



The Packaging and Packaging Waste Regulation

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CONTENT OUTLINE

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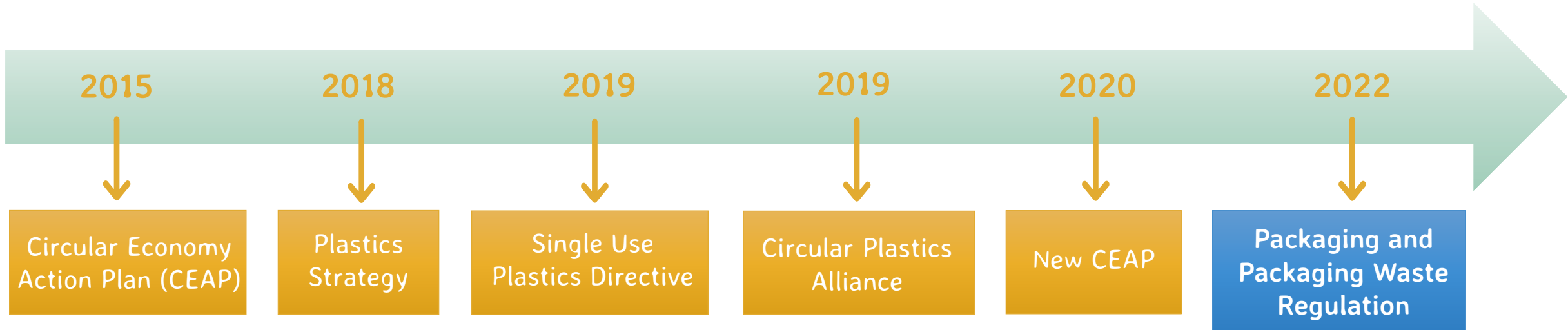


1.

INTRODUCTION

Legislative timeline

The policy journey towards the PPWR



- Since the publication of the first Circular Economy Action Plan in 2015, there is a multiplication of EU policies targeting plastics packaging.
- These legislations, coupled with the need for harmonised rules at the EU level, lead to the revamp of the PPWD into the PPWR proposal.

Introduction



New Circular Economy Action Plan (2020)

- In order to ensure that all packaging on the EU market is reusable or recyclable in an economically viable way by 2030, the Commission will review Directive 94/62/EC27 **to reinforce the mandatory essential requirements for packaging** to be allowed on the EU market and consider other measures, with a focus on:
 - **reducing (over)packaging and packaging waste**, including by setting targets and other waste prevention measures;
 - driving **design for re-use and recyclability of packaging**, including considering restrictions on the use of some packaging materials for certain applications, in particular where alternative reusable products or systems are possible or consumer goods can be handled safely without packaging;
 - considering **reducing the complexity of packaging materials**, including the number of materials and polymers used.

As part of the initiative to harmonise separate collection systems referred to in section 4.1, the Commission will assess the feasibility of **EU-wide labelling** that facilitates the correct separation of packaging waste at source.

The EC will also establish rules for the safe recycling into food contact materials of plastic materials other than PET. [2022/1616]



2.

OBJECTIVES

Structure of the Regulation

Objectives of the Regulation: reinforcing essential requirements



🍃 **Prevent and reduce** packaging waste, including by more **reuse and refill systems**



🍃 **Make all packaging** on the EU market **recyclable** in an economically viable way **by 2030**



🍃 Increase **use of recycled plastics** in packaging in a safe way



🍃 Decrease the use of **virgin materials** in packaging and put the sector on track to **climate neutrality by 2050**

Structure of the Regulation

Key measures of the Regulation: reinforcing essential requirements

- 🌿 **Targets** for packaging **waste reduction in Member States** and **mandatory reuse or refill targets** in sectors such as retail and catering
- 🌿 EU-wide **standards for over-packaging**; maximum allowed empty space in **e-commerce packaging**; **ban** on certain forms of **unnecessary packaging**
- 🌿 Design criteria for **all packaging to increase recycling rates**
- 🌿 **Mandatory compostability** for some packaging types, where composting is environmentally beneficial
- 🌿 Mandatory **deposit return system** for **plastic bottles** and **aluminium cans**
- 🌿 **Labels on all packaging** to facilitate correct waste sorting by consumers and **corresponding labels on recycling bins** to make it clear where to put each package





3.

