

(English version)

**Priority question for written answer P-004970/25
to the Commission**

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(16 December 2025)

Subject: Extended producer responsibility schemes and EU law on competition and environment

Slovakia is about to adopt an amendment to the Environmental Fund Act ⁽¹⁾ which, according to the Slovak Antimonopoly Office (PMÚ SR) ⁽²⁾ risks fundamentally altering the governance of the extended producer responsibility system. This is because the Environmental Fund, subordinated to the Ministry of Environment would be authorised to operate as a producer responsibility organisation (PRO) and thus enter the market for sorted waste collection in Slovakia, which only producer-run PROs, representing private undertakings, currently operate. According to the PMÚ, the new model may (i) undermine producer control over extended producer responsibility (EPR) schemes, (ii) distort competition between PROs, and (iii) create risks of prohibited state aid by reallocating private resources under public authority control.

Considering this, could the Commission clarify:

1. Whether, in principle, an EPR model in which producer fees paid to a state-run PRO are set unilaterally by government decree, while private PROs must comply with cost-appropriateness and transparency requirements, could be compatible with Articles 8 and 8a of the Waste Framework Directive and the Packaging and Packaging Waste Regulation ⁽³⁾?
2. How EU competition and state aid rules apply where a state PRO and private PROs operate under materially different regulatory and pricing conditions?

Submitted: 16.12.2025

Answer given by Ms Roswall on behalf of the European Commission
(3 February 2026)

Under the Waste Framework Directive ⁽¹⁾, financial contributions paid by the producer of the product to comply with its extended producer responsibility (EPR) obligations must not exceed the costs necessary to provide waste management services in a cost-efficient way.

These costs must be established in a transparent way between the actors concerned. Under Regulation (EU) 2025/40 ⁽²⁾, the EPR costs must be established in a transparent, proportional, non-discriminatory and efficient way.

The compliance of the draft Act with these provisions can only be assessed once the draft has been adopted and the fees have been set by Slovakia ⁽³⁾.

Articles 106(1) in conjunction with Article 102 of the Treaty on the Functioning of the European Union (TFEU) can apply where competition conditions in the market are attributable to a Member State and are contrary to the TFEU.

Therefore, Member States' measures must not favour certain undertakings or create an inequality of opportunity between (potential) competitors. The information conveyed is insufficient for assessing whether such effects exist.

¹ <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=10522>

² <https://www.antimon.gov.sk/pmu-vyjadril-zasadne-vyhrady-k-navrhu-zakona-o-environmentalnom-fonde/>

³ OJ L, 2025/40, 22.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/40/oj>.

⁽¹⁾ Article 8a(4) c), Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3-30, as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May, OJ L 150, 14.6.2018, p. 109-140.

⁽²⁾ Article 45 of the regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC, OJ L, 2025/40, 22.1.2025.

⁽³⁾ Also taking account of the methodology used for establishing the fees.

The existence of state aid depends on the combination of four cumulative conditions, including the financing of an advantage from State resources.

Whether the situation described involves the potential granting of state aid is not immediately apparent. Regardless, State aid rules apply as they do in any other situation.

Member States must notify any plans to grant new aid to the Commission ⁽⁴⁾ unless the aid measure fulfils all the conditions of the General Block Exemption Regulation ⁽⁵⁾ or Regulation (EU) 2023/2831 ⁽⁶⁾.

⁽⁴⁾ Treaty on the Functioning of the European Union, Article 108(3), Official Journal C 326, 26.10.2012, p. 47. Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, Official Journal L 248, 24.9.2015, pp. 9-29.

⁽⁵⁾ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, Official Journal L 187 26.6.2014, p. 1.

⁽⁶⁾ Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid, Official Journal L, 2023/2831, 15.12.2023.