

# Revision of the Packaging and Packaging Waste Directive

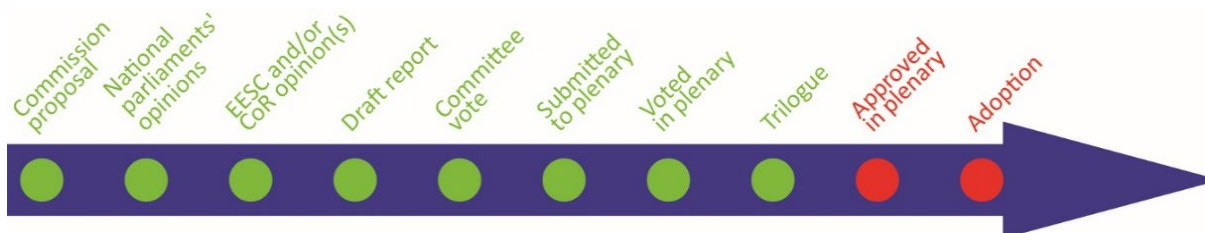
## OVERVIEW

Most goods require packaging at several stages of their product life. Today, the diversity of packaging items and materials is considerable. Between 2009 and 2020, the total mass of packaging waste generated in the EU rose by 20 %. The Packaging and Packaging Waste Directive (PPWD – Directive 94/62/EC) lays down measures to prevent the production of packaging waste, and to promote reuse of packaging and recycling and other forms of recovering packaging waste. It also sets out the requirements that all packaging placed on the EU market must meet. These provisions are designed to reduce the disposal of packaging waste and to promote a more circular economy.

As part of the European Green Deal and the new circular economy action plan, the European Commission put forward a revision of the PPWD in November 2022. The initiative's objective is to ensure that all packaging is reusable or recyclable in an economically feasible way by 2030. The aim is to reinforce the essential requirements for packaging to ensure its reuse and recycling, boost the uptake of recycled content, and improve the requirements' enforceability. Measures are also envisaged to tackle over-packaging and reduce packaging waste.

On 4 March 2024, the Parliament and the Council reached a provisional agreement on the new regulation. This agreement still needs to be formally approved by both institutions.

<b>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</b>		
<i>Committee responsible:</i>	Environment, Public Health and Food Safety (ENVI)	COM(2022) 677
<i>Rapporteur:</i>	Frédérique Ries (Renew, Belgium)	30.11.2022
<i>Shadow rapporteurs:</i>	Massimiliano Salini (EPP, Italy)	2022/0396(COD)
	Delara Burkhardt (S&D, Germany)	
	Grace O'Sullivan (Greens/EFA, Ireland)	Ordinary legislative procedure (COD)
	Pietro Fiocchi (ECR, Italy)	(Parliament and Council on equal footing – formerly 'co-decision')
	Silvia Sardone (ID, Italy)	
	João Pimenta Lopes (The Left, Portugal)	
<i>Next steps expected:</i>	Vote in plenary on political agreement	



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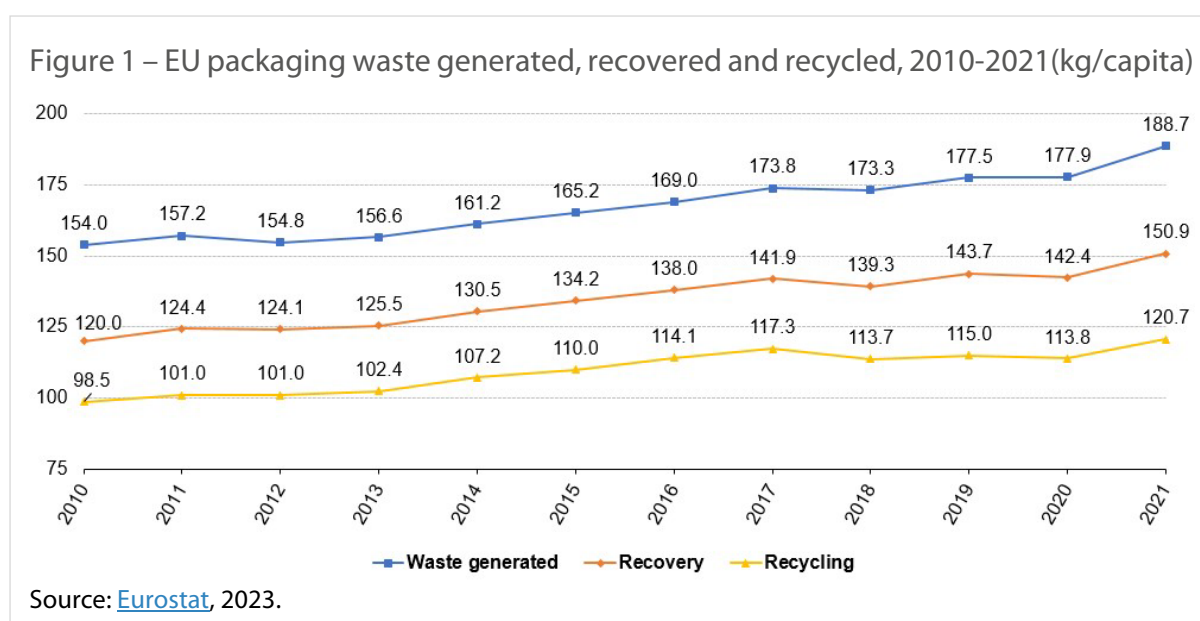


