

# Revision of the Packaging and Packaging Waste Directive

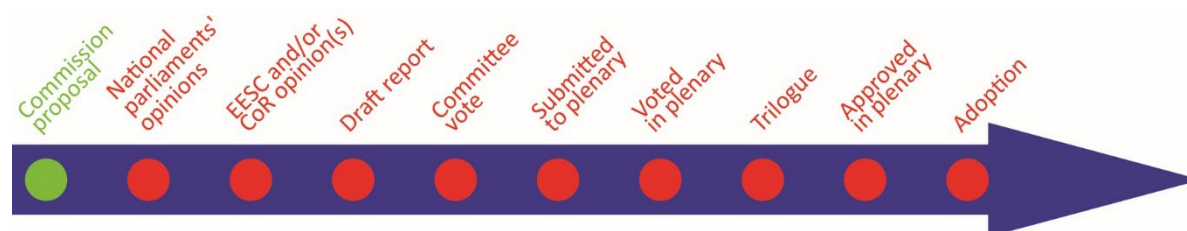
## OVERVIEW

Most goods require packaging at several stages of their product life. Today, the diversity of packaging items and materials is considerable. Between 2009 and 2020, the total mass of packaging waste generated in the EU rose by 20 %. The Packaging and Packaging Waste Directive (PPWD – Directive 94/62/EC) lays down measures to prevent the production of packaging waste, and to promote reuse of packaging and recycling and other forms of recovering packaging waste. It also sets out the requirements that all packaging placed on the EU market must meet. These provisions are designed to reduce the disposal of packaging waste and to promote a more circular economy.

As part of the European Green Deal and the new circular economy action plan, the Commission put forward a revision of the PPWD in November 2022. The initiative's objective is to ensure that all packaging is reusable or recyclable in an economically feasible way by 2030. The aim is to reinforce the essential requirements for packaging to ensure its reuse and recycling, boost the uptake of recycled content, and improve the requirements' enforceability. Measures are also envisaged to tackle over-packaging and reduce packaging waste.

The proposal is now in the hands of the co-legislators. In the European Parliament, the Committee on Environment, Public Health and Food Safety (ENVI) is responsible for the file.

<b>Proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC</b>		
<i>Committee responsible:</i>	Environment, Public Health and Food Safety (ENVI)	COM(2022) 677 30.11.2022
<i>Rapporteur:</i>	Frédérique Ries (Renew, Belgium)	2022/0396(COD)
<i>Shadow rapporteurs:</i>	Massimiliano Salini (EPP, Italy) Delara Burkhardt (S&D, Germany) Grace O'Sullivan (Greens/EFA, Ireland) Silvia Sardone (ID, Italy) Pietro Fiocchi (ECR, Italy) João Pimenta Lopes (The Left, Portugal)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Publication of draft report	



