

# Advice Decision-trees for SUP Regulation

## assessment framework for food containers, packets and wrappers, cups for beverages and beverage containers

Final version

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ABEL &



# Foreword

In 2019, the EU Directive 'on the reduction of the impact of certain plastic products on the environment' was published. In June 2021, the European Union published guidelines which elaborate the definitions of the various products to which the regulations apply. This regulation also referred to as the Single-Use Plastics (SUP) Directive include measures to reduce the use of plastic, single-use food containers, packets and wrappers, beverage containers beverage bottles and cups for beverages, Measures on the reduction of litter and the implementation of producer responsibility are also included.

The SUP Directive is implemented in the Netherlands, in the 'Decree on single-use plastics' (*Besluit kunststofproducten voor eenmalig gebruik*) and the 'Regulation on single-use plastics' (*Regeling kunststofproducten voor eenmalig gebruik*). Over the past six months, it has transpired that the guidelines are insufficiently robust in terms of defining which products are or are not subject to the regulations. The Packaging Waste Fund (Stichting Afvalfonds Verpakkingen) is expected to conduct a baseline measurement of the SUP products that are subjected to the reduction measures: single-use food containers and cups for beverages, brought onto the market and requesting this information from all Dutch producers and importers of packaging. From January 2023, producer responsibility will come into force and, from July 2023, a surcharge must be paid on specific SUP products at checkouts and a reusable alternative must be offered. From January 2024, some single-use packaging will be banned in relation to on-site consumption. The relevant market parties are therefore extremely keen to gain clarity on the corresponding definitions as soon as possible.

The Ministry of Infrastructure and Water Management (I&W) asked Rebel and Partners for Innovation to develop an assessment framework to provide clarity on the 'grey areas'. In this report, we have developed four decision-trees for: (rigid) food containers, cups for beverages, beverage containers and packets and wrappers. We have also drafted definitions for the 'sales unit' and the 'SUP unit'. We conclude with a summary of various examples and a list of definitions.

While developing the decision-trees, we have retained the intentions and formulations of the existing European and Dutch legislation as much as possible. In order to determine the 'grey areas', we consulted several significant stakeholders, including the Packaging Waste Fund, KIDV (the Netherlands Institute for Sustainable Packaging) and several branch organisations, retailers and manufacturers/importers.

## Advice (1/2)

The SUP Regulation was implemented under serious time pressures and the stakeholders have indicated that they are struggling to fulfil the requirements on time. There is currently, for example, a great deal of confusion about which products are 'prone to becoming litter'. At the moment, there is no definitive litter research to clearly outline this product area. This combination of the time pressures and the lack of evidence means that we recommend implementing the measures gradually and, where necessary, adding refinements on the basis of monitoring and litter-based research.

Given the need for rapid implementation, we recommend staying true to the European regulations when developing the definitions for the SUP regulations. The choice of a broader definition requires thorough justification based on, for example, detailed litter monitoring, and the prompt announcement of the measure to give parties the time to prepare for implementation.

In our opinion, the current priority should be providing clarity. When creating definitions regarding SUP, it is also important to seek connections with other Western European countries in order to prevent packaging manufacturers/importers, who are active in different countries, being confronted with a wide range of definitions. This reconciliation with other countries was not possible in the context of this assignment. We recommend that this should be realised over the course of 2023 and that the definitions are refined on this basis if necessary.

In the elaboration of this decision-tree, we have applied the following principles, as set forth in Article 12 of the EU directive.

"In order to determine whether a food container is to be considered as a single-use plastic product for the purposes of this Directive, in addition to the criteria listed in the Annex as regards food containers, its tendency to become litter, due to its volume or size, in particular single-serve portions, shall play a decisive role."

## Advice (2/2)

The regulations specifically target products with a high risk of becoming litter. In order to ensure short term implementation is workable for all parties, a narrower definition will be offered in the first instance. To this end, we suggest maintaining the single-serve portion as the limit unless there is a significant litter risk.

- ▶ **Single-serve portion;** For the definition of a 'single-serve portion', we suggest maintaining an upper limit of <2 portions. The guidelines and earlier communication about the SUP from the Min I&W discussed single-serve food containers. To prevent larger single-serve portions falling outside the scope, we therefore suggest using an upper limit of all portions smaller than two portions (in this report, we provide an overview of which weights per product group we recommend).
- ▶ **Prone to becoming litter;** We realise that this upper limit of <2 portions may not be adequate for the product groups 'sweets' and 'snacks' that often end up as litter. The implementation of a supplementary delineation requires an objective and well-founded definition but this is not feasible in the short term, without creating a new 'grey area'. We therefore recommend implementing this later, based on detailed measurement data from litter research from RWS. This allows an announcement of the specific products that tend to become litter and which fall under this definition, to be provided in good time.
- ▶ **Multipacks;** multipacks currently fall outside the scope of (rigid) food containers. The Decree on single-use plastics, art. 15 explicitly states that 'food containers that are sold in multipacks of single-serve portions' fall outside the scope of the directive. In some cases, this concerns products that are easily consumed on-the-go and it would therefore be more logical for them to be included. We therefore recommend reviewing the options for including these products within the regulations' scope at a later stage. Multi-packs for beverage containers and packets and wrappers explicitly fall within the scope of the SUP.

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1.

# Introduction



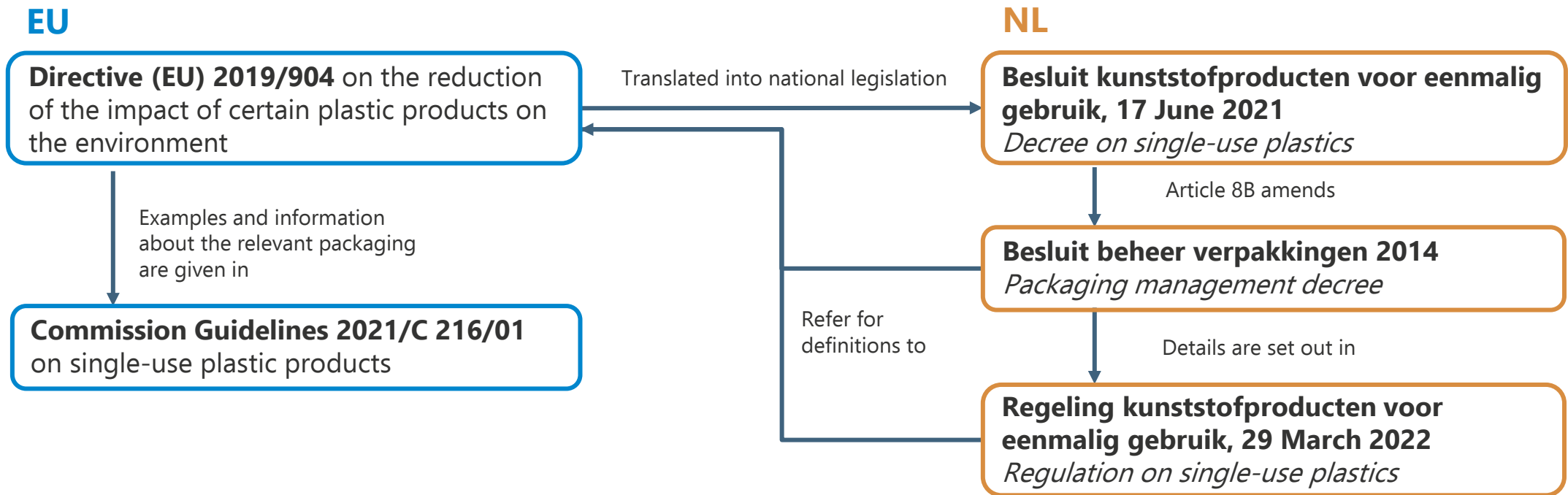
# Aim of the SUP Regulation

Source: Directive 2019/904, Article 1: Objectives

*“The objectives of this Directive are to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health, as well as to promote the transition to a circular economy with innovative and sustainable business models, products and materials, thus also contributing to the efficient functioning of the internal market.”*

# Hierarchy and references

The Dutch decree and the Regulations are part of a hierarchy of European and Dutch documents. These refer to one another for definitions and examples.