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## Context

Most goods require packaging at several stages of their product life. Packaging is defined in the current Packaging and Packaging Waste Directive (PPWD – [Directive 94/62/EC](#)) as 'products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer'. A wide range of materials is used for packaging, including glass, paper and cardboard, metal (such as steel or aluminium), plastics (polymers such as polyethylene terephthalate (PET)), wood, cork, textile (bags), ceramics or porcelain stoneware. They may also be made of more than one kind of material (composite materials). The diversity of packaging items is considerable, ranging from cans, tubes and boxes, to films and bags. In 2018, packaging manufacturing [generated](#) a turnover of €355 billion in the EU. The packaging market is characterised by high-levels of cross-border trade, with many producers selling packaging in multiple Member States. Cross-border movements of packaging have recently grown, with the rise in internet use for distance sales of packaged goods.

In 2021, 84.3 million tonnes of [packaging waste](#) were generated in the EU, corresponding to 188.7 kg per inhabitant – 11 kg more per person than in 2020 (Figure 1). Between 2010 and 2021, the amount of packaging waste generated per inhabitant increased by 22.5 %. Paper and cardboard represented the most common packaging waste materials (40.3 %), followed by plastic (19.0 %), glass (18.5 %), wood (17.1 %) and metal (4.9 %).



## Existing situation

The PPWD, amended in 2018 by [Directive \(EU\) 2018/852](#), aims to harmonise national measures on the management of packaging and packaging waste, in order to protect the environment and ensure the functioning of the internal market. It lays down measures to prevent the production of packaging waste, and to promote reuse of packaging, recycling and other ways to recover packaging waste. These measures aim to reduce the disposal of packaging waste and promote a more circular economy. The directive covers all packaging and all packaging waste, regardless of the material used. The directive applies the EU waste hierarchy, set up by the EU Waste Framework Directive ([Directive 2008/98/EC](#)), which prioritises the prevention of waste, followed by its reuse, recycling and recovery. Waste disposal represents the least favoured waste management option.

The PPWD requires Member States to take measures to prevent the generation of packaging waste and to minimise the environmental impact of packaging. They also have to take measures to

increase the share of reusable packaging placed on the market and of systems to reuse packaging, without compromising food hygiene or consumer safety. The PPWD also sets recovery and recycling targets for packaging waste (and from 2008, for different materials of packaging). The 2018 revision of the directive introduced higher targets for overall recycling for packaging (65 % in 2025 and 70 % in 2030), and higher material-specific targets (such as 55 % for plastic by 2030) (Table 1). Member States have to set up return, collection and recovery systems.

Table 1 – Recycling targets set in the Packaging and Packaging Waste Directive

	Recycling target deadlines		
	31 December 2008	31 December 2025	31 December 2030
<b>All packaging waste</b>	Between <b>55 % and 80 %</b>	<b>65 %</b>	<b>70 %</b>
<b>Glass</b>	<b>60 %</b>	<b>70 %</b>	<b>75 %</b>
<b>Paper and cardboard</b>	<b>60 %</b>	<b>75 %</b>	<b>85 %</b>
<b>Metals</b>	<b>50 %</b>	<b>70 %</b> (ferrous metals) <b>50 %</b> (aluminium)	<b>80 %</b> (ferrous metals) <b>60 %</b> (aluminium)
<b>Wood</b>	<b>15 %</b>	<b>25 %</b>	<b>30 %</b>
<b>Plastic</b>	<b>22.5 %</b> (counting exclusively material recycled back into plastics)	<b>50 %</b>	<b>55 %</b>

The PPWD sets out the essential requirements with which all packaging placed on the EU market must comply. For instance, packaging volume and weight must be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and the consumer. The PPWD also sets ceilings for concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components. Furthermore, Article 9(5) states that, by 31 December 2020, the Commission must examine the feasibility of reinforcing the essential requirements to improve design for reuse and promoting high quality recycling, as well as strengthening enforcement, possibly by putting forward a legislative proposal.

