

Our position

Proposal for amendments on the Revision of Directive 94/62/EC on Packaging and Packaging Waste (PPWR)

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Executive summary

The proposed Packaging and Packaging Waste Regulation (PPWR) presents a significant opportunity to improve the Single Market, align EU packaging regulations and decrease market fragmentation. If well designed, this regulation could be a crucial driver for circularity by promoting economies of scale and ensuring a climate-neutral Europe. To this end, the legislation's main priorities should be to harmonise packaging rules across the EU by simplifying labelling and sorting instructions, improving separate waste collection and promoting large-scale recycling of packaging. A comprehensive and science-based approach is essential when evaluating any proposed measures, and it is vital for lawmakers to use impact assessments and allow for sufficient transition periods for this purpose.

Introduction

The European Commission proposal to transform the Packaging and Packaging Waste Directive into a regulation provides an opportunity to further enhance the Single Market, better align EU packaging rules and reduce market fragmentation. The amendments below seek to promote harmonisation, legal certainty, science-based assessments and realistic transition periods to ensure the realisation of these opportunities.

Labelling

European Commission proposal

Proposed amendment

| Recital 44 | |
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| <p>It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised, labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.</p> | <p>It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised, format neutral labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.</p> |
| <p><i>Justification:</i></p> <p>For clarification purposes: the labelling format should be technology neutral. Specifically mentioning both physical and digital formats in the text would support harmonisation.</p> <p>Allowing digital labels can improve accessibility, reduce waste, spur innovation and modernise the labelling process, all of which can contribute to more sustainable packaging practices. Using digital labels as an alternative to physical labels would also provide greater flexibility for companies in complying with regulations. Many companies have already invested in information technology infrastructure and resources</p> | |

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| <p>to comply with existing national laws, which allow the use of digital channels. They should be able to keep producing the labels in digital format, as has all been allowed in Art. 11a in the Revision of Regulation (EU) 2019/1009 on digital labelling of EU fertilizing products. Finally, including a digital format would support the digital transition and align with European Green Deal objectives.</p> | |
| <p>Recital 49</p> | |
| <p>To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.</p> | <p>To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be displayed through digital means or in accompanying documents and should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.</p> |
| <p><i>Justification:</i></p> | |
| <p>Member States should not be allowed to introduce their own labelling requirements to identify extended producer responsibility (EPR) schemes, as it is contrary to the spirit of harmonisation. As an example, this could lead to 27 different mandatory EPR symbols on-pack if manufacturers want to access the EU market. Different Member State labelling requirements would continue to fragment the Single Market, would add extra labelling obligations and could be misinterpreted as a sorting label, confusing consumers (similar to the Green Dot).</p> <p>To avoid this, requiring a harmonised EU EPR symbol would prove a company is registered with an eco-organisation. The symbol could be displayed in accompanying documents or digitally. In this way, a company could prove that it is registered and up-to-date with its eco-contribution without increasing its packaging size or adding extra symbols to the packaging.</p> | |
| <p>Article 3 (40)</p> | |
| <p>(40) contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746,</p> | <p>(40) contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746,</p> |

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| <p>(EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;</p> | <p>(EU) 2019/4, (EU) 2019/6, (EU) 2016/425, Directive 2001/83/EC, or Directive 2008/68/EC;</p> |
| <p>Personal protective equipment (PPE) under regulation (EU) 2016/425 needs to fulfil safety criteria to ensure it meets health and safety standards and protects workers. The packaging of products under the PPE Regulation 2016/425 should therefore be considered as contact-sensitive plastic packaging. Packaging is important for the PPE performance because:</p> <ul style="list-style-type: none"> • As for medical devices, some PPE are used in environments where a high level of hygiene, cleanliness and sterility is required (eg in the food contact industry, pharmaceutical industry and veterinarian products industry). In addition, PPE might come into close contact with skin or the respiratory tract (eg respirators, earplugs, gloves, etc). • Chemical reactions can reduce the performance of some PPE. As examples, filters with chemical-activated carbon for respirators can react to humidity or oxygen, and polyvinyl alcohol (PVA) gloves dissolve in water, meaning they do not perform as well under humid conditions when they are not stored in closed bags. • Some industries require clean room applications for particle contamination control in the manufacturing of goods (eg electronic manufacturing). • PPE used in healthcare settings can have a dual function (also medical device). | |
| <p>Article 4 (4)</p> | |
| <p>(4) In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.</p> | <p>(4) In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.</p> |
| <p><i>Justification:</i></p> <p>The revision of Packaging and Packaging Waste Directive is an opportunity to introduce harmonised rules across the EU and strengthen the Single Market. Once the PPWR enters into force, it will prevail over any existing national sustainability requirements. To ensure legal certainty, Member States should not be allowed to introduce any new national sustainability requirements other than those stated in this Regulation. Any existing national requirements that Member States choose to maintain should apply on a purely voluntarily basis; companies that do not meet those national requirements should not be prohibited, restricted or impeded from placing packaging on the market that complies with the PPWR's requirements.</p> | |
| <p>Article 4 (5)</p> | |
| <p>(5) In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility</p> | <p>[DELETED]</p> |

