



Joint call against the inclusion of State-Run Producer Responsibility Organizations in EU legislation

Brussels, 28 June 2024

We, EXPRA, CEFLEX, WEEE Forum, EUCOLIGHT, EUROPEN, SZZV and FPE, representing the Producer Responsibility Organisations and value chains in Europe are writing this joint call to express our collective concern regarding the recent legitimisation of the concept of “state-run Producer Responsibility Organisations (PROs)” in several pieces of EU legislation. This concept fundamentally contradicts the core principles of Extended Producer Responsibility (EPR) and poses a significant threat to achieving the EU's ambitious waste management and circular economy goals. The concept of PROs that are run by the state, recently enshrined in the Batteries and Packaging & Packaging Waste Regulations, is now being introduced by the Council in the current revision on the Waste Framework Directive as well. We strongly object not only to the concept of state-run PROs but also to the fact that this drastic, disruptive legal change is introduced at the eleventh hour.

The Flawed Concept of State-Run PROs

The cornerstone of EPR is the notion that producers not only bear the financial (and fully or partly operational) responsibility for the entire life cycle of their products, including the waste management stage, but are engaged and involved with their expertise in optimizing the product (packaging) life cycle via their Producer Responsibility Organisation. This creates incentives for producers to design products with recyclability in mind and invest in efficient and cost-effective collection and recycling systems.

The latest addition to the proposed text, stating "In case of state-run PROs, as there is no represented producer's mandate..." is very concerning as **the notion of PROs with no producer mandate is incompatible with the EU's legal definition of 'extended producer responsibility' (EPR)**. State-run PROs, lacking a direct mandate and the involvement from producers, undermine this vital principle. They risk operating as extensions of government treasuries, potentially diverting fees paid by producers away from targeted recycling initiatives and into general government budgets. This not only discourages producers from investing in sustainable design and material choices but also weakens the overall effectiveness of EPR schemes.

Furthermore, the inclusion of state-run PROs contradicts internationally recognized best practices. The Organisation for Economic Co-operation and Development (OECD) states that "state-owned PROs" represent a form of taxation and do not fulfill the minimum requirements for EPR schemes as outlined in Article 8a of the Waste Framework Directive (WFD).

Weakening EU Leadership and Potential for Declining Recycling Rates

The EU has emerged as a worldwide leader in promoting effective EPR practices. However, the inclusion of state-run PROs in the WFD and related legislation addressing specific waste streams risks weakening this position. Other countries may be less inclined to adopt robust EPR systems if the EU itself allows Member States to prioritize cost-cutting measures over effective recycling initiatives.

Moreover, state-run PROs, lacking the direct financial accountability of producer-driven systems, are more susceptible to prioritizing short-term cost savings over long-term investments in efficient recycling



infrastructure. This can lead to declining recycling rates, jeopardizing the EU's ability to meet its ambitious waste management goals.

Effective PROs: The Key to a Sustainable Future

PROs, actually managed by producers, are an indispensable part of the circular economy. They play a key role in guaranteeing the EU's strategic autonomy, growth, and competitiveness, while also contributing to achieving the EU's climate and biodiversity goals. As we prepare for the next five-year term, EU policymakers and other thought leaders and decision-makers such as Enrico Letta, Bruno Le Maire, Robert Habbeck and the Belgian Presidency all emphasize the need to get greater value and efficiency from the materials we use through reuse and recycling. These are precisely the core functions of a well-functioning PRO system.

Experience of state-run PROs from Hungary and Croatia demonstrates that they consistently fail to deliver on these core functions. This is a major contributing factor to stagnating recycling rates in these Member States. Evidence supporting this claim can be found in the Commission's early warning reports, Council recommendations, and Eurostat data¹.

Call to Action

In light of these serious concerns, we urge the Commission and the European Parliament to ask the Council to remove all references to state-run PROs from the revision of the WFD. In addition, we urge the Commission to take the following actions:

- **Alert any further attempts to include the reference** to state-run PROs in future circular economy legislation.
- **Closely monitor Member States' implementation** of the Batteries and Packaging Regulations, with a particular focus on the evolution of national recycling rates, with a view to potentially revise the inserted references to state-run PROs.
- **Utilize existing tools** such as early warning reports to ensure Member States are implementing effective EPR schemes aligned with recognized international best practices to achieve their sustainability targets.

Collaboration for a Sustainable Future

We, the undersigned associations representative of Producer Responsibility Organizations and value chains, are committed to working collaboratively with the EU to achieve a robust and sustainable circular economy. We believe that producer driven EPR systems remain the most effective means to achieve this goal. We are open to further discussions on this crucial matter and stand ready to provide any additional information or expertise that may be helpful.

