



On 30 November 2022, the European Commission tabled a [proposal for Packaging and Packaging Waste Regulation \(Proposal\)](#) – a cornerstone initiative aiming to revolutionise the industry by **common, EU-wide rules for packaging circularity.**

Background

In [the European Green Deal](#) and further in [the new Circular Economy Action Plan](#), the Commission has committed itself to develop requirements which will ensure that all **packaging in the EU market is reusable or recyclable in an economically viable manner by 2030**. It was subsequently decided that the goal should be achieved through revision of the [Packaging and Packaging Waste Directive](#) (PPWD). From its inception, the revision of the PPWD revolved around three highly interlinked problems, which were identified by the Commission as the main hurdles hindering circularity of packaging:

- Low levels of packaging recyclability
- High and growing level of packaging waste
- Low levels of uptake of recycled content

Considering the complexity of the issues to be tackled under the revision, the Commission opted for a change to the type of legal act. **It was decided that a regulation (not a directive) would serve as a comprehensive remedy suitable to address the legislative challenges.** The idea was further reinforced, as a commissioned analysis revealed that uneven implementation of the current PPWD led to a serious fragmentation of packaging rules across the EU. As a result, the initiative was tabled as a Regulation. Consequently, **the obligations envisaged under the proposal will apply to economic operators directly.**

Redesigned Measures

The Proposal introduces an array of new rules with regards to packaging that is placed on the EU market, which, in particular, addresses its:

- Recyclability
- Reusability
- Size
- Uptake of recycled content

Recyclability

Under the Proposal, **all packaging placed on the market will have to be recyclable**. This obligation will translate into further requirements that make up the recyclability of the packaging. To be considered “recyclable”, the packaging will have to comply, in particular, with the following prerequisites:

- Be designed for recycling (starting from 1 January 2030)
- Be separately collected
- Have capacity to be recyclable at scale (starting from 1 January 2035)
- Have capacity to be recycled in a way that the secondary raw materials thus obtained are of sufficient quality to substitute the primary raw materials

Translation of the above into practical examples is not yet fully possible as the proposal will be, to some extent, complemented by secondary legislation. For instance, the **designed-for-recycling criteria** were not specified in the Proposal but **will be established by the Commission by virtue of a delegated act.**

Likewise, the Commission will also come up with a recycling performance system. **Packaging, depending on its recyclability, will be graded with scores ranging from A to E, where packaging with performance rated as E will be deemed as not recyclable (and so be banned from the market).**

Reusability

By default, **all the packaging placed on the market will have to be designed and utilised in such a way as to be reused maximum number of times.** Specific reusability targets will pertain to the hospitality and e-commerce sectors and will also impact transport packaging. Economic operators placing reusable packaging on the market will have to ensure that a system for reuse for such packaging is in place.

For instance, **sales packaging of alcoholic and non-alcoholic beverages** (with the exception of wine) will have to meet a **10% reusability target**, which in 2040 will be raised to 25%. The rules will be even more stringent **for takeaway food, whose packaging will have to reach 40% reusability target by 2040.**

With regards to transport packaging, a 100% reusability target will apply to the transport of products:

- Within one Member State
- Between different sites of the same economic operator or between the economic operator and its linked or partner enterprises

This is with respect to pallets, boxes – excluding cardboard – trays, plastic crates, intermediate bulk containers, drums and canisters – of all sizes and materials, including flexible formats used to transport **packaging for items made available on the market for the first time via e-commerce will amount to 10% as of January 2030 and 50% as of January 2040.**

Size of Packaging

Each unit of packaging will have to be scaled down to its minimum size with regards to its weight and volume.

Economic operators supplying products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, will have to ensure that the empty space ratio (understood as the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of contained sales packaging) **does not exceed 40%.**

Recycled Content

The **plastic parts in packaging** will have to **contain a certain share of recycled content recovered from post-consumer plastic waste per unit of packaging:**

- From 1 January 2030:
 - 10% for contact-sensitive packaging made from plastic materials other than PET, except single-use plastic (SUP) beverage bottles
 - 30% for contact-sensitive plastic packaging made from PET as the major component
 - 30% for SUP beverage bottles
 - 35% for other plastic packaging
- from 1 January 2040:
 - 50% for contact-sensitive plastic packaging, except for SUP beverage bottles
 - 65% for SUP beverage bottles
 - 65% for other plastic packaging

The method for calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, per unit of plastic packaging, as well as the format for corresponding technical documentation, will be established by the Commission in an implementing act on 31 December 2026 at the latest.



Restrictions on Use of Packaging Formats

Interestingly, the Commission decided to resort to marketing restriction for certain packaging formats. Economic operators (with some exceptions) will be prohibited to place on the market the following single use packaging:

Packaging for <1.5 kg fresh fruit and vegetables	Packaging for foods and beverages filled and consumed on the premises in the hospitality sector	Hotel miniature packaging for cosmetics, hygiene and toiletry products (<50 ml for liquid or <100 g for non-liquid)	Packaging used in the hospitality sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning.
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Timeline

The proposal is open for public feedback until

1 February 2023. The initiative was sent to the European Parliament and the Council for examination, and next steps of legislative procedure will begin soon. The legislative works of co-legislators, due to the complexity of the file, are expected to be rather lengthy and may take even more than a year to be concluded. Once adopted, the proposal will come into force on the 20th day after its publication in the Official Journal of the European Union. Its provisions will apply after 12 months from the date of entry into force.

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