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| <p>scheme or a deposit and return system other than those referred to in Article 44(1).</p> | |
| <p style="text-align: center;"><i>Justification:</i></p> <p>This paragraph should be deleted to avoid the risk of divergent national measures for packaging, which would disrupt the EU Single Market and create an overly complex regulatory environment for businesses.</p> | |
| <p style="text-align: center;">Article 11</p> | |
| <p>(1) From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.</p> | <p>(1) From {OP: Please insert the date = 42 months after the entry into force of this Regulation}, 36 months after the publication of the implementing acts in paragraph 5 and 6, packaging shall be marked with a label information on the material composition of packaging shall be marked on the packaging or shall be available through digital means according to art 11(4). containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.</p> |
| <p>(2) From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.</p> | <p>(2) From {OP: Please insert the date = 48 months after the entry into force of this Regulation} 36 months after the publication of the implementing acts referred to in paragraph 5}, information on packaging reusability shall be marked on a label on packaging reusability and, and/or shall be available through a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Manufacturers should be allowed 36 months to adjust their product and manufacturing process to comply with the new labelling requirements. The complexity of the supply chain impacts the timeframe and the processes to collect information from multiple packaging suppliers, make the necessary calculations, complete documentation and change the artwork. As labels are not changed every year for all products, and as there are likely to be technical bottlenecks (eg limited number of printers) due to economic operators changing their artwork to implement the new measures, the Commission should consider a longer transition period. This would also help manufacturers to make both the required changes and the additional new labelling measures introduced through sectoral</p> | |

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| <p>or product-specific legislation (eg Detergents Regulation, Cosmetic Products Regulation and initiatives announced under the Farm to Fork Strategy).</p> <p>The 36-month transition period should be linked to the date of the entry into force of the Commission’s implementing acts to give manufacturers certainty about the new measures’ date of the application. If the manufacturers’ timeline is not linked to the adoption of the implementing measures, a delay from the Commission on the adoption of the implementing acts would impact the industry’s ability to bring production lines into compliance with the new requirements within a short timeframe. This could even force manufacturers to sticker or destroy pre-ordered packaging, which is contrary to the PPWR proposal's objectives.</p> <p>Moreover, it is preferable to use digital solutions such as QR codes instead of physical printing on the packaging to provide mandatory information about the packaging material composition as well as for voluntary information on the recycled content. These digital solutions should mirror those foreseen for information on packaging reusability under Art.11 (2). This is particularly relevant for packaging which has significant space limitation as it is the case for the packaging of products required to carry other mandatory product labelling, such as health warnings, disclosures of ingredients and product composition under other established EU regulations.</p> | |
| <p>[NEW]</p> | <p>(3) Packaging referred to in paragraphs 1, 2 and 3, manufactured or imported before these deadlines, may be marketed until the stocks of the products are exhausted.</p> |
| <p><i>Justification:</i></p> <p>Manufacturers should be allowed to use and place on the market existing stocks of packaging that were pre-ordered before the entry into force of the new labelling requirements. This would allow manufacturers to exhaust their packaging stocks without destroying them.</p> | |
| <p>(4) Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.</p> | <p>(4) Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging or due to other mandatory labelling requirements laid down in other EU legislation, they shall be affixed to the grouped packaging or provided via digital means.</p> <p>Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging.</p> <p>From [Please insert the date = 24 months after the entry into force of this Regulation] the Commission</p> |

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| | <p>shall adopt guidance regarding provision of information by digital means.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Many consumer products have significant on-pack space limitations and must comply with the sometimes extensive labelling requirements of other applicable legislation. In such cases, it is difficult or even impossible to legibly label on-product/on-pack. Adding a layer of packaging or other material means (eg leaflets, tags, etc) would impact the environment and run counter to the PPWR's objectives. Digital means are the only solution for effectively communicating the required information to consumers or other end users while avoiding additional environmental impacts. It is essential to provide guidelines on digitalisation at the EU level to avoid misinterpretation.</p> <p>The Regulation should allow manufacturers to provide the information via digital means on small packaging where there is limited space and where it is not possible to affix the label or information to the grouped packaging, and where there are additional sectoral or product-specific labelling requirements. In addition, the proposal should align the definition of 'small packaging' with existing legislation (eg Food Information to Consumers) to bring legal certainty to economic operators.</p> | |
| <p>(5) By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste EN 63 EN receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p> <p>(6): <i>“By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies...”</i></p> | <p>(5) By [OP: Please insert the date = 1812 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of or the digital provision of information related to packaging referred to in paragraphs 1 to 3 and the labelling of waste EN 63 EN receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p> <p>(6): <i>“By [OP: Please insert the date = 2424 12 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies...”</i></p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The European Commission's timeline for the adoption of the implementing acts should be shortened to ensure certainty and provide enough time for manufacturers to modify their artwork to comply with the new labelling requirements.</p> <p>A harmonised EU label that prevails over national labelling rules would prevent manufacturers from having to redesign packaging for specific national markets or use stickers, leading to more packaging waste, as bigger packaging would be needed to accommodate all the marking requirements or create unnecessary stickers. A harmonised label would also prevent other negative impacts on the environment, such as difficulty moving unsold stock and destroying unsold items. A harmonised solution is necessary to prevent</p> | |

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| <p>Member States from adopting national labelling requirements and would allow free movement of goods within the EU market.</p> | |
| <p>(7) Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.</p> | <p>(7) Without prejudice to requirements concerning other harmonised EU labels, economic operators, Producer Responsibility Organisations and Member States shall not provide or display or require to provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation. Such labels, marks, symbols or inscriptions that are in use immediately prior to the entry into force of this Regulation shall be phased out in accordance with the obligations and labelling requirements set out in this Regulation and shall not, for the duration of the phasing out, constitute a label, mark, symbol or inscription that is likely to mislead or confuse consumers or other end users as set out herein.</p> <p>From [OP: Please insert the date = 24 months after the entry into force of this Regulation] the Commission shall adopt guidance regarding aspects that are likely to mislead or confuse consumers or other end users.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The Regulation should clarify that all stakeholders, namely economic operators, producer responsibility organisations (PROs) and Member States shall not provide, display or require to provide or display labels, marks, symbols or inscriptions which would likely mislead the consumer.</p> <p>In addition, it is necessary to clarify that labels, marks, symbols or inscriptions shall be phased out in accordance with the obligations set out in Art.11 (1). If this is not specified, this provision would apply from the entry into force of the Regulation (hence, before the entry into force of the labelling requirements mentioned in Art.11[1]). This could double packaging manufacturers’ workload, since they would be forced first to remove the labels and then changes their artwork to comply with the labelling requirements set out under Art.11.</p> <p>Finally, in the interest of legal clarity, the European Commission should provide economic operators with guidance on what aspects of their labels, marks, symbols or inscriptions are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options for which harmonised labelling has been laid down in this Regulation.</p> | |
| <p>(8) Packaging included in an extended producer responsibility scheme or covered by a deposit and</p> | <p>(8) Packaging included in an extended producer responsibility scheme or covered by a deposit and</p> |

