

May 2024

Fibre Packaging Europe

Packaging and Packaging Waste Regulation
Briefing

POLICY MEASURES





List of articles and annexes

List of articles

- Article 1 Subject matter
- Article 2 Scope
- Article 3 Definitions
- Article 4 Free movement
- Article 5 Requirement for substances in packaging
- Article 6 Recyclable packaging
- Article 7 Minimum recycled content in plastic packaging
- Article 8 Bio-based feedstock in plastic packaging
- Article 9 Compostable packaging
- Article 10 Packaging minimisation
- Article 11 Reusable packaging
- Article 12 Labelling of packaging
- Article 13 Labelling of waste receptacles for the collection of packaging waste
- Article 14 Claims
- Article 15 Obligation of manufacturers
- Article 16 Information obligations of suppliers of packaging or packaging materials
- Article 17 Obligations of authorised representatives
- Article 18 Obligations of importers
- Article 19 Obligations of distributors
- Article 20 Obligations of fulfilment service providers
- Article 21 Case in which obligation of manufacturers apply to importers and distributors
- Article 22 Identification of economic operators
- Article 23 Information obligations of packaging waste management operators
- Article 24 Obligation related to excessive packaging
- Article 25 Restriction on use of certain packaging formats
- Article 26 Obligations in relation to reusable packaging
- Article 27 Obligation related to systems for re-use

List of articles

- Article 28 Obligations related to refill
- Article 29 Reuse targets
- Article 30 Rules on the calculation of the attainment of the reuse targets
- Article 31 Reporting to the competent authorities on reuse targets
- Article 32 Refill obligation for the takeaway sector
- Article 33 Reuse offer for the take away sector
- Article 34 Plastic carrier bags
- Article 35 Test, measurement and calculation method
- Article 36 Presumption of conformity
- Article 37 Common specifications
- Article 38 Conformity assessment procedure
- Article 39 EU declaration of conformity
- Article 40 Competent authority
- Article 41 Early warning report
- Article 42 Waste management plans and waste prevention programmes
- Article 43 Prevention of packaging waste
- Article 44 Register of producers
- Article 45 Extended Producer Responsibility
- Article 46 Producer Responsibility Organisation
- Article 47 Authorisation on fulfilment of extended producer responsibility
- Article 48 Return and collection systems
- Article 49 Mandatory collection
- Article 50 Deposit and return systems
- Article 51 Reuse and refill
- Article 52 Recycling targets and promotion of recycling
- Article 53 Rules on the calculation of the attainment of the recycling targets
- Article 54 Rules on the calculation of the attainment of the recycling targets by including re-use
- Article 55 Information on prevention and management of packaging waste
- Article 56 Reporting to the Commission
- Article 57 Packaging databases

List of articles & annexes

- Article 58 Procedure for dealing with packaging presenting a risk at national level
- Article 59 Union safeguard procedure
- Article 60 Compliant packaging which presents a risk
- Article 61 Controls on packaging entering the Union market
- Article 62 Formal non-compliance
- Article 63 Green public procurement
- Article 64 Exercise of the delegation
- Article 65 Committee procedure
- Article 66 Amendments to Regulation (EU) 2019/1020
- Article 67 Amendments to Directive (EU) 2019/904
- Article 68 Penalties
- Article 69 Evaluation
- Article 70 Repeal and transitional provisions
- Article 71 Entry into force and application

Annexes

- Annex I Indicative list of items in the scope of the definition of packaging in Article 3, point (1)
- Annex II Categories and parameters for assessment of recyclability of packaging
- Annex III Compostable packaging
- Annex VI Methodology for packaging minimisation assessment
- Annex V Restriction on use of packaging formats
- Annex VI Requirements specific to the systems for the re-use and refill stations
- Annex VII Conformity assessment procedure
- Annex VIII EU declaration of conformity
- Annex IX Information for registration and reporting to the register referred to in article 44
- Annex X Minimum requirements for Deposit and Return Systems
- Annex XI Implementation plan to be submitted pursuant to article 52(2), point (d)
- Annex XII Data to be included by Member States in their databases on packaging and packaging waste
- Annex XIII Correlation table



Legislative timeline

Legislative timeline



30/11/2022:
Publication of proposal by the **European Commission**

2023

16 /03
Environment Council
Policy debate

11/04
ENVI Committee
Finalisation of draft report

04/05
ENVI Committee
Debate

10/05
ENVI Committee
Deadline for amendments

20/06
Environment Council

17 – 18/07
Environment Council

24/10
ENVI Committee
Vote on draft report

22/11
EP Plenary
Vote on EP mandate

18/12
Environment Council
General Approach

1 January 2023 – 31 June 2023
Swedish Presidency of the Council of the EU

1 July 2023 – 31 December 2023
Spanish Presidency of the Council of the EU

2024

Q1
Trilogues
Council and EP reach an agreement

24/04
EP Plenary
Vote on agreed text

06-09/06
European elections

TBC
Council
Vote on final version

Q4 (TBC)
Publication in the Official Journal of the EU –
Entry into force 20th day following publication

March – May (TBC)
Legal and linguistic finalisation

TBC
New EP
Approve corrigendum

1 January 2024 – 31 June 2024
Belgian Presidency of the Council of the EU

1 July 2024 – 31 December 2024
Hungarian Presidency of the Council of the EU

2025
2026

Q3 2026 (tbc) - 18 months after entry into force
Application of Regulation



DISCLAIMER

Please note that the interpretation of the following articles is not an official legal analysis. It is provided for informational purposes only and should not be considered as a substitute for professional legal advice.