SUBJECT OF THE REGULATION

Subject of the Regulation



Life cycle, harmonisation, circular economy (Article 1)

Problem areas identified:

- There is a high and growing waste generation from packaging materials

Production and use of lightweight plastic carrier bags, waste reduction and prevention targets, compostability

- There are key barriers against an increase in packaging circularity

Design for recycling criteria, re-use and refill targets, separate collection, labelling and DRS

- There are growing trends of downcycling plastic packaging waste

EPR, GPP, recycled content targets

Article 1 Subject matter

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste.
2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental protection.
3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.



4.

KEY ASPECTS FOR PLASTICS RECYCLING

Recyclability & Design for Recycling



Article 6, Annex II

- By 2030, All packaging shall be **recyclable**. Recycling rates remain the same as PPWD.
- EC to establish **design for recycling criteria** and **recycling performance grades**.
- EC to **establish rules concerning** the modulation of financial contributions to be paid by producers to comply with their **extended producer responsibility (EPR)** obligations:
 - based on the **packaging recycling performance grade** (once DAs available), and
 - for plastic packaging, the **percentage of recycled content (by 2030)**.

Grade A higher or equal to 95 %

Grade B higher or equal to 90 %

Grade C higher or equal to 80 %

Grade D higher or equal to 70 %

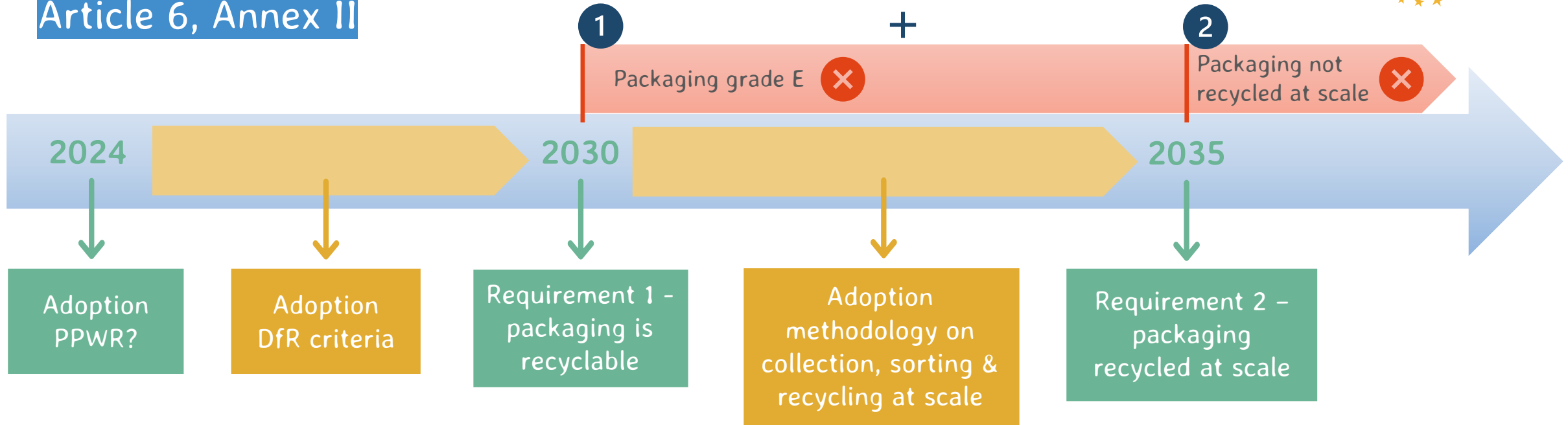
Grade E lower than 70 % (market ban)

Recyclable:

- (a) it is designed for recycling;
- (b) it is effectively and efficiently separately collected in accordance with Article 43(1) and (2);
- (c) it is sorted into defined waste streams without affecting the recyclability of other waste streams;
- (d) it can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials;
- (e) it can be recycled at scale.