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| <p>return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.</p> | <p>return system other than that referred to in Article 44(1) may shall be identified by means of a corresponding harmonised symbol throughout the territory in which that scheme or system applies to be established via an implementing act by the Commission in accordance with the examination procedure referred to in Article 59 (3). That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Harmonised labelling rules across Member States are essential to avoid divergent national measures for packaging, which disrupt the EU Single Market and create an overly complex regulatory environment.</p> | |
| <p style="text-align: center;">Article 65 (2)</p> | |
| <p>It shall apply from [OP: Please insert the date = 12 months after the date of entry into force of this Regulation].</p> | <p>It shall apply from [OP: Please insert the date = 24 months after the date of entry into force of this Regulation].</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The Regulation should apply 24 months after the date of entry into force of this Regulation, as all economic operators will need time to adapt to the new legal requirements and put in place those systems and processes that will allow them to comply with the Regulation.</p> | |

Packaging efficiency

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| <p style="text-align: center;">Article 9</p> | |
| <p>(1) Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.</p> | <p>(1) By 1 January 2030, packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of, for a given material and a given shape and in accordance with the definition of packaging in Article 3(1) and the obligation in Article 6 that all packaging be recyclable.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The development of new packaging follows an annual cycle and is a highly complex process optimised in all aspects. Designing that packaging so that its weight and volume are reduced to the minimum necessary for</p> | |

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| <p>functionality for a given material and a given shape would both maintain flexibility in packaging design and minimise packaging material. Moreover, realistic transition periods are necessary to comply with the new rules on packaging minimisation. The Commission proposal stipulates packaging minimisation rules apply 12 months after entry into force. This timeframe is, however, unrealistic, as economic operators need more time to develop design alternatives, change manufacturing lines where needed and phase out the packaging types in scope. A suitable transition period would last until 1 January 2030, as suggested in the amendment.</p> <p>Moreover, the Commission must address the potential conflict between the recyclability imperative within Art.6 and the minimisation imperative within Art.9. In general, the smaller an item, the greater the chance it will not be recycled effectively. The minimisation imperative could therefore compromise recyclability unless explicit guidance is available to address the potentially competing obligations.</p> <p>NB: See also amendment to Art.6(8).</p> | |
| <p>(2) Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.</p> | <p>(2) By 1 January 2030, packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation or any other intellectual property rights.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>To better protect the EU’s heritage and creativity – through design, regional specificities and expertise – as well as citizens from counterfeit products, the draft proposal should be more ambitious and encompass all intellectual property rights as defined in the Agreement on Trade-Related Aspects of Intellectual Property Rights as well as other quality certifications recognised by the EU regarding regional skills and know-how clusters such as the UNESCO Lists of Intangible Cultural Heritage.</p> <p>Furthermore, some products are fragile and need to be well-protected during transport and comply with their sectoral safety legislation, which includes packaging. In some cases, what is perceived as ‘excessive packaging’ is necessary to protect products during transportation and storage. For example, double walls are often used for ties that secure the product inside the packaging. If these ties pass through the packaging’s external wall, it significantly increases the risk of tampering with the product.</p> <p>Finally, realistic transition periods are necessary to comply with the new rules on packaging minimisation. The Commission proposal stipulates that packaging minimisation rules apply 12 months after entry into force. This timeframe is, however, unrealistic, as industry needs more time to develop design alternatives, change manufacturing lines where needed and phase out the packaging types in scope. A suitable transition period would last until 1 January 2030, as suggested in the amendment.</p> | |
| <p>(3) Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:</p> | <p>(3) By 1 January 2030, empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:</p> |

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| <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p> | <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics taking into account the performance of secondary and transport packaging within an integrated whole system approach;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p> <p>Space necessary to comply with the performance criteria in Annex IV shall not be considered as empty space.</p> |
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Justification:

Realistic transition periods are necessary to comply with the new rules on packaging minimisation. The Commission proposal stipulates that packaging minimisation rules apply 12 months after entry into force. This timeframe is, however, unrealistic, as industry needs more time to develop design alternatives, change manufacturing lines where needed and phase out the packaging types in scope. A suitable transition period would last until 1 January 2030, as suggested in the amendment.

The amendment to point (a) would moreover permit an integrated approach to packaging minimisation that avoids a singular focus on sales packaging and recognises the possibility for optimisation over multiple tiers of packaging when considered collectively. As written, companies would be obligated to design packaging to reduce weight and volume to the minimum necessary for functionality. A narrow focus on primary or sales packaging may necessitate compensatory actions in the design of secondary and tertiary (transport) packaging to ensure effective product protection. To prevent this, the requirement to minimise packaging should be integrated across all three tiers of packaging (ie primary, secondary and tertiary).

Finally, the single metric of empty space is too simplistic to allow packaging to fulfil its main functionalities, including product protection and safe delivery. A one-size-fits-all metric and target do not account for product characteristics (dimensions, weight, fragility, form, portability and materials) and do not allow for exemptions where the size of the packaging cannot be reduced for reasons other than product characteristics. These may include the size of the shipping label, the size of legally required information (eg battery safety label) and the limits of the sorting machines in logistics to prevent package loss.

Along with providing sufficient transition time, the proposal must ensure that space needed for a package to fulfil its functionalities in line with the performance criteria in Annex IV, Part I, is not considered empty space.