+ + + + +

Article 3

Definitions



Article 3 Definitions

'packaging' means an item, irrespective of the materials from which it is made, that is intended to be used by an economic operator for the containment, protection, handling, delivery or presentation of products to another economic operator or to an end-user and that can be differentiated into packaging formats based on its function, material and design, including:

(a) an item that is necessary to contain, support or preserve the product throughout its lifetime without being an integral part of the product which is intended to be used, consumed or disposed of together with the product;

(b) a component of, and ancillary element to, an item referred to in point (a) that is integrated into the item;

(c) an ancillary element to an item referred to in point (a) that is hung directly on, or attached to, the product and that performs a packaging function without being an integral part of the product and which is intended to be used, consumed or disposed of together with the product;

(d) an item designed and intended to be filled at the point of sale to dispense the product, also referred to as 'service packaging'.

(e) a disposable item sold, filled or designed and intended to be filled at the point of sale and which performs a packaging function;

(f) permeable tea, coffee or other beverage bags or soft after-use system single-serve units that contain tea, coffee or other beverages and are intended to be used and disposed of together with the product;

(g) non-permeable coffee, tea or other beverage system single-serve unit intended for use in a machine and which is used and disposed of together with the product;

'transport packaging' means packaging conceived so as to facilitate handling and transport of one or more sales units or a grouping of sales units, in order to prevent damage to the product from physical handling and transport, but excluding road, rail, ship and air containers;

'sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the end user at the point of sale;

'e-commerce packaging' means transport packaging used to deliver products in the context of sale online or through other means of distance sales to the end user;

'grouped packaging' means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale, irrespective of whether that grouping of sales units is sold as such to the end-user or whether it serves as a means to facilitate the restocking of shelves at the point of sale or to create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics;

'take-away packaging' means service packaging filled at attended points of sale, with beverages or ready-prepared food, that is packaged for transportation and immediate consumption at another location without the need for any further preparation, and typically consumed from the packaging;

Article 3 Definitions

'design for recycling' means design of packaging, including individual components of packaging, that ensures the recyclability of the packaging with established collection, sorting and recycling processes proven in an operational environment;

'recyclability' means the compatibility of packaging with the management and processing of waste by design, based on separate collection, sorting in separate streams, recycling at scale, and use of recycled materials to replace primary raw materials;

'high-quality recycling' means any recycling process which produces recycled materials that are of equivalent quality to the original materials, based on preserved technical characteristics, and is used as a substitute to primary raw materials for packaging or other applications where the quality of the recycled material is retained.

'material recycling' means any recovery operation, by which waste materials are reprocessed into materials or substances whether for the original or other purposes, with the exception of biological treatment of waste, reprocessing of organic material, energy recovery, and reprocessing into materials that are to be used as fuels or for backfilling operations.

'secondary raw materials' means materials that have undergone all necessary checking and sorting and been obtained through recycling processes and that can substitute primary raw materials;

'packaging waste recycled at scale' means: packaging waste which is separately collected, sorted and recycled in installed infrastructure, using established processes proven in an operational environment which ensure at EU level an annual quantity of recycled material under each packaging category listed in table 1a Annex II, equal or greater than 30% for wood and 55% for all other materials. This includes such packaging waste exported from the Union for the purpose of waste management which can be considered as meeting the requirements of Article 47(12).

'packaging category' means a combination of material and specific packaging design, which determines recyclability by reference to established state of the art collection, sorting and recycling processes; proven in an operational environment and is relevant for the definition of the design for recycling criteria;

Article 3 Definitions

'unit of packaging' means a unit as a whole, including any integrated or separate components, which together serve a packaging function such as the containment, protection, handling, delivery, storage, transport and presentation of products, and including independent units of grouped or transport packaging where they are discarded prior to the point of sale;

'separate component' means a packaging component that is distinct from the main body of the packaging unit, which is of a different material, that needs to be disassembled completely and permanently from the main packaging unit, and that is typically discarded prior to and separately from the packaging unit, and covers packaging components that can be separated from each other simply through mechanical stress during transportation or sorting;

'composite packaging' means a unit of packaging made of two or more different materials, which are part of the weight of the main packaging material and cannot be separated manually and therefore form a single integral unit, unless a given material constitutes an insignificant part of the packaging unit and in no case more than 5% of the total mass of the packaging unit and excluding labels, varnishes, paints, inks, adhesives, lacquers. This is without prejudice to Directive 2019/904;

'integrated component' means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but that is integral to the packaging unit and its functioning, does not need to be separated from the main packaging unit in order to ensure its functionality and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

'contact sensitive packaging' means packaging that is intended to be used for products falling within the scope of Regulations (EC) No 1831/2003 of the European Parliament and of the Council, (EC) No 1935/2004, (EC) No 767/2009 of the European Parliament and of the Council, (EC) No 1223/2009 of the European Parliament and of the Council, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4 of the European Parliament and of the Council, (EU) 2019/6, or of Directives 2001/83/EC, or 2008/68/EC or for products as defined in Articles 1 and 2 of Commission Decision (EU) 2023/180957, Directive 2002/46/EC of the European Parliament and of the Council, or Directive 2008/68/EC;

Article 3 Definitions

'compostable packaging' means packaging that biodegrades or is capable of undergoing biological decomposition, combined if necessary with physical treatment, only in industrially controlled conditions, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide or in the absence of oxygen, methane, mineral salts, biomass and water, and does not hinder or jeopardise the separate collection and the composting and anaerobic digestion process;

'home compostable packaging' means packaging that can biodegrade in non-controlled conditions that are not industrial scale composting facilities and the composting process of which is performed by private individuals with the aim of producing compost for their own use.

"contact sensitive packaging" packaging that is intended to be applied to products in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, Directive 2008/68/EC or for products as defined in Article 1 and 2 of Commission Decision (EU)2023/1809, Directive 2002/46/EC of the European Parliament and of the Council, or Directive 2008/68/EC

'post-consumer plastic waste' means waste, as defined in Article 3(1) of Directive 2008/98/EC, that is plastic and that has been generated from plastic products that have been supplied for distribution, consumption or use and placed on the market of a Member State or of a third country - collected and/or recycled within the EU or where standards equivalent to EU ones.

