

AGREEMENT ON THE COLLECTION AND RECOVERY OF METAL PACKAGING WASTE AND ON THE OPTIMISATION OF METAL PACKAGING

§ 1 THE PARTIES TO THE AGREEMENT

- 1) The Norwegian Ministry of the Environment.
- 2) The metal packaging chain, represented by Hannels AS, Skanem Moss AS, Corus Packaging Plus Norway AS, the Norwegian Federation of Paint and Lacquer Manufacturers, the Norwegian Association of Branded Product Manufacturers, the Federation of Norwegian Food and Drink Industry, the Norwegian Grocery Trade's Environment and Packaging Forum and the Confederation of Norwegian Business and Industry.

§ 2 PURPOSE

The purpose of this agreement is to reduce the environmental problems caused by metal packaging waste by reducing the quantity of such waste, by packaging optimisation and by ensuring that such waste is collected and recovered whenever this is appropriate taking into account environmental and resource considerations and economic factors.

The agreement is a step in implementing the principle that the business sector is responsible for waste from its own products, and follows up Report No. 2 (1994-1995) to the Storting, the 1995 Revised National Budget and the Recommendation of the Standing Committee on Finance and Economic Affairs regarding the budget, cf. Recommendation S. IV (1994-1995).

The agreement is also intended to ensure implementation of the requirements of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, which has been incorporated into the Annex II of the EEA Agreement.

§ 3 DEFINITIONS

For the purpose of this agreement, the following definitions apply:

<u>metal packaging</u>	all types of metal that are used as packaging.
<u>packaging</u>	all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. The term packaging does not include road, rail, ship and air containers.
<u>packaging waste</u>	discarded packaging.
<u>packaging chain</u>	all economic operators that supply raw materials for packaging, manufacture packaging, import packaging, use packaging for their products or places packaged products on the market.
<u>packaging optimisation</u>	continuous improvement of packaging throughout the value chain in order to maintain adequate protection of the packaged goods combined with the lowest possible use of resources and environmental impact and the highest possible degree of recycling and energy recovery.
<u>recovery</u>	utilisation of waste by recycling or energy recovery.
<u>recycling</u>	utilisation of waste in a way that wholly or partly retains the materials of which it consists, either directly for its original purpose or for other purposes.
<u>energy recovery</u>	utilisation of the energy in waste by incineration.

hazardous waste

waste that cannot appropriately be treated together with other waste because it may cause serious pollution or a risk of injury to people and animals, cf. the definition in the Regulations of 20 December 2002 relating to hazardous waste.

packaging for hazardous waste

packaging used to contain products that when discarded are classified as hazardous waste.

§ 4 SCOPE

The agreement applies to all packaging made of metal for all types of products, with the following exceptions:

- steel vats exceeding 10 litres in volume,
- gas containers intended for re-use,
- packaging that comes within the scope of decisions by the Storting concerning environmental taxes on packaging that are valid at any given time,
- packaging that has been used for chemicals labelled as “toxic”, “very toxic”, “explosive”, “oxidising” or “extremely flammable”, cf. the Regulations of 16 July 2002 relating to the classification, labelling, etc., of dangerous chemicals.

§ 5 OBLIGATIONS OF THE METAL PACKAGING CHAIN

5.1 Requirements concerning the waste collection and recovery scheme

The metal packaging chain shall ensure that a waste collection and recovery scheme is established and operated to collect and recover waste from metal packaging in accordance with this agreement. This can be done through a producer responsibility organisation.

The metal packaging chain shall seek to find systems for the collection and recovery of metal packaging that give the best overall solutions in socio-economic terms. It shall also seek to ensure that competition is maximised at all stages of the implementation of the waste collection and recovery scheme. Only enterprises that form part of the metal packaging chain or organisations that represent such enterprises may be owners of or be represented in the governing bodies of the waste collection and recovery scheme. Enterprises that are principally engaged in the collection and/or recovery of metal packaging waste and organisations that mainly represent such enterprises may not be owners of or be represented in the governing bodies of the waste collection and recovery scheme.

The ownership structure of the waste collection and recovery scheme shall be representative of the various parts of the metal packaging chain and of the enterprises and/or organisations that make up each part of the packaging chain.

Any enterprise that forms part of the metal packaging chain shall be entitled to take part in the waste collection and recovery scheme for metal packaging.

No dividend shall be paid to the owners of the scheme.

5.2 Packaging optimisation

The metal packaging chain shall cooperate with the other packaging chains for other types of packaging in order to optimise packaging. The aim is to reduce overall environmental impact throughout the packaging chain, including the quantity of metal packaging waste.

The operators in the metal packaging chain shall be encouraged to introduce their own control regimes to ensure that packaging is optimised, using relevant standards as a basis.

An annual report shall be drawn up describing the work of the packaging chains and the results of efforts to optimise packaging, including an overview of further plans for packaging optimisation. The report shall focus on measures that have been introduced, expertise/training and information, and

shall describe changes in the quantity of packaging generated by weight (in tonnes) and the percentage change from the previous year.

The metal packaging chain shall in cooperation with the other packaging chains develop methods for registering developments in packaging, including changes in packaging quantities, and seek to identify the factors behind these developments. Furthermore, it shall ensure that all parts of the packaging chains receive information on this work¹, so that individual operators can use the information in their efforts to optimise packaging.

The metal packaging chain shall seek to ensure that the packaging they use meets the essential requirements set out in Article 9 of European Parliament and Council Directive 94/62/EC.