Recyclability & Design for Recycling

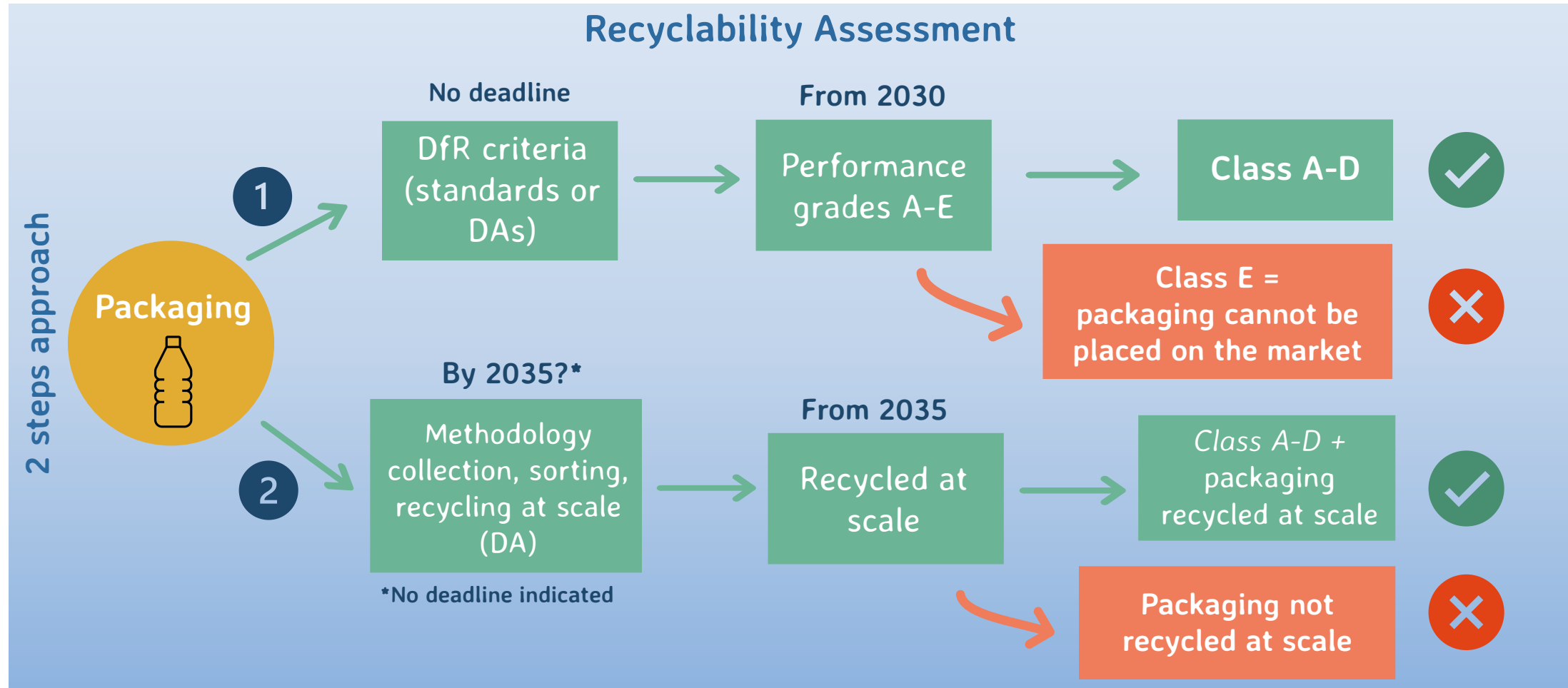
Article 6, Annex II



- Packaging must fulfil the requirement on recyclability from 2030
- Packaging must fulfil the requirement on recyclable at scale from 2035: packaging can be placed on the market if the packaging:
 - Obtains performance grades A to D (2030 requirement) +
 - Is recycled at scale (2035 requirement)

