

Packaging and packaging waste

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This report aims to inform the other Community institutions, the Member States and the public about the **implementation of the EU legislation on waste over the period 2004-2006**. It covers [Directives 2006/12/EC on waste](#), 91/689/EC on hazardous waste, 75/439/EEC on waste oils, 86/278/EEC on sewage sludge, 94/62/EC on packaging and packaging waste, [1999/31/EC on the landfill of waste](#), [2002/96/EC on waste electrical and electronic equipment](#), and [2000/53/EC on end-of-life vehicles](#).

As regards the implementation of this Directive, the report recalls that the Packaging Directive aims to harmonise national measures in order to prevent or reduce the impact of packaging and packaging waste on the environment and to ensure the functioning of the Internal Market. It contains provisions on the prevention, recovery and recycling of packaging waste and on the re-use of packaging. The Directive sets recycling and recovery targets, obliges Member States to introduce collection schemes for packaging waste, and introduces minimum requirements which all packaging has to meet to be put on the Community market.

The Directive has been properly transposed by all Member States and the overall level of its implementation is satisfactory. No infringement cases were open in 2009.

The Directive has **brought about positive environmental effects from the stable recycling and recovery rates of packaging waste**.

In the reporting period 2004–2006, the amount of packaging waste generated was on the increase (with a part of this increase due to the 2004 enlargement of the EU), whilst the **recycling and recovery rates remained stable** with only a slight overall decrease. In 2006, eight Member States did not achieve one or more of the required recycling/recovery targets. Separate collection schemes for packaging waste were implemented throughout the EU, albeit with a differing degree of efficiency, and consumer awareness about the need to manage packaging and packaging waste in an environmentally sound manner was at the focus of all Member States.

Implementation: the practical implementation and enforcement of the essential requirements was however questioned by some stakeholders and triggered a closer scrutiny of the situation by the Commission. As regards the Internal Market impacts of the Directive, in recent years legal discussions were being held between the Commission and Member States on **the compatibility of national measures taken to reduce the environmental impact of beverage packaging and the amount of waste which it generates with the Internal Market rules**. While their overall goal is often justified for environmental reasons, certain national measures go beyond what is necessary and risk impeding in a disproportionate way the use and marketing of beverages and their packaging. In a move to prevent further Internal Market problems and to reduce the number of legal discussions with Member States, the Commission adopted a Communication on "[Beverage packaging, deposit systems and free movement of goods](#)" which summarizes solutions found and developed so far.

General conclusions: whilst Community legislation is reasonably well transposed into national legislation, although sometimes with significant delays, the lack of adequate enforcement causes widespread failure in achieving the agreed environmental protection objectives in practice. The implementation and "real-world" application of waste legislation in the reporting period 2004-2006 remained unsatisfactory in many areas. As demonstrated by a large number of infringement cases, the

state of practical implementation remains critical in respect of the Waste Framework Directive, the Landfill Directive, and the Waste Shipment Regulation where coordinated efforts are required to bring the situation in line with the legislation.

In particular, it is advisable that, together with the Commission, Member States and The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) increase their actions to bridge the implementation gap of the Landfill Directive. Also in various Member States the results of the WEEE, Packaging and ELV directives remained below the agreed binding targets and numerous infringement cases continued to be open.

Even though progress was made in some Member States, huge implementation efforts need to be undertaken in many countries. **Some reported problems are particularly common in countries which joined the Community in 2004 where over 90% of waste continues to be landfilled.**

Efforts need to be stepped up in order to bring the waste management infrastructure in line with the requirements of the Community legislation, including:

- creating separate collection systems for different waste streams,
- education of citizens,
- investments in pre-treatment of waste before its final disposal.

These efforts are crucial to make the letter of law effectively protect the environment and human health.