'biobased plastics' means plastics made from biological resources such as biomass feedstock, organic waste or by-products. Biobased plastic can be both, biodegradable or non-biodegradable;

'plastic' means a material consisting of a polymer within the meaning of Article 3(5)3, point 5, of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of packaging, with the exception of natural polymers that have not been chemically modified;

'innovative packaging' means a form of packaging that is manufactured using new materials, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, or delivery of products, and in overall demonstrable environmental benefits, with the exception of packaging that is the result of modification of existing packaging for the main purpose of improved presentation of products and marketing;

Article 3 Definitions

're-use' means any operation by which reusable packaging is used again multiple times for the same purpose for which it was conceived;

'refill' means an operation by which a container, owned by the end user, which fulfils the packaging function, or a container purchased by the end user at the point of sale of the final distributor is filled by the end user or by the final distributor with a product or several products purchased by the end user from the final distributor;

'rotation' means the cycle that reusable packaging accomplishes from the moment it is placed on the market together with the product it is intended to contain, protect, handle, deliver or present, to the moment it is ready for being reused in a system for re-use with a view to it being supplied again to the end users together with another product;

'single-use packaging' means packaging which is not reusable packaging;

'systems for re-use' means organisational, technical or financial arrangements, together with incentives, that allow the re-use either in a closed loop or open loop system. It includes deposit and return systems, when they ensure that packaging is collected for re-use;

'trip' means transfer of packaging, from filling or loading to emptying or unloading, as part of a rotation or on its own;

Article 3 Definitions

‘manufacturer’ means any natural or legal person who manufactures packaging or a packaged product. In case a natural or legal person has packaging or a packaged product designed or manufactured under its own name or trademark, regardless of whether any other trademarks is visible on the packaging or on the packaged product, it shall be considered the ‘manufacturer’ instead of the person who manufactures the packaging or the packaged product, except in the case of the paragraph below.

In case of transport packaging, reusable packaging, primary production packaging, grouped packaging, sales packaging or service packaging, if the natural or legal person which has the packaging designed or manufactured under its own name or trademark falls under the definition of micro-enterprise in accordance with Commission Recommendation 2003/361/EC as publicly available on [OP: Please insert the date = the date of entry into force of this Regulation], and the provider of the packaging is located in the same Member State, then the provider of the packaging shall be considered the manufacturer

‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, authorised representatives, final distributors and fulfilment service providers;

‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or importer, who makes a packaging, or a packaged product, available on the market;

‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, either:

(i) is established in a Member State and makes available for the first time from within the territory of that Member State and on that same territory transport packaging, service packaging, including reusable service packaging, or primary production packaging; or

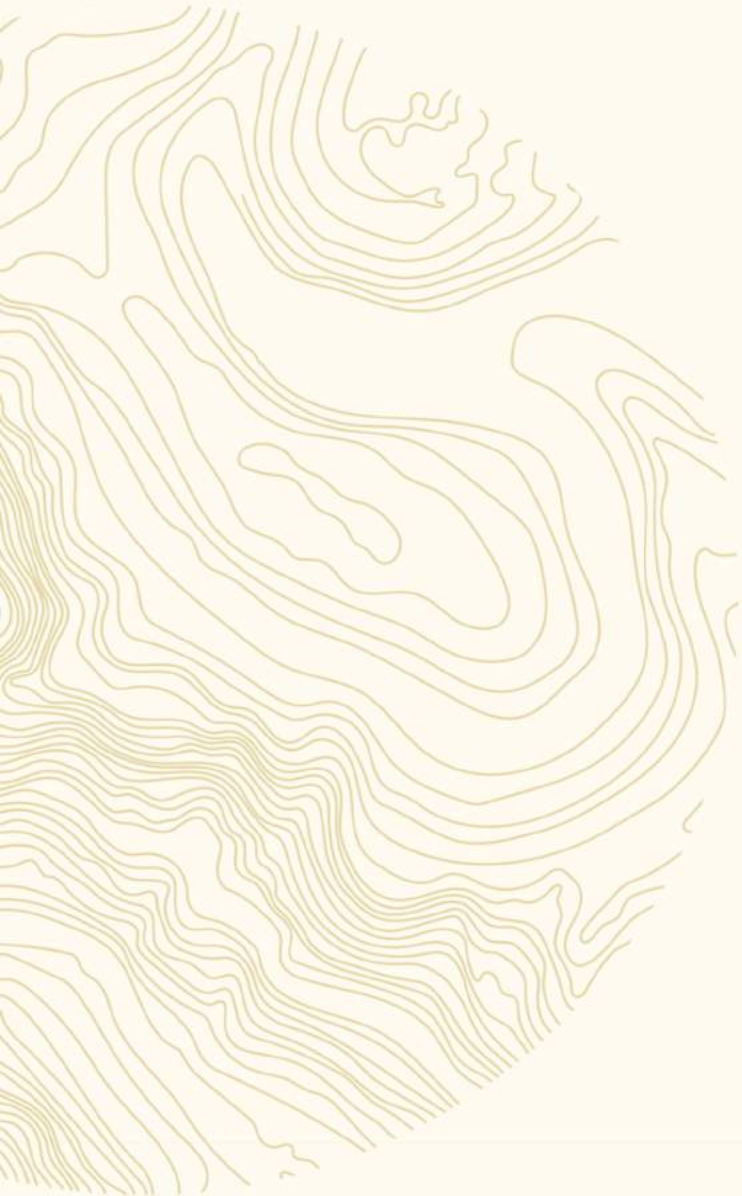
(ii) is established in a Member State and makes available for the first time from within the territory of that Member State and on that same territory products packaged in packaging other than those listed in paragraph (i); or

(iii) is established in a Member State or in a third country and makes transport packaging, service packaging, including reusable service packaging, or primary production packaging or products packaged in packaging other than those mentioned above available for the first time within the territory of another Member State, directly to end-users; or

(iv) is established in a Member State and unpacks packaged products without being end-user, unless another person is the producer according to (i) to (iii).

