



# Ministry for the Environment and Energy Security

## REGULATORY IMPACT ASSESSMENT (RIA)

**Measure:** Proposal for a technical regulation setting out requirements for the biodegradability and compostability of certain single-use plastic packaging.

**Competent administration:** Ministry for the Environment and Energy Security

**Contact at the competent administration:** Legislative Office

### AIR SUMMARY AND MAIN CONCLUSIONS

With reference to the legislative proposal in question, it should first be noted that it amends the provisions of Legislative Decree No. 152 of 3 April 2006 to introduce and regulate an obligation of biodegradability and compostability for certain types of single-use plastic packaging.

The technical regulation specifies the types of single-use plastic packaging which, from 1 January 2030, may only be made available on the domestic market if they are compostable.

#### 1. BACKGROUND AND PROBLEMS TO BE ADDRESSED

Article 9 of Regulation (EU) 2025/40 on packaging and packaging waste contains specific provisions on compostable packaging.

By way of derogation of the general requirement for all packaging to be recyclable, which involves designing for 'material recycling' – defined in Article 3(1)(40) as 'any recovery operation by which waste materials are reprocessed to obtain materials or substances for use in their original function or for other purposes, except for the biological treatment of waste, the reprocessing of organic material, energy recovery, and the reprocessing of materials for use as fuels or in backfilling operations' – the Regulation introduces specific provisions regarding the compostability of packaging.

In particular, paragraph 1 of the aforementioned Article 9, set out below, identifies the types of packaging which, by 12 February 2028, must be compostable in industrial composting facilities or, where required by Member States, compatible with domestic composting standards:

*'1. By way of derogation from Article 6(1), by 12 February 2028, where packaging referred to in Article 3, point (1) (f), and sticky labels affixed to fruit and vegetables are placed on the market, that packaging and sticky labels shall be compatible with the standard for composting in industrially controlled conditions in bio-waste treatment facilities and shall be compatible, where required by the Member States, with the home-composting standards referred to in paragraph 6 of this Article.'*

Paragraph 2 of the same Article 9, on the other hand, provides for the possibility of Member States requiring certain types of packaging to be compostable:

*‘2. By way of derogation from Article 6(1), where Member States allow waste with similar biodegradability and compostability properties as bio-waste pursuant to Article 22(1) of Directive 2008/98/EC to be collected together with bio-waste, and appropriate waste collection schemes and waste treatment infrastructure are available to ensure that compostable packaging enters the bio-waste management stream, Member States may require that the following packaging shall be made available on their territory for the first time only if the packaging is compostable:*

*a) packaging referred to in Article 3(1), point (1)(g), composed of material other than metal, very lightweight plastic carrier bags and lightweight plastic carrier bags;*

*b) packaging other than that referred to in point (a) of this paragraph for which the Member State already required that they be compostable before the date of application of this Regulation.’*

In the context of the derogation granted to Member States regarding compostability, Italy believes it is eligible for this derogation due to the specific nature of its industrial and management model, which differs significantly from the European average. Over the years, the Italian system has developed around an integrated supply chain for green chemistry and organic waste treatment (FORSU) that is unrivalled in terms of its reach and efficiency. Italy maintains that the use of compostable packaging is the most effective way to minimise the contamination of compost by conventional plastics. As the Italian waste collection system is designed to encourage the thorough separation of household organic waste, the use of certified bioplastics allows certain types of packaging to be sent directly to anaerobic digestion and composting facilities, transforming what would otherwise be unsorted waste into a high-quality agricultural resource. Under this derogation, Italy can continue to promote solutions that integrate packaging with its contents, ensuring that all waste is recycled at local biological treatment facilities, thereby reducing the reliance on incineration and helping to achieve the circular economy targets set by the European Union itself, but with a strategy that is better suited to the reality of the national waste management infrastructure.

## **2. AIMS OF THE INTERVENTION AND RELATED INDICATORS**

### **2.1 General and specific objectives**

The proposed technical regulation aims to evaluate the potential of certain biodegradable and compostable applications as alternatives to traditional materials in light of the characteristics of our production and management system for organic waste.

