

# Packaging and Packaging Waste Regulation (PPWR)

**16<sup>th</sup> December 2024**



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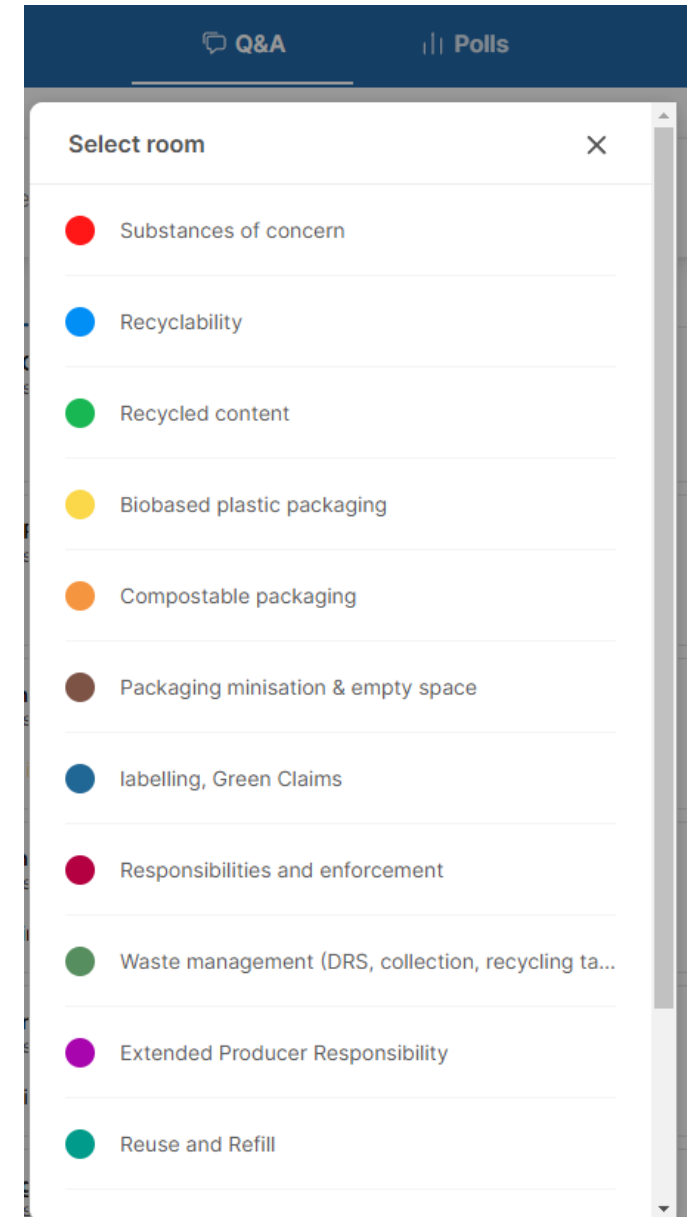
DG Environment, Unit B3 “From waste to resources”

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# 1. Introductory remarks

Aurel Ciobanu Dordea

# Agenda

- Block 1: 9.30-11.00 (CEST)
  1. Substances of concern
  2. Recyclability
  3. Recycled content in plastic packaging
  4. Bio-based packaging
  5. Compostable packaging
  6. Packaging minimisation and empty space

Break (15 min.)

**Q&A session Block 1 (11.15-12.00)**

- Block 2: 12.00 – 13.00 (CEST)
  7. Labelling, including Green Claims
  8. Responsibilities and enforcement
  9. Waste management (DRS, collection, recycling targets, reporting)
  10. Extended Producer Responsibility

LUNCH BREAK (60 min.)

**Q&A session Block 2 (14.15-15.00)**

Block 3: 15.00 – 16.30 (CEST)

**11. Reuse and Refill**

**12. Waste Prevention**

**13. Legal questions (Interplay PPWR with SUPD and National flexibilities)**

Break (15 min.)

**Q&A session Block 3 (16.45 – 17.45)**

**Next steps and closing remarks (17.45-18.00)**

# 1. Substances of concern

Daniele Ape



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Please select the virtual room '***Substances of concern***' to  
*post your question(s)*

# Requirements for substances in packaging

- Presence of *Substances of Concern* (SoC) to be minimised, including considering adverse effects due to microplastics
- Commission to launch a study to map packaging/packaging components and SoC. Due by end 2026.
  - Negative effects on re-use and recycling ==> design for recycling criteria
  - Negative effects on human health and environment (chemical safety) ==> REACH restrictions
- MSs to provide any relevant info to Commission and suggest need for restrictions based on negative effects on re-use and recycling (under design for recycling criteria) in absence of existing EU-wide provisions.

# Requirements for substances in packaging

- Concentration limit for sum of Pb, Cd, Hg, Cr(VI) ==> 100 mg/kg in packaging\*
- Concentration limits for PFAS in food contact packaging\*\*
  - 25 ppb for targeted PFAS
  - 250 ppb for the sum of targeted PFAS with (where applicable) prior degradation precursors
  - 50 ppm for PFAS (including polymeric PFAS) + info communication obligations on fluorine quantity
- **Application date:** from 18 months after EIF (i.e. Q3/4 2026) for all packaging to be placed on the market. No need to withdraw packaging already on the market and re-used.
- \* Possible Delegated Acts to (i) exempt recycled materials and product loops, and (ii) lower the limits
- \*\*Overlaps with REACH provisions to be assessed by Commission



# Clarifications

- **PFAS limits:** apply to all substances under (wide) PFAS definition (Art.5(5)).

Assumption that PFAS are phased out from packaging production. Some PFAs groups are already regulated at EU level (e.g. POP Reg, REACH restrictions, Drinking Water Dir).

Communication flow about PFAS used in manufacturing and processing is needed. Joint effort between operators along the value chain is needed.

Identify possible sources of PFAS. Main (initial) focus should be on intentionally added/used PFAS.

Almost 2 years to get ready and work together, including developing appropriate testing methodology (starting from existing experiences).

- **Food-contact packaging:** materials and articles intended to come into contact with food. Type of contact-sensitive packaging, materials and articles under the scope of Regulation (EC) 1935/2004 (on food contact materials and articles).

e.g.: Packaging for dry food, for moist food, for fatty food, etc...

## 2. Recyclability

Ioannis Antonopoulos

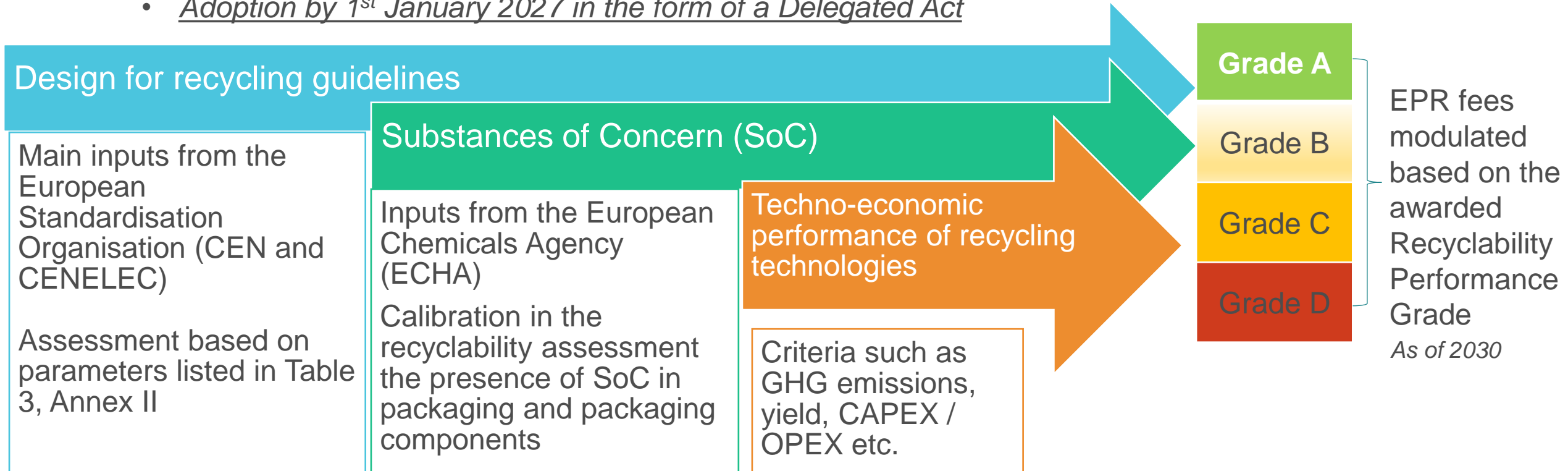


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Please select the virtual room '**Recyclability**' to post your question(s)

