

DECLARED REGULATORY IMPACTS (DRI) Draft Act

Draft information

a) Title of the 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.

b) Representative of the Applicant:

Gabriela Lenartowicz

I. Introductory part

[1] Concise description of the identified problem and proposed solutions.

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 imposes an obligation to terminate the operation of systems not organised by the representative entity as of 31 December 2025.

The problem has the following practical dimensions:

- a) **Threat to collection levels:** Current production systems achieve an 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 substantial increase in logistic costs (producer fees, transport to the counting centres), which may result in higher product prices 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. The current national provisions go beyond EU requirements.

[2] Have alternatives been considered?

➤ **No**

The recommended solution is to amend provisions of respective acts to allow systems for the return of reusable glass bottles to continue to function on the basis of existing rules or in a mixed model.

II. Requirements specified in Article 34(2)(3–5) of the Rules of Procedure of the Sejm

[3] What are anticipated legal consequences of the proposed solutions?

The submitted draft aims to diversify methods of implementing the obligation of a selective collection of packagings referred to in item 3 of Annex 1a to the Act, while maintaining current levels required by law. The draft provides that persons placing products in beverage packagings and persons placing products in beverage packagings directly on the market remain obliged to achieve a level of separate collection of teh packagings 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.

The draft aims to clarify rules for the implementation of the obligation to separately collect beverage packagings comprising reusable glass bottles. Under the 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 the detailed conditions and manner of demonstrating compliance with this obligation in relation to collection systems operated outside the deposit-refund system. Therefore, a clear regulation is introduced determining how the levels of separate collection of packagings and packaging waste are calculated.

At the same time, it is proposed that the 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. This means moving away from the structure of a mandatory participation in the central deposit and return system towards a model where, within the limits of the collection rates laid down by law, producers can implement the separate collection obligation themselves, without the involvement of a representative entity.

The draft also stipulates that producers placing products in beverage packagings referred to in item 3 of Annex 1a to the Act who have not joined the deposit system shall be subject to the provisions applicable to producers placing products directly in beverage packagings, with the exception of provisions relating to the deposit system. This reference ensures the consistency of statutory provisions, in particular as regards reporting obligations, record-keeping obligations and responsibility for achieving the statutory levels of a separate collection. If an entrepreneur chooses the independent selective collection model, they will not be exempt from the general regime of obligations incumbent on those who directly introduce products in beverage packagings; this provision merely eliminates those elements that are functionally related solely to participation in the deposit system.

In the case of operators who do not enter the central deposit and return system and who implement the separate collection obligation under a system that has been set up and maintained independently, the draft introduces an obligation to notify the Minister responsible for climate

matters of their intention to achieve the separate collection rates for packagings referred to in item 3 of Annex 1a to the Act. Those placing reusable glass bottles on the market who wish to use their own collection system will have three months from the date of first placing on the market of products in beverage packagings covered by the deposit collection and return system set up by that person to make such a notification. This solution applies in particular to new collection systems and serves to ensure transparency and supervision of the fulfilment of obligations arising from extended producer responsibility. The purpose of this obligation is to provide the central authority responsible for supervising deposit and return systems in Poland with complete information on all functioning return systems for reusable packagings, which is necessary for market monitoring and the achievement of environmental objectives.

In addition, the newly designed Article 44(2a) clearly confirms that under the systems set up and operated by reusable glass bottle introducers, the reimbursement of the sum of money collected does not require the presentation of proof of purchase. This is in order to ensure regulatory consistency and to confirm the existing common market practice, which is well known and accepted by consumers.

The draft act also amends Article 9(3) of the Act of 13 July 2023 amending the Act on packaging and packaging waste management and certain other acts (Journal of Laws, item 1852, as amended) by extending the deadline for the operation of existing reusable glass bottle return systems. Instead of ordering their liquidation, the proposed provision explicitly states that entrepreneurs who created and operated such systems before the entry into force of the amendment to the Act (i.e. before 13 October 2023) may continue to operate them under the existing rules, but no longer than until 31 December 2028. The draft bill also introduces an obligation for entrepreneurs who wish to continue operating their systems under the existing rules to notify the minister responsible for climate matters of their intention by 31 March 2026.

The draft provides for entry into force on the day following the date of publication, in view of the substantial importance of the changes in question for economic operators who expect urgent legislative changes, providing a stable and predictable legal framework for the continued operation of existing market-based return systems for reusable glass bottles.

[4] What are the expected social impacts of the proposed measures?

The aim of the proposed amendment is to protect the public interest by maintaining proven and ecologically effective solutions. The amendment aims to remove an unnecessary regulatory barrier and confirm that these systems can continue to operate under the existing rules, providing an alternative to the central deposit system for reusable glass bottles. The project has the potential to have a positive, stabilising impact on the labour market, in particular in the retail and logistics sectors. It prevents a possible increase in the running costs of small commercial establishments, which could result in their closure and reduction of employment.

[6] What are the expected financial implications of the proposed measures, in particular the impact on the public finance sector, including the state budget and the budgets of local authorities?

The proposed solutions do not have financial consequences for the public finance sector, including the state budget and local government budgets.

[7] List of sources of financing if the draft act entails a burden on the state budget or the budgets of local government units.

Not applicable

[8] Is the Draft Act subject to the notification procedure?

➤ No

III. Requirements specified in Article 34(2a) and (2b) of the Rules of Procedure of the Sejm

[9] Does the draft bill contain provisions specifying the rules for undertaking, conducting or terminating economic activity (Article 34(2a) of the Rules of Procedure of the Sejm)?

➤ No

		Impact						
Time in years since entry into force of the amendments		0	1	2	3	5	10	Total (0-10)
In monetary terms (PLN million)	large enterprises							
	micro-, small- and medium-sized enterprises							
	families, citizens, and households							
In non-monetary terms	large enterprises	Maintaining control over assets (packagings) and the product life cycle.						
	micro-, small- and medium-sized enterprises	Maintaining control over assets (packagings) and the product life cycle.						
	families, citizens and households							
Unmeasurable	Not applicable							

Additional information, including the identification of data sources and assumptions made in the calculation	The lack of the regulation would result in the need to freeze working capital to finance deposits in the central system (estimated at PLN 270,000 - 830,000 for an average entity), which would burden the financial liquidity of enterprises.
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[10] Will the implementation of the draft provisions create any administrative burdens for micro, small and medium-sized enterprises (Article 34(2a) of the Rules of Procedure of the Sejm)?

➤ **No**

1. Change in the regulatory burdens (including disclosure obligations) resulting from the draft	
Burdens are placed outside those strictly required by the EU (see the inverted compatibility table for details).	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> not applicable
<input checked="" type="checkbox"/> reduction in the number of documents <input checked="" type="checkbox"/> reduction in the number of procedures <input checked="" type="checkbox"/> other: deregulation of clearing obligations	
The introduced burdens are suitable for digitisation.	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> not applicable
The project is deregulatory in its nature. It exempts traders from the obligation to participate in the system of the representing entity, eliminating the need for complex inter-transmission system operator settlements.	

[11] Does the draft act contain regulatory provisions or lay down requirements for the provision of cross-border services within the meaning of the Act of 22 December 2015 on the rules governing the recognition of professional qualifications acquired in the Member States of the European Union (Article 34(2b) of the Rules of Procedure of the Sejm)?

➤ **No**