



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate B – Circular Economy and Green Growth  
**ENV.B.3 – Waste Management & Secondary Materials**

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

**SUMMARY RECORD OF THE MEETING OF 4 JULY 2016**

**Chair** Bettina Lorz (DG ENV)  
**Commission** Marianne Muller (DG ENV)

**Experts from:**

<b>Austria</b>	Ministry of Agriculture, Forestry, Environment and Water
<b>Belgium</b>	Bruxelles Environnement Belgian Federal Public Service Environment
<b>Croatia</b>	Ministry of Environmental and Nature Protection
<b>Cyprus</b>	Ministry of Agriculture, Natural Resources and Environment
<b>Czech Republic</b>	Ministry of the Environment
<b>Denmark</b>	Ministry of Environment and Food
<b>Estonia</b>	Ministry of the Environment
<b>Finland</b>	Ministry of the Environment
<b>Germany</b>	Ministry of the Environment
<b>Greece</b>	Ministry of Environment and Energy
<b>Hungary</b>	Ministry of the Environment
<b>Ireland</b>	Department of the Environment, Community & Local Government
<b>Italy</b>	Ministry of the Environment
<b>Latvia</b>	Ministry of Environmental Protection and Regional Development
<b>Lithuania</b>	Ministry of the Environment
<b>Luxemburg</b>	Environment Administration
<b>Malta</b>	Malta Environment and Planning Authority
<b>Netherlands</b>	Ministry of Infrastructure and the Environment
<b>Norway</b>	Norwegian Environment Agency
<b>Poland</b>	Ministry of the Environment
<b>Portugal</b>	Environment Agency
<b>Slovakia</b>	Ministry of the Environment
<b>Spain</b>	Ministry of Agriculture, Food and Environment
<b>Sweden</b>	Environmental Protection Agency
<b>United Kingdom</b>	Department for Environment, Food and Rural Affairs

## **1. ADOPTION OF THE AGENDA**

The Chair welcomed the participants to the meeting. She reminded that the Commission proposed, under 'any other business', to raise an issue regarding reusable transport packaging, and more specifically 'crates and pallets'. The agenda was adopted without further changes.

## **2. ADOPTION OF THE SUMMARY RECORD OF THE MEETING OF 26 MARCH 2014**

The summary record of the meeting of 5 February 2015 was adopted. The Chair announced that henceforth, the draft report would be sent around shortly after the meeting for possible comments and finalizing by 'written procedure', so to be able to make it accessible at the Commission's transparency website sooner following the meeting.

## **3. CIRCULAR ECONOMY PACKAGE**

### **STATE OF PLAY AND ELEMENTS RELEVANT TO PACKAGING**

The legislative proposals on waste, part of the CEP, were submitted to the European Parliament and to the Council in the ordinary legislative procedure.

The Commission gave an update of the state of play with regard to the Circular Economy Package adopted in December 2015, and more specifically the legislative proposal on waste:

- During the Dutch Council presidency, the proposals were considered in nine meetings of the Council Environment Working Group. The first meeting under the Slovak presidency had taken place on 1<sup>st</sup> of July and the Slovak presidency plans eight more meetings on the waste proposals. During the Dutch presidency, the majority of the proposals were examined in depth and there is a broad support from the Member States on the proposals. There are a number of areas requiring more technical examination, like the definitions and the calculation methods. The discussions on the level of targets are still to be held.
- The European Parliament (EP) is currently preparing its position. In general, the EP ENVI rapporteur's position (not formally adopted) is that the proposal should be more ambitious (stronger rules for EPR, higher targets for recycling, stronger rules for prevention, especially re-use and possibly a re-use target). The draft report concerning the Packaging Directive envisages several amendments: new definitions, strengthen prevention provisions and introduce mandatory EPR schemes. It also proposes EU level re-use targets for 2025 and 2030.
- It is expected that the EP will propose a large number of amendments to the legislative proposals, including a considerable number of tasks for the Commission that should be carried out by the end of 2018
- Votes in the different EP Committees [ENVI (lead) and ITRE] are scheduled for 8 November and 13 October 2016 respectively.

Answering a question from a Member State expert, the Commission representative informed meeting participants that it is preparing the announced strategy on plastic in the circular

economy, for adoption in 2017. A roadmap is currently under preparation and will be published once finalised.