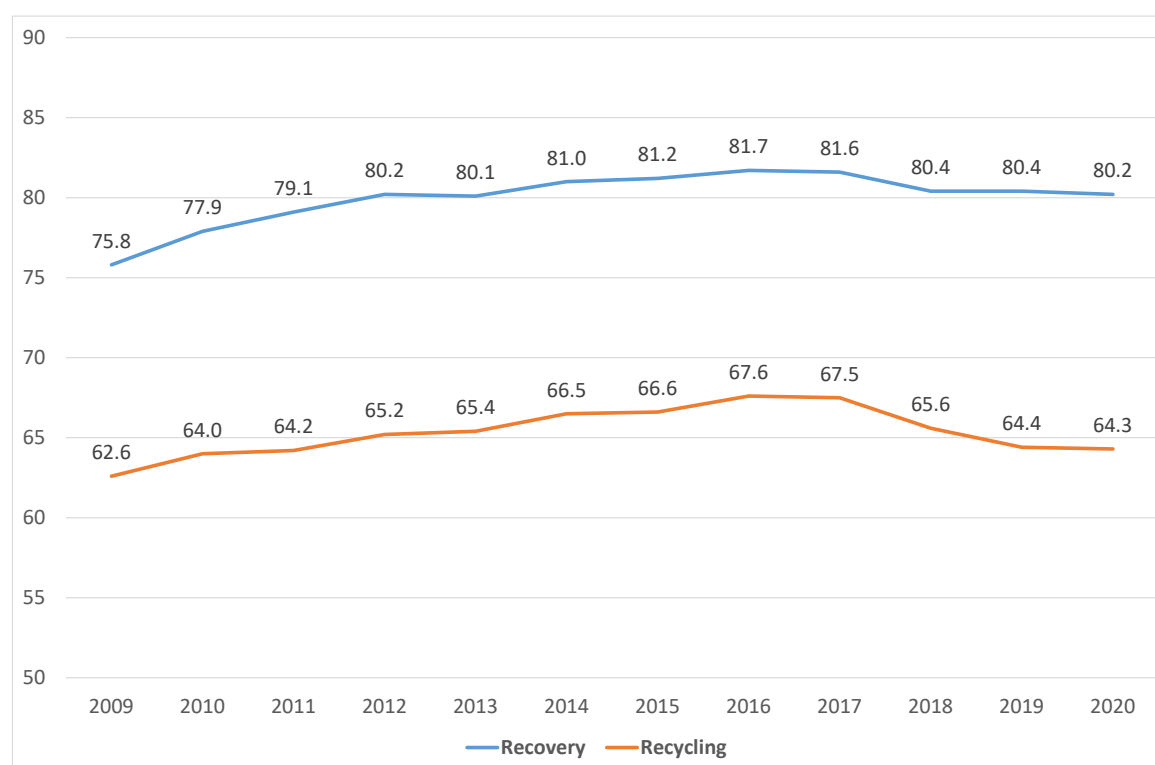
## Context

Most goods require packaging at several stages of their product life. Packaging is defined in the current Packaging and Packaging Waste Directive (PPWD – [Directive 94/62/EC](#)) as 'products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer'. A wide range of materials is used for packaging, including glass, paper and cardboard, metal (such as steel or aluminium), plastics (polymers such as polyethylene terephthalate (PET)), wood, cork, textile (bags), ceramics or porcelain stoneware. They may also be made of more than one kind of material (composite materials). The diversity of packaging items is considerable, ranging from cans, tubes and boxes, to films and bags. In 2018, packaging manufacturing [generated](#) a turnover of €355 billion in the EU. The packaging market is characterised by high-levels of cross-border trade, with many producers selling packaging in multiple Member States. Cross-border movements of packaging have recently grown, with the rise in internet use for distance sales of packaged goods.

In the EU, between 2009 and 2020, the total mass of packaging waste generated in the EU [rose](#) by 20 % (up 13 million tonnes). In 2020, packaging waste reached 79 million tonnes (177 kg per inhabitant against 150 kg in 2009), with large differences across Member States. Paper and cardboard represented the most common packaging waste materials (41 %), followed by plastic (19.5 %), glass (19 %), wood (15 %) and metal (5 %). Plastic (+27 %) and paper and cardboard (+25 %) are the two waste streams with highest growth since 2009.

The recycling rate of packaging waste went up slightly from 63 % in 2009 to 64 % in 2020. However, it has stopped rising since 2016 and has fallen back to 2011 levels since then (Figure 1). The recovery rate (recovery includes recycling, energy recovery and other forms of recovery) rose from 76 % in 2009 to 80 % in 2020.

Figure 1 – Recycling and recovery rates of packaging waste in the EU (%)



Data source: [Eurostat](#), 2022.

## Existing situation

The PPWD, amended in 2018 by [Directive \(EU\) 2018/852](#), aims to harmonise national measures on the management of packaging and packaging waste, in order to protect the environment and ensure the functioning of the internal market. It lays down measures to prevent the production of packaging waste, and to promote reuse of packaging, recycling and other ways to recover packaging waste. These measures aim to reduce the disposal of packaging waste and promote a more circular economy. The directive covers all packaging<sup>1</sup> and all packaging waste, regardless of the material used. The directive applies the EU waste hierarchy, set up by the EU Waste Framework Directive ([Directive 2008/98/EC](#)), which prioritises the prevention of waste, followed by its re-use, recycling and recovery. Waste disposal represents the least favoured waste management option.

The PPWD requires Member States to take measures to prevent the generation of packaging waste and to minimise the environmental impact of packaging. They also have to take measures to increase the share of reusable packaging placed on the market and of systems to reuse packaging, without compromising food hygiene or consumer safety. The PPWD also sets recovery and recycling targets for packaging waste (and from 2008, for different materials of packaging). The 2018 revision of the directive introduced higher targets for overall recycling for packaging (65 % in 2025 and 70 % in 2030), and higher material-specific targets (such as 55 % for plastic by 2030) (Table 2). Member States have to set up return, collection and recovery systems.

