



## Reports of Cases

**Case C-86/22**

**Papier Mettler Italia Srl**

**v**

**Ministero della Transizione Ecologica et Ministero dello Sviluppo Economico**

(Request for a preliminary ruling  
from the Tribunale Amministrativo Regionale per il Lazio)

**Judgment of the Court (Third Chamber) of 21 December 2023**

(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)

1. *Questions referred for a preliminary ruling – Admissibility – Need for a preliminary ruling and relevance of the questions referred – Assessment by the national court – Presumption of relevance of the questions referred*  
(Art. 267 TFEU)

(see paragraphs 34, 35, 37)

2. *Approximation of laws – Information procedure in the field of technical standards and regulations and of rules on Information Society services – Directive 98/34 – Obligation on Member States to notify the Commission of all draft technical regulations – Draft technical regulation – Definition – Final version of a technical regulation – Not included*  
(European Parliament and Council Directive 98/34, as amended by Regulation No 1025/2012, Art. 8(1))

(see paragraphs 43-47, 52, 61, operative part 1)

3. *Approximation of laws – Information procedure in the field of technical standards and regulations and of rules on Information Society services – Directive 98/34 – Obligation on Member States to notify the Commission of all draft technical regulations – Obligation to postpone the adoption of the notified regulation for three months – Adoption and*

*publication of a technical regulation a few days after the Commission was notified thereof – Infringement of the obligation to postpone  
(European Parliament and Council Directive 98/34, as amended by Regulation No 1025/2012, Art. 9(1))*

(see paragraphs 48-52, 61, operative part 1)

4. *Environment – Packaging and packaging waste – Directive 94/62 – Obligation on Member States to notify the Commission of all planned draft measures in that field – Scope – Breach of that obligation – Consequence – Unenforceability of the non-notified measure against individuals – None  
(European Parliament and Council Directive 94/62, as amended by Directive 2013/2, Art. 16)*

(see paragraphs 53-60)

5. *Environment – Packaging and packaging waste – Directive 94/62 – Freedom to place on the market – Compliance with the essential requirements – Complete harmonisation – National legislation prohibiting the marketing of single-use plastic carrier bags manufactured from non-biodegradable and non-compostable materials – Packaging that otherwise meets the requirements set by the directive – National legislation contrary to the directive – Whether justified – Legislation aiming to ensure a higher level of environmental protection – Conditions  
(Art. 114(5) and (6) TFEU; European Parliament and Council Directive 94/62, as amended by Directive 2013/2, Arts 9(1) and 18 and Annex II)*

(see paragraphs 63-74, operative part 2)

6. *Environment – Packaging and packaging waste – Directive 94/62 – Freedom to place on the market – Prohibition on Member States on adopting any measure restricting the marketing of packaging which complies with the provisions of that directive – Direct effect – Obligation on the national court to disapply national legislation contrary to that prohibition  
(European Parliament and Council Directive 94/62, as amended by Directive 2013/2, Arts 9(1) and 18 and Annex II)*

(see paragraphs 76-83, operative part 3)

7. *EU law – Rights conferred on individuals – Infringement by a Member State – Obligation to make good damage caused to individuals – Conditions – Sufficiently serious infringement – Concept – National legislation prohibiting the marketing of single-use plastic carrier bags manufactured from non-biodegradable and non-compostable materials – Packaging that otherwise meets the requirements laid down in EU law – Included  
(European Parliament and Council Directive 94/62, as amended by Directive 2013/2, Art. 18)*

(see paragraphs 85-90, operative part 4)

See the text of the decision.