

# Commission proposal for a new Packaging and Packaging Waste Regulation (PPWR)



*28<sup>th</sup> April 2023*

W: [era.org.mt](http://era.org.mt)

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**Publication** 30<sup>th</sup> November 2022

**Legal instrument** Union Regulation replacing the current Directive

**Legal basis** Article 114 TFEU as per current Directive



**The main focus is on product requirements & market surveillance**

## Objectives

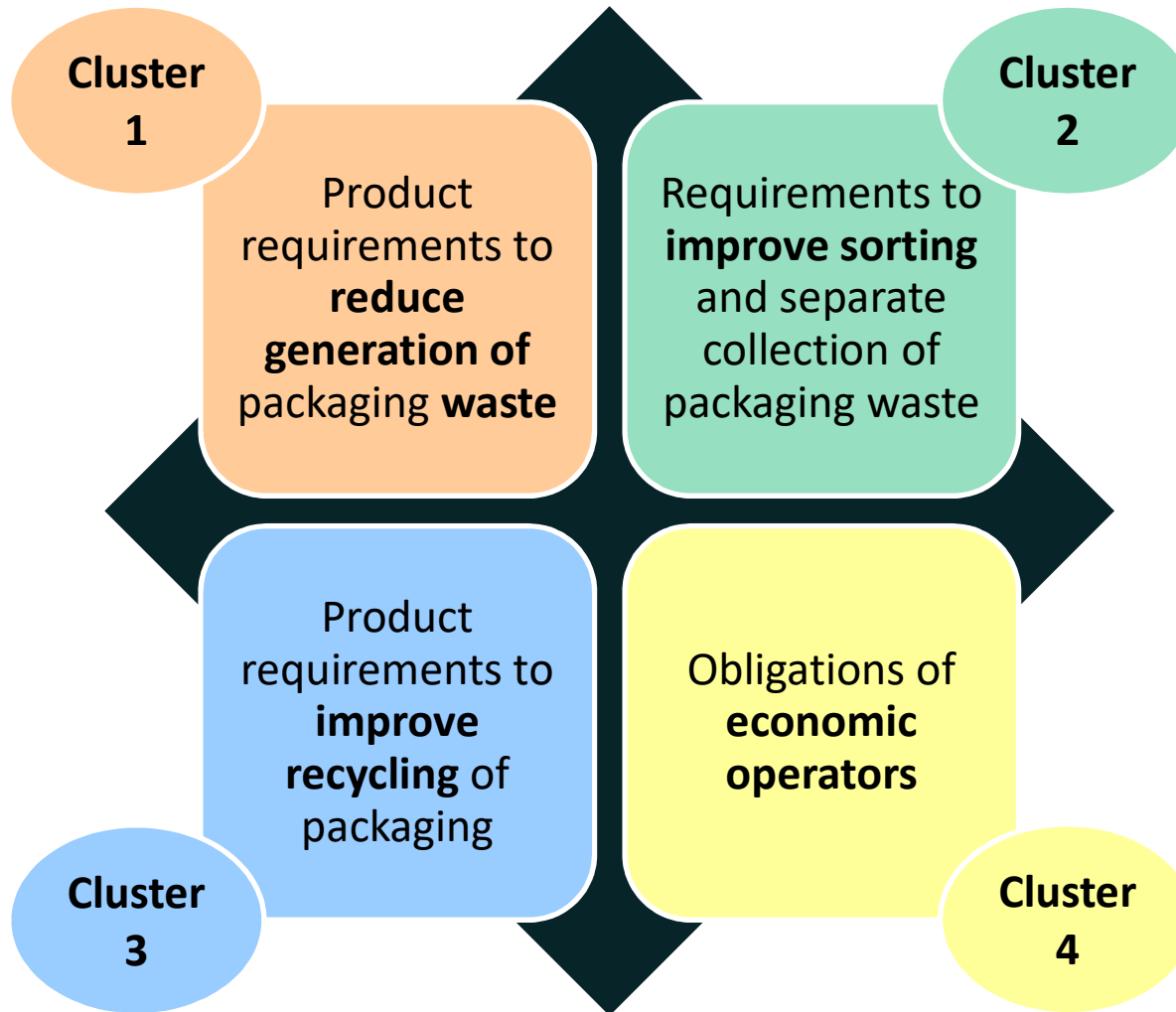
To reduce the generation of packaging waste and foster re-use

To promote a circular economy for packaging in a cost-effective manner

To promote the use of recycled content in packaging

Harmonisation of rules on packaging and packaging waste

## | CLUSTERS FOR DISCUSSION



## | NEW CONCEPTS FROM THE PROPOSAL

- Coffee/tea bags and capsules are considered to be packaging



- New concept:  
E-commerce packaging
  - Product requirements (incl. labelling) → EU market
  - EPR obligations → MS market
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## **CLUSTER 1 | Product requirements to reduce generation of packaging waste**

