

Joint Industry Contribution on Polish Draft Bill on Packaging and Packaging Waste

The undersigned organisations strongly oppose the Polish Government’s proposal, outlined in its draft bill on Packaging and Packaging Waste (hereafter “the draft bill”), to implement a state-run model for packaging Extended Producer Responsibility (EPR).

The proposed system is designed as a taxation model rather than as an effective EPR system. It would result in heavy administrative and financial costs for all the operators involved while failing to deliver the EU circular economy goals. Poland’s system should instead be designed to concretely contribute to the objectives of the Packaging and Packaging Waste Regulation (PPWR).

State-run model and administrative and financial burdens

Chapter 7 of the draft bill designates the National Fund for Environmental Protection and Water Management (NFOŚiGW) as the sole entity responsible for administering packaging EPR in Poland. Producers of packaged products will pay EPR fees and the NFOŚiGW will redistribute funds to municipalities and waste management operators. Operators will be required to apply annually for fee reimbursement and provide audited and detailed justifications of expenditures. Reimbursements will be rejected or reduced if the documentation is deemed insufficient.

This model would create a significant administrative burden for operators, undermine transparency and increase administrative costs. Resources risk being diverted from critical investments in packaging waste collection, sorting, and recycling¹, and could instead be used to finance the general state budget. Such an approach is inconsistent with Article 8a of the Waste Framework Directive (WFD), which sets out the general minimum requirements for EPR schemes.

Risks to recyclability and packaging market access

By assigning EPR responsibilities to a state-run body, the draft bill jeopardises progress towards recyclability at scale under Article 6 of the PPWR. This could lead to the loss of market access for numerous packaging applications by 2035, even if they meet the PPWR’s Design for Recycling requirements, thus negatively impacting businesses and consumers alike.

Fee structures and legal inconsistencies

Article 198 of the draft bill foresees the adoption of the exact EPR fee rate only in 2028, thus creating business uncertainty. Meanwhile, in 2026 and 2027 respectively, the packaging fee rates for individual packaging material categories will be equal to 8% and 20% of the product fee rate in PLN/kg. It is unclear why those percentages are based on a penalty applied to recovery organisations when they fail to meet the recycling targets.

The proposed approach is expected to result in excessive fees collection, beyond real waste management costs, thus contravening Article 8a(4)(c) of WFD². Furthermore, it neglects the EU-wide eco-modulation principle that will apply as of 1 January 2028 and will adjust fees based on recyclability performance of packaging.

Our call for action

The undersigned organisations therefore urge Polish authorities to reconsider their proposal and establish an EPR system fully aligned with the general minimum requirements of the WFD and supportive of the recyclability at scale objectives of the PPWR. We further encourage the Polish authorities to ensure full consistency with the PPWR text and avoid any regulatory divergence³.

¹Experiences from countries where State-run models are already in place demonstrate limited reinvestment in waste management operations for different waste streams. See, as a reference, the data for Hungary, available [here](#). According to EUROSTAT data, Hungary’s packaging recycling rate was 42.4% in 2022, well below the EU average of 65.4%.

² Projected data on the impact of the set EPR fee are available [here](#).

³Under Article 15, the draft bill should reflect that the EU Commission will adopt a guidance document establishing a list of fresh fruit and vegetables exempted from the ban set in PPWR Annex V, row 2. Furthermore, as currently written, Article 195 of the draft bill does not align with the targets set under Article 7(1) of PPWR, as well as the given calculation base (i.e. average per manufacturing plant).

Signatories:



AESGP - Association of the European Self-Care Industry



AGMPM - Association of Greek Manufacturers of Packaging & Materials



AIM - European Brands Association



A.I.S.E - International Association for Soaps, Detergents and Maintenance Products



Aluminium Closures Group



CEC - European Footwear Confederation



CEPE - European Council of the Paint, Printing Ink and Artists' Colours Industry



Cepi



CICPEN - Czech Industrial Coalition for Packaging and the Environment



Cosmetics Europe



Der Grüne Punkt



EAFA - European Aluminium Foil Association



ECMA - The European Carton Makers Association



EDRA - European DIY Retail Association



EFIC - European Furniture Industries Confederation



EKO-PAK - Packaging Industry Union of Employers



ELIPSO - Les entreprises de l'emballage plastique et souple



EPPA - European Paper Packaging Alliance



European Aluminium



EUROPEN - European Organisation for Packaging and the Environment



EXPRA - Extended Producer Responsibility Alliance



FBCA - The Food & Beverage Carton Alliance



FEFCO - The European Federation of Corrugated Board Manufacturers



FEPA - Federation of European Producers of Abrasives



FEPE - Federation of European Producers of Envelopes and Light Packaging



FESI - Federation of the European Sporting Goods Industry



FEVE - The European Container Glass Federation



FPE - Flexible Packaging Europe



IK - Industrievereinigung Kunststoffverpackungen



Independent Retail Europe



Konfederacja Lewiatan



MPE - Metal Packaging Europe



NMWE - Natural Mineral Waters Europe



PAKKAUS - The Finnish Packaging Association



PETCORE EUROPE



PET EUROPE - Producers' Association



Pro Carton - European Association of Carton and Cartonboard manufacturers



PRO Europe - Packaging Recovery Organisation Europe



PROsPA - Producer Responsibility Organisations Packaging Alliance



SfPE - Steel for Packaging Europe



SpiritsEUROPE



SZZV - Slovak Association for Branded Products



The Brewers of Europe



TIE - Toy Industries of Europe



UNESDA - Soft Drinks Europe