

# Regulation on Packaging & Packaging Waste

DG Environment  
Directorate: Circular Economy  
Unit B3: From Waste to Resources

# Key Elements of the legal proposal

1

Prevention and Reuse

2

Full recyclability of all packaging by 2030 (Art. 6)

3

Compostable plastic packaging (Art. 8)

4

Recycled content (RC) targets for plastic packaging (Art 7)

5

Labelling - Deposit Return Systems - EPR

Move to **regulation** to mitigate prior regulatory and market failures and level playing field; allow efficiency gains of the economic operators.

reinforce **compliance**



# Core Measures in the Proposal

## Prevention and reuse – Packaging minimisation (Art. 9 and 21)

- **Art. 38: Waste prevention target**
- on MS to reduce packaging waste compared to 2018 by:
  - - 5% by 2030;
  - - 10% by 2035
  - - 15% by 2040
- MS may use economic instruments and other measures including incentives through EPR schemes and requirements on producers and EPR schemes to adopt waste prevention plans (if they are proportionate and non-discriminatory)
- MS may go beyond the min. requirements (if compliant with the Regulation + Treaty)
- Specific review clause (8y)

# Core Measures in the Proposal

## Prevention and reuse – Packaging minimisation (Art. 9 and 21)

### Article 9

- Requirement for placing packaging on the market: packaging has to be designed so that its weight and volume are minimal in relation to its function
- This will be assessed based on 'performance criteria' set out in Annex IV, which have been revised to exclude consumer acceptance and marketing
- Exception for packaging design subject to protected geographical indication or origin
- Prohibition of misleading packaging (double walls, false bottoms...)
- Packaging material to be taken into account in the assessment
- Reusable packaging nature to be taken into account

### Article 21

Empty space limit for e-commerce, transport and grouped packaging (= empty space ratio below 40%)

# Core Measures in the Proposal

## Prevention and reuse – Ban on unnecessary packaging (Art. 22 and Annex V)

- Economic operators shall not place on the market packaging in for listed in Annex V
- Special treatment for SU packaging of food and beverages consumed *in situ*:
  - date of application (1/1/2030)
  - possibility for exemptions by MS for micro-companies (COM Recommendation 2003/361) and where it is not technically feasible (e.g. no access to re-use infrastructure)
- Possibility for the Commission to adopt delegated acts to amend Annex V

### Annex V

- SU plastic grouped packaging (cat. 1)
- SU packaging for F&V (cat. 2)
- SU packaging for food and beverages in case of *in situ* consumption (cat. 3)
- SU miniature packaging (cat. 4 and 5)

# Core Measures in the Proposal

## Prevention and reuse – Requirements on reusable packaging

**Art. 10:** Requirements for placing reusable packaging on the market:

- conceived/developed/PoM to be reused/refilled and to accomplish as many trips or rotations as possible in normal conditions of use
- can be emptied/unloaded/refilled without damage to packaging, packaged goods and in compliance with all the related hygiene and safety rules
- can be reconditioned (Annex VI, Part B)
- is recyclable at the end of its life

**Art. 23:** obligations on EO who place reusable packaging on the market to ensure that there is a **system for re-use** (to be evidenced in the tech. documentation)

**Art. 24** systems for re-use shall comply with Annex VI, Part A

**Art. 25:** obligations on EO related to refill:

- Informing consumers about conditions of use and hygiene requirements
- Refill stations compliant with Annex VI, Part C
- If packaging is offered – it is not free of charge

