

Packaging and packaging waste

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The Commission presented a report on the implementation of EU waste legislation for the period 2010-2012.

Of the 27 Member States under the obligation to report, most have submitted replies to the implementation questionnaires for the directives this report covers, namely:

- [Directive 2008/98/EC](#) on waste,
- [Directive 86/278/EEC](#) on sewage sludge,
- [Directive 1999/31/EC](#) on landfilling,
- **Directive 94/62/EC** on packaging and packaging waste,
- [Directive 2002/96/EC](#) on waste electrical and electronic equipment (WEEE),
- [Directive 2006/66/EC](#) on batteries and accumulators.

Quality of reporting: not all Member States have fulfilled the obligation laid down in the Directives to report to the Commission on their implementation every three years. Some did not submit replies to the Implementation Questionnaire 2010-2012.

The Commission noted the **highly variable nature of the quality and accuracy of the reports** and information provided. Answers frequently only referred to national legislation or to answers given in previous reporting periods, without providing further information on the implementation of the directives on the ground, even when this was explicitly requested.

The Commission considered that the triennial implementation reports prepared by the Member States have **not proven effective** for verifying compliance with the directives, their implementation and their impact.

Directive 94/62/EC on packaging and packaging waste: this Directive has been in force for more than 20 years and there has been little change since the previous reporting period.

The main findings are as follows:

- measures taken by Member States to **prevent the generation of packaging waste** include: (i) prevention plans, (ii) producer responsibility schemes, (iii) taxation measures, (iv) pay as you throw systems, (v) green public procurement, (vi) information and awareness-raising campaigns, (vii) eco-design, (viii) action plans for key industries;
- the **amount and composition** of packaging and packaging waste reported remained stable, with the reported amount of packaging waste being generated across the EU-27 increasing by 0.16% during that period;
- most Member States have taken a variety of measures to encourage **re-use** (e.g. deposit and return systems for specific types of packaging, taxation measures, obligations to offer products in

reusable packaging); some Member States have introduced, or plan to introduce, new deposit refund systems;

- the vast majority of Member States **reached the targets for the overall recovery and recycling of packaging waste** and the material-specific recycling targets. In general, Member States' performance improved slightly for recovery (from 76.3% in 2010 to 78.5% in 2012) and recycling (from 63.3% in 2010 to 64.6% in 2012);
- most Member States oblige producers to **collect packaging waste** for recovery and recycling. Packaging producers fulfil their obligations by setting up their own take-back schemes or by participating in a scheme covering the return, collection, re-use, recycling or other recovery of packaging waste. Some Member States have made progress by expanding existing collective packaging waste management schemes or by setting up additional return schemes and increasing the number of collective compliance schemes for packaging waste;
- most Member States reported the existence of national standards for the maximum concentration levels of **heavy metals** in packaging. Despite the obligation to report on the functioning of the system provided for in this decision and on progress made in phasing out plastic crates and plastic pallets with too high a concentration of heavy metals, no Member State provided any information about this.

General conclusions: the Commission considered that Member States should make greater efforts to **improve the quality, reliability and comparability of data** for assessing waste management performance. They could do this by benchmarking reporting methodologies and introducing a data quality check report, so that when reporting on the achievement of the targets set out in the legislation, Member States use the most recent and harmonised methodology.

The Commission recalled that in the **recent review of waste policy and legislation**, it proposed to repeal provisions obliging Member States to produce triennial implementation reports and to base compliance monitoring exclusively on quality statistical data that Member States must provide the Commission with annually.