Recyclability & Design for Recycling

Article 6, Annex II

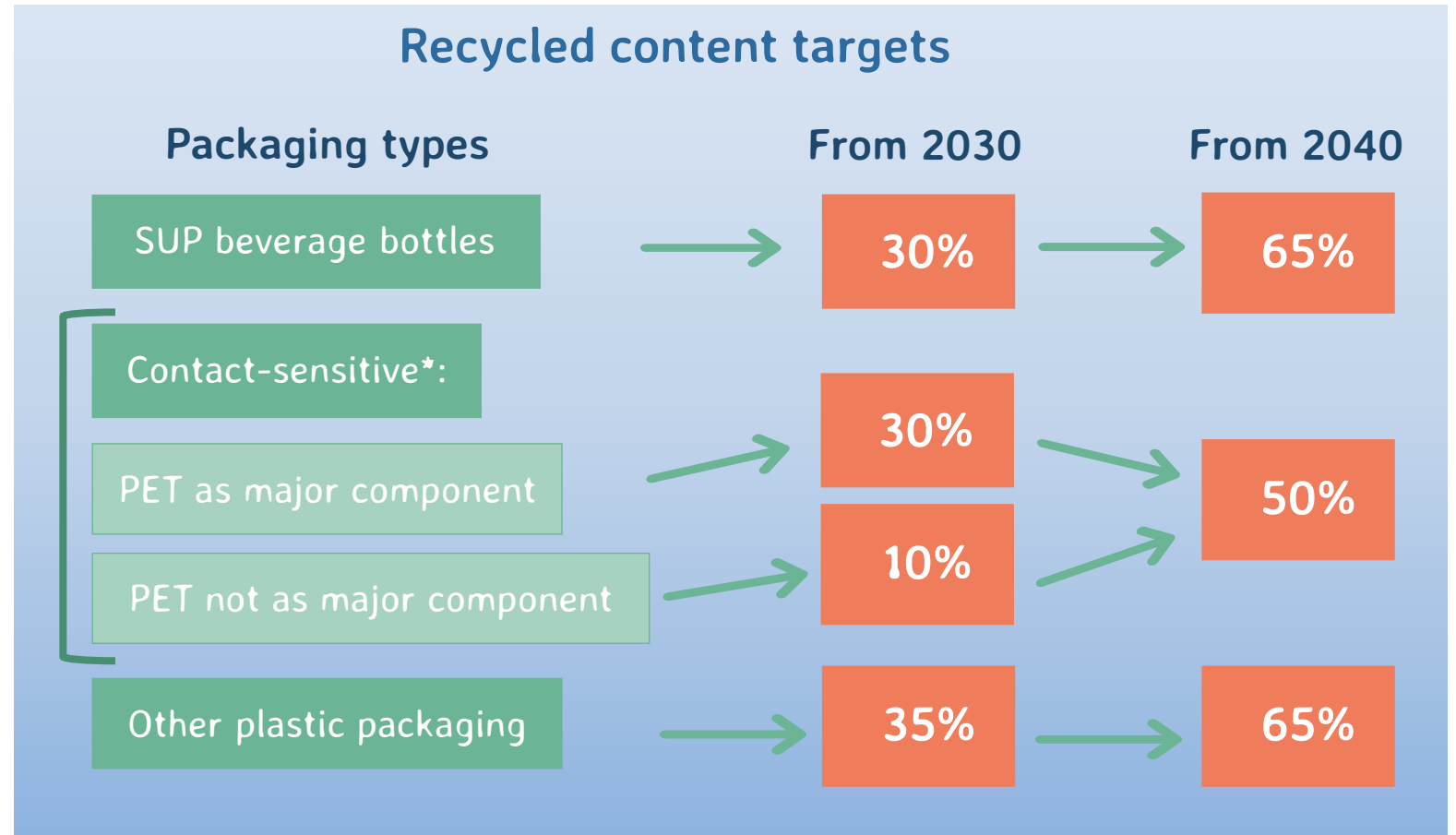


i (32) 'recycled at scale' means collected, sorted and recycled through installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5);

Recycled Content

Article 7 and the Annexes

- Post-consumer recycled content (RC) in plastic packaging
- Requirements for all plastic packaging placed on the market
- Derogations apply for medical devices and immediate packaging of medicinal products
- EPR fees modulated on RC
- Compostable plastics out of the scope of RC targets
- Art 6(5) SUPD repealed



Recycled Content



Article 7 and the Annexes: contact sensitive packaging

- ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;

