

Brussels, 23 July 2019

SUMMARY RECORD

**MEETING OF THE EXPERT GROUP ON WASTE
ON THE IMPLEMENTATION OF DIRECTIVE 94/62/EC ON PACKAGING AND
PACKAGING WASTE (PPWD)¹**

8 JULY 2019

Conference Centre A. Borschette, Brussels

• **Adoption of the agenda and approval of the minutes of previous meeting**

The Chair opened the expert group meeting and the agenda was adopted without modifications.

The minutes of the last meeting held on 7 December 2018 had been sent around for comments and approval on 21 December 2018. There having been no comments, the minutes of the meeting were considered approved and made available online through the Register of Commission Expert Group on Waste:

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeeting&meetingId=9670>

• **Nature of the meeting**

The meeting is not public but for experts from the Member States.

Stakeholders may be invited to give presentations under individual agenda items. This was the case for the current meeting with regard to agenda item 7 in the context of which Mr Dominic Hogg and Mr Timothy Elliott from the consultancy Eunomia presented and consulted on the interim results of the study on Essential requirements they are carrying out on behalf of the European Commission.

• **List of points discussed**

I. PRESENTATION ON THE DATA COLLECTION ON PACKAGING AND PACKAGING WASTE (AGENDA ITEM 3)

The Commission (ESTAT) gave a presentation on the reporting results for year 2017 (for which the data was to be reported by 30 June 2019). First insights into the data submitted until that point was given and information on the Commission's approach to evaluating the quality of the data presented. 22 Member States (MS) had sent their quality reports and 19 have sent data, which covers about 70% of the EU population. Since two large MS are missing, it is currently difficult to estimate the average recycling rate for the entire EU. Only 3 MS do not meet the overall recycling target. As regards plastic packaging, all MS meet the current target

¹ Published in the Register of Commission Expert Group on Waste, code number E03343

but the new targets (as from 2020) will remain a challenge for the majority of MS, considering current levels. 18 MS gave information on their calculation points. Nine of these measure the recycling rate at the collection point. Information on loss rates is limited. The new calculation rules (Commission Implementing Decision 2018/896 of 19 June 2018) are expected to improve clarity in this regard. ESTAT will prepare a guidance document for the implementation of the new rules. It will be discussed at the ESTAT Working Group on waste statistics meeting on 25 March 2020 and to be sent to the MS thereafter in the spring. With the implementation of eDamis 4, new data transmission sheets have to be introduced, these will be ready at the latest in spring 2020.

The Commission invited experts to share any information/observation about how the new recycling rules will influence the data on recycling performance.

The Commission also stressed that it is prepared to address the situation of Member States failing to report in time, as well as MS failing to reach their targets for several years in a row. It also reminded MS experts that whatever is not transmitted officially via eDAMIS cannot be tracked properly and therefore requested that MS always make the transmission with eDAMIS to ensure the files have been conveyed in a proper way.

II. NEW REGULATION ON MARKET SURVEILLANCE AND COMPLIANCE OF (NON-FOOD) PRODUCTS (AGENDA ITEM 5)

The Commission (Mr Deurwaarder, DG GROW) gave a presentation on the new Regulation on Market Surveillance and compliance of products that will apply from mid-2021, and replace Chapter III of Regulation (EC) No 765/2008. It will apply to 70 EU legislative acts on non-food products in the Annex that harmonise requirements (safety, environmental) on how a product has to be manufactured and/or labelled, including Directive 94/62/EC. The new regulation aims to improve compliance and strengthen market surveillance and also contains specific provisions of relevance to the context of the on-line sales (requirement of responsible person in the EU).

Following the presentation the Commission pointed to the possibility to establish Administrative Cooperation Groups between Member States and suggested it could be of interest with regard to addressing compliance of packaging with the legal requirements as well as, possibly, the issue of ‘free riders’ in the context of online sales. The establishment and operation (including meeting costs etc.) of such groups is facilitated by the European Commission. The Commission invited experts to consider establishing such a group for this Directive, and proposing candidatures for chairing such a group.

III. DIRECTIVE ON THE REDUCTION ON THE IMPACT OF CERTAIN PLASTIC PRODUCTS ON THE ENVIRONMENT (AGENDA ITEM 4)

The Commission gave an overview of the work following up to the adoption of the Directive, which entered into force on 3 July 2019. Pursuant to the Directive, the Commission has to develop:

- **guidelines** – July 2020
- **four implementing acts** – July 2020
- **two implementing acts** – January 2021
- **three implementing acts** – January 2022

To support the Commission in this work, a first **support study** has been launched. The **contractor** has been selected and the **kick-off meeting** will be held in the week of 15-19 July.

