






Basic information	
<p>1992/0436(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Packaging and packaging waste</p> <p>Repealed by 2022/0396(COD) Amended by 2001/0291(COD) Amended by 2004/0045(COD) Amended by 2013/0371(COD) Amended by 2015/0276(COD)</p> <p>Subject</p> <p>3.70.12 Waste management, domestic waste, packaging, light industrial waste</p>	

Key players			
Council of the European Union	Council configuration	Meetings	Date
	Agriculture and Fisheries	1816	1994-12-12
	Environment	1765	1994-06-08
	Budget	1780	1994-07-25

Key events			
Date	Event	Reference	Summary
15/07/1992	Legislative proposal published	COM(1992)0278 	Summary
18/09/1992	Committee referral announced in Parliament, 1st reading		
02/06/1993	Vote in committee, 1st reading		Summary
02/06/1993	Committee report tabled for plenary, 1st reading	A3-0174/1993	
21/06/1993	Debate in Parliament	CRE link	Summary
23/06/1993	Decision by Parliament, 1st reading	T3-0371/1993	Summary
09/09/1993	Modified legislative proposal published	COM(1993)0416 	
24/11/1993	Vote in committee, 1st reading		
24/11/1993	Committee report tabled for plenary confirming Parliament's position	A3-0365/1993	
02/12/1993	Decision by Parliament, 1st reading	T3-0683/1993	Summary
04/03/1994	Council position published	04543/1/1994	Summary
10/03/1994	Committee referral announced in Parliament, 2nd reading		
07/04/1994	Vote in committee, 2nd reading		Summary
07/04/1994	Committee recommendation tabled for plenary, 2nd reading	A3-0237/1994	
02/05/1994	Debate in Parliament	CRE link	
04/05/1994	Decision by Parliament, 1st reading	T3-0403/1994	Summary
08/06/1994	Debate in Council		
25/07/1994	Parliament's amendments rejected by Council		

08/11/1994	Joint text approved by Conciliation Committee co-chairs	3633/1994	
12/12/1994	Report tabled for plenary, 3rd reading	A4-0113/1994	
12/12/1994	Decision by Council, 3rd reading		
14/12/1994	Decision by Parliament, 1st reading	T4-0177/1994	Summary
20/12/1994	Final act signed		
20/12/1994	End of procedure in Parliament		
31/12/1994	Final act published in Official Journal		

Technical information	
Procedure reference	1992/0436(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealed by 2022/0396(COD) Amended by 2001/0291(COD) Amended by 2004/0045(COD) Amended by 2013/0371(COD) Amended by 2015/0276(COD)
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/05848

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0113/1994 OJ C 018 23.01.1995, p. 0020	12/12/1994	
Council of the EU				
Document type		Reference	Date	Summary
Council position		04543/1/1994 OJ C 137 19.05.1994, p. 0065	04/03/1994	Summary
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(1992)0278  OJ C 263 12.10.1992, p. 0001	15/07/1992	Summary
Modified legislative proposal		COM(1993)0416  OJ C 285 21.10.1993, p. 0001	09/09/1993	
Reconsultation		COM(1993)0570 	10/11/1993	

Commission communication on Council's position	SEC(1994)0331 	07/03/1994	
Commission opinion on Parliament's position at 2nd reading	COM(1994)0204 	25/05/1994	Summary
Document attached to the procedure	SEC(1994)1785 	03/11/1994	
Follow-up document	COM(1999)0596 	19/11/1999	
Follow-up document	COM(2003)0250 	19/05/2003	Summary
Document attached to the procedure	SEC(2006)0972 	19/07/2006	
Follow-up document	COM(2006)0406 	19/07/2006	Summary
Follow-up document	COM(2006)0767 	06/12/2006	Summary
Document attached to the procedure	SEC(2006)1579 	06/12/2006	
Follow-up document	SEC(2009)1586 	20/11/2009	Summary
Follow-up document	COM(2009)0633 	20/11/2009	Summary
Follow-up document	COM(2012)0141 	28/03/2012	Summary
Follow-up document	COM(2013)0006 	17/01/2013	Summary
Follow-up document	COM(2017)0088 	27/02/2017	Summary
Follow-up document	COM(2018)0656 	24/09/2018	
Follow-up document	COM(2023)0304 	08/06/2023	
Follow-up document	COM(2024)0454 	15/10/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	AT_BUNDESRAT	COM(2012)0141	31/05/2012	
Contribution	PT_PARLIAMENT	COM(2012)0141	25/07/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	CES0345/1993 OJ C 129 10.05.1993, p. 0018	24/03/1993	Summary