‘placing on the market’ means the first making available of a packaging on the Union market;

‘making available on the market’ means any supply of a packaging for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;



Article 5

Requirements for substances in packaging

Article 5 Requirements for substances in packaging

The Commission will monitor the presence of substances of concern in packaging and in packaging components and will take relevant follow-up measures.

Restriction on the placing on the market of food contact packaging containing per- and polyfluorinated alkyl substances (PFASs) above certain thresholds (for thresholds see page 19).

For the thresholds please see paragraph 2a of Article 5.

The Commission, assisted by the European Chemicals Agency, shall prepare a report on the presence of substances of concern in packaging and packaging components, to determine the extent to which they negatively affect the re-use and recycling of materials or impact chemical safety.

This report may list the substances of concern present in packaging and packaging components and indicating the extent to which they may present an unacceptable risk to human health and the environment.



Commission shall carry out an evaluation to assess the need to amend or repeal the restrictions in order to avoid overlaps with restrictions or prohibitions of the use of PFAS set out other EU legislation

For definition of “substances of concern” please look at point 27 of paragraph 1 of article 2 of the **Ecodesign for Sustainable Products Regulation**.

Article 5 Requirements for substances in packaging

Restrictions on PFAs

The restriction on PFAs is the same as in the European Chemicals Agency (ECHA) recommendation. The restriction applies to both intentionally and unintentionally added PFAs in food contact packaging.

From 18 months from the date of entry into force, food contact packaging shall not be placed on the market if it contains per- and polyfluorinated alkyl substances (PFAS) in a concentration of or above the following limit values:

- (a) 25 ppb for any PFAS (polymeric PFAS excluded) as measured with targeted PFAS analysis
- (b) 250 ppb for the sum of PFAS (polymeric PFAS excluded) measured as a sum of targeted PFAS analysis
- (c) 50 ppm for PFAS (polymeric PFAS included) if total fluorine exceeds 50 mg/kg the manufacturer, importer or downstream user shall upon request provide to the enforcement authorities a proof for the fluorine measured as content of either PFAS or non-PFAS.

Restrictions on BPA

No restriction on BPA is provisioned, but a restriction might be introduced under the revised Food Contact Materials Regulation. In addition, the draft proposal for Regulation on BPA has been published, has undergone public consultation and is expected to be voted by Member States in June 2024.

+ + + + +

Article 6

Recyclable packaging



Article 6 Recyclable packaging

Delegated Acts to establish:

- Design for Recycling criteria and recycling performance grades for each packaging category listed in Annex II table 1
- How to perform recyclability performance assessment and express its result in recyclability performance grades per packaging unit.
- A framework on Extended Producer Responsibility fee modulation based on performance grade.

Implementing Acts to establish:

- Methodology for the recyclable at scale assessment per packaging category listed in table 2 of annex II.
- If necessary, update recyclability performance grade.

EC to review the minimum thresholds for packaging to be recycled at scale



Packaging is recyclable if:

- It is designed for material recycling
- It complies with Design for Recycling Guidelines included in the delegated acts.
- Falls under performance categories A,B,C (>70% score of compliance)

☒ **Packaging that does not fall under performance grades A,B,C is banned from the market**

☒ Packaging recyclability shall be expressed in the recyclability performance grades A, B or C described in Table 3 of Annex II.

Member States shall modulate EPR fees based on performance grades

Packaging is recyclable if:

- Recycled at scale according to the methodology set in the implementing acts.
- ☒ 55% recycling rate for all packaging types, 30% for wood packaging.
- ☒ It can be collected separately and sorted without affecting recyclability of other waste streams and

Packaging performance category A or B (>80% score of compliance) allowed on the market

Article 6 Recyclable packaging

The Commission Delegated acts shall:

Take into consideration standard developed by the European Standards Organisations

Set design for recycling criteria and recycling performance grades based on Table 3 of Annex II and the parameters listed in Table 4 of Annex II for packaging categories listed in Table 1 of that Annex;

Design for recycling criteria and recyclability performance grades will be developed on the basis of the predominant material and will take into account:

- Ability to be separately collected, sorted and recycled.
- Consider established collection and sorting processes proven in an operational environment and cover all packaging components
- Consider available recycling technologies including quality of output and environmental impact such as GHG emissions.
- Identify substances of concern that negatively affect the reuse and recycling of materials in the packaging
- Impose restrictions on the presence of such substances or groups of such substances, in packaging or packaging components
- How to perform recyclability performance assessment and express its result in recyclability performance grades per packaging unit
- Explain the rules for the modulation of fees based on performance category and recycled content for plastic.

The Commission Implementing acts shall:

Establish the methodology for the recyclable at scale assessment per packaging category listed in Table 2 of Annex II

Establish the chain of custody mechanism ensuring that packaging is recycled at scale.

□ Such chain of custody mechanism shall be based on technical document referring to the amount of collected packaging waste sent to sorting and recycling facilities and a verification process that allows manufacturers to obtain the necessary data from downstream operators ensuring that packaging is recycled at scale.

□ The data referred to above shall be available and easily accessible by the public.

Recyclability performance categories:

Recyclability performance is based on design for recycling criteria. Packaging recyclability shall be expressed in the performance grades A, B or C

- Performance Grade A: higher or equal to 95%
- Performance Grade B: higher or equal to 80%
- Performance Grade C: higher or equal to 70%

Exemptions from recyclability criteria cover:

- Innovative packaging (until after 5 years from placing on the market)
- Contact sensitive plastic packaging for food only intended for infants and young children,
- Food for special medical purposes and
- Packaging for drinks and food typically used for young children.

Article 6 Recyclable packaging

Annex II, Table 1 and Table 2

Table 1: Indicative list of packaging materials, types and categories referred to in Article 6

Cat. No	Packaging type	Illustrative examples
2	Paper/cardboard packaging	Boxes, trays, grouped packaging, flexible paper packaging (e.g. films, sheets, pouches, lidding, cones, wrappers)
3	Composite packaging of which the majority is paper/cardboard	Liquid packaging board, and paper cups (i.e. laminated with polyolefin and with or without aluminium), trays, plates and cups, metallised or plastic laminated paper/cardboard, paper/cardboard with plastic liners/ windows

The Commission is empowered to adopt DfR criteria for additional categories or create sub-categories within the categories in Table 1.