# Part 1: Reuse/refill targets on economic operators (Art 26)

Sector	Packaging type -	Packaging groups and products // obligated economic operator	Target for 2030 [2040]
Food and beverage-HoReCa	Primary - B2C	<b>Beverage (cold and hot)</b> filled into a container at the point of sale <b>for take-away</b> , to be sold in packaging within a system for re-use or refill = final distributor	20% [80%]
	Primary-B2C	<b>Food for take-away</b> , to be sold in packaging within a system for re-use or refill = final distributor	10% [40%]
Food and beverage-Retail	Primary-B2C	<b>Alcoholic beverages other than wine, aromatised wine products, fruit wine and spirits</b> , and products based on wine, spirits or other fermented beverages mixed with non-alcoholic beverages, to be sold in packaging within a system for re-use or refill = manufacturer and final distributor	10% [25%]
	Primary B2C	<b>Wine other than sparkling wine</b> to be sold in packaging within a system for re-use or refill = manufacturer and final distributor	5% [15%]
	Primary-B2C	Non-alcoholic beverages, such as <b>water, soft drinks, juices</b> , to be sold in packaging within a system for re-use or refill = manufacturer and final distributor	10% [25%]
Commercial and Industrial	Tertiary-B2B	<b>Large household appliances</b> e.g., washing machines or fridges, to be sold in reusable packaging = EO	90% [90%]
	Tertiary-B2B	<b>Goods sold using pallets, crates, foldable boxes, pails and drums</b> for the conveyance or packaging of the goods, to be sold in reusable packaging = ec. operator using transport packaging	30% [90%]
	Tertiary-B2B	<b>Non-food goods sold via e-commerce</b> using packaging for transport and delivery, to be sold in reusable packaging = EO using transport packaging	10% [50%]
	Tertiary-B2B	<b>Pallet wrappings and straps for stabilization and protection of goods during transport</b> , to be sold in reusable packaging = EO using transport packaging	10% [30%]
	Tertiary-B2B	<b>Grouped packaging boxes</b> (excl. cardboard) e.g., pack of larger quantities of packaging units used, outside of sales packaging to group a certain number of goods to create a stock-keeping packaging	10% [25%] <sub>7</sub>

# Core Measures in the Proposal

## Part 2: Reuse and refill targets: Art. 26, 27 and 28

- **General exemption** for:
  - micro-companies
  - EO placing less than 1000 kg of packaging on the market
  - For EO with a sales area less than 1000 m<sup>2</sup> (this exemption applies only for beverages and food targets)
- **Empowerment on the COM** to **adopt DAs** to establish:
  - Targets for other products
  - Exemptions for other EOs
  - Exemptions for specific packaging formats covered by the targets
- **Specific review clause** in 8 years after the entry into force
- **Calculation of the targets**
- based on the number of sales or equivalent units in calendar year (Art. 27, 28) => Implementing act by 2028



# Core Measures in the Proposal

## Full recyclability of all packaging by 2030 (Art. 6)

- **As of 2030**, all packaging items have to be recyclable, and to that end meet the **design for recycling** criteria, to be established in a DA.
- **As of 2035**, ensuring “recycling at scale”; the methodology to measure it established via a DA.
- **COM empowered to adopt DAs** to establish:
  - DfR criteria based on state-of-the art infrastructure and covering all packaging components
  - Performance grades (based on Annex II) from A-E; Grade E means that such packaging cannot be PoM
  - Rules on the modulation of EPR fees based on recyclability performance grade and recycled content for plastic packaging
- **Exemptions** for:
  - Innovative packaging (5 years from PoM)
  - Pharmaceutical packaging and medical devices (until 2035)

### **Packaging is recyclable** if:

- It is designed for recycling
- It is effectively and efficiently separately collected
- It is sorted into defined waste stream
- It can be recycled so that it results in secondary materials that can replace primary ones
- It can be recycled at scale (as of 2035)

# Compostability requirements (Art 8)

- **4 packaging formats** (tea and coffee bags, tea and coffee single-serve systems, fruit and vegetable sticky labels and **very** lightweight plastic carrier bags) must be **compostable** so that this packaging can go together with the product into the bio-waste stream
- All other plastic containing packaging should go into material recycling.
- Lightweight plastic carrier bags, a significant market item, may be compostable in Member States where there is the respective infrastructure for collection of bio-waste and composting.
- COM empowerment for updating the list of items