* (EC) No 1831/2003: on additives for use in animal nutrition

* Directive 2001/83/EC: medicinal products for human use

* Directive 2008/68/EC: inland transport of dangerous goods

* (EC) No 1935/2004: FCM

* (EC) No 767/2009: feed

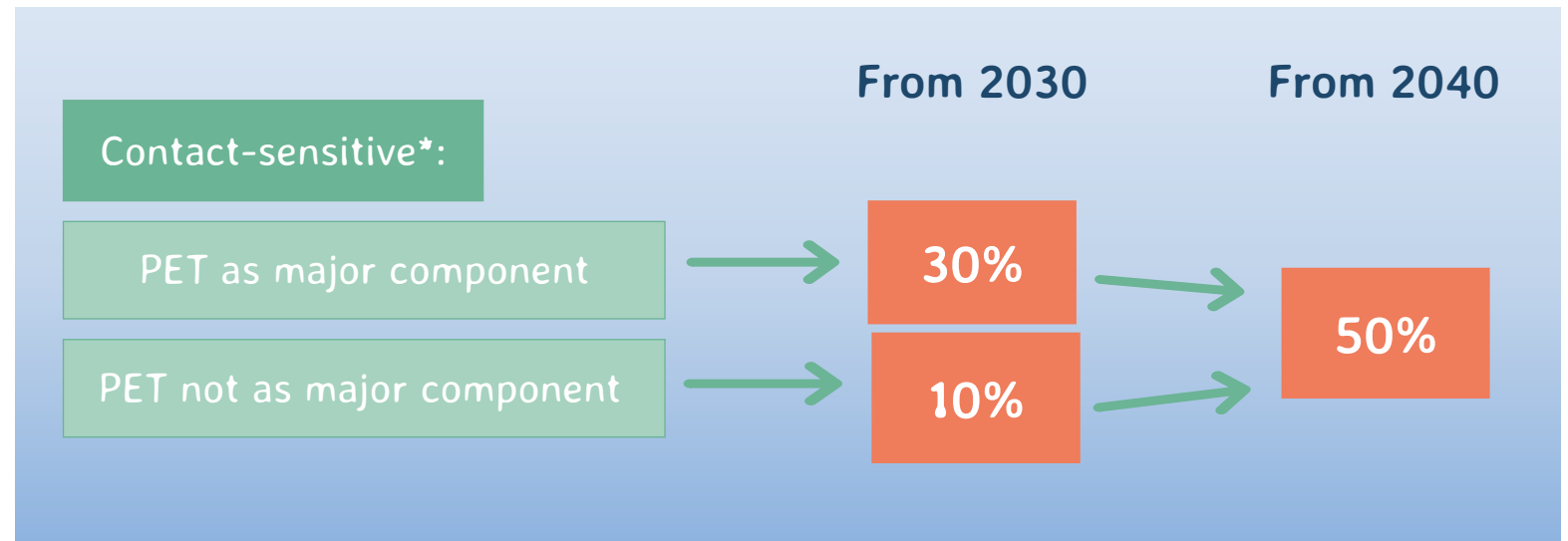
* (EC) No 2009/1223: cosmetic products

* (EU) 2017/745: medical devices

* (EU) 2017/746: in vitro diagnostic

* (EU) 2019/4: medicated feed

* (EU) 2019/6: veterinary medicinal products



Separate collection, labelling and DRS

Articles 11, 12, and 43



- MS to establish systems ensuring that **all packaging waste** is subject to return and separate collection
- **Derogations apply** where proven efficiency of alternative systems (comingled)
- Systems shall cover **the whole MS territory**, and introduce separate collection in **public spaces, business premises and residential areas** (but no targets on MS)
- Waste receptacles to **label the waste collected**

- Clear indication of whether single-use or reusable
- Information on material composition
- Transport packaging out of scope
- QR codes or another digital data carrier on packaging reusability, collection points, packaging trips and rotation
- Digital watermarks

Green Public Procurement (GPP)



Article 57

- Public procurements to be awarded to packaging according to minimum green public procurement criteria based on recycling, reuse, recycled content, per the packaging requirements listed in Art. 5 to 10.

Green Public Procurement (GPP) criteria:

- (a) the value and volume of public contracts awarded for packaging or packaged products or for the services or works using packaging or packaged products;
- (b) the need to ensure sufficient demand for more environmentally sustainable packaging or packaged products;
- (c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable packaging or packaged products, without entailing disproportionate costs.



5.

ADDITIONAL ASPECTS FOR THE CIRCULAR ECONOMY

Additional aspects on the Circular Economy

Measures tackling the waste hierarchy for packaging waste

- Consumption reduction
- Reusability
- Reuse and refill
- Compostability
- Market prohibitions

Waste hierarchy



Consumption Reduction

Plastic minimisation and prevention of waste

- **Plastic minimisation (Art. 9, and Annex IV):** empty-to-packaging ratio, no empty space for marketing purposes or multi-packaged goods to increase consumption.
- **Plastic carrier bags (Art. 29):** 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.
- **Prevention of packaging waste (Art. 38):** Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by (a) 5 % by 2030; (b) 10 % by 2035; (c) 15 % by 2040.