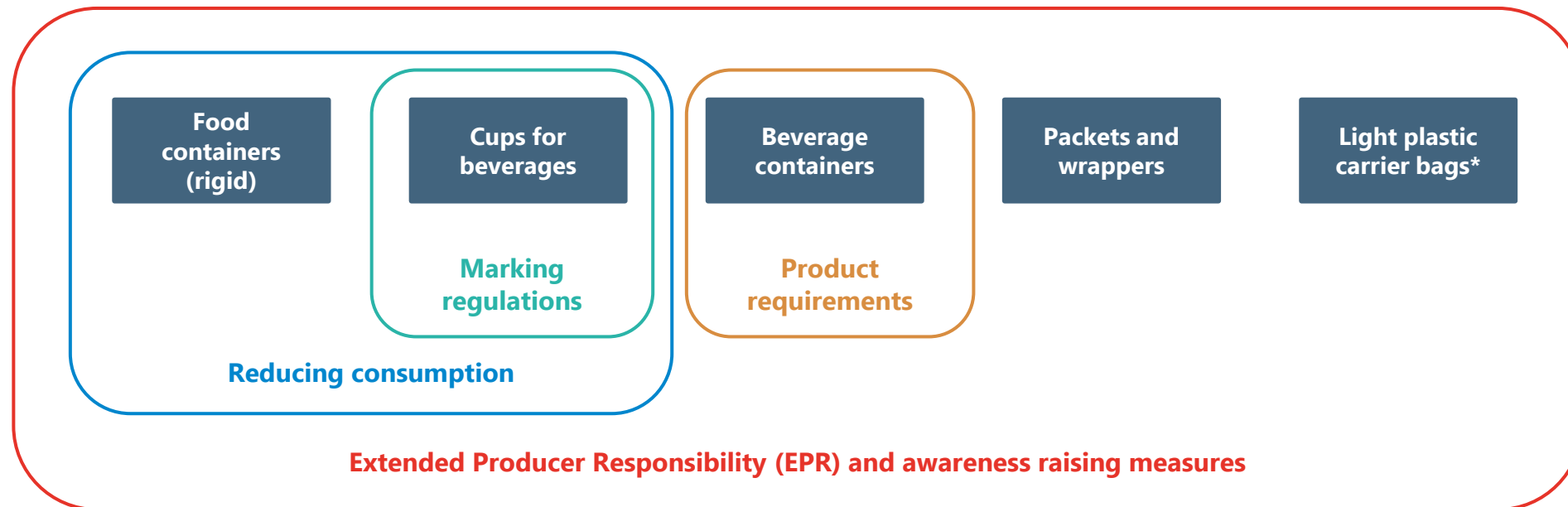




# SUP measures

Source: EU Directive 2019/904

The diagram below shows the various categories or articles and which measures apply to which category. For the articles and time-lines which correspond with the measures, see the table on the next page.



\* The measures for light plastic carrier bags are not further elaborated in this advice.

# SUP measures

Source: EU Directive (EU) 2019/904, NL Decree and Regulations on single-use plastics

Measure	Products	Articles	Time-line
<b>Reducing consumption</b>	Food containers* Cups for beverages	EU Directive: 4 NL Decree: 8B (15d) NL Regulations: 2	Aim: 40% reduction in 2026 compared to 2022 From 1 July 2023: on-the-go & delivery from 1 January 2024: on-the-spot
<b>Product requirements</b>	Beverage containers	EU Directive: 6 NL Decree 8B (15c)	From 3 July 2024 for covers and lids From 2025 for recycled plastics in PET bottles and 2030 in beverage containers
<b>Marking requirements</b>	Cups for beverages	EU Directive: 7 NL Decree: 8B (15e)	From 3 July 2021
<b>EPR</b>	Food containers* Cups for beverages Beverage containers Packets and wrappers	EU Directive: 8 NL Decree: 8B (15f) NL Regulations 3.1, 3.2, 4.1	From 5 January 2023 Report before 1 April 2023
<b>Awareness raising measures</b>	Food containers* Cups for beverages Beverage containers Packets and wrappers	EU Directive: 10 NL Decree 8B (15f, section 2) NL Regulations: 3.3 and 4.1	From 5 January 2023 Report before 1 August 2023

\* Not packets and wrappers

# Regulations on single-use plastics

Source: NL Decree on single-use plastics

The Reduction measures and the Extended Producer Responsibility both have an underlying aim:

- ▶ **Reduction measures** for reducing the use of plastic single-use food containers and cups for beverages (chapter 2)
  - AIM: Consumption reduction in single-use packaging (and promotion of reusable alternatives)
  - Measures on 'sales units'
  
- ▶ **Extended Producer Responsibility** for all products which fall under the SUP definition (chapter 3)
  - AIM: Shifting the payment of costs for cleaning up litter from area managers to brand owners or manufacturers/importers.
  - Measures on 'SUP units'

# Regulations on single-use plastics

Source: NL Decree on single-use plastics

The decree distinguishes between measures targeting various products:

- ▶ **Reduction measures** for reducing the use of plastic single-use food containers and cups for beverages (chapter 2)
  - measures for food outlets with consumption on-the-spot (art. 2.1)
  - measures for food outlets with take-away, collection or delivery consumption options (art. 2.2)
- ▶ **Extended Producer Responsibility** (chapter 3)
  - contribution to cleaning up litter (art. 3.1)
  - compensating government organisations for cleaning up litter (art. 3.2)
  - awareness raising measures (art. 3.3)
- ▶ **Monitoring and reporting obligations** (chapter 4)
  - baseline measurement for 2022 for (rigid) food containers and cups for beverages (before 1 April 2023)
  - monitoring from 2023 onwards of all SUP packaging (annual)

# To which category does my product belong?

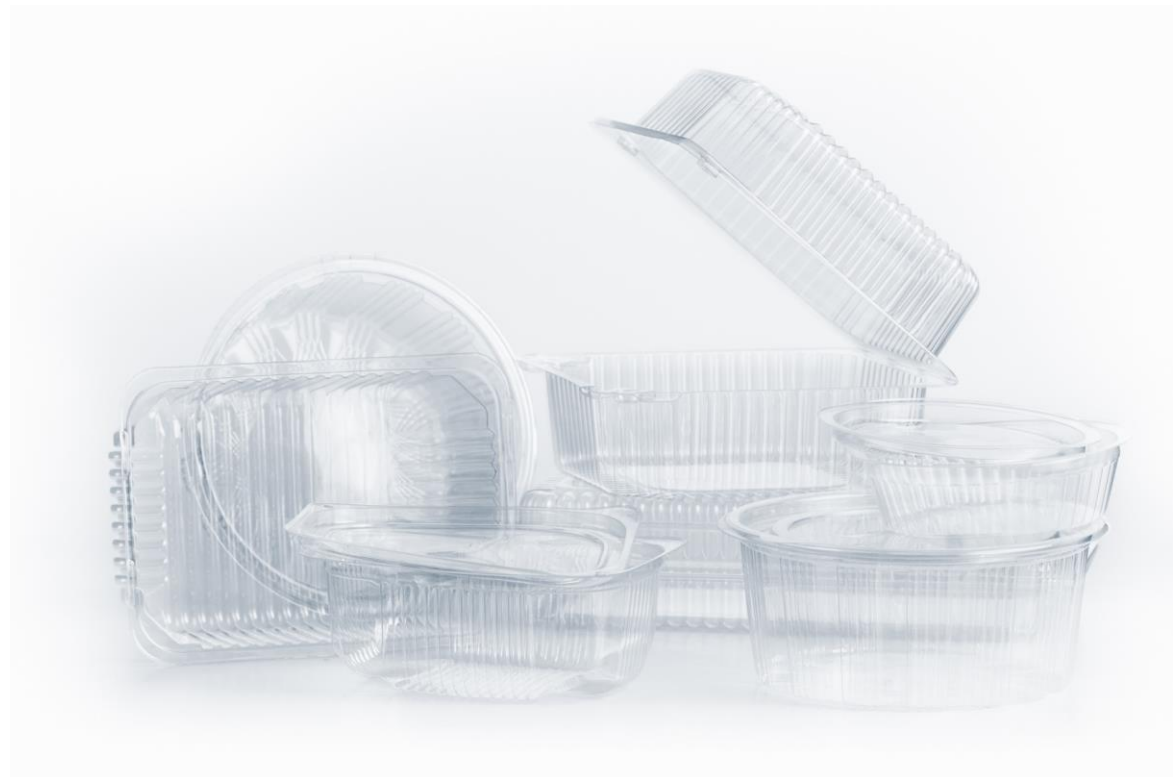
Source: EU Guidelines 2021/C 216/01 on single-use plastics