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| <p>(4) Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:</p> <p>[...]</p> <p>(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.</p> | <p>(4) Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:...</p> <p>[...]</p> <p>(c) any test results, studies or other relevant sources such as modelling and simulation studies used to assess the minimum necessary volume or weight of the packaging.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>This amendment would recognise modelling and simulation tools as methodologies suitable to assess packaging's minimum necessary volume or weight under Art.9(4). Modelling and simulation tools are an important adjunct to the empirical tests and studies used to assess packaging's minimum necessary volume or weight and thus merit explicit recognition.</p> | |
| <p style="text-align: center;">Article 13 (3)</p> | |
| <p>(3) Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has been placed on the market.</p> | <p>(3) Manufacturers shall keep retain the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has first been placed on the market. If less than 10 years has elapsed since the date of application of this Regulation, the retention period is adapted accordingly so as to avoid a retrospective obligation.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The current text could be interpreted as implying that documentation going back to 2015 would need to be retrospectively produced on the application of the regulation. Following the regulation's date of application, the Commission must not retroactively apply documentation retention requirements to manufacturers.</p> | |
| <p style="text-align: center;">Article 14 (3)</p> | |
| <p>[NEW]</p> | <p>(3) For packaging already available on the market, suppliers shall ensure that all information necessary for the manufacturer to demonstrate the conformity of the packaging and packaging materials under Articles 5 to 10 has been made available on the date of application of this Regulation.</p> |

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| <i>Justification:</i> | |
| <p>This amendment would ensure the availability of supplier data in respect to conformity obligations post-Entry into Force (EiF) but before the application date. Packaging suppliers should be required to provide the necessary technical information and documentation to manufacturers to allow them to demonstrate conformity. Unless manufacturers have data before the date of application, they cannot be certain that they can demonstrate conformity in the immediate period following EiF+12 months.</p> | |
| Article 17 (3) | |
| <p>(3) Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies.</p> | <p>(3) Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies. Any information that is disclosed by the manufacturer to demonstrate compliance shall not be used by the distributor for any other reason, including inter alia, to assist in the design or to support the certification of the conformity of packaging associated with goods separately placed on the market by the distributor. The abuse of such information for commercial purposes on the part of distributors is likewise prohibited and will be subject to the rules on penalties applicable to an infringement of this Regulation.</p> |
| <i>Justification:</i> | |
| <p>This amendment seeks to protect against potential abuses vis-à-vis the ‘duty of care’ of distributors who in many cases are also manufacturers of comparable own-brand products. The ‘duty of care’ creates an effective oversight role for distributors in respect to packaged goods supplied to them by manufacturers. Distributors therefore must ensure that manufacturers’ conformity data is not made available to their own internal research and development/product supply functions. Distributors must also ensure that any shared data cannot be used to justify their own packaging design decisions in respect to the supporting documentation for the self-certification of their own branded goods. This requires an ‘ethics wall’ to block information flow between relevant key functions within the supplier. Likewise, the ‘duty of care’ should never be abused within the context of commercial dealings. Any abuses should be penalised and within the scope of Art. 62.</p> | |
| Article 21 | |
| <p>(1) Economic operators who supply products to a final distributor or an end user in grouped</p> | <p>(1) From 1 January 2030, economic operators who supply products to a final distributor or an end user</p> |

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| <p>packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40%.</p> | <p>in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40%.</p> <p>Space requirements should consider mandatory technical documentation, such as printed user instructions, as part of the product in the assessment of space requirements. Space necessary to comply with the performance criteria in Annex IV shall not be considered as empty space.</p> <p>(2) For the purpose of this calculation:</p> <p>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</p> <p>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging. Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.</p> <p>Due consideration is necessary in respect of sales packaging with functional or ergonomic adaptations that result in non-regular or asymmetrical shapes that would otherwise impact the derived empty space ratios. Ratios based on external block ('cuboid') dimensions of sales packaging are appropriate in such cases and require explicit documentation in any conformity assessment.</p> <p>(2) Economic operators using sales packaging as e-commerce packaging shall be exempted from the obligation laid down in paragraph 1. The same exemption shall apply when economic operators combine shipments with more than one sales packaging unit to avoid multiple shipments of singular products. In both cases, they shall nevertheless ensure that such sales packaging complies with the requirements in Article 9.</p> <p>[NEW] (3) Economic operators using reusable packaging within a system of reuse shall be</p> |
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| | exempted from the obligation laid down in paragraph 1. |
| <p style="text-align: center;"><i>Justification:</i></p> <p>(1): Sufficient transition timelines are essential.</p> <p>Consumers often buy products of different shapes and sizes but want them to be delivered in the same packaging for convenience or to reduce packaging waste. However, the regulation’s methodology proposal fails to tackle the inevitable increase of empty spaces generated by grouped packaging, which could lead manufacturers to send items in several separate packaging – one for each product – to comply with requirement –contrary to the regulation’s objectives. Additionally, the legislation must account for non-standard shaped products, where ratios should be calculated using the external block ('cuboid') dimensions of sales packaging.</p> <p>The proposal must ensure that space needed for packaging to fulfil its functionalities in line with the performance criteria in Annex IV, Part I is not considered empty space.</p> <p>Furthermore, when looking at space requirements, rules on safety and mandatory technical documentation should be considered a part of the product. For example, some products are sold with compulsory printed user instructions, which might greatly impact packaging size and weight (especially for smaller products). The size of the packaging is not only determined by the product; the compulsory printed user instructions have to be taken into account.</p> <p>(2): The single metric of empty space is too simplistic to allow packaging to fulfil its main functionalities, including product protection and safe delivery. A one-size-fits-all metric and target do not account for product characteristics (dimensions, weight, fragility, form, portability and, materials) and do not allow for exemptions where the size of the packaging cannot be reduced for reasons other than product characteristics. These may include the size of the shipping label, the size of legally required information (eg battery safety label) and the limits of the sorting machines in logistics to prevent package loss.</p> <p>(3): It is challenging to avoid empty space in shipments containing multiple products of different dimensions because the combination of volumes in each creates empty space that cannot be reduced. In order to meet targets, operators may be incentivised to ship items individually instead of combining them into one shipment, which would use less packaging even if empty the space ratio is higher. The proposal should exempt combined shipments from the 40% empty space requirement while still requiring compliance with packaging minimisation requirements in Art. 9.</p> <p>(4): Reusable packaging used within a system of reuse must be exempted from the maximum empty space ratio threshold of 40% because a package designed to meet a 40% empty space ratio for its original content may not meet the same empty space ratio for its contents during other trips/rotations throughout its lifetime.</p> <p>(5): Space requirements should account for rules on safety and mandatory technical documentation. For example, some products are sold with compulsory printed user instructions, which might greatly impact packaging size and weight (especially for smaller products). The size of the packaging is not only about the product; the compulsory printed user instructions have to be taken into account.</p> | |
| Annex IV, Part 1 | |