Table 2 – The recycling targets set in the Packaging and Packaging Waste Directive

	Recycling target deadlines		
	31 December 2008	31 December 2025	31 December 2030
<b>All packaging waste</b>	Between 55 % and 80 %	65 %	70 %
<b>Glass</b>	60 %	70 %	75 %
<b>Paper and cardboard</b>	60 %	75 %	85 %
<b>Metals</b>	50 %	70 % (ferrous metals) 50 % (aluminium)	80 % (ferrous metals) 60 % (aluminium)
<b>Wood</b>	15 %	25 %	30 %
<b>Plastic</b>	22.5 % (counting exclusively material recycled back into plastics)	50 %	55 %

The PPWD sets out the essential requirements that all packaging placed on the EU market must comply with. For instance, packaging volume and weight must be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer. The PPWD also sets ceilings for concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components. Furthermore, its Article 9(5) states that, by 31 December 2020, the Commission must examine the feasibility of reinforcing the essential requirements to improve design for reuse and promoting high quality recycling, as well as strengthening enforcement, possibly by proposing a legislative proposal.

[Directive \(EU\) 2019/904](#) on the reduction of the impact of certain plastic products on the environment (also referred to as the Single-use Plastics Directive or SUPD) is geared towards preventing and reducing the impact of certain plastic products on the environment and human health, and promoting the transition to a circular economy. It prohibits the placing on the market of nine types of single-use plastic products, including some packaging items made of expanded

polystyrene, such as food containers intended for on-the-spot or take-away consumption, or beverage containers, including their caps and lids. It also requires Member States to take measures to achieve a reduction in the consumption of some single-use plastic products by 2026 compared to 2022, such as cups for beverages, including their covers and lids, or food containers intended for immediate consumption, either on-the-spot or take-away. It also requires that single-use plastic receptacles used to contain liquid that have caps and lids made of plastic (such as beverage bottles) be placed on the market only if the caps and lids remain attached to the containers during the products' use. It also introduced mandatory recycled content for beverage bottles manufactured from PET as the major component ('PET bottles') (25 % from 2025, 30 % from 2030).

[Council Decision \(EU, Euratom\) 2020/2053](#) on the system of own resources of the EU (the Own-resources Decision or ORD) introduced a new category of own resources based on national contributions, calculated on the basis of non-recycled plastic packaging waste (€0.80 per kilogram). This contribution is expected to encourage Member States to reduce the consumption of single-use plastics, foster recycling and boost the circular economy. It entered into force in 2021 and is expected to generate around [€6.4 billion](#) in 2023 (4 % of total own resources).

In its [work programme for 2018](#), the Commission stressed that it would work towards all plastic packaging being recyclable by 2030. In the [European strategy for plastics in a circular economy](#), adopted the same year, the Commission announced plans to work on new harmonised rules to ensure that all plastics packaging placed on the EU market can be reused or recycled in a cost-effective manner by 2030. In its communication of December 2019 on the [European Green Deal](#), the Commission stated its intention to develop requirements to ensure that all packaging in the EU market is reusable or recyclable in an economically viable manner by 2030. It also stressed the need for new legislation, including targets and measures to tackle over-packaging and waste generation. It announced that it would consider legal requirements to boost the market for secondary raw materials with mandatory recycled content (for instance for packaging).

In its [new circular economy action plan for a cleaner and more competitive Europe](#) of March 2020 Commission announced initiatives to reduce the EU's consumption footprint and double the [EU's circular material use rate](#) by 2030. These would concern the entire life cycle of products, from design and manufacturing to consumption, repair, reuse, recycling, and bringing resources back into the economy. It also announced a review of the PPWD to ensure that all packaging on the EU market is reusable or recyclable in an economically viable way by 2030.

The Commission's October 2020 [chemicals strategy for sustainability](#), which set out a new long-term vision for the EU's chemical policy, called for non-toxic material cycles and action to minimise the presence of substances of concern in products including packaging and food packaging.

## Parliament's starting position

In its [resolution](#) of 15 January 2020 on the Green Deal, Parliament asked the Commission to step up EU measures against plastic pollution, and expressed support for the development of legislation to address over-packaging and to ensure that no packaging that is not reusable or recyclable in an economically viable manner is allowed on the EU market by 2030 at the latest, while ensuring food safety. It also called for measures for cross-border coordination of deposit return systems.

In its [resolution](#) of 10 February 2021 on the new circular economy action plan, Parliament reiterated the objective to make all packaging reusable or recyclable in an economically viable way by 2030. It called on the Commission to present a legislative proposal without delay, including waste reduction measures and targets and ambitious essential requirements to reduce excessive packaging, also in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote reuse. It underlined that food safety or hygiene standards must not be compromised. It also called on the Commission to determine best practices to reduce over-packaging in e-commerce, and to endorse re-use of packaging to deliver several items as an alternative to single-use packaging. Parliament also asked

the Commission and Member States to promote bulk sales while ensuring food safety and hygiene. Furthermore, it called on the Commission to support and explore the potential for compatible national deposit return schemes to reach a collection rate of 90 % of plastic beverage containers, especially for neighbouring Member States.