#### **4. PLASTIC CARRIER BAGS**

As a general introduction to the different items, the Chair reminded that Directive 2015/720 modifying the PPWD to reduce the consumption of lightweight plastic carrier bags had since the previous meeting been adopted, on 29 April 2015. This Directive contains not only a number of obligations and tasks for Member States, the most imminent being to implement the Directive into national legislation at the latest on 27 November of this year, but also for the Commission. For a number of tasks, the Commission had commissioned studies, and a representative of the Commission's contractor, Eunomia Research and Consulting was introduced and in the following gave a presentation of their work in relation to the development of a common methodology for calculation of annual consumption of lightweight plastic carrier bags.

The Commission introduced the different items and an exchange took place on these.

##### **(i) Development of a common methodology for calculation of annual consumption of lightweight plastic carrier bags**

The Packaging and Packaging Waste Directive as modified by Directive 2015/720 as regards lightweight plastic carrier bags tasks the Commission to adopt an implementing act laying down a methodology for calculation of annual consumption of lightweight plastic carrier bags by 27 May 2016. Even though adoption of this Implementing Act is one of the many priorities of the Commission under the Directive, and the preparatory work in form of a study had started right after adoption of the Directive, the deadline could not be met because of the time required for a preparatory study and the different steps needed for consultations. In addition, the expert meeting scheduled for the 29<sup>th</sup> of March of this year had to be cancelled for reason of security constraints that week. The Chair informed the group that, following the expert consultation at today's meeting and subsequent possibility for written comments, it was, in light of the timing constraints, a priori envisaged to consult the Technical Adaptation Committee in writing on a draft implementing act, so that a meeting of the Technical Adaptation Committee within the next month(s) just for this Implementing Act could be avoided. This planned proceeding could be reviewed if necessary. There were no comments from the experts.

The Commission representative introduced the issue. In order to prepare the methodology, a study had been carried out, which will serve as the basis for the methodology and the Implementing Act.

The consultant presented the outcome of the study and the main elements of the methodology to be taken up in an implementing act, after discussion took place on the contents and on the way forward.

The objective of this study was, firstly, to make an inventory of methodologies in use for the calculation in plastic carrier bag consumption, then to examine these methodologies and similarities and differences from an environmental, economic and social perspective and, finally, to develop a common methodology that is best fit for implementation and application in all Member States. Commission Decision 2005/270/EC establishing the formats relating to

the database system pursuant to Directive 94/62/EC addresses reporting on packaging and packaging waste. The best way forward therefore appears to be to modify this Decision and include reporting on consumption of lightweight plastic carrier bags, and a proposal with relevant elements was contained in the study.

A number of questions and comments were made by the experts, on which the consultant and Commission provided further clarification. These concerned, inter alia, the question of whether there was a possibility to include tourists or commuters in the calculation (answer: Eurostat information on population was seen to be the best common denominator), whether only the number of bags or also weight was needed (answer: weight is useful), the need to take into consideration the possibility to address the issue through agreements, and, consequently, to build in flexibility into the calculation. The Commission representative underlined that the starting point was a methodology that was not too complicated, and not creating a too heavy workload, hence more than two options were not likely to be workable. The mandate relates to lightweight carrier bags, other information on a voluntary basis was certainly welcome.

In conclusion, the Chair asked Member States experts to provide any comment and observations on the elements of the methodology as proposed in the study, and/or on experience with national methodologies in writing **by 22 August at the latest**, so to enable the Commission to draft the implementing act on which the TAC will be consulted.

**(ii) Development of a standard for home-compostable packaging / preparation of implementing act on labelling**

The Chair introduced the issue recalling that the new Article 8a of Directive 94/62/EC (as modified by Directive 2015/720 relating to lightweight plastic carrier bags) tasks the Commission to adopt, by May 2017, an implementing act laying down the specifications of labels or marks of home-compostable plastic carrier bags.

Given that currently no standard exists that covers home-compostable packaging, and that could be taken as a reference for such implementing act, the Commission will task the relevant European Standardisation Committee, CEN, to develop a standard on home-compostable packaging, in line with recital 16 of Directive (EU) 2015/720. The implementing act will be based on this standard to be developed.

The Chair pointed out that in light of the time needed for the development of a standard, which is a necessary prerequisite for being able to draft the act on labelling, adoption of the Implementing Act by May 2017 was not feasible. The Commission had already pointed out this potential problem in the declaration made at the adoption of Directive (EU) 2015/720 on the 29<sup>th</sup> of April 2015.

