Message 115

Communication from the Commission - TRIS/(2023) 3100

Directive (EU) 2015/1535

Notification: 2023/0490/BE

Forwarding of a detailed opinion received by a Member State (Czechia) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 08-02-2024.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπεριστατωμένη γνώμη - Dictamen circunstanciado - Üksikasjalik arvamus - Yksityiskohtainen lausunto - Detaljno mišljenje - Részletes vélemény - Parere circostanziato - Išsamiai išdėstyta nuomonė - Sīki izstrādāts atzinums - Opinjoni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 08-02-2024. - Prolonge le délai de statu quo jusqu'au 08-02-2024.- Die Laufzeit des Status quo wird verlängert bis 08-02-2024.- Удължаване на крайния срок на статуквото до 08-02-2024. - Prodlužuje lhůtu současného stavu do 08-02-2024. - Fristen for status quo forlænges til 08-02-2024. - Παρατείνει την προθεσμία του status quo 08-02-2024. - Amplía el plazo de statu quo hasta 08-02-2024. - Praeguse olukorra tähtaega pikendatakse kuni 08-02-2024. - Jatkaa status quon määräaikaa 08-02-2024 asti. - Produžuje se vremensko ograničenje statusa quo do 08-02-2024. - Meghosszabbítja a korábbi állapot határidejét 08-02-2024-ig. - Proroga il termine dello status quo fino al 08-02-2024. - Status quo terminas pratęsiamas iki 08-02-2024. - Pagarina “status quo” laika periodu līdz 08-02-2024. - Jestendi t-terminu tal-istatus quo sa 08-02-2024. - De status-quoperiode wordt verlengd tot 08-02-2024. - Przedłużenie status quo do 08-02-2024. - Prolonga o prazo do statu quo até 08-02-2024. - Prelungește termenul status quo-ului până la 08-02-2024. - Predlžuje sa lehota súčasného stavu do 08-02-2024. - Podaljša rok nespremenjenega stanja do 08-02-2024. - Förlänger tiden för status quo fram till 08-02-2024.

The Commission received this detailed opinion on the 07-11-2023. - La Commission a reçu cet avis circonstancié le 07-11-2023. - Die Kommission hat diese ausführliche Stellungnahme am 07-11-2023 empfangen. - Комисията получи настоящото подробно становище относно 07-11-2023. - Komise obdržela toto podrobné stanovisko dne 07-11-2023. - Kommissionen modtog denne udførlige udtalelse den 07-11-2023. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 07-11-2023. - La Comisión recibió el dictamen circunstanciado el 07-11-2023. - Komisjon sai üksikasjaliku arvamuse 07-11-2023. - Komissio sai tämän yksityiskohtaisen lausunnon 07-11-2023. - Komisija je zaprimila ovo detaljno mišljenje dana 07-11-2023. - A Bizottság 07-11-2023-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 07-11-2023. - Komisija gavo šią išsamiai išdėstytą nuomonę 07-11-2023. - Komisija saņēma šo sīki izstrādāto atzinumu 07-11-2023. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-07-11-2023. - De Commissie heeft deze uitvoerig gemotiveerde mening op 07-11-2023 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 07-11-2023. - A Comissão recebeu o presente parecer circunstanciado em 07-11-2023. - Comisia a primit avizul detaliat privind 07-11-2023. - Komisia dostala toto podrobné stanovisko dňa 07-11-2023. - Komisija je to podrobno mnenje prejela dne 07-11-2023. - Kommissionen mottog detta detaljerade yttrande om 07-11-2023. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 07-11-2023.

MSG: 20233100.EN

1. MSG 115 IND 2023 0490 BE EN 08-02-2024 07-11-2023 CZ DO 6.2(2) 08-02-2024

2. Czechia

3A. Úřad pro technickou normalizaci, metrologii a státní zkušebnictví
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3B. Ministerstvo průmyslu a obchodu
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4. 2023/0490/BE - S20E - Waste

5. article 6, paragraph 2, second indent of Directive (EU) 2015/1535

6. Detailed Opinion on TRIS Notification of the Kingdom of Belgium 2023/0490/BE

On 7 August 2023, a notification by the Kingdom of Belgium concerning a legislative proposal for a Cooperation Agreement on a framework for extended producer responsibility for certain waste streams and for litter (hereinafter the 'draft regulation') was published in the TRIS database.

The main objective of the draft regulation is to establish a national framework with regard to certain waste streams covered by extended producer responsibility and thus to transpose certain provisions of Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (hereinafter the 'SUP Directive').

I.
The Czech Republic considers that the proposed wording of Article 8 of the draft regulation, which requires manufacturers and importers of tobacco products with filters to pay fees for extended producer responsibility, whether or not the products contain plastic, goes beyond the requirements contained in the SUP Directive, which makes the draft legislation liable to create an unjustified obstacle to the free movement of goods within the meaning of Article 34 of the Treaty on the Functioning of the European Union.

II.

The SUP Directive explicitly states in recital 16 of the preamble that innovation and product development are expected to provide viable alternatives to plastic-containing filters and need to be accelerated. Extended producer responsibility schemes for tobacco products with plastic-containing filters should also foster innovation leading to the development of sustainable alternatives to plastic-containing tobacco product filters. Thus, one of the stated objectives of the SUP Directive is generally to promote the development and use of available and sustainable alternatives to plastic products.

Article 9 of the draft regulation states that 'Extending the scope of the levy to products not approved by the SUP Directive is necessary in order to avoid discrimination between manufacturers. In principle, it is indefensible to exclude producers or group of producers whose packaging is largely found in waste from extended producer responsibility, since the SUP Directive focuses only on plastic packaging waste.' The accompanying justification for the notification also justifies extending the scope of products covered by the SUP Directive by avoiding discrimination between producers of packaging materials containing plastic and those not containing them.

We consider that the above argument has no legal relevance, because a certain degree of positively understood discrimination focusing primarily on products containing plastic, which reflects the compromise reached in the legislative process, is already contained in the provisions of the SUP Directive. Thus, the EU rules contained in the SUP Directive already place plastic products at a “disadvantage” because of their environmental impact, by imposing more requirements on them than on others. It should be noted that it even directly prohibits certain types of products.

III.

In the light of the above, the Czech Republic considers that the draft legislation contains provisions that may create disproportionate obstacles to the free movement of goods and significantly distort the business environment in the internal market and may thus be contrary to the Kingdom of Belgium's obligations under EU law, as it contains measures that go beyond the SUP Directive and are disproportionate to the objective set out in the SUP Directive.

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European Commission
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