




EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy & Green Growth
ENV.B - The Director

Brussels
ENV.B. KS Ares (2020)


EUROPEN
The European Organization for
Packaging
and the Environment aisbl
Avenue de l'Armée 6,
B-1040 Brussels,
Belgium

Email 

Dear 

Thank you for your e-mail and the letter attached to it, which you have addressed also to competent European Commissioners including the President of the European Commission. With this reply, I am replying only on behalf of my directorate.

Firstly, I would like to assure you that I fully share your views as regards the need to protect the internal market and that we are taking actions in order to preserve this essential characteristics and key achievement of the European Union.

In your letter, you refer to the uneven transposition of the waste legislation, in particular Waste Framework Directive (2008/98/EC; WFD)¹, Packaging and Packaging Waste Directive (1994/62/EC; PPWD)² and Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (SUP Directive)³. I would like to assure you that my services are doing everything to prevent this. For the two directives, WFD and PPWD, which were revised in 2018 and had to be transposed by the Member States into their national legislations by July this year, we intend to launch non-conformity infringement cases, where these will prove necessary given the importance of any incorrectly transposed provisions, once a sufficient number of Member States have actually achieved the transposition of these directives. Currently, this is a problem as, due to the Covid-19 situation, many of them have failed to meet the July deadline. The countries concerned will therefore first receive letters of formal notice for lack of transposition.

Furthermore, we have been working hard to provide further guidance to the Member States and stakeholders in interpreting some of the key concepts related to the extended producer

¹ OJ L 312, 22.11.2008, p. 3–30 as last amended by Directive 2018/851 (OJ L 150, 14.6.2018, p. 109–140)

² OJ L 365, 31.12.1994, p. 10–23 as last amended by Directive 2018/852 (OJ L 150, 14.6.2018, p. 141–154)

³ OJ L 155, 12.6.2019, p. 1–19

responsibility under the Waste Framework Directive, which apply also to the Packaging and Packaging Waste Directive. We expect that this guidance will be adopted by the end of the year.

As regards the SUP Directive, we are equally striving to ensure its uniform interpretation and will be issuing guidance interpreting some of its key concepts. We are aiming for adoption of the Guidelines in Q4 of this year.

Furthermore, already in September 2019, right after the adoption of the SUP Directive, we sent administrative letters to all the Member States (Ares(2019)5667309) guiding them how they should interpret the deadlines in Article 17 of the Directive, the relationship between the PPWD and the SUP Directive and the need to notify the transposition measures, which are technical regulations, under the internal market Technical Regulations Information System (TRIS). In October 2019, my colleague presented this directive and the guidance at the TRIS Technical Regulations Committee and this has been also repeated several times at the dedicated technical and expert committees for the SUP Directive.

As regards the planned revision of the Packaging and Packaging Directive, the amendment will be based on Art. 114 TFEU and the preservation of the internal market is one of our main objectives. The recently published [Inception Impact Assessment roadmap](#)⁴ states that the general objective of this initiative is a well-functioning internal market while tackling negative impacts on environment and health from packaging and packaging waste.

As regards specifically the situation in France, and the two notified draft decrees, on which you have issued a joint statement, I would like to assure you that the Commission has taken this position into account in the forming of its own assessment and that appropriate action will be taken in due time. Furthermore, the issue has been discussed and will continue being discussed with the French authorities at appropriate occasions.

Yours sincerely,

e-signed

Kestutis Sadauskas

⁴<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12263-Review-of-the-requirements-for-packaging-and-feasibility-of-measures-to-prevent-packaging-waste>