The **study covers 7 tasks**: 1. Guidelines SUP (products covered by the Directive), 2. Marking on certain SUPs, 3. Calculation/verification of separate collection target for plastic bottles and reporting, 4. Format for reporting on post consumption waste of tobacco products with filters, 5. Methodology for measuring consumption reduction and reporting of data, 6. Guidelines on litter clean-up costs, 7. Organising workshops. **A number of workshops** will be organised under the study, and Member States and stakeholders will be informed/ invited in due time.

Other studies to be launched (in autumn) will include:

- consumer testing of labels developed under (Study 1)
- recycled content in plastic bottles

In parallel, the Commission services are drafting an **implementing decision on a standardisation request**, to be adopted this year, as regards **plastic caps and lids** of beverage containers..

On transposition/ implementation the Commission stressed specifically that:

- Member States will have to transpose the Directive by **3 July 2021**.
- Article 17 provides for specific deadlines for the application of a number of measures, namely:
 - Market restrictions (bans) *from 3 July 2021* for products listed in Part B of the Annex² and products made from oxo-degradable plastic;
 - Product requirements for beverage bottles and packaging (tethered caps and lids) *from 3 July 2024*;
 - Marking requirements for sanitary towels, tampons (applicators), wet wipes, tobacco products with filters and cups for beverages *from 3 July 2021*;
 - Extended producer responsibility for single use plastic products listed in Part E *by 31 December 2024* (and for existing schemes and those in relation to tobacco products with filters *by 5 January 2023*).
- Market restrictions/bans adopted under **article 4** (consumption reduction) for the purpose of preventing those products from becoming litter in order to ensure that they are substituted with **alternatives that are re-usable or do not contain plastic**, may already be applied *before the end of the transposition period*. Biodegradable plastic products are plastic as defined in article 3(1) of the Directive and hence not ‘alternatives’ in the sense of article 4(1).
- The Commission also reminded experts that consumption reduction and other measures taken in the context of the SUP Directive, alike other ‘technical regulations’, are to be **notified** to the Commission pursuant to the EU Transparency Directive³.

To conclude, the Chair stressed that the Commission is ready to assist MS during the transposition period and to support an open dialogue with respect to any questions and concerns arising in this context. It will also monitor the related preparation and adoption of national transposing measures and technical regulations.

² Cotton bud sticks, cutlery, plates, straws, beverage stirrers, sticks to be attached to balloons, food and beverage containers, as well as cups for beverages made of expanded polystyrene

³ Directive (EU) 2015/1525 of the European Parliament and of the Council of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

IV. INFORMATION ON THE ON-GOING COMMISSION STUDIES RELATED TO THE BIODEGRADABILITY OF PLASTICS (AGENDA ITEM 6)

The Commission presented preliminary findings of its ongoing study on ‘Relevance of biodegradable and compostable consumer plastic products and packaging in a circular economy’. This is part of the work that will inform the development of a broader policy framework relating to biodegradability.

The final results of this study will be available at the end of 2019, after a second stakeholder workshop to be held in the second half of the year. More specifically, it is expected to include:

- assessment of the market for biodegradable/ compostable plastic products and packaging;
- identification of the main implications for the circular economy of market trends for biodegradable/ compostable plastics;
- comparison of the conditions found in practice in home-composting systems across the EU with the theoretical biodegradability criteria in home-composting related frameworks; as well as identifying possible measures for addressing any discrepancies.
- identification of the conditions under which the use of biodegradable/compostable plastics could be beneficial;

The Commission also informed participants that the JRC is currently preparing a comparative life-cycle assessment of alternative feedstocks for plastics production including detailed Life Cycle Analyses of 10 plastics products, also covering different end-of-life options (including industrial composting). The results of this study are expected end of 2019.

Finally, work will be initiated after the summer, investigating in more depth the issue of biodegradable plastics in the open environment.

V. CONSULTATIONS ON STUDY TO REINFORCE THE PPWD’S ESSENTIAL REQUIREMENTS (AGENDA ITEM 7)

A consultation of Member States experts took place in the second half of the meeting as part of the ongoing study “Effectiveness of the essential requirements for packaging and packaging waste and proposals for reinforcement”. The study will support the Commission in following up to the request made to the Commission in the revised Packaging and Packaging Waste Directive’s Article 9(5): *“By 31 December 2020, the Commission shall examine the feasibility of reinforcing the essential requirements with a view to, inter alia, improving design for re-use and promoting high quality recycling, as well as strengthening their enforcement. To this end, the Commission shall submit a report to the European Parliament and the Council, accompanied, if appropriate, by a legislative proposal.”* The study also responds to the 2018 *European Strategy for Plastics in a Circular Economy* action according to which the Commission should “initiate work on new harmonized rules to ensure that by 2030 all plastics packaging placed on the market can be reused or recycled in a cost-effective manner”. This scoping study focuses on identifying options and measures to strengthen the Essential Requirements and their enforcement. It will run until November 2019.