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| <p>1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.</p> | <p>1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties, etc. and include references to specific legislation setting out requirements on product quality. Protection measures may include necessary anti-tamper, anti-theft and anti-counterfeit provisions.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The Commission should update its performance criteria to accommodate adverse practices on the part of consumers or other actors such as organised crime. In this way, performance criteria would not negatively affect key protection measures. The Commission should acknowledge and explicitly highlight these measures in the technical documentation that supports the conformity assessment.</p> | |
| <p style="text-align: center;">Annex IV, Part 2</p> | |
| <p>2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.</p> | <p>2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes. This may include consideration of the long-term capital investment cycle for manufacturing machinery.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The Commission should update performance criteria to account for capital investment cycles to avoid the need for widespread re-tooling at the point of application of the revised Regulation in 2025. The Commission should acknowledge and explicitly highlight all such considerations in the technical documentation that supports the conformity assessment.</p> | |

Transport packaging

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| <p style="text-align: center;">Article 26</p> | |
| <p>(8) Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p> | <p>(8) Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p> |

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| <p>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for reuse;</p> <p>(b) from 1 January 2040, 50 % of such packaging used for transport is reusable packaging within a system for re-use;</p> | <p>(a) from 1 January 2030, or 36 months after publication of the implementing acts pursuant to Article 27(4), whichever is the latest, 10 % of such packaging used is reusable packaging within a system for reuse;</p> <p>(b) from 1 January 2040, 50 % of such packaging used for transport is reusable packaging within a system for re-use;</p> <p>This obligation applies to pallets, boxes (excluding cardboard), plastic crates, intermediate bulk containers and drums of all sizes and materials, including flexible formats used for protective transport packaging secured by straps.</p> |
| <p><i>Justification:</i></p> <p>To meet the targets and the deadlines, industry needs a sufficient transition period after the publication of the implementing acts establishing the targets’ detailed calculation rules and methodology.</p> <p>The proposal should not ban packaging formats that are already collected for recycling such as single-use cardboard boxes. The proposal should include reuse as an additional sustainable packaging solution, on an equal footing with recycling. One should not undermine the other. Moreover, reusable packaging should be required only if it is scientifically proven through a life cycle analysis to be more environmentally friendly than single-use packaging. The biggest hurdle for an ecologically meaningful packaging reuse system in e-commerce is heterogeneous orders for a wide variety of products with different quantities, sizes, weight and fragility, without a recurring order cycle. Smaller variants lead to an increase in shipped volumes, risking the protection of fragile products. Additional environmental impacts may result from additional kilometres travelled (eg reverse logistics), heavier and/or more robust packaging (likely plastic), which would lead to not only higher environmental impacts from material use but also increased fuel use from heavier loads and cleaning.</p> | |
| <p>(9) Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;</p> | <p>(9) Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;</p> <p>Paragraph 9 shall not apply when reuse of pallet wrappings and straps for stabilisation can lead to damage of products and risk of contamination.</p> |

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| | <p>Paragraph 9 should not apply when such re-use systems are detrimental to the environment and the objectives of this Directive, for example when producing outside the EU and to avoid sending back transport packaging to the country of origin to then be sent back to the EU.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Straps for stabilisation and product protection may be difficult to reuse due to the risk of contaminating or damaging products, and reduced efficiency. In this case, recycling is a better option, especially if there is an effective collection system.</p> <p>Transport packaging re-use systems are not environmentally sustainable for companies producing outside the EU, as they would be obliged to send this packaging back to the producing facilities and then return it to the EU.</p> <p>To avoid these circumstances, the proposal could refer to the European Safe Logistics Association’s safety standards for materials currently used.</p> | |
| <p>Article 26 (12) and (13)</p> | |
| <p>(12) Transport packaging used by an economic operator shall be reusable where it is used for transporting products: (a) between different sites, on which the operator performs its activity; or (b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation]. This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk container, drums and canisters, of all sizes and materials, including flexible formats.</p> | <p>(12) From 1 January 2030, Ttransport packaging used by an economic operator shall be reusable where it is used for transporting products: (a) between different sites, on which the operator performs its activity; or (b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation]. This obligation applies only to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk container, drums and canisters, of all sizes and materials, including flexible formats and straps for stabilisation.</p> |
| <p>(13) Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products. This obligation applies to pallets, boxes, excluding cardboard, plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.</p> | <p>(13) From 1 January 2030, eEconomic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products. This obligation applies only to pallets, boxes, excluding cardboard, plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats and straps for stabilisation.</p> |

Justification:

As currently drafted, the Art. 26(12) and 26(13) provisions apply at the Regulation’s entry into force instead of in 2030, which is the effective date for all the other transport packaging obligations in Art.26. The 26(12) and 26(13) provisions also apply absolutely, ie they require 100% reusable transport packing in both cases. This is a much more stringent target in both timing and magnitude. Economic operators need sufficient time to adapt to the legislation.

Any reuse target should be tailored to the type of transport packaging (cartons, pallets, straps, wraps etc). For example, the reuse of pallets used for transport is feasible. However, pallet wraps and straps for stabilisation may be difficult to reuse due to the risk of contaminating or damaging products, or if they are not effective anymore. In this case, recycling them is a better option, especially if there is an effective collection system.

Of particular concern in Art.26(13) is the fact that a higher standard would apply for intra-Member State shipments compared to inter-Member State shipments. This could create a barrier to domestic trade, especially the proposed ‘reverse logistics’ burden for empty packaging.

Recyclability and recycled content

| Recital | |
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| [NEW] | Paints, inks and adhesives should not be addressed by this Regulation and therefore these polymeric materials should not be covered by the definition of plastic. |
| <i>Justification:</i> | |
| This amendment would ensure consistency with the Single-Use Plastics Directive 2019/904, which clarifies that paints, inks and adhesives do not fall under the definition of ‘plastic.’ | |
| Article 3 | |
| (32) ‘recycled at scale’ means collected, sorted and recycled through installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5); | (32) ‘recycled at scale’ means collected, sorted and recycled through installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5) that the packaging has been accepted for recycling by packaging responsibility organisations (PROs) in the majority of member states where the product is placed on the market and the producer is registered under the obligations set out in Article 39; |

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| <i>Justification:</i> | |
| <p>The quantity and granularity of data required to demonstrate compliance with the proposed definition of ‘recycled at scale’ is significant. In most Member States, the effective gatekeepers of the recycling of packaging are the PRO schemes which are responsible for EPR. The proposed amendment is a pragmatic approach which can be more readily assessed for compliance. It also addresses circumstances where a packaged good is placed on the market in a limited number of Member States, which would preclude the possibility of achieving the 75% criterion.</p> | |
| <p>(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;</p> | <p>(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC, Directive 2002/46/EC, or for products as defined in Article 1 of Decision (2014/763/EU);</p> |
| <i>Justification:</i> | |
| <p>The regulation’s recycled content obligations must account for the high-quality materials necessary for sales packaging for absorbent hygiene products (ie diapers or female menstrual towels or tampons), as well as within the context of food supplements.</p> <p>Similar to the products in the legislation’s scope of referred to in Art.3 (40), those covered by the Directive 2002/46/EC and those defined in Art.1 of Decision (2014/763/EU) (eg absorbent hygiene products, food supplements) require contact-sensitive packaging made from high-quality materials as well. The PPWR proposal should account for this requirement in the context of recycled content obligations.</p> | |
| <p>[NEW]</p> | <p>(61) ‘Recycling’ means the use of physical and/or chemical processes (including depolymerisation), to recycle a waste stream into recycled materials that includes an appropriate decontamination stage, where mechanical recycling is favored as much as possible. This excludes the production of fuel from plastic;</p> |
| <i>Justification:</i> | |
| <p>The recycled content targets within Art.7 will not be possible without early and explicit recognition of alternative recycling technologies, such as chemical recycling, to complement mechanical recycling and incentivise the necessary investments in chemical recycling. This would improve the availability of high-quality (food-grade) recycled content materials and support the industry sector in achieving the set targets.</p> | |

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| <p>This amendment would provide much-needed certainty for investment and give industry the means to achieve the ambition of the proposal. Chemical recycling should be recognised as fitting with the waste hierarchy; the regulation should favour mechanical recycling whenever possible.</p> | |
| <p>[NEW]</p> | <p>(62) 'Plastic packaging' means a packaging that is wholly or predominantly made of plastic.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>'Plastic packaging' must be defined to ensure legal certainty.</p> | |
| <p>[NEW]</p> | <p>(63) 'Pre-consumer plastic waste' means plastic recovered from waste generated in a manufacturing process and subsequently processed by a reprocessing facility. It does not include scrap or regrind which can be reused in the process from which it was generated after only minimal reprocessing, for example shredding and grinding. Where waste material is recovered and requires reprocessing involving melting and extrusion into pellets at a reprocessing facility before it can be reused, it can be treated as recycled content for the purposes of Article 7 subject to appropriate certification such as EN ISO 14021.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The proposal must recognise post-industrial recyclate (PIR) or pre-consumer plastic as recycled content, a definition consistent with EN ISO 14021. Recycled content is defined in the proposal as exclusively being 'recovered from post-consumer plastic waste'.</p> | |
| <p>Article 6</p> | |
| <p>(1) All packaging shall be recyclable.</p> | <p>(1) All packaging shall be recyclable from 1 January 2030.</p> |
| <p>(2) Point (a) shall apply from 1 January 2030 and point (e) shall apply from 1 January 2035.</p> | <p>(2) Points (a to d) shall apply from January 2030 and point (e) shall apply from 1 January 2035.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The Commission, Council and Parliament have all reiterated their intention to ensure that all packaging is reusable or recyclable in an economically feasible way by 2030. While the text specifies that 6(2)(a) shall apply from 1 January 2030 and 6(2)(e) from 1 January 2035, the proposal must clarify the time frames for the other aspects linked to the definition of recyclable packaging (6[1] and 6[2]b, c and d). In the absence</p> | |

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| <p>of an explicit date in the current text, Art.6(1) and 6(2) (except point e) would apply at date of application (EIF + 12 months).</p> | |
| <p>(4) The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content.</p> | <p>(4) By 31 December 2026, The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex II, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content.</p> |
| <p><i>Justification:</i></p> <p>The Commission must develop design-for-recycling criteria in a timely manner to allow manufacturers sufficient time to implement the requirements to reach the required recyclability status. For this reason, the Commission must add a timeline to adopt the delegated act. Also, due to the changes to Table 2 Annex II in previous proposal drafts, the text as proposed is unclear because the criteria and parameters in Table 2 were removed.</p> | |
| <p>(8) Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.</p> <p>Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.</p> <p>Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.</p> <p>All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.</p> | <p>(8) Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.</p> <p>Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.</p> <p>Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.</p> <p>All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.</p> |