# Recyclability performance assessment pre at scale phase: 2030-2035

- One methodology representative for all packaging materials supported by the JRC
  - Adoption by 1<sup>st</sup> January 2027 in the form of a Delegated Act



- Prior to the Delegated Act, manufacturers to follow available technical guidance by industry & Member States
- Elements/parameters to be considered in the conceptualisation of the assessment:
  - ✓ High quality recycling, i.e. packaging to packaging or other applications to be considered
  - ✓ Small size of packaging vs packaging minimisation
  - ✓ Functionality

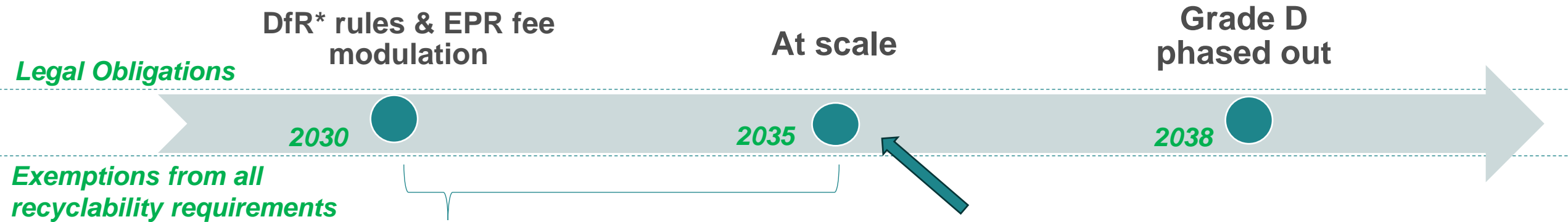
# Recyclability performance assessment with at scale phase: 2035 - onwards



*EU method*

- Adoption by 1 January 2030 in the form of a Delegated Act
  - Enters into force as of 2035
- Recyclability performance grade calculated at the Design for recycling phase:
  - Not impacted if recycling rate  $> 55\%$
  - Impacted if recycling rate  $< 55\%$
- Recycling rates for the at scale assessment:
  - 55% threshold applies to the packaging categories in Table 2 of Annex II, and not horizontally to packaging materials, e.g. plastic, glass
  - Existing rules for the calculation of the recycling rates

# Exemptions & Clarifications



- 2030-2035: DfR\* for packaging in Table 1, Annex II
- COM empowerment to amend Table 1, Annex II
- Packaging not in Table 1 => innovative packaging
- 5 years exemption from initial placing on the market new materials => DfR to be updated
- Competent authority notify COM whether a packaging is innovative => provide timeline for reaching at scale
- *Example: natural polymers => innovative packaging => Table 1, Annex II update*

- Sales packaging made of lightweight wood, cork, textile, rubber, ceramic, porcelain and wax
  - BUT: obligation to eco-modulate EPR fees
- Further exemptions: pharmaceutical packaging, medical devices, diagnostic devices, infant formula, transport of dangerous goods,

*Rules apply only to packaging placed on the market after 2030*  
*Compostable packaging not part of the recyclability requirements*

# Questions and answers

- Q1: Can the Commission clarify the difference between integrated/separate components and packaging unit in context of recyclability evaluation?
- Q2: When design for recycling criteria for plastics will be established, which recycling technologies will be considered? Only mechanical recycling or also emerging chemical recycling technologies?
- Q3: How is the main packaging body defined? If no recyclable alternative to certain packaging types currently on the market is available, would these benefit from an exemption from article 6?
- Q4: By 2030, there would be three eco-modulation levels for available grade A, B and C and this would be reduced to two after 2038. Can Member States differentiate their eco-modulation levels within different grades, or must it be always bound to recyclability grading defined under PPWR? Will Member States allowed to impose their own mechanisms?

# Questions and answers

- Q5: How the derogation on innovative packaging can be activated in practice and through which channel are economic operators supposed to provide the mentioned information to the Commission and national authorities?
- Q6: In situations where Member States miss to reach the recycling rates what would happen with the recycled at scale obligations? Has the Commission foreseen a mechanism to recognize such situations?
- Q7: Shall the 55% 'at scale' target for instance of all plastic packaging waste generated be considered globally by all industries, regardless of their origin/activity sector?
- Q8: Will the recyclability performance grade be mainly based on the weight of the main component?

### 3. Recycled content in plastic packaging

Wolfgang Trunk



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Please select the virtual room **'Recycled content'** to post your question(s)



# Minimum inclusion rates – structure

## Targets (2030)

...any plastic part of packaging...  
PCW...per packaging format...  
av per manufacturing plant and  
year

- a. 30 % for PET contact sensitive packaging
- b. 10 % for contact sensitive packaging other than PET
- c. 30 % for single use plastic beverage bottles
- d. 35 % for plastic packaging other than points a, b and c

+ RC may be **eco-modulated**

+ RC **claims** as of 2029 based on harmonised **methodology**

## Sustainability criteria (8+9)

- i. economic and environmental performance (quality of feedstock and output, energy efficiency, GHG emissions)
- ii. Installations using recycling technologies must comply with sustainability criteria
- iii. DA by 31 December 2026

## Mirror clause (3+10)

Methodology to

- assess,
- verify and
- certify,

incl.third-party audit, the equivalence of the rules when recycled content comes from outside the Union;  
IA by 31 December 2026

# Derogations and possible exemptions

## Established derogations

- Any plastic part representing less than 5% of the total weight of the packaging unit
- Pack. for pharmaceuticals and medical devices
- Compostable plastic packaging, transport of dangerous goods, infant formula
- ...

## Possible exemptions by 2028 (art 7(12))

- Plastic packaging other than PET
- Re-consider the established derogations against the availability of the suitable recycling technologies
- COM empowerment to propose new derogations or amendments of existing derogations
- **via Delegated Acts**

## Exceptional ad hoc exemptions

- Lack of available plastic recyclates
- Excessive prices of plastic recyclates
- Can be triggered by stakeholders' requests on the market situation and possible risks to human or animal health, to the security of food supply or to the environment
- **via Delegated Acts**

# Questions and answers

- Q1: Can the Commission explain the ‘calculated as an average per manufacturing plant’?  
How are the RC requirements applied in cases (1) of “preforms” or other plastic compounds are delivered to the manufacturer of the final plastic packaging format and (2) manufacturing plant located outside the EU?
- Q2: How can claims on recycled content of plastic packaging be made? Can the calculations refers to the average per manufacturing plant per year?
- Q3: How are the targets be met if there are no suitable recycling technologies for FCM or they do not produce sufficient output?
- Q4: Can the Commission elaborate on how to prevent the proliferation of certificates with misleading claims, especially from Asia? How the Commission plans to put forward a verification process where the mirror clause is effectively applied in practice (especially in the case of contact-sensitive applications)?
- Q5: Could the Commission clarify what does "equivalent to" mean in the context of Article 7?  
What would be the correct interpretation: existence of an environmental framework equivalent to the EU, or imports must comply with the same standards of EU legislation?
- Q6: How the provision 7(5)a referring to quality of recyclates for plastic packaging in contact with food could apply in practice? And how it is combined with Article 7(12 and 13) on derogations form the recycled content obligations?

## 4. Biobased feedstock in plastic packaging

Ioannis Antonopoulos



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Please select the virtual room '**Biobased plastic packaging**'  
to post your question(s)

# Biobased feedstock in plastic packaging

*By 3 years from the entry into force of the Regulation*

Review the state of technological development and environmental performance of biobased plastic packaging

Consider sustainability criteria laid down in RED

lay down sustainability requirements for biobased feedstock in plastic packaging

lay down targets to increase the use of biobased feedstock in plastic packaging

recycled content targets met by biobased plastic feedstock instead of recycled content if no suitable recycling technologies for food-contact available

# Questions and answers

- Q1: What will be the criteria to review the state of technological development and environmental performance? Who will undertake this review?
- Q2: Do the sustainability criteria for the biomass refer to the production of “biobased feedstocks”?
- Q3: How does the Commission plan to structure the targets of biobased feedstock? Would be gradually increasing among time?
- Q4: How does the Commission plan to assess the possibility of achieving the targets set out in Article 7(1) and (2) using biobased feedstocks instead of recycled content? Would follow a Mass Balance principle? Would the targets apply only at the packaging level?

