Packaging and packaging waste

2022/0396(COD) - 22/11/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted, by 426 votes to 125, with 74 abstentions, **amendments** to the 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.

The matter has been referred back to the committee responsible for interinstitutional negotiations.

Subject matter

This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, prevention, reduction in unnecessary packaging, reuse or refill of packaging, collection, treatment and recycling of packaging waste.

Requirements relating to substances contained in packaging

Members called for food contact packaging containing intentionally added **per- and polyfluorinated alkyl substances (PFAS) or bisphenol A** not to be placed on the market within 18 months of the date of entry into force of the regulation.

Recyclable packaging

The new rules require all packaging to be recyclable, meeting strict criteria to be defined by secondary legislation. Some temporary exemptions are foreseen, for example for wood and wax food packaging.

By 1 January 2029, the Commission should adopt delegated acts to resolve the problems encountered in applying the provisions of the regulation, in particular to inert packaging materials placed on the market in the Union in very small quantities (i.e. around 0.1% by weight).

Minimum recycled content in plastic packaging

The amended text stipulated that from 1 January 2030, the plastic part in packaging placed on the market should contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging format, calculated as an average per manufacturing plant, per year:

- **30%** for contact sensitive packaging, except single use beverage bottles, made from polyethylene terephthalate (PET) as the major component;

- **7.5%** (compared to 10% proposed by the Commission) for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles.

Economic operators should be exempted from the obligation to meet the targets if, during a calendar year, they fall within the definition of microenterprise.

Contact-sensitive plastic packaging for foods intended for infants and young children and foods for special medical purposes covered by Regulation (EU) No 609/2013 would be excluded from the minimum

recycled content requirement for plastic packaging. That exclusion should apply to inks, adhesives, paints, varnishes and lacquers used on packaging and for any plastic part representing less than 5% of the total weight of the whole packaging unit.

Labelling of packaging

Members suggested that 24 months after the adoption of the implementing acts, packaging placed on the market should be marked with a label containing information on its material composition in order to **facilitate consumer sorting**. The label should be exclusively based on pictograms and be easily understandable, including for persons with disabilities. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging. However, it applies to e-commerce packaging.

The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.

Reduce packaging, restrict certain types of use

Besides the overall packaging reduction targets proposed in the regulation (5% by 2030, 10 % by 2035 and 15 % by 2040), Members want to set specific targets to reduce plastic packaging (**10% by 2030, 15% by 2035 and 20% by 2040**).

Members proposed to **ban the sale of very lightweight plastic carrier bags** (below 15 microns), unless required for hygiene reasons or provided as primary packaging for loose food to help prevent food wastage. They also proposed to heavily restrict the use of certain single use packaging formats, such as hotel miniature packaging for toiletry products and shrink-wrap for suitcases in airports.

Refill obligations

From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m2 should endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.

By 24 months from the date of entry into force of this Regulation, the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away should provide a system for consumers to bring their own container to be filled.

Mandatory separate collection

By 1 January 2029, the final distributor making available on the market food and beverages filled and consumed within the premises in the HORECA sector should ensure that separate collection systems are set up for the different fractions of packaging waste materials, to help the consumer to sort packaging waste.

Members want EU countries to ensure that **90%** of materials contained in packaging (plastic, wood, ferrous metals, aluminium, glass, paper and cardboard) is collected separately by 2029.