

Product Risk Radar

EU Packaging and Packaging Waste Regulation

Last updated: 15 January 2024

What is it?

On 30 November 2022, the European Commission published its [proposal](#) for a new Regulation on Packaging and Packaging Waste (the “**Regulation**”), which will replace the current [Packaging and Packaging Waste Directive 94/62/EC](#). The Regulation proposes to reduce the impact packaging and packaging waste has on the environment by making all packaging on the EU market reusable or recyclable in an economically feasible way by 2030. The European Parliament and Council both subsequently introduced significant amendments, so triologue negotiations between the EU institutions on the content of the final text are planned for Q1 in 2024

What are the key features of the Commission's proposed Regulation?

Sustainability and manufacturing requirements include:

- All packaging must be recyclable by 1 January 2030.
- Minimum percentage requirements for recycled content in plastic packaging will be required from 1 January 2030, increasing substantially from 1 January 2040.
- Certain packaging items (including labels on fruit, very lightweight plastic bags, and tea and coffee bags or pods) will need to be compostable 2 years after the Regulation comes into force.
- Empty space in packaging has to be reduced to the minimum necessary, with a maximum empty space ratio of 40% for e-commerce packaging used to group multiple products.

Labelling, marking and information requirements include:

- Requirements to display information relating to material composition.
- Labelling packaging with a digital data carrier (such as a QR code) containing information on its reusability, and enabling packaging to be tracked.

Packaging manufacturers will need to draw up an EU Declaration of Conformity confirming that packaging complies with the applicable sustainability and labelling requirements.

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Other measures include:

- Setting minimum percentage targets for the use of reusable packaging in certain sectors, with targets first applying from 1 January 2030 and increasing substantially from 1 January 2040. Proposed in scope packaging formats include takeaway food and beverage containers as well as different types of transport packaging.
- Prohibitions on the placing on the market of certain types of single use packaging including certain plastic grouped packaging used for retail, single-use packaging used to serve food and beverages consumed on premises in the HORECA sector, and miniatures packaging used for cosmetics in hotels.

Member States will be subject to enhanced targets to reduce the amount of packaging waste generated per person compared to 2018 to achieve reductions of 5% by 2030, 10% by 2035, and 15% by 2040.

Why is this important?

All packaging placed on the EU market will be caught by the Regulation with different obligations applicable to packaging manufacturers, suppliers, importers, distributors, and fulfilment service providers. This Regulation will be relevant to any business selling packaged goods.

Next Steps

The European Parliament adopted its final negotiating position in regards to the legislative text in November 2023 and the Council adopted its position in December 2023. Both have introduced significant amendments that depart from the original approach proposed by the Commission. Triilogue negotiations between the EU institutions on the content of the final text are planned for Q1 in 2024 and the agreed text will need to be adopted by the European Parliament and Council before it can enter into force.

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