# Recycled content in plastic packaging (Art 7)

- Minimum inclusion rates for post-consumer **recycled content (RC) in plastic** containing packaging part (not for other packaging materials: glass, metal, paper), stepwise increasing from 2030 to 2040
- Product requirement with respect to **packaging placed on the EU market**, monitored by market surveillance authorities of MS

Main inclusion rates of recycled content in plastic part of packaging		
Packaging	2030	2040
Plastic Beverage bottles	30%	65%
Contact sensitive packaging:		50%
PET as major component	30%	
Other than PET	10%	
Other plastic packaging	35%	65%

# Core Measures in the Proposal

## Labelling (Art. 11 and 12)



- EU harmonised labels based on packaging material composition for packaging and waste receptacles to facilitate consumer sorting (i.e. Nordic pictograms)
- Harmonised label for packaging, for which **deposit and return systems** are mandatory
- harmonized label and QR code for **reusable packaging** (collection points, tracking etc) + obligation to distinguish MU from SU at the point of sale
- harmonised criteria for (voluntary) labelling of **recycled content**
- COM shall adopt **implementing acts**:
  - 18 M after the entry into force of the Regulation: for all the above labels
  - 24 M after the entry into force of the Regulation: for digital marking of packaging
- Prohibition of **misleading and confusing labels** as regards sustainability requirements or waste management options for which there are harmonised labels
- Exemption for EPR labels or other DRS (non-mandatory) labels, if they are clear and unambiguous

# Core Measures in the Proposal

## Deposit Return Systems (Art. 43)

- **Member States shall:**
  - set up of **mandatory DRS for plastic bottles and cans** and possibility of exemptions for MS achieving 90% collection targets by other means in 2026 and 2027
  - endeavour to set up DRS for glass, beverage cartons and reusable packaging
  - ensure that return points for reusable packaging are accessible and available on equal terms as for SU packaging for which mandatory DRS shall be established
- DRS shall meet the minimum criteria in Annex X
- Labelling of mandatory DRS shall be harmonised

# Core Measures in the Proposal

## Return and Separate collection (Art. 44) and Reuse and refill (Art. 45)

### Article 44

Stricter requirements regarding the obligation of MS to set up systems for return and separate collection as compared to PPWD

- Derogations limited to situations where ‘co-mingling’ does not affect the potential of such non-separately collected fractions of packaging to undergo re-use or recycling in accordance with Art. 4 and 13 of WFD and the output is of comparable quality (derogation corresponding to Art. 10(3)(a) WFD)
- The systems shall be open to all stakeholders (incl. imported products) and cover the whole territory of the MS and all packaging waste (incl. in public spaces and businesses)