## Council starting position

In its [conclusions](#) of October 2019 entitled 'More circularity – transition to a sustainable society', the Council referred to the 2030 objective of all plastic packaging placed on the EU market being reusable or recyclable, and EU capacity for sorting and recycling increasing fourfold compared with 2015. The Council asked the Commission and the Member States to take action to meet this target, in particular by promoting reuse and designing products to be reusable and recyclable. The Council highlighted the need to tackle over-packaging and to increase the use of recycled plastics.

The Council's December 2020 [conclusions](#) on making the recovery circular and green welcomed the Commission's plans to review the PPWD. The Council pointed to the need to uphold hygiene and food safety standards. It also stressed that Member States needed time to implement the new provisions introduced in 2018. The Council encouraged the Commission to include provisions on recycled materials in packaging, like those on plastic bottles in the SUPD. The Council pointed out that the revision of the PPWD should update and establish more concrete, effective and easy-to-implement provisions to foster sustainable packaging and minimise the complexity of packaging. It stressed that bulk sales can help with reduction of packaging waste. It also highlighted the need to label packaging in an easily understandable way to inform consumers about its recyclability and where it should be discarded to facilitate recycling. The Council also asked the Commission to propose measures to increase demand for recycled material, and to close recycling loops for plastic packaging, for instance by fostering deposit and return or extended producer responsibility schemes, and by setting EU minimum requirements for recycled content in plastic products.

## Preparation of the proposal

In September 2022, under the Environmental Implementation Review, the Commission [assessed](#) the state of play of the transposition of the PPWD. It pointed out that there were differences in circularity rates (i.e. the share of material recycled and fed back into the economy) between Member States, with a 13 % average EU-level rate for secondary use of materials. Waste prevention is an important challenge in all Member States, including those with high recycling rates. On 1 December 2022, EPRS published an [implementation appraisal](#) on the operation of the PPWD.

The [impact assessment](#) accompanying the proposal pointed out that 23 Member States had not transposed the 2018 amendment of the PPWD within the 2-year transposition period. Furthermore, three Member States still had not transposed it in April 2022. Twenty Member States were also at risk of not reaching at least one of the material-specific recycling targets. The assessment also stressed that, regarding the SUPD, only 13 Member States had banned expanded polystyrene food and drink packaging within the deadline.

The assessment also pointed to legislative and practical divergences between Member States on issues such as understanding of the essential requirements, or understanding of recyclability of packaging. The risk that producers might be faced with contradictory incentives for similar packaging items across different Member States had increased over the past few years. This situation creates regulatory uncertainty, additional administrative complexity and costs to economic operators, and barriers to the free flow of goods in the internal market. The impact assessment also stressed that not all the problems linked to plastic packaging can be tackled with the SUPD, particularly as it only covers 70 % of all plastic packaging and its measures mainly address the prevention of littering.

The three main problems identified by the impact assessment were: growing packaging waste generation, despite specific provisions on minimising packaging in the current directive); barriers to

packaging recycling and re-use, such as design features, cross-contamination of compostable recycling streams, presence of substances in packaging that may be hazardous, and unclear labelling of packaging for sorting; and low recycling quality in plastic packaging and use of secondary raw materials, reinforcing the sector's reliance on virgin materials for new packaging. The two main problem drivers are market failure (such as market structure along the waste value chain) and regulatory failure (such as incorrect transposition of the current directive). The impact assessment presents three policy options in addition to the baseline. The preferred option (option 2) sets mandatory targets for waste reduction, re-use for certain sectors and minimum recycled content in plastic packaging, requirements to ensure full recyclability by 2030 and harmonised product rules. EPRS has published an [initial appraisal](#) of the Commission impact assessment.

## The changes the proposal would bring

The [draft regulation](#) was tabled in November 2022. Its general objectives are to reduce the negative environmental impacts of packaging and packaging waste, while improving the functioning of the internal market. The specific objectives are to reduce the generation of packaging waste; promote a circular economy for packaging in a cost-effective manner; and promote the use of recycled content in packaging. The proposal takes the form of a **regulation** rather than a directive, aiming to ensure that all Member States fulfil their obligations at the same time and in the same way.

