



Proposal for a Regulation on Packaging & Packaging Waste

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Mattia Pellegrini

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

1. Main issues



Challenges

- **Market & regulatory failures** (fragmented market, unclear labelling, incorrect transposition of current Directive; SUPD and ORD only cover plastic packaging).
- **Increase in packaging waste & barriers to circularity** (avoidable packaging, increasing single use packaging ; design inhibits recycling, cross contamination in recycling stream, inefficient reuse systems)



- **Environmental & economic impacts** (Littering / landfill / incineration / export at end life; hazardous substances ; inefficient use of resources ; inefficient / costly waste management.)



Objectives

- Reduce the generation (& environmental impacts) of packaging waste
- Promote a circular economy for packaging in a cost-efficient way
- Promote the uptake of recycled content in packaging
- improve the functioning of the internal market,



Move to regulation with internal market legal basis :

- mitigate regulatory and market failures, and reinforce compliance;
- level the playing field, with efficiency gains for economic operators and
- Directly applicable and enforceable requirements on packaging and on economic operators / Avoids issues due to delayed or incorrect transpositions



Key elements

- Prevention and Reuse
- Full recyclability of all packaging by 2030 (Art. 6)
- Compostable plastic packaging (Art. 8)
- Recycled content (RC) targets for plastic packaging (Art 7)
- Labelling - Deposit Return Systems - waste collection

Prevention & Reuse

❑ *Obligations on Member States*



- **Waste prevention target on MS** to reduce packaging waste compared to 2018 by 5% by 2030; 10% by 2035 15% by 2040 ; MS may go beyond the min. requirements (Art. 38)
- Obligations on **MS to take measures that encourage reuse & refill** (Art. 45)

❑ *Harmonized measures on economic operators*



- **Waste Prevention:** Minimisation of and restrictions on excessive packaging (Art. 9, 21) + Avoiding unnecessary packaging (Art. 22; Annex V)
- **Reuse :** Reusable packaging (Art. 10)*, Supporting the establishment of efficient reuse and refill systems (Art 23-25), sector specific reuse targets on economic operators (Art. 26 – next slide)

* Requirements for placing reusable packaging on the market (Art. 10) : conceived/designed/PoM to be reused/refilled and to accomplish as many trips or rotations as possible; is recyclable at end of life
With general exemption for: micro-companies; EO placing less than 1000 kg of packaging on the market ; EO with a sales area less than 100 m2 (applies only for beverages & food targets)

❑ *Reuse & refill (Art. 45)*



- MS to encourage the setting up of re-use and refill systems: **DRS** for reusable packaging; Economic incentives (e.g. 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 (Annex VI):

Packaging minimisation



- Requirement for placing packaging on the market: **packaging designed so that its weight and volume are minimal** in relation to its function; **based on 'performance criteria'**, with exception for packaging design subject to **protected geographical indication or origin & Prohibition of misleading packaging** (double walls, false bottoms...) (Art 9)
- **Empty space limit** for : e-commerce, transport and grouped packaging (e.s. ratio max. 40 %) art 21

Ban on unnecessary packaging



- 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)

possibility for **exemptions by MS** : for **micro-companies** & where it is **not technically feasible (e.g. no access to reuse infrastructure)** art 22

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

- As of **2030**, all packaging items have to be **recyclable**, and meet the **design for recycling criteria**.
- As of 2035, ensuring “**recycling at scale**”;
- **methodology** (established via a DA) :
 - DfR criteria based on state-of-the art infrastructure and covering all packaging components
 - Performance grades from A-E (E = packaging cannot be PoM)
 - Rules on the modulation of EPR fees based on recyclability performance grade and RC in plastic
- **Exemptions** for innovative packaging (5 years from PoM) & Pharmaceutical packaging (until 2035)
- **Packaging is recyclable** if : designed for recycling; effectively and efficiently separately collected; sorted into defined waste stream; can be recycled so that it results in secondary materials that can replace primary ones; can be recycled at scale (as of 2035)



Compostability requirements (art 8)

- **4 packaging formats** must be compostable so that this packaging can go together with the product into the bio-waste stream: *tea and coffee bags ; tea and coffee system single-serve unit; fruit and vegetable sticky labels and very lightweight plastic carrier bags* -> all other packaging go into material recycling.
- **Lightweight plastic carrier bags** may be compostable where there is the respective infrastructure for collection of bio-waste and composting.



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
- **Exemptions** for compostable packaging & medicinal products & medical devices
- **COM review by 2028** to review targets for specific packaging types and derogations

inclusion rates of RC in 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%

Labelling (art. 11 & 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 in mandatory DRS
- 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
- 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 clear and unambiguous



Deposit Return Systems (Art. 43)

- **Member States** shall:
 - set up of **mandatory DRS for plastic bottles and cans**
 - possibility of **exemptions** for MS achieving 90% collection targets by other means in 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
- **minimum criteria** (Annex X) + harmonised **Labelling**
- **possibility for MS to ‘go beyond’ the minimum requirements**



Return & Separate collection (Art. 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
 - 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)



Recycling targets (Articles 46, 47 and 48)

- **Recycling targets have not been modified** compared to PPWD
- The **possibility for derogation** of up to 5 years still exists for 2025 targets
- Specific **review clause**: 8 years from the entry into force
- Express **possibility for MS to go beyond the min. requirements**
- **Rules on the calculation** not modified



Specific targets for packaging		
	By 2025	By 2030
All packaging	65%	70%
Plastic	50%	55%
Wood	25%	30%
Ferrous metals	70%	80%
Aluminium	50%	60%
Glass	70%	75%
Paper and cardboard	75%	85%

MS reporting (art. 50) : MS shall report to the Commission : Data on recycling of packaging waste and reusable packaging (no change); Consumption of plastic carrier bags ; Separate collection rate for ‘mandatory DRS packaging formats’



Extended Producer Responsibility (Art. 39 ff) : **Register** to monitor compliance of producers of packaging + Harmonised registration formats & Harmonisation of reporting granularity and frequency

- Obligations on producers to register in each MS
- EPR obligations according to Art. 8 & 8a WFD and specific rules Art. 40 ff PPWR
- Rules on online operators in line with Digital Services Act



Green Public Procurement (Art. 57): Art. 57(3) empowers the COM to adopt EU **harmonised minimum mandatory green public procurement criteria** (via delegated acts) based on the value and volume of public contracts awarded for packaging



3. State of play



- After the adoption of the proposal on 30 November 2022, the negotiation process within the **Council's Environment Group** began under the SE Presidency, with a political exchange at the ENV Council in March
- Progress is being made at technical level in working party's meetings
- A reviewed compromise text has been handed over to the ES Presidency with the ambition to reach a General Approach at the December ENVI Council.
- We hope for a common position at the latest in December, which would allow the start of the negotiations under the BE PRE.
- **EP** : a vote took place on 23/24 October in ENVI (the compromise amendments presented by rapporteur Ries has been adopted) and the Plenary vote is planned for 21 November.