

12 key measures of the European Regulation on Packaging and Packaging Waste

Based on the text formally adopted by the European Parliament on 24 April, and pending adoption by the Council of the EU in the second half of 2024

Purpose of the Regulation

- To amend the 2018 Packaging Directive, which was transposed in Spain through Royal Decree 1055/2022 on Packaging and Packaging Waste.
- To prevent the generation of packaging waste, promote high-quality recycling and create a market for secondary raw materials.
- To establish sustainability requirements and restrictions for certain chemicals, as well as harmonized criteria for extended producer responsibility systems, the marking and labelling of packaging, and reporting requirements.

The Regulation will be applicable 18 months after its entry into force and will lead, in coming years, to the drafting of numerous delegated and implementing acts, which will be needed to implement many of the requirements of the new obligations.

12 key measures of the European Regulation on Packaging and Packaging Waste

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Requirements for substances present in packaging (Art. 5)

The sum of the concentrations of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or in its components shall not exceed 100 mg/kg.*

Starting 18 months from the date the Regulation goes into effect,

packaging intended to come into contact with food shall not be placed on the market if it contains PFAS at a concentration equal to or greater than the following limit values:

- 25 ppb for all PFAS measured with PFAS-specific analyses (excluding polymeric PFAS from the quantification).
- 250 ppb for the sum of the PFAS, measured as the sum of the PFAS-specific analyses, optionally with a prior degradation of precursors (excluding polymeric PFAS from the quantification).
- 50 ppm for PFAS (including polymeric PFAS); if the total amount of fluorine exceeds 50 mg/kg, the manufacturer, importer or intermediate user shall provide the enforcement authorities, upon request, with a test of the amount of fluorine measured as content of a PFAS or another substance.

* Without prejudice to the restrictions relating to chemicals contained in Annex XVII of Regulation (EC) No 1907/2006 or, where applicable, the restrictions and specific measures relating to materials and articles in contact with food referred to in Regulation (EC) No 1935/2004



Recyclable packaging

(Art. 6)

All packaging placed on the market will be recyclable.
To this end:



Delegated act to be adopted by the EC no later than 2028, in collaboration with European standards organizations

2030 or 2 years after the entry into force of the delegated act
(if later)

Their design must facilitate the recycling of materials.

The recycling of the packaging material allows the resulting secondary raw materials to be of sufficient quality with respect to the original material to replace virgin raw materials.

- It will be expressed in recyclability performance grades: A, B or C.

Grade A:
≥ 95%
recyclability.

Grade B:
≥ 80%
recyclability.

Grade C:
≥ 70%
recyclability.

- **Starting in 2030, or 24 months after the delegated acts go into effect**, packaging that is not of grade A, B or C will not be placed on the market.
- **From 2038**, only packaging of grades A or B can be placed on the market.



Implementing act to be adopted by the EC no later than 2030

2035 or 5 years after the implementing act goes into effect
(if later)

They must be recycled at scale.

Once the packaging becomes waste, it can be collected separately, sorted into specific waste streams without affecting the recyclability of other waste streams, and recycled at scale.

The calculation methodology will take into account the packaging categories in Tables 1 and 2 of Annex II, as well as the recycling performance grades based on Table 3 and the parameters listed in Table 4 for each category.

Ecomodulation



- **18 months after** the delegated acts and implementing acts go into effect, the financial contributions paid by producers to meet their EPR obligations will be modulated based on the recyclability performance grades.

Relevant exceptions



- **Innovative packaging:** From 1 January 2030, innovative packaging that does not meet requirements may be placed on the market for a maximum of five years.
- **Packaging for transporting dangerous goods.**
- **Sales packaging made of lightweight wood, cork, fabric, rubber, ceramic, porcelain or wax** (although fee modulation applies).



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Minimum recycled content of plastic packaging (Art. 7)

Targets for the minimum percentage of recycled content recovered from post-consumer plastic waste



Implementing act to be adopted by the EC no later than 2026 with the methodology to calculate the targets.