Table 2: Indicative list of packaging materials, types and categories referred to in Article 6

Materials	Categories	Link to table 1, annex II
Paper/cardboard	Paper/cardboard (except liquid packaging board)	CAT 2, 3
	Liquid packaging board	CAT 3

Article 7

+ Minimum recycled
content in plastic
packaging

Article 8

Biobased feedstock in
plastic packaging



Article 7 Minimum recycled content in plastic packaging & Article 8 Biobased feedstock in plastic packaging

The Commission to adopt:

- Implementing acts for the calculation and verification of the percentage of content.
- Delegated acts to set sustainability criteria for plastic recycling technologies

The Commission to assess: the scope, targets, timeline and adoption of derogations in delegated acts in view of availability, price, safety/hygiene, lack of authorised technology & possibly amend derogations

The Commission to:

- Assess recycled content in non plastic materials and if not sufficient to propose legislative targets
- Present report on attainment of the targets and as relevant setting targets, for increasing use of recycled content in such other packaging, and where necessary present a legislative proposal.

The calculation and verification of the percentage of recycled content shall comply with the rules laid down in the implementing act.

The Commission to review bio-based plastic performance and where appropriate present a legislative proposal on future targets or equivalence



Recycled content targets (see page 26)

Recycled content targets (see page 26)

The Extended Producer Responsibility fees may be modulated based on the percentage of recycled content used in the packaging

Member States should be allowed to maintain existing systems granting prior and fair access to recycled material to meet the minimum recycled content targets. Priority access should be granted at market prices for the recycled materials corresponding to the amount of packaging placed on the market of the Member State (recital 30).

Article 7 Minimum recycled content in plastic packaging

Type of Packaging	2030	2040
SUP Beverage bottles	30%	65%
Contact sensitive packaging:		
PET as major component	30%	50%
from plastic materials other than PET	10%	25%
Other plastic packaging	35%	65%

*Recycled content recovered from post-consumer plastic waste, per unit of plastic packaging.

Article 7 Minimum recycled content in plastic packaging

Exemptions for:

- Contact sensitive plastic packaging for food only intended for infants and young children, food for special medical purposes and packaging for drinks and food typically used for young children (Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013)
- Plastic packaging intended to come into contact with food in case the amount of recycled content poses a threat to human health and results in noncompliance of packaged products with Regulation (EC) 1935/2004; (b) to any plastic part representing less than 5% of the total weight of the whole packaging unit
- Compostable plastic packaging
- **Any plastic part representing less than 5% of the total weight of the whole packaging unit.**

+ + + + +

Article 9

Compostable packaging



Article 9 Compostable packaging

Compostable packaging and sticky labels attached to fruit and vegetables shall be compatible with the standard for composting in industrially controlled conditions in bio-waste treatment facilities and shall be compatible, when required by the Member States, with home composting standards.

By 12 months from the date of entry into force of this Regulation, the Commission shall request the European standardisation organisations to prepare or update harmonised standards laying down the detailed technical specifications of the requirements on compostable packaging on home compostability.

Possibility for MS to impose compostability requirement (paragraph 2 of article 9).

Exemptions:

Compostable plastic packaging is **exempted from the recycled content mandatory targets** for plastic.

+ + + + +

Article 10

Packaging minimisation



Article 10 Packaging minimisation

The Commission shall request **European standardisation organisations (CEN) to prepare or update harmonised standards, laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation** (should specify maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space).

The economic operator who fills the packaging in **grouped packaging, transport packaging or e-commerce packaging**, shall ensure that the empty space ratio is **maximum 50 %**.

By 24 months after entry into force

By 1 January 2030

Exemptions:

for packaging design protected by a Community design under Council Regulation (EC) 6/2002; design rights falling under the scope of applications of Directive 98/71/EC, including international agreements having effect in one of the Member States, or its shape is a trademark falling under the scope of Regulation (EU)

The manufacturer or importer shall ensure that the packaging placed on the market is **designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality** taking account of the shape and material that the packaging is made of.

+ + + + +

Article 11

Reusable packaging



Article 11 Reusable packaging

- By 24 months after the entry into force, the Commission shall adopt delegated act setting a minimum number for the rotations referred to in paragraph 1, point (b), for reusable packaging for the packaging formats, which are most frequently used in reuse, taking into account hygiene and logistics.
- Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

Assessment: overall better than foreseen **the reference to cardboard packaging has been deleted**

+ **Article 12** +

Labelling of packaging

Article 13

Labelling of waste receptacles for the collection of packaging waste

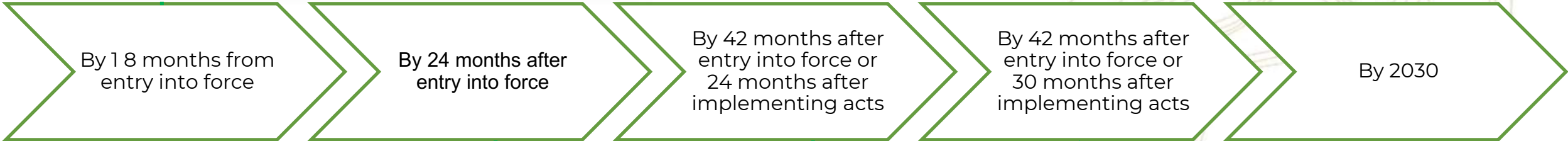


Articles 12 and 13 - Labelling of packaging and waste receptacles

Implementing action on harmonized label & labels requirements taking account of specificities of composite packaging.
 Implementing acts on harmonized labels on receptacles

Implementing acts on material composition label requirements by means of digital technology incl. for composite packaging

Economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation –claims can only be made above legal requirements (art 12.b)