CSL/EP	Joint text approved by Conciliation Committee co-chairs	3633/1994	08/11/1994	
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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Directive 1994/0062 OJ L 365 31.12.1994, p. 0010	Summary

Packaging and packaging waste

1992/0436(COD) - 27/02/2017

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.

Packaging and packaging waste

1992/0436(COD) - 20/12/1994 - Final act

OBJECTIVE: European Parliament and Council Directive 94/62/EC seeks to harmonize national measures in order to reduce the levels of packaging waste produced and promote the recovery of such waste. **SUBSTANCE:** - The Directive applies to all types of packaging placed on the market in the Community and to all types of packaging waste; - As regards prevention, Member States should see to it that measures are implemented in the form of national programmes or similar actions adopted in consultation with economic operators; - As far as reuse is concerned, Member States could encourage reuse systems for packaging which was suitable for recycling in an environmentally sound manner; - As regards recovery and recycling, Member States should take the necessary measures to attain the following targets, which were to apply in a first five-year phase from the entry into force of the Directive: . recovery: 50% as a minimum and 65% as a maximum by weight of the packaging waste; . recycling: 25% as a minimum and 45% as a maximum by weight of the totality of packaging materials contained in packaging waste, with a minimum of 15% for each packaging material; - No later than 10 years from the implementation of the Directive, a substantial increase in these percentages must be determined by the Council following a proposal from the Commission. Transitional derogations were granted to Greece, Ireland and Portugal, because of their geographical situation and their low level of packaging consumption; - Member States putting in place programmes whose recovery and recycling targets exceeded those laid down in the Directive were permitted to pursue these objectives provided that the measures being applied in this area did not produce distortions of competition. To this effect a verification procedure would be set up by the Commission, in collaboration with the Member States, to ensure that the said measures complied with the principles of the single market; - The Directive defined the essential requirements which would have to be met by the packaging in respect of its composition and suitability for reuse and recovery. Member States were to ensure that three years from the adoption of this Directive, packaging could be placed on the market only if it complied with these essential requirements; - A series of practical measures was proposed in order to achieve these results: . Member States would introduce systems for the return, collection and recovery of used packaging; . Member States were to draw up suitable management plans; . packaging would bear the appropriate marking to indicate its suitability for reuse or recovery; . users of packaging would be provided with the necessary information. - Member States were to comply with the Directive on or before 30.06.1996.

Packaging and packaging waste

1992/0436(COD) - 19/05/2003 - Follow-up document

The European Commission's report intended to inform the other Community Institutions, Member States and the interested public of the implementation of Community legislation for the period 1998 to 2000, in particular the implementation of Directive 75/442/EEC on waste; Directive 91/689/EEC on hazardous waste; Directive 75/439/EEC on the disposal of waste oils; Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture, and Directive 94/62/EC on packaging and packaging waste. The results shown in this paper made it clear that Directive 94/62/EC had encouraged increases in the recovery and recycling of packaging waste. In addition, although total tonnages of packaging waste continued to increase in most Member States, a decoupling between economic growth and growth of packaging waste had occurred for the EU as a whole and for many individual Member States in particular in the period 1997 to 1999. The directive had to be implemented by Member States by 1996. It was therefore reasonable to assume that most of the increases in the recycling and recovery of packaging waste from 1997 to 1999 were the direct result of the directive. It was possible to make a rough estimate of about EUR 200 million for the environmental savings that had resulted from these higher rates of recycling and recovery, though it was not possible to say exactly how much of this was due to the implementation of Directive 94/62/EC on packaging and packaging waste. It was not possible at present to evaluate more fully the effects of the directive, since such an exercise would require additional analytical work. Additionally, the results of a cost-benefit study on possible targets supported the feasibility and usefulness of a considerable increase in recycling and recovery targets in the proposed revision of the Packaging Directive. Despite positive results achieved the progress made with the implementation of Community waste legislation could not yet be considered satisfactory. The number of infringement procedures reflected well the current state of play. Significant efforts were therefore needed to achieve full implementation of Directives 75/442/EEC, 91/689/EEC, 75/439/EEC, 86/278/EEC and 94/62/EC, focusing in particular on the hierarchy of principles of waste management.

