

Packaging & Packaging Waste Regulation

Final Outcomes



Introduction

Earlier this year, the Council and the European Parliament approved a provisional agreement on the PPWR. Currently, EU lawyers are conducting legal scrubbing, and the final text is anticipated to be published by the end of 2024. Below is a summary of the key provisions of interest to Maltese businesses.

1. Substances in packaging

The Commission's initial proposal aims to restrict the use of specific substances in packaging. It suggests minimizing the concentration of substances of concern while outright banning lead, cadmium, mercury, and hexavalent chromium in concentrations higher than 100 mg/kg.

Outcome: The provisional agreement takes an additional step by requiring the Commission to prepare a report by December 2026. This report will assess the presence of substances of concern in packaging and packaging components, aiming to understand their impact on material reuse, recycling, and chemical safety. Based on the findings, the Commission may propose further measures. Additionally, member states have the authority to request restrictions on substances affecting reuse and recycling.

Furthermore, the agreement prohibits the use of polyfluorinated alkyl substances (PFASs) in food contact packaging beyond specific limits. This ban will be effective within 18 months of the regulation's entry into force. It aligns with efforts to limit 'endocrine disruptors,' which can adversely affect human health.

Verdict — Neutral: These provisions were not highlighted as problematic when conducting in-depth interviews with packaging and food manufacturers. However, MBB shall continue to monitor developments vis-a-vis the possible restriction of additional substances down the line.

2. Recyclable packaging

The Commission's proposal states that all packaging placed on the market must be recyclable, meeting specific criteria by varying deadlines between 2030 and 2035. These criteria include being intentionally designed for recyclability, feasibility for large-scale recycling, and ease of sorting and separation from other waste streams.

Outcome: The agreement maintains the Commission's objective of ensuring that all packaging is recyclable. It also further details the criteria for recyclable packaging. These criteria encompass the ability to collect packaging separately without affecting the recyclability of other materials. Additionally, the resulting secondary material must

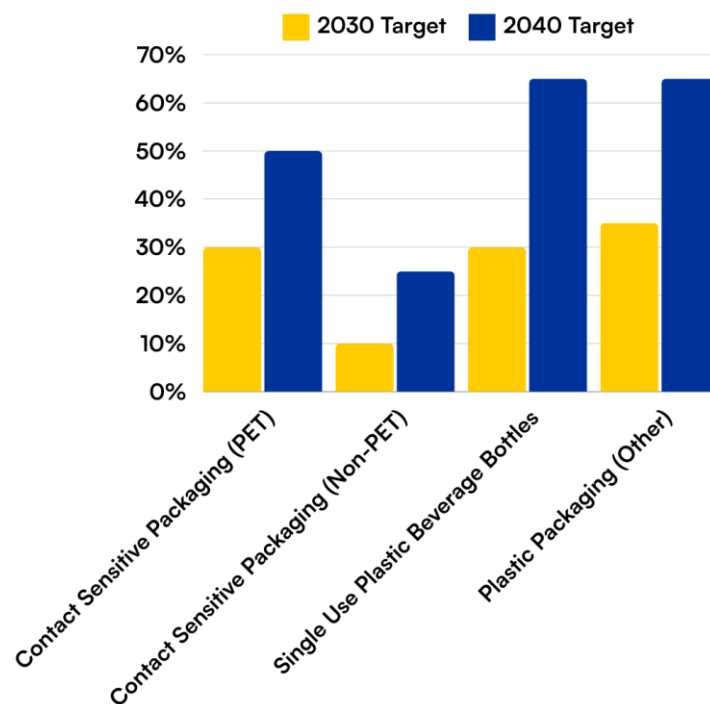
meet quality standards sufficient to replace primary materials. Further details regarding these criteria will be provided through supplementary legislation.

Verdict — Slightly Positive: The provisional agreement provides more clarity on what will constitute recyclable packaging and is therefore considered an improvement on the vague wording in the original proposal. Nonetheless, fine detail will still be provided through supplementary legislation in the following months/years.

3. Minimum recycled content in plastic packaging

The Commission proposal has set targets for the minimum proportions of recycled plastic that plastic packaging components should contain, varying based on the type of packaging. This initiative directly aligns with the Single-Use Plastics Directive, which previously implemented similar measures specifically for PET bottles. The specific proportions differ for PET-based contact-sensitive packaging, non-PET packaging, PET bottles, and other packaging types.

Outcome: While the Commission’s targets have been maintained, a minimum 3-year transition period has been introduced to allow packaging manufacturers sufficient time for implementation. The targets include a 30% recycled plastic content goal for contact-sensitive packaging and single-use plastic (SUP) beverage bottles, and 35% for other plastic packaging. Higher targets will apply by 2040.



Additionally, derogations have been introduced, covering compostable packaging, packaging used for transporting dangerous goods, contact-sensitive food packaging for children, medicinal packaging, and any plastic part representing less than 5% of the total packaging weight.

Verdict — Positive: The provisional agreement better aligns targets with the existing Single-Use Plastics Directive and affords businesses at least 3 years for implementation. This is directly in line with MBB’s advocacy efforts in favour of sufficient transition periods.