Packaging in EPR may be identified by symbol or QR of the MS it applies for compliance with EPR obligations

Label on the composition of packaging as pictograms - doesn't apply to transport packaging or packaging under DRS
 Economic operators may place a QR or digital label on destination
 Packaging in DRS to be labelled

Harmonized labels on receptacles for collection (not for DRS) – similar to on pack labels
 Only one label per receptacle

Name and concentration of substances of concern by means of digital technology
 Packaging to be marked with technology

Packaging with recycled content to use label or QR/digital code complying with the requirements of the IA and based on the RC calculation methodology indicating RC share.
 Biobased content labels to comply with the IA

Packaging manufactured before deadlines can be marketed for 36 months
Packaging in DRS others than under art 44 may be identified

Article 24

Obligation related to excessive packaging



Article 24 Obligation related to excessive packaging

Commission adopts implementing acts establishing methodology for the calculation of the empty space ration.

The Commission shall review the empty space ratio in paragraph 1 as well as the exemptions in paragraph 3 and assess the possibility of establishing empty space ratios for sales packaging, particularly for toys, cosmetics, Do-It-Yourself kits and electronic products.

By 3 years after entry into force

By 1 January 2030, or 36 months after delegated acts

By 7 years from entry into force

The economic operator who fills the sales packaging shall ensure that empty space is reduced to the minimum necessary for ensuring the packaging functionality, including product protection.

Economic operators who fill the packaging in grouped packaging, transport packaging or e-commerce packaging shall ensure that the empty space ratio is a **maximum of 50 %**.

Exemptions :

Sales packaging for products that are subject to settlement during transportation or where headspace is required to protect the food product, or others that presents these characteristics, compliance with this paragraph , shall be assessed as the pack-fill level at the point of filling; Air between or within packed foodstuff or protective gases shall not be considered as empty space; Economic operators using sales packaging as e-commerce packaging within a system of reuse shall be exempted (ensure that such sales packaging complies with Article 9).

Article 25

Restrictions on use of
certain packaging
formats



Article 25 Restriction on use of certain packaging formats

The Commission shall publish guidelines in consultation with Member States and European Food Safety Authority explaining in more detail Annex V, including examples of the packaging formats in scope.

The Commission shall review Annex V with the objective to reducing packaging waste and, on this basis, may establish new restrictions on the use of specific packaging formats and review the exemptions provided in article 25.



Single-use plastic grouped packaging used at the point of sale to group goods sold in bottles, cans, tins, pots, tubs

Single use plastic packaging for less than 1, 5 kg pre-packed fresh fruit and vegetables

Single use plastic packaging for foods and beverages filled and consumed within the premises in the HORECA sector

Single use plastic packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning

*Beverage cartons do not fall under the scope of the restrictions in HORECA. Only Beverages “filled and consumed within the premises of HORECA” are banned.

*In the case of coffee creamer this is banned even if it pre-packed.

- Member States may maintain restrictions adopted before 1 January 2025 on the placing on the market of packaging in the formats and for the purposes listed in Annex V but made from materials not listed in Annex V.
- Member States may provide exemptions from the bans on food and drinks consumed in HORECA to microenterprises and if not technically feasible not to use packaging or to obtain access to reuse infrastructure

Article 29

Reuse targets

Article 32

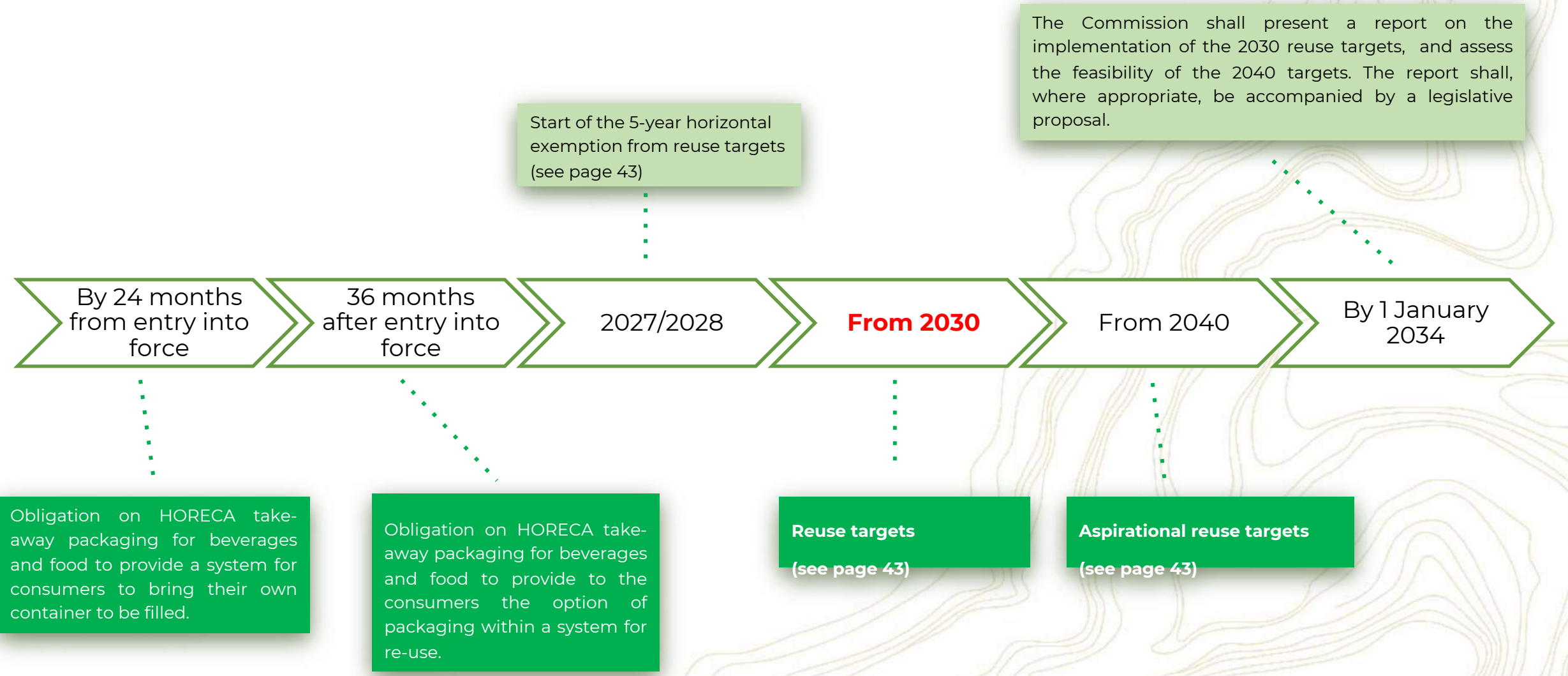
Refill obligation for the
takeaway sector