- ▶ **Food containers:** *Food containers (i.e. containers and trays) with or without a lid, for food but not including packets and wrappers.*
- ▶ **Cups for beverages (including covers and lids):** *Cups for single-use that are fully or partially made of plastic, including cups made of biodegradable plastic, cups made of paper laminates with a plastic coating or cups made of (natural) materials with a plastic binder, with or without a (reusable) lid for the consumption of drinks.*
- ▶ **Beverage containers:** *Containers with a capacity of up to three litres for holding liquids such as drinking bottles and composite beverage containers, including lids and covers, with the exception of glass or metal beverage containers with plastic covers and lids. (Guideline chapter 4.5.1: difference between 'food containers' and 'beverage containers')*
- ▶ **Packets and wrappers;** *Packets and wrappers made of flexible materials that are intended to contain foods that are to be consumed directly out of the packet or wrapper, without any further preparation. (Guideline chapter 4.5.4: difference between 'food containers' and 'packets and wrappers')*

## 2.

# Decision-tree food containers

- ▶ Reduction measures
- ▶ EPR
- ▶ Awareness raising measures



# Food containers - definition

Source: EU Guidelines 2021/C 216/01 on single-use plastics

Single-use plastics, i.e. receptacles such as boxes, with or without a cover, used to contain food which:

1. **is intended for immediate consumption**, either on-the-spot or take-away;
2. **is typically consumed from the receptacle**; and
3. **is ready to be consumed without any further preparation**, such as cooking, boiling or heating, including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

Directive (EU) 2019/904, Article 12:

*'In order to determine whether a food container is to be considered as a single-use plastic product for the purposes of this Directive, in addition to the criteria listed in the Annex as regards food containers, its **tendency to become litter**, due to its volume or size, in particular **single-serve portions**, shall play a decisive role.'*

# Food containers - measures

Source: NL Decree on single-use plastics

## ▶ **Reducing consumption**

- Mandatory offer of reusable alternatives: from 1 July 2023
- Adding a surcharge: from 1 July 2023
- Ban in specific cases (on-the-spot consumption): from 1 January 2024

## ▶ **EPR**

- Baseline measurement for 2022: before 1 April 2023
- Registration and payment of contribution: annually from 1 January 2023

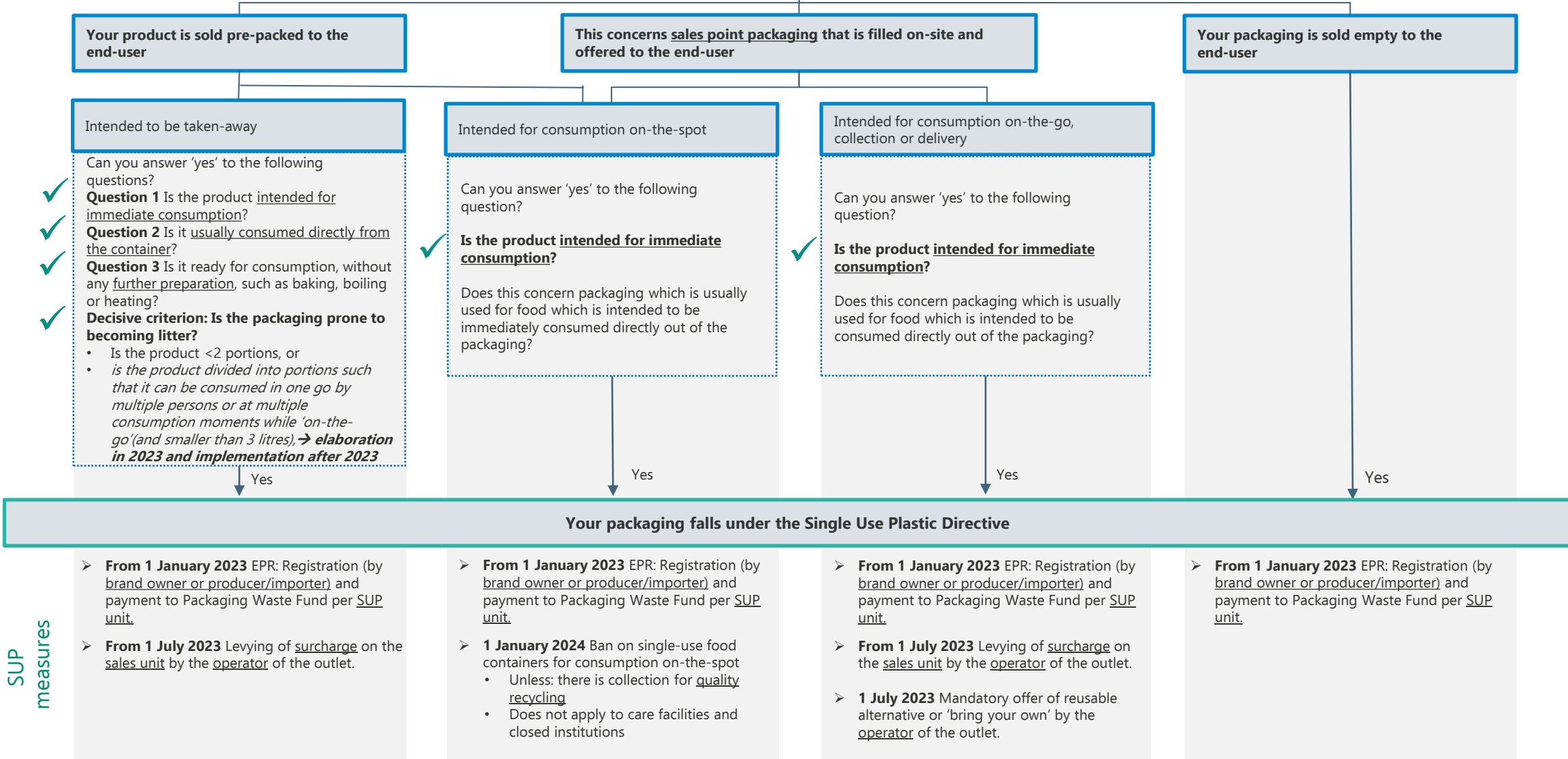
## ▶ **Awareness raising measures**

- Contributing towards a plan for producer organisation: from 5 January 2023



# Decision-tree: food containers

**You sell or make use of single-use, rigid plastic packaging on the Dutch market, which is intended to be used for packaging food.**  
 This decision-tree also applies if your packaging includes a rigid plastic element (such as a flexible bag with a rigid lid) or if the rigid plastic packaging is surrounded by a film.



SUP measures

- **From 1 January 2023** EPR: Registration (by brand owner or producer/importer) and payment to Packaging Waste Fund per SUP unit.
- **From 1 July 2023** Levying of surcharge on the sales unit by the operator of the outlet.

- **From 1 January 2023** EPR: Registration (by brand owner or producer/importer) and payment to Packaging Waste Fund per SUP unit.
- **1 January 2024** Ban on single-use food containers for consumption on-the-spot
  - Unless: there is collection for quality recycling
  - Does not apply to care facilities and closed institutions

- **From 1 January 2023** EPR: Registration (by brand owner or producer/importer) and payment to Packaging Waste Fund per SUP unit.
- **From 1 July 2023** Levying of surcharge on the sales unit by the operator of the outlet.
- **1 July 2023** Mandatory offer of reusable alternative or 'bring your own' by the operator of the outlet.

- **From 1 January 2023** EPR: Registration (by brand owner or producer/importer) and payment to Packaging Waste Fund per SUP unit.

## Prone to becoming litter

Advice: definition of 'single-serve portion'

The 'tendency to end up as litter due to their volume or dimensions, particularly single-serve portions' is an additional criterion that applies to pre-packed products when criteria 1, 2 and 3 have been answered as 'yes'.

**Proposal: for the definition of the single-serve size, we suggest applying an upper limit of 'smaller than two portions'.** Keeping the upper limit smaller than two portions will prevent 'slightly larger' single-serve portions falling outside the SUP.

More information about usual portions can be found in Chapter 6: definition of single-serve portion.

Consideration: the SUP regulation is specifically focussed on 'single-serve portions'. If only 'single-serve portions' fall hereunder, there is a chance that some providers will make 'slightly larger portions' in order to avoid the SUP. If all products <3 litres fall under the SUP definition, the impact is watered down because the clean-up costs for all products with plastic packaging will be shared.

# Prone to becoming litter

Advice: definition of 'single-serve portion'

We realise that the definition of a single-serve portion on products <2 portions may mean that some products prone to becoming litter will fall outside the SUP regulations. To ensure there is a well-founded, further definition of >2 portion products prone to becoming litter, we see two options:

- **Option 1:** in 2023, provide clear definition of the product groups sweets and snacks (assuming that these product groups are found to be a significant segment of all litter) so that a broader volume/portion limit can then be introduced for these product groups
- **Option 2:** from 2023, ensure there is detailed litter monitoring, so that the litter products of >2 portions that are often found in litter, can be added.

