EUROPEAN AND NATIONAL

LEGISLATION ON PACKAGING
AND THE ENVIRONMENT

EUROPEAN AND NATIONAL

LEGISLATION ON PACKAGING
AND THE ENVIRONMENT
This publication has been produced by EUROPEN, The European Organization for Packaging and the Environment, with the assistance of Perchards Ltd, St Albans, UK.

© EUROPEN March 2016

European and National Legislation on Packaging and the Environment

Published by:
EUROPEN
Avenue de l’Armée 6 Legerlaan
1040 Brussels, Belgium
E-mail: packaging@europen-packaging.eu
Website: www.europen-packaging.eu
Twitter: @EUROPEN_ORG

While every effort has been made to ensure the accuracy of the contents of this publication up to the time of printing, EUROPEN cannot accept any responsibility or liability for any errors or omissions.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the publisher.

EUROPEN -- the European Organization for Packaging and the Environment -- is an EU industry association in Brussels presenting the opinion of the packaging supply chain in Europe on issues related to packaging and the environment, without favouring any specific material or system. EUROPEN members are comprised of multinational corporate companies spanning the packaging value chain (raw material producers, converters and brand owners) plus national packaging organizations all committed to continuously improving the environmental performance of packaged products, in collaboration with their suppliers and customers.
Dear Reader,

This updated ‘legislation book’ provides a comprehensive overview and analysis of the EU and national regulatory and policy framework for packaging and packaging waste. It explains the key laws related to environmental regulation at EU level and in the 28 Member States, affecting the packaging supply chain in Europe.

In particular, this publication aims to provide timely support to EUROPEN members and other stakeholders amidst the ongoing EU waste legislation review, as part of the EU’s Circular Economy Package.

Packaging needs to be able to fulfil its enabling role in a Circular Economy by optimising resource use, minimising waste and extending the value in a product and the economy. A life-cycle approach ensures this, taking into account the trade-offs as changes in one part of the value chain will inevitably affect another part.

This holistic approach is rightly reflected in the EU’s Packaging and Packaging Waste Directive, covering all packaging materials, and safeguarding a well-functioning Internal Market for packaging and packaged goods. In the early 90s, ahead of any policy discussions related to the Circular Economy, EUROPEN’s supply chain member companies understood that by teaming up material producers and packaging converters with brand owners, net environmental improvements can be made for individual packaged product value chains.

The Circular Economy Package offers a great opportunity to address remaining EU regulatory and market barriers as well as implementation and enforcement issues in the Member States. Along with a fully functioning and strengthened EU Internal Market for packaging and packaged goods, the EUROPEN membership is committed to further transition to a resource efficient and competitive Circular Economy. To this end, we will further support the EU institutions to achieve an enhanced, clear, predictable and proportionate EU legal framework that protects the environment and helps deliver competitiveness, more jobs and growth in Europe.

We hope you will find this publication useful and relevant to help address the policy and market challenges our supply chain is currently facing at EU and/or national level, as well as to identify opportunities and solutions together with the broader value chain partners.

Virginia Janssens
Managing Director
EUROPEN

Martin Reynolds
Chairman
EUROPEN

Brussels, March 2016
EUROPEN – the European Organization for Packaging and the Environment - is the only pan-European organisation dedicated exclusively to issues concerning packaging and the environment, with membership open to all partners in the packaging value chain, being the producers of packaging materials, the converters and the brand owners using the packaging materials. EUROPEN works for the achievement of non-conflicting European and national packaging & packaging waste measures based on a full understanding of the issues, close co-operation between all sectors of the packaging value chain and avoidance of barriers to trade.

EUROPEN members are identified as companies which support a united industry and trade organisation, dedicated to satisfactorily resolving the environmental challenges facing the packaging chain in an active and co-operative manner without favouring any specific packaging material or packaging system. The five packaging materials are: Carton, Glass, Metal, Plastic and Wood.

For further information about EUROPEN, please contact us or visit our website: www.europen-packaging.eu.

EUROPEN has its secretariat located in Brussels at the heart of the European Capital and home to the decision making bodies of the European Union.

The EUROPEN secretariat
Virginia Janssens is Managing Director with Gwendoline Riou fulfilling the role of EU Public Affairs and Communications Manager and Dara O’Flynn is the Membership and Administration Manager.

The EUROPEN Executive Committee (2015-2017)
The Executive Committee supervises the management of the organization and its members are selected to reflect the cross sectoral nature of EUROPEN. It is elected by EUROPEN’s Council of Members every two years and is currently chaired by Martin Reynolds and two Vice-Chairs, Hans van Bochove and Erika Mink.

CHAIRMAN
Martin Reynolds, CROWN Europe

1ST VICE CHAIRMAN
Hans van Bochove, Coca-Cola Enterprises, Inc.