## 5. Compostable packaging

Maja Desgrées du Loû



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Please select the virtual room **'Compostable packaging'** to  
post your question(s)

# Compostable packaging (Art. 9)



## Definitions of compostable packaging and home-compostable packaging

(Article 3(1), points 50, 51)

Packaging formats mandatorily compostable in industrial composting conditions or home composting (MS' flexibility)

**review clause**  
(Annex III criteria)

**Flexibility** for MS  
=> certain other packaging formats linked to the national waste collection systems

**Designed for material recyclability**  
=  
all other packaging made of biodegradable plastic polymers or other biodegradable materials

## Standards

- Update standard 134322:2000
- New standard on home compostability
- Existing standards: “*as guidance*”

**On-pack label**  
indicating if a material is compostable, *including* if it is home-compostable (Art. 12(1))



# Questions & Answers (1)

- Q1: Are compostable waste bags considered lightweight plastic carrier bags?
- Q2: What is a correct understanding of the definition in Art. 1(1)(f) as regards “permeable” and soft after use”? Notably, are paper-based single serve units included into the positive list?
- Q3: What is the time limit for MS to decide on their preferences regarding compostability? Can they mandate both industrial and home-compostability?
- Q4: In certain MS, packaging is allowed to be collected in the bio-waste stream as long as it is certified compostable. Do these MS have to make a specific list of specific formats beyond those mentioned in Art. 9(2)(a) that are allowed in bio-waste? Or they can proceed as before?
- Q5: Can a Member State mandate home-compostability in the absence of harmonised home composting standard?

# Questions & Answers (2)

- Q6: Article 8(1) mandates a compostability requirement for, inter alia, soft after-use system single use units that contain tea, coffee, or other beverages. Between the date when these items will be classified as packaging (18 months from entry into force of the Regulation) and the date when they will be mandated compostable (36 months from the date of entry into force of the Regulation), will these applications be allowed in the organic waste stream (provided they will meet the valid EN standard)?
- Q7: Can the Commission confirm that co-existence of home and industrial compostability criteria will be accepted in all Member States? Was it really the intention to require compostable materials to meet both industrial and home-compostability standards, and require separate certifications, given that there is only partial overlap of test protocols and test results?
- Q8: Can the Commission explain how to deal with the fact that not all industrial composting facilities operate in accordance with EN 13432 and confirm there will be an obligation for the service providers in all MS to accept materials (e.g. PLA) if they are certified to standard 13432?

# Questions & Answers (3)

- Q9: Packaging made of biodegradable plastic polymers (other than those referred to in paragraphs 1 and 2) shall allow material recycling in accordance with Article 6 by 3 years from the PPWR entry into force, while the requirements of Article 6 will only apply from 2030 and the DfR criteria will only be developed by the EC by 1 January 2028. Can you please explain the intention of this provision and the suggested timeline?
- Q10: Can the "presumption of conformity" be clarified? Is Standard EN 13432 the standard to comply with until new ones are developed? When EN 13432 is updated, will packaging automatically need to be recertified?
- Q11: if a product is nowadays compostable, and on the market, can we continue to market it once the regulation is adopted? What is the procedure for registering these products within 18 months before the application of the Regulation? And after 18 months, what is the procedure for MS to add new compostable applications to this list?
- Q12: When does the Commission intend to use Article 9(5)?

## 5. Packaging minimisation (Article 10) & empty space (Article 24)

Ioannis Antonopoulos



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Please select the virtual room ***'Packaging minimisation & empty space'*** to post your question(s)

# Packaging minimisation – Article 10

Packaging designed so that its weight, **shape** and volume are minimal in relation to its function

Assessment based on 'performance criteria' in Annex IV

- Among others, reusable packaging nature to be taken into account

Prohibition of misleading packaging (double walls, false bottoms...)

Exception for packaging design subject to protected geographical indication or origin, **including design rights and trademarks**

- **Specific exemption for packaged products or beverages that benefit from a geographical indication e.g. for wine, for spirit drinks, for craft and industrial products**

Packaging material to be taken into account in the assessment

Harmonised standard for most common packaging types and formats, specifying maximum adequate weight and volume limits, wall thickness and maximum empty space.

# Questions and answers – Article 10

- Q1: Is it correct to assume that Article 10(2) also applies 'By 1 January 2030'?
- Q2: From the time the PPWR comes into force and becomes applicable, information on packaging minimisation will be mandatory in the declarations of conformity for each product. The Commission's EU minimisation standards are not expected to come into force until Q4 2026. How does the Commission aim to reconcile this?
- Q3: As shape is mentioned, can the Commission confirm that packaging thus retains its existing shape as long as the weight and volume are reduced to the minimum for maintaining that **shape**, whilst also performing the packaging functions?
- Q4: How the performance criteria will be evaluated? For instance, if double walls or false bottoms are necessary to be added for product functionality (i.e. reusability/durability) would those be allowed as required to ensure packaging functionality
- Q5: Will the Commission release guidance on the interpretation of “packaging functionality” as defined under Annex IV, Part I, 4?
- Q6: How does the Commission intend to enforce the requirements of Article 10 for other than most common packaging type and formats?

# Questions & answers – Article 10

- Q7: Can the Commission clarify whether packaging with frontal flaps, or other similar small container packaging, would still be allowed? Or would they rather be banned under article 10(1) and (2) as this could be seen as a characteristic only aimed at increasing the perceived volume of the packaging?
- Q8: Can the Commission clarify the scope of “no longer capable of distinguishing the marked product”? How will that be determined? If there is a 3D trademark registration for the packaging shape, and the minimisation requirement would in practice entail altering the shape materially and therefore the trademark registration, then the manufacturer would be exempted (as the function of the trademark registration is to be capable of distinguishing the marked good from that of others) from the requirement. Is this a correct reading?
- Q9: Article 10 is clear that if the product category (not the packaging shape) is subject to GI then all of the product's packaging would be exempted from the regulation and compliance with the minimisation rules. However, the language used in Recital 60 is inconsistent with the provisions of Article 10 and should be corrected. How does the Commission intend to reconcile the Recital to its Article?

# Questions & answers – Article 10

- Q10: Will there be a blanket exemption for these other forms of Intellectual Property if they are associated with a Geographical Indication on the label of a product?
- Q11: Can the Commission explain how the 'most common packaging types and formats' are defined?
- Q12: Article 10(3) foresees a standard for the calculation and measurement of compliance with the minimisation requirements, defining maximum adequate weight and volume limits, wall thickness and maximum empty space for the most common packaging type and formats.



# Obligation related to excessive packaging – Article 24

Not a sustainability requirement

**Scope:** economic operators who fill grouped packaging, transport packaging or e-commerce packaging

empty space ratio of maximum 50 %

*Difference between the total volume of packaging and the volume of sales contained*

Implementing acts by 3 years from the entry into force date of the Regulation

*Establish the methodology for the calculation of the empty space ratio considering special characteristics of packaging, products with irregular shapes etc.*

Economic operators who fill sales packaging:  
reduce **empty space** to the minimum necessary  
ensure packaging functionality & product protection.

**Empty space:** space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials

The **empty space ratio** for sales packaging shall mean the difference between the total internal volume of the sales packaging and the volume of the packaged product

- Economic operators using sales packaging as e-commerce packaging or using reusable packaging within a system of re-use exempted from Article 24.
- Revision in 7 years, possible expansion into toys, cosmetics, DIY kits and electronics.

# Questions and answers – Article 24

- Q1: Could the Commission explain how the minimum necessary is defined in Article 24(2) that requires “the economic operator who fills the sales packaging shall ensure that empty space is reduced to the minimum necessary for ensuring the packaging functionality, including product protection.”?
- Q2: Are the design patents covered by the 50% empty space ratio requirement?
- Q3: How the empty space of round products will be calculated in rectangular transport packaging? How this and other cases, such as irregular shapes will be addressed by the methodology to be adopted in the secondary legislation?