The presentation by the consultants (Eunomia) charged with the study covered its interim results, with Member State experts being invited to comment on a number of aspects. As

regards different **approaches to defining recyclable packaging** (generic, quantitative or detailed definitions) some Member States experts expressed support to defining recyclability at the European level, also with the objective not to fragment the internal market. Two experts from smaller countries pointed out that countries their size have limited leverage over the design of packaging by producers through the eco-modulation of EPR fees, given that most of the products/ packaging on their territory is imported. Overall, there were no firm preferences expressed as to the best approach to defining recyclable packaging. On preliminary ideas for **measures to reinforce the essential requirements** several Member States experts stressed the need for the future essential requirements to be clearly aligned with the waste hierarchy, putting emphasis on packaging (waste) prevention/ avoidance. The possibility of requiring certain types of packaging to be reusable was raised. The need to keep food waste prevention in mind was also recalled.

With regard to possible **measures with regard to enforcement**, some Member States experts warned against measures imposing too heavy administrative burden on authorities and suggested more cost-effective approaches, avoiding duplication of efforts, may prove preferable. It was suggested that an approach at the EU level may in this respect be attractive – also for industry which may prefer it over the risk of being confronted with different interpretations of rules by national authorities. Some expressed support to the idea of having independent certification of compliance with the essential requirements.

Following this exchange the Commission informed about the next steps:

- Consultation of stakeholders on the definitions of recyclable and reusable and possible measures in the context of a workshop the next day, followed by another workshop for presentation of the draft final findings of the study in mid-October 2019.
- Member States experts will be approached again for more targeted consultation once measures to be assessed in more depth will have been selected.

Follow-up work to this first study will include a formal impact assessment of possible options with open stakeholder consultations in the course of next year.

VI. ANY OTHER BUSINESS (AGENDA ITEM 8)

The Chair announced that the next meeting of the PPWD Expert group is provisionally scheduled for 11 March 2020. She also informed of the meeting of the expert group and the technical adaptation committee on Waste, which will take place on 11 September 2019.

VII. FOLLOW-UP

- Member States to follow-up regarding data reporting where data/ quality check report are not yet transmitted.
- MS experts invited to indicate interest in Administrative Cooperation Group on compliance of packaging with legal requirements (including willingness to chair group)
- MS experts to support consultants (Eunomia) when being approached to collect information/data on impacts related to potential measures reinforce/ to enforce essential requirements. MS experts are invited to submit any further comments/ input

regarding the study at any moment to the consultants (timothy.elliott@eunomia.co.uk)
and/or Mr Leonardo Mazza (leonardo.mazza@ec.europa.eu).

- **List of participants**

Chair	Bettina Lorz (DG ENV)
Commission	Maja Desgrees du Lou, Leonardo Mazza, Rozalina Petrova, Anna Bobo-Remijn (DG ENV), Eduard Hauser (ESTAT), Ewout Deurwaarder (GROW)

Experts participating:

Austria	Juliane Muellner, Federal Ministry of Sustainability and Tourism (BMNT)
Bulgaria	Anton Peychev, Ministry of Environment
Croatia	Darko Horvat, Ministry of Environment and Energy
Cyprus	Elena Christodoulidou, Ministry of Agriculture, Rural Development and Environment
Czech Republic	Petr Bazil, Ministry of the Environment, Waste Management Department
Denmark	Lea Frederiksen, Ministry of Environment and Food Federikke Madsen, Environmental Protection Agency
Estonia	Rene Rajasalu, Ministry of The Environment
Finland	Tuomo Aunola, Centre for Economic Development, Traffic and the Environment for Pirkanmaa
France	Cecile Fevre, Ministère de la transition écologique et solidaire
Germany	Matthias Klein, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
Hungary	Vivien Ifka, Ministry for innovation and technology Adam Gosztonyi, Permanent Representation of Hungary to the EU
Ireland	Vivienne Ahern, Department of Communications, Climate Action and Environment Niamh Rogan, Environmental Protection Agency
Italy	Maria Cristina Oddo, Ministry of the Environment
Latvia	Tatjana Alekse, Ministry of Environmental Protection and Regional Development
Lithuania	Jurgita Gaiziuniene, Ministry of Environment
Luxembourg	Nadine Bertrand, Administration de l'environnement
Malta	Ariana Schembri, Environment & Resources Authority (ERA)
Norway	Andreas Andersen, Norwegian Environment Agency
Poland	Michal Ambroziewicz, Ministry of the Environment
Portugal	Catarina Ribeiro, Ministry of the Environment
Slovakia	Lucia Hojdova, Permanent representation of the Slovak Republic to the EU
Slovenia	Maja Miklavcic, Ministry of environment and Spatial Planning
Spain	Pablo Rodriguez Porras, Ministry for Ecological Transition
Sweden	Malin Göransson, Environmental Protection Agency
United Kingdom	Ian Atkinson, Department for Environment, Food and Rural Affairs