# Prone to becoming litter

Source: NL Decree on single-use plastics, Article 15a

The following packaging falls outside the scope of the directive:

- ▶ Food containers with dry foods or food that is sold cold and must then be prepared.
- ▶ Food containers that contain more than a single serving.
- ▶ Food containers that are sold in multipacks of single-serve portions.



# 3.

## Decision-tree packets and wrappers

- ▶ EPR
- ▶ Awareness raising measures



# Packets and wrappers: definition

Source: NL Regulations on single-use plastics

Packets and wrappers made of flexible plastic material that contain food which:

1. **is intended for immediate consumption**, either on-the-spot or take-away;
2. **is typically consumed from the receptacle**; and
3. **is ready to be consumed without any further preparation**, such as cooking, boiling or heating, including food containers used for fast food or other meal ready for immediate consumption

## Packets and wrappers (examples):

- Packet or wrapper for sweets or biscuits
- Wrapper for chocolate or muesli bar
- Crisp packet
- Packet or wrapper for bread or sandwiches
- Packet or wrapper for snacks (e.g. burger or croquette)
- Packet for sauces or dips

Excluded: packets for breakfast grains or pasta that is not consumed separately and/or needs further preparation.

# Packets and wrappers - measures

Source: NL Decree on single-use plastics

▶ **EPR**

- Registration and payment of contribution: from 1 January 2023

▶ **Awareness raising measures**

- Contributing towards a plan for producer organisation: from 5 January 2023

# Decision-tree: packets and wrappers

You sell or make use of **packets or wrappers** made of flexible plastic material, which are intended to contain food which is, in turn, intended to be consumed directly out of the packet or wrapper.  
Flexible packaging with a rigid element falls under food containers or beverage containers.

Your product is sold pre-packed to the end-user

- ✓
- ✓
- ✓
- ✓

Can you answer 'yes' to the following questions?

**Question 1** Is the product intended for immediate consumption?

**Question 2** Is it usually consumed directly from the container?

**Question 3** Is it ready for consumption, without any further preparation, such as baking, boiling or heating?

**Decisive criterion: Is the packaging prone to becoming litter?**

- Is the product <2 portions, or
- *is the product divided into portions such that it can be consumed in one go by multiple persons or at multiple consumption moments while 'on-the-go' (and smaller than 3 litres), → elaboration in 2023 and implementation after 2023*

Yes

This concerns **sales point packaging**; Your packaging is sold/bought in empty and is intended to be filled or added to at the sales point.

Does this concern packaging which is usually used for food which is intended to be consumed directly out of the packet or wrapper (and is smaller than 3 litres)?

Yes

**Your packaging falls under the Single Use Plastic Directive**

SUP measures

➤ **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.

➤ **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.



# Prone to becoming litter

Advice: definition of 'single-serve portion'

The 'tendency to end up as litter due to their volume or dimensions, particularly single-serve portions' is an additional criterion that applies to pre-packed products when criteria 1, 2 and 3 have been answered as 'yes'.

## **Question: Is the packaging prone to becoming litter?**

For packets and wrappers, the SUP Regulation sets an upper limit of a 3 litre volume. This means that all packets and wrappers that fulfil criteria 1, 2 and 3 fall under the SUP and thus also a great deal of packaging that is not prone to becoming litter. To ensure that the SUP is efficiently focussed on products that tend to become litter, based on well-founded evidence, we suggest the following.

**Proposal: We advise defining the SUP guideline for packets and wrappers as products up to 2 portions, in line with the definition of rigid food containers (as set out in chapter 2).**

# Prone to becoming litter

Advice: definition of 'single-serve portion'

We realise that this may mean that items that tend to become litter could, in the first instance, fall outside the SUP. To ensure there is a well-founded, further definition of >2 portion products prone to becoming litter, we see two options:

- **Option 1:** In 2023, provide clear definition of the product groups sweets and snacks (assuming that these product groups are found to be a significant segment of all litter) so that a broader volume limit (e.g. up to 3 litres) can then be introduced for these product groups
- **Option 2:** From 2023, ensure there is detailed litter monitoring, so that the litter products >2 portions that are often found in litter, can be added.

## Prone to becoming litter

Source: NL Decree on single-use plastics, Article 15a

The following packaging falls outside the scope of the directive:

- ▶ Packets and wrappers with dry foods or food that is sold cold and must then be prepared, Other packets and wrappers which contain multiple portions or which are sold in multipacks of single-serve portions fall under the directive.\*



\* Given the fact that these are prone to becoming litter. Source: Guidelines 2021/C 216/01, Chapter 4.2.1

# 4.

## Decision-tree cups for beverages

- ▶ Reduction measures
- ▶ Marking requirements
- ▶ Awareness raising measures
- ▶ EPR



# Cups for beverages - definition

Source: NL Regulations on single-use plastics

## Cups for beverages, including covers and lids

Cups for single-use that are fully or partially made of plastic, including cups made of biodegradable plastic, cups made of paper laminates with a plastic coating or cups made of (natural) materials with a plastic binder, with or without a (reusable) lid for the consumption of drinks, including:

- cups filled in advance for the consumption of (cold) drinks;
- empty cups that are sold in wholesale outlets;
- cups with instant powders to which milk or water, for example, must be added before the product can be consumed.

Excluded: Reusable cups that are entirely or partially made of plastic that are sold in the context of refilling regulations.

# Cups for beverages - measures

Source: NL Decree on single-use plastics

## ▶ **Marking requirements**

- Mandatory marking: from 3 July 2021

## ▶ **Reducing consumption**

- Mandatory offer of reusable alternatives: from 1 July 2023
- Adding a surcharge: from 1 July 2023
- Ban in specific cases (on-the-spot consumption): from 1 January 2024

## ▶ **EPR**

- Monitoring through 2022: before 1 April 2023
- Registration and payment of contribution: from 1 January 2023

## ▶ **Awareness raising measures**

- Contributing towards a plan for producer organisation: from 5 January 2023

# Decision-tree: cups for beverages

You sell or make use of single-use cups for beverages, in the Dutch market, which contain plastic and which are intended to be used to package hot or cold drinks.  
*(Replaceable) lids which go with the cup also fall under the definition of 'cups for beverages'.*

Your product is sold pre-packed to the end-user

This concerns sales point packaging that is filled on-site and offered to the end-user

Your packaging is sold empty to the end-user

Intended to be taken-away

Intended for consumption on-the-spot

Intended for consumption on-the-go, collection or delivery

**Your packaging falls under the Single Use Plastic Directive**

SUP  
measures

- **3 July 2021** Obligation to include marking on disposal and the impact on the environment
- **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.
- **From 1 July 2023** Levying of surcharge on the sales unit by the operator of the outlet.

- **3 July 2021** Obligation to include marking on disposal and the impact on the environment
- **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.
- **1 January 2024** Ban on single-use beverage containers
  - Unless: collection for quality recycling
  - Does not apply to care facilities and closed institutions

- **3 July 2021** Obligation to include marking on disposal and the impact on the environment
- **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.
- **1 July 2023** Levying of surcharge on the sales unit by the operator of the outlet.
- **1 July 2023** Mandatory offer of reusable alternative or 'bring your own'

- **3 July 2021** Obligation to include marking on disposal and the impact on the environment
- **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.

# 5.

## Decision-tree: beverage containers

- ▶ Product requirements
- ▶ EPR
- ▶ Awareness raising measures





# Beverage containers - definition

Source: EU Guidelines 2021/C 216/01 on single-use plastics

## Beverage containers of maximum 3 litres

Directive 2019/904 specifies these beverage containers as; containers for holding liquids such as drinking bottles and composite beverage containers, including lids and covers, with the exception of glass or metal beverage containers with plastic covers and lids.

The list below provides an overview of examples of types of cups for beverages and beverage containers that fall under the various measures from the Regulations:

- ▶ Plastic drinking bottle
- ▶ Composite drink pack or drink carton which contains plastic.
- ▶ Drink bags or squeeze packs made entirely or partially of plastic.
- ▶ Flexible drink packs that are entirely or partially made of plastic located in a cardboard box which can easily be separated by hand.
- ▶ Drink packs made of biodegradable plastic.
- ▶ Drink packs made of paper laminates with a plastic coating or drink packs made of natural materials with a plastic binder, with or without (replaceable) lid for the consumption of drinks.

**Excluded:** Single-serve drink packs made of metal or glass, where plastic is used in the cover or lid.

Reusable and refillable drink bottles that are entirely or partially made of plastic if these are specifically designed for multiple usage and put on the market and bought by the consumer to be used as such.