Packaging and packaging waste

1992/0436(COD) - 02/12/1993 - Text adopted by Parliament confirming position adopted at 1st reading

In its first reading under the codecision procedure, the European Parliament confirmed its vote of 23 June 1993.

Packaging and packaging waste

1992/0436(COD) - 19/07/2006 - Follow-up document

This report from the Commission aims to inform other Community institutions, Member States and the public about the implementation of EU waste legislation over the period 2001 to 2003. In particular, it examines the following specific directives :

- Directive 75/442/EEC on waste;
- Directive 91/689/EEC on hazardous waste;
- Directive 75/439/EEC on waste oils;
- Directive 86/278/EEC on sewage sludge;
- Directive 94/62/EC on packaging and packaging waste;
- Directive 1999/31/EC on the landfill of waste.

The report is based on information provided by the Member States and is accompanied by a Commission staff working document which gives a more detailed account of the information and data received from them.

Overall, in spite of the progress made, implementation of EU waste still cannot be considered satisfactory, as demonstrated by the large number of infringement procedures concerning waste. Significant efforts therefore need to be made towards full implementation, especially in the form of promoting waste prevention and recycling. These issues in particular are now addressed by the recently adopted EU Thematic Strategy on waste prevention and recycling, which focuses on the environmental impact of waste and on life cycle thinking in waste management.

Packaging and packaging waste

1992/0436(COD) - 04/03/1994 - Council position

The Council's common position contained new elements, some of which took account directly or indirectly of European Parliament amendments that were not incorporated by the Commission in its amended proposal. Moreover, 28 EP amendments already accepted by the Commission had been retained in the common position. The text provided for the adoption by the Member States of measures whose priority was to prevent packaging waste and whose other fundamental principles included reusing packaging, recycling and recovering packaging waste, and, hence, reducing the final disposal of such waste. - In terms of prevention, the Member States should implement measures that could involve national programmes or similar actions adopted in consultation with all the economic operators; - With regard to reuse, the Member States could promote the reuse of packaging which could be used in an environmentally sound manner; - In respect of recovery and recycling, the Member States should take the necessary measures to attain, during a first phase of five years from the entry into force of the directive, the following targets: . recovery: between 50% as a minimum and 65% as a maximum by weight of the packaging; . recycling: between 25% as a minimum and 45% as a maximum by weight of the totality of packaging materials contained in packaging waste, with a minimum of 15% for each material. Within 10 years, on the basis of a Commission proposal, the Council should provide for a substantial increase in these percentages. Transitional derogations would be granted to Greece, Ireland and Portugal due to their geographic situation and current low level of packaging consumption. Member States that implemented programmes whose recovery and recycling targets exceeded those laid down in the directive would be permitted to pursue those targets on condition that the measures avoided distortions of competition. To this end, provision was made for the Commission to verify the conformity of the measures with the internal market, in collaboration with the Member States. Furthermore, other provisions were included with regard to return, collection and recovery systems in order to meet the objectives laid down. Also, in relation to the composition of packaging, the text stipulated that three years after the adoption of the directive, the Member States should ensure that packaging was placed on the market only if it complied with the essential requirements defined by the directive. Member States should comply with the directive no later than 18 months following its adoption.