Article 33

Reuse offer for the takeaway
sector



Article 29, Article 32, and Article 33 - timeline



Article 29, and Article 33 – reuse and refill targets and exemptions

Obligation on	Packaging type/use	Reuse & refill targets	Exemptions (non-exhaustive)	Horizontal exemption
Economic operator	Transport packaging or sales packaging used for transporting products, including via e-commerce , in the form of pallets, foldable-plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters of all sizes and materials, including flexible formats or pallet wrappings or straps for stabilisation and protection of products put on pallets during transport	40% by 2030 70% by 2040 (aspirational)	Cardboard boxes Packaging used for the transportation of dangerous goods, large-scale machinery, for equipment and commodities for which packaging are customised-designed to fit the individual requirement of the ordering economic operator, and flexible packaging used for transport in direct contact with food.	Member States may exempt economic operators for a period of 5 years from the obligations under this Article under the following conditions: - the exempting Member State reaches 5 percentage points above the targets for recycling of packaging waste per material to be achieved by 2025 and is expected to reach 5 percentage points above the 2030 - the exempting Member State is on track to fulfil the respective waste prevention targets - the economic operators have adopted a corporate waste prevention and recycling plan
	Transport packaging or sales packaging used for transporting products used between different sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, and between two EOs in the same member state	100%	Cardboard boxes Packaging used for the transportation of dangerous goods, large-scale machinery, for equipment and commodities for which packaging are customised-designed to fit the individual requirement of the ordering economic operator, and flexible packaging used for transport in direct contact with food.	
	Grouped packaging in the form of boxes used outside of sales packaging to group a certain number of products to create a stock-keeping or distribution unit	10% by 2030 25% by 2040 (aspirational)	Cardboard boxes	
Final Distributor	Alcoholic and non-alcoholic beverages in sales packaging	10% by 2030 40% by 2040 (aspirational)	Highly perishable beverages, milk and milk products and more exemptions in page 45	
Final distributor in HORECA	Take-away packaging cold or hot beverages or ready-prepared food intended for immediate consumption without the need of any further preparation filled into a container at the point of sale for take-away	10% by 2030 (aspirational)		

Article 29 reuse targets – exemptions for cardboard boxes

Art. 29 - paragraph 4:

The obligations set out in paragraphs 1, 2 and 3 do not apply to transport packaging or sales packaging:

- (a) used for the transportation of dangerous goods as set by Directive 2008/68/EC;
- (b) used for transportation for the large-scale machinery, for equipment and commodities for which packaging are customised-designed to fit the individual requirement of the ordering economic operator;
- (c) in flexible format, used for transportation, that is in direct contact with food and feed as defined in Regulation (EC) No 178/2002, and food ingredients as defined in Regulation (EU) No 1169/2011;
- (d) in the form of cardboard boxes.**

Art. 29 - paragraph 5:

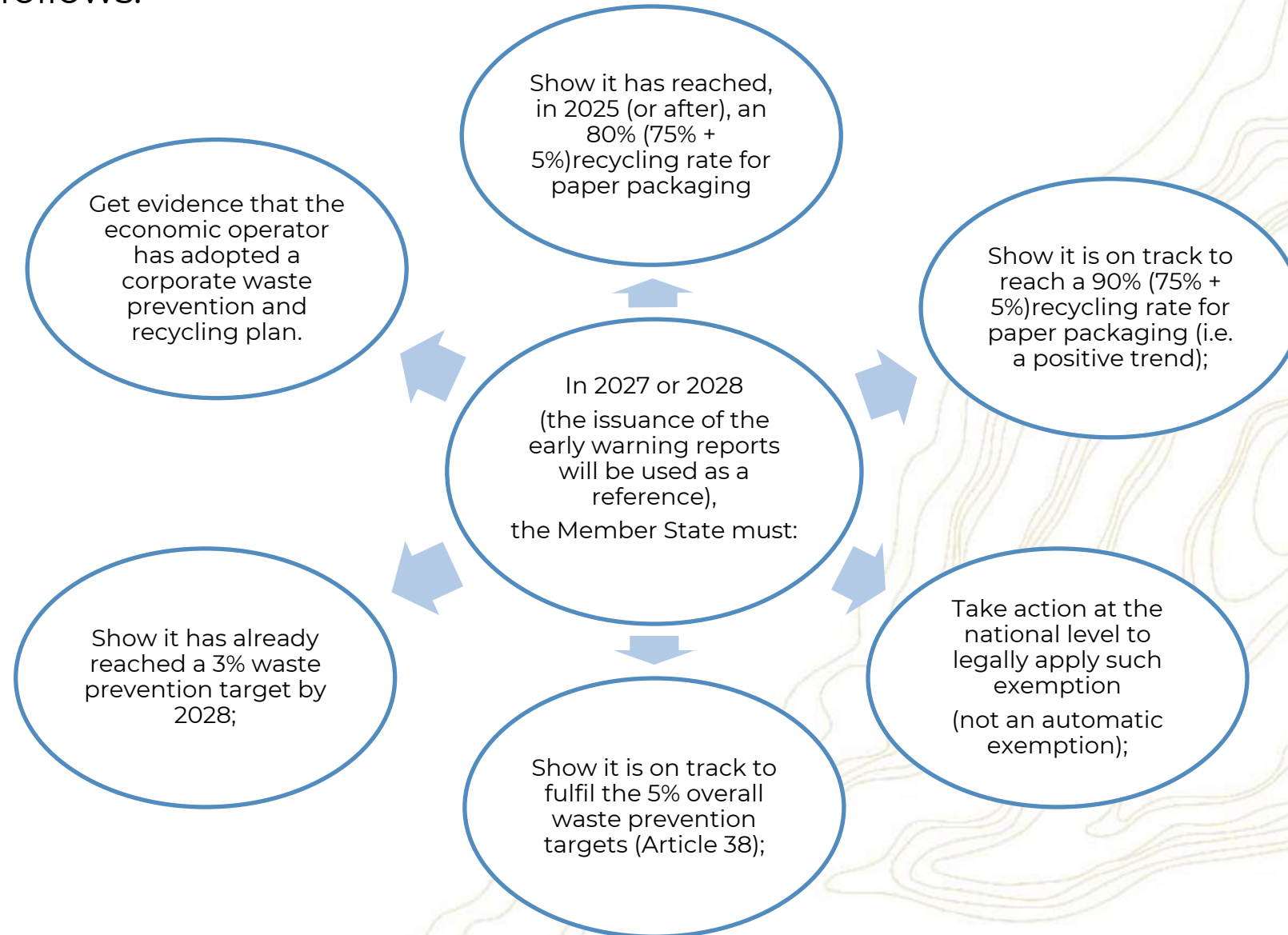
From 1 January 2030, economic operators, using grouped packaging in the form of boxes, **excluding cardboard**, used outside of sales packaging to group a certain number of products to create a stock-keeping or distribution unit shall ensure that at least 10% of such packaging used is reusable packaging within a system for re-use. From 1 January 2040, the economic operators shall endeavour to use at least 25 % of such packaging is reusable format within a system for re-use.

