

Packaging and packaging waste

2022/0396(COD) - 30/11/2022 - Legislative proposal

PURPOSE: to update the EU legislative framework for packaging and packaging waste.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: packaging is necessary to protect and to transport goods. The manufacturing of packaging is also a major economic activity in the EU. However, regulatory approaches differ from one Member State to another, which creates obstacles that prevent the internal market for packaging from fully functioning. Such discrepancies create legal uncertainty for businesses, leading to lower investment in innovative and environment-friendly packaging and new circular business models.

Moreover, the amount of packaging waste is growing, frequently at a faster pace than GDP. Packaging waste increased by more than 20% over the last 10 years in the EU and is forecast to soar by another 19% until 2030, if no action is taken.

The regulatory failures of the current Directive (e.g. poorly designed essential requirements for packaging and difficulties encountered by Member States in enforcing them) has made it clear that harmonisation is necessary, and that the harmonised rules should take the **form of a regulation**, rather than a revision of the current Directive.

CONTENT: therefore, the Commission **proposes this regulation to update the EU legislative framework** for packaging and packaging waste by giving Member States and businesses adequate support to achieve waste reduction targets. As an integral part of the European Green Deal and the new EU circular economy action plan, it will contribute to the EU's growth strategy for a modern, resource-efficient, clean and competitive economy with no net emissions of greenhouse gases by 2050 and with economic growth decoupled from resource use. In line with the new approach to products announced in the European Green Deal and the circular economy action plan, the **proposal covers the entire life cycle of packaging**.

Sustainability requirements for packaging

The proposal lays down requirements for substances in packaging, in particular a restriction on the concentration level of lead, cadmium, mercury and hexavalent chromium. The Commission is empowered to adopt delegated acts lowering the level of this restriction as well as laying down exemptions from it.

As of 1 January 2030, the proposal considers that plastic packaging should contain certain minimum amount of recycled content recovered from post-consumer plastic waste, per unit of plastic packaging; specific packaging has been exempted, as appropriate. These amounts should increase by 1 January 2040 and the derogations should be revised.

The proposed regulation defines conditions for packaging to be considered **compostable** and prescribes that filter coffee pods, sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags should be compostable by 24 months after the entry into force of this Regulation. Moreover, the weight and volume of packaging should be minimised with due account taken of the packaging's safety and functionality. Requirements for reusable packaging has also been introduced.

Labelling, marking and information requirements

The proposal requires that packaging is marked with a label containing information on its material composition in order to facilitate consumer sorting. The same labels should be placed on **waste receptacles** for the consumer to easily identify the appropriate disposal route. Harmonised labels should be designed also to inform, at the choice of the manufacturer, about the recycled content in plastic packaging. Reusable packaging shall bear a **QR code** or other type of data carrier giving access to the relevant information facilitating its re-use.

It is proposed that economic operators that supply products to final distributors or end users in grouped, transport or e-commerce packaging must ensure that the ratio of empty space in the packaging in relation to the packaged product(s) is maximum 40 %. A number of targets on re-use and refill for different sectors and packaging formats has been specified.

As for **lightweight plastic carrier bags**, the annual consumption of these bags cannot exceed 40 such bags per person by the 31st December 2025. Member States can exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage, from the obligation to meet the target.

Management of packaging and of packaging waste

The proposal requires each Member State to progressively reduce the packaging waste generated per capita as compared to the packaging waste generated per capita in 2018, by 5 % by 2030, 10 % by 2035 and 15 % by 2040. Member States should establish a **register** which should serve to monitor the compliance of producers of packaging with the requirements laid down in the proposed Regulation.

In addition, the draft requires a **deposit and return system** (DRS) for single-use plastic beverage bottles with the capacity of up to three litres and single-use metal and aluminium beverage containers with a capacity of up to three litres. By 1 January 2029, Member States must ensure that all DRS follow the minimum requirements set out in Annex X. Member States are also allowed to include **glass** in the DRS and should ensure that DRS for single-use packaging formats, in particular for single-use glass beverage bottles, where technically and economically feasible, are equally available for reusable packaging.

Recycling targets of packaging waste that Member States must meet by 31 December 2025 and by 31 December 2030 are set out.