

The Packaging and Packaging Waste Directive in brief

Current status of the Directive

European Parliament and Council Directive 94/62/EC on Packaging and Packaging Waste (the Packaging and Packaging Waste Directive) was adopted on 20 December 1994. Article 6 provides for a review of the recovery and recycling targets after the first five-year stage, and amending Directive 2004/12/EC lays down the next set of targets, as well as expanding the definition of “packaging”.

Since the original 1994 Directive was adopted, fifteen more countries have joined the EU. Directive 2005/20/EC establishes deadlines for the ten Member States that joined in May 2004 to meet the recovery and recycling targets; and targets for Bulgaria and Romania, which joined the EU in January 2007, were set out in their accession agreements.

Directive 2004/12/EC also set the agenda for a review of other issues which was intended to lead to a further revision of the Directive at a later date. The Commission has completed its review, and its main recommendation is that certain provisions of the Directive need to be clarified in order to facilitate the free movement of goods within the Internal Market. It does not believe that any changes to the targets, or any new targets, are needed at this stage.

The Directive in brief

Art 2, Art 3 as amended The Directive covers ***all packaging placed on the market within the EU and all packaging waste***, whether disposed of at industrial or commercial sites or in private homes. It sets out criteria to help decide whether an item is packaging or not, as well as illustrative examples of the application of these criteria.

Art 1 The Directive aims to harmonise national measures. It has twin objectives:

- ***to reduce the overall impact of packaging on the environment;*** and
- ***to bring national measures closer together*** in order to remove obstacles to trade and distortions of competition.

Art 7, Art 22 as amended ***National governments must ensure that systems are set up for the return or collection of used packaging***, so that it is effectively reused or recovered. Provided that the recovery and recycling targets are met, these systems may be based on agreements between the competent authorities and the economic sectors concerned rather than legislation.

Art 6 as amended Member states must take the necessary action to ensure achievement of the following targets by 31 December 2008:

- at least 60% by weight of packaging waste must be recovered or incinerated at waste incineration plants with energy recovery;
- at least 55% and no more than 80% by weight of packaging waste must be recycled;
- the following minimum recycling targets for materials contained in packaging waste must be attained:
 - 60% by weight for glass;
 - 60% by weight for paper and board;
 - 50% by weight for metals;
 - 22,5% by weight for plastics, counting exclusively material that is recycled back into plastics;
 - 15% by weight for wood.

By derogation, *Greece, Ireland and Portugal* have until the end of 2011 to meet these targets and the *new Member States* deadlines range from 2012 to 2015.

Art 9, Annex II Member States must ensure that packaging complies with certain "Essential Requirements". These include minimisation of packaging weight and volume to the amount needed for safety, hygiene and consumer acceptance of the packed product, minimisation of noxious or hazardous constituents, and suitability for reuse, material recycling, energy recovery or composting.

Art 18, Art 9 Packaging which complies with the Directive is guaranteed free access to European Community markets - and packaging which does not comply was to be banned from January 1998.

Art 10, Art 9 CEN, the European Committee for Standardization, was mandated by the European Commission to draw up **standards** relating to the Essential Requirements.

Art 4 as amended In addition to compliance with the Essential Requirements, **Member States are to ensure that other preventive measures are taken**, such as "collecting and taking advantage of the many initiatives being taken within Member States on packaging waste prevention." The Commission shall, as appropriate, present proposals for measures to strengthen and complement enforcement of the Essential Requirements and to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging.

Art 5 Member States may "encourage" environmentally sound reuse systems, provided these conform with the EU Treaty.

Art 6 as amended "Where appropriate" **Member States are to "encourage" the use of materials recovered from recycled packaging waste** in the production of new packaging and other products by improving market conditions for such materials, and by reviewing existing regulations preventing the use of those materials.

Art 11 *Member States are to limit the heavy metals present in packaging or packaging components.* From January 2000 the combined concentration levels of lead, cadmium, mercury and hexavalent chromium must not exceed 100 ppm by weight.

Art 15 Until such time as *economic instruments* have been introduced at EU level, Member States may adopt their own economic instruments to promote implementation of the objectives of the Directive.

Art 8 as amended, Annex I In order to facilitate collection, reuse and recovery by identifying the packaging material used, any *material identification system* is to be based on Commission Decision 97/129/EC. This Decision says that use of the material identification system it describes is voluntary.

Art 12 Member States must set up *national databases* to provide information on the "magnitude, characteristics and evolution" of packaging and packaging waste flows at national level, so as to help Member States and the Commission monitor implementation of the Directive.

Art 14, Art 16 Member States must include a chapter on packaging waste management in the *waste management plans* they have to submit to Brussels as required by the Waste Framework Directive. *They must also send the European Commission drafts of measures they intend to adopt* to implement the Directive so that the Commission and the other Member States can examine their compatibility with the internal market and, if necessary, challenge them.

Arts 19-21 A committee of national government representatives, chaired by a Commission official, will meet to agree any technical measures needed to deal with *problems encountered in applying the Directive to certain categories of packaging* and to adapt the marking system and database requirements to *scientific and technical progress*.