### General provisions

The proposed regulation would establish requirements for the entire packaging life cycle, from raw material to final disposal (concerning environmental sustainability and labelling), to allow its placing on the market, and for [extended producer responsibility](#), collection, treatment and recycling of packaging waste. It would apply to all packaging (for all material) and to all packaging waste (article 1). Packaging would have to comply with the regulation to be allowed to be placed on the market, and Member States would not be allowed to prohibit, restrict or impede the placing on the market of packaging that would comply with it (article 4).

### Sustainability requirements

The draft regulation would set out requirements for substances in packaging: the presence and concentration of **substances of concern** would have to be minimised. The sum of concentration levels of lead, cadmium, mercury and hexavalent chromium could not exceed 100 mg/kg (article 5). Taking into account scientific and technical progress, the Commission would be able to lower this level (or exempt some types of packaging or recycled materials) through delegated acts.

The proposal would require that all packaging be **recyclable**, meaning: designed for recycling (mandatory by 1 January 2030); separately collected; sorted into defined waste streams without affecting the recyclability of other waste streams; recyclable so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials; and recyclable at scale (mandatory by 1 January 2035) (article 6). The Commission would be empowered to adopt delegated acts to set up **design for recycling criteria**, **recycling performance grades**, rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations (set out in article 40), and for plastic packaging, the percentage of recycled content, and the methodology to assess if packaging is recyclable at scale.

From 1 January 2030 packaging corresponding to recycling performance grade E would not be considered recyclable. **Derogations** could be granted for innovative packaging, for a maximum period of 5 years. The proposal would also introduce **minimum recycled content targets for the plastic part in packaging** (share per unit of packaging) from 1 January 2030 (Table 3). The percentages would increase from 1 January 2040. There would be some exemptions, in particular for packaging for medical devices, packaging needed to preserve the quality of medicinal products and compostable plastic packaging.

Table 3 – Proposed targets for recycled content recovered from post-consumer plastic waste, per unit of packaging (minimum percentage)

Type of packaging	From 1 January 2030	From 1 January 2040
Contact sensitive <sup>2</sup> packaging made from polyethylene terephthalate (PET)	30 %	50 %
Contact sensitive packaging made from plastic materials other than PET (except single use plastic beverage bottles)	10 %	50 %
Single use plastic beverage bottles	30 %	65 %
Other packaging	35 %	65 %

Some packaging items would have to be **compostable** in industrially controlled conditions in bio-waste treatment facilities within 2 years of the entry into force of the regulation: tea or coffee bags, coffee or tea system single-serve units, sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags. Moreover, under some conditions, Member States would be empowered to require that lightweight plastic carrier bags be manufactured from biodegradable plastic polymers that are compostable in industrially controlled conditions. The Commission could add other types of packaging through delegated acts, subsequent to technological or regulatory developments impacting the disposal of compostable packaging.

The regulation would also introduce requirements for **packaging minimisation**, meaning that packaging must be designed to minimise its weight and volume (article 9). Packaging not necessary to comply with any performance criteria (e.g. product protection or hygiene and safety) and packaging only aimed to increase the perceived volume of the product (e.g. double walls or false bottoms) would be forbidden (with some exceptions). Space filled by materials (such as paper cuttings, bubble wraps or polystyrene) would be considered empty space.

The regulation would also lay out **eight conditions** for packaging to be considered **reusable** (article 10), for instance it can be emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements.

## Labelling, marking and information requirements

Moreover, from 3.5 years after the entry into force of the proposed regulation, packaging would have to be marked with a **label** containing information on its **material composition** (article 11). This obligation would apply to e-commerce packaging, but not to transport packaging. Packaging **subject to deposit and return systems** would also have to be marked with a specific label. From 4 years after entry into force of the proposed regulation, packaging would have to bear a label on **packaging reusability** and a **digital data carrier** (such as a QR code) providing information on packaging reusability and facilitating the tracking of the packaging. Labels and the digital data carrier would have to be placed, printed or engraved visibly, clearly legibly and indelibly.

All **waste receptacles** for collection of packaging waste would also have to be labelled by 1 January 2028, to enable the separate collection of each material-specific fraction of packaging waste (article 12). The Commission would have to adopt implementing acts to set up a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging and the labelling of waste receptacles by 1.5 years after entry into force of the proposed regulation.

## Obligations on economic operators

Manufacturers would have to ensure packaging is designed, manufactured and labelled in accordance with the requirements (article 13). Before placing packaging on the market, manufacturers would have to carry out a **conformity assessment** procedure, or have it carried out on their behalf, and draw up the technical documentation and an EU declaration of conformity.