Figure 6: Example of oversized packaging in e-commerce

Reusability

Article 10

- Even with waste prevention and reuse the EC calculated a need to increase the recycling capacity in the EU.
- Most targets for 2040 seem challenging today, the EC believes that once you scale up you can achieve higher targets, provided some exemptions are allowed.
- The calculation is based on the number of sales or equivalent units in a calendar year (implementing act by 2028).
- EC to set targets for other products.
- Review clause in 8 years.
- Exemptions for “micro-company” status, fixed sales area and the amount placed on the market.

i Article 3(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived; Article 3(25) ‘trip’ means transfer of packaging, from filling or loading to emptying or unloading, as part of a rotation or on its own; Article 3(28) ‘refill’ means an operation by which an end user fills its own container, which fulfils the packaging function, with a product or several products offered by the final distributor in the context of a commercial transaction;

- a. it has been conceived, designed and placed on the market with the objective to be re-used or refilled;
- b. it has been conceived and designed to accomplish as many trips or rotations as possible in normally predictable conditions of use;
- c. it can be emptied or unloaded without damage to the packaging, which prevents its re-use;
- d. it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;
- e. it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;
- f. it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;
- g. it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;
- h. it fulfils the requirements specific to recyclable packaging when it becomes waste set out in Article 6.

Reuse and refill targets



Article 26

	By 2030	By 2040
Packaging for cold or hot beverage filled into a container at the point of sale for take aways	20%	80%
HORECA sector that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food	10%	40%
Packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatized wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice	10%	25%
Packaging alcoholic beverages in the form of wine	5%	15%
Non-alcoholic beverages in the form of water , water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat	10%	25%
Transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products	30%	90%
Packaging for the transport and delivery of nonfood items	10%	50%
Packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport	10%	30%
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%	25%

Compostability

Article 8

Only 4 types of packaging must be compostable (5 with lightweight plastic bags at MS discretion)

- **Tea or coffee bags** necessary to contain a tea or coffee product and intended to be used and disposed of together with the product;
- **Coffee or tea system** single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;
- **Sticky labels attached to fruit and vegetables;** (glue?)
- **Very lightweight plastic carrier bags.**

All other packaging **must be material recyclable**

i Article 3(41) 'compostable packaging' means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions;

- Promoting **sustainable sourcing of biomass** and **compliance with sustainability criteria**
- Defining the **use** and **suitable applications** of biodegradable and compostable plastics, such as:

- **Industrially compostable plastics:** bags for the separate collection of biowaste, very light plastic carrier bags, tea bags, filter coffee pods, fruit and vegetable stickers, if certified against appropriate standards.
- **Biodegradable plastics:** mulch films used in agriculture, if certified against appropriate standards.




- Setting **criteria for what can be claimed about these plastics**, for example:
 - Specify that **industrially compostable plastics** are intended for industrial composting, while also explaining the way to dispose of them
 - Specify the receiving **environment** (soil, water etc) **and timeframe required for biodegradation of plastics**
 - Ban **confusing claims on biodegradation of litter-prone products**
 - Disclose the **share of biobased** plastic content.

Market prohibitions

Article 22 and Annex V

- Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.
- Exempted are grouped packaging necessary to facilitate handling in distribution.

Packaging format	Restricted use	Illustrative example
Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	Collation films, shrink wrap
Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables	Single use packaging for less than 1.5 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks.	Nets, bags, trays, containers
Single use plastic, single use composite packaging or other single use packaging (as of 2030 for micro-companies)	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption	Trays, disposable plates and cups, bags, foil, boxes
Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA Sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with takeaway ready-prepared food intended for immediate consumption without the need of any further preparation	Sachets, tubs, trays, boxes
Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap

 Article 3(8) 'economic operator' means manufacturers, suppliers of packaging, importers, distributors, final distributors, and fulfilment service providers;



6.

NEXT STEPS

Market implications

How the plastic recycling world will be shaped in the future?

