



**POLITICAL  
INTELLIGENCE**

# Packaging and Packaging Waste Regulation

Key Measures & Stakeholder Reactions

By Natalia Pujalte



## Introduction

Europe has a packaging waste problem. The European Commission estimates that each European citizen generates, on average, almost 180 kg of packaging waste per year. Without action, it warns that total packaging waste across the bloc will increase 19 percent by 2030, after growing almost one fifth in the decade to 2019.

On 30 November, 2022, the Commission [published](#) a plan to reverse this trend with new EU-wide rules for packaging and packaging waste alongside a communication with additional clarity for consumers and industry on biobased, compostable, and biodegradable plastics. The proposals, which aim to encourage **reusable packaging options**, reduce **unnecessary packaging**, and provide **clear labels** to support correct recycling, form a central pillar of the European Green Deal's so-called [Circular Economy Action Plan](#) to make products sustainable. They include bans on single-use packaging for food and drinks in restaurants and cafes and stopping the use of small shampoo bottles.

The Commission says the proposed measures will reduce greenhouse gases from packaging by about a third from their current trajectory, the equivalent to the annual emissions of Croatia. It also estimates the planned measures will reduce costs of environmental damage for the economy and society by €6.4 bn relative to the baseline 2030, boost jobs in the reuse sector, and save European consumers €100 per year if businesses pass on the savings to prices. Stakeholders have given the packaging waste plan a mixed reception, with industry groups raising concerns about added costs, the burden of further regulation, and risks to food safety. Environmental groups have welcomed the package as a step in the right direction, though some fear the new rules have been watered down and do not go far enough.

The European Parliament and Council are set to consider the Commission's plan in the months ahead with negotiations expected to conclude late 2023 or early 2024. This EU Dods Political Intelligence report sets out the Commission's key proposals and a range of stakeholder reaction—including views set out in advance of the release.

## Revision of EU legislation for packaging and packaging waste

Guided by the objectives of [the European Green Deal](#) and the [new circular economy action plan](#), the Commission's [Regulation](#) seeks to ensure "all packaging on the EU market is reusable or recyclable in an economically viable way by 2030". The proposal aims to significantly beef up existing legislation in this area by preventing the generation of packaging waste, reducing it in quantity, promoting reuse and refill, and increasing the use of recycled plastics in packaging to help achieve a circular economy. The Commission said the measures will also be a boon for the packaging industry, boosting opportunities and jobs in the sector, reducing its dependence on virgin materials, and putting it on track for **climate neutrality** by 2050.

### Key measures include:

- Targets for packaging waste reduction at member-state level and mandatory reuse targets for economic operators for selected packaging groups

- Restricting over-packaging and certain forms of unnecessary packaging and supporting reuse and refill systems by banning certain forms of packaging, for instance single-use packaging for food and beverages when consumed in restaurants and cafes or small shampoo bottles
- Establishing criteria for design for recycling to be applied to all packaging
- Mandatory rates for recycled content in plastic packaging
- Mandatory deposit return systems for plastic bottles and aluminium cans
- Harmonisation of packaging formats and clear labelling of reusable packaging to facilitate correct consumer disposal of packaging waste

An expected proposal for legislation to regulate green claims by companies has been postponed until 2023.

The EU first adopted the packaging and packaging waste Directive (PPWD) in 1994, and then the EU Waste Framework Directive (WFD) in 2008. The directives have been revised and strengthened several times since, such as a 2015 amendment which aimed to reduce use of plastic carrier bags. However, the continued increase in overall packaging volumes has prompted the Commission to focus more on prevention and reuse.

The Council [addressed](#) packaging and packaging waste in its [conclusions](#) of December 2020 when it welcomed the Commission's intention to propose a review of the PPWD in order to address over-packaging and packaging waste. The Ministers of Environment of Austria, Denmark, Luxembourg, The Netherlands, and Sweden published a [joint letter](#) in January 2022 urging the Commission to focus on prevention, reuse, and recycling in its revision plan for the PPWD. The European Parliament has also been pushing in the same direction. Its Circular Economy Action Plan (CEAP) 2.0 [resolution](#) published in February 2021 called for all packaging to be made re-usable or recyclable in an economically viable way by 2030, while acknowledging the essential role of packaging for product safety and food waste reduction.

"Our proposals today reduce packaging waste, promote reuse and refill, increase the use of recycled plastics, and make it easier to recycle packaging. European citizens are eager to be rid of overpackaging and unnecessarily bulky packages and businesses are ready to move forward with sustainable, innovative packaging solutions and systems," Frans Timmerman, Commission Executive Vice-President for the European Green Deal, said in a statement on the day of the launch of the new plan.

## Stakeholder Views

Commission carried out a range of outreach activities to help inform its new plan for packaging and related waste. It kicked off the PPWD revision process with an inception impact assessment roadmap in 2020, followed by a public consultation between 30 September 2020 and 6 January 2021, and a targeted consultation to collect the views of experts and stakeholders in various member states.

The Commission's plans have triggered fierce debate, even before publication, with environmental groups arguing that they should minimise the use of plastics in packaging, while packaging and plastics industry representatives have raised concerns that changes could compromise the functionality of packaging and risk of food quality and safety. An early draft of the Commission's proposal released in October led environmental groups to [warn](#) against any further delays in the



new rules and packaging groups to [express concern](#) about the emphasis on refill and reuse while “dismissing the key role of recycling to achieve packaging circularity”.