Review and legislative proposal 3 years after the entry into force of the Regulation to introduce targets to increase the use of raw materials of biological origin in plastic packaging, among other elements (Art. 8).

by packaging type and format, as per Table 1 of Annex II, calculated as an average per manufacturing plant and year and applicable to the plastic part of the packaging placed on the market:

Type of packaging	2030 or 3 years after the entry into force of the implementing act	2040
Plastic packaging suitable for contact, with PET as the main manufacturing component*	30%	50%
Plastic packaging suitable for contact whose main manufacturing component is not PET*	10%	25%
Single-use plastic beverage bottles	30%	65%
Plastic packaging other than the above	35%	65%

* Except single-use plastic beverage bottles

Ecomodulation



- The financial contributions paid by producers to comply with their EPR obligations may be modulated based on the percentage of recycled content present in the packaging.

Relevant exceptions



- Compostable plastic packaging.
- Packaging used to transport dangerous goods.
- Packaging intended to come into contact with food if the amount of recycled plastic poses a risk to human health.
- Any plastic part of the packaging that accounts for less than 5% of the total weight of the packaging unit.



Compostable packaging

(Art. 9)



Compulsory compostable packaging*

Three years after the entry into force of the Regulation

the following packaging must be compostable:

- **Adhesive labels** attached to fruits and vegetables.
- **Permeable bags** of tea, coffee or other drinks, or any **single-dose unit** of a tea, coffee or other beverage system containing said product that softens after use, and which is intended to be used and disposed of together with the product.

* They will be compatible with the rules for composting in facilities for treating bio-waste under industrially controlled conditions and, when required by the Member States, with home composting standards.

Packaging that each Member State can require to be compostable*

- **Non-permeable single-dose units** of a tea, coffee or other beverage system, intended for use in a machine and that are used and disposed of together with the product, provided they are not made of metal.
- **Lightweight and very lightweight plastic bags.**
- **Packaging that was compulsorily compostable** nationally before the date of application of the Regulation.

* If the Member State allows waste with similar biodegradability and compostability properties to be collected together with bio-waste, and adequate waste collection systems and treatment infrastructure are available.

Other packaging

36 months from the entry into force of the Regulation

all other packaging, including packaging made from plastic polymers and other biodegradable materials, **will allow materials to be recycled without affecting the recyclability of other waste streams.**

★ *Within one year of the entry into force of the Regulation, the EC will ask the European standards organizations for:*

- *Detailed technical specifications on the requirements for compostable packaging.*
- *Detailed technical specifications on the requirements relating to home composting.*



Minimization of packaging (Art. 10)

Obligation relating to excessive packaging (Art. 24)

Minimization of packaging

By 1 January 2030

the manufacturer or importer shall ensure that the packaging placed on the market is **designed such that its weight and volume are reduced to the minimum necessary to ensure its functionality**, taking into account the packaging shape and material.

They will have to meet the functionality criteria in Annex IV and may not include features that only serve to increase the perceived product volume (double walls, unnecessary layers, etc.).

- ★ *No later than 2 years after the entry into force of the Regulation, the EC will ask the European standards bodies to prepare or update harmonized standards that lay out the methodology for calculating these requirements. For the most common packaging types and formats, said standards should specify the appropriate maximum weight and volume limits and, if applicable, the wall thickness and maximum empty space.*

Relevant exceptions



- **Packaging with designs protected by Council Regulation 6/2002** prior to the entry into force of the Regulation.
- **Packaging whose shape is a registered trademark** under Regulation 2017/1001 or Directive 2015/2436 prior to the entry into force of the Regulation.
- **Packaging of products subject to EU-protected geographical indications** prior to the entry into force of the Regulation.

Obligation on excessive packaging

No later than 2030 or 36 months from the entry into force of the delegated act

economic operators who fill packaging in collective packaging, **transport packaging or packaging for electronic commerce, must ensure that the empty space does not exceed 50%**

Relevant exceptions to the 50% empty space



- Sales packaging used as **e-commerce packaging**.
- Reusable packaging that is **part of a reuse system**.

No later than 36 months from the entry into force of the Regulation

the agent filling **sales packaging shall ensure that the empty space is reduced to the minimum** necessary to ensure the functionality of the packaging, including the protection of the product.

Space filled with paper strips, air pads, bubble wrap, foam rubber sheets, foam fillers, wood chips, expanded polystyrene or polystyrene chips = empty space.

- ★ *No later than 3 years after the entry into force of the Regulation, the EC may adopt implementing acts to establish the method for calculating the empty space.*

Labelling of packaging (Art.12)

Material composition

Mandatory 42 months after the date of entry into force of the Regulation, or 24 months after the date of entry into force of the implementing act, if later:

All packaging:

marked with an information label on the material composition to facilitate separation by the consumer. It will be based on pictograms and be easy to understand, for people with disabilities as well.

Compostable packaging:

label indicating if the material is compostable, if it is not suitable for home composting or if the compostable packaging should not be discarded in the environment.

Relevant exceptions



- Transport packaging (except e-commerce packaging).
- Packages subject to a DRS, which will bear a specific label.

- In addition, economic agents may place a QR code or other type of digital data format on the packaging containing information on the destination of each component of the packaging to facilitate separation by consumers.

Reusable Packaging

Mandatory 48 months after the date of entry into force of the Regulation, or 30 months after the date of entry into force of the implementing act, if later:

Label indicating reusability.

QR Code or other digital data format,

that is open and standardized, with information on the availability of a local, national or EU reuse system and on collection points. It must facilitate the tracking of the packaging and the calculation of rotations or an average estimate.

- The requirement to have a label and QR code will not apply to open circuit systems that do not have an operator.



Labelling of packaging (Art.12)

DRS packaging

DRS Label

Packaging subject to DRS must be marked with a clear and unambiguous label.

Colour Label

In addition to the national label, the packaging may be marked with a colour label standardized in the relevant implementing act.

EPR Marking

- No later than 2 years from the entry into force of the Regulation, the packaging included in an ERP system must be identified throughout the territory of the Member States in which said regime is applied only with a **QR code or other standardized digital marking technology** to indicate that the producer complies with its EPR obligations.



Standard labelling (art. 12.6)



No later than 18 months from the entry into force of the Regulation, the EC shall adopt implementing acts to:

Establish a standard label

and specifications for the labelling requirements and formats of the affected packaging.

Establish the measurement methodology

to identify the composition of the packaging material.

Labelling of packaging (Art.12)

Packaging (Art.13)

Mandatory for Member States 42 months after the date of entry into force of the Regulation, or 30 months after the date of entry into force of the implementing act, if later:

Standard label or marking on all packaging

that allows the separate collection of each specific fraction of material from the packaging waste expected to be disposed of in separate bins.

A packaging waste bin can have more than one label.



No later than 18 months from the entry into force of the Regulation, the EC shall adopt implementing acts to establish a standard label and specifications for marking bins.

Environmental claims

Environmental claims relating to the properties of packaging for which statutory requirements are set out in the Regulation may be made if the following requirements are met:

They are made only in relation to the properties

of the packaging that exceed the minimum requirements laid out in the Regulation.

The claims specify if they refer to:

a packaging unit, a part of the packaging unit or all the packaging placed on the market by the producer (Art. 14).

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Restrictions on the use of certain packaging formats (Art. 25 / Annex V)



Single-use plastic packaging filled and consumed in HORECA

Plastic packaging for food and beverages filled and consumed within HORECA premises. Establishments that do not have access to drinking water are exempt.