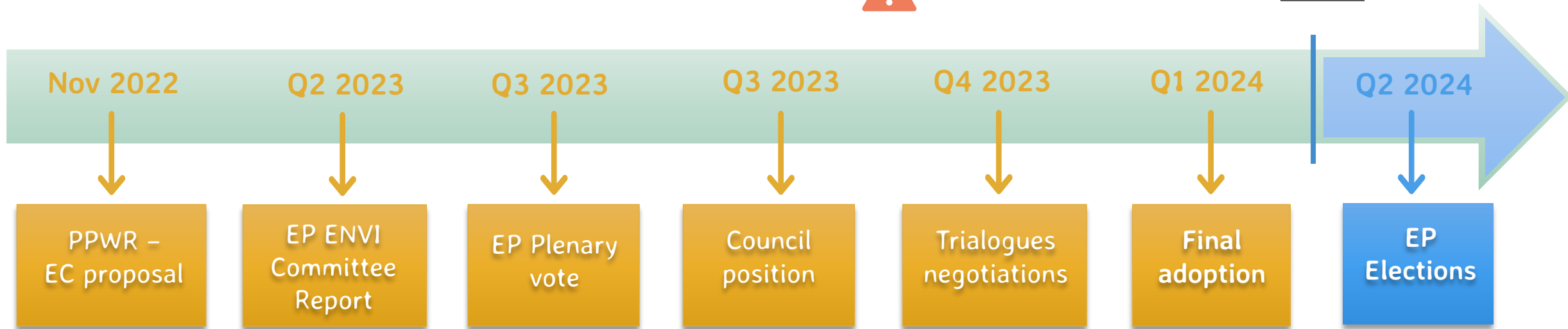


Next steps

Provisional legislative timeline



The dates mentioned in the timeline are indicative.



- The EC is already in meetings with the Council organized by the Czech Presidency
- The EP has yet not defined a rapporteur or shadows (ENVI meeting on 30 November emphasized the lack of far-reaching targets)
- 2023 as a political rollercoaster between political and technical feedback on the proposed measures
- **Renew most likely will lead the file at ENVI.**
- EU Member States already **expressed concerns**, including on **reuse targets** (e.g. Italy)

Next steps

The political rollercoaster to the adoption



bvse START GUT INFORM

BUNDESVERBAND SEKUNDÄRROHSTOFFE UND ENTSORGUNG

Gut informiert / Recycling Nachrichten

EU-KOMMISSIONSVORSCHLAG FÜR NEUE EU-WEITE VERPACKUNGSVORSCHRIFTEN

Abfallintensive Verpackungen verbieten, Wiederverwendung und Recycling fördern. Die EU-Kommission hat neue EU-weite Vorschriften für Verpackungen vorgeschlagen, um diese ständig wachsende Abfallquelle anzugehen und der Frustration von Verbraucherinnen und Verbraucher entgegenzuwirken.

La Libre

Libre ECO Vidéos International **Planète** Culture Concours Sports Lifes

Planète > Environnement

La Commission européenne mène la charge contre les déchets d'emballage

Elle veut en réduire le volume de 15 % d'ici 2040 (par rapport à 2018), en favorisant un usage moindre des emballages, la réutilisation et le recyclage.

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Ridiclaggio e recupero degli imballaggi: l'Ue punta a chiudere il ciclo

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Les Echos

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Bouteilles consignées, tasses réutilisables... : Bruxelles s'attaque aux emballages plastiques

La Commission européenne a présenté mercredi un ensemble de mesures visant à réduire, stopper, recycler ou encore réutiliser les déchets d'emballages, notamment plastiques.

Next steps - Internal



PRE MEMBERS INVOLVEMENT

- EC launched a call for feedback to the proposal [Reducing packaging waste – review of rules \(europa.eu\)](https://european-council.europa.eu/media/en/press-operations/infographic-114446.pdf): **deadline February 6th 2023.**
- PRE members' deadline for comments on PPWR: **December 15th.**
- Comments used to build PRE position and amendments on the PPWR proposal, for the EP and Council:
 - Amendments to be shared with the EP and Council as soon as possible
 - Meetings with relevant EU MS and MEPs to be planned by early Q1 2023
- PRE Policy updates and updates in Policy & Regulatory Newsletters will be sent to inform PRE members during the legislative process.



Questions & Answers

*Please use the Q&A chat to ask your
questions*



Thank you for your
attention!

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