# Beverage container - measures

Source: NL Decree on single-use plastics

## ▶ **EPR**

- Registration and payment of contribution: from 5 January 2023

## ▶ **Awareness raising measures**

- Contributing towards a plan for producer organisation: from 5 January 2023

## ▶ **Product requirements**

- Covers and lids must remain fixed to the packaging during use: from 3 July 2024.
- 25% Recycled plastic in PET bottles: from 2025
- 30% Recycled plastic in drinking bottles: from 2030

# Decision-tree: beverage containers

**You sell or make use of single-use beverage containers of maximum 3 litres, which contain plastic and which are intended to be used to package hot or cold drinks.**  
*The covers and lids which go with the beverage container also fall under the definition of 'cups for beverages'.  
 Glass and metal beverage containers with plastic covers and lids are excluded.*

**Your single-use beverage container is not a drinking bottle with PET as the primary component**

**Your single-use beverage container is a drinking bottle with PET as the primary component**

Yes

Yes

**Your packaging falls under the Single Use Plastic Directive**

SUP measures

- **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.
- **3 July 2024** Caps and lids must be designed such that they remain attached to the packaging during use.\*
- **1 January 2030** Beverage bottles must contain at least 30% of recycled plastic.\*

- **From 1 January 2023** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.
- **3 July 2024** Caps and lids must be designed such that they remain attached to the packaging during use.\*
- **1 January 2025** PET beverage bottles must contain at least 25% of recycled plastic.\*
- **1 January 2030** Beverage bottles must contain at least 30% of recycled plastic.\*

\* beverage containers specific for medical use are excluded from this measures but do fall under the EPR.

6.

**Single-serve portion, sales unit  
and SUP unit**



# Definition of 'single-serve portion'

**For the definition of a 'single-serve portion', an upper limit has been chosen of all portion sizes smaller than two portions.** Keeping the upper limit smaller than two portions will prevent 'slightly larger' single-serve portions falling outside the SUP.

The following sources were applied when defining the single-serve portion:

- FNLI – [Portion size list](#)
- [RIVM – Portion online](#) (average portions)
- [The Netherlands Nutrition Centre Foundation - reference collection](#)
- [RIVM – What is the Netherlands eating \(Wat eet Nederland\)](#)

# Annex: 'single-serve portion'

Product category	Product	Source*	Portion size	SUP
If a portion is clearly identifiable, a portion size of 'per item' can be applied (e.g. cut cake, ice lolly on a stick, biscuits). If the portions are not clearly identifiable, the advice is to use the portion sizes below as a guide.				
Butter and margarine	Spreadable fat products	FNLI (IMACE/NZO)	10 gram	<20 gram
Bread	Bread (uncut)	FNLI	35 gram	<70 gram
Sandwich filling	Cheese	FNLI (NZO)	20 gram	<40 gram
Sandwich filling	Meats and sausages	FNLI	15 gram	<30 gram
Sandwich filling	Spreadable	FNLI	15 gram	<30 gram
Sandwich filling	Sprinkled	FNLI	20 gram	<40 gram
Consumed ice cream	Ice cream serving	FNLI (EUROGLACES)	100ml	<200 ml
Fruit	Fruit, clean	FNLI	125 gram	<250 gram (or per item)
Fruit	Soft fruit	RIVM	75 gram	<150 gram
Vegetables	Prepared vegetables	FNLI	200 gram	<400 gram
Vegetables	Leafy vegetables (without dressing)	FNLI	35 gram	<70 gram
Vegetables	Perennial vegetables (without dressing)	FNLI	70 gram	<140 gram
Biscuits and confectionery	Cake, biscuits and confectionery	FNLI (CAOBISCO)	25 gram	<50 gram (or per item)
Meal	Average meal	The Netherlands Nutrition Centre Foundation	450- 500 gram	<1000 gram

## Annex: 'single-serve portion'

Product category	Product	Source*	Portion size	SUP upper limit
Milk and milk products	Thin-liquid dairy products	FNLI (NZO)	200 gram	Beverage container <3L
Milk and milk products	Desserts (yoghurt and custard)	FNLI (NZO)	150 gram	<300 gram
Milk and milk products	Fresh cheese and quark	FNLI (NZO)	100 gram	<200 gram
Milk and milk products	Liquid coffee additives	FNLI (NZO)	7 gram	<14 gram
Pulses	Pulses	FNLI	200 gram	<400 gram
Sauce	Chip sauce, dressing, etc.	FNLI	15- 30 gram	<60 gram
Snacks, savoury snacks and sweets***	Savoury snacks (crisps), peanuts and nuts	FNLI	30 gram	<60 gram**
Snacks, savoury snacks and sweets***	Chocolate (items** and bars)	FNLI (CAOBISCO)	25 gram	<50 gram (or per item)
Snacks, savoury snacks and sweets***	Chewable and soft sweet products	FNLI (CAOBISCO)	25 gram	<50 gram**

\*) The above list is based on the portion sizes applied in the Netherlands, supplemented by the portion sizes discussed in the European context. The relevant European branch organisations which regulate the EU portion size are indicated in brackets.

\*\*\*) If a portion is clearly identifiable, a portion size of 'per item' must be applied (e.g. cut cake, ice lolly on a stick, biscuits). If the portions are not clearly identifiable, the advice is to use the portion sizes above as a guide.

\*\*\*\*) There is a high risk of littering in relation to the categories sweets and snacks. Here, a further upper limit may be implemented at a later date on the basis of detailed measurement data for litter by RWS.

# Definition surcharge (per sales unit)

NL Regulation on single-use plastics, Article 2.2

## To which items does the surcharge apply?

*“The commercial provision by the operator of single-use plastic drinking cups or single-use plastic food containers to the end user, for the consumption of a beverage or food outside a food outlet, shall be at a premium to the price of the food or beverage itself.”*

Source: Regulation on single-use plastics, Article 2.2

**Sales unit:** The quantity of the product that is offered for sale. This is the item that is shown on the till receipt. For example, a milkshake is one sales unit that is ordered and paid for by a customer. This milkshake can be packed in multiple SUP units but is one sales unit.

**Non-binding target amount** for the surcharge compared to a drink or food:

- € 0.25 for a cup
- € 0.50 for a meal (this could include multiple containers and packs)
- € 0.05 for packs of pre-packed vegetables and fruit and nuts and smaller portion packs



# Definition of SUP unit (per disposable unit)

## Which elements of the packaging are an SUP?

- All units containing plastic which are designed to be separated from one another before the product is consumed.
- Disposable units that do not contain plastic are not SUP. *(Consideration: The Guidelines and the Directive do state this but it would mean that choosing another material is not rewarded; on the other hand, this is also potential litter.)*

## Example (KIDV Recyclecheck):

*A plastic dessert tray with a plastic seal and a cardboard wrapper. The wrapper is removed prior to consumption; it is a disposable item that is thrown away with old paper and does not therefore fall under SUP. The tray with seal are two disposable items that are thrown away at different moments and/or into different streams.*

# Definition of SUP unit - Food containers (pre-packed)

## Sales unit versus SUP unit

Surcharge target amount food containers: Meal €0.50 / Fruit: € 0.05 per sales unit

SUP unit: per 'disposable unit containing plastic'.



