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

Notification Number : 2026/0007/PL (Poland)

poselski projekt ustawy o zmianie ustawy o gospodarce opakowaniami i odpadami opakowaniowymi oraz ustawy o zmianie ustawy o gospodarce opakowaniami i odpadami opakowaniowymi oraz niektórych innych ustaw.

Date received : 12/01/2026
End of Standstill : 13/04/2026

Message

Message 001

Communication from the Commission - TRIS/(2026) 0094

Directive (EU) 2015/1535

Notification: 2026/0007/PL

Notification of a draft text from a Member State

Notification – Notification – Notifzierung – 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 - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx 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: 20260094.EN

1. MSG 001 IND 2026 0007 PL EN 12-01-2026 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. Przedstawiciel wnioskodawców w pracach nad projektem ustawy - poseł Gabriela Lenartowicz
adres email: gabrielalenartowicz@gmail.com; nr telefonu: +48 571244002

4. 2026/0007/PL - S10E - Packaging

5th Parliamentary Draft Act amending the Packaging and Packaging Waste Management Act and the Act amending the Packaging and Packaging Waste Management Act and certain other acts.

6. - diversification of methods for fulfilling the obligation of a selective collection of packagings referred to in item 3 of Annex 1a to the Act,
— obligation to achieve a separate collection rate for packagings of at least the amount specified in item 3 of Annex 1a to the Act.

7.
Directive (EC) No. 94/62 on packaging and packaging waste
The draft provides that persons placing products in beverage packagings and directly placing products in beverage packagings remain obliged to achieve a separate collection rate for packaging of at least the amount specified in item 3 of Annex 1a to the Act, but the scope of this obligation remains unchanged. However, the way in which it is implemented is changed by introducing the possibility of choosing between a participation in the central deposit system and operating an independent packaging collection system.

8. The draft provides that persons placing products in beverage packagings and directly placing products in beverage packagings remain obliged to achieve a level of separate collection of packaging of at least the amount specified in item 3 of Annex 1a to the Act. The draft aims to clarify rules for the implementation of the obligation to separately collect beverage packagings made up of reusable glass bottles.
Under current legislation, packagings collected outside the deposit-refund system may be counted towards the obligation set out in Article 21a(2) of the Act, but there are no provisions specifying detailed conditions and a manner of demonstrating compliance with this obligation in relation to collection systems operated outside the deposit-refund system. At the same time, it is proposed that a participation in the central deposit and return system for packagings referred to in item 3 of Annex 1a to the Act should be voluntary, while allowing businesses to operate their own collection systems for reusable glass bottles. The draft stipulates that provisions concerning entities directly placing products in beverage packagings on the market, with the exception of those relating to the deposit system, shall apply accordingly to entities placing products in beverage packagings referred to in item 3 of Annex 1a to the Act which have not joined the deposit system.

9. At the heart of the problem there is the risk of dismantling efficient return systems for reusable glass bottles, organised by the producers themselves, following the entry into force of the Act of 13 July 2023 amending the Packaging and Packaging Waste Management Act and certain other acts. The current wording of Article 9(3) of this Act requires the termination of non-organised systems by the representing entity on 31 December 2025. The problem has the following practical dimensions:
a) Risk for collection levels: Current production systems achieve the efficiency of more than 90 %. Including reusable bottles in a formalised central deposit and return system (focused on single-use packagings) risks breaking these levels by lengthening the logistics chain and losing control over packaging rotation.
b) Increase in costs and prices: Compulsory participation in the central system entails a significant increase in logistical costs (producer fees, transport to counting centres) which may result in increased prices of products for consumers.
c) Excessive regulation (‘gold-plating’): EU legislation (SUP Directive, PPWR Regulation) does not impose an obligation to include reusable glass bottles in the central deposit and return system. Current national provisions go beyond EU requirements.

10. Reference(s) to basic text(s): 2024/0527/PL,2023/0351/PL

Reference texts were submitted under the previous notification:
2024/0527/PL
2023/0351/PL

11. No

12.

13. No

14. No

15. Yes

16.
TBT aspects: No

SPS aspects: No

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European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu