

WRITTEN QUESTION E-0650/04
by Mauro Nobilia (UEN)
to the Commission

Subject: Eliminating the distinction between 'packaging/packaging waste' and 'goods/goods waste'

In the Community legal system, environmental legislation relating to waste is laid down in a variety of different texts and that relating to plastic waste is derived from sources which distinguish between goods and packaging.

Directive 94/62/EC¹ on packaging and packaging waste illustrates the differential approach described above. The difficulties associated with legislation in which a rigid distinction is made between goods and packaging are familiar ones (not least on account of the recent revision of the above Directive) and in the case of plastics such legislation should be simplified.

Containers designed for use in industry and agriculture as storage and protection for goods and merchandise serve their purpose and are repeatedly re-used within a single company's production cycle. They are not normally used during the marketing stage and are not therefore transferred from one producer to another or from a producer to a trader. At the end of their life the containers usually have a residual value, for which reason the producer himself takes them back from the user in order to have them refurbished or recycled, thereby launching a virtuous circle based on the containers' inherent characteristics.

Plastic and paper bags and envelopes are often sold separately from the goods which they are intended to contain and they are normally re-used for the same purpose, or used by the final consumer for other purposes.

Familiar, too, are the difficulties which the Member States experience in enforcing, via their domestic law, a distinction between goods and packaging which in legal terms is often a very fine one.

The fact that legislation relating in particular to goods or packaging waste management is scattered across a number of legal texts has been (and continues to be) the cause of many disputes.

In view of the above, does the Commission not consider there to be a case for reviewing the approach adopted in the drafting of legislation and abandoning the current practice of distinguishing between goods and packaging? A different approach should be adopted to the environmental problem of waste, based on the nature of the substance (plastic, etc.) involved and disregarding the distinction between goods and packaging.

¹ OJ L 365, 31.12.1994, p. 10