

The Revision of the Packaging and Packaging Waste Directive: the European Commission Proposal

On 30 November, the European Commission published the second part of its [Circular Economy package](#) introducing, amongst others, its [proposal for the revision of the Packaging and Packaging Waste Directive](#) (PPWD).

Forget about this acronym! One of the key elements introduced by the Commission proposal is a change in legal instrument, which would turn the current Directive into a Regulation, making PPWR the new must-know acronym for those meeting in Brussels' and Strasbourg's corridors.

While the move from a Directive to a Regulation would leave untouched the current internal market legal basis, thus increasing the potential for harmonisation across Member States, that also means most requirements would apply directly to economic operators.

A deep dive into the proposed text. The 12 Chapters and 65 Articles that compose the proposal include new essential requirements - the conditions that packaging must satisfy to be allowed on the Union market - and other provisions aimed at contributing to the efficient functioning of the internal market for packaged goods, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and on human health. More than 10 Annexes complement the core legal text and provide additional details regarding its concrete application.

What's new?

> **Recyclable packaging**

As part of its sustainability requirements, the proposal establishes that all packaging shall be recyclable. What could that mean in practice? All packaging placed on the Union market would have to be effectively and efficiently separately collected and sorted; be recycled into secondary raw materials of sufficient quality to substitute primary sources of materials; be designed for recycling from 1 January 2030; and be recycled at scale from 1 January 2035.

The recyclability assessment would be done on the basis of Design for Recycling (DfR) criteria to be set out by the Commission in secondary legislation, and the Extended Producers Responsibility (EPR) fees that packaging producers are required to pay would be modulated based on the achieved recycling performance grade (A to E). Finally, those packaging formats that would score in the lowest performance grade (E) would be considered non-recyclable as of 1 January 2030 and therefore would no longer be allowed on the EU market. Derogations for immediate packaging of medicinal products, contact sensitive plastic packaging of medical devices and of in vitro diagnostic medical devices are foreseen until 31 December 2034.

As the Commission proposal moves into co-decision, EUROOPEN continues to stress the importance of building up adequate sorting, collection and recycling infrastructures across Europe to enable the recyclability of packaging that is already designed for recycling. We also believe that the Commission's turn around on creating a Packaging Forum is a missed opportunity for the involvement of packaging experts in the development of all delegated acts that will support the assessment of recyclability.

> **Packaging waste prevention**

From waste prevention targets to packaging minimisation measures and bans on the use of certain packaging formats, several requirements in the text aim at reducing the use of packaging to the necessary minimum.

If Member States would have to implement measures to reduce the generation of packaging waste by 5%, 10% and 15% by 2030, 2035 and 2040, respectively (compared to a 2018 baseline); economic operators would be

required to contribute to the fulfilment of those targets by reducing packaging empty space ratios and by eliminating packaging with double walls, false bottom and unnecessary layers. Exemptions would apply when packaging design is subject to geographical indications of origin protected under Union legislation.

From the entry into force of the Regulation, as currently proposed, several single-use packaging formats used at retail level and in the HORECA sector would also be immediately banned. For instance, this would be the case for single-use packaging for fresh fruits and vegetables. In other instances, single-use packaging for food and beverages filled and consumed in the HORECA sector would only be prohibited as of 1 January 2030.

In EUROPEN's view, such measures overlook the important role of packaging in the prevention of food waste and need to be carefully assessed to prevent unintended consequences for consumers' health and food safety.

> Reuse and refill target

From 2030, reuse and refill targets would apply to a great variety of food and beverage packaging, such as cold and hot beverages filled at the point of sale (20%), take-away ready-prepared food intended for immediate consumption (10%), alcoholic beverages (10%, and 5% for wine) and non-alcoholic beverages (10%). Similarly, the use of reusable transport packaging would become the norm in e-commerce, at industrial sites and for the delivery of products between economic operators' sites.

Notwithstanding the challenges that economic operators will likely face in terms of infrastructural investments required to deploy reuse systems, the proposed Regulation already scales up the ambition of all mentioned reuse targets, in some cases triplicating them, from 2040.

At EUROPEN, we support the introduction of reuse and refill targets where it makes environmental and ecological sense and call on EU institutions to carefully assess the proposed targets, particularly for 2040, against hygiene, food health and safety requirements as well as investments in sales and distribution, take-back and sanitisation infrastructure.

> Minimum recycled content in plastic packaging

According to the Commission proposal, from 1 January 2030 each unit of packaging that contains a plastic part would be required to include a certain percentage of post-consumer recyclates (PCR) to be allowed on the Union market. From contact sensitive packaging made from PET or other polymers to single-use beverage bottles and other packaging containing plastic, the targets are as high as 30%, 10%, 30% and 35%, respectively. Even higher percentages (50%, 65% and 65%) are foreseen for contact sensitive plastic packaging, single use-plastic beverage bottle and other plastic packaging from 2040. The Commission also intends to incentivise the uptake of recycled content by modulating EPR fees based on the percentage of PCR used in plastic packaging.

Recycled content targets in single-use plastic beverage bottles sound familiar? That is because the Commission had already introduced those with the adoption of the 2019 [Single-Use Plastics Directive](#) (SUPD). But do not worry, if agreed by the co-legislators, the SUPD will likely be amended with the adoption of the PPWR to ensure full alignment of targets. The transposition of the SUPD in the coming years, particularly the adoption of implementing acts laying down rules for the calculation and verification of the SUPD recycled content targets, will nevertheless play a key role in clarifying whether a mass balance approach will be considered to calculate the content of recycled plastic used in plastic packaging. Something that industry is impatiently awaiting to know to unlock investments in different recycling technologies which will be needed to uptake recycled content in contact sensitive plastic packaging applications while complying with strict health and safety requirements.

The text includes some proposed exemptions, which would apply to immediate packaging of medicinal products, contact sensitive plastic packaging of medical devices and of in vitro diagnostics medical devices, as well as outer packaging of medical devices. Any other possible exemptions would be assessed by the Commission by 1 January 2028. The lack of availability of recycled plastics or their excessive prices could also require an adjustment of the targets by the Commission.

Finally, by 8 years after the entry into force of the Regulation, the Commission would examine the use of recycled materials in packaging other than plastics, and on this basis assess the possibility of establishing measures or targets to increase the use of recycled content in those other packaging types.

> **Compostable packaging**

Two years from the entry into force of the Regulation, tea or coffee bags, coffee or tea system single-serve unit necessary to contain a coffee or tea, very lightweight plastic carrier bags and the sticky labels attached to fruits and vegetables would have to be compostable. The Commission also retains the power to expand the list of applications for which the use of compostable packaging could be made mandatory.

> **Labelling of packaging**

Hopefully putting an end to the proliferation of national labelling requirements that have challenged the free movement of packaged goods across the Union market, the Commission's proposal puts forward the requirement to establish EU-wide mandatory sorting instructions for consumers, which will have to be affixed both on pack and on bins.

Additional measures are proposed: specifications for the labelling of recycled content in plastic packaging, and a mandatory label for all reusable packaging to enable consumers to clearly distinguish them from single-use packaging. For the latter, the text suggests a QR code or other type of digital data carrier could be used to provide information to consumers on the packaging reusability, such as the availability of a system for reuse and of collection points.

Next steps. The Commission proposal now moves to the EU Parliament and Council where the text will be discussed as part of the co-decision process.

Unwrapping the package. Beyond the PPWR, the unveiled package also includes the [Commission Communication on a EU policy framework on bio-based, biodegradable and compostable plastics](#).

Stay tuned to learn more about this initiative!