

EU rules on recycled plastic used in food packaging: updates and clarifications

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European Commission proposes to update Regulation 2022/1616 on recycled plastic production and traceability of food packaging

[Draft](#) Commission Regulation amending Regulation (EU) 2022/1616 as regards the management of the Union register, compliance documentation, test methods, and documents to be presented upon release for free circulation

[Draft Annex](#)

Update

The European Commission proposes to update the EU rules on recycled plastic food materials and articles, including packaging. (For example, “food materials” includes plastic wrap, and “food articles” includes plastic kitchenware.) These changes cover recycling processes, marketing and use of plastic, and also apply to non-EU exporters of prepacked food products using recycled plastics sold in the EU.

For imported recycled plastic products, EU customs authorities may require declarations of compliance at the EU border. The proposal introduces two new compliance documents (in addition to existing Declarations A and B):

- Declaration P for operators producing recycled plastic
- Declaration C as a simplified declaration when the plastic composition has not changed.

Under the proposed rules, operators who use recycled plastic to pack food without modifying the plastic composition will not have to provide a declaration of compliance to retailers if they give relevant information on recycled plastic content through labelling or documentation.

New customs codes are also proposed for recycled plastics used in kitchenware and tableware, and for polyethylene terephthalate (PET), including when part of multi-layer material.

The proposal clarifies that plastic offcuts and scrap can be reused under existing EU food contact material rules.

A new electronic registration system will be created to help businesses update information more easily.

Finally, new technical specifications are proposed for pre-processed plastic input to improve the quality and consistency of recycled plastic.

Impacted products

Materials intended to come into contact with food

What is changing?

The European Union (EU) rules for materials and articles containing plastic originating from waste that are intended to be used in contact with food (Regulation [2022/1616](#)) have applied since October 2022. They cover recycling technologies and processes, manufacturing, marketing, and use of plastic. These rules also apply to non-EU exporters of prepacked food products using recycled plastics sold in the EU. For more information, see [Plastic food contact materials: basic rules](#).

The EU is now proposing some changes to these rules, as follows.

Registration of recycling installations

Recycling installations, including those based outside the EU, must fully comply with EU requirements and be registered in the [EU Register of Recycling facilities](#) (Regulation [2022/1616](#), Art. 4). The proposed new rules require plastic decontamination installations to update their registration status at the time of manufacture of each batch of recycled plastic (proposed Art. 4(8)).

Declarations of compliance

Regulation [2022/1616](#) currently requires two compliance declarations:

- Declaration A (template in Annex III, Part A) issued by plastic recyclers, who are responsible for the plastic decontamination process to make it fit for use with food (proposed new Art. 29(2))
- Declaration B (template in Annex III, Part B) issued by plastic converters, who are (partly) transforming decontaminated recycled plastic (proposed new Art. 29(3)).

The proposed new rules aim to facilitate traceability and controls by requiring other operators (in addition to recyclers and converters) to submit the following declarations of compliance:

- Declaration P (template in Annex III, Part P) issued by operators at all pre-processing stages that produce recycled plastic input. The recycled plastic batches should be labelled with a batch number to facilitate identification (proposed new Arts. 7(1) and 29(1))

- Declaration C (template in Annex III, Part C) – a simplified declaration without new batch numbers – issued by operators that either have received a Declaration A or B from their supplier, or have processed recycled plastic in such a way that they had to issue a Declaration A or B themselves (proposed new Art. 29(4)).

However, under the proposed rules, operators who use recycled plastic to pack food will not have to provide a declaration of compliance to retailers if they give relevant information on recycled plastic content through labelling or documentation (proposed Art. 5a(4)).

Under the proposed rules, in addition to the declaration of compliance, operators must have supporting documentation demonstrating compliance, including declarations covering the previous manufacturing stages.

Batch numbers

Under Regulation [2022/1616](#), the declaration of compliance must indicate recycled plastic batch numbers. These must be passed on to plastic converters and operators using recycled plastic at its final production stage.

Under the proposed new rules (amended Art. 5), passing on batch numbers will not be necessary where the composition of the plastic is not further modified; the declarations of compliance received from the plastic recyclers and converters are sufficient to ensure traceability of the recycled plastic.

Recycled plastic and products imported to the EU

The European Commission wants to ensure compliance of plastic waste, plastic inputs (including partially pre-processed and post-processed), recycled plastic items, and products made from recycled plastic that are imported to the EU from non-