Table 4 – Re-use and refill targets set up in the proposed regulation

	From 1 January 2030	From 1 January 2040
<b>Large household appliances</b> (such as refrigerators, freezers, washing machines, clothes dryers or dish washing machines)	Share of products made available in reusable transport packaging <b>90 %</b>	
<b>Cold or hot beverages</b> (filled into a container at the point of sale for take-away)	Share of beverages made available in reusable packaging or by enabling refill <b>20 %</b>	Share of beverages made available in reusable packaging or by enabling refill <b>80 %</b>
<b>Take-away ready-prepared food</b> (intended for immediate consumption with no need of any further preparation, and typically consumed from the receptacle)	Share of products made available in reusable packaging or by enabling refill <b>10 %</b>	Share of products made available in reusable packaging or by enabling refill <b>40 %</b>
<b>Alcoholic beverages</b> (beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice)	Share of products made available in reusable packaging or by enabling refill <b>10 %</b>	Share of products made available in reusable packaging or by enabling refill <b>25 %</b>
<b>Wine</b> (except sparkling wine)	Share of products made available in reusable packaging or by enabling refill <b>5 %</b>	Share of products made available in reusable packaging or by enabling refill <b>15 %</b>
<b>Non-alcoholic beverages</b>	Share of products made available in reusable packaging or by enabling refill <b>10 %</b>	Share of products made available in reusable packaging or by enabling refill <b>25 %</b>
<b>Transport packaging</b> (pallets, plastic crates, foldable plastic boxes, pails and drums for conveyance or packaging)	Share of packaging used that is reusable <b>30 %</b>	Share of packaging used that is reusable <b>90 %</b>
<b>Transport packaging (e-commerce)</b> Operators using transport packaging for the transport and delivery of non-food items sold via e-commerce	Share of such packaging used is reusable packaging <b>10 %</b>	Share of such packaging used is reusable packaging <b>50 %</b>
<b>Transport packaging (pallet wrappings and straps)</b>	Share of such packaging used that is reusable packaging <b>10 %</b>	Share of such packaging used that is reusable packaging <b>30 %</b>
<b>Grouped packaging</b> (boxes, excluding cardboard, used outside of sales packaging to create a stock-keeping unit)	Share of such packaging used is reusable packaging within a system for re-use <b>10 %</b>	Share of such packaging used is reusable packaging within a system for re-use <b>25 %</b>

The proposed regulation would also introduce obligations concerning **excessive packaging**: economic operators supplying grouped packaging, transport packaging or e-commerce packaging would have to limit the empty space ratio in packaging to a maximum of 40 % (article 21). Space



filled by filling materials would be considered as empty space. E-commerce packaging would be exempt from the obligation (but still subject to the provisions on packaging minimisation). **Certain packaging formats**, listed in annex V, **would be forbidden** (e.g. single-use plastic grouped packaging used at retail level to group goods sold in cans, single use plastic packaging for less than 1.5 kg of fresh fruit and vegetables or single use packaging in the hotel and catering sector, containing individual portions, used for condiments, sauces, coffee creamers or sugar) (article 22).

Economic operators placing reusable packaging on the market would have to ensure that **a system for re-use** of such packaging is in place (article 23). Operators using reusable packaging would have to participate in one or more re-use systems and would have to recondition such packaging prior to offering it again for use by end users, for instance by cleaning and washing in accordance with hygiene standards. They would also have to comply with obligations regarding consumer information and the characteristics of refill stations (article 25). They would have to ensure packaging was not offered free to end users at refill stations, or that packaging was provided as a part of a deposit and return system. Article 26 would also set up **a wide range of re-use and refill targets for different sectors and packaging formats**, to be met by 2030 and 2040 (see Table 4).

The proposal would also introduce some **exemptions** from these targets (e.g. for micro-companies). The Commission would also be empowered to adopt targets for other products or other exemptions, through delegated acts. The Commission would review the situation regarding reuse of packaging within 8 years of the date of entry into force of the proposed regulation.

## Plastic carrier bags

Member States would have to take measures to **achieve a sustained reduction in the consumption of lightweight plastic carrier bags** on their territory (article 29), so that annual consumption would not exceed **40 lightweight plastic carrier bags per person**, or the equivalent target in weight, by 31 December 2025 and thereafter. Member States could exclude from this obligation the very lightweight plastic carrier bags that are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage. Such measures could include marketing restrictions and, under some conditions, economic instruments and national reduction targets.