[Directive \(EU\) 2019/904](#) on the reduction of the impact of certain plastic products on the environment (also referred to as the Single-use Plastics Directive or SUPD) is geared towards preventing and reducing the impact of certain plastic products on the environment and human health, and promoting the transition to a circular economy. It prohibits the placing on the market of nine types of single-use plastic products, including some packaging items made of expanded polystyrene, such as food containers intended for on-the-spot or take-away consumption, or beverage containers, including their caps and lids. It also requires Member States to take measures to achieve a reduction in the consumption of some single-use plastic products by 2026 compared to 2022, such as cups for beverages, including their covers and lids, or food containers intended for immediate consumption, either on-the-spot or take-away. It also requires that single-use plastic receptacles used to contain liquid that have caps and lids made of plastic (such as beverage bottles) be placed on the market only if the caps and lids remain attached to the containers during the products' use. It also introduced mandatory recycled content for beverage bottles manufactured from PET as the major component ('PET bottles') (25 % from 2025, 30 % from 2030).

[Council Decision \(EU, Euratom\) 2020/2053](#) on the system of own resources of the EU (the Own-Resources Decision or ORD) introduced a new category of own resources based on national contributions, calculated on the basis of non-recycled plastic packaging waste (€0.80 per kilogram). This contribution is expected to encourage Member States to reduce the consumption of single-use

plastics, foster recycling and boost the circular economy. It entered into force in 2021 and is expected to generate around [€6.4 billion](#) in 2023 (4 % of total own resources).

In its [work programme for 2018](#), the Commission stressed that it would work towards all plastic packaging being recyclable by 2030. In the [European strategy for plastics in a circular economy](#), adopted the same year, the Commission announced plans to work on new harmonised rules to ensure that all plastics packaging placed on the EU market can be reused or recycled in a cost-effective manner by 2030. In its communication of December 2019 on the [European Green Deal](#), the Commission stated its intention to develop requirements to ensure that all packaging in the EU market is reusable or recyclable in an economically viable manner by 2030. It also stressed the need for new legislation, including targets and measures to tackle over-packaging and waste generation. It announced that it would consider legal requirements to boost the market for secondary raw materials with mandatory recycled content (for instance for packaging).

In its [new circular economy action plan](#) for a cleaner and more competitive Europe of March 2020, the Commission announced initiatives to reduce the EU's consumption footprint and double the [EU's circular material use rate](#) by 2030. These would concern the entire life cycle of products, from design and manufacturing to consumption, repair, reuse, recycling, and bringing resources back into the economy. It also announced a review of the PPWD to ensure that all packaging on the EU market is reusable or recyclable in an economically viable way by 2030.

The Commission's October 2020 [chemicals strategy for sustainability](#), which set out a new long-term vision for the EU's chemical policy, called for non-toxic material cycles and action to minimise the presence of substances of concern in products including packaging and food packaging.

## Preparation of the proposal

In September 2022, under the Environmental Implementation Review, the Commission [assessed](#) the state of play of the transposition of the PPWD. It pointed out that there were differences in circularity rates (i.e. the share of material recycled and fed back into the economy) between Member States, with a 13 % average EU-level rate for secondary use of materials. Waste prevention is an important challenge in all Member States, including those with high recycling rates. On 1 December 2022, EPRS published an [implementation appraisal](#) on the operation of the PPWD.

The [impact assessment](#) (IA) accompanying the proposal pointed out that 23 Member States had not transposed the 2018 amendment of the PPWD within the 2-year transposition period. Furthermore, three Member States still had not transposed it in April 2022. Twenty Member States were also at risk of not reaching at least one of the material-specific recycling targets. The assessment also stressed that, regarding the SUPD, only 13 Member States had banned expanded polystyrene food and drink packaging within the deadline.

The assessment also pointed to legislative and practical divergences between Member States on issues such as understanding of the essential requirements, or understanding of recyclability of packaging. The risk that producers might be faced with contradictory incentives for similar packaging items across different Member States had increased over the past few years. This situation creates regulatory uncertainty, additional administrative complexity and costs to economic operators, and barriers to the free flow of goods in the internal market. The IA also stressed that not all the problems linked to plastic packaging can be tackled with the SUPD, particularly as it only covers 70 % of all plastic packaging and its measures mainly address the prevention of littering.