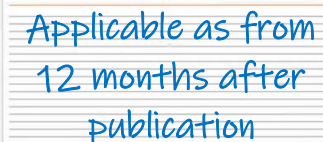
- i. **Packaging minimization: Articles 9 and 21 + Annex IV***
  - ii. **Restriction of unnecessary packaging: Article 22 + Annex V***
  - iii. **Reusable packaging: Articles 10, 23, 24, 25, 26, 27 and 28 + Annex VI***
  - iv. **Reduction of lightweight plastic carrier bags (LPCBs): Article 29***
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## i. Packaging minimisation

*Articles 9 and 21 + Annex IV*

Packaging to be designed so that its **weight and volume are minimal** in relation to its functions

- Case-by-case assessment based on **performance criteria in Annex IV**. E.g. product protection, hygiene and safety, information requirements, etc.
- Prohibition for packaging with characteristics that aims to **increase the perceived volume** of the product: i.e. double walls, false bottoms, and unnecessary layers
- **Exemption**: for packaging design for products protected under the **EU geographical indication protection scheme**. i.e. geographical indications of origin protected under Union legislation
- **Maximum 40% empty space ratio** allowed for grouped, transport and e-commerce packaging



Applicable as from  
12 months after  
publication

## ii. Restriction of unnecessary packaging

Article 22 + Annex V

Applicable as from  
12 months after  
publication

➤ Certain packaging formats **shall not be used for the purposes** listed in Annex V

➤ These restrictions mainly affect to the HORECA sector and retailers

➤ **Exemption:** economic operators of the HORECA sector may be exempted from **point 3 of Annex V**, if they comply with the definition of micro-company<sup>1</sup>, where:

- (1) it is not technically feasible not to use packaging; or
- (2) there is no access to re-use infrastructures.

By 1<sup>st</sup> January  
2030

Packaging format	Restricted use
1. SUP grouped packaging	Retail level to group goods to encourage end users to purchase more than one product (excl. grouped packaging to facilitate handling in distribution)
2. SU packaging for fresh fruit and vegetables (e.g. plastic or composite)	For <1.5kg fresh fruit and vegetables (unless needed to avoid water loss, microbiological hazard, etc.)
3. SU packaging	For food and drinks filled and consumed at the premises in the HORECA sector, incl. inside and outside eating areas
4. SU packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Used at the HORECA sector except if provided with take-away ready-prepared food
5. SU hotel miniature packaging	<ul style="list-style-type: none"> <li>• Liquids &lt; 50ml</li> <li>• Non-liquids: 100g</li> </ul>

<sup>1</sup> As set out in [Commission Recommendation 2003/361](#):

*A microenterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.*



### iii. Reusable packaging

Articles 10, 23, 24, 25, 26, 27 and 28 + Annex VI

- Reusable packaging to be **designed to accomplish as many rotations as possible**, to be easily repairable and fully recyclable
- Reusable packaging to be reused/refilled in a **system that comply with** requirements set out in Annex VI. I.e.: closed loop and open loop systems
- Economic operators (EO) placing reusable packaging on the market are to **ensure that such reuse/refill systems are in place**
- **Reuse and refill targets** (Article 26) on certain EO for primary packaging for food and beverages (**HORECA and retailers**) and for transport packaging (B2B). These targets are accompanied by obligations to report to the competent authority (Article 28)
- **Exemption**: For certain economic operators to meet certain targets:
  - a) If during a calendar year, they **PoM ≤ 1000 kg** of packaging
  - b) Comply with the definition of **micro-company**<sup>1</sup>
  - c) They have a **sales area ≤ 100 m<sup>2</sup>** (incl. storage and dispatch areas)



Applicable as from  
12 months after  
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<sup>1</sup> As set out in [Commission Recommendation 2003/361](#)

## iv. Reduction of LPCBs

Article 29

- Mandatory **per-capita consumption target of 40 LPCBs per year** by 31<sup>st</sup> December 2025 (optional in the current Directive)
- Malta has market restrictions in place for LPCBs since 1<sup>st</sup> January 2021 – biodegradable LPCBs are excluded

### Waste prevention targets (Article 45)

- MS to **reduce per-capita packaging waste generation** over 2018 levels (pre-COVID):

*Packaging waste reduction targets:*

Reduction (%)	Deadline
5%	2030
10%	2035
15%	2040

*Packaging waste generation in MT:*

Year	Tonnes
2016	66,926
2017	68,684
2018	71,068
2019	77,476
2020	72,048
2021*	72,862

## **CLUSTER 2 | Requirements to improve sorting and separate collection of packaging waste**

- i. Labelling requirements: Articles 11 and 12*
  - ii. Mandatory deposit return systems: Articles 43-44 + Annex X*
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## i. Labelling requirements

*Articles 11 and 12*

### EU harmonised labels based on packaging material composition for packaging and waste receptacles to facilitate consumer sorting