## Management of packaging and of packaging waste

Member States would have to include a specific chapter on packaging and packaging waste management in their [waste management plans](#) (required by [Directive 2008/98/EC](#)). Each Member State would have to **reduce the packaging waste generated per capita**, as compared to 2018 (Table 5) (article 38). These targets would be reviewed by the Commission within 8 years of the entry into force of the proposed regulation. The Commission, with the European Environment Agency, would have to draw up progress reports 3 years before each of the deadlines ('**early warning reports**') (article 36). In addition, Member States would have to implement measures to **prevent the generation of packaging waste** and **minimise the environmental impact** of packaging. They may use measures such as economic instruments or extended producer responsibility schemes. Member States would have to set up **a mandatory register of packaging producers**, aiming to monitor compliance with the requirements on management of packaging and packaging waste (article 39).

Table 5: Proposed targets for packaging waste reduction (compared to 2018)

	2030	2035	2040
Reduction of packaging waste generated per capita	- 5 %	- 10 %	- 15 %

Producers of packaging would have **extended producer responsibility** for the packaging that they sell. They would be allowed to entrust a producer responsibility organisation to carry out the extended producer responsibility obligations on their behalf. Member States would have to set up **systems for the return and separate collection of all packaging waste** (with some exceptions), to facilitate its preparation for re-use and high-quality recycling. They would also have to promote recycling of packaging waste meeting the quality standards for the use of recycled materials.

They would also have to **set up, by 1 January 2029, deposit and return systems for single use plastic beverage bottles** with a capacity of up to three litres and **single use metal beverage containers** with a capacity of up to three litres (with some exceptions, for example for packaging for wine, aromatised wine products, spirit drinks, and milk and milk products). Member States would have to **promote the establishment of systems for re-use and refill** in an environmentally sound manner, and without compromising food hygiene and the safety of consumers (article 45).

The proposed regulation also includes **recycling targets** for all packaging and per material contained in packaging waste. They are **the same as in the current directive** (see Figure 2). The 2025 targets may be postponed by a Member State for up to 5 years under some conditions. Member States may decide to attain an **'adjusted level' of these targets** by taking into account reused packaging, with some limitations (article 48). The Commission would review the targets for 2030 within 8 years of the regulation's entry into force, with a view to increasing them or setting further targets. Member States would have to promote the use of material obtained from recycled packaging. Producers would also have to provide consumers with information on the prevention and management of packaging waste, for instance on the impact on the environment and on human health of inappropriate discarding of packaging waste (article 49).

## Green public procurement

Contracting authorities would have to **apply green public procurement criteria** when awarding public contracts for packaging or packaged products or for services using packaging or packaged products. The Commission would establish minimum mandatory green public procurement criteria through delegated acts within 5 years of the entry into force of the proposed regulation.

## Advisory committees

The [opinion](#) of the European Economic and Social Committee (EESC) (rapporteur: István Komoróczy (Employers – Group I, Hungary), co-rapporteur: Panagiotis Gkofas (Diversity Europe – Group III, Greece)) is scheduled for adoption during the plenary session of 26-27 April 2023. The European Committee of the Regions (CoR) has decided not to adopt an opinion on this file.

## National parliaments

The [deadline](#) for the submission of reasoned opinions on grounds of subsidiarity is 25 April 2023.

## Stakeholder views<sup>3</sup>

The official [feedback period](#) on the Commission proposal is open until 24 April 2023.

[Europen](#), representing more than 70 companies and national associations from the European packaging industry, pointed to serious shortcomings in the proposal, in particular to the fact that it is too focused on setting recycling and reusability targets. Furthermore, for Europen, refill and reuse should be required only when it delivers a better environmental outcome in real life conditions compared to single-use alternatives, and its impact in terms of hygiene, food health and safety should be taken into account. Furthermore, the proposal should recognise that investment in recycling infrastructure and reuse across Europe is needed to promote recyclability and reusability. For Europen, the proposal should enable mandatory collection and recycling, while time scaling up refill and reuse only where it makes environmental sense.