The Commission's Work Programme on standardisation for 2016 includes the development of this standard and envisages that the standard will be finalized by end 2018, a relatively short period of time for the development of a standard. Timely adoption of the mandate would ensure that the standard, to be used when detailing and finalising the specifications in the Implementing Act, will still be adopted in 2018.

The Commission representative gave an overview of the procedure for adoption of a mandate to CEN, and explained that this includes at an early stage, an informal consultation of not only CEN, but also the relevant Committee and relevant stakeholders, including the societal

stakeholders. This consultation is currently underway, and the current consideration with Member States' experts was part of it.

The Commission representative also presented the draft mandate and invited participants to provide their first observations and suggestions. She drew attention to the choice of having drafted the mandate with regard to home-compostable packaging, hence broader than plastic carrier bags. This would be coherent with existing relevant harmonized standard on packaging, EN 13427:2004 to EN 13431:2004 and EN 13432:2000, which for the Implementing act on labelling will also need to be taken into account.

Comments from Member States' experts related to concepts used (e.g. 'mesophilic'), and that these should be defined, existing provisions (the expert from Belgium referring to existing domestic legislation which could serve as inspiration, the expert from Finland to the requirement for home composting to be carried out in containers), and to the question of the addressee of the standard, and possible costs. The Commission representative clarified that the standard will be addressed to industry, not households, and clarified that the standard itself would not contain provisions on labelling.

In concluding, the Chair invited Member States' experts to submit written comments and suggestions on the draft mandate **by 22 August at the latest**.

**(iii) Study on the life cycle impact assessment of different possibilities to reduce the consumption of very lightweight plastic carrier bags and further steps**

The Chair introduced the item: According to the new Article 20a (1) PPWD, the Commission shall, by 27 May 2017, assess the life cycle impacts of different possibilities to reduce the consumption of very lightweight plastic carrier bags, and present a legislative proposal, if appropriate.

The Commission representative informed the group that a study on behalf of the Commission is currently being finalised. Its purpose was to identify whether there were alternatives with clearly better environmental footprint than others. It will be the basis for the Commission report, any policy decision on the way forward. The study will be published on the Commission's 'waste' Europa website and relevant information on its publication shared.

**(iv) Study on the impact of oxo-degradable plastic carrier bags on the environment**

According to the new Article 20a (2) PPWD, the Commission shall, by 27 May 2017, present a report to the European Parliament and to the Council, examining the impact of the use of oxo-degradable plastic carrier bags on the environment and present a legislative proposal, if appropriate.

The Commission representative explained that issue at stake is that some plastic carrier bags are marked as "oxo-biodegradable" or "oxo-degradable" by their manufacturers. In such bags, additives are incorporated into conventional plastics. Those additives make that the plastic fragments over time into small particles that remain in this form for an unknown time in the environment.

As there is currently no conclusive evidence available on the biodegradability and the impact on the environment of oxo-degradable plastic carrier bags, a study on these aspects and impacts is currently being undertaken on behalf of the Commission. This study is in the stage

of finalization and approval by the Commission. It will be the basis for the Commission report, which will be the basis for any policy decision on the way forward. Again, the Commission will circulate the information once the final report of the study is available.

(v) **Update by MS of implementing measures, including notification to the Commission**

The new provisions of the PPWD introduced by Directive 2015/720 have to be transposed into national legislation by 27 November 2016.

The Commission reminded experts that Member States are obliged to notify the national implementing measures already at the draft stage, pursuant to Article 16 of the PPWD and to Directive (EU) 2015/1535 on notification of technical measures.

Furthermore and as is the case for all Directives, Member States have to communicate to the Commission the text of the main **measures of national law which they adopt** in the field covered by the Directive. This includes the measures that already were in place at the time of adoption of Directive 2015/720.

At the moment of the meeting, only few notifications had been received, even though according to information received through the press or other sources a number of Member States had already draft or adopted measures.

The following notifications had been received:

- notification by France of a draft measure and subsequently of the adopted legislation
- notification of draft measures from Belgium (for the Walloon Region)
- notifications of adopted implementing measures from Bulgaria, the Netherlands and the United Kingdom.

Addressing the question from the Chair, a number of Member States' experts provided information on the state of play in their country. Some were in the stage of draft legislation, including modification of existing provisions to meet the Directive's requirements, others reported of measures, mostly fiscal measures, already in place. In a number of cases, previously concluded voluntary agreements were being formalized or updated.