The three main problems identified by the IA were: growing packaging waste generation, despite specific provisions on minimising packaging in the current directive; barriers to packaging recycling and reuse, such as design features, cross-contamination of compostable recycling streams, presence of substances in packaging that may be hazardous, and unclear labelling of packaging for sorting; and low recycling quality in plastic packaging and use of secondary raw materials, reinforcing the sector's reliance on virgin materials for new packaging. The two main problem drivers are market

failure (such as market structure along the waste value chain) and regulatory failure (such as incorrect transposition of the current directive). The IA presents three policy options in addition to the baseline. The preferred option (option 2) sets mandatory targets for waste reduction, reuse for certain sectors and minimum recycled content in plastic packaging, requirements to ensure full recyclability by 2030 and harmonised product rules. EPRS has published an [initial appraisal](#) of the IA.

## The changes the proposal would bring

The [draft regulation](#) was tabled in November 2022. Its general objectives are to reduce the negative environmental impacts of packaging and packaging waste, while improving the functioning of the internal market. The specific objectives are to reduce the generation of packaging waste; promote a circular economy for packaging in a cost-effective manner; and promote the use of recycled content in packaging. The proposal takes the form of a regulation rather than a directive, aiming to ensure that all Member States fulfil their obligations at the same time and in the same way.

The proposed regulation would set out provisions on sustainability (e.g. on substances of concern, recyclability, and mandatory recycled content (Table 2) and packaging minimisation); labelling, marking and information (e.g. on the material composition of packaging); obligations for economic operators (e.g. prohibition of certain packaging formats and setting reuse and refill targets (Table 3)); management of packaging and packaging waste (e.g. targets for packaging waste reduction and on deposit and return systems for single-use plastic beverage bottles and metal beverage containers); and green public procurement.

Table 2 – Proposed targets for recycled content recovered from post-consumer plastic waste, per unit of packaging (minimum percentage)

Type of packaging	From 1 January 2030	From 1 January 2040
Contact-sensitive packaging made from PET	30 %	50 %
Contact-sensitive packaging made from plastic materials other than PET	10 %	25 %
Single-use plastic beverage bottles	30 %	65 %
Other packaging	35 %	65 %

Table 3 – Reuse and refill targets set up in the proposed regulation

	From 1 January 2030	From 1 January 2040
<b>Large household appliances</b> (such as refrigerators, freezers, washing machines, clothes dryers or dish washing machines)	Share of products made available in reusable transport packaging <b>90 %</b>	
<b>Cold or hot beverages</b> (filled into a container at the point of sale for take-away)	Share of beverages made available in reusable packaging or by enabling refill <b>20 %</b>	Share of beverages made available in reusable packaging or by enabling refill <b>80 %</b>
<b>Take-away ready-prepared food</b> (intended for immediate consumption with no need of any further preparation, and typically consumed from the receptacle)	Share of products made available in reusable packaging or by enabling refill <b>10 %</b>	Share of products made available in reusable packaging or by enabling refill <b>40 %</b>

	From 1 January 2030	From 1 January 2040
<b>Alcoholic beverages</b> (beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice)	Share of products made available in reusable packaging or by enabling refill <b>10 %</b>	Share of products made available in reusable packaging or by enabling refill <b>25 %</b>
<b>Wine</b> (except sparkling wine)	Share of products made available in reusable packaging or by enabling refill <b>5 %</b>	Share of products made available in reusable packaging or by enabling refill <b>15 %</b>
<b>Non-alcoholic beverages</b>	Share of products made available in reusable packaging or by enabling refill <b>10 %</b>	Share of products made available in reusable packaging or by enabling refill <b>25 %</b>
<b>Transport packaging</b> (pallets, plastic crates, foldable plastic boxes, pails and drums for conveyance or packaging)	Share of packaging used that is reusable <b>30 %</b>	Share of packaging used that is reusable <b>90 %</b>
<b>Transport packaging (e-commerce)</b> Operators using transport packaging for the transport and delivery of non-food items sold via e-commerce	Share of such packaging used is reusable packaging <b>10 %</b>	Share of such packaging used is reusable packaging <b>50 %</b>
<b>Transport packaging (pallet wrappings and straps)</b>	Share of such packaging used that is reusable packaging <b>10 %</b>	Share of such packaging used that is reusable packaging <b>30 %</b>
<b>Grouped packaging</b> (boxes, excluding cardboard, used outside of sales packaging to create a stock-keeping unit)	Share of such packaging used is reusable packaging within a system for reuse <b>10 %</b>	Share of such packaging used is reusable packaging within a system for reuse <b>25 %</b>

## Advisory committees

The European Economic and Social Committee (EESC) adopted its [opinion](#) on 27 April 2023. The European Committee of the Regions (CoR) has decided not to adopt an opinion on this file.