Packaging and packaging waste

1992/0436(COD) - 23/06/1993 - Text adopted by Parliament, 1st reading/single reading

In rejecting by 172 votes to 108, with 22 abstentions, amendments 10 and 70 of the ENVI Committee under which that Member States were authorised to maintain in force legislative provisions or agreements between the public authorities and industry intended to ensure a higher level of protection of the environment than the provisions of this Directive ... 'provided that such provisions comply with the Treaty and are clearly in the interests of better protection of the environment', Parliament came out against national measures stricter than Community measures, of the type applied, for instance, in Denmark. Commissioner Bangemann pointed out during the vote that the Commission would reject amendment 70. He noted that the Member States had to notify the Commission of national provisions stricter than the Community legislation to enable him to ascertain whether or not they hampered the freedom of movement of goods. Parliament also adopted the part of amendment 76 from the ENVI Committee under which Member States, within a maximum of five years from the entry into force of the Directive, were to take measures to limit the concentration of heavy metals in packaging: lead: 150 ppm, cadmium: 1.5 ppm, chromium: 100 ppm, copper: 100 ppm, nickel: 50 ppm, mercury: 1 ppm, zinc: 400 ppm (151 votes to 138). It adopted the part of the amendment under which intermediate targets were to be set in order progressively to reduce materials containing halogenated or chlorinated components (i.e. all PVCs), but rejected the part of the amendment under which this packaging was also to be prohibited within ten years. Parliament rejected the part of amendment 83 under which the concentration levels of heavy metals did not apply to crystal. Parliament also adopted the first part of amendment 106 under which the recovery and management systems introduced in Member States were recognised as equivalent throughout the Community, given that account needed to be taken of the particular problems of SMEs. As regards the objectives of upgrading and promoting reusable packaging, Parliament adopted amendment 37 of the ENVI Committee under which, in particular for recovery, 60% by weight of the production of packaging waste would be taken from the waste stream for recovery within five years. In addition, 40% by weight of each material included in packaging waste would be taken from the waste stream for recycling. Re-filling and/or re-use systems existing in the Community would be maintained. Packagings would contain a minimum percentage of recycled materials.

Packaging and packaging waste

1992/0436(COD) - 20/11/2009

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.

Packaging and packaging waste

1992/0436(COD) - 24/03/1993 - Economic and Social Committee: opinion, report

Packaging and packaging waste

1992/0436(COD) - 25/05/1994 - Commission opinion on Parliament's position at 2nd reading

Packaging and packaging waste

1992/0436(COD) - 15/07/1992 - Legislative proposal

Packaging and packaging waste

1992/0436(COD) - 06/12/2006 - Follow-up document

The Commission has presented its report on the implementation of Directive 94/62/EC on packaging and packaging waste and its impact on the environment, as well as on the functioning of the internal market.

Packaging is a relatively small but not insignificant product and waste stream. In 2002, around 66 million tonnes of packaging waste were generated in EU15. This is around 5% of total waste generation. Packaging waste accounts for around 17% of municipal waste by weight⁸ and between 20% and 30% by volume. However, weight is not the best indicator for the environmental impacts of packaging waste and the impacts of packaging throughout its life cycle. The overall environmental impacts of packaging are in the order of magnitude of one to a few percent of the overall economy. For

example, the greenhouse gas emissions related to packaging consumption in the EU15 are estimated at around 80 million tonnes of CO2 equivalent per annum. This is around 2% of total greenhouse gas emissions of EU15. The share of packaging for other environmental impacts, such as air acidification, fine particles and eutrophication is of a comparable magnitude.

The ex-post assessment of the impact of the Packaging Directive on the environment shows an increase of packaging recovery and incineration at waste incineration plants with energy recovery by 9% and an increase of packaging recycling by 8% between 1997 and 2002. At the same time, all the targets established in the directive were met in 2002. Recycling of packaging had positive environmental effects, including greenhouse gas savings and resource savings. Other environmental benefits include reduced emissions of particulates, decreased acidification, less traffic noise, odours, visual disturbance etc. These are noticeable and significant benefits of the industry's efforts to implement the requirements of the Packaging Directive. The data demonstrate that the additional costs related to the recycling obligations of the Packaging Directive as compared to other waste management options (e.g. disposal) are not significantly higher and show a decreasing trend. The costs for packaging recycling are in the same order of magnitude as the most cost-efficient alternatives to reduce CO2 emissions and other environmental impacts.