### Article 45

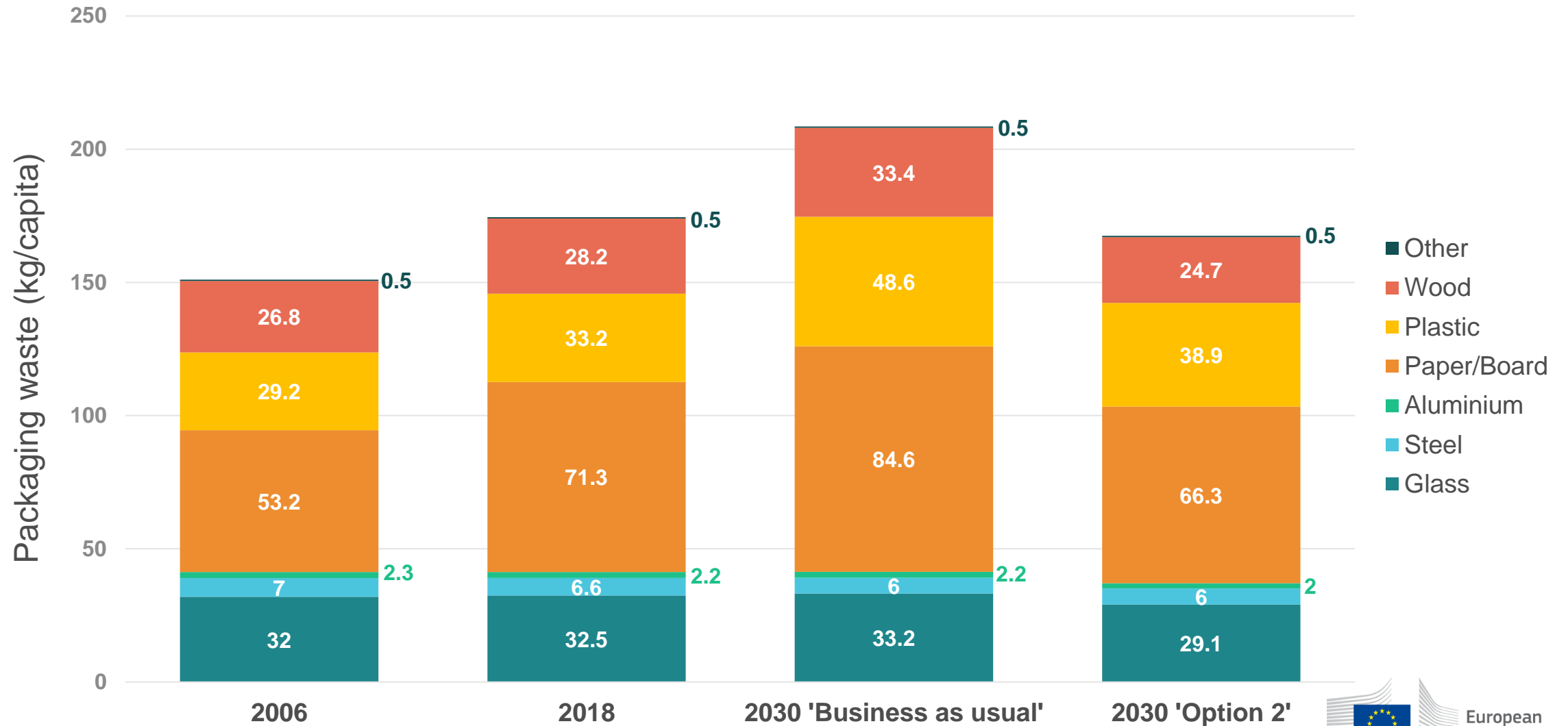
- MS to encourage the setting up of re-use and refill systems:
  - ✓ DRS for reusable packaging
  - ✓ Economic incentives, for example on retailers, to use MU packaging instead of SU or to inform consumers about the cost of SU packaging
  - ✓ Targets on retailers for other products/packaging than those covered under Art. 26
- Systems need to comply with minimum requirements (Art. 24, 25, Annex VI):

