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Report Name: European Commission Proposes New Rules on Packaging and Packaging Waste

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Report Highlights:

On November 30, 2022, the European Commission proposed a revision of the 1994 Directive on Packaging and Packaging Waste. Some of the proposed requirements may impact agri-food sectors and U.S. exports of processed food and beverages to the European Union.

On November 30, 2022, the European Commission published [its proposal](#) for a Packaging and Packaging Waste Regulation (PPWR) as part of the European Green Deal. The Commission also published a [Communication](#) on an European Union (EU) policy framework on biobased, biodegradable and compostable plastics, which, while non-binding, will guide future EU work on this issue. If adopted the new Regulation will repeal the 1994 [Directive 94/62/EC](#) on packaging and packaging waste.

Speaking after the publication of the proposal, Frans Timmermans, EU Commission Vice-President for the Green Deal, said that the *“proposals today reduce packaging waste, promote reuse and refill, increase the use of recycled plastics, and make it easier to recycle packaging. European citizens are eager to be rid of overpackaging and unnecessarily bulky packages, and businesses are ready to move forward with sustainable, innovative packaging solutions and systems.”* The Commission also added that the proposal would *“clear up confusing claims around biobased and biodegradable plastics, so that producers and consumers know under which conditions such plastics are truly environment-friendly and contribute to a green and circular economy.”*

Packaging and Packaging Waste Regulation Proposal

The proposed rules in the PPWR aim to reduce packaging and packaging waste in the EU by 5 percent by 2030. Today, each European generates almost 180 kilograms (kg) of packaging waste per year and packaging is one of the main users of virgin materials in the EU.

General Objectives

In its proposal, the Commission requires each Member State to progressively reduce the packaging waste generated per capita compared to the packaging waste generated per capita in 2018, by 5 percent by 2030, 10 percent by 2035 and 15 percent by 2040. The European Commission also details recycling targets of packaging waste that Member States must meet:

Recycling targets by December 31, 2025 (by weight)	Recycling targets by December 31, 2030 (by weight)
65% of all packaging waste	70% of all packaging waste
50% of plastic	55% of plastic
25% of wood	30% of wood
70% of ferrous metals	80% of ferrous metals
50% of aluminum	60% of aluminum
70% of glass	75% of glass
75% of paper and cardboard	85% of paper and cardboard

To reach those objectives, the European Commission proposes requirements over the entire life cycle of packaging related to environmental sustainability and labeling, as well as requirements for extended producer responsibility, collection, treatment, and recycling of packaging waste.

This report looks at some of the requirements proposed by the Commission which may impact the agri-food sector and U.S. exports of processed food and beverages to the European Union.

Definitions

In the proposed Regulation, the Commission defines “packaging” as items of any materials that are intended to be used for the containment, protection, handling, delivery or presentation of products and that can be differentiated into packaging formats based on their function, material and design, including:

[...]

(f) tea or coffee bags necessary to contain a tea or coffee product and intended to be used and disposed of together with the product;

(g) 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;

An indicative list of items covered by the definition of packaging is set out in Annex I of the proposal. This annex includes products such as: sweet boxes, cake doilies sold with a cake, flowerpots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life, beverage system capsules as well as tea and coffee foil pouches.

The Commission also introduced a definition for compostable packaging which 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, [...] and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions.”

Additionally, the Commission introduces a definition of “recyclable packaging” in article 6 of the proposal with requirements that will need to be met for packaging to be considered recyclable. This includes recyclability performance grades for all packaging starting on January 1, 2030.

Harmonization of Rules across the Member States

One of the main goals of the proposal is to harmonize the growing fragmentation of packaging rules in the European Union that have become internal trade barriers for the single market. Most EU stakeholders have called for further harmonization of existing rules and as well as a European framework covering the whole life cycle of packaging. Therefore, the European Commission’s proposal is a Regulation that updates the 1994 Directive, that will have binding legal force throughout every Member State and enter into force on a set date. This is different from a directive, which specifies certain results that must be achieved but each Member State is free to decide how to transpose directives into national laws.