## National parliaments

The [deadline](#) for submitting reasoned opinions on subsidiarity grounds was 25 April 2023. Three reasoned opinions were sent (by the French Senate and Italian Chamber of Deputies and Senate).

## Stakeholder views<sup>1</sup>

The official [feedback period](#) on the Commission proposal was open until 24 April 2023. The Commission received 519 contributions. [Europen](#), representing more than 70 companies and national associations from the European packaging industry, pointed to serious shortcomings in the proposal, in particular to the fact that it is too focused on setting recycling and reusability targets. Furthermore, for Europen, refill and reuse should be required only when it delivers a better environmental outcome in real life conditions compared to single-use alternatives, and its impact in terms of hygiene, food health and safety should be taken into account. Furthermore, the proposal should recognise that investment in recycling infrastructure and reuse across Europe is needed to promote recyclability and reusability. [Rethink Plastic](#), an alliance of European non-governmental organisations, expressed the view that the proposal goes in the right direction by prioritising prevention and reuse. However it believes that the proposal falls short on the objective to achieve

100 % reusable or recyclable packaging by 2030 and that it offers too many loopholes (for instance exempting 'innovative packaging' from meeting any recyclability requirements for 5 years) and exemptions to effectively reverse the trend of growing levels of packaging waste. For Rethink Plastic, the reuse targets should be more ambitious, in particular for beverage bottles, and expanded to other sectors such as cosmetics. Furthermore, it argues that there should be a reduction of 15 % per capita by 2030 for waste reduction (instead of 5 % as proposed). For the alliance, the proposal is too vague on substances of concern and does not incentivise the elimination of harmful chemicals in packaging. There should be stricter requirements on chemicals (including mandatory reporting on chemical content) and strong mechanisms for phasing out the most harmful substances, such as those proposed in the chemicals strategy for sustainability (i.e. chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative).

The [European Paper Packaging Alliance](#) (EPPA), representing food and food service packaging companies from across Europe, claimed that the proposal was not supported by scientific evidence and was not focused on solutions that achieve the best environmental outcome. More specifically, EPPA believes that the Commission did not look at the full life cycle impact of all packaging products when proposing the ban on single-use paper packaging for in-store use and setting mandatory reusable targets in takeaway services. EPPA pointed to two life-cycle analysis studies that it had commissioned: the [first](#) concluded that recyclable, paper-based packaging used in the food delivery and takeaway sector offered significant environmental advantages over reusable systems across 12 'impact categories' including climate change, freshwater consumption and resource depletion. The [second](#) concluded that in quick service restaurants, single-use paper-based packaging consumes substantially less energy and water than multiple-use packaging, and produces far fewer CO<sub>2</sub>-equivalent emissions, thus delivering 'very significant' environmental benefits in 6 out of 9 impact categories compared to multiple-use and plastic packaging. [European Bioplastics](#) (EUBP), representing more than 80 EU companies from the entire bioplastics value chain, welcomed the requirement for several packaging applications to be compostable in industrially controlled conditions in bio-waste treatment facilities. For EUBP however the proposed regulation should promote bio-based content on an equal level with recycled content. [Freshfel Europe](#), representing the fresh fruit and vegetables supply chain in Europe and beyond, considers that the proposed regulation targets the fresh produce sector with disproportionate and discriminatory measures compared to other food sectors, banning all single-use packaging for fresh fruit and vegetables.

## Legislative process and agreement

In Parliament, the proposal was referred to the Committee on the Environment, Public Health and Food Safety (ENVI). The Committees on Industry, Research and Energy (ITRE) and on the Internal Market and Consumer Protection (IMCO) were associated, with shared competences under Rule 57 of Parliament's rules of procedure. Frédérique Ries (Renew, Belgium) was appointed rapporteur on 11 January 2023. ENVI adopted its [report](#) on 24 October 2023, with 56 [votes](#) in favour, 23 votes against, and five abstentions. On 22 November 2023, Parliament [adopted](#) the ENVI report (and amended it), with 426 votes in favour, 125 against and 74 abstentions. The Council adopted its [negotiating position](#) on 18 December 2023. On 4 March 2024, Parliament and the Council reached a [provisional agreement](#) on the new regulation. The agreement was [endorsed](#) by Coreper on 15 March, and by ENVI on 19 March, with 63 [votes](#) in favour, 9 against and 3 abstentions. The vote in plenary on the provisional agreement is planned for the April II session.

