and residues from products that the packaging used to contain.
 - g Where packaging waste generated in a given Member State has been mixed with other waste or waste from another country before the measurement point or the calculation point, the proportion of packaging waste originating from a given Member State shall be identified using appropriate methods, such as electronic registries and sampling surveys. Where such waste undergoes further preliminary treatment, the amount of non-targeted materials removed by that treatment shall be deducted taking into account the proportion and, where appropriate, the quality of waste materials coming from packaging waste originating from a given Member State.
 - h Where packaging waste materials enter recovery operations whereby those materials are used principally as a fuel or other means to generate energy, the output of such operations that is subject to material recovery, such as the mineral fraction of incineration bottom ash or clinker resulting from co-incineration, shall not be included in the amount of packaging waste recycled, with the exception of metals separated and recycled after incineration of packaging waste. Metals incorporated in the mineral output of the co-incineration process of packaging waste shall not be reported as recycled.
 - i Where packaging waste materials enter recovery operations whereby those materials are not principally used either as a fuel or other means to generate energy, or for material recovery, but result in output that includes recycled materials, fuels or backfilling materials in significant proportions, the amount of recycled waste shall be determined by a mass balance approach which results in taking account only of waste materials that are subject to recycling.
- 2 For the purposes of calculating and verifying attainment of the recycling targets set in points (f) to (i) of Article 6(1) of Directive 94/62/EC, composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.

Textual Amendments

- F3** Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

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Article 6d

1 For the purposes of calculating and verifying attainment of the targets set in points (f) to (i) of Article 6(1), of Directive 94/62/EC, the amount of recycled metals separated from incineration bottom ash shall be the mass of metals in the metal concentrate that is separated from raw incineration bottom ash originating from packaging waste, and shall not include other materials contained in the metal concentrate such as mineral adhesions or metals that do not originate from packaging waste.

2 The Member States shall apply the methodology laid out in Annex III for calculating the mass of recycled metals separated from incineration bottom ash.

Textual Amendments

F3 Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\)](#).

Article 6e

For the purposes of calculating and verifying attainment of the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, Member States may apply the calculation rules laid down in Articles 6a to 6d.

Textual Amendments

F3 Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\)](#).

Article 6f

1 The Member States shall take appropriate measures to ensure the reliability and accuracy of data reported under this Decision. In particular, the amount of packaging waste generated shall be subject to verification and cross-checking, including by using data on the amount of packaging placed on the market, relevant data on waste and composition analyses of mixed municipal waste. Member States shall inform the Commission of such verification carried out and, where appropriate, of any significant inconsistencies identified and corrective measures planned or taken.

2 Member States shall obtain data directly from establishments or undertakings managing waste, as appropriate.

3 Member States shall consider the use of electronic registries.

4 Where data collection is based on surveys, including those underpinning sampling methodologies, those surveys shall be carried out to a minimum standard which shall include the following minimum requirements:

- a the surveys are carried out at regular, specified intervals, to adequately reflect the variation in the data to be surveyed;
- b the surveys are based on a representative sample of the population to which their results are applied.

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5 Estimates may be used for packaging materials occurring in small quantities and for those not mentioned in this Decision. Those estimates shall be based on the best information available and shall be described in the quality check reports accompanying the data on packaging waste generation and recycling.]

Textual Amendments

F3 Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

F² Article 7

Textual Amendments

F2 Deleted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

F² Article 8

Textual Amendments

F2 Deleted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)

F⁴ Article 9

[^{F1} The Member States shall report the data on the generation and treatment of packaging waste and on reusable packaging using the formats set out in Tables 1, 2 and 3 of Annex I.

2 The Member States shall provide the data on the consumption of lightweight plastic carrier bags using the format set out in Table 4 or Table 5 of Annex I, as appropriate, for reporting by numbers and the format set out in Table 6 or Table 7 of Annex I, as appropriate, for reporting by weight.]

[^{F3} The Member States shall complete the reporting formats set out in Annex I on an annual basis and shall submit them to the Commission within 18 months from the end of the reference year in electronic form, by means of an interchange standard set up by the Commission. The reporting shall cover a full calendar year.

4 The Member States shall submit a quality check report using the format set out in Annex IV.

5 Where, for the purposes of verifying compliance with the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC, a Member State does not apply the calculation rules

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laid down in Articles 6a to 6d, that Member State shall submit the data for verifying compliance with the targets set in points (a) to (e) of Article 6(1) of Directive 94/62/EC separately by using the format laid down in Table 1 of the Annex.

6 Member States that decide to attain an adjusted level of a target in accordance with Article 5(2) of Directive 94/62/EC for a given year shall complete the reporting format set out in Annex I, Table 2 to this Decision for that year for the respective packaging material and shall submit it to the Commission within 18 months from the end of the reference year in electronic form, by means of an interchange standard set up by the Commission.

7 The Commission shall publish the data reported under the Annexes to this Decision, unless, as regards information included in the quality check reports established under Annex IV, a Member State provides a justified request to withhold the publishing of certain data.]]

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)
- F3** Inserted by [Commission Implementing Decision \(EU\) 2019/665 of 17 April 2019 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste \(notified under document C\(2019\) 2805\) \(Text with EEA relevance\).](#)
- F4** Substituted by [Commission Implementing Decision \(EU\) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC \(notified under document C\(2018\) 3736\) \(Text with EEA relevance\).](#)

Article 10

Decision 97/138/EC is repealed.

Article 11

This Decision is addressed to the Member States.

Changes to legislation: There are outstanding changes not yet made to Commission Decision of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (notified under document number C(2005) 854) (Text with EEA relevance) (2005/270/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (1) OJ L 30, 6.2.1993, p. 1.
- (2) OJ L 166, 1.7.1999, p. 6.
- (3) OJ L 185, 17.7.1999, p. 1.

Changes to legislation:

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Changes and effects yet to be applied to :

- [Decision revoked by S.I. 2019/620 Sch. para. 12](#)