

Legislation on Packaging waste ¹ *in Italy*

Directive 1994/62/EC – 2004/12/EC on packaging and packaging waste and subsequent amendments (so called the “ Packaging directive “) was implemented in Italy by Legislative Decree 03.04.2006 No. 152 and subsequent amendments (hereinafter referred to as “ D.Lgs 152/06 “) .

According to art. 224 of D.Lgs 152/06 , importers of packaging or packaged goods having offices in Italy must join CONAI .

Actually the responsibility for the management of packaging waste in Italy lies on the National Packaging Consortium (CONAI) a private non-profit organization established in 1997 with the aim of promoting separate (or selective) collection, sorting, recovery and recycling of packaging waste in Italy (encompassing packaging of both fast moving consumer goods and of industrial products). For the recovery operations of individual materials, CONAI co-ordinates the activities of the six Material Consortia:

- RICREA for steel
- CiAL for aluminium
- Comieco for paper
- Rilegno for wood
- COREPLA for plastic
- COREVE for glass
- BIOREPACK for bioplastic (plastics of biological origin)

Despite being based on the principles of the Packaging Waste Directives, CONAI does not formally participate in the Green Dot scheme. This is due to a number of “political” reasons, namely the fact that the full embracement of the Green Dot scheme would have resulted in higher fees for the producers, thus leading for example to possible tax evasion. At the establishment of CONAI back in 1997, it was then decided to opt for a different (i.e. lower) calculation of such a fee.

The general principles on which CONAI operates are the “polluter pays principle” and the “shared responsibility”. According to the first, whoever is responsible for environmental pollution must also bear the costs of “decontamination”, which in the case of packaging waste is the cost of collection and recovery or landfilling. Companies that produce goods have been attributed with the greatest responsibility for the pollution and bear the greater part of the cost of packaging waste management. But other players in the system hold part of the responsibility, and they should share the costs proportionally.

CONAI is funded through the “CONAI Environmental Contribution” (CAC in Italian) applied to the packaging sold by Producers to Users. CONAI will then transfer such amount to the competent Material Consortium (by the collection fee), after deducting a certain percentage for its own administration. The value of the contribution for each material is defined every year by the CONAI Board of Directors

Pursuant to art. 2.4. of ” *Guida Conai* “ (the CONAI regulation) however , **importers of either packaging or packaged goods having no legal offices in Italy and wishing to substitute for their Italian accounts , may appoint a packaging waste representative in Italy and domicile at his office to join CONAI and paying the said relevant contributory fees thus relieving their clients in Italy from this burden .**

ALLEGATO 5

Eco Legal Counsel actually acts as the waste packaging representative with CONAI for producers having no legal offices or permanent establishment in Italy which export into Italy packaged goods and place them on the Italian market .

1 Largely taken from EIMPPack – “ The Economics of the Recovery of Packaging Waste : The Case of Italy – Dec. 2013” – Financed by the European Investment Bank
(https://www.researchgate.net/publication/258827892_Packaging_waste_recycling_in_Europe_Is_the_industry_paying_for_it)