Under the agreement, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging should not exceed 100 mg/kg. By 31 December 2026, the Commission, with the support of the European Chemicals Agency, will have to draft a report on the presence of substances of concern in packaging. Furthermore, as requested by the Parliament, from 18 months after the date that the new regulation enters into force, food contact packaging will be prohibited if it contains **per and polyfluorinated alkyl substances (PFAS)** in a concentration above certain limit values.

From 1 January 2030, all packaging sold in the EU will have to be **recyclable**. Packaging recyclability will be expressed in the performance grades A, B or C; by 1 January 2038, only packaging within grades A or B will be allowed. The provisions on recyclability will not apply to packaging made from lightweight wood, cork, textiles, rubber, ceramics, porcelain or wax.

The new regulation introduces, by 1 January 2030, **minimum recycled content targets for the plastic part in packaging** (calculated as an average per manufacturing plant and year) (Table 4); the percentages will increase by 1 January 2040. There will be some exemptions, in particular for packaging for medical devices, packaging needed to preserve the quality of medicinal products and compostable plastic packaging. Importantly, recycled content will have to be recovered from post-consumer plastic waste that has been collected in the EU or in a third country in accordance with standards for separate collection to promote high quality recycling equivalent to those mentioned in the new regulation; and, where applicable, from post-consumer plastic waste that has been recycled in an installation in the EU, or in an installation in a third country to which rules on preventing and reducing emissions into air, water and land associated with the recycling operations apply, equivalent to those that apply to an installation in the EU carrying out the same activity.

Table 4 – Agreed targets for recycled content recovered from post-consumer plastic waste, per unit of packaging (minimum percentage)

Type of packaging	From 1 January 2030	From 1 January 2040
Contact-sensitive packaging made from PET (except single-use beverage bottles)	30 %	50 %
Contact-sensitive packaging made from plastic materials other than PET (except single-use plastic beverage bottles)	10 %	25 %
Single-use plastic beverage bottles	30 %	65 %
Other plastic packaging	35 %	65 %

The new regulation includes new provisions on **bio-based feedstock in plastic packaging**, as requested by the Parliament. Within three years of the new regulation entering into force, the Commission will have to review the state of technological development and environmental performance of bio-based plastic packaging. Where appropriate, the Commission should present a legislative proposal to lay down sustainability requirements for bio-based feedstock in plastic packaging; lay down targets to increase the use of bio-based feedstock in plastic packaging; and introduce the possibility to achieve the minimum recycled content targets by using bio-based plastic feedstock instead of recycled content recovered from post-consumer plastic waste.

Within three years of the new regulation entering into force, tea and coffee bags, and soft after-use system single-serve units that contain tea or coffee will have to be compatible with the standard for **composting** in industrially controlled conditions in bio-waste treatment facilities and, when required by the Member States, with home composting standards.

Member States may also require non-permeable coffee and tea single-serve units used in a machine and composed of material other than metal, very lightweight plastic carrier bags and lightweight plastic carrier bags, and other packaging for which the Member State already requires that they be compostable before the date the new regulation applies, to be compostable. The Commission will ask the European standardisation organisations to prepare or update harmonised standards establishing the detailed technical specifications of the requirements on compostable packaging.

The new regulation also introduces requirements for **packaging minimisation**: by 1 January 2030, manufacturers will have to ensure that packaging is designed so that its weight and volume are reduced to the minimum necessary for its functionality. Furthermore, packaging that is not necessary to comply with the performance criteria listed in Annex IV (e.g. 'product protection' or

'hygiene and safety') and packaging that only aims to increase the perceived volume of the product (e.g. double walls) will be forbidden (with some exceptions).

The new regulation also lays out nine conditions for packaging to be considered **reusable** – for instance, it can be reused multiple times, it can be emptied or unloaded without causing damage to the packaging or it fulfils the requirements regarding consumer health, safety and hygiene.

From 3.5 years after the new regulation enters into force, packaging will have to be **marked** with a label containing information on its material composition, to facilitate consumer sorting. Reusable packaging sold from four years after the new regulation enters into force will have to bear a label informing users that it is reusable.

Concerning **excessive packaging**, by 1 January 2030 economic operators filling the packaging in grouped packaging, transport packaging or e-commerce packaging will have to ensure that the empty space ratio is a maximum of 50 %. Within three years of the new regulation entering into force, the economic operator who fills the sales packaging will have to ensure that empty space is reduced to the minimum necessary for ensuring the packaging's functionality, including product protection.