The primary aim of this regulatory measure is to reconcile environmental protection requirements with the specific characteristics of the Italian industrial model, for which the recycling of organic waste is one of the cornerstones. The overall objective of the proposal is to structure a regulatory framework that values biodegradable and compostable applications not only as simple alternatives to traditional polymers, but as enabling tools for maximising the separate collection of bio-waste. Last but not least, the initiative aims to safeguard the technological sovereignty of Italy’s bio-based supply chain, providing a framework of legal certainty for a sector that has successfully transformed traditional production models into solutions with a low environmental impact, demonstrating superior performance throughout the product’s entire life cycle when integrated into the country’s infrastructure.

### **2.2 Indicators and reference values**

The indicator that will allow to verify the degree of effectiveness of the regulatory intervention, is represented by the compliance with the technical regulation of products placed on the market. In

order to monitor the success of the regulatory measures and ensure they are genuinely aligned with their intended objectives, compliance with the technical regulations governing packaging placed on the market is identified as the key indicator for assessing their effectiveness. This indicator makes it possible to quantify the proportion of products that formally claim to be compostable compared with those that are actually compliant with the harmonised standard EN 13432. The Market Surveillance Authority may be called upon to measure this indicator.

### **3. EVALUATION OF THE LEGISLATIVE INTERVENTION**

#### **3.1 Economic, social and environmental impact by target group**

By introducing a requirement that certain types of packaging be compostable, this regulatory measure is having positive economic, social, and environmental impacts, primarily because it harnesses the potential of biodegradable and compostable materials as alternatives to traditional materials, given the characteristics of our production and organic waste management systems. Regarding the industrial sector and manufacturing companies, the economic impact is twofold. On the one hand, the standard would protect the competitiveness of national green chemistry leaders and packaging processors, ensuring the continuity of investment in research and development already oriented towards biopolymers. On the other hand, the technical compliance requirement acts as a catalyst for innovation, pushing companies towards high-quality standards that reduce the risk of sanctions and facilitate access to markets that reward certified sustainability. Although the transition from traditional materials may initially entail technological adjustment costs for certain SMEs, the legal certainty provided by the technical regulation stabilises the market in the long term, preventing distortions arising from competition from non-compliant products.

The standard would allow for a more efficient management of the bio-waste cycle, as the use of compliant compostable packaging drastically reduces the costs of ‘cleaning’ the wet fraction from plastic waste. A lower impurity rate results in a reduction in the costs of disposing of process waste at the plants and, at the same time, an improvement in the quality of the compost produced. Finally, for consumers and the community, the social impact lies in the simplification of everyday habits and greater transparency of information. A clear technical regulation removes confusion about how waste is delivered, making the gesture of separate collection more intuitive and reducing the risk of error.

#### **3.2 Specific impacts**

The introduction of the compostability requirement will ensure that, for the specified types of single-use plastic packaging, only biodegradable and compostable plastic variants are placed on the market, thereby ensuring that similar single-use products made from conventional plastic are excluded from the market.

##### **A. Effects on small and medium-sized enterprises**

The regulatory proposal will have positive effects on small and medium-sized enterprises, as it aims to define a clear regulatory framework for the development of biodegradable and compostable plastic packaging.

##### **B. Effects on competition**

The proposed legislation, designed to address the issues highlighted by operators in the bioplastics sector, ensures the effective implementation of the principle of fair competition among all the companies concerned.

##### **C. Reporting obligations**

The main responsibility for providing information lies with manufacturers and importers, who are required to prepare and maintain technical documentation that must include, among other things, certificates of conformity issued by bodies accredited in accordance with the standard EN 13432. This technical dossier serves as the packaging’s ‘identity document’. It must be made available to market surveillance authorities to enable them to verify compliance with the technical regulation without further delaying the time taken to place the product on the market.

A second requirement concerns consumer information, which is provided through labelling schemes that clearly indicate the material is compostable and specify the correct disposal method (organic waste).

#### **D. Compliance with the European Union regulation minimum levels**

The provision does not interfere with the minimum levels regulated under EU law. The proposed technical regulation implements the provisions of Regulation (EU) 2025/40 on packaging and packaging waste.

### **4. IMPLEMENTATION AND MONITORING ARRANGEMENTS**

#### **4.1 Implementation**

Undertakings in the sector targeted by this provision are responsible for implementing it.

#### **4.2 Monitoring**

Implementation of the provision will be monitored by the competent Directorate-General of the Ministry of the Environment and Energy Security.