¹ For example, Croatia and Hungary are identified by the Commission as two of the Member States at risk of missing municipal and packaging waste recycling targets ([COM\(2023\) 304](#)). The Commission recommended that Croatia improve the functioning of EPR systems, in line with the relevant general minimum requirements (SWD(2022) 258). It noted that one of the main challenges for waste management in Hungary is the transition to a single nationwide waste management concession which could result in further delays to achieving waste targets (SWD(2023) 189). In the case of Hungary, the Council has also recommended that it reform and invest in waste management, due to declining efficiency and recycling rates caused by the reorganization of waste management (Council Recommendation 2022/C 334/17).



Co-signing organisations:

About EXPRA

EXPRA is the alliance for packaging and packaging waste recovery and recycling systems which are owned by obliged industry and work on a not-for-profit basis. EXPRA acts as the authoritative voice and common policy platform representing the interests of all its member packaging recovery and recycling organisations founded and run by or on behalf of obliged industry. EXPRA members provide over 250 million inhabitants with packaging collection, sorting and recycling infrastructure and ensure recycling and recovery of over 23 million tons of packaging per year. For additional information, please visit www.expra.eu

About CEFLEX

The Circular Economy for Flexible Packaging (CEFLEX) initiative is a collaboration of over 180 European companies, associations and organisations representing the entire value chain of flexible packaging. Together, we work to make all flexible packaging in Europe circular. EPR is a key enabler of the circular economy in general and of flexible packaging in particular. More information, see: ceflex.eu

About FPE

Flexible Packaging Europe (FPE) is the industry association representing the interests of more than 85 small, medium-sized companies, and multinational manufacturers. Those operate with a workforce of 57,000+ people at more than 350 sites all over Europe. The member companies account for almost 90% of European sales of flexible packaging made of different materials, mainly plastics, aluminium, and paper. More than half of all food products sold on the European retail markets are packed with flexible packaging. More information, see: <https://www.flexpack-europe.org/>

About The WEEE Forum

The WEEE Forum, founded in 2002, is a worldwide for-impact association representing fifty-three producer responsibility organisations (PROs) across the globe that responsibly manage the collection and recycling of electrical and electronic waste (WEEE). Together with our members, we are at the forefront of turning the Extended Producer Responsibility principle into an effective policy approach through our combined knowledge of the technical, business and operational aspects of collection, logistics, de-pollution, processing, preparing for reuse and reporting of e-waste. We aspire to be the world's foremost e-waste competence centre excelling in the implementation of the circularity principle. The fifty-three PROs are based in Australia, Austria, Belgium, Bosnia & Herzegovina, Canada, Colombia, Cyprus, Czechia, Denmark, France, Georgia, Greece, Iceland, India, Ireland, Italy, Lithuania, Luxembourg, Malta, Moldova, the Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom. It is the biggest organisation of its kind in the world. In 2023, its member organisations reported collection and proper de-pollution and recycling of more than 3,100,000 tonnes of WEEE.

About EucoLight

EucoLight is The European association of collection and recycling organisations for WEEE lamps and lighting. On behalf of its members, EucoLight engages with everything related to the WEEE Directive, legislations and standards affecting the collection and recycling of WEEE lighting. Its members collect and recycle, in aggregate, 80% of the lamp waste collected in the 18 countries in which they operate. EucoLight is the voice of European WEEE compliance schemes specialised in managing the collection and recycling of WEEE lighting; working to make the circular economy a reality for lighting products. EucoLight has 17 PRO members: AMBILAMP (Spain); Appliances Recycling SA (Greece); Ecolamp (Italy); Ecosystem (France); ESS-Ringlus (Estonia); Ekolamp s.r.o. (Czech Republic); Ekolamp Slovakia (Slovakia); Electrão (Portugal); ElektroEko (Poland); Elretur (Denmark); FLIP (Finland); Lightcycle (Germany); LightRec (Netherlands); Recolamp (Romania); Recupel (Belgium); UFH (Austria), ZEOS (Slovenia) and one affiliate member, LightingEurope. Founded mid-2015, EucoLight has quickly embarked into constructive dialogue with relevant stakeholders to provide expertise in the field of management and treatment of WEEE lighting and to promote the positive role of Extended Producer Responsibility schemes on the environment and society.

For more information, visit the EucoLight website, follow EucoLight on [Twitter](#) and [LinkedIn](#), or contact the Secretary General, Marc Guiraud (marc.guiraud@eucolight.org).

About EUROOPEN

The European Organisation for Packaging and the Environment (EUROPEN), is the industry association representing the packaging industry value chain in Europe. EUROPEN's members are raw material manufacturers, packaging converters, brand owners and national packaging organisations. EUROPEN aims to achieve a fully accessible European market for packaging and packaged products, while protecting the products that consumers need and protecting the environment. At EUROPEN, we believe that packaging enables the transition to a climate neutral, circular and competitive EU economy while ensuring goods are delivered safely to EU citizens and businesses.

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About SZZV

The Slovak Association for Branded Products (SZZV) represents branded manufacturers and importers operating on the Slovak market. We cover 9 sectoral sections such as the food, cosmetics, environmental section, section for detergents, baby food or tobacco section. For additional information, please visit: <https://www.szzv.sk/en/>.