Moreover, the following **packaging formats**, listed in Annex V, will be **forbidden** from 1 January 2030:

- single-use plastic grouped packaging (e.g. to group goods sold in bottles or cans),
- single-use plastic packaging for less than 1.5 kg pre-packed fresh fruit and vegetables (Member States may set up exemptions to this restriction),
- single-use plastic packaging for foods and beverages filled and consumed within the premises in the HORECA sector,
- single-use plastic packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in the HORECA sector,
- single-use packaging for cosmetics, hygiene and toiletry products for use in the accommodation sector intended for an individual booking,
- very lightweight plastic carrier bags (except for very lightweight plastic carrier bags required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage).

Within two years of the new regulation entering into force, the Commission will publish guidelines explaining Annex V in more detail. Member States may maintain restrictions adopted before the date on which the new regulation applies on the placing on the market of packaging in the formats and for the purposes listed in Annex V, but made from materials not listed in Annex V.

The new regulation sets a number of **reuse targets** (Table 5). Economic operators making use of reusable packaging may designate third parties responsible for one or more mutualised systems for reuse. From 1 January 2030, final distributors with a sales area of more than 400m<sup>2</sup> will have to endeavour to dedicate 10 % of that sales area to refill stations for both food and non-food products.

Companies using transport packaging or sales packaging used for transporting products within the EU between any of the sites on which they perform their activity and the sites of any other partner companies will have to ensure that such packaging is reusable within a system for reuse. Furthermore, companies using transport packaging or sales packaging used for transportation to deliver products to another company within the same Member State will have to ensure that such packaging is reusable within a system for reuse.

**Micro-enterprises** and companies selling less than 1 000 kg of packaging within the territory of a Member State will be exempted from the reuse targets.

Furthermore, **Member States may exempt companies from the reuse targets** for a period of five years if: the Member State reaches five percentage points above the 2025 target for recycling of packaging waste and is expected to reach five percentage points above the 2030 target according

to the report published by the Commission three years before that date; the exempting Member State is on track to fulfil the waste prevention targets set out in the new regulation, and can show it has reached at least 3 % waste prevention by 2028 compared to the 2018 baseline; the companies have adopted a corporate waste prevention and recycling plan. This five-year period may be renewed by the Member State if the conditions are fulfilled.

The Commission is also empowered to adopt delegated acts to set up additional exemptions. In addition, Member States may set reuse targets for companies going beyond the minimum targets described above to the extent that higher targets are necessary to achieve one or more of the packaging waste reduction targets set in the new regulation. Member States may also set targets for companies regarding beverages, to the extent that those additional targets are necessary for the Member State to achieve one or more of the packaging waste reduction targets set in the new regulation.

There are no specific reuse and refill targets for the **takeaway sector**. However, within 24 months of the new regulation entering into force, companies in the HORECA sector that sell, in take-away packaging, **cold or hot beverages** filled into a container at the point of sale or **ready-prepared food** intended for immediate consumption will have to provide a system for consumers to bring their own container to be **filled**. The goods filled in the container brought by the consumer should be sold at no higher cost and in no less favourable conditions.

Within 36 months of the new regulation entering into force, companies in the HORECA sector that sell, in take-away packaging, cold or hot beverages or ready-prepared food intended for immediate consumption will have to provide consumers with the option of packaging within a **system for reuse**. Companies will have to endeavour to offer, from 2030, 10 % of products in a reusable packaging format (Member States may set higher targets to reach their waste reduction targets); the goods filled in reusable packaging should be sold at no higher cost, and in no less favourable conditions. Microenterprises are exempted from the reuse obligations.

Member States will have to take measures to achieve a **sustained reduction in the consumption of lightweight plastic carrier bags** (i.e. with a wall thickness below 50 microns) on their territory, so that annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025 and thereafter.

In addition to the measures specified under the new regulation, Member States may use economic instruments to provide incentives to apply the waste hierarchy, including incentives through extended producer responsibility schemes and requirements for producers or producer responsibility organisations to adopt waste prevention plans. Member States will also have to 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. Member States may also introduce packaging waste prevention measures that exceed the minimum targets set in the new regulation, and may, by 2025, ask the Commission to use another base year than 2018 for the calculations of the waste reduction targets.

