

# European Commission Proposal for a Regulation on packaging and packaging waste

Brussels, September 2023

On 30 November 2022, as part of its Circular Economy Package II, the European Commission published its Proposal for a Regulation on packaging and packaging waste<sup>1</sup>.

The proposed Regulation covers all types of packaging and packaging waste that are placed on the European market (paper, plastics, metal, glass, etc.). It contains new rules on packaging and packaging waste, including design and waste management. The main objective is to deal with the increase in packaging waste which has led and leads to environmental problems in Europe and elsewhere, and to support a more circular economy that will reintroduce resources from waste into the economy. The Proposal has been published by the European Commission and is now under discussion in the European Parliament and the Council.

## Background

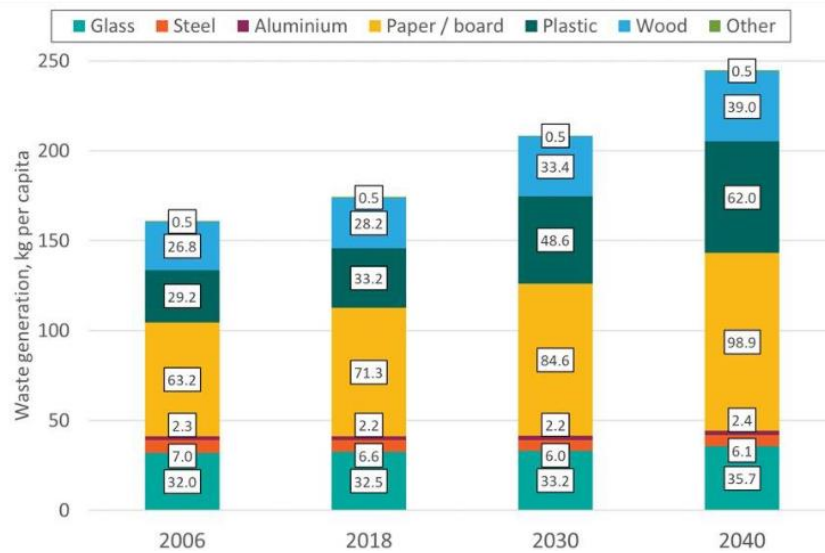
The Regulation is a revision of the Packaging and packaging waste Directive of 2019, which was published in order to reach the objectives of the European Green Deal, the Circular Economy Action Plan and the EU Plastics Strategy, ensuring that “all packaging on the EU market is reusable or recyclable in an economically viable way by 2030”.

The packaging waste generation is rising and current projections are showing a continuous increase if no action is taken.

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<sup>1</sup> 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; [https://environment.ec.europa.eu/publications/proposal-packaging-and-packaging-waste\\_en](https://environment.ec.europa.eu/publications/proposal-packaging-and-packaging-waste_en) With Annexes <https://data.consilium.europa.eu/doc/document/ST-15581-2022-ADD-1/en/pdf>

Figure 1 Trend in Packaging Waste Generation per capita for the packaging materials (EU-27 countries)<sup>20</sup>



Source: COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT REPORT<sup>2</sup>

This would in turn increase the negative environmental impacts and greenhouse gas emissions of packaging throughout its life cycle.

The **main objectives** of the proposed Regulation are :

- to reduce the generation of packaging waste;
- to promote a circular economy for packaging in a cost-effective manner;
- to promote the use of recycled content in packaging.

The **reasons for this initiative** (amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC) are:

- Differing national approaches to the transposition of the previous Directive and unilateral packaging policy measures by certain Member States have led to uneven national regulatory frameworks;
- Harmonisation between Member States is necessary, harmonised rules are achieved by means of a regulation, rather than a revision of the current Directive;
- The impact assessment showed:
  - Growing packaging waste generation : the Directive has not been able to reverse this trend, despite specific provisions on minimising packaging. The growth trend has been accentuated by new consumption habits (e.g. on-the-go consumption, increased online sales and home deliveries).
  - Low recycling quality in plastic packaging, market failures and shortcomings in the current regulatory framework hamper the profitability of recycling activities.

The Proposal has been published by the European Commission and is now under discussion in the European Parliament and the Council.