Article 29 further exemptions from reuse targets for alcoholic and non-alcoholic beverages

- Member States may exempt final distributors from the obligation to meet the reuse targets for alcoholic and non-alcoholic beverages in sales packaging if their sales area is located on an island with a population of less than 2000 inhabitants or in a municipality with a population density of less than 54 persons/ km². However, the requirements set in paragraph 8 shall apply to all population centres/localities with more than 5,000 inhabitants.
- Member states may allow final distributors to form pools for the purpose of meeting the reuse targets for alcoholic and non-alcoholic beverages in sales packaging. These pools shall not exceed more than 40% of the market share of the relevant beverage category and shall consist of up to 5 final distributors. These pools may only cover beverage categories made available on the market within the territory of a Member State by all pool members. The limitation to 5 final distributors does not apply if they operate under the same brand name.
- Final distributors are exempted from reuse targets for alcoholic and non-alcoholic beverages in sales packaging if, during a calendar year, they have a sales area of not more than 100 m².

Article 29 reuse targets – horizontal exemption analysis

The 5-year horizontal exemption from reuse obligations provided in paragraph 15 b of article 29 would work as follows:



+ + + + +

Article 34

Plastic carrier bags



Article 34 Plastic carrier bags

Member States shall take measures to achieve a reduction in the consumption of lightweight plastic carrier bags. A sustained reduction is achieved if the annual consumption does not exceed 40 lightweights plastic bags per person by 31 December 2025, and annual thereafter.

- “By **7 years after entry into force of this Regulation**, the Commission shall prepare a report on packaging materials other than those mentioned in paragraphs 1 and 2, which are likely to have a more detrimental impact on the environment and, where appropriate, submit a legislative proposal setting out reduction targets and measures to achieve these targets” (other than lightweight plastic carrier bags);
- Reporting of the annual consumption of other material bags is voluntary for Member States, while it is a requirement for very lightweight plastic carrier bags, lightweight plastic carrier bags, thick plastic carrier bags and very thick plastic carrier bags.

Article 43

Prevention of packaging waste



Article 43 Prevention of packaging waste

Member States to reduce the packaging waste generated per capita:

The Commission shall review the reduction targets laid down in paragraph 1 and assess the need to include specific targets for certain packaging materials.



5% reduction target
for all packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018

10% reduction target
for all packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018

15% reduction target
for all packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018

+ + + + +

Article 51

Reuse and refill



Article 51 Re-use and refill

1. Member States shall take measures to encourage the set-up of systems for re-use of packaging with sufficient incentives for return and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 27 and 28 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.
2. The measures referred to in paragraph 1 may include:
 - a) the use of deposit and return systems compliant with minimum requirements in Annex X for reusable packaging and for other packaging formats that those referred to in Article 44(1),
 - b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging and to inform consumers about the cost of such packaging at the point of sale,
 - c) requirements on manufacturers or final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.
3. Member States shall ensure that extended producer responsibility schemes and deposit systems dedicate a minimum share of their budget to financing reduction and prevention actions.

Article 52

Recycling targets and
promotion of recycling



Article 52 Recycling targets and promotion of recycling

The Commission to review 2030 targets to increase or set further targets – via legislative proposal.



65% by weight of all packaging waste generated

- Material specific:
- 50% plastic
 - 25 % of wood
 - 70 % of ferrous metals;
 - 50% aluminium
 - 70% glass
 - **75% paper/cardboard**

70% by weight of all packaging waste generated

- Material specific:
- 55% plastic
 - 30 % of wood
 - 80 % of ferrous metals;
 - 60% aluminium
 - 75% glass
 - **85% paper/cardboard**

Recycling targets remain as in the Packaging and Packaging Waste Directive 94/62/EC
Member States may postpone targets by 5 years under certain conditions
Member States may go beyond the minimum targets in this article
Member States to be allowed to adjust the targets for a given year taking into account the average share of reusable sales packaging placed on the market.