Table 5 – Reuse targets set in the agreed regulation

	From 1 January 2030	From 1 January 2040
<p><b>Transport packaging or sales packaging used for transporting products, including via e-commerce</b> (pallets, foldable-plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters of all sizes and materials, including flexible formats or pallet wrappings or straps for stabilisation and protection of products put on pallets during transport)</p>	<p>Minimum share of such packaging which is reusable within a system for reuse <b>40%</b> (with some exceptions, such as packaging used for the transportation of dangerous goods)</p>	<p>Minimum share of such packaging which is reusable within a system for reuse <b>70%</b> (with some exceptions, such as packaging used for the transportation of dangerous goods)</p>

	From 1 January 2030	From 1 January 2040
<b>Grouped packaging</b> (boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping or distribution unit)	Minimum share of such packaging which is reusable packaging within a system for reuse <b>10%</b>	Minimum share of such packaging which is reusable packaging within a system for reuse <b>25%</b>
<b>Alcoholic and non-alcoholic beverages</b> NB: Final distributors are exempted if they have a sales area of not more than 100m <sup>2</sup> . Member States may exempt final distributors if their sales area is located on an island with a population of less than 2 000 inhabitants or in a municipality with a population density less than 54 persons/km <sup>2</sup> . Member States may allow final distributors to form pools for the purpose of meeting the target.	Minimum share of those products made available in reusable packaging within a system for reuse <b>10%</b>  (with some exceptions, such as wine, aromatised wine products, spirits, highly perishable beverages and milk and milk products)	Minimum share of those products made available in reusable packaging within a system for reuse <b>40%</b>  (with some exceptions, such as wine, aromatised wine products, highly perishable beverage and milk and milk products)

Packaging producers have **extended producer responsibility** for the packaging that they sell. In addition to the costs referred to in the Waste Framework Directive, the financial contributions paid by the producers will cover the costs of labelling waste receptacles for the collection of packaging waste and the costs of carrying out compositional surveys of collected mixed municipal waste.

Member States will have to ensure that systems and infrastructures are set up to provide for the **return and separate collection of all packaging waste** from the end users. They will also have to ensure that comprehensive collection and sorting infrastructures are in place to facilitate high quality recycling and to ensure availability of plastic feedstock for recycling. Such systems may provide priority access to recycled materials for use in applications where the distinct quality of the recycled material is preserved or recovered in such a way that it can be recycled further and used in the same way and for a similar application, with minimal loss of quantity, quality or function.

By 1 January 2029, Member States will have to adopt **mandatory collection rates** and take measures to ensure that collection of the materials listed in the new regulation is consistent with the recycling targets and the mandatory recycled content targets defined in the regulation. By 1 January 2029, Member States will have to take measures to ensure **separate collection** of at least 90 % per year by weight of single-use plastic beverage bottles and single-use metal beverage containers with a capacity of up to three litres. This obligation does not apply to packaging for wine, spirits, and milk and milk products.

To achieve these targets, Member States will have to take measures to ensure that **deposit return systems** are set up for these packaging formats, and to ensure that a deposit has to be charged at the point of sale. This obligation does not apply to packaging for wine, spirits, and milk and milk products. Member States may exempt economic operators from charging a deposit if a product is consumed within the premises in the HORECA sector, provided that the deposit-bearing packaging is opened, the product is consumed, and the empty deposit-bearing packaging is returned within the premises. Member States may be exempted from the obligation to set up deposit return systems if:

- the rate of separate collection for the packaging formats concerned is above 80 % by weight in the calendar year 2026,
- by 12 months before 1 January 2029 at the latest, the Member State notifies the Commission of its request for exemption and submits an implementation plan with a strategy and concrete actions, including a timeline, that will ensure achievement of the 90 % separate collection rate for the relevant packaging format.

Member States have to encourage the setting up of systems for reuse of packaging with sufficient incentives for return and systems for refill in an environmentally sound manner (they may include, for instance, deposit and return systems). Those systems shall comply with the requirements laid down in the new regulation and should not compromise food hygiene or the safety of consumers. Member States have to ensure that extended producer responsibility schemes and deposit systems dedicate a minimum share of their budget to financing reduction and prevention actions.

The new regulation also includes the same recycling targets as the current Directive for all packaging and per material contained in packaging waste. Both the 2025 and 2030 targets may be postponed by a Member State for up to five years, under certain conditions.

To incentivise supply and demand for environmentally sustainable packaging, the Commission will, within 60 months of the new regulation entering into force, adopt implementing acts specifying **minimum mandatory requirements for public contracts** for packaging or packaged products, or for services using packaging or packaged products, in which the packaging or packaged products represent more than 30 % of the estimated contract value or of the value of products used by the services subject to the contract.

Member States may derogate from the mandatory requirements on the grounds of public security or public health, or when they would lead to unresolvable technical difficulties.

## EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Karamfilova E., [Revision of Directive 94/62/EC](#), EPRS, European Parliament, December 2022.

Tuominen M., [Packaging and packaging waste](#), EPRS, European Parliament, March 2023.

## OTHER SOURCES

European Parliament, [Packaging and packaging waste](#), Legislative Observatory (OEIL).

## ENDNOTES

- <sup>1</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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