In its proposal, the Commission lays down the principle of free movement within the single market for packaging to ensure that sustainability and labeling requirements as laid down by this regulation are met throughout the EU. Additionally, the proposal states that Member States cannot prohibit, restrict or impede the placing on the market of packaging that complies with the regulation if they have additional national rules. Moreover, the Commission

will establish, through implementing acts, a harmonized EU label design to inform consumers about the material composition of packaging, the packaging reusability and the share of recycled content of the packaging.

Packaging Minimization

As part of its proposal, the Commission wants to minimize the weight and volume of packaging, while maintaining the integrity of the packaging's safety and functionality. Compliance with this obligation will need to be proven with technical documentation. The Commission also wants to act against excessive packaging and will require economic operators that supply products to final distributors or end users in grouped, transport or e-commerce packaging to ensure that the ratio of empty space in the packaging in relation to the packaged product is at maximum of 40 percent.

Rules that Impact the Food and Beverage Sector

While many of the provisions in the proposed legislation will impact all economic sectors, some of the propositions in the Commission's text will particularly impact the food and beverage sector. Please find below a summary of some of those proposals. Please note that this is not an exhaustive list.

Tea bags, coffee pods and fruit stickers

The Commission proposes that 24 months following the entry into force of the Regulation, the following products shall be compostable in industrially controlled conditions in bio-waste treatment facilities:

- 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.

The proposal foresees the possibility for the Commission to amend the list of products that shall be fully compostable.

Minimum Recycled Content in Plastic Packaging

The Commission proposes that as of January 1, 2030, plastic packaging contains certain minimum amount of recycled content recovered from post-consumer plastic waste, per unit of plastic packaging. There are some exemptions to the list below (please see article 7 of the proposal):

From January 1, 2030	From January 1, 2040
30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component	No specific target.
10 % for contact sensitive packaging made from	50 % for contact sensitive plastic packaging,

plastic materials other than PET, except single use plastic beverage bottles	except single use plastic beverage bottles
30 % for single use plastic beverage bottles	65 % for single use plastic beverage bottles
35 % for all other plastic packaging	65 % for all other plastic packaging

Re-Use and Refill Targets for Beverage Bottles and Take-Away Ready-Prepared Foods

As part of the proposal, the Commission wants to promote re-use and refill of packaging materials. To do so, it stipulates several targets on re-use and refill for different sectors and packaging formats. Please see below for a summary of those targets:

Product	% of those products made available in reusable packaging within a system for re-use or by enabling refill from Jan 1, 2030	% of those products made available in reusable packaging within a system for re-use or by enabling refill from Jan 1, 2040
Cold or hot beverages filled into a container at the point of sale for take-away	20%	80%
Take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle (in the HORECA sector)	10%	40%
Alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages <i>other than</i> 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%
Alcoholic beverages in the form of wine, with the exception of sparkling wine	5%	15%
Non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavored 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	10%	25%

beverages containing milk fat		
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Specific forbidden packaging format

The Commission also proposes a ban on certain types of packaging in the formats and for the purposes listed in Annex V to the proposal:

	Packaging format	Restricted use	Illustrative examples
1.	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
2.	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
3.	Single use plastic, single use composite packaging or other single use packaging	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
4.	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 take-away ready-prepared food intended for immediate consumption without the need of any further preparation	Sachets, tubs, trays, boxes
5.	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
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For products listed under point 3, the Commission leaves operators until January 1, 2030, before they cannot place their products on the market.

Next Steps

The publication of this proposal initiates the beginning of a lengthy legislative process. The European Parliament and the Council of the European Union, as co-legislators, will now assess the Commission’s legislative proposal. Amendments to the legislative proposal are done separately by the Parliament and Council; however, negotiations will eventually occur to find institutional agreement before the proposals are adopted as official EU law. This process can take between 18 months to two years.

Attachments:

No Attachments.