## 6. Labelling, Green Claims (Art. 12-14)

Maja Desgrées du Loû



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Please select the virtual room **'Labelling, Green claims'** to  
*post your question(s)*

# 6. Packaging labels

Art. 12(1) and Art. 13: Harmonised labels based on packaging material composition for packaging to facilitate consumer sorting + pictograms on bins/bags

- **Timing:** 42 months from the date of entry into force of this Regulation or 24 months from the date of entry into force of the implementing act (IA), whichever is the latest. IA to be adopted in 18 months
- Label based on **pictograms**
- excluding DRS packaging and transport packaging; but **including e-commerce packaging**
- Digital label allowed in addition – up to EOs
- **Deposit and return label:** national labels + possibility for MS to use harmonised colour label + Art. 12(10) re non-mandatory DRS (only national label, which should not be misleading)
- By 1 January 2030: COM to adopt IA on **digital marking of SoC**

## Reusable packaging

- **Harmonised label** 48 months (...Regulation)/ 30 months (...IA)
- **QR code or other digital data carrier** for collection points, tracking and the calculation of rotations
- Obligation to distinguish clearly reusable from SUP packaging at the point of sale
- Requirements to bear label or QR code does not apply to **open loop systems** without a system operator
- No exception for transport packaging or B2B packaging

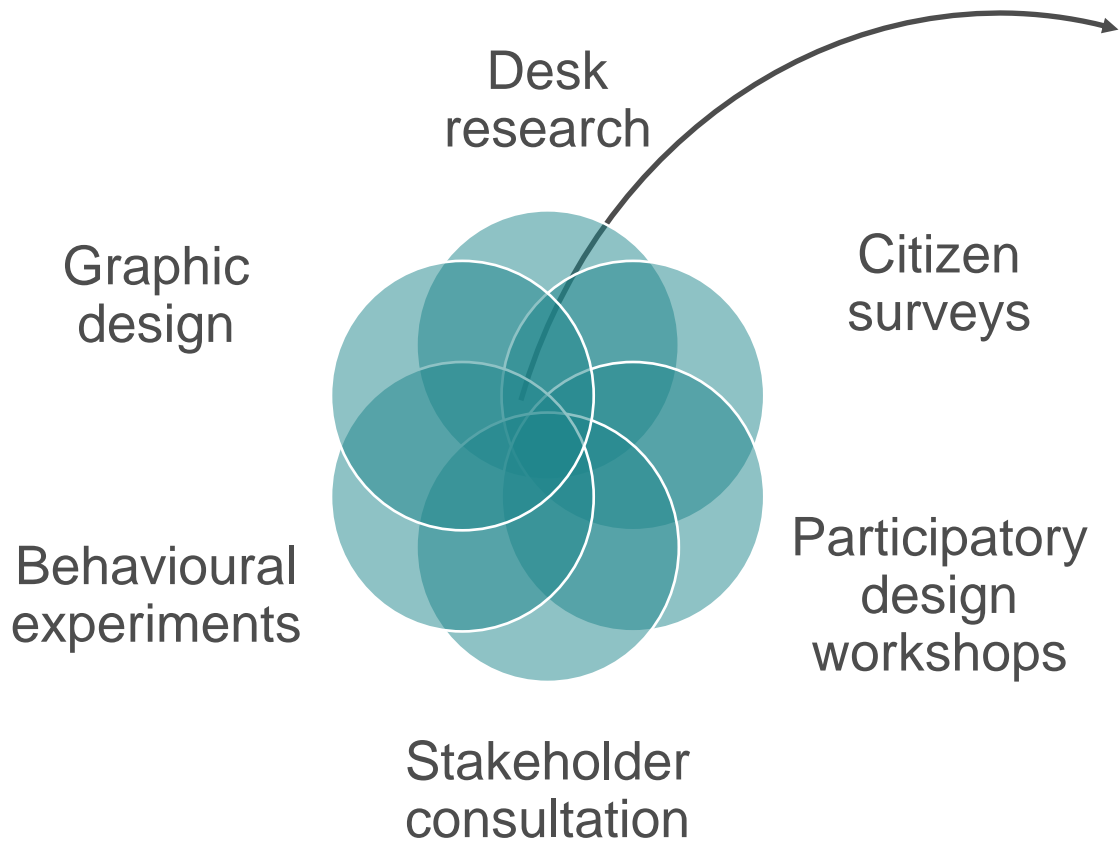
## Recycled content and bio-based content

- **Harmonised criteria for voluntary label** on the share of recycled content
- Timing as for consumer sorting label under Art. 12(1)
- The label/QR code comply with the relevant specifications in IA (Art. 12(6) and based on the methodology in Art. 7(8))

## Extended Producer Responsibility

- **ONLY DIGITAL**
- Clear, unambiguous and not misleading consumers

# Participatory and evidence-based design of harmonise waste sorting labels



**CARDBOARD +PAPER**   **METAL**   **PLASTIC**   **RESIDUAL**   **WOOD**   **GLASS**   **BIOWASTE**

- Includes non-coloured and non-textual versions
- Optional use of QR codes
- Second prototype under development



# Questions and answers – Articles 12 - 13

- Q1: Will national labels (e.g. Triman logo in FR) need to adapt to PPWR rules? Will MS be able to keep their national labels next to EU labels?
- Q2: Is there a plan for mutual recognition of labels for products sold both in UK and in Europe that might need to bear a UK sorting label and the EU label?
- Q3: Should a manufacturer want to provide information on the share of recycled content, should such information only be provided through the harmonised label?
- Q4: Could pictograms be only pictorial and not colour determined? There may be a need to avoid extra colour in packaging design. The word "exclusively" based on pictograms was removed from the final version. Will Member States be allowed to still require pictograms to be accompanied by text in their official language(s)? This could be impossible due to limited space and would be a barrier to trade.
- Q5: Under what circumstances are labels, marks, symbols or inscriptions considered misleading? When can the guidelines mentioned in Art. 12(8) be expected?

# Questions and answers – Articles 12 - 13

- Q6: What rules will apply to multi-material/multi-component packaging? Will each part have to indicate its composition?
- Q7: How does the requirement to bear a national DRS label work with products imported from an EU country to another EU country? Can it be any national DRS label or does it have to be the label of the country where it is placed on the market?
- Q8: Can you clarify what "placed on the market" means in the context of reusable packaging under Art. 12(2)?
- Q9: Can the Commission provide for a concrete example of an "open loop" situation where the requirement for reusable packaging labelling would not apply?
- Q10: Article 12(2) says that further information on reusability shall be made available through a QR code or other type of digital data carrier [...] that facilitates the tracking of the packaging and the calculation of trips and rotations, or an average estimation if that calculation is not feasible. Can the Commission confirm that it can be the same code for packaging of the same type, which would provide an average/estimation for the relevant packaging type as a whole, compared to the more burdensome situation where each packaging would need to have a unique code that allows the tracking of the number of rotations of each packaging unit?
- Q11: What is the relationship between PPWR and the Digital Product Passport?

# 7. Environmental Claims

**Scope:** claims defined in Art. 2(o) of Dir. 2005/29/EC concerning packaging properties for which legal requirements are set out in PPWR



Only in relation to properties exceeding minimum requirements in PPWR



In accordance with criteria, methodologies and calculation rules in PPWR



Declaration of conformity needs to specify if the claim is in relation to packaging unit, part of packaging unit or all packaging placed on the market



# Questions and answers – Article 14

- Q1: According to the Empowering Consumers Directive (2005/29/EC), it is prohibited to make any environmental claims on features that are equivalent to those established by law. If this principle applied to PPWR, it would mean that after 2030 it will no longer be possible to claim that packaging is recyclable. Is this correct?
- Q2 In case a manufacturer makes a claim about the share of recycled content in packaging placed on the market, the applicable minimum targets (calculated as average per plant, per year), would apply and the manufacturers can make the claim only if it exceeds those targets. However, in case the manufacturer wants to make a claim about the share of recycled content on the packaging unit, which threshold should be considered as minimum requirement established by law? Will it be possible to make claims about 10, 20 or 50% of recycled content in each unit?
- Q3: Does this Article apply only for environmental claims which refer to requirements stated in the PPWR (e.g. recyclability) or for any kind of environmental claim on sustainable packaging? Recycled aluminium content is not regulated under PPWR, does that mean that this claim would fall under the future green claim directive only?

## 8. Responsibilities and enforcement

8.1. Obligations of manufacturers

8.2. Obligations of other economic operators

8.3. Market Surveillance Framework

8.4. Enforcement by market surveillance authorities and competent authorities

8.5. Compliance of imported products and safeguard procedures

Maja Desgrées du Loû



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Please select the virtual room '**Responsibilities and enforcement**' to post your question(s)

# 8.1. Obligations of manufacturers

**Manufacturer:** person who has packaging, or a packaged product designed or manufactured under its own name or trademark  
If that person is a **microenterprise** and the supplier of packaging is in the same Member State, the supplier is 'manufacturer'

Only PoM packaging that is in conformity with sustainability and labelling requirements

Exemption for **microenterprises** as regards manufacturers obligations in Art. 15: **supplier** is manufacturer if supplier is in the EU

Keep technical documentation and provide it to MSA at request

Identify packaging

**Before PoM:** conformity assessment procedure (Art. 38) + draw up **technical documentation** (Annex VII)

Series production remains in conformity

Changes in packaging design, or applicable standards: verify if conformity is affected and update DoC

Take corrective measures and inform MSA thereof

**Technical documentation** must be passed along the supply chain

- Description of packaging and its intended use
- Drawings, materials, components
- List of standards, technical specifications
- Description of how assessments were carried out
- Test reports

**Declaration of Conformity (DoC):**

- model in Annex VIII;
- continuously updated
- Single DoC for packaging and packaged product

## 8.2. Obligations of other economic operators

**Importer:** person established in the EU placing packaging from third countries on the market

Same obligations as manufacturer, but for imported products  
No exemption for importers that are microenterprise

**Distributor:** person in the supply chain other than manufacturer or importer making packaging available on the market

- Obligation to verify (a) EPR registration; (b) labelling; (c) identification of packaging and manufacturer/importer.
- If having doubts about conformity of packaging with sustainability requirement, labelling or identification requirements, they shall not sell such packaging/product.
- Obligation to take corrective actions and to cooperate with MSA

**Authorised representative:** person that has received a written mandate from a manufacturer

Tasks defined in a written mandate by the manufacturer, but at least keeping DoC, cooperation with MSAs  
Cannot be mandated to do conformity assessment

**Supplier** (of packaging or packaging materials):

- Provide manufacturer with all the information and documentation necessary for the manufacturer to demonstrate compliance
- Cooperate with the Market Surveillance Authorities to establish the supply chain


# 8.3. Market Surveillance Framework

 **Product legislation at EU level** 

- Common market surveillance framework**
- How to organise and investigate (designation of MSA, powers, joint activities..)
  - What procedures to follow when problems are found
  - How to cooperate between MSAs & with customs
  - Obligations of economic operators vis-à-vis enforcement authorities



Chapter III of Regulation (EC) N°765/2008 replaced by **Regulation (EU) 2019/1020**

 **Member States responsible for enforcement**   
*Market surveillance authorities (MSAs)*

National enforcement strategies; MSAs shall endeavour to control the accuracy of at least part of DoC per year taking a risk-based approach

# 8.4. Market Surveillance enforcement and enforcement by other competent authorities

**Market surveillance authorities (MSA):** Art. 10 MSR

⇒ authority designated by MS for carrying out market surveillance in the territory of that MS

## **Formal non-compliance (Art. 62):**

If related to identification of packaging or EO, mistakes or lack of documentation on packaging (DoC, technical documentation): EO asked to correct; if the problem persists: prohibition to market/withdrawal

If related to obligations on excessive packaging, packaging bans, establishment and participation in reuse system, compliance with requirements related to refill (information to consumers, refill stations), reuse targets, reuse and refill obligations for take-away: penalties

**National or Union Safeguard Procedure (Art. 58, 59):** packaging presenting a risk (packaging not in compliance with sustainability requirements, packaging in compliance but a problem with harmonised standards)

## **Competent authority (Art. 40)**

Member States shall designate competent authority for the enforcement of provisions on:

- management of packaging and PW
- waste prevention
- extended producer responsibility
- innovative packaging
- reuse targets
- refill and reuse obligations for take-away
- plastic carrier bags

# 8.5. Controls on packaging entering the Union (Art. 61 PPWR)

## MSAs

- Assess non-compliance & take provisional correction measures
- Communicate correction measures including info enabling customs to identify the packaging and packaged product

## Customs authorities

- Conduct their own risk analysis of packaging subject to correction measures
- Suspend, consult MSAs, and refuse release for free circulation in cases of confirmed non-compliance

New layer/interface is needed to identify packaging when it is not imported as a self-standing product



Implementing act under Art. 61(4) PPWR

Step	Auth°	Action	Article
1	MSAs	Take 'correction measures'	58(5) PPWR
2	MSAs	Communicate in ICSMS → CRMS	58(6) 61(1,3 & 4) PPWR
3	Border auth°	Risk analysis to identify non-compliant packaging	61(2) PPWR
4	Border auth°	Suspension of release for free circulation	26 of Reg. 2019/1020
5, 6...	From step 4 onwards, standard control process under Reg. 2019/1020 (Art. 25 – 28).		

\* ISCMS: information and communication system under Art. 34 Reg.2019/1020 = communication system of MSAs

\* CRMS: customs risk management system

# 8. Questions and Answers

Q1: From which date onwards will the companies have to carry out the conformity assessment procedure mandated by the PPWR, in particular since most requirements will apply after the date of entry into force and application of the Regulation?

Q2: Is the "type" as referred to in Annex VII the same as 'type' listed in Table I of Annex II? Is this granularity sufficient?

Q3: Does the packaging itself need to be identified against the Annex VIII - EU Declaration of conformity No.... (unique identification of the packaging)? Or is the normal product traceability for food products enough to fulfil this requirement?

Q4: Is the conformity assessment procedure referred to in Article 38 and based on the technical documentation referred to in Annex VII required for exemptions under Article 6 and Article 7?

Q5: The wording 'type, batch or serial number or other element' suggests that it is enough to indicate a type + one at choice between batch, serial number and other element. It could even be understood that indicating type is sufficient. Which is it?



## 8. Questions and Answers

Q6: In cases where a manufacturer delivers products from one Member State to the warehouse of a distributor in another Member State, and the latter serves different national markets from the warehouse (e.g. online trade), would the manufacturer be obliged to contact all the authorities in each of the Member States where their packaging could end up?

Q 7&8: Who is the "manufacturer" if only the name and/or trademark of the natural or legal person on whose behalf the packaging or the packaged product was developed, manufactured or filled is indicated on the packaging or the packaged product?

Who is the "manufacturer" if, in addition to the person who develops or has a packaging or a packaged product manufactured under his name or trademark, the name of the natural or legal person who has manufactured or filled the packaging or the packaged product on behalf of the manufacturer is also stated?

Q9: How should a presumption of conformity be construed in relation to the harmonised EU standards?

Q10: Who is manufacturer in case of reusable packaging?

## 9. Waste management

### 9.1. Deposit and Return Systems

### 9.2. Collection

### 9.3. Recycling targets

Louise Tang Pedersen



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Please select the virtual room **'Waste management'** to post your question(s)

# Deposit and Return Systems (DRS)

## TARGETS

- By 2029 MS shall **separately collect 90 %** of drink packaging of plastic and aluminum.
- MS shall **set up DRS' to achieve targets**. DRS-exemptions for certain products.
- **First reporting year is 2028**. IA specifying calculation and reporting (24 months after EIF).

## MINIMUM REQUIREMENTS

- **Minimum requirements** are binding by 2029 for DRS' if they do not collect 90 % and for new DRS'.
- Minimum requirement does not apply to DRS for **other materials or MU**.
- Additional obligation for MS in regions with **high transboundary business**.

## DEROGATIONS

- **MS can be exempted** from the requirement of setting up a DRS.
- Exemption requires 80 % separate collection in 2026 and an implementation plan to COM by Jan 2028.
- Derogation from DRS requirement applies to the two **packaging targets separately**.

# Questions and Answers

- Q1 Is few regional DRS meeting the 90% collection target sufficient? Does the MS as a whole need to meet the 90%?
- Q2 Does the derogation from setting up a DRS under Article 50 apply to the two packaging types separately?
- Q3 If a MS achieves the conditions for exemption from the minimum requirements, must the scheme still respect the requirement in art. 12(10) where MS must not prohibit the affixing of labels related to DRS in place in other MS?
- Q4 Can member states set further requirements than the ones set out in the regulation?
- Q5 What is legal definition of high transboundary business? Assuming one region in a MS decides to set up its own DRS, how will it be obliged to contribute to the overall target of 90% collection?
- Q6 Can an EO in a border region of a MS opt not to charge a deposit at the point of sale on the ground that the MS in which the consumer resides does not meet the requirements?
- Q7 in the minimum requirements for DRS it states that the "system operator is a non-profit and independent legal entity." In the case where there are several system operators, are they all required to be non-profit?
- Q8 Is milk and wines and spirits just exempted from the DRS, but still subject to the 90% separate collection target? What are the criteria for the "implementation plan"?

## 9.2 Collection

- Packaging designed for recycling is to be **collected for recycling**.
- Collection schemes shall cover the whole territory of the MS, and all packaging waste and activities, incl. public spaces, business premises and residential areas.
- **Incineration & landfill of packaging complying with DfR is prohibited.**
- MS shall set **collection objectives**, that are consistent with the recycling and recycled content targets.
- **To facilitate high-quality recycling** systems may provide priority access to recycled materials.
- Non-compliance of MS with collection requirements does not exonerate EO from “**recycled at scale**” requirements.



## 9.3 Recycling targets

- **Recycling targets** have not been modified compared to Packaging and Packaging Waste Directive.
- MS may **postpone material recycling targets** for 2025 and 2030 under certain conditions, but not the overall recycling targets.
- **Review clause** for 2030 recycling targets: 7years from EIF.
- MS shall establish **packaging databases**, accessible to the wider public, to fulfil their reporting obligations to the Commission.
- **IA (24 months after EIF)** will establish calculation, verification and reporting, the format of data and methodology for the calculation of the annual consumption of lightweight plastic carrier bags.

# Questions and answers

- Q1: How will priority access work in practice? Who needs to enable priority access?
- Q2: Does the regulation forbid the incineration and landfilling of all packaging that meets DfR criteria, or does it only apply to packaging that have been “collected for recycling”?
- Q3: What are the consequences for MS failing the recycling targets or collection objectives, particularly considering the link with Articles 3(32) and 6?
- Q4: Shall the 55% recycling target for plastic waste generated be considered globally by all industries, regardless of their origin/activity sector?
- Q5: What does it mean that something is separately collected?

# 10. Extended Producer Responsibility

10.1. General outline

10.3. Register of producers and reporting

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Please select the virtual room '***Extended Producer Responsibility***' to post your question(s)



# General outline

- EPR obligations according to Art. 8 and 8a WFD.
- Special rules for EPR in the PPWR applies and applicable **definitions** are harmonized.
- The responsible actor for EPR obligations can be any **manufacturer, importer or distributor** who makes packaging available on the market of a MS for the first time.
- There are **no horizontal exemption for micro-enterprises** from EPR responsibilities, but they are exempt in certain cases.
- **An authorized representative** for EPR shall be appointed in each MS, where the producer is not established. MS may decide that this requirement also applies to producers in third countries.

# Examples of the producer

Case	Pro-ducer	Altered case	Pro-ducer	Altered case	Pro-ducer
Company A in FR manufactures bags (service packaging) and supplies them to a supermarket in FR.	Com-pany A	A supermarket in FR orders the bags with their name or trademark.	The super-market	The supermarket is an (ME).	Compan-y A
Company A located in FI manufactures boxes and supplies them to a factory in PL. The factory makes mobile phones which they pack in the boxes and supplies to a store in PL.	The fac-tory in PL	The factory also supplies the packaged products to a distributor in EE, that supplies them further to a store also in EE.	The factory. AR in EE	The factory in PL is the end user of the boxes from Company A in FI.	Com-pany A.

## 10.2. Registering and reporting

- MS shall establish a national register of producers.
- Obligations on producers or authorized representative to **register in each MS** where they make packaging available on the market for the first time.
- **Online marketplaces** shall check EPR-compliance in the register and can offer to pay EPR-fees. **Fulfilment service providers** shall also check compliance.
- Greater granularity of data to be reported unless the producer places **less than 10 tonnes** on market.
- **IA** (12 months after EIF) sets harmonized format for registration, granularity of data and packaging types and material.



# Questions and answers

- Q1: Is micro-enterprises exempt from registration and reporting because of the def manufacturer, which is in turn in the producer, and the provider is the responsible party?
- Q2: Can the COM clarify whether registration with PRO shall happen in every selling market (at customer destination) as opposed to market of production?
- Q3: Can the Commission clarify the scope of the activities that online marketplace can fulfil on behalf of their sellers?
- Q4: What is the purpose of the reporting requirements for packaging waste management operators? The operators shall provide information to producers or PRO) while at the same time they are required to provide competent authorities with the same information. Wouldn't this lead to double reporting?

# 11. Reuse and Refill

11.1 Reuse targets

11.2 Reuse and Refill

11.3 Fostering reuse and refill

11.4 Calculation of the reuse rates

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Please select the virtual room **'Reuse and Refill'** to post your question(s)

# 11. 1 Reuse targets

# Exemptions

## Transport packaging user

pallets, foldable plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters, flexible formats or pallet wrappings or straps

40% *in total* for B2B within the EU as of 2030

100% within the same company and for B2B within the same MS in 2030

## Final distributor or Economic operator

sales packaging for **alcoholic** and **non-alcoholic** beverages and user of **boxes** (ex cardboard) to **group** sales packages

10% in 2030

<5 distributors can **pool** & **Own brands** beverages must contribute

Operators in MS reaching recycling rates 5% above the targets for 2025 and 2030, and packaging waste reduction of 3% in 2028 compared to 2018

Micro-enterprise or economic operator with < 1000 kg of packaging per year.

Final distributors with a sales area < 100 m<sup>2</sup> & on islands < 2000 inhabitants.

Adoption of delegated acts to exempt additional economic operators due to economic constraints, hygiene and food safety issues and environmental issues

# Clarifications

- ‘Sales packaging used for transport’:
  - Packaging with dual purpose, illustrative non-exhaustive examples: beer kegs, drums
  - **Sales packaging used for transport means sales packaging where transported products are in direct contact with the packaging. Service packaging is not included.**
  - Sectors: agrifood industry, catering, lubricants, retail (bulk sales of products),...
- ‘Kegs’:
  - 29(1): Not in the scope; kegs are not indicated
  - 29(6):
    - Kegs out of the scope in B2B applications
    - Kegs within the scope in B2C applications, i.e. final distributors offer kegs for private use
- ‘Pools’:
  - 10% refers to each facility of each final distributor (location to be considered)

# Questions and answers

- Q1: Could the Commission provide more detail on how it intends to implement 29(18) on the derogations from the reuse obligations?
- Q2: Could the Commission elaborate on how the term ‘within the territory of the Union’ is understood in the context of transport packaging used to imports goods from non-EU countries into the EU?
  - a product is imported into the EU, e.g. from Switzerland to Germany as the final destination, then the reuse targets do not apply because the packaging is not transporting the product any further within the territory of the Union
  - a product is coming from Switzerland, arriving in Germany, and then is dispatched to some other Member States, e.g. Poland and Belgium, then the packaging that will be transporting the product to those countries will be subject to the reuse obligation
- Q3: Could the Commission elaborate on the interplay between 29(5) and Annex V.1, since single use plastic grouped packaging is banned as from 2030?
- Q4: How is an economic operator supposed to ensure that a reuse system is in place? In the case of the exempted microenterprise, does the provider have to do this?
- Q5: Could the Commission elaborate on the situation where a Member State could derogate from the reuse targets based on meeting the recycling targets?



# Questions and answers

- Q6: In 29(6), how the 10% targets for beverage packaging are to be achieved?
  - a) combined total of 10% for alcoholic beverages and for non-alcoholic beverages, or b) achieve 10% for both alcoholic and non-alcoholic beverages?
- Q7: Article 29(15&16) give flexibility for Member States to set more ambitious reuse targets beyond the minimum targets outlined in paragraphs 1, 2, 3, 5, and 6, including for beverage packaging not covered by paragraph 6, as long as these measures do not "prohibit, restrict, or impede" the market placement of compliant packaging (Article 4, paragraph 3). Would this mean that the reuse quotas can be increased or the scope of the reuse targets to be expanded including other products?
- Q8: Can the Commission confirm that Member States will not be allowed to set national reuse targets for the products and packaging formats expressly derogated under Article 29(7)?
- Q9: Are economic operators in retail performing HORECA functions covered by reuse and refill obligations?
- Q10: How are targets of 29(6) going to apply in practice with respect to the variety of different packaging formats, some of them not reusable?

