

**Question for written answer E-008286/2016
to the Commission**
Rule 130
Richard Sulík (ECR)

Subject: Obligations relating to packaging waste

Under Article 12 of Directive 94/62/EC, Member States shall create databases on packaging and packaging waste. Under the Directive, Member States shall take into account the particular problems of small and medium-sized enterprises when providing detailed data.

Under Section 58 of the Slovak Act on Waste, originators of packaging waste not classed as municipal waste who are not the producers of the packaging are obliged to provide monthly reports on the material flow of surrendered waste to a coordination centre. These obligations do not apply where the data is reported to the packaging producer from whom they obtained the packaging, provided the producer fulfils the reserved obligations individually. According to the definition, a small entrepreneur such as an accountant or a small wine producer has the same obligation. This results in an excessive administrative burden for them.

Importers are responsible for the packaging they import into Slovakia, as are those who pack things in such packaging. However, if an entity produces packaging in Slovakia, responsibility does not rest with that entity but with the entity that packs things in the packaging. Responsibility for a glass wine bottle does not rest with the bottle producer but with the wine maker who fills the bottle with wine. Extended responsibility for packaging does not currently rest with packaging producers but with packaging distributors.

Are the aforementioned facts compliant with Union law?

Is there no conflict between the provisions of Article 12(4) of the Directive and Section 58(2) of the Act on Waste?