



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0527/PL (Poland)

Draft Act amending the Act on Packaging Management and Packaging Waste and certain other Acts

Date received : 19/09/2024

End of Standstill : 20/12/2024 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2024) 2528

Directive (EU) 2015/1535

Notification: 2024/0527/PL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20242528.EN

1. MSG 001 IND 2024 0527 PL EN 19-09-2024 PL NOTIF

2. Poland

3A. Ministerstwo Rozwoju i Technologii, Departament Obrotu Towarami Wrażliwymi i Bezpieczeństwa Technicznego, Plac Trzech Krzyży 3/5, 00-507 Warszawa, tel.: (+48) 22 411 93 94, e-mail: notyfikacjaPL@mrit.gov.pl

3B. Ministerstwo Klimatu i Środowiska, Departament Gospodarki Odpadami, Wawelska 52/54, 00-922 Warszawa, tel. (+48 22) 57-92-262, fax: (+48 22) 57-92-795, e-mail: Departament.Gospodarki.Odpadami@mos.gov.pl

4. 2024/0527/PL - S10E - Packaging

5. Draft Act amending the Act on Packaging Management and Packaging Waste and certain other Acts

6. Packaging and Packaging Waste

7.



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

8. In order to ensure the planned implementation of deposit and return systems and the coordination and supervision of their operation, it is necessary to clarify some provisions on the preparation and operation of the deposit and return system. The most important of these are provisions on

- * strengthening the role of the Minister as the body supervising the activation of the deposit and return system, including the specification of the conditions for granting a licence, as well as information and control obligations;
- * modification of the regulations in order to create the so-called closed deposit return system;
- * exemption from the obligation to separately collect packaging for beverages containing milk, yoghurt or other drinking milk products under the deposit and return system;
- * introduction of a requirement for at least one fixed collection point per municipality;
- * introduction of a provision allowing the collection of packaging waste covered by the Act collected from non-professional collectors;
- * indication that, from 2026, the product levy will be three times the product levy rate for importers who have not subscribed to any of the deposit and return systems;
- * solutions for VAT have been proposed - it has been indicated that representative bodies will be obliged to collect and pay VAT only on deposits for packaging not returned under this system.

9. Work on the project has been initiated in the context of doubts as to whether the current provisions are sufficient to ensure the planned introduction of deposit and return systems and their reliable operation. The provisions of the Act do not specify the role that the Minister should play in the process of creating and operating deposit and return systems, but the expectations of society in terms of ensuring the efficiency of the operation and the timely launch of the system are directed towards the government administration. Given the need to introduce effective methods of managing and monitoring the implementation of projects, it is important to strengthen the coordinating role that should be given to the Minister responsible for the provisions related to the deposit and return system. A number of risks have been identified in the absence of work on the draft act. The most important of these are: insufficient supervision in the pre-launch phase of the deposit and return system; the risk of irregularities in the planning of the operation of deposit and return systems; the risk of fraud and embezzlement in the accounting of collected packaging and deposits.

In order to minimise the occurrence of risks and limit their effects, amendments to the Act are planned, which will strengthen the role of the Minister as an authority that not only issues a decision on the basis of detailed data provided by representative bodies, but also supervises the implementation of individual stages leading to the introduction of the system.

10. References of the Basic Texts: 2023/0351/PL

The basic texts were submitted under the previous notification:
2023/0351/PL

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu