
















# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2022/0396(COD) Awaiting Parliament's position in 1st reading
Packaging and packaging waste Repealing Directive 1994/62 <a href="#">1992/0436(COD)</a> Amending Regulation 2019/1020 <a href="#">2017/0353(COD)</a> Amending Directive 2019/904 <a href="#">2018/0172(COD)</a>	
Subject 3.70.12 Waste management, domestic waste, packaging, light industrial waste	
Legislative priorities <a href="#">Joint Declaration 2022</a> <a href="#">Joint Declaration 2023-24</a>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Environment, Public Health and Food Safety</a>	 <a href="#">RIES Frédérique</a>	11/01/2023
		Shadow rapporteur	
		 <a href="#">SALINI Massimiliano</a>	
		 <a href="#">BURKHARDT Delara</a>	
		 <a href="#">O'SULLIVAN Grace</a>	
		 <a href="#">SARDONE Silvia</a>	
		 <a href="#">FIOCCHI Pietro</a>	
		 <a href="#">PIMENTA LOPES João</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 <a href="#">Industry, Research and Energy</a> (Associated committee)	 <a href="#">TOIA Patrizia</a>	25/01/2023
	 <a href="#">Internal Market and Consumer Protection</a> (Associated committee)	 <a href="#">JORON Virginie</a>	09/02/2023
	 <a href="#">Agriculture and Rural Development</a>	 <a href="#">DE MEO Salvatore</a>	16/02/2023

Council of the European Union European Commission  European Economic and Social Committee	JURI <a href="#">Legal Affairs</a>	The committee decided not to give an opinion.
	Commission DG <a href="#">Environment</a>	Commissioner SINKEVIČIUS Virginijus

### Key events

30/11/2022	Legislative proposal published	<a href="#">COM(2022)0677</a>	Summary
13/03/2023	Committee referral announced in Parliament, 1st reading		
15/06/2023	Referral to associated committees announced in Parliament		
24/10/2023	Vote in committee, 1st reading		
06/11/2023	Committee report tabled for plenary, 1st reading	<a href="#">A9-0319/2023</a>	Summary
21/11/2023	Debate in Parliament		
22/11/2023	Decision by Parliament, 1st reading	<a href="#">T9-0425/2023</a>	Summary
22/11/2023	Matter referred back to the committee responsible		

### Technical information

Procedure reference	2022/0396(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Directive 1994/62 <a href="#">1992/0436(COD)</a> Amending Regulation 2019/1020 <a href="#">2017/0353(COD)</a> Amending Directive 2019/904 <a href="#">2018/0172(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 114; Rules of Procedure EP 57
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	ENVI/9/10820

### Documentation gateway

Legislative proposal	<a href="#">COM(2022)0677</a>	30/11/2022	EC	Summary
Document attached to the procedure	<a href="#">SEC(2022)0425</a>	01/12/2022	EC	
Document attached to the procedure	<a href="#">SWD(2022)0384</a>	01/12/2022	EC	
Document attached to the procedure	<a href="#">SWD(2022)0385</a>	01/12/2022	EC	

Committee draft report		<a href="#">PE742.297</a>	11/04/2023	EP	
Economic and Social Committee: opinion, report		<a href="#">CES6037/2022</a>	27/04/2023	ESC	
Amendments tabled in committee		<a href="#">PE749.032</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.033</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.034</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.035</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.036</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.037</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.039</a>	12/05/2023	EP	
Amendments tabled in committee		<a href="#">PE745.447</a>	15/05/2023	EP	
Amendments tabled in committee		<a href="#">PE749.038</a>	26/05/2023	EP	
Committee opinion	ITRE	<a href="#">PE746.712</a>	19/07/2023	EP	
Committee opinion	IMCO	<a href="#">PE746.894</a>	20/07/2023	EP	
Committee opinion	AGRI	<a href="#">PE745.499</a>	21/08/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0319/2023</a>	06/11/2023	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		<a href="#">T9-0425/2023</a>	22/11/2023	EP	Summary

## Packaging and packaging waste

**PURPOSE:** to update the EU legislative framework for packaging and packaging waste.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** packaging is necessary to protect and to transport goods. The manufacturing of packaging is also a major economic activity in the EU. However, regulatory approaches differ from one Member State to another, which creates obstacles that prevent the internal market for packaging from fully functioning. Such discrepancies create legal uncertainty for businesses, leading to lower investment in innovative and environment-friendly packaging and new circular business models.

Moreover, the amount of packaging waste is growing, frequently at a faster pace than GDP. Packaging waste increased by more than 20% over the last 10 years in the EU and is forecast to soar by another 19% until 2030, if no action is taken.

The regulatory failures of the current Directive (e.g. poorly designed essential requirements for packaging and difficulties encountered by Member States in enforcing them) has made it clear that harmonisation is necessary, and that the harmonised rules should take the form of a regulation, rather than a revision of the current Directive.

**CONTENT:** therefore, the Commission proposes this regulation to update the EU legislative framework for packaging and packaging waste by giving Member States and businesses adequate support to achieve waste reduction targets. As an integral part of the European Green Deal and the new EU circular economy action plan, it will contribute to the EU's growth strategy for a modern, resource-efficient, clean and competitive economy with no net emissions of greenhouse gases by 2050 and with economic growth decoupled from resource use. In line with the new approach to products announced in the European Green Deal and the circular economy action plan, the proposal covers the entire life cycle of packaging.

**Sustainability requirements for packaging**

The proposal lays down requirements for substances in packaging, in particular a restriction on the concentration level of lead, cadmium, mercury and hexavalent chromium. The Commission is empowered to adopt delegated acts lowering the level of this restriction as well as laying down exemptions from it.

As of 1 January 2030, the proposal considers that plastic packaging should contain certain minimum amount of recycled content recovered from post-consumer plastic waste, per unit of plastic packaging; specific packaging has been exempted, as appropriate. These amounts should increase by 1 January 2040 and the derogations should be revised.

The proposed regulation defines conditions for packaging to be considered compostable and prescribes that filter coffee pods, sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags should be compostable by 24 months after the entry into force of this Regulation. Moreover, the weight and volume of packaging should be minimised with due account taken of the packaging's safety and functionality. Requirements for reusable packaging has also been introduced.

#### Labelling, marking and information requirements

The proposal requires that packaging is marked with a label containing information on its material composition in order to facilitate consumer sorting. The same labels should be placed on waste receptacles for the consumer to easily identify the appropriate disposal route. Harmonised labels should be designed also to inform, at the choice of the manufacturer, about the recycled content in plastic packaging. Reusable packaging shall bear a QR code or other type of data carrier giving access to the relevant information facilitating its re-use.

It is proposed that economic operators that supply products to final distributors or end users in grouped, transport or e-commerce packaging must ensure that the ratio of empty space in the packaging in relation to the packaged product(s) is maximum 40 %. A number of targets on re-use and refill for different sectors and packaging formats has been specified.

As for lightweight plastic carrier bags, the annual consumption of these bags cannot exceed 40 such bags per person by the 31st December 2025. Member States can exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage, from the obligation to meet the target.

#### Management of packaging and of packaging waste

The proposal requires each Member State to progressively reduce the packaging waste generated per capita as compared to the packaging waste generated per capita in 2018, by 5 % by 2030, 10 % by 2035 and 15 % by 2040. Member States should establish a register which should serve to monitor the compliance of producers of packaging with the requirements laid down in the proposed Regulation.

In addition, the draft requires a deposit and return system (DRS) for single-use plastic beverage bottles with the capacity of up to three litres and single-use metal and aluminium beverage containers with a capacity of up to three litres. By 1 January 2029, Member States must ensure that all DRS follow the minimum requirements set out in Annex X. Member States are also allowed to include glass in the DRS and should ensure that DRS for single-use packaging formats, in particular for single-use glass beverage bottles, where technically and economically feasible, are equally available for reusable packaging.

Recycling targets of packaging waste that Member States must meet by 31 December 2025 and by 31 December 2030 are set out.