Plastic packaging containing individual doses or servings, used for condiments, preserves, sauces, coffee milk, sugar and dressings in the HORECA sector

Except for packaging offered together with prepared takeaway food intended for immediate consumption without further preparation.



Single-use plastic packaging for pre-packaged fresh fruits and vegetables of less than 1.5 kg.

Member States may establish exceptions if there is a demonstrated need to avoid water loss or loss of turgor, microbiological risks or physical impacts, among others.



Single-use packaging for the lodging sector intended for an individual booking

Packaging for cosmetic, hygiene and grooming products intended for individual bookings in the lodging sector.

May not be placed on the market from 2030



Single-use collective plastic packaging

Used at the point of sale to bundle products sold in **bottles, cans, jars, tubs, and packages** designed as convenience packaging to allow consumers to purchase more than one item. Collective packaging necessary to facilitate handling is excluded.



Very lightweight plastic bags

Unless they are needed for hygiene reasons or as primary packaging for bulk food when this helps to avoid food waste.



Member States may maintain the restrictions adopted before 1 January 2025 for the same packaging formats but made of different materials.

Relevant exceptions

- Micro-enterprises affected by the ban on single-use plastic packaging in HORECA (point 3 in Annex V), if they demonstrate that it is not technically feasible not to use packaging or access the infrastructure needed to operate a reuse system.



Reuse targets

(Art. 29)

Transport packaging or sales packaging used to transport products in Union territory:

pallets, folding plastic boxes, boxes, trays, plastic storage boxes, intermediate containers for bulk, buckets, drums and cylinders of all sizes and materials, including flexible formats or wrappers and straps to stabilize and protect products placed on pallets during transport.

2030
(Mandatory)

40%

2040
(Aspirational)

70%

Transport packaging or sales packaging used for transport within the EU between different locations of the agent; or between its locations and those of any other related or associated company

2030*

The packaging must be reusable within a reuse system

Transport packaging or sales packaging to deliver products to another economic operator within the same Member State

2030*

The packaging must be reusable within a reuse system

*Pending confirmation of whether it would apply, instead, 18 months after the entry into force of the Regulation.

Relevant exceptions



- Packaging used to transport dangerous goods.
- Packaging used to transport machinery, equipment and products on a large scale, whose packaging is custom designed.
- Packaging in a flexible format, used for transport, that is in direct contact with food and feed.
- Packaging in the form of cardboard boxes.



Reuse targets

(Art. 29)

Collective packaging in the form of boxes

used outside the sales packaging to group a certain number of products in order to make up a storage or distribution unit.

2030
(Mandatory)

10%

2040
(Aspirational)

25%

Relevant exceptions

- Packaging in the form of cardboard boxes.



Packaging for alcoholic and non-alcoholic beverages in sales packaging

From 2030, the responsibility of the final distributor who markets it in a Member State. The final distributor will contribute an equitable proportion to achieving the targets through products packaged under its brand. From 2040, the aspirational targets apply to economic agents.

2030
(Mandatory)

10%
Volume /
Sales
Units

2040
(Aspirational)

40%
Volume /
Sales
Units

Relevant exceptions

- Highly perishable beverages, milk and dairy products, wine products (wine, liqueur wine, sparkling wine, among others), aromatized wine products and the like, alcohol-based spirits with combined nomenclature 2208.



Reuse targets (Art. 29)

Obligations of distributors

End distributors will recover free of charge all reusable packaging

of the same type, shape and size as the packaging they put on the market, within that specific reuse system at the point of sale and ensuring its return throughout the distribution chain.

They will fully reimburse the associated deposits or take measures to report the return of the packaging.

End distributors will be exempt from meeting the targets for

alcoholic and non-alcoholic beverages if they have a retail area not exceeding 100 m². Member States may exempt them if their sales area is located on an island with a population of less than 2,000 inhabitants or in a municipality with a population density of less than 54 persons/km².

Member States may allow final distributors to form pools

not to exceed 40% of the market share of the corresponding beverage category, and consisting of a maximum of 5 end distributors. These pool may only cover the categories of beverages marketed in the territory of a Member State by all the members of the pool.

General exceptions to reuse targets



- **Economic agents** that do not place on the market more than **1,000 kg of packaging** annually in the territory of a Member State and are **microenterprises**.
- **For a renewable period of 5 years**, economic operators in a Member State that is five percentage points above the recycling targets for packaging waste by material **set for 2025**, and that is expected to be five percentage points above **the 2030 target**; is on track to meet the prevention targets of Art. 43 and can demonstrate that it has achieved at least 3% waste prevention by **2028 vs. 2018**; the economic agent has adopted a corporate prevention and recycling plan.



Member States may maintain the restrictions adopted before 1 January 2025 for the same packaging formats but made of different materials.

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Reuse targets (Art. 29)

Obligations of the take-away sector (arts. 32 and 33)

The final distributor of the HORECA sector that sells, in takeaway packaging, cold or hot drinks or meals prepared and ready-to-eat immediately at the point of sale must:

2 years from the entry into force of the Regulation

provide a system for consumers to bring their own container to fill the packaging.

3 years from the entry into force of the Regulation

offer consumers the option to use packaging within a reuse system.

In addition, the economic operator (that performs activities involving take-away products) will strive to offer

from 2030

10% of its products in a reusable packaging format.

The products offered through these systems may not be more expensive than those provided in single-use packaging.



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Prevention of packaging waste

(Art. 43)

Each Member State shall reduce the packaging waste generated per capita relative to packaging waste generated per capita in 2018, as reported to the Commission pursuant to Decision 2005/270/EC, by at least:

2030
5%

2035
10%

2040
15%

To reach those goals,

each Member State will strive to reduce the amount of plastic packaging waste generated.



The EC will develop, 2 years after the entry into force of the Regulation, an implementing act with a correction factor that accounts for the level of tourism.



Member States will be able to set more ambitious targets and must implement additional measures to reduce the generation of packaging waste and minimize its environmental impact. These measures may involve the use of economic incentives, green public procurement or **incentives through EPR systems**. They should be proportionate and non-discriminatory, and not create barriers to the internal market.



Extended Producer Responsibility

(Art. 45)

EPR costs

In addition to those laid out in the Waste Framework Directive, producers must bear:

The cost of labelling bins

for collecting packaging waste

The cost of conducting studies

on the composition of mixed municipal waste

Member States will ensure that

EPR systems and deposit and refund systems allocate a minimum percentage of their budget to finance reduction and prevention measures (Art. 51)

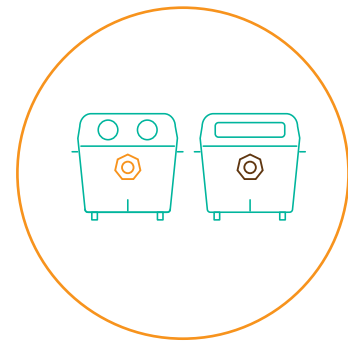
The costs to be covered will be established in a transparent, proportional, non-discriminatory and efficient manner.

Authorized representative for the EPR

Each producer established in the EU must designate an authorized EPR representative in each Member State other than the one in which it is established and where it makes packaging available for the first time.

Member States may allow

third-country producers to designate, by written mandate, an authorized representative of the EPR.



Online platform providers

They must obtain the following information from producers offering packaging to consumers located in the Union, before allowing them to use their services:

Information on registering

the producer in the register of producers in the Member State where the consumer is located and the registration number is issued.

Self-certification

of compliance with the packaging EPR in the Member State where the consumer is located.

When a producer sells its products through an online marketplace, the EPR obligations may be fulfilled by the provider of the online platform, on behalf of the producers, via a written mandate.

Return and collection systems (Art. 48)

Member States will ensure that:

systems and infrastructures are established to provide for the separate return and collection

of all packaging waste so it can be more easily processed for proper reuse and recycling.

- **Exceptions are allowed for certain formats** as long as the joint collection with other waste does not affect the recycling operations, and the quality is comparable to that of the separate collection.

packaging that meets the design criteria for recycling

is collected for recycling. Incineration or dumping of said packaging will not be permitted.

comprehensive collection and sorting infrastructures are implemented

to facilitate recycling, and ensure the availability of plastic raw material for recycling.

These systems may grant priority access to recycled materials

for use in similar applications with a minimal loss of quantity, quality or function.



In addition, Member States may ensure that packaging waste that is not collected separately is sorted prior to disposal or energy recovery operations to recover waste from packaging designed to be recycled.

Mandatory collection targets

**No later than
1 January 2029**

Member States shall adopt mandatory collection targets and take the necessary measures to ensure that the collection of the different materials is **consistent with the recycling targets and with the mandatory recycled content targets (Art. 49)**



Deposit and return systems (DRS) (Art. 50)

**No later than
1 January 2029**

Member States shall ensure the separate collection by weight of 90%

of single-use plastic beverage bottles and single-use beverage metal containers with a capacity of up to 3 L.

to achieve this, they will establish a DRS

for said packaging formats and **ensure that a deposit is charged** at the point of sale, ensuring the minimum requirements of Annex X.



unless the Member State meets 2 requirements:

- **It reaches a separate collection rate** for the aforementioned containers of more than **80% by 2026**
- **No later than 1 January 2028**, it submits to the EC its exemption request, together with an action plan to ensure the separate **collection target by 2029**



If the separate collection rate decreases and remains below 90% by weight for a given packaging format for three consecutive years, **the exemption will no longer apply.**

The DRS must be set up **no later than 1 January of the second calendar year following the year** in which the Commission notified the State.

Member States shall endeavour to establish and maintain a DRS, particularly for single-use glass beverage bottles and beverage cartons.

Relevant exceptions

- Wine, wine product categories, aromatized wine products, and the like obtained from fruits other than grapes and from vegetables, and other fermented beverages
- Alcohol-based spirits
- Milk and milk-based products



Each Member State may apply the DRS to excepted products and to packaging for other products and materials.



Glossary

Abbreviations

ECEuropean Commission
EPRExtended Producer Responsibility
DRSDeposit and Return System

Terms

Delegated act:

non-legislative act adopted by the European Commission to supplement or amend certain non-essential elements of a legislative act (e.g., regulations or directives). They may only be of general scope and may add, amend, delete or replace non-essential elements of the base legislative act. Unless adopted under the urgency procedure, they will enter into force only if no objection has been expressed either by Parliament or the Council. They require the Commission to consult expert groups prior to adoption, although the formal opinion of a committee is not necessary.

Implementing act:

non-legislative act adopted by the European Commission when it is necessary to ensure uniform and harmonized conditions for the implementation of a legislative act. In the vast majority of cases, implementing powers are conferred to the Commission, although in duly justified cases and in those provided for by the Treaties (Arts. 24 and 26 of the Treaty on European Union) will be conferred to the Council. Their scope may be general or individual, and they may not add, delete or modify elements of the basic act, and must be limited to executing the content thereof without modifying its essence.

Packaging suitable for contact:

packaging that is intended to be used with products included in the scope of application of legislation relating to additives in animal feed; materials and objects intended to come into contact with food; the marketing and use of feed; cosmetic products; medical devices; in vitro diagnostic medical devices; the manufacture, marketing and use of medicated feed; veterinary medicines; the land transport of dangerous goods; and others (see Art. 3 (10) of the Regulation).

Sales packaging:

any packaging designed so that the products and packaging constitute one unit of sale for the end user at the point of sale (see Art. 3 (4) of the Regulation).



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ecoembes
The power of collaboration

If you need more information,
contact us at
atencionalcliente@ecoembes.com
900 848 382