<sup>2</sup> SWP Impact Assessment, p. 6: [https://eur-lex.europa.eu/resource.html?uri=cellar:0567fd10-7165-11ed-9887-01aa75ed71a1.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:0567fd10-7165-11ed-9887-01aa75ed71a1.0001.02/DOC_1&format=PDF)

## Overview

### The Regulation:

- applies to all packaging, regardless of the materials used, and to all packaging waste
- establishes requirements for the entire life cycle of packaging

### The key elements of the legal Proposal focus on:

- Prevention and reuse
- Full recyclability of all packaging by 2030
- Compostable plastic packaging
- Recycled content targets for plastic packaging
- National systems for labelling, deposit return systems and waste collection

### With key measures, such as:

- targets for packaging waste reduction at Member State level, and **mandatory reuse targets** for selected packaging groups
  - Reduction of packaging waste compared to 2018 by –5% by 2030; -10% by 2035; -15% by 2040
- **restricting “over-packaging”** and certain forms of unnecessary packaging, and supporting **reuse and refill systems**
- establishing **criteria for design for recycling** to be applied to all packaging
  - As of 2030, all packaging items have to be recyclable, and to that end meet the design for recycling criteria (to be established in Delegated Acts).
  - As of 2035, they must be recycled at scale.
  - Packaging will be considered as recyclable if:
    - It is designed for recycling
    - It is effectively and efficiently separately collected
    - It is sorted into defined waste streams
    - It can be recycled so that it results in secondary materials that can replace primary ones
    - It can be recycled at scale (as of 2035)
- minimum inclusion **rates for recycled content in plastic** packaging
  - 30% in 2030 and 65% in 2040 for plastic beverage bottles
  - 30% in 2030 and 50% in 2040 for contact sensitive packaging
  - 35% in 2030 and 65% in 2040 for other plastic packaging
- **recycled targets** as in Directive 94/62/EC
- **mandatory deposit return systems (DRS)** for plastic bottles and aluminium cans
  - Member States shall set up mandatory Deposit Return Systems for plastic bottles and cans
  - endeavour to set up DRS for glass, beverage cartons and reusable packaging
  - ensure that return points for reusable packaging are accessible and available on equal terms
- **harmonised labelling of packaging and waste bins** to facilitate correct consumer disposal of packaging waste

- The European industry urgently needs a more and fair circular economy and IndustriAll Europe thus welcomes this legislative proposal which aims to help move towards more circularity, with concrete targets that will give opportunities for industrial development and circular innovation in the packaging sector<sup>3</sup>.
- However, the high ambition of the proposed Regulation also raises some concerns (sometimes sector specific) as well as questions about the capacity of national governments or local authorities to implement every aspect. For example:
  - The definition of “high-quality recycling” should also cover the production of products of the same, higher or lower value, i.e. re-, up- and down-cycling, and should not only focus on closed loops.
  - In some cases, the life-cycle assessment of a (recyclable) single-use packaging item's environmental footprint may be better than that of a re-usable item. Moreover, the label “reusability” does not give a reliable statement about the actual number of circulations.
  - Container glass is already recycled (use of broken glass pieces for the production of new containers) at a high percentage in most European countries. Increasing this share may be easier and more effective than rolling out new systems for glass reuse.
  - Waste reduction targets should be set with reference to material-specific criteria. A general target referring to weight or volume may unintentionally prioritise one material over another.
  - The proposal poses far-reaching requirements for public authorities regarding monitoring, reporting, roll-out of return and deposit systems. This will have an impact on national budgets. Other European initiatives, including the European budget and economic rules, must be consistent with the proposal to strengthen and improve administrative capacity.
  - The proposed Regulation refers to the development of recycling criteria and a number of delegated acts. It is important that producers, recyclers, waste management operators, technology providers and workers' representatives are involved in the preparation of any such acts and guidelines.
- IndustriAll Europe's positions [“What does it take to create the glass industry of the future?”](#) and [“Towards a decarbonised circular plastics industry”](#) set out our demands concerning the recycling and reuse of products and materials in these sectors.
- The environmental ambition proposed in the Regulation should be matched by an equivalent social ambition, as delivering on the Green Deal should ensure quality job creation and social progress for all. It should be consistent with other initiatives to maintain and create quality jobs, promote decent work, raise labour standards, strengthen social dialogue and collective bargaining, tackle discrimination at work, promote gender equality, and workplace democracy.

