



**MEETING OF THE COMMITTEE ON WASTE ESTABLISHED UNDER ARTICLE 39 OF DIRECTIVE  
2008/98/EC - PACKAGING AND PACKAGING WASTE**

**Tuesday 21 June 2022**

Commission:

- [REDACTED], HoU, DG ENV (Chair)
- [REDACTED], DG ENV
- [REDACTED], DG ENV
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- [REDACTED], DG ENV
- [REDACTED], DG ENV
- [REDACTED], DG ENV
- [REDACTED], DG ESTAT
- [REDACTED], DG ESTAT
- [REDACTED] (HoU), DG BUDG
- [REDACTED], DG BUDG

Member States:

- Austria (Federal Ministry for Climate Action, Environment, Energy, Mobility Innovation and Technology),
- Belgium (Interregional Packaging Commission; Public waste Agency of Flanders),
- Bulgaria (Ministry of Environment and Water),
- Croatia (Ministry of Environment and Energy),
- Cyprus (Ministry of Agriculture, Rural Development and Environment),
- Czech Republic (Ministry of the Environment),
- Denmark (Ministry of Food and Environment of Denmark, Environmental Protection Agency),
- Estonia (Environmental Inspectorate),
- Finland (Ministry of Environment, Centre for Economic Development),
- France (Ministry for Ecological Transition),
- Germany (Ministry of the Environment and German Environmental Agency),
- Hungary (Ministry for Environmental Affairs),
- Ireland (Environmental Protection Agency),
- Luxembourg (Administration de l'Environnement),
- Malta (Ministry for the Environment, Climate Change and Planning),
- Portugal (Portuguese Environmental Agency, Resource Recovery & Recycling Agency, Environment & Resources Authority),
- Romania (Ministry of Environment, Water and Forests),
- Spain (Ministry of Ecological Transition),
- Sweden (Environmental Protection Agency),
- Slovakia (Ministry of Environment of the Slovak Republic),

- Norway (EEA) (Norwegian Environmental Agency).

### **1. Welcome and Adoption of the Agenda**

The Chair greeted the participants, introduced the proposed draft agenda and asked if there were any comments/questions on it. The agenda was adopted without changes.

### **2. Information on adoption of the Summary Record of the TAC meeting held on 11 March 2020**

The Summary Report of the previous meeting (11/03/2020) had been uploaded to the Comitology Register and sent to all Member States. Nobody had raised any issues or suggested any corrections.

### **3. Presentation by the Commission of the draft implementing act establishing the form for the statements relating to the own resource based on non-recycled plastic packaging waste (presentation by Commission)**

The Chair introduced the presentation to be given by the responsible service, ESTAT, underlining that the plastic own resource based on Council Regulation 2020/2053<sup>1</sup> is a revenue to the EU Budget for which Member States contribute to the EU budget on the basis of the non-recycled plastic packaging waste. The plastic own resource (POR) is based on the Packaging and Packaging Waste Directive (PPWD), and formally requires data from the Member States to be transmitted to the Commission every year.

The Chair pointed out that statistical quality is of the highest relevance to ensure fairness between Member States and that the own resource shall help improving the quality of the packaging and packaging data collection.

The Chair recalled that the role of the current TAC is to assist the Commission in committee procedures (according Regulation (EU) No 182/2011) defining provisions for the plastic own resource) and that in the current case the advisory procedure should be used for the adoption of the implementing act to establish forms for the statements relating to the own resource based on non-recycled plastic packaging waste as discussed in this TAC.

The Chair thanked Member States for the input already received from Member States experts in the preparation of this draft through the formal expert group on statistics on plastic packaging waste led by Eurostat and announced that they will still have the possibility to send additional comments by 28 June.

#### **The Chair gave the floor to the representative from Eurostat.**

ESTAT presented the legal base for the plastic own resource and underlined the role of the SPPW expert group and the current committee. Thus, the expert group's (set up based on Article 13 of Regulation 2021/770) role is to assist the Commission in the early preparation of implementing acts to be adopted pursuant to Regulation (EU) 2021/770, with adoption taking place through the Committee in accordance with Regulation (EU) No 182/2011.

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<sup>1</sup> OJ L 424, 15.12.2020, p. 1–10

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020D2053&qid=1609775612824>

ESTAT recalled that the current version is based on the feedback received from three rounds of consultation in the SPPW expert group until 3 June and that some comments are still under consideration (e.g. on the role of reusable packaging). The deadline for feedback from the TAC on this version is 28 June.

ESTAT outlined the next steps towards adoption and implementation: following inter-service consultation, another TAC meeting was planned for 22 November with a possible vote under advisory procedure, aiming at adoption by the end of 2022; entry into force 20 days after publication in the OJ; reporting would start in July 2023.

ESTAT presented the objectives of the legal act, which aims to ensure high quality, comparability, reliability and exhaustivity of national statistics for plastic packaging waste; to examine, on an annual basis, the data submitted in accordance with Article 5(5) of Regulation (EU) 2021/770; and to issue annual opinions according to Art. 13 of that Regulation on the appropriateness of the submitted data.

ESTAT presented the tables in Annex II and described how the annual statements and the data structure will work.