## 11.2 Reuse and Refill

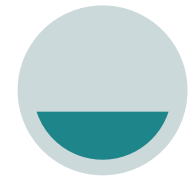
Refill

- As of 2030, final distributors with a **sales area > 400 m<sup>2</sup>** to endeavour **10 % of that sales area to refill stations** for food/non-food products
- 2 years from the EIF final distributors from the **HORECA sector** that make available hot or cold beverages and ready-prepared food in **take-away packaging** provide a system for consumers to **bring their own container** to be filled

Reuse

- 3 years from the EIF final distributors from the HORECA sector that make available hot or cold beverages and ready-prepared food in **take-away packaging** shall give consumers the **option of obtaining the products in reusable packaging**
- As of 2030, final distributors to **endeavour to offer 10% of products in reusable** (micro exempted)
- MS can render this **aspirational 10% targets to mandatory targets** under certain conditions, internal market, waste prevention

# 11.3 Fostering reuse and refill (besides targets)



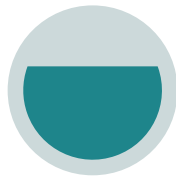
## Reusable packaging

### Sustainability requirement:

Comply with a series of conditions

Accomplish as many trips or rotations as possible, and is recyclable

Adoption of a Delegated Act adoption 24 months from the EIF date to set minimum number for rotations for reusable packaging for the most frequently used in re-use

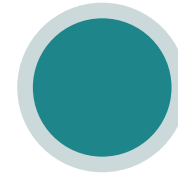


## Reuse systems

Economic operators that make use of reusable packaging participate in reuse systems compliant with the requirements of Annex VI.

Economic operators ensure that reusable packaging is reconditioned pursuant to Annex VI

New rules do not apply to existing reuse systems



## Enabling measures

MS to encourage the setting up of re-use and refill systems and DRS for reusable packaging

Economic incentives (e.g. on retailers) to use reusable packaging instead of single use or to inform consumers about the cost when using single use packaging

# 11.4 Calculation of the reuse rates - *indicative examples*

## *Transport packaging 29(1)*

1 transport unit:

- 1 Pallet
- 1 Shrink film plastic wrapping
- 24 cardboard boxes

- Pallet: 100% MU
  - wrapping: 100% SU
  - Cardboard boxes exempted/do not count towards the target
- => **MU rate of 50%**

---

## *Alcoholic/non-alcoholic beverages 29(6)*

**[Made available such products to consumers]**

=> Interpretation: available (on the shelves) for purchase per year

- Available for purchase: Placed on the market; Available stock in a retailer to be possibly factored in
  - Labels of Reusable packaging to contribute to data flow and calculation of the 10% target
- Pool participants to co-calculate the target => Implementing Act to outline details
- Implementing Act: to consider industry practices and available digital means, e.g. labelling

*Addressed to final distributors, e.g. retailers*

# 12. Waste prevention

12.1 Reduction targets

12.2 Plastic carrier bags (different provisions in Art 9, and Annex V)

12.3 Harmonised measures, notably Art 25 and potentially new bans in SUPD

David Buhé and Maja Desgrées du Loû



#7164218

Please select the virtual room '**Waste prevention**' to post your question(s)

# 12.1 Waste prevention – Article 43

**Reduction targets :** Member States must reduce per capita packaging waste compared to 2018 levels: 5% by 2030, 10% by 2035, 15% by 2040

**Tourism adjustment:** A correction factor will adjust targets for tourism-related waste changes since 2018; .

**Separate management systems:** Member States with distinct systems for household and industrial/commercial packaging waste may retain them.

**Plastic packaging :** Efforts must focus on minimizing plastic packaging waste

- **Additional measures by Member States:** Incentives aligned with waste hierarchy ; Extended producer responsibility schemes and waste prevention plans.
- **Incentivizing tap water use:** Encourage reusable/refillable tap water options in food service.
- **Exceeding targets:** Member States can introduce stricter measures beyond minimum targets.
- **Base year flexibility:** Alternative base year (other than 2018) requests allowed .
- **Review and update:** Targets reviewed within seven years, with potential material-specific targets proposed.

# Questions on waste prevention

- Q1: What is the consequence for a Member State not reaching the packaging waste prevention targets set for 2030, 2035 and 2040?
- Q2: Could MS design and implement additional measures to the harmonised measures in the Regulation that contribute to higher waste reduction? Will a TRIS notification be mandatory?
- Q3: Can a Member State take any measures, including packaging bans? Will Member States have an obligation to notify such measures via the TRIS system?
- Q4: How is this reduction target implemented and who is ultimately responsible for achieving this reduction target?

## 12.2 Plastic carrier bags

- **Definitions: Art. 3(1), points (55) – (59)**
- **Article 34:** sustained reduction in the consumption of lightweight plastic carrier bags on their territories = annual consumption **does not exceed 40 LPCBs per capita**, or the equivalent target in weight, by 31/12/2025 and by end of December each year thereafter.
- Measures may include **marketing restrictions** (proportionate, non-discriminatory)
- **MS may exclude from sustained reduction target VLPCBs** required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage.
- **Other plastic carrier bags** => MS may adopt economic instruments and national reduction targets, in line with the Treaty; **no bans!**

**Review:** in 7 years, COM to prepare a report on other packaging materials, and, where appropriate, present a legislative proposal setting out reduction targets and measures

**Art. 25 + Annex V, point 6: ban on VLPCBs**, except if required for hygiene reasons or provided as sales packaging for loose food when this helps to prevent food wastage

**Art. 9(2):** possibility for MS to require compostability for LPCBs and VLPCBs on their territories

**Art. 25:** bans under Art. 25 are without prejudice to Art. 9(2) = compostable VLPCBs bags may be excluded from the EU-level ban, if they are needed for hygiene (..); also, compostable LPCBs still allowed (if not banned at national level)

**Reporting (Art. 56(1)(b))** – reporting on all bags without exceptions; now also on thick and very thick PCBs; on other materials = voluntary



# Questions & Answers on plastic carrier bags

- Q1: How should textile protective items, such as dust bags for shoes and garments, supplied with luxury products, be classified? Are they packaging? Are they bags?
- Q2: Can a MS ban all VLPCBs?
- Q3: What is the “future” of compostable PCBs?
- Q4: How are hygiene and food waste considered in the plastic bags’ measures?

# 12.3 Bans on the use of certain packaging – Article 25 and Annex V

- **From 1/1/2030**, ban on placing on the market of packaging formats and for the uses listed in **Annex V**
- MS may **maintain restrictions adopted before 1/1/2025** on the PoM of packaging in the formats and for the uses listed in Annex V but made **from materials not listed in Annex V**.
- Possibility for MS to **exempt ME from restrictions in point 3** of Annex V, where it is not technically feasible or no infrastructure for re-use
- **Guidelines in 24 months** after the EIF – in consultation with MS and EFSA

## Annex V

- 1) Single-use plastic grouped packaging
- 2) Single-use plastic packaging for unprocessed fresh fruit and vegetables
- 3) Single-use plastic packaging for food and beverages consumed in situ in the HORECA
- 4) Single-use plastic packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector
- 5) Single-use accommodation sector packaging intended for an individual booking
- 6) Very lightweight plastic carrier bags

# Questions and answers on Annex V

Q1: What instruments are available to ensure legal harmonisation and predictability of the implementation of Annex V?

Q2: Could the Commission explain the term 'unprocessed fruits and vegetables' and 'demonstrated need' in point 2?

Q3: Could the Commission elaborate on the illustrative formats and products covered under Annex V, point 4? Could we envisage a similar exemption for the school sector as for the healthcare sector?

Q4: Could the Commission elaborate on the term '*necessary to facilitate handling*' under Annex V, point 1? Does it cover B2B situations? What products are covered: also grouped bars and sweets? What about convenience packaging (1+1 free product packed together)?

Q5: Are biodegradable or compostable bags also banned under Art. 25, Annex V, point (6)?

Q6: What is single use plastic packaging? It is not defined .... Does the 5% exception for composite packaging apply?

Q7: Can hotel miniature cosmetics be available on demand? Can we expect derogations for products packaged for hygienic reasons such as toothbrush and cotton pads?

Q8: Will single-use plastic food and beverage packaging be banned from entertainment and sporting events and festivals?

# 13. Legal questions

13.1 SUPD and PPWR

13.2 National flexibilities and derogations

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#7164218

Please select the virtual room '**Legal questions**' to post your question(s)

# Relationship between SUPD and PPWR (1)

Q: How does the PPWR interplay with SUPD regarding packaging bans (Art. 25 and Annex V)?