The Commission considers that the recycling and recovery targets contained in the Packaging Directive are currently optimal and should remain stable to enable all the Member States to catch-up with these targets. A substantial progress on prevention can only be achieved through the application of measures tailored to specific conditions in which packaged goods are marketed such as, for instance, consumption and distribution patterns. Incorporating in waste framework legislation an obligation for Member States to develop waste prevention programmes as proposed by the Commission in the context of the Thematic Strategy on the prevention and recycling of waste constitutes an appropriate instrument to promote waste prevention in general as well as prevention of packaging waste in particular.

In the longer term, recycling of packaging waste must be seen in the general framework of EU waste recycling policy as defined in the Thematic Strategy on the prevention and recycling of waste. The Commission intends to include an assessment of the progress made by the Member States in preventing, recycling and recovering waste in the 2010 review of the Thematic Strategy on the prevention and recycling of waste. This assessment shall build, inter alia, on an update of the assessment of the impacts of the Packaging Directive and take into account the progress of the Member States towards the increased recycling rates set by the European Parliament and the Council in the 2004 review of the Directive.

There is evidence (particularly in the beverage sector) that the Directive has not yet fully achieved its internal market objective. This is partly due to incorrect implementation of the provisions of the Packaging Directive, but also due to the increasing number of unilateral measures leading to a partitioned market. Therefore, the Commission will further evaluate the need for action that could be taken on the EU level to avoid constraints as regards the internal market in the future. Progress towards the proper enforcement of the essential requirements and harmonized definitions and reporting procedures across Member States will further contribute to the creation of a level playing field for all economic operators.

Packaging and packaging waste

1992/0436(COD) - 14/12/1994 - Text adopted by Parliament, 3rd reading

Parliament approved the joint draft directive.

Packaging and packaging waste

1992/0436(COD) - 04/05/1994 - Text adopted by Parliament, 2nd reading

Parliament maintained at second reading the essential elements of its philosophy in the area of packaging waste, and stated that the best way of preventing the production of packaging waste was to reduce the overall volume of packaging, which was a vital condition for sustainable development. In its 18 amendments to the Council's common position, Parliament extended the definition of packaging to include all items used for the containment and protection of goods. It encouraged reusing packaging, including the use of auxiliary products enabling packaging to be refilled. Landfill would not be considered a form of organic recycling. The public authorities and statutory organisations were added to the list of economic operators involved and a definition of voluntary agreements was introduced as a form of cooperation. Parliament called for the harmonisation of the databases which should also include information on the toxic or dangerous nature of materials. In this respect, the Member States were required to ensure that the economic operators provided reliable data in this field. Parliament also hoped that the procedure laid down to determine the objectives at the end of the first phase would be repeated every five years. Finally, with regard to the adoption of economic instruments to facilitate the implementation of this directive (at Community level or, by default, at Member State level), the European Parliament laid down the following conditions: respect for the principle of the polluter pays, no distortion to competition, no obstacles to the free movement of goods and no discrimination against imported products.

Packaging and packaging waste

1992/0436(COD) - 20/11/2009

This Commission Staff Working Document accompanies the Commission Communication on the implementation of the Community waste legislation (2004-2006):

- Directive 2006/12/EC on waste,
- Directive 91/689/EEC on hazardous waste,
- Directive 75/439/EEC on waste oils,
- Directive 86/278/EEC on sewage sludge,
- Directive 94/62/EC on packaging and packaging waste,
- Directive 1999/31/EC on the landfill of waste,
- Directive 2002/96/EC on waste electrical and electronic equipment.

To recall, each year or every two years Member States have to report to the Commission on the achievement of the collection, re-use, recycling and/or recovery targets for certain waste streams such as packaging waste, waste electrical and electronic equipment, and end-of-life vehicles.

The 2004-2006 report reveals that **EU waste law is being poorly implemented and enforced in many Member States**. The assessment highlights the need for significant efforts by Member States to ensure that waste management meets the standards set by EU legislation.

Packaging and packaging waste

The Commission presents a report on the **implementation of the EU legislation on waste over the period 2007 - 2009**. 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 \(WEEE\)](#), and [2000/53/EC on end-of-life vehicles](#).

