

Unofficial note of the Article 21 Committee Meeting on the Packaging and Packaging Waste Directive

Brussels, 15 February 2010

A. Summary

The meeting covered information from the Commission on the way forward for harmonisation of the interpretation of packaging items, a report on implementation of the Directive and a roundtable discussion on the implementation and enforcement of the essential requirements, including a presentation on the results of a recent study. Information sharing presentations were made by Belgium and Czech Republic.

B. Detail

1. Adoption of the agenda

Agenda was adopted with 3 items for AOB (below).

2. Adoption of the summary record of the meeting of 10 December 2008

The Minutes were taken as adopted.

3. Way forward on the harmonisation of the interpretation of the definition of packaging

Commission circulated a note to Member States in advance of the meeting on their preferred way forward. The Commission proposed issuing guidance which would effectively supplement that already given in Annex 1 of the Directive. Member States would be sent the draft guidance next month for comment.

The Commission noted that they would be undertaking conformity studies – DG Env Infringement unit would lead on this. Specifically they would be checking the transposition of the 2004 Directive by member states.

Clarification was sought on status of items in the new list but already shown in Annex 1 list of packaging and non-packaging items. The Commission confirmed there would be no changes to Annex 1.

4. Report on the implementation of the Packaging Directive for the period 2004-2006

The Commission made a presentation on the implementation of the Directive. This focused on data comparison between Member States, but also noted single market aspects and the Commission's guidance on beverage packaging.

Commission agreed that DG Env would ask DG Eurostat to continue to address data issues, for example where rates indicated over 100% recycling had been reported to ensure reporting methodologies were correctly applied.

UK asked if any additional work was foreseen following the communication on beverage packaging. Commission (DG Env) noted that this was put together by DG Enterprise (not present) who would need to follow up as required. Member States were reminded of the use of the official notification system in place for national measures and the ability of Member States and Commission to comment on them.

5. Implementation and enforcement of essential requirements in the member states

A presentation was made by Arcadis, providing an overview of the study¹, the methodology and the Arcadis recommendations.

The discussion led to a number of comments on the specific policy proposals and it was agreed further work was needed. There were some encouraging signs of support for more exchange of information on best practice regarding use of the essential requirements in packaging and enforcement. The Commission confirmed that following the comments of member states, it would be considering if any follow up work and Commission guidance was needed in this area.

UK shared a case study on enforcement, noting both the work done to resolve cases but also of a prosecution, noting the difficulty of application of “consumer acceptance” in a legal framework. Some other member states echoed that view.

6. Examples of best practice in member states

Commission noted its intention to regularly include presentations by Member States to share best practice at future meetings.

i) Presentation by Belgium

IVCIE (Interregional Packaging Commission) made a presentation on the Fost Plus and Val-I-Pak systems.

ii) Presentation by Czech Republic

Czech Republic presented their legislative framework, and secondly, the work of EkoKom (the Czech recovery organisation).

7. AOB

i) ISO Packaging and Environment Standards

UK sought views on the development of ISO Packaging and Environment Standards and the status of the existing CEN ones in this area. Following discussion, the Commission saw a number of ways forward but it would need to be seen how the ISO work developed. Commission reminded Member States that this was a technical area for them to get involved.

ii) Placing on the market issues

One member state raised an issue around market access requirements. Commission agreed to work with the member states involved to facilitate a discussion on this. There was a possibility of a broader discussion at the next meeting if needed.

iii) Market surveillance requirements of new legislative framework

One member state sought clarification of the application of the new market surveillance requirements (stemming from the New Legislative Framework for the marketing of products) to the Packaging Directive. The Commission was of the opinion it did not apply.

Closing of meeting

No date for the next meeting was given.

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¹ Report available online from DG Environment <http://ec.europa.eu/environment/waste/packaging/studies.htm>