Sales unit: 1 item  
Surcharge target amount: € 0.50

Salad tray + seal (2 SUP)  
Sauce tray + seal (2 SUP)  
Total: 4 SUP



Sales unit: 1 item  
Surcharge target amount: € 0.50

Tray and lid with hinge  
are inextricably linked  
Total: 1 SUP



Sales unit: 1 item  
Surcharge target amount: € 0.50

Cup and seal (if plastic)  
lid and seal (if plastic)  
Total: 4 SUP

# Definition of SUP unit - food containers (empty)

## Sales unit versus SUP unit

Owner > Surcharge target amount:: Meal €0.50 / Vegetables and fruit: € 0.05 per sales unit

Brand owner or producer/importer > SUP unit: per 'disposable unit' containing plastic,



Sales unit: 1 item  
Surcharge: € 0.50 per meal

Box with attached lid (with hinge)  
Total: 1 SUP



Sales unit: 1 item  
Surcharge: € 0.50 per meal

Tray + lid  
Total: 2 SUP



Sales unit: 1 item  
Surcharge target amount: € 0.50 per meal

Tray (cardboard/plastic coating) + lid  
Total: 2 SUP

# Definition SUP unit - cups for beverages

## Sales unit versus SUP unit

Surcharge target amount cups for beverages: € 0.25 per sales unit

SUP unit: per 'disposable unit' containing plastic



Sales unit: 1 item  
Surcharge: € 0.25 per sales unit

Cup, seal and lid (if plastic)  
Total: 3 SUP



Sales unit: 1 item  
Surcharge: € 0.25 per sales unit

Cup: cardboard (with plastic coating)  
Total: 1 SUP



Sales unit: 1 item  
Surcharge: € 0.25 per sales unit

Cup and lid (if plastic)  
Total: 2 SUP

# Definition SUP unit - beverage containers

## Sales unit versus SUP unit

SUP unit: per 'disposable unit' containing plastic



Sales unit: 1 item (0.5 l)

Bottle + loose cap (2 SUP), or  
Bottle with fixed cap (1 SUP)



Sales unit: 1 item (1.5 l)

Bottle + loose cap (2 SUP), or  
Bottle with fixed cap (1 SUP)



Sales unit: 6 items (6 x 0.33 l)

6 x bottles + 6 x loose caps + shrink-wrap  
Total: 13 SUP

# Definition SUP unit - beverage containers

## Sales unit versus SUP unit

SUP unit: per 'disposable unit' containing plastic



Sales unit: 1 item (0.5 l)

Drink carton + loose cap  
Total: 2 SUP



Sales unit: 1 item (0.5 l)

Drink carton + fixed cap  
Total: 1 SUP



Sales unit: 10 items (10 x 0.2 l)

10 x drink pack + 10 x film (around straw)  
Total: 20 SUP

# Definition SUP unit - packets and wrappers

Sales unit versus SUP unit

Surcharge packets and wrappers: none

SUP unit: per 'disposable unit containing plastic', as defined by KIDV.



Sales unit: 1 item  
Surcharge: none

18 wrappers + packet (if plastic)  
Total: 19 SUP



Sales unit: 1 item  
Surcharge: none

5 wrappers (sticker fixed to film)  
Total: 5 SUP



Sales unit: 1 item  
Wholesale packaging

296 portion packs  
Outer is commercial waste  
Total: 296 SUP

# Definition of 'sales point packaging' – packets and wrappers

Sales point packaging: Usually eaten from the pack



Bread bag for point of sale location  
Typically: on-the-go

SUP: YES

Unprinted: Report from producer/importer  
Printed: Report from brand owner



Plastic sales point packaging  
Typically: on-the-go

SUP: YES

Unprinted: Report from producer/importer  
Printed: Report from brand owner



Bread bag for home consumption  
Usually: consumed at home






SUP: NO



7.






## Product list



SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples dairy	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Coffee cream (cup with aluminium seal)	Beverage container	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a (< 3 l)	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	€0.05 small portion
 Yog uesli (cup + lid with aluminium seals)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 portion (200 ml)	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	€0.50 meal
 Drinking yoghurt (squeeze pack with loose cap)	Food-packaging**	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 portion	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	€0.50 meal
 Yoghurt (multipack)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Multipack* 4 x 1 portion	usually intended for consumption at home	<b>NO*</b>	-
 Yoghurt (cup 500 ml)	Food-packaging	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>	X 3-4 portions (500 ml)	usually intended for consumption at home	<b>NO</b>	-






• Multipacks for food containers (still) do not fall under the SUP definition

\*\* FNLI counts drinking yoghurt as 'meal replacement' and therefore food.






SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples drinks	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Milk 500 ml (drink carton with loose cap)	Beverage container	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a (< 3 l)	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	-
 Milk 200 ml (cup with aluminium seal)	Cup for beverages	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a (< 3 l)	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	€0.25 beverage cup
 Fruit drink (drink carton with bag/straw)	Beverage container	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a (< 3 l)	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	-
 Soft drinks (bottle + loose cap)	Beverage container	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a (< 3 l)	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	Deposit** € 0.15
 Soft drink 1.5 l (bottle + loose cap)	Beverage container	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>	N/a (< 3 l)	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	Deposit** € 0.25






\* All beverage containers <3 litre and multipacks fall under the SUP definition.

\*\* Plastic drinking bottles fall under the Dutch deposit regulation, which falls outside the SUP.

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples vegetables and fruit	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Salad (200 gram) Cup + seal	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 1 portion	<input checked="" type="checkbox"/>	<b>YES 4</b>	€ 0.50 meal
 Fruit (120 gram) Cup + seal	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 1 portion	<input checked="" type="checkbox"/>	<b>YES 2</b>	€ 0.05 fruit
 Snack vegetables (500 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 2.5 portions	usually intended for consumption at home	<b>NO*</b>	-
 Fruit (2 items)	Food-packaging	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>	2 items	usually intended for consumption at home	<b>NO*</b>	-
 Fruit (500 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 4 portions	usually intended for consumption at home	<b>NO*</b>	-






\* Multiple portions for food containers (still) do not fall under the SUP definition but this may change in the future as it becomes clear that this packaging is prone to becoming litter.

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples vegetables and fruit	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Snack vegetables - carrots (150 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 1 portion	<input checked="" type="checkbox"/>	<b>YES 1</b>	-
 Fruit (120 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 1 portion	<input checked="" type="checkbox"/>	<b>YES 1</b>	-
 Carrots (500 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 4 portions	usually intended for consumption at home	<b>NO</b>	-
 Cauliflower florets (400 gram)	Packets and wrappers	?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2 portions	usually intended for consumption at home	<b>NO</b>	-
 Mixed Salad (150 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>	X 4 portions	usually intended for consumption at home	<b>NO</b>	-

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples bread & confectionery	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Sandwich (filled) (150 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 portion	<input checked="" type="checkbox"/>	<b>YES 1</b>	€ 0.50 meal
 Fresh biscuit (1 item)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 portion** (100 gram)	<input checked="" type="checkbox"/>	<b>YES 1</b>	-
 Fresh biscuits (4 items)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 4 portions	usually intended for consumption at home	<b>NO*</b>	-
 Cake (2 items)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 2 portions	usually intended for consumption at home	<b>NO*</b>	-
 Donuts (4 items)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 4 portions	usually intended for consumption at home	<b>NO*</b>	-






\* Multipacks and multiple portions for food containers do not fall under the SUP definition but this may change in the future as it becomes clear that this packaging is prone to becoming litter.

\*\* Packaged per item (consumption unit is leading, over portion size)

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples sweets & snacks	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Ginger cake (5 items x 55 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	5 portions packaged individually	<input checked="" type="checkbox"/>	<b>YES 5 SUP</b>	-
 Crisps (40 gram) tube, seal and lid	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Resealable**	<input checked="" type="checkbox"/>	1 portions (< 60 gram)	<input checked="" type="checkbox"/>	<b>YES 3 SUP</b>	-
 Crisps (165 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Resealable**	<input checked="" type="checkbox"/>	X 4-5 portions (> 60 gram)	usually intended for consumption at home	<b>NO*</b>	-
 Nuts (165 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Resealable**	<input checked="" type="checkbox"/>	X 4-5 portions (> 60 gram)	usually intended for consumption at home	<b>NO*</b>	-
 Sweets bucket (650 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Resealable**	<input checked="" type="checkbox"/>	26 portions not packaged individually	usually intended for consumption at home	<b>NO</b>	-

• Multiple portions for food containers (still) do not fall under the SUP definition but this may change in the future as it becomes clear that this packaging is prone to becoming litter.



\*\* Resealable means this can be consumed directly from the packaging at multiple moments

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples sweets & snacks	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Candy bar (50 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 portion (1 item)	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	-
 Crisps (40 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1 portions (< 60 gram)	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	-
 Crisps - multipack (15 bags)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	15 x 1 portions packaged per item	<input checked="" type="checkbox"/>	<b>YES** 16 SUP</b>	-
 Candy bar multipack (6 items)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 x 1 portion packed per item	<input checked="" type="checkbox"/>	<b>YES** 7 SUP</b>	-
 Crisps (185 gram)	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X 3-4 portions	usually intended for consumption at home	<b>NO*</b>	

\* Multiple portions for food containers (still) do not fall under the SUP definition but this may change in the future as it becomes clear that this packaging is prone to becoming litter






\*\* Multipacks for individually packed packets and wrappers fall under the SUP definition.







SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples sweets & snacks	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge target amount
 Chewing gum (18 gram)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 units (< 50 gram)	<input checked="" type="checkbox"/> usually for consumption on-the-go	<b>YES 1 SUP</b>	-
 Chewing gum (50 items)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Resealable**	<input checked="" type="checkbox"/>	X 50 items* (100 gram)	<input checked="" type="checkbox"/> usually for consumption on-the-go**	<b>NO* 1 SUP</b>	-

• Multiple portions for food containers (still) do not fall under the SUP definition but this may change in the future as it becomes clear that this packaging is prone to becoming litter.