# Core Measures in the Proposal

## Extended Producer Responsibility (Art. 39 ff)

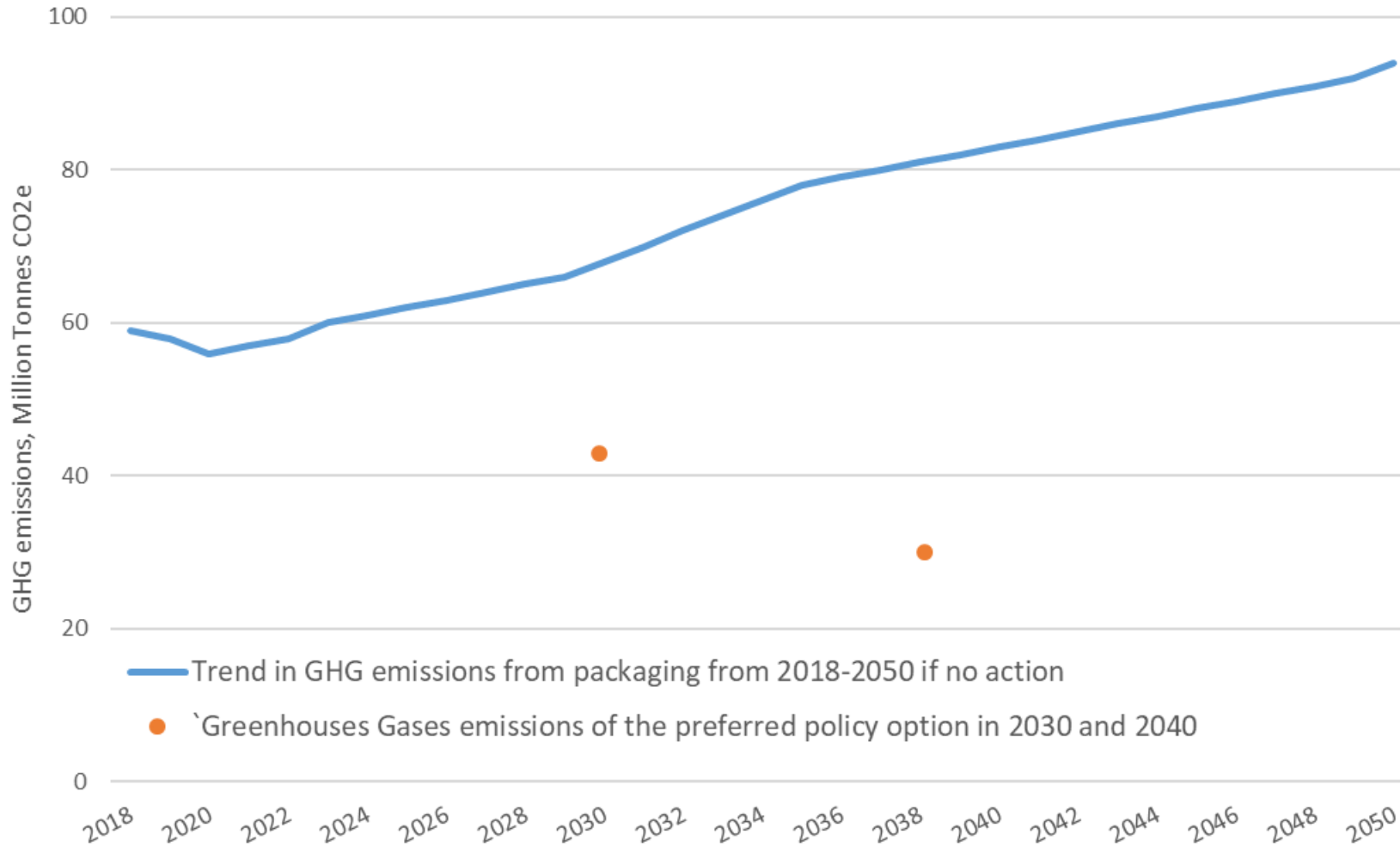
- **Obligation to set up a register** to monitor compliance of producers of packaging
- Obligations on **producers to register** in each MS where they make packaging available on the market for the first time
- Harmonised registration formats
- Harmonisation of EPR reporting granularity and frequency, to support MS reporting
- EPR obligations according to Art. 8 and 8a WFD and specific rules Art. 40 ff PPWR
- **Rules on online operators** in line with Digital Services Act
- **Appointed representative for EPR** in each MS where producer is making packaging available on the market

# Packaging Waste Generation is Rising





# Negative Environmental Impacts & GHG Emissions of Packaging will Increase



an **ambitious policy package** is indispensable to deliver on the **Green Deal objectives**, while increasing the **economic efficiency in the packaging value chain** and possible **discharge the consumers**