Sweden informed that is currently running a national consultation of proposals for new legislation, proposing to require retailers to take at least 5 SEK (aprox. 50 euro cents) for any new plastic bag, require supplies of bags (i.e., bag producers and importers) to report on numbers of bags sold to retailers and require them to set up and run information campaigns explaining the importance of reducing bag consumption. Requirements are scheduled for introduction in conformity with the PPWD

The Commission representative reminded the Member States experts that the notifications are a legal obligation for all Member States.

**5. DUTCH KNOWLEDGE INSTITUTE SUSTAINABLE PACKAGING**

The Commission introduced the item, highlighting that the presentation of the work of the Dutch Knowledge Institute of Sustainable Packaging was to share an inspiring example; similar initiatives certainly existed in other Member States as well. The presentation should be

seen as an excellent opportunity to share experiences and maybe establish contacts for future co-operation.

The Director of the Dutch Knowledge Institute of Sustainable Packaging gave a presentation on the institute, its objectives and achievements. The institute was founded in January 2013 with the objective to promote structural sustainability of the entire packaging chain. It aims to contribute to the realization of a circular economy in the Netherlands, with high achievements in the areas of raw materials, supply chain management and recycling.

An exchange of experiences and ideas took place stimulated by questions, including on the question how one could measure “sustainability” of packaging rather than focussing on recycling rates.

## **6. REPORTING ON RECOVERY AND RECYCLING TARGETS**

The Commission representative presented the data reported to Eurostat for 2013.

The Commission observed that in 2013, more Member States than in the years before did not meet the minimum required recovery and/or recycling rates. Although it could not be said that this was a trend rather than an incidental occurrence, the Commission invited Member States experts to share their thoughts and possible explanations.

After the presentation of the latest data and trends, a discussion took place on the experience with the use of the template / guidance document that was updated in 2014 by Eurostat. The Commission representative also raised the question of the appropriateness of providing training to Member States on how to report. Only few experts asked for training at this stage, others indicating that they considered training was not timely now, and that it would be better to wait until the proposal for the amendment of legislation is adopted, and to base training on the modified rules.

The Commission representative also reminded the experts that the triennial report for the period 2013 – 2015 was still required, by September 2016, as the proposal under the ‘waste package’ to replace this requirement by annual reporting only for the future was not yet adopted.

## **7. MARKING AND IDENTIFICATION SYSTEM FOR PACKAGING**

The Commission representative reminded the group that there had been a need for clarification of the interpretation of Article 8 of the PPWD in conjunction with Commission Decision 97/129/EC, reason for which the item had been put on the agenda.

The wording of Article 8 PPWD (packaging shall bear marking ....) and Commission Decision 97/129/EC (marking system is voluntary) regularly causes some confusion. The Commission representative reconfirmed the interpretation that follows from the ECJ’s judgement C-309/2002 of (Radlberger & Spitz – PPWD is harmonizing measure), as follows:

- (i) The system laid down in Decision 97/129/EC is voluntary and Member States may not make an identification system mandatory;

- (ii) However, in case Member States will use an identification system for packaging material, they have to use the voluntary system laid down in Decision 97/129/EC and cannot use any other system than that one.

## **8. ANY OTHER BUSINESS**

- **Re-usable packaging**

The Commission representative explained that re-usable transport packaging such as wooden or plastic pallets and crates are examples of "circularity". However, the sector had informed the Commission services that it faces a number of obstacles that may jeopardize the proper and optimal use of such reusable pallets and crates. A representative of the industry gave a presentation to the meeting of how the pallet-pool system works and of the obstacles faced.

Obstacles faced are seen to include cumulative taxes for placing the packaging on the market, contributions to EPR systems, inconsistent interpretations in Member States about what has to be reported. In some cases these costs exceed the costs for producing new ones and placing new ones on the market rather than re-using them.

The Commission announced that it intends to continue addressing this issue and reflect on how this addressing the obstacles could be best be followed-up in a pragmatic way. Observations from Member States' experts were invited, also in written form following the meeting.

- **Next meeting**

The Chair announced that the next meeting will be scheduled for spring 2017, or in any case in the 1<sup>st</sup> half of 2017.

After this item the meeting was closed.

**Annexes:** Presentations given at the meeting by the Commission and its consultant