\*\* Resealable means this can be consumed directly from the packaging at multiple moments

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples empty packaging	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge* target amount
 Cup	Cup for beverages	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	€ 0.25
 Cup with loose lid	Cup for beverages	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	€ 0.25
 Meal tray (fixed lid)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	€ 0.50 per meal
 Meal tray with loose lid	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a	<input checked="" type="checkbox"/>	<b>YES 2 SUP</b>	€ 0.50 per meal
 Bucket with lid (5 litre)	Food-packaging	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	>3 litre	X	<b>NO</b>	-

SUP assessment framework		Intended for immediate consumption			Tendency to end up as litter		SUP	
Examples empty packaging	Category	Intended for immediate consumption	Usually eaten from the container	No further preparation required	Portion size	Litter risk	SUP number of units	Surcharge* target amount
 Sales point packaging	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	-
 Sales point packaging	Packets and wrappers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/a	<input checked="" type="checkbox"/>	<b>YES 1 SUP</b>	-
 Bread bag (half)	Packets and wrappers	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>	N/a	X	<b>NO</b>	-
 Bread bag (full)	Packets and wrappers	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>	> 3 litre	X	<b>NO</b>	-

8.

## Definition of terms



# Definitions Single-use and Rigid

- ▶ **Single-use:** This can be derived from the definition of 'Single-use plastics': *“a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived.”*  
Source: EU Directive 2019/904, Article 3
- ▶ **Rigid:** The original Decree on single-use plastics states *“food containers with or without a lid, for food products, not packets and wrappers”*. The difference between a food container and packets and wrappers is explained as: *“The distinction between food containers and packets and wrappers must be based on the rigidity of the container. [...] Flexible packaging is packaging that can be easily manipulated without breaking.[...] Some foods are packed in a combination of rigid and flexible materials [...], e.g. a sandwich in a hard container with film on one side or certain fruits or prepared foodstuffs that are sold in a paper tray covered by a plastic wrapper. In these cases, the presence of rigid materials in the packaging means the product is categorised as food containers.”*  
Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.4
- ▶ **If there is a rigid element to the packaging, the entire pack is regarded as rigid. For instance, a cardboard tray with a plastic film wrapper.**

# Definitions Plastic

- ▶ **Plastic:** *“Material consisting of a polymer as defined in point 5 of Article 3 of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified.”*

Source: EU Directive 2019/904, Article 3

And

*“a plastic is a material, comprising a polymer, that has been chemically modified and does not occur naturally.”*

Source: NL Decree on single-use plastics, Explanatory notes

This therefore includes biodegradable plastics such as PLA and also plastics made of natural raw materials such as bioPE.

- ▶ Packaging that is **partially made of plastic** also falls under the measure. If plastic is used in the packaging and has a function, e.g. as a fat or moisture barrier, the packaging is categorised as plastic packaging. With the exception of plastics that are used in paints, inks and adhesives.
- ▶ The use of EPS or oxo-degradable plastics in single-use food packaging has been banned since 3 July 2021.

# Definitions Packaging

- ▶ **Packaging:** all products, made of materials of any kind, which may be used for the containment, protection, handling, delivery and presentation of other products, from raw materials to finished products, along the entire route from producer to user or consumer, including disposable items used for this purpose, where packaging includes only sales or primary packaging, collective or secondary packaging and shipping or tertiary packaging, and
  1. whereby products shall be considered to be packaging if they fulfil the foregoing, irrespective of other functions which the packaging may also perform, unless the product is an integral part of another product and it is necessary to contain, support or preserve that product during its lifetime and all elements are intended to be used, consumed or disposed of together;
  2. where products designed and intended to be filled at the point of sale as well as disposable items sold filled or designed and intended to be filled at the point of sale are considered packaging only if they have a packaging function, and
  3. where the components of a package and the associated elements incorporated into the package are considered to be part of the packaging into which they are incorporated, and where the associated elements suspended or attached to a packaged product and having a packaging function are considered to be packaging unless they are an integral part of this product and all elements are intended to be consumed or disposed of together;

Source: EU Directive 94/62/EC.

# Definitions Cup for beverages

- ▶ **Cup for beverages:** The cup is not precisely defined. The Guideline states:

*“Cups for beverages are typically round, usually bowl-shaped drinking vessels with or without a cover or a lid, sold empty or containing beverages.” [...] The key element for distinguishing between the three product categories (beverage containers, beverage bottles and cups for beverages) is their shape.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.3

*“It should be pointed out that cups for beverages used to hold a liquid meeting the requirements set out in the Directive, which are sold empty and not intended to be filled at the point of sale, are also covered by the Directive.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.1.1

*“The intended use of single-use plastic cups for beverages and whether they are intended for food or beverages is typically known by the initial distributor or the filler of the cups. If at the time of placing on the market it is unclear whether a product is a beverage cup or a food container, as it can be the case for certain containers sold in retail and wholesale stores, the manufacturer must comply with the requirements of the Directive for both types of products.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.2

- ▶ A ‘drinking cup’ is a bowl-shaped container, with or without a lid, that is intended (by the manufacturer) to be used for drinking liquids. If it is unclear whether an empty container will be used as a cup or not, it must be regarded as a ‘drinking cup’.



# Definitions Beverage container

- ▶ **Beverage container:** A beverage container is broadly described in the European guideline as:  
*“A beverage container is, in principle, sold and used for a product that is in liquid form, and consumed by drinking.”*  
Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.4.1.
- ▶ In the Dutch Regulation, the following examples are used, which all fall under the definition of beverage container:
  - *Plastic drinking bottle*
  - *Composite drink pack or drink carton which contains plastic.*
  - *Drink bags or squeeze packs made entirely or partially of plastic.*
  - *Flexible drink packs that are entirely or partially made of plastic located in a cardboard box which can easily be separated by hand.*
  - *Drink packs made of biodegradable plastic.*
  - *Drink packs made of paper laminates with a plastic coating or drink packs made of natural materials with a plastic binder, with or without (replaceable) lid for the consumption of drinks.*Source: NL Regulations on single-use plastics, Scope and effect of the measures
- ▶ Beverage bottles are a special category within beverage containers; cups for beverages do not fall under beverage containers.
- ▶ **Excluded beverage containers:** glass and metal beverage containers in which plastic is only used in the caps or lids, do not fall under SUP measures.

# Definitions Packets and wrappers

- ▶ **Packets and wrappers:** Packets and wrappers include all flexible packaging.

*“Flexible packaging is packaging whose shape is easily changed, e.g. when foodstuff is added or removed as opposed to rigid packaging whose shape remains unchanged when foodstuff is added or removed.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.2.1

- ▶ The difference between a food container and packets and wrappers is explained as: *“The distinction between food containers and packets and wrappers must be based on the rigidity of the container. [...] Flexible packaging is packaging that can be easily manipulated without breaking.[...] Some foods are packed in a combination of rigid and flexible materials [...], e.g. a sandwich in a hard container with film on one side or certain fruits or prepared foodstuffs that are sold in a paper tray covered by a plastic wrapper. In these cases, the presence of rigid materials in the packaging means the product is categorised as food containers.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.4

- ▶ **If there is a rigid element to the packaging, the entire pack is regarded as rigid. For instance, a cardboard tray with a plastic film wrapper is regarded as rigid plastic packaging, a ‘food container’ instead of a ‘packet or wrapper’ within this legislation.**

# Definitions Sales point packaging

- ▶ **Sales point packaging:** This is defined in the Packaging management decree 2014 as:

*“Packaging that is intended to be added to a product when it is provided to the user”*

From the NL Packaging management decree 2014: <https://wetten.overheid.nl>

# Definitions Foodstuffs

- ▶ **Foodstuffs:** This is not defined in the legislation. However, instructions are given in order to distinguish between food and drink. The best method is to include all food that is intended for human consumption and that is not a drink. If there is any doubt whether it is a drink, the following definition can be used:

*“A beverage product is sold and consumed in liquid form, and can be consumed through drinking. In general, beverages are expressed in volume (e.g. millilitres) and food generally in weight (e.g. grams). “Certain foods, such as soups, yoghurts (unless they are drinkable) and fruit purées should not be classified as beverages for the purposes of the Directive, as they are typically not consumed through drinking and cutlery is typically used for their consumption, which distinguishes them from beverage products.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.1

# Definitions Intended for immediate consumption

- ▶ **Intended for immediate consumption:** This is not precisely defined. There is, however, criteria for determining if something is intended for immediate consumption:

*“Nature of foodstuff contained in the food container: Foodstuffs generally suitable for immediate consumption are e.g. nuts, sandwiches, yoghurts, salads and cooked meals, fruit and vegetables.”*

*“The inclusion or attachment of items such as forks, knives, spoons and sticks and/or sauces to the single use plastic food container. However, the absence of such items should not in itself exclude the product from the scope of the Directive.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.1.1.