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| | <p>Small components (ie <50 mm in two dimensions) represent a particular challenge to current packaging material recycling facility capabilities. By way of derogation from paragraphs 2 and 3, such small components may be placed on the market until the delegated act establishing the design for recycling criteria is adopted. The design for recycling criteria to be established under the delegated act as referred to in paragraph 4 shall consider the requirements for small components and be compatible with the state of the art collection, sorting and recycling processes.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Small items (less than 5 cm in two dimensions) are typically difficult to sort and recycle during packaging waste reprocessing (ie small packaging containers are often considered non-recyclable by recycling facilities, despite being fully designed for recycling). The Commission must not mandate a requirement that is incompatible with current packaging material recycling facility capabilities, especially if the acceptability of chemical recycling as a means with which to effectively recycle small items remains uncertain. Therefore, the Commission must explicitly address this issue, accounting for its obligations under the design for recycling provisions</p> | |
| <p>(10) Until 31 December 2034, this Article shall not apply to the following:</p> <p>[...]</p> <p>[NEW]</p> | <p>(10) Until 31 December 2034, this Article shall not apply to the following:</p> <p>[...]</p> <p>(d): Reusable transport packaging placed on the market prior to the date of application of this Regulation.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Existing reusable transport packaging in circulation at the date of application should be allowed to continue to circulate until the end of its life or 2035 at the latest, regardless of whether it is recyclable or not.</p> | |
| <p>Article 7</p> | |
| <p>(1) From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> | <p>(1) From 1 January 2030, economic operators shall ensure that the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from pre-consumer or post-consumer plastic waste, per unit of packaging:</p> |

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| <p>(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</p> | <p>(a) 30 % for contact sensitive plastic packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10% 25% for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 30 % for packaging other than those referred to in points (a), (b) and (c).</p> <p>Targets per material shall be calculated as a percentage of the total number of units placed by a producer on the Union market.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>This amendment would recognise PIR or pre-consumer plastic as recycled content. The proposal defines recycled content as exclusively being recovered from post-consumer plastic waste. The responsibility for the recycled content targets applies along the material value chain. The recycled target contents in Art.7(1) and 7(2) should not solely apply to packaged goods manufacturers who have no control over the quantity, quality and price of recycled plastic available on the secondary raw materials market. The obligations should therefore be shared amongst all economic operators (as defined in Art.3(8) to include the entire material value chain). There are relatively few feedstock suppliers relative to packaged goods manufacturers, so enforcement would be better focused on the supply of recyclates rather than their subsequent use. Feedstock suppliers are also better placed to understand and control the quality of the recyclates they produce.</p> <p>The EU must set higher targets for mandatory recycled content to accelerate the transition to a circular economy, drive investments and create jobs in Europe. Additionally, the uptake of secondary raw materials would support Europe’s decarbonisation efforts by replacing fossil-based materials with waste as an alternative input.</p> <p>Moreover, for operational feasibility, recycled content should not be required under any circumstance at the packaging part or packaging unit level. The recycled content targets in Art.7 must be applicable to plastic packaging as listed in Table 1 of Annex II of the Regulation, thereby excluding plastic parts of non-plastic packaging items.</p> <p>Setting targets at the company/portfolio level, rather than per individual plastic packaging unit, would give producers and manufacturers the flexibility to allocate recycled content based on available supply and technical feasibility, giving them a realistic chance to meet the target.</p> <p>Regarding (d), recycled content of 35% may not be possible due to demand limitations or strength of the plastic packaging materials being used.</p> <p>Last but not least, a key parameter for reaching those targets is the availability on efficient separate collection systems and recycling infrastructure for the various plastic packaging types and applications around Europe.</p> | |

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| <p>(2) From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p> | <p>(2) From 1 January 2040, economic operators shall ensure that the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from pre-consumer or post-consumer plastic waste, per unit of packaging:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p> <p>Targets per material shall be calculated as a percentage of the total number of units placed by a producer on the Union market.</p> |
| <p><i>Justification:</i></p> <p>For operational feasibility, recycled content should not be required under any circumstance at the packaging part or packaging unit level. The recycled content targets in Art.7 must be applicable to plastic packaging as listed in Table 1 of Annex II of the Regulation, thereby excluding plastic parts of non-plastic packaging items. Setting targets at the company level would give producers flexibility to allocate recycled content based on available supply and technical feasibility, giving them a realistic chance of meeting the target.</p> <p>The amendment for Art.7(1) would recognise PIR or pre-consumer plastic as recycled content. Within the proposal, recycled content is defined exclusively as being ‘recovered from post-consumer plastic waste’. The responsibility for the recycled content targets applies along the material value chain. The recycled target contents in Art.7(1) and 7(2) should not solely apply to packaged goods manufacturers who have no control over the quantity, quality and price of recycled plastic available on the secondary raw materials market. The obligations should therefore be shared amongst all economic operators (as defined in Art.3(8) to include the entire material value chain). There are relatively few feedstock suppliers relative to packaged goods manufacturers, so enforcement would be better focused on the supply of recyclates rather than their subsequent use. Feedstock suppliers are also better placed to understand and control the quality of the recyclates they produce.</p> <p>Last but not least, a key parameter for reaching those targets is the availability on efficient separate collection systems and recycling infrastructure for the various plastic packaging types and applications around Europe.</p> | |
| <p>(3) Paragraphs 1 and 2 shall not apply to the following:</p> <p>(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;</p> <p>(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;</p> | <p>(3) Paragraphs 1 and 2 shall not apply to the following:</p> <p>(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;</p> <p>(b) contact sensitive plastic packaging of medical devices, or devices of similar applications used for</p> |

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| <p>(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;</p> <p>(d) outer packaging as defined in Article 1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such EN 59 EN packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.</p> | <p>research use only and investigational devices covered by Regulation (EU) 2017/745;</p> <p>(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;</p> <p>(d) outer packaging as defined in Article 1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such EN 59 EN packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product;</p> <p>(e) sales packaging of critical supplies of medical technologies’ components, materials, and parts covered by Article 117 of Regulation (EU) 2017/745; and</p> <p>(f) sales packaging of supplies, components, raw materials, converted materials, packaging materials, cleanroom clothing systems, accessories, and parts for the manufacture of medicinal products under Directive 2001/83/EC and under Regulation (EU) 2019/6 for veterinary medicinal products where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.</p> <p>(g) contact sensitive plastic packaging of personal protective equipment covered by Regulation (EU) 2016/425</p> |
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Justification:

(b): The proposed amendment seeks to extend the scope of the exemptions granted for medical technologies packaging under Art.6 and Art.7 to include similar applications for research use only and investigational devices. Packaging for investigational and research use only devices must not be subject to requirements that may impede their safe and effective use in clinical trials or research settings.