Finally, ESTAT explained some definitions that have been modified since the first draft, based on Member States' contributions in the SPPW Expert Group, in particular: '*plastic packaging waste generated*'; '*plastic packaging waste recycled*'; '*producer responsibility organisation*'; '*placing on the market*'; '*placed-on-the-market approach*'; '*waste analysis approach*'; '*free-rider*'; '*de minimis*'; '*self-complier*';

#### **Discussion:**

One Member State inquired which calculation method can be applied for plastic packaging waste recycled for the years 2021 - 2024, notably if it should be only the "new" one. EUROSTAT replied that it is obligatory to use the new method for the calculation of the new targets, which need to be reported this year for the first time. Member States may still report on the old targets based on the old calculation methodology; however, they are strongly encouraged to use the same methodology also for the "old" targets.

Any Member State who wishes to continue reporting on the attainment of the old targets based on the old rules must also fill in a separate table (Table 1a) in the Eurostat questionnaire. Those who wish to report attainment of the old and the new recycling targets based on the new calculation rules, only need to complete Table 1.

A Member State representative asked for precision on the interpretation of the proposed definition of Waste composition analysis (household and mixed). Eurostat replied that the general principle is that the same information should be reported under the POR and PPWD and took note of this in order to give further detail at a future EG meeting.

A Member State representative proposed to add the word "municipal" in the new definition.

#### **4. Presentation by the Commission of a questionnaire "Sharing best practices on Member States' policies related to the plastic based own resource"**

The Chair introduced the reasoning behind the questionnaire being shared with Member States saying that several Member States expressed interest to exchange best practices during the Expert Group on Waste of 17 March related to the implementation of the Packaging Directive.

The Chair stressed that the introduction of the new plastic based own resource was an important step in the direction of aligning the revenue side of the budget with the EU's policy priorities, such as the circular economy. Following the ratification of Council Decision (EU) 2020/2053 by

Member States, the plastic based own resource is being applied retroactively as of 1 January 2021.

The Chair recalled that the Commission proposed to assess the impact of the plastic based own resource one year after its implementation, which justifies a questionnaire to Member States.

The Chair explained that this questionnaire aims to collect and exchange information on Member States' reaction to the introduction of the plastic-based own resource; and to assess the impact of the own resource on environmental policies.

**The Chair gave the floor to the representative from the Commission service in charge of the plastic own resource, DG BUDG.**

The DG BUDG representative recalled how the EU budget is financed, i.e. by four own resources (custom duties; VAT; Plastics; and GNI). Own Resource Decision are adopted at unanimity by the Council and ratified by each Member States in line with their constitutional requirements (Art. 311 TFEU). Plastics is the last own resources adopted in 2020, in line with EU policy priorities and EU budget.

She in more detail explained the functioning of the plastic based own resource, which has to be equal to the quantity of non-recycled plastic packaging waste multiplied by 0,8 €/kg (low-income Member States benefit from a lump sum correction) and it is based on the existing statistical reporting system put in place by the Plastic Packaging Waste Directive.

The rationale of a plastic-based own resource was recalled by explaining that it supports the plastics strategy, contributes to meeting EU binding targets.

The DG BUDG representative recalled that the plastic-based own resource is not a tax, that Member States remain free to take any action (regulatory/tax) they consider appropriate and that no additional administrative burden would be imposed over the existing statistical system. That being said, Member States must act in accordance with the EU legislation and the Treaty.

BUDG mentioned that in this context the sharing of best practice is important to assess the well-functioning of EU policies by obtaining reliable information on how Member States react to the own resource and what kind of measures (regulation/tax) they put in place. The questionnaire aims to gather information for this ex-post assessment and to share best practices.

Lastly, DG BUDG representative announced the 30 September 2022 as the deadline for replies by Member States, with the intention to present the results in December 2022 (tbc). More questions and information are possible at [BUDG-MBX-B02@ec.europa.eu](mailto:BUDG-MBX-B02@ec.europa.eu).

No comments were made by the Member States.

**5. State of play of the Revision of the Packaging and Packaging Waste Directive**  
*(Presentation by the Commission)*

The chair stated that the IA was submitted to the RSB and received a negative opinion in mid-May. The IA is being revised to take into account the RSB's comments. Therefore, the adoption of the COM proposal for the revision in July is no longer feasible. The resubmission of the IA to the RSB is scheduled for the end of July while, in parallel, work on the legal drafting is underway to arrive at the Commission proposal in the second half of November/early December.

The chair mentioned that the stakeholder workshop on 30 May, to which some Member State representatives participated as well, provided further input for the revision of the current directive. The Chairman pointed out that one of the clear messages from all the stakeholders is that the legal instrument should be a regulation, which is directly applicable to market operators and avoids a situation, as we are currently experiencing, of further distortion of the internal

market through different implementation at national level, delays of the Member States in transposing the Directive into national law and supervision of the national rules by the Commission.

The chair stressed that it is crucial - not only for the avoidance of market distortions but also for the effectiveness of the measures themselves - that the measures are in future taken at EU level in a harmonised and consistent manner.

With respect to the current implementation of the Directive, the chair asked the Member States with a view to the forthcoming revision of the legislation, which will take more action to improve the recycling of packaging, to stop the increase in packaging waste and the decline in reuse, to be cautious in creating unilateral national systems that might impede the phasing in of the future new rules. The chair also reported complaints from the industry on national legislation, in particular regarding the labelling, which creates internal market barriers.

One Member State asked whether the proposal for the revision of the PPWD would be published at the same time as the Communication on the policy framework for bioplastics and biodegradable plastic. DG ENV replied that, according to the current planning, this is foreseen.

Another Member State requested a precision on how to report wooden packaging between reuse and recovery to avoid double-counting. ESTAT answered that a written communication on this subject will be proposed in response.

## **6. Any other business**

Member States experts will be informed of the next meeting in due time.

No additional issue was raised and the Chair concluded the meeting.