## Packaging and packaging waste

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The Committee on the Environment, Public Health and Food Safety adopted the report by Frédérique RIES (Renew, BE) on the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

#### Minimum recycled content in plastic packaging

The amended text stipulated that from 1 January 2030, the plastic part in packaging placed on the market should contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging format, calculated as an average per manufacturing plant, per year:

- 30 % for contact sensitive packaging, except single use beverage bottles, made from polyethylene terephthalate (PET) as the major component;
- 7.5 % (compared to 10% proposed by the Commission) for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles.

Economic operators should be exempted from the obligation to meet the targets if, during a calendar year, they fall within the definition of microenterprise.

#### Labelling of packaging

Members suggested that 24 months after the adoption of the implementing acts, packaging placed on the market should be marked with a label containing information on its material composition in order to facilitate consumer sorting. The label should be exclusively based on pictograms and be easily understandable, including for persons with disabilities. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.

#### Packaging forum

As regards the establishment of the packaging forum, Members called on the Commission to ensure that there is a balanced participation of Member States representatives and all interested parties involved with the packaging industry, including waste treatment industry representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations.

#### Obligations related to refill

From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m<sup>2</sup> shall endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.

#### Re-use and refill targets

Economic operators, including online platforms, making large household appliances available on the market for the first time within the territory of a Member State should ensure that from:

- 1 January 2030, 50% of those products are made available in reusable transport packaging within a system for reuse;
- 1 January 2040, 90% of those products are made available in reusable transport packaging within a system for reuse.

#### Requirements for substances in packaging

Members suggested that food contact packaging containing intentionally added per- and polyfluorinated alkyl substances (PFASs) or Bisphenol A (BPA, CAS 80-05-7) should not be placed on the market from 18 months from the date of entry into force of this Regulation.

#### Plastic carrier bags

Very lightweight plastic carrier bags, below 15 microns, have a high potential to become waste and contribute to marine pollution, therefore Members considered that measures should be taken to restrict their placing on the market except for strictly necessary uses. Those plastic bags should not be placed on the market as packaging for bulk foodstuffs, except for hygienic reasons or for packaging wet bulk foodstuffs such as raw meat, fish or dairy products.

By 31 December 2027, the Commission should prepare a report on the need and feasibility of reducing the use of paper carrier bags and, where appropriate, submit a legislative proposal setting out targets for a paper carrier bags reduction and measures to achieve these targets.

#### Mandatory separate collection for packaging

The report proposed a separate collection target of 90% for 2029 regarding all types of packaging covered by the legislative proposal and no longer only for plastic beverage bottles under the single use plastics directive, in a bid to increase recycling rates and content in line with the wishes of the sectors concerned.

## Packaging and packaging waste

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The European Parliament adopted, by 426 votes to 125, with 74 abstentions, amendments to the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

The matter has been referred back to the committee responsible for interinstitutional negotiations.

#### Subject matter

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, prevention, reduction in unnecessary packaging, reuse or refill of packaging, collection, treatment and recycling of packaging waste.

#### Requirements relating to substances contained in packaging

Members called for food contact packaging containing intentionally added per- and polyfluorinated alkyl substances (PFAS) or bisphenol A not to be placed on the market within 18 months of the date of entry into force of the regulation.

#### Recyclable packaging

The new rules require all packaging to be recyclable, meeting strict criteria to be defined by secondary legislation. Some temporary exemptions are foreseen, for example for wood and wax food packaging.

By 1 January 2029, the Commission should adopt delegated acts to resolve the problems encountered in applying the provisions of the regulation, in particular to inert packaging materials placed on the market in the Union in very small quantities (i.e. around 0.1% by weight).

#### Minimum recycled content in plastic packaging

The amended text stipulated that from 1 January 2030, the plastic part in packaging placed on the market should contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging format, calculated as an average per manufacturing plant, per year:

- 30% for contact sensitive packaging, except single use beverage bottles, made from polyethylene terephthalate (PET) as the major component;
- 7.5% (compared to 10% proposed by the Commission) for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles.

Economic operators should be exempted from the obligation to meet the targets if, during a calendar year, they fall within the definition of microenterprise.

