

Reloop briefing note: Proposal for a Regulation on Packaging and Packaging Waste Regulation

Objective: The proposal, published by the European Commission, aims to limit the amount of packaging placed on the market, reduce its volume and weight, prevent the generation of packaging waste, increase the reuse of packaging, ensure high quality recycling, and reduce other forms of recovering packaging waste and its final disposal.

Scope: The Regulation would apply to all packaging placed on the market in the European Union and to all packaging waste. It establishes requirements on sustainability (design for recycling criteria), restrictions/bans on specific packaging format for certain uses, targets on reuse and waste reduction, recycled content targets for plastic packaging, mandatory Deposit Return Systems (DRS), packaging minimisation targets, labelling and other measures. Economic operators would be directly responsible for compliance of their packaging with the requirements under this Regulation, in relation to their respective roles in the supply chain.

Next steps: Following the publication of the Commission proposal on 30 November 2022, it will undergo the ordinary legislative process i.e. will be amended by both the European Parliament and Council, which will have to agree on the final text of the law.

Key provisions		
Recycled content targets for plastic packaging (to be met by economic operators)		
<p>The proposal sets out recycled content targets for plastic packaging, depending on their contact-sensitivity, to be met by 2030 and 2040. Economic operators will have to comply with these targets, for each unit of plastic packaging, based on the recycled content recovered from post-consumer plastic waste.</p> <p>Extended Producer Responsibility (EPR) fees would be modulated based on the amount of recycled content.</p> <p>The targets could be temporarily amended by the European Commission through a delegated act where justified by the supply issues or excessive prices of specific recycled plastics.</p>		
Packaging type	% of recycled content by 2030	% of recycled content by 2040
Contact-sensitive packaging made from PET	30%	50%
Other plastic contact-sensitive packaging	10%	50%
Single use plastic beverage bottles	30%	65%
Other types of packaging	35%	65%

Reuse Targets (to be met by economic operators)

Reuse and refill targets are proposed in certain sectors with the greatest potential for reuse, namely takeaway food and beverages, white goods and transport packaging.

Member States could introduce exemptions from the obligation to meet these targets, based on the volume of packaging placed on the market, number of employees or surface of the sales area.

Type of packaging	% of reusable packaging by 2030	% of reusable packaging by 2040
Take-away cold and hot beverages	20%	80%
Take-away ready prepared food	10%	40%
Alcoholic beverages other than wine or spirits (i.e. beer)	10%	25%
Wine	5%	15%
Non-alcoholic beverages	10%	25%
Transport packaging (i.e. pallets, drums, plastic boxes...)	30%	90%
Transport packaging shipped domestically	100%	100%
Transport packaging via e-commerce	10%	50%
Transport packaging accessories	10%	30%
Grouped packaging	10%	25%
Household appliances	90%	90%

Deposit Return Systems

By 1 January 2029, Member States would have to introduce Deposit Return Systems for single-use plastic bottles and single-use metal and aluminium beverage containers of up to 3 litres, in line with the minimum requirements set in the draft Regulation, unless they achieve a 90% separate collection rate through other means in 2026 and 2027.

Packaging for wine, aromatised wine products, spirit drinks, milk and milk products is not included in this obligation.

Design for Recycling criteria

The draft Regulation introduces design for recycling criteria, aiming to make all packaging recyclable from 2030, and ‘recycled at scale’ from 2035. This will make packaging not only recyclable in theory, but also ensure it is recycled in practice from 2035. The proposal establishes recyclability grades, banning packaging with less than 70% recyclability from 2030.

2030	2035
<p>All packaging would have to be recyclable, following design for recycling criteria that will be established via delegate act i.e. minimum 70% recyclability by weight.</p> <p>The Extended Producer Responsibility (EPR) fees would have to be modulated based on the packaging recyclability performance grade.</p>	<p>All packaging must be recycled “at scale”.</p> <p>The definition of “at scale” will be established later by delegated act, based on the amount of the type of packaging placed on the market, the amount that is separately collected, recycling rates for that type of packaging and installed recycling infrastructure.</p>

Restrictions/bans on certain packaging format for certain uses

The proposal bans specific packaging formats for certain uses from the entry into force of the Regulation, with the aim to prevent unnecessary or avoidable packaging, such as single-use packaging, for which viable reusable alternatives exist, or grouped plastic packaging used to incentivize consumption.

Single-use plastic grouped packaging	Banned from entry into force of Regulation (~ 2025)
Single-use packaging for fresh fruit and vegetables	
Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector	

Single-use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Micro-companies can receive a conditional derogation up to 1 January 2030
Single-use hotel miniature packaging	
Tea/coffee bags, coffee or tea system single-serve unit disposed together with the used coffee products, sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags	Must be compostable in industrially controlled conditions in bio- waste treatment facilities 2 years after the entry into force of the Regulation

Packaging Minimisation (to be met by economic operators)	
The proposal introduces packaging minimisation requirements, to ensure packaging placed on the market is reduced to the minimum necessary to ensure packaging functionality and introduces a maximum empty space ratio of 40%.	
Type of packaging	From entry into force of Regulation (~ 2025)
All packaging	Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of
Grouped packaging, transport packaging or e-commerce packaging	The empty space ratio shall be of 40% maximum.

Labelling requirements (to be met by economic operators)		
The proposal introduces labelling requirements on packaging, in order to increase access to information for end users on the material composition and reusability of packaging. This information shall be made available through labels marked on the packaging or a QR code.		
Type	Information disclosed	Date
All packaging, except transport packaging	Material composition (label)	3.5 years after the Entry into force of the Regulation (~ 2027)
All packaging	Packaging reusability, collection points, system for reuse (label + QR code)	4 years after the Entry into force of the Regulation (~ 2028)
Reusable packaging	Clearly identified and distinguished from single-use packaging (label)	4 years after the Entry into force of the Regulation (~ 2028)
Waste containers	Information on the specific fraction of packaging waste which must be disposed of in this specific container.	1 January 2028

Waste prevention targets (to be met by Member States)

The proposal introduces waste prevention/reduction targets by requiring Member States to reduce the packaging waste generated per capita by 5 % by 2030 as compared to 2018, by 10% by 2035 and by 15% by 2040.

% of waste prevention targets by 2030	% of waste prevention targets by 2035	% of waste prevention targets by 2040
5%	10%	15%