- **General principle:**
  - SUPD (Directive 2019/904) prevails over PPWR, unless provided otherwise (ref. Art. 67(1)(a)).
  - MS may maintain the existing packaging bans (incl. for plastic packaging) related to packaging formats under Annex V.2 (fruit and vegetables) and V.3 (packaging for food and beverages for *in situ* consumption) until 1 January 2030 (ref. Art. 70(4)).
- **Packaging bans under PPWR prevail over Art. 4 SUPD** as regards packaging **in scope of Annex V.3**. National implementing measures under Art. 4 SUPD may be less restrictive than bans under PPWR. (ref. Art. 67(1)(b) and recital 180)
- **Expanded polystyrene:** expanded polystyrene food containers, beverage containers and cups for beverages are banned under SUPD (Art. 5). However, Art. 67(5) PPWR amends Part B of the Annex to SUPD to explicitly include also XPS formats; this will apply 48 months from the date of entry into force of this Regulation; no transposition by Member States is necessary (ref. Art. 67(5))

# Relationship between SUPD and PPWR (1)

Q: How is the Commission going to assess compliance of national packaging bans?

- Until 18 months after the entry into force of PPWR, any new ban will need to be assessed under the existing packaging directive (94/62/EC), the Treaty (Art. 34 – 36 TFEU), and SUPD (as regards cups for beverages and food containers).
- After 18 months:
  - all existing bans should be repealed except if allowed under national flexibilities (see previous slide);
  - MS may still enact new bans for food containers and cups for beverages under SUPD until 1/1/2030
- After 1 January 2030: the harmonised bans under Art. 25 and Annex V apply.

# Relationship between SUPD and PPWR (2)

Q: How do the packaging bans under PPWR interplay with SUPD in view of the definition of composite packaging?

**Composite packaging** (definition in Art. 3, point (1)(24), recitals 13 and 180):

- A unit of packaging made of two or more materials which are part of the weight of the main packaging material and cannot be separated manually (...), unless one of the materials constitutes an insignificant part of the packaging unit and in any event no more than 5% of the total mass of the packaging unit, excluding labels, varnishes, paints, inks, adhesives and lacquers
- Without prejudice to SUPD: “the definition of composite packaging in this Regulation should not exempt single-use packaging partially made of plastic, regardless of the threshold level, from the requirements of Directive (EU) 2019/904” (rec. 13)
- As regards bans under Art. 25, the wording “**single use plastic packaging**” in Annex V PPWR should be interpreted in line with the definition of ‘single-use plastic product’ in SUPD

# Relationship between SUPD and PPWR (3)

Q: Could you clarify which data will be used to check compliance with the separate collection target in Art. 50 and ask for exemption from DRS?

- SUPD sets separate collection targets for SUP beverages bottles in Art 9: 77% by 2025, **90% by 2029**, to be calculated, verified & reported in accordance with [Implementing Decision 2021/1752](#).
  - **Reporting on separate collection in the context of mandatory DRS (PPWR):**
    - **By 1 January 2029**, MS shall take the measures to **ensure separate collection of at least 90% per year** by weight of certain packaging formats **covered by mandatory DRS** made available on their markets for the first time in a given calendar year (PPWR Art. 50(1)).
    - first reporting period under PPWR is **in 2028 for year 2027** => as long as SUPD target is in force, this means double reporting
    - MS must submit the data 19 months after the end of the calendar year => COM will assess the fulfilment of the target based on collection as it was in **mid-2027** (Art. 56(3)(b), Art. 56(4))
  - **Implementing act under PPWR:**
    - to be adopted **pursuant to Art. 56(7)** => 24 months from the EIF of the Regulation
    - it will consider the methodology under the SUPD Implementing Decision (relevant for the packaging waste generated), and COM Implementing Decision (EU) 2023/595 on plastic own resource, which requires balancing of two methods to estimate plastic packaging waste generated.
- **Reporting for DRS exemption:** possibility for a MS to be exempted from the obligation to set up a DRS if the rate of separate collection is **above 80%** by weight of such packaging made available on the territory of a MS for the first time **in calendar year 2026** => **MS to report their collection rates for year 2026 by mid-2028** (Art. 50(2), (5))



# Relationship between SUPD and PPWR (3)

Q: Could you clarify the reporting obligations related to recycled content under PPWR and SUPD and their interplay?

## Recycled content:

- Art. 6(5), points (a) and (b) of SUPD (i.e. **recycled content targets for beverage bottles** listed in Part F of Annex to SUPD), and Art. 13(1)(e) on related **MS reporting** remain in force **until 1 January 2030 or 3 years after the entry into force of the implementing act** on the calculation of recycled content referred to in Art. 7(8) (ref. Art. 67(2) – (4); recital 181)
- **differences in scope** between PPWR and SUPD
  - In SUPD, the target is on MS level vs. requirements per packaging type/format, calculated as an average per manufacturing plant and year in PPWR
  - No minimum threshold in SUP for composite materials vs. exemption for plastic parts if it represents less than 5% of packaging unit weight in PPWR
  - No mirror clause in SUPD and, consequently, also no sustainability criteria
  - No exemption for compostable plastic packaging in SUPD
  - No exemption for bio-based plastic packaging in SUPD v. revision clause in PPWR

# National measures and provisions allowing MS to maintain additional requirements, higher targets or exemptions in certain areas

**Repeal and transitional provisions** (Art. 70) => MS will need to repeal their national legislation implementing Directive 94/62 in so far as PPWR contains provisions which are **fully harmonised** and with regards to which there are **no national flexibilities or exemptions** (or if they are not using them...) (e.g. definitions, harmonised sustainability requirements)

**Notification under TRIS procedure** (Directive (EU) 2015/1535) for new draft technical regulations in areas that are either:

- non-harmonised or not fully harmonised
- Fully harmonised but with the possibility of national exemptions/flexibilities

**Art. 114(4) and 114(5) TFEU:** exceptional procedure allowing MS to keep or introduce national measures in areas that are fully harmonised

**Immediate effect** (after 18 months) of the Regulation concerns provisions that do not need implementation (except when it is provided that existing standards may be used – this is provided in some recitals).



**Art. 4(3) PPWR:** additional national sustainability or labelling requirements only if they do not conflict with PPWR and do not restrict placing on the market of packaging that complies with PPWR (for reasons of non-compliance with national requirements)

**Reuse targets:** possibility for MS to exempt certain economic operators (Art. 29(11) and (14)), allow forming of pools (12), setting higher reuse targets (15), or reuse targets for additional beverages (16) if necessary for waste prevention

**Art. 43(7):** Packaging waste prevention measures that exceed the minimum targets in Art. 43(1)

**Art. 44 - 45 (Register of producers):** additional requirements on EPR

**Compostable packaging**

**Packaging bans (flexibility)**

**Possibility of exemption from DRS**

**EPR fee modulation**

# Questions and answers on national flexibilities

- Q1: Does Art. 4(3) mean that MS can introduce requirements going beyond those laid down in the Regulation? Would national sorting instructions be considered among those that would not be allowed as conflicting with the Regulation or just “additional” to the rules on labelling in Art. 12?
- Q2: Will economic operators face fines in case they place on the EU market packaging that is PPWR-compliant but does not comply with national requirements or additional/higher targets?
- Q3: How will the Commission ensure that exceeding measures taken by Member States (e.g. waste prevention/reuse) comply with the legal requirements? How will the proportionality test be ensured and the balancing with Article 4 carried out?
- Q4: Article 4(3) of the PPWR allows Member States to maintain or introduce additional national sustainability or information requirements, as long as those do not conflict with those laid down in the Regulation. Can the EU Commission clarify if:
  - o Following the entry into force of the PPWR, Member States will be required to notify to the EU Commission any additional national sustainability or information requirement that they will introduce at national level via the TRIS notification system?
  - o In the absence of a grandfathering clause applying to them, national measures that conflict with the PPWR will have to be repealed following the entry into force of the Regulation or whether those will be considered void? For instance, what will happen to the unilateral requirement for sorting instructions introduced by Spain, once the PPWR enters into force?

# 3. Wrap up and next steps

Wolfgang Trunk

# Wrap up – next steps

1. Actions post publication in the Official Journal of the European Union:
  1. Elaboration of a questions and answers document to be published on our homepage
  2. Today`s questions -presented from us upfront and those we selected from slido- will be the base for this document; however, we will screen also those Qs who were not selected
  3. That document will undergo more profound legal scrutiny
2. Engage in discussions with Member States to prepare implementation in line with the COM`s BR guidelines.

In this context, my Director announced in the morning that we will publish in due course the members of the expanded Expert Group on waste.

# Thank you



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