[Rethink Plastic](#), an alliance of European non-governmental organisations, expressed the view that the proposal goes in the right direction by prioritising prevention and reuse. However it believes that the proposal falls short on the objective to achieve 100 % reusable or recyclable packaging by 2030 and that it offers too many loopholes (for instance exempting 'innovative packaging' from meeting any recyclability requirements for 5 years) and exemptions to effectively reverse the trend of growing levels of packaging waste. For Rethink Plastic, the reuse targets should be more ambitious, in particular for beverage bottles, and expanded to other sectors such as cosmetics. Furthermore, it argues that there should be a reduction of 15 % per capita by 2030 for waste reduction (instead of 5 % as proposed). For the alliance, the proposal is too vague on substances of concern and does not incentivise the elimination of harmful chemicals in packaging. The proposal should include a clear link to the REACH restrictions process if an unacceptable risk to human health or the environment is identified. All substances recognised in the EU as substances of concern and very high concern should be restricted from use in packaging. There should be stricter requirements on chemicals (including mandatory reporting on chemical content) and strong mechanisms for phasing out the most harmful substances, such as those proposed in the chemicals strategy for sustainability (i.e. chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative).

The [European Paper Packaging Alliance](#) (EPPA), representing food and food service packaging companies from across Europe, claimed that the proposal was not supported by scientific evidence and was not focused on solutions that achieve the best environmental outcome. More specifically, EPPA believes that the Commission did not look at the full life cycle impact of all packaging products when proposing the ban on single-use paper packaging for in-store use and setting mandatory reusable targets in takeaway services. EPPA pointed to two life-cycle analysis studies that it had commissioned: the [first](#) concluded that recyclable, paper-based packaging used in the food delivery and takeaway sector offered significant environmental advantages over reusable systems across 12 'impact categories' including climate change, freshwater consumption and resource depletion. The [second](#) concluded that in quick service restaurants, single-use paper-based packaging consumes substantially less energy and water than multiple-use packaging, and produces far fewer CO<sub>2</sub>-equivalent emissions, thus delivering 'very significant' environmental benefits in 6 out of 9 impact categories compared to multiple-use and plastic packaging.

[European Bioplastics](#) (EUBP), representing more than 80 EU companies from the entire bioplastics value chain, welcomed the requirement for several packaging applications to be compostable in industrially controlled conditions in bio-waste treatment facilities. For EUBP however the proposed regulation should promote bio-based content on an equal level with recycled content.

[Freshfel Europe](#), representing the interests of the fresh fruit and vegetables supply chain in Europe and beyond, considers that the proposed regulation targets the fresh produce sector with disproportionate and discriminatory measures compared to other food sectors, banning all single use packaging for fresh fruit and vegetables. Freshfel also supports the proposed exemption to avoid water loss or turgidity loss, microbiological hazards or physical shocks, but points to the lack of a list of products concerned and of an explanation on how these aspects should be demonstrated.

## Legislative process

### Council

In the Council, the proposal has been discussed in the Working Party on the Environment. The Presidency has [reported](#) that, in general, Member States have expressed support for the overarching objectives of the proposal, while expressing concerns on some parts of the proposal. Ministers held a policy debate on the proposal during the Environment Council [meeting](#) of 16 March 2023.

## European Parliament

In Parliament, the proposal has been referred to the Committee on Environment, Public Health and Food Safety (ENVI). Frédérique Ries (Renew, Belgium) was appointed rapporteur on 11 January 2023.

### EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Karamfilova E., [Revision of Directive 94/62/EC on packaging and packaging waste](#), EPRS, European Parliament, December 2022.

Tuominen M., [Packaging and packaging waste](#), Initial appraisal of a European Commission impact assessment, EPRS, European Parliament, March 2023.

### OTHER SOURCES

[Packaging and packaging waste](#), Legislative Observatory (OEL), European Parliament.

### ENDNOTES

- <sup>1</sup> The directive distinguishes between sales or primary packaging (the sales unit delivered to the final user or consumer at the point of purchase); grouped or secondary packaging (grouping a number of sales units at the point of purchase); and transport or tertiary packaging (facilitating the handling and transport of a number of sales units or grouped packaging to prevent physical handling and transport damage).
- <sup>2</sup> Packaging intended to be used in any packaging applications in the scope of [Regulation \(EC\) No 1831/2003 on additives for use in animal nutrition](#); [\(EC\) No 1935/2004 on materials and articles intended to come into contact with food](#); [\(EC\) No 767/2009 on the placing on the market and use of feed](#); [\(EC\) No 2009/1223 on cosmetic products](#); [\(EU\) 2017/745 on medical devices](#); [\(EU\) 2017/746 on in vitro diagnostic medical devices](#); [\(EU\) 2019/4 on the manufacture, placing on the market and use of medicated feed](#); [\(EU\) 2019/6 on veterinary medicinal products](#); [Directive 2001/83/EC on the Community code relating to medicinal products for human use](#); or [Directive 2008/68/EC on the inland transport of dangerous goods](#).
- <sup>3</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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