(e) and (f): The proposal must clarify what constitutes a ‘plastic part’ and specify that small plastic parts used to seal or hold together a paper package (glues, tapes, inks) should not be subject to mandatory recycled content targets. Otherwise, manufacturers would rely on lower-quality recycled content material, increasing the possibilities of product contamination or using more packaging to ensure product safety.

Within the current proposal, the requirement to use recycled content also applies to the plastic part of composite, principally paper- or cardboard-based packaging. Given the performance requirements of such materials, ensuring recycled content of sufficient quality and functionality would be difficult for the specialist laminates associated with composite packaging. This amendment therefore addresses the needs of composite packaging in respect to recycled content obligations. An alternative would be to ensure that

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| <p>the obligations in Art.7(1) and 7(2) explicitly apply to plastic packaging as described in Categories 10 to 27 within Table 1 of Annex II.</p> <p>(g) and (h): These exemptions should also be extended to sales packaging of critical supplies of medical technologies’ components, materials and parts covered by Medical Devices Regulation Art.117 as well as for the manufacture of medicinal products under Directive 2001/83/EC and veterinary medicinal products under Regulation (EU) 2019/6. These materials, parts and components delivered to the medical and pharmaceutical industries must comply with specific requirements to preserve the quality of the product. The packaging used to protect these products would have similar requirements and be part of the medical device conformity assessment and certification of medicinal or veterinary products. By explicitly extending the scope of existing exemptions for medical technologies packaging, the amendment would ensure that these products remain available and that patient safety is not compromised.</p> | |
| <p>(4) Paragraphs 1 and 2 shall not apply to compostable plastic packaging.</p> | <p>(4) Paragraphs 1 and 2 shall not apply to compostable plastic packaging. The use of bio-based plastic in lieu of recycled content recovered from post-consumer plastic waste will be permitted subject to the adoption of an appropriate methodology for the calculation and verification of bio-based content as outlined in Article 7(7).</p> |
| <p>(7) By 31 December 2026, the Commission is empowered to adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, per unit of plastic packaging, and the format for the technical documentation referred to in Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p> | <p>(7) By 31 December 2026, the Commission is empowered to adopt implementing acts establishing the methodology for the calculation and verification of the percentage of (i) recycled content recovered from post-consumer plastic waste and (ii) bio-based plastic content from biogenic sources, per unit of plastic packaging, and the format for the technical documentation referred to in Annex VII. A consideration of how to account for mixed fossil and recycled or biobased plastics and how to track and allocate their quantities within the methodology is necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The amendments to Art.7(4) and (7) would permit the use of bio-based plastic in lieu of post-consumer recyclate to meet recycled content targets. The use of bio-based plastics derived biogenic carbon (ie carbon derived from biomass) offers potential advantages for reducing life-cycle greenhouse gas emissions and decoupling from fossil fuels, making it an appropriate alternative to post-consumer recyclate. It is important to ensure the sustainable sourcing of biomass and consider indirect land use change risks. Using bio-based plastic in lieu of post-consumer recyclate should therefore be subject to suitable oversight. The use of bio-based plastics may also offer some advantages in the quality of materials compared to post-consumer waste-derived recyclates for applications such as food contact.</p> | |
| <p>Article 7 (10)</p> | |

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| <p>[NEW]</p> | <p>(10) (a) If the overall total amount of plastic packaging recycled in the European Union in 2025 or in any subsequent year is less than the target in Article 46(1)(b), then the Commission shall be obliged to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly.</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The proposal’s safeguard mechanism needs a quantitative trigger to precipitate necessary action from the Commission. The Commission should be obliged to assess the need for derogations from the minimum percentage laid down in paragraph 1 if lower plastic packaging recycling rates create a shortfall in the availability of recycle.</p> | |
| <p>Article 26 (1)</p> | |
| <p>(1) From 1 January 2030, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging within a system for re-use.</p> | <p>[DELETED]</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>Thanks to their durability, grouped packaging like shrink wraps and collation films, which are used for packing several products, protect the integrity of packed goods and facilitate their transportation to consumers’ homes. These films are already collected and recycled at scale, producing high-quality post-consumer recycles. They can also be themselves produced with post-consumer recycled content.</p> | |
| <p>Annex V</p> | |
| <p>1. Illustrative example Collation films, shrink wrap</p> <p>2. [...]</p> | <p>1. Illustrative example Collation films, shrink wrap</p> <p>[...]</p> |
| <p style="text-align: center;"><i>Justification:</i></p> <p>The Commission should not ban outright the use of all types of single-use plastic grouped packaging. Shrink wrap should not be included in the column of illustrative examples under the Annex. Its use should not be restricted, especially when necessary for goods grouped in packets to facilitate handling in their distribution.</p> | |

Conclusion

If the proposal is amended to include these recommendations, the Regulation could help enhance the Single Market, better align EU packaging rules and reduce market fragmentation, benefitting both European consumers and businesses. American companies stand ready to partner with Members of the European Parliament and other stakeholders to ensure harmonisation, legal certainty, science-based assessments and realistic transition periods is achieved efficiently and effectively.