4. Package minimization

The Commission implemented measures to minimize empty space in packaging and eliminate additional features that serve no practical purpose but contribute to increased waste. These features include elements designed to create a larger perceived volume for the product, such as double walls, false bottoms, and unnecessary layers.

Outcome: The agreement includes a transition period until 1 January 2030, for this provision to take effect. Additionally, derogations have been introduced for packaging protected by trademarks or similar design rights, as well as packaging for products associated with geographical indications. However, these derogations apply only if the packaging design significantly affects its novelty, individual character, or distinguishes the product from others in the market.

The agreement has also increased the allowed empty-space ratio to 50% by 1 January 2030.

Verdict — Positive: This provision is considered an improvement as it is directly in line with MBB’s advocacy efforts in favour of sufficient transition periods. Derogations for certain types of packaging and an increased empty-space ratio also provide more flexibility for manufacturing and producers when marketing their products.



5. Ban on single-use miniature toiletry and cosmetic packaging in hotel rooms

The Commission’s proposal includes a ban on miniature toiletry and cosmetic packaging (under 50ml or 100g) commonly found in hotel rooms. The aim is to promote the use of refillable options.

Outcome: Starting from January 1, 2030, single-use packaging for cosmetics, hygiene, and toiletry products used by accommodation establishments will be prohibited, regardless of the material. Going beyond the Commission's proposal, the ban does not consider the weight or volume of the products; instead, it specifically targets 'single-use items intended for individual bookings.



Verdict — Positive: This provision is considered an improvement as it is directly in line with MBB's advocacy efforts in favour of sufficient transition periods. Derogations for certain types of packaging.

6. Ban on the use of single-use food containers at establishment's premises

The proposal prohibits food establishments from serving customers using single-use food containers (such as plates, trays, and sachets) if the customers are dining on the premises. Instead, reusable options must always be used.

Outcome: Starting from 1st January 2030, single-use plastic (SUP) packaging for food and beverages consumed on the premises of food establishment (such as cups, plates, and boxes) will be prohibited. The ban also extends to SUP portions of sauces, condiments, preserves, seasoning, and coffee creamers. However, packaging made from materials other than SUP will continue to be allowed. Additionally, member states have the option to exempt micro-enterprises from these bans.



The Commission is also obliged to periodically review the provision, potentially introducing new derogations and bans.

Verdict — Slightly Negative: While it is positive that a long transition period has been explicitly included in the provisional agreement, the issue of what constitutes 'premises' is still left unaddressed. This is especially the case for establishments such as lidos, beach bars, kiosks, and so on, and their respective encroachment areas. Reusable options in such spaces have been highlighted by members as more challenging due to staff shortages and potential theft.

7. High packaging reuse targets for Food & Beverage sold for take-away

The Commission's proposal sets ambitious targets for packaging container reuse across various product categories. These targets increase gradually, reaching as high as 80% by 2040 for take-away hot and cold beverages.



Outcome: Within 24-months of the regulation coming into force, HORECA establishments must accept customers' own food and beverage containers for takeaway, without any additional charge. However, establishments may decline containers they deem unhygienic or unsuitable. The text also explicitly states that economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.

Additionally, within 36-months, HORECA establishments should offer customers the choice of a reusable takeaway container at no extra cost. Moreover, starting in 2030 establishments are encouraged to provide 10% of their takeaway products in reusable containers. Microenterprises are exempt from these reuse requirements.

Consequently, the agreement no longer imposes strict refill or reuse targets for food and beverage takeaway; instead, it emphasizes giving customers the option to use their own containers or select a reusable container provided by the establishment.

Verdict — Positive: The provisional agreement introduces a more lenient approach to reuse and refilling food and beverage containers and removes the stringent targets for each different type of F&B product. References to hygiene requirements and the absolution of economic operators from liability in cases of health issues arising from the use of customers' own containers is very welcome. Nonetheless, it is unclear how disputes regarding the latter can be proven.

8. EP Amendment on Tap water for customers in catering establishments

An amendment unilaterally introduced by Parliament requires restaurants, canteens, bars, cafés, and catering services to offer tap water either for free or at a minimal service fee.

Outcome: Member States shall incentivise restaurants, canteens, bars, cafés and catering services to serve their customers, where available, tap water for free or for a low service fee, in a reusable or refillable format.

Verdict — Slightly Negative: Based on our interpretation, the provision agreement appears to be more lenient, as member states are now encouraged to “incentivize” HORECA establishments to offer tap water where it is available. Nonetheless, little clarity is provided on how this will be implemented in practice and what obligations shall fall on operators. MBB’s position is that such issue is better governed by the existing Drinking Water Directive, whereby Member States are encouraged to promote the free provision of tap water in restaurants according to their local, geographical and cultural circumstances. Ample discussions and stakeholder consultations were held at the time of the revision of the directive.

Link to more information:

[Packaging: Council and Parliament strike a deal to make packaging more sustainable and reduce packaging waste in the EU - Consilium \(europa.eu\)](#)

For questions or more detailed information please contact EU Affairs Manager Daniel Debono and Manager — EU Policy (Sustainability) Gabriel Cassar on infobrussels@mbb.org.mt

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