- ➔ Harmonised label for packaging, for which deposit return systems (**DRS**) are mandatory
- ➔ Harmonized label and QR code for **reusable packaging** indicating the availability of a system for reuse and collection points, tracking, etc.
- ➔ Obligation to **distinguish reusable from single-use** at the point of sale
- ➔ Harmonised **criteria** for labelling of recycled content (voluntary)
- ➔ MS can set labels for EPR or other DRS (non mandatory), **if they are clear and unambiguous**
- ➔ CION to adopt **implementing acts**: 18 months after the entry into force for all the above labels and 24 months after the entry into force for digital marking of packaging

Applicable as from  
42 months after  
publication

## ii. Mandatory deposit return systems

*Articles 43-44 + Annex X*

- ➔ **Targeted packaging:** SUP beverage bottles and SU metal beverage containers (up to 3 litres for both categories), i.e. **plastic bottles and cans**
- ➔ DRS to meet the **minimum requirements** in Annex X
- ➔ **Labelling** of (mandatory) DRS shall be **harmonised across the EU**

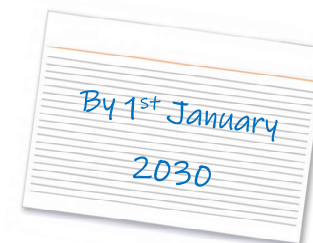


## **CLUSTER 3 | Product requirements to improve recycling of packaging**

- i. Recyclable packaging: Article 6 + Annex II*
  - ii. Minimum recycled content: Article 7*
  - iii. Compostable packaging: Article 8 + Annex III*
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## i. Recyclable packaging

*Article 6 + Annex II*



### All packaging shall be recyclable

- ➔ **Technical specifications** on “recyclability design”, “recycling at scale” and “performance grades” to be established through CION **delegated acts**
- ➔ **Time derogation:** These requirements **will not apply** to the following packaging **until 31<sup>st</sup> December 2034:**
  - a) packaging immediately in contact with the **medicinal product** for human use<sup>1</sup> or with **veterinary medicinal products**<sup>2</sup>;
  - b) contact sensitive plastic packaging of **medical devices**<sup>3</sup>; and
  - c) contact sensitive plastic packaging of in vitro diagnostics **medical devices**<sup>3</sup>

<sup>1</sup> As per Directive 2001/83/EC

<sup>2</sup> As per Regulation (EU) 2019/6

<sup>3</sup> Covered by Regulation (EU) 2017/745

## ii. Minimum recycled content

*Article 7*

- ➔ Plastic parts in packaging shall contain a **certain share of recycled plastic**:

Main inclusion rates of recycled content in plastic part of packaging		
Packaging	2030	2040
Plastic Beverage bottles	30%	65%
Contact sensitive packaging:		50%
PET as major component	30%	
Other than PET	10%	
Other plastic packaging	35%	65%

- ➔ **Exemption** for certain packaging, such as packaging immediately in contact with the medicinal product for human use<sup>1</sup> or with veterinary medicinal products<sup>2</sup>, contact sensitive plastic packaging of certain medical devices<sup>3</sup>.



### iii. Compostable packaging

*Article 8 + Annex III*

Certain packaging **shall be compostable** at bio-waste treatment facilities:



Applicable as from  
24 months after  
publication

- Tea/coffee pods/capsules;
  - Tea/coffee bags;
  - Sticky labels attached to fruit and vegetables; and
  - VLPCBs (i.e. wall thickness < 15 microns)
- ➔ MS may decide to also subject **LPCBs** (i.e. wall thickness < 50 microns) if they have **sufficient treatment capacity**
- ➔ **All other packaging**, including biodegradable packaging **shall undergo material recycling**

## **CLUSTER 4 | Obligations of economic operators**

⇒ *Articles 13-18 + Annex VII-VIII*

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# Obligations of economic operators

*Articles 13-18 + Annex VII-VIII*

## A | Obligations of suppliers

**Provides manufacturer with all the information** and documentation necessary for the latter to demonstrate the conformity with the Regulation

## C | Obligations of importers

**Before packaging is PoM**, importer to make sure that:

- (1) Manufacturer has carried out the **conformity assessment procedure** and drawn up the technical documentation
- (2) Packaging is appropriately **labelled**
- (3) Packaging is **accompanied by the required documents**

**! B & C:** Keep documentation for **10 years**

## B | Obligations of manufacturers

- Packaging is designed and manufactured in accordance with **all design requirements** and it's properly labelled
- Carries out the **conformity assessment procedure** (Art. 33)
- Drafts **EU declaration of conformity** (Art.34);
- Drafts **technical documentation** (Annex VII)

## D | Obligations of distributors

Before packaging is made available on the market, distributor to verify that:

1. Packaging is appropriately **labelled**
2. Manufacturer and importer have complied with their **identification obligations**
3. **Producer** is registered in **EPR register**



Thank you for your attention

Ambient Quality and Waste Unit

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