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<sup>3</sup> IndustriAll Europe [position on “More and fairer circular economy”](#).

- For that to happen, a Just Transition agenda and mechanism should accompany the Regulation, focusing on:
  - Evaluation of the impact that the obligations outlined in the Regulation have on jobs and working conditions, both at national and regional level (quantitative and qualitative effects as well as skills needs).
  - Securing labour transition for workers, while tackling new skills needs (short and long term) and a right to quality training and life-long learning for every worker.
  - Full involvement of the trade unions at the sectoral and company level to define the circular transition of the packaging sector.
  - At national level, Member States shall ensure a significant proportion of national and EU resources available for the implementation of this Regulation are invested in quality job-creation, the strengthening of collective bargaining, gender equality, life-long learning, vocational training and social protection measures.
  - Any restructuring operation that may result as a consequence of the implementation of this Regulation, in particular those likely to have a negative impact on employment, shall be subject to effective information and consultation with trade unions.
- IndustriAll Europe is calling for a strong social pillar for the Packaging and Packaging Waste Regulation which includes strong attention to the health and safety of workers, as well as public health. We are surprised to find only one reference to workers in the entire text.

## Legislative procedure

- European Parliament;
  - Responsible Committee: Environment, Public Health and Food Safety, vote on report foreseen for 23 or 24/10/23
  - Committees for opinion: Agriculture and Rural Development (opinion published on 21/08/23); Internal Market and Consumer Protection (opinion published on 20/07/23); Industry, Research and Energy (opinion published on 19/07/23)
  - Indicative plenary sitting date: 20/11/23
- Council of the European Union
  - Has been discussed during Council Meetings, e.g. Environment Council on 16/03/23; Agriculture and Fisheries Council on 30/05/23

## Annex : Essential elements of the measures of the Proposal

- Packaging shall be manufactured so that the **presence and concentration of substances** of concern are minimised, e.g. the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components shall not exceed 100 mg/kg
- **Recyclable packaging:**

- All packaging shall be recyclable.
- Packaging shall be considered recyclable where it complies with the following: (a) it is designed for recycling; (b) it is effectively and efficiently separately collected in accordance with Article 43(1) and (2); (c) it is sorted into defined waste streams without affecting the recyclability of other waste streams; (d) it can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials; (e) it can be recycled at scale. Point (a) shall apply from 1 January 2030 and point (e) shall apply from 1 January 2035.
- It also requires that some packaging must be compostable by two years after the entry into force of the Regulation (filter coffee pods, sticky labels attached to fruit and vegetables...)
- The annual consumption of **lightweight plastic carrier bags** cannot exceed 40 bags per person by the 31 December 2025
- Article 13 **Obligations of manufacturers**
  - When placing packaging on the market, manufacturers shall ensure that the packaging complies with the following: (a) it has been designed and manufactured in accordance with the applicable requirements set out in Articles 5 to 10; (b) it is labelled in accordance with the applicable requirements set out in Article 11.
  - Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure.
- Article 26 sets out **re-use and refill targets** for different products and different dates.
- Article 37 focuses on **waste management** plans that Member States shall include in the waste management plans and requires a dedicated chapter on the management of packaging and packaging waste.
- Article 38 sets **targets for the reduction of packaging waste**: per capita, as compared to the packaging waste generated per capita in 2018 by (a) 5% by 2030; (b) 10% by 2035; (c) 15% by 2040.
- Provisions for the registration of producers and **extended producer responsibility** are defined in Section 3.
- **Return, collection, deposit return systems** (Section 4)
  - Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users and to facilitate its preparation for re-use and high quality recycling.
  - Cover the whole territory of the MS
  - Open to imported goods
  - Deposit and return systems by 1 January 2029
- **Recycling targets** (Section 6): targets for different dates for the recycling of plastic, wood, ferrous metals, aluminium, glass, paper and cardboard.