2ND VICE CHAIRMAN
Erika Mink, Tetra Pak International

COMMITTEE MEMBERS
Philippe Diercxens, Groupe Danone
Thomas Gauther-Lafaye, PepsiCo International
Franz Liebempacher, Nestlé
Eugenio Longo, Borealis
Nicolas Robin, O-I Europe
Tony Taylor, Unilever

EUROPEN MEMBERS 2016
EUROPEN membership is open to any company with an economic interest in packaging or packaged goods.
CORPORATE MEMBERS

3M Europe
AMCOR
ArcelorMittal
ArdaghGroup
Ball Packaging Europe
BASF
Baxter Healthcare
Bel Group
Borealis
Braskem
Chanel
The Coca-Cola Company
Coca-Cola Enterprises, Inc
Coca-Cola HBC
Coesia SpA
Colgate-Palmolive
Constantia Flexibles International
CROWN Europe
Danone
Dow Europe
DSM Engineering Plastics B.V.
DS Smith Packaging
Ecolean
Elopak
Ferrero
Heineken
Huhtamäki
Japan Tobacco International
Jindal Films Europe
Mars
Metsä Board Corporation
Michelman
Mondelēz International
Mondi Packaging
NatureWorks LLC
Nestlé
Novelis
L’Oréal
O-I (Owens-Illinois)
PepsiCo International
Procter & Gamble
Rexam
Sealed Air
SIG Combibloc
Stora Enso
Tetra Pak International
Unilever
WestRock

NATIONAL ORGANIZATIONS

Bosnia and Herzegovina: Association for Packaging & Packaging Waste Management (Bihpak)
Czech Republic: Czech Industrial Coalition on Packaging and the Environment (CICPEN)
Finland: Finnish Packaging Association (Pakkaus)
Romania: Romanian Association for Packaging and the Environment (ARAM)
Russia: Russian Packaging and Environment Commitee (RusPEC)
Slovakia: Slovak Industrial Coalition on Packaging and the Environment (SLICPEN)
Sweden: Trade and Industry Group (MILJÖPACK)
TABLE OF CONTENTS

PART 1:
THE EC DIRECTIVE ON PACKAGING AND PACKAGING WASTE AND FOLLOW-UP MEASURES 8
- Current Status of the Directive 9
- The Directive in Brief 9
- Scope of the Directive 11
- National Targets and Systems 12
- Energy Recovery 16
- The Essential Requirements and the Free Movement of Goods 16
- The CEN Standards 17
- Prevention 17
- Re-use Systems 18
- Use of Recycled Packaging Material 19
- Heavy Metals Limit 20
- Economic Instruments 20
- Packaging Marking and Identification of Packaging Material 21
- Data 23
- Applying the Directive to Special Categories of Packaging 23

PART 2:
THE ESSENTIAL REQUIREMENTS AND THE CEN STANDARDS 24
- The “New Approach to Technical Harmonisation 25
- Status of the CEN Standards 25
- Philosophy Underlying the CEN Standards 25
- The CEN “umbrella standard” (EN 13427:2004) 25
- The CEN standard on prevention (EN 13428:2004) 26
- The CEN standard on reusable packaging (EN 13429:2004) 27
- The CEN standard on material recycling (EN 13430:2004) 28
- The CEN standard on energy recovery (EN 13431:2004) 28
- The CEN standard on organic recovery (EN 13432:2000) 29
- EUROPEN guidance on use of the standards 30
- Global packaging standards 30

PART 3:
EU WASTE MANAGEMENT POLICY 31
- The Waste Framework Directive 32
- The Landfill Directive 33
- The Waste Incineration Directive 33

PART 4:
THE EUROPEAN COMMISSION’S CIRCULAR ECONOMY PROPOSALS 34
- Objectives and Contents of the Circular Economy Package 35
- Alignment of Definitions in the PPWD and the amended WFD 36
- Legal Base of the PPWD 38
- Proposed New Packaging Waste Targets 38
- Proposed New WFD targets 39
- Calculation Methodology 40
- New Restrictions on Landfilling 40
- Extended Producer Responsibility (EPR) 41
- Litter 42
- Reporting 42
- The Action Plan for the Circular Economy 42

PART 5:
RESOURCE MANAGEMENT AND SUSTAINABILITY 44
- Sustainable Production and Consumption 45
- Roadmap to a Resource Efficient Europe 46
- The Product Environmental Footprint (PEF) 47
PART 6: PACKAGING AND FOOD AND CHEMICALS SAFETY 49
Materials and Articles in Contact with Foodstuffs 50
Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) 52

PART 7: NATIONAL IMPLEMENTATION OF THE PACKAGING AND PACKAGING WASTE DIRECTIVE 54
Albania 55
Austria 56
Belgium 58
Bosnia and Herzegovina 60
Bulgaria 61
Croatia 62
Cyprus 63
Czech Republic 64
Denmark 65
Estonia 66
Finland 67
France 69
Germany 70
Greece 72
Hungary 73
Iceland 73
Ireland 74
Italy 75
Kosovo 75
Latvia 76
Liechtenstein 76
Lithuania 77
Luxembourg 78
Macedonia (The Former Yugoslav Republic of Macedonia) 79
Malta 80
Montenegro 80
Netherlands 81
Norway 82
Poland 83
Portugal 85
Romania 86
Serbia 87
Slovakia 88
Slovenia 89
Spain 90
Sweden 91
Switzerland 92
Turkey 93
United Kingdom 94

APPENDIX I: LEGISLATION IN FORCE IN THE EU MEMBER STATES, THE EEA, SWITZERLAND AND THE ACCESSION STATES 97

APPENDIX II: THE PRINCIPAL NATIONAL WASTE RECOVERY SCHEMES COVERING HOUSEHOLD PACKAGING 105

APPENDIX III: WHERE TO BUY THE CEN STANDARDS 109