



C/2024/1370

19.2.2024

Judgment of the Court (Third Chamber) of 21 December 2023 (request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio — Italy) — Papier Mettler Italia Srl v Ministero della Transizione Ecologica, Ministero dello Sviluppo Economico

(Case C-86/22, ⁽¹⁾ Papier Mettler Italia)

(Reference for a preliminary ruling — Approximation of laws — Environment — Directive 94/62/EC — Packaging and packaging waste — Directive 98/34/EC — Information procedure in the field of technical standards and regulations and of rules on Information Society services — Obligation on the Member States to notify the European Commission of any draft technical regulation — National legislation containing stricter technical rules than those laid down by EU legislation)

(C/2024/1370)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: Papier Mettler Italia Srl

Defendants: Ministero della Transizione Ecologica, Ministero dello Sviluppo Economico

Intervener: Associazione Italiana delle Bioplastiche e dei Materiali Biodegradabili e Compostabili — Assobioplastiche

Operative part of the judgment

1. Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012,

must be interpreted as precluding the adoption of national legislation prohibiting the marketing of single-use plastic carrier bags manufactured from non-biodegradable and non-compostable materials but which otherwise meet the requirements set by European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, as amended by Commission Directive 2013/2/EU of 7 February 2013, where the Commission was notified of that legislation only a few days before it was adopted and published.

2. Article 18 of Directive 94/62, as amended by Directive 2013/2, read in conjunction with Article 9 of and Annex II to Directive 94/62, as amended,

must be interpreted as precluding national legislation prohibiting the marketing of single-use plastic carrier bags manufactured from non-biodegradable and non-compostable materials but which otherwise meet the requirements set by Directive 94/62, as amended. That legislation may nevertheless be justified by the objective of ensuring a higher level of environmental protection, where the conditions provided for in Article 114(5) and (6) TFEU are fulfilled.

3. Article 18 of Directive 94/62, as amended by Directive 2013/2, read in conjunction with Article 9(1) of and Annex II to Directive 94/62, as amended,

must be interpreted as having direct effect, so that the national court must, in a dispute between an individual and national authorities, disapply any national legislation contrary to Article 18.

⁽¹⁾ OJ C 165, 19.4.2022.

4. Article 18 of Directive 94/62, as amended by Directive 2013/2,

must be interpreted as meaning that national legislation prohibiting the marketing of single-use plastic carrier bags manufactured from non-biodegradable and non-compostable materials but which meet the other requirements set by that directive is liable to constitute a sufficiently serious infringement of Article 18.
