

# Regulation on Packaging and Packaging Waste

POLICY BRIEF

DEC 2022

## INTRODUCTION

The current Packaging and Packaging Waste Directive (94/62/EC) is an EU legislation that aims to reduce the negative environmental impacts of packaging and packaging waste. It sets out specific requirements for the design, production, and management of packaging and packaging waste, with the goal of minimizing the amount of packaging waste generated, promoting the use of environmentally friendly materials, and encouraging the recovery and recycling of packaging waste. Under the directive, EU member states are required to establish national packaging waste prevention programs and to set targets for the reduction of packaging waste.

The proposed review will also aim to bring packaging legislation in line with the objectives set out in EU strategies such as the EU Green Deal and the Circular Economy Action Plan. Among several high-level targets, the EU is aiming to have **all packaging reusable or recyclable (in an economically viable way) by 2030**. The measures contained within the proposal touch upon various industries and sectors which have an impact on the level of packaging waste generated. Collectively, they will aim to **reduce packaging waste by 15% by 2040**, compared to 2018 levels.



## GENERAL PROVISIONS OF THE NEW REGULATION

To address concerns over the functioning of the EU single market, the current Directive will be replaced by a Regulation. It shall apply to **all packaging waste**, regardless of whether it is used, or originates from, industry, manufacturing, retail, offices and services, or households. To this extent, packaging would only be placed on the EU market if it complies with the requirements set out in this proposal.

To reduce waste generated by single use packaging (Art. 22), the Commission has put forward a **ban on the use of plastic packaging at retail level which groups goods** such as cans, tins, pots, tubs and packets, and which is designed to encourage the purchasing of more than one good. This does not include grouped packaging to facilitate transportation. Single use fresh fruit and vegetable packaging for amounts less than 1.5kg shall also be banned, aside for certain exceptions.

The Commission has put forward **refill/reuse obligations** (Art. 26) targeting a variety of products. Final distributors of these products will need to ensure a certain percentage of their product is provided in refillable/reusable containers, as follows:

Transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than B2B deliveries:

- 30% by 1 January 2030
- 90% by 1 January 2040

Transport packaging for the delivery of non-food items made available on the market for the first time via e-commerce:

- 10% by 1 January 2030
- 50% by 1 January 2040

Transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets:

- 10% by 1 January 2030
- 30% by 1 January 2040

Grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit:

- 10% by 1 January 2030
- 25% by 1 January 2040

Moreover, transport packaging shall be reusable where it is used for transporting products between different sites operated by the same business, or between its site and that of a partner or linked business. For businesses transporting products to other businesses within the same member state, only reusable transport packaging shall be used.

The above targets do not apply if the business in question is placing less than 1 ton of packaging on the market in a calendar year, or if it classifies as a micro enterprise.

## **OBLIGATIONS ON MANUFACTURERS AND IMPORTERS**

The Commission has included within the proposal several different elements relating to the **sustainability requirements for packaging material and design**, affecting mainly packaging manufacturers (Art. 5-11). In terms of the substances contained within the packaging material, manufacturers, would need to ensure that the concentration of these substances is minimized. Specifically, concentration levels of lead, cadmium, mercury, and hexavalent chromium resulting from substances within the packaging material should not exceed 100mg/kg.

One of the headline objectives of the packaging proposal is to ensure all packaging is recyclable. The latter involves several different criteria to be met:

- 1.It is designed for recycling.
- 2.It is effectively and efficiently separately collected.
- 3.It is sorted into defined waste streams without affecting the recyclability of other waste streams.
- 4.It can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials.
- 5.It can be recycled at scale.

Points (1) and (5) shall apply from 1 January 2030 and 2035, respectively.

From 1 January 2030, packaging shall not be considered recyclable if the assessment of recyclability per unit (in weight) is less than 70%.

The proposal similarly sets out **minimum recycled content** threshold for plastic packaging. From 1 January 2030, the plastic part of packaging should contain the following percentages of recycled content recovered from plastic waste:

1. 30% for contact sensitive packaging made from PET as the major component;
2. 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;
3. 30 % for single use plastic beverage bottles;
4. 35 % for packaging other than those referred to in points (a), (b) and (c).

These thresholds will be further increased from 1 January 2040. Some exemption will apply, mainly relating to immediate and medicinal packaging, as well as compostable packaging.

With regards to the latter, single service coffee and tea products, fruit labels/stickers, and lightweight plastic carrier bags shall be industrially compostable within 24 months of entry into force of the proposal.

Financial contributions payable by manufacturers on their **extended producer responsibility** obligations (polluter pays) will be modulated according to the recyclability of their packaging, and according to the content of recycled plastic in their packaging material.

Excessive packaging size is considered a one of the key sources of packaging waste. To address this, the Commission proposal will attempt to **reduce packaging weight and volume** to the minimum necessary for ensuring functionality. In this respect, characteristics such as double walls, false bottoms, and unnecessary layers shall be banned. For grouped, transport, or e-commerce packaging, empty space shall not exceed 40%.

Manufacturers will be obliged to carry out conformity assessments and draw up an EU declaration of conformity allowing them to place their packaging products on the EU market.

This shall further place an obligation on supplier of materials used in packaging production to provide any relevant information required by manufactures to fulfil their reporting obligations. Naturally, packaging importers will need to ensure that their packaging has undergone appropriate assessments and bears the EU declaration.

## **OBLIGATIONS ON HORECA SECTOR**

Important obligations will also be placed on HORECA businesses in an attempt to reduce the level of packaging waste generated by the sector (Art. 22). One of the measures to do so will be to **ban certain single use packaging**. This includes, for instance: **single use packaging for food and beverages, sugar, salt, and condiment sachets, miniature cosmetic and toiletry packaging**, among others. Businesses will thus have to source reusable alternatives to house these products.

Complimenting the above, the Commission has put forward **refill/reuse obligations** (Art. 26) targeting a variety of products. In terms of the HORECA sector, the measures shall target alcoholic and non-alcoholic beverages, and takeaway ready-prepared food. Final distributors of these products will need to ensure a certain percentage of their product is provided in refillable containers, as follows:

### Cold or Hot Beverages filled into a container for takeaway:

- 20% by 1 January 2030
- 80% by 1 January 2040

### Takeaway Ready-Prepared Food

- 10% by 1 January 2030
- 40% by 1 January 2040

### Alcoholic Beverages (except Wine)

- 10% by 1 January 2030
- 25% by 1 January 2040

### Wine (except Sparkling Wine)

- 5% by 1 January 2030
- 15% by 1 January 2040

Water (incl. Sweetened), Juices, Soft Drinks, or Similar Beverages:

- 10% by 1 January 2030
- 25% by 1 January 2040

The above targets do not apply if the business in question is placing less than 1 ton of packaging on the market in a calendar year, or if it classifies as a micro enterprise, or if they have a sales area less than 100m<sup>2</sup>, including storage and dispatch areas.

**The full text of the Commission proposal may be found [here](#).**

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