The Communication recalls that evidence shows that full implementation of EU waste legislation would save EUR 72 billion a year, increase the annual turnover of the EU waste management and recycling sector by EUR 42 billion and create over 400 000 jobs by 2020. However, the report states that illegal waste operations or missing infrastructure in Member States are causing missed opportunities for economic growth, which the EU cannot afford, and leading to environmental threats. It is therefore paramount to take decisive steps to bridge the implementation gap in waste management and move towards a resource efficient society.

According to the information provided by Member States and the available statistical figures, **the level of implementation of the Packaging Directive is by and large satisfactory**, with only a few Member States missing single targets.

In general, all reporting Member States have properly transposed the requirements of the Directive into their national laws. Based on the information provided by the Member States and the Eurostat statistics, it can be assumed that the overall implementation level continues to be satisfactory. Only two Member States have indicated that their national legislation has been modified during the reporting period.

Between 2007 and 2009, the amount and composition of packaging waste generated remained quite stable, with a slight increase by weight in 2007 and 2008. In 2009, there was a **significant decrease** in the amount of packaging waste generated below the 2005 levels, although it is not possible to precisely indicate the reasons triggering this development.

Greece, Ireland and Portugal have been granted transitional periods regarding the targets for treatment of packaging waste until 2011 because of the large number of small islands, the presence of rural and mountain areas and the low level of packaging consumption respectively. In addition, Directive 2005/20/EC and the Treaties of Accession grant a later deadline to meet the targets for the countries which have acceded the European Union in 2004 (the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia) and 2007 (Romania and Bulgaria).

The **total recovery and recycling rates increased significantly** compared to the previous reporting period, mainly due to the introduction of packaging waste collection and treatment systems in the new Member States. Between 2007 and 2009, the total recovery and recycling rates underwent a slight but steady increase at EU-27 level.

The **vast majority of Member States attained the targets for overall recovery and recycling** as well as the material-specific recycling targets, with some exceptions. In 2009, four Member States did not meet one or more of the defined targets. Some Member States did not achieve a target in one year but were able to reach it in the previous or subsequent year, which seems to suggest that no systematic structural deficits in waste management infrastructure exist in those Member States. However, other Member States consistently failed to achieve the overall recovery/recycling targets or material-specific targets over the reporting period, and this problem needs to be addressed individually.

The majority of Member States took measures to prevent the formation of packaging waste; nevertheless, encouraging the prevention of packaging waste and developing packaging re-use systems remains a continuous task for Member States. All reporting Member States indicated the establishment of separate collection schemes for packaging waste. The systems differ as to their degree of efficiency and availability for the population and the cost for the citizen. Some of the Member States that acceded in 2004 have only recently started to put relevant infrastructure in place via pilot projects in urban areas.

Member States implemented a number of different initiatives for awareness-raising of consumers and businesses on environmentally sound management of packaging waste, including separate collection. Where such systems were put in place, the performance of separate collection (and subsequent quality of recycling) was significantly better.

Implementation and practical enforcement of the requirements set by the Directive vary considerably between the Member States, which is confirmed by the evaluation of statistical data. The Packaging Directive is also subject to the planned ex-post evaluation to be launched in 2013.

Packaging and packaging waste

Article 3(1) of Directive 94/62/EC defines 'packaging' by setting out a number of criteria. The items listed in Annex I to that Directive are illustrative examples of the application of those criteria.

For reasons of legal certainty and harmonisation of the interpretation of the definition of 'packaging', it is necessary to review and amend the list of illustrative examples to clarify additional cases where the borderline between what is packaging and what is not, remains unclear. The review follows calls from Member States and economic operators to reinforce the implementation of the Directive and create a level playing field in the internal market.

Directive 94/62/EC should therefore be amended accordingly.

The Committee established by Article 21 of Directive 94/62/EC has not delivered an opinion on the measures provided for in this Directive. In the light of the position taken by the Committee, the item 'release paper of self-adhesive labels' has been deleted from the proposal.

Thus, in accordance with the procedure set out in Article 5a of Decision 1999/468/EC a proposal for a Directive 94/62/EC is submitted to Council and forwarded to the European Parliament.