The eventual release of the Circular Economy Package II and new packaging waste rules was met with broad support for the Commission’s overarching aim to realise the Green New Deal ambitions. In particular, the decision to revise the existing packaging directive through a regulation was widely welcomed as it will provide more certainty for EU operators and guarantee harmonised rules across Europe. However, there has been disagreement about several specific proposals, including the targets and exemptions in the policy framework, the harmonisation of the legislation, and the reuse and refill systems across the EU. The following section sets out the key points raised by stakeholders with links to original sources:

### **Circular Economy Package II**

Some environmental groups have criticised what they saw as a lack of ambition and pace in the package. The European Environment Bureau, Europe’s largest network of environmental citizens’ organisations, said the Commission had watered down its proposals following [lobbying from industry and](#) postponed some complimentary measures such as the Green Claims initiative. The Environmental Coalition on Standards (ECOS) also said the final package appeared to be weaker than earlier drafts and it was “too [little](#)” and [progress](#) was “too slow” and the packaging rules were missing bolder steps to reduce single-use.

On the packaging industry side, different groups looked for further clarity on the production of specific materials and their role in the recycling market. The Association of European Producers of Steel Packaging (APEAL) said the proposal [would not fulfil the Commission’s objective](#) to make all packaging reusable or recyclable in the EU by 2030, while the European Waste Management Association (FEAD) [welcomed](#) the introduction of mandatory recycled content targets.

Agriculture, food, and beverage stakeholder Copa and Cogeca said that EU farmers and agri-cooperatives were already making strides to reduce plastic packaging and food waste and these efforts should be supported rather than “thwarted by requirements and targets that are not only unfeasible but [downright counterproductive](#)”.

The European Organisations for Packaging and the Environment (Euopen) said it considered the Commission’s proposal as unfinished business and called for [greater flexibility](#) by setting average recycled targets across the EU instead of content targets for individual items. Several stakeholders from the industry ([UNESDA Soft Drinks Europe](#), the Confederation of European Paper Industries (CEPI), [Plastics Europe](#), and [HOTREC](#)) called on EU policymakers to adopt reuse and recycling targets which are based on scientific evidence and environmental and cost assessments while being feasible, while also calling for consideration of the diversity of economic actors and consumption experiences of Europeans.

### **Reuse, Recyclable and Refill targets**

Stakeholders had mixed views on the reusable and recyclable options. FEAD [welcomed](#) the decision to put recycling at the core element of circularity, while CEPI said [reusable options could supplement recyclable ones](#).

Some industry stakeholders denounced the lack of flexibility of the packaging criteria and methodology. They said the proposal failed to recognise the role played by [packaging in ensuring food safety](#) and they expressed concerns on food hygiene and logistic issues that would create mandatory reuse and refill targets for the [wine](#) and [food](#) sectors. In parallel, [EUROPEN](#) advocated for a mandatory collection and recycling framework and the scaling-up of the refill and reuse targets.

By contrast, [European Bioplastics](#) (EUBP) argued that “prioritising recycled content and mechanical recycling will not be enough to replace the EU’s dependence on fossil resources and to stop the current trend of over-packaging and excessive waste”.

Green groups such as the [Rethink Plastic Alliance](#) welcomed the “unprecedented focus on prevention and reuse”, which sets the conditions for packaging to be allowed on the EU market. However, alongside the [European Environmental Bureau \(EEB\)](#), it lamented the reduction in reuse targets by as much as 50%. It stressed the need to ensure prevention and reuse options are exhausted before looking into the role of recycled plastics and other recycled materials for closing the loop.

[Metal Packaging Europe](#) and the Association of European Producers of Steel for Packaging ([APEAL](#)) welcomed the introduction of performance grades to assess the recyclability of packaging. Metal Packaging Europe also called for [more ambitious minimum requirements](#) to ensure well-functioning deposit return systems (DRS) for beverage packaging.

Brewers of Europe, which represents national brewers’ associations from 29 European countries, [said it would work with member states and the Parliament to ensure the final regulation](#) was proportionate, well-targeted, non-discriminatory, and coherent.

### **Extended Producer Responsibility**

Stakeholders ([ECOS](#), [APEAL](#), [Metal Packaging Europe](#), [FoodDrinkEurope](#)) welcomed the plans for new rules on the Extended Producer Responsibility (EPR) – making accountable all the actors involved along the production and trading chain – its eco-modulation feature and its [link to the 'recyclability performance grades'](#) based on design for recycling criteria. However, Eurocommerce called for ensuring an EU [one-stop-shop for Extended Producer Responsibility](#) to make it easier for businesses to handle waste and use it as a secondary raw material.

### **Investments and Innovation**

Food, drinks, and packaging stakeholders shared a concern that the investment and financial dimensions of the Circular Economy Package II should feature funding schemes and support to develop and improve waste sorting and recycling infrastructure [1], [2], [3].

*Natalia Pujalte is a consultant at Dods EU Political Intelligence in Brussels covering environment policy.*



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UK customer service +44 207 593 5500 or  
EU customer service +32 274 182 30