Contact-sensitive plastic packaging for foods intended for infants and young children and foods for special medical purposes covered by Regulation (EU) No 609/2013 would be excluded from the minimum recycled content requirement for plastic packaging. That exclusion should apply to inks, adhesives, paints, varnishes and lacquers used on packaging and for any plastic part representing less than 5% of the total weight of the whole packaging unit.

#### Labelling of packaging

Members suggested that 24 months after the adoption of the implementing acts, packaging placed on the market should be marked with a label containing information on its material composition in order to facilitate consumer sorting. The label should be exclusively based on pictograms and be easily understandable, including for persons with disabilities. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging. However, it applies to e-commerce packaging.

The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.

Reduce packaging, restrict certain types of use

Besides the overall packaging reduction targets proposed in the regulation (5% by 2030, 10 % by 2035 and 15 % by 2040), Members want to set specific targets to reduce plastic packaging (10% by 2030, 15% by 2035 and 20% by 2040).

Members proposed to ban the sale of very lightweight plastic carrier bags (below 15 microns), unless required for hygiene reasons or provided as primary packaging for loose food to help prevent food wastage. They also proposed to heavily restrict the use of certain single use packaging formats, such as hotel miniature packaging for toiletry products and shrink-wrap for suitcases in airports.

Refill obligations

From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m2 should endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.

By 24 months from the date of entry into force of this Regulation, the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away should provide a system for consumers to bring their own container to be filled.

Mandatory separate collection

By 1 January 2029, the final distributor making available on the market food and beverages filled and consumed within the premises in the HORECA sector should ensure that separate collection systems are set up for the different fractions of packaging waste materials, to help the consumer to sort packaging waste.

Members want EU countries to ensure that 90% of materials contained in packaging (plastic, wood, ferrous metals, aluminium, glass, paper and cardboard) is collected separately by 2029.

Transparency				
SARDONE Silvia	Shadow rapporteur	ENVI	05/12/2023	osservatorio plastica European Parliament Italy
BURKHARDT Delara	Shadow rapporteur	ENVI	20/11/2023	European Environmental Bureau
BURKHARDT Delara	Shadow rapporteur	ENVI	17/11/2023	Industriegewerkschaft Bergbau, Chemie, Energie
KATAINEN Elsi	Shadow rapporteur for opinion	AGRI	17/11/2023	McDonald's Global Franchising Limited
SARDONE Silvia	Shadow rapporteur	ENVI	17/11/2023	Money ed Parlamento Europeo
NISSINEN Johan	Shadow rapporteur	ITRE	16/11/2023	Huhtamäki Oyj
NISSINEN Johan	Shadow rapporteur	ITRE	16/11/2023	Skogsindustrierna
NIEBLER Angelika	Shadow rapporteur for opinion	ITRE	15/11/2023	Schwarz Unternehmenskommunikation International GmbH OETTINGER CONSULTING
KATAINEN Elsi	Shadow rapporteur for opinion	AGRI	14/11/2023	spiritsEUROPE
KATAINEN Elsi	Shadow rapporteur for opinion	AGRI	10/11/2023	European Paper Packaging Alliance
	Member	28/11/2023	BASF SE	
MARTUSCIELLO Fulvio	Member	22/11/2023	Seda International Packaging Group	

MILLER Leszek	Member	22/11/2023	CEC Group International Paper
BEGHIN Tiziana	Member	21/11/2023	CONFCOMMERCIO - IMPRESE PER L'ITALIA
COMI Lara	Member	21/11/2023	Flexible Packaging Europe FoodDrinkEurope TomatoEurope Processors Association
ZULLO Marco	Member	21/11/2023	Confindustria
SKYTTEDAL Sara	Member	20/11/2023	Livsmedelsföretagen
EROGLU Engin	Member	20/11/2023	Bundesverband Holzpackmittel, Paletten, Exportverpackung (HPE) e.V.
LIESE Peter	Member	17/11/2023	Verband Metallverpackungen e. V.
LUENA César	Member	17/11/2023	Fenaval