- ▶ There are products that can be consumed directly but are not intended to be consumed in this way. For example, a wok mix made of raw vegetables that can be eaten from the container, but is not intended for this purpose and is generally not used in this way. This, therefore, falls outside the measures.

# Definitions Further preparation

- ▶ **Further preparation:** In the Guideline from the Commission, Publication journal of the EU C216, Chapter 4.1.1. the following criteria are given:

*“The foodstuff contained in the food container can be consumed without any further preparation. For example, the foodstuff does not require freezing, cooking, boiling or heating, including frying, grilling, baking, microwaving and toasting. For example, the washing, peeling or cutting of fruit and vegetables, should not be considered as preparation [...] as they can be easily performed on-the-go.”*

*“The foodstuff contained in the food container can be consumed without adding seasonings or sauces (unless those are provided together with the food product), cold or hot water or other liquids, including milk, before consumption of the foodstuff such as in the case of cereals (unless portion sized servings of cereals are sold together with an additional portion sized container of milk) or powder soups.”*

Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.1.1

- ▶ Is heat or electrical energy used to make the food edible or is something added to it, which is not supplied with the product itself? That is regarded as 'further preparation'.
- ▶ The use of cutlery for cutting, spreading, or spooning is not regarded as further preparation.

# Definitions Surcharge and Sales unit

- ▶ **Surcharge:** Additional amount that must be paid by the customer for the use of SUP, which must be indicated separately alongside the costs of the product itself. The Ministerial regulation states:

*"the use of drinking cups and food containers [...] is therefore discouraged in the Single-Use Plastics Regulation by prohibiting their free distribution. Thus, consumers must pay an amount (surcharge) for the cup or food packaging [...]. The amount (the surcharge over the drink or food) may not thereby be included in the price of a product and must be visible on the bill as a separate amount."*

Source: NL Regulation on single-use plastics, Notes chapter 3.2.2.

The amount that will be charged is covered [here](#).

- ▶ **Sales unit:** The quantity of the product that is offered for sale. This is the item that is shown on the till receipt. For example, a milkshake is one sales unit that is ordered and paid for by a customer. This milkshake can be packed in multiple SUP units but is one sales unit.

# Definitions Brand owner or Producer/importer

- ▶ **Producer/importer:** *“Any natural or legal person, based in the Netherlands, who:*
  - *places products on the market in a packaging;*
  - *commercially imports products in a packaging;*
  - *commercially instructs another to provide the packaging of the products with its name, logo or brand;*
  - *places a packaging on the market which is intended to be added to products to be provided to the user;**as well as any natural or legal person based in a third country that sells products directly in packaging to consumers in the Netherlands by means of a distance contract;”*

Source: NL Packaging management decree 2014, Article 2014
  
- ▶ This definition is also applied by the Packaging Waste Fund. Further information is provided on the Waste Fund's website. Four options are given there:
  1. Manufacturer produces own brand, sells in NL → manufacturer is responsible
  2. Importer buys outside NL, sells in NL or removes the packaging → importer is responsible
  3. Manufacturer produces under another brand, sells in NL → owner (of house brand) is responsible
  4. Production/Import of (empty) sales point packaging, sells in NL → manufacturer/importer of empty sales point packaging is responsible.



# Definitions Operator

- ▶ **Operator:** *“natural or legal person who manages the operation of a food outlet concerned with the commercial provision of food or drink. [...]”*  
Source: NL Regulation on single-use plastics, Article 1.
- ▶ The company which supplied the packaging or packed product (free or for a charge) to the end user of the packaging or the packed product. For example: supermarkets, caterer, snack bars, kiosks and similar.

# Definitions Drinking bottles and Drink

- ▶ **Drinking bottle:** *“Beverage bottles are beverage containers with a narrow neck or mouth [...] that used to contain beverages, excluding composite beverage packaging.”*  
Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.3
- ▶ The distinction between a drinking bottle and other beverage container is only important for drinking bottles with PET as the main component. These bottles must contain 25% of recycled plastic from 2025, and 30% from 2030.
- ▶ **Drink:** *“A beverage product is sold and consumed in liquid form, and can be consumed through drinking. In general, beverages are expressed in volume (e.g. millilitres) and food generally in weight (e.g. grams). “Certain foods, such as soups, yoghurts (unless they are drinkable) and fruit purées should not be classified as beverages for the purposes of the Directive, as they are typically not consumed through drinking and cutlery is typically used for their consumption, which distinguishes them from beverage products.”*  
Source: EU Guideline from the Commission, Publication journal of the EU C216, Chapter 4.5.1

## Definitions Medical use

- ▶ **Medical use:** The Dutch Decree states that the product requirements (fixed cap and recycled material) do not apply to *“beverage containers and beverage bottles used for liquid food for special medical purposes as defined in point (g) of Article 2(2) of Regulation (EU) No 609/2013”*.
- ▶ The definition of food for medical use in Regulation (EU) 609/2013 is:

*“food for special medical purposes means food specially processed or formulated and intended for the dietary management of patients, including infants, to be used under medical supervision; it is intended for the exclusive or partial feeding of patients with a limited, impaired or disturbed capacity to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients contained therein, or metabolites, or with other medically-determined nutrient requirements, whose dietary management cannot be achieved by modification of the normal diet alone”;*

Source: Regulation (EU) no. 609/2013 from the European Parliament and Council of 12 June 2013 on foods intended for infants and young children, food for medical use, etc. etc. Article 2.

# Definitions High quality recycling

- ▶ **High quality recycling:** The Ministerial decree defines this as:

*"recovery by which waste is reprocessed into materials or articles which may be placed on the market pursuant to the requirements established by paragraphs 1 and 2 of Article 3, paragraphs 2 to 6 of Article 4, paragraphs 1, 3, 4, 7, 8 and 9 of Article 15, Article 17 and the requirements established pursuant to paragraph 1 of Article 5 of Regulation (EC) 1935/2004;"* Regulation on single-use plastics, Article 1.

And:

*"This exception thus only applies to products that can be recycled into food contact materials.*

Source: NL Regulation on single-use plastics, Notes, Article 3.2.1

- ▶ The operator is responsible for ensuring that packaging is collected and recycled into materials that may be then used for food contact applications. For this exception, the permission of the I&W must be sought in advance. The operator must demonstrate that certain, minimum percentages of the packaging will be collected: in 2024: 75 mass percent; in 2025: 80 mass percent; in 2026: 85 mass percent; in 2027 and onwards: 90 mass percent.

# Definitions Main component PET

▶ **Main component:**

The material provides the main purpose of the packaging. In the case of beverage containers, that is the retention of the water. The packaging may fulfil other functions, such as marketing and information provision, but if the packaging would leak without PET, then PET is the main component.

▶ **Containing recycled material**

- Single-use bottles with PET as the main component must contain 25% of recycled material in 2025.
- All plastic, single-use beverage containers must contain 30% of recycled material in 2030.
- This difference is set out in the Packaging management decree 2014, Article 15c, paragraphs 4 and 5.

The following also applies:

- *“The producer or importer of plastic beverage bottles as referred to in subsections four and five shall submit to Our Minister the data on the content of recyclate in the plastic beverage bottles marketed by him annually in the Netherlands as of the calendar year determined for that purpose.”*
- *Producers or importers may jointly implement the obligations referred to in subsections 4, 5 and 6, in which case the percentages referred to in subsections 4 and 5 shall be calculated as an average of all beverage bottles referred to in those sections.”*

Source: NL Packaging management decree 2014, Article 15c, paragraphs 6 and 7.

# Definitions Light plastic carrier bags

- ▶ **Definition:** "*plastic carrier bags with a wall thickness of less than 50 microns*"

Source: EU Directive 94/62/EC of the European Parliament and Council of 20 December 1994 on packaging and packaging waste, Article 3.

- ▶ These also fall under the awareness raising measures and the EPR, as set out in the NL Packaging management decree 2014, Article 15f.
- ▶ **From 1 January 2023:** Registration and payment per SUP unit by brand owner or producer/importer to Packaging Waste Fund.

# REBEL



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