5.3 Targets for the collection and recovery of metal packaging waste

The metal packaging chain shall ensure that at least 60 per cent of waste metal packaging is recycled every year.

5.3.1 Collection and recovery of packaging for hazardous waste

Packaging for hazardous waste may only be collected and recovered provided that this can be done in a sound manner and that a high level of safety can be maintained, so that hazardous waste does not go astray or cause injury to people or animals or environmental damage.

The metal packaging chain shall consider further which fractions of packaging for hazardous waste are to be collected for recovery and how this is to be done.

The metal packaging chain shall introduce measures to prevent hazardous waste from being collected together with metal packaging waste. It shall also ensure that any hazardous waste collected by mistake is treated in a sound manner.

The metal packaging chain is responsible for carrying out any necessary projects and studies, for drawing up routines and for the information measures needed to ensure the implementation of this section.

Any information material targeted at persons that possess waste with a view to the collection of discarded packaging for hazardous waste must clearly explain that hazardous waste shall still be delivered to legal facilities for hazardous waste treatment.

The Norwegian Pollution Control Authority shall be notified of any significant problems that arise. In the annual reports required pursuant to section 5.5, the figures for the quantity of waste packaging for hazardous waste generated and collected shall be reported separately. In addition, figures may be provided to show the total quantity of waste packaging generated and collected, including packaging for hazardous waste.

If experience gained from collecting and recovering packaging for hazardous waste indicates that this is necessary, the metal packaging chain may discuss any amendments that may be needed to this agreement with the Ministry of the Environment.

5.4 Information

The metal packaging chain shall carry out any information measures necessary to ensure the implementation of this agreement.

5.5 Annual reports

The metal packaging chain shall ensure that annual reports are made to the Norwegian Pollution Control Authority describing how the obligations set out in this agreement are being met. The annual report shall be submitted by 1 April the following year.

The reports shall provide information on the production, import and export of metal packaging and on the collection and recovery of metal packaging waste.

¹ This can for example be done by continuing to develop ways of measuring material efficiency and material use and continuing the work of measuring packaging use and distribution efficiency (projects are in progress in both these fields in Norway).

Reports on packaging optimisation pursuant to section 5.2 of this agreement shall be provided in cooperation with packaging chains for other packaging materials that have concluded similar agreements. These reports shall be submitted by 1 June the following year.

The Norwegian Pollution Control Authority may draw up further guidelines on the preparation of reports, including the preparation of statistical data on packaging. Such guidelines shall be drawn up in consultation with the metal packaging chain. The aim is to arrive at harmonised measuring methods to be used by all the packaging chains, the Nordic countries and in the long term by all EEA member states.

§ 6 MEASURES TO BE IMPLEMENTED BY THE MINISTRY OF THE ENVIRONMENT

The Ministry of the Environment will help to provide a framework that will make it possible for collection and recovery of waste metal packaging to be carried out as efficiently as possible.

The Ministry of the Environment will ensure that metal packaging collected and recovered through other schemes than those established pursuant to this agreement is included in the evaluation of whether the obligations set out in section 5.3 have been met.

The Ministry of the Environment will seek to ensure that public procurement routines for the purchase of goods with packaging covered by this agreement include specifications requiring suppliers to participate in a system for the collection and recovery of packaging waste for the products they are to supply, for example Materialretur AS.

The Ministry of the Environment will as appropriate help to provide information on packaging optimisation and the collection and recovery of packaging waste.

The Ministry of the Environment shall as necessary take an active part in efforts to ensure that as many as possible of the economic operators in the metal packaging chain support the work of achieving the targets of this agreement and efforts to avoid "free riders" in the system.

§ 7 FINAL PROVISIONS

The waste collection and recovery scheme for metal packaging operates at its own risk. The Ministry of the Environment is not responsible for any agreements concluded in order to fulfil the obligations set out in this agreement.

This agreement does not prevent any person from collecting or recovering metal packaging or organising systems for the collection and recovery of such packaging.

This agreement is concluded with the reservation that the legislative framework for packaging may be altered as a result of decisions by the Storting or as a result of Norway's obligations under the EEA Agreement. Other significant changes in the economic, political, environmental or market framework for this agreement will be grounds for re-negotiating the agreement or parts of it.

If the parties do not agree on re-negotiation, the agreement may be terminated by either of the parties or by the parties jointly. The agreement remains in force until it is terminated by one of the parties or by the parties jointly.

This agreement terminates the agreement of 14 September 1995 between the Ministry of the Environment and the metal packaging chain.

Two – 2 – copies of this agreement have been issued, one to the Ministry of the Environment and one to the representatives of the metal packaging chain.

Oslo, 21 March 2003

For the Ministry of the Environment:

.....
Minister of the Environment
Børge Brende

For the metal packaging chain:

.....
Hannels AS
Per Karlsrud

.....
Skanem Moss AS
Bjørn E. Torbjørnsen

.....
Corus Packaging Plus Norway AS
Stig Hauge

.....
Norwegian Federation of Paint and Lacquer
Manufacturers
Trygve Østmoe

.....
Norwegian Association of Branded Product
Manufacturers
Erik Askautrud

.....
Federation of Norwegian Food and Drink Industry
Knut Maroni

.....
Norwegian Grocery Trade's Environment and
Packaging Forum
Kjell Olav Maldum

.....
Confederation of Norwegian Business and Industry
Helge Fredriksen