

FRUCOM Q&A

PROPOSAL FOR A REVISION OF EU LEGISLATION ON PACKAGING AND PACKAGING WASTE

Background

Publication date: 30 November 2022, [Directorate-General for Environment](#)

- **Proposal for a Regulation on packaging and packaging waste** [Download](#)
- **Annexes to the proposal** [Download](#)

Legislative Progress: Proposal by European Commission (30/11/2022), feedback open until March 2023. No rapporteurs yet at European Parliament.

1. Recyclability of Packaging

All packaging must be recyclable by 1 January 2030 (designed for recycling by 1 January 2030 and can be recycled at scale from 1 January 2035).

2. Recycled content in plastic packaging

The amount of recycled content in plastic packaging will have to increase.

The minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging will have to increase to:

- 30 % for contact sensitive packaging made from PET as the major component from 1 January 2030 , reaching 50 % by 1 January 2040
- 10 % for contact sensitive packaging made from plastic materials other than PET from 1 January 2030 , reaching 50 % by 1 January 2040
- 35 % for other plastic packaging (excluding beverage bottles) from 1 January 2030, reaching 65 % by 1 January 2040

Beverage bottles have their own minimum recycled content targets.

3. Packaging used in transport

Packaging used in transport will be affected, in terms of re-use obligations.

Economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, will be **required to use only reusable transport packaging** with respect to packaging formats such as:

- pallets,
- foldable plastic boxes,
- plastic crates,
- **intermediate bulk containers**, both rigid and flexible,
- or drums.

For transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products (apart from when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises), then from 1 January 2030, 30 % of such packaging used must be reusable packaging within a system for re-use, increasing to 90 % by 1 January 2040.

Disclaimer: This Q&A is provided for information purposes only. Every effort is made to ensure that the information provided in this document is accurate and up to date. If errors, omissions or misleading statements are brought to our attention, we will try to correct them. However, FRUCOM accepts no legal responsibility or liability whatsoever with regard to the information provided in this document.

For transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products (apart from when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises), from 1 January 2030, 30 % of such packaging used must be reusable packaging within a system for re-use, increasing to 90 % by 1 January 2040.

For transport packaging in the form of pallet wrappings and straps for stabilisation and protection of products put on pallets during transport from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use increasing to 30 % from 1 January 2040.

4. Packaging re-use or refill targets

Most packaging forms for products falling within FRUCOM's scope have no re-use or refill targets under the PPWR, though there are re-use or refill targets for transport packaging (see above) and grouping packaging.

For **pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat**, from 1 January 2030, 10 % of these products should be available in reusable packaging within a system for re-use or by enabling refill, increasing to 25 % from 1 January 2040.

For **grouped packaging in the form of boxes**, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping, from 1 January 2030, 10 % of such packaging used must be reusable packaging within a system for re-use, increasing to 25 % by 1 January 2040.

5. Banned forms of packaging

Banned forms of packaging will include *single use plastic grouped packaging* to **group goods sold in cans, tins, pots, tubs** (Collation films, shrink wrap) and *single use packaging*, plastic or otherwise, in the HORECA sector, for **individual portions or servings, used for condiments and preserves**, amongst others.

6. Packaging minimisation

Packaging that will have to be minimised include **grouped, transport and e-commerce packaging** used for supply of products to final distributors or end user, where empty space ration will not be able to exceed 40%.

Empty space must be reduced to the minimum necessary for ensuring the packaging functionality, whereby for sales packaging, empty space should be reduced in relation to the total volume of the packaged product and its characteristics, and 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.

7. Mandatory labelling on packaging

Packaging will have to carry additional labelling to enable access to information about the packaging.

From 42 months after the entry into force of the PPWR, packaging has to be marked with a **label containing information on its material composition** (except transport packaging). From 48 months after the date of entry into force of the PPWR, packaging has to 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.

Furthermore, reusable sales packaging has to be clearly identified and distinguished from single use packaging at the point of sale.

Eventually, the Commission will adopt secondary legislation to establish a harmonised label and specifications for the labelling requirements and formats

8. Obligations for importers

The PPWR expects that **packaging from third countries entering the Union market complies with the PPWR**, whether imported as self-standing packaging or in a packaged product, including ensuring that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging.

Importers are expected to ensure that the packaging they place on the market complies with those requirements and that documentation drawn up by manufacturers is available for inspection by the competent national authorities.

When placing packaging on the market, **every importer should indicate on the packaging their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted**. Exceptions should be provided for in cases where the packaging does not allow for such indications.

According to the Commission, any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a product in such a way that compliance with the PPWR might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.

9. Obligations for manufacturers

Under the PPWR, manufacturers will have additional obligations related to the packaging they place on the market, though may designate an authorised representative in relation to certain obligations.

Manufacturers will be obliged to draw up an EU declaration of conformity to provide information on the conformity of packaging with the PPWR (i.e., before placing packaging on the market, manufacturers must carry out the relevant conformity assessment procedure, or have it carried out on their behalf)

Furthermore, manufacturers have to ensure that packaging bears a type, batch or serial number or other element allowing its identification or, where the size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the packaged product.

Manufacturers also have to indicate on the packaging or on a QR code or another data carrier their name, registered trade name or registered trade mark as well as the postal address, and where available, the electronic means of communication, where they can be contacted.

Disclaimer: This Q&A is provided for information purposes only. Every effort is made to ensure that the information provided in this document is accurate and up to date. If errors, omissions or misleading statements are brought to our attention, we will try to correct them. However, FRUCOM accepts no legal responsibility or liability whatsoever with regard to the information provided in this document.

10. Obligations for distributors

Under the PPWR, **distributors will have a duty of verification that packaging meets certain requirements, as well as an obligation on surveillance and cooperation with Member States competent authorities** in relation to the packaging that has been placed on the market.

In cases where distributors put their name to packaging or make modifications to the packaging relevant to its compliance with the PPWR, then they assume the obligations of the manufacturer under the PPWR.

Distributors should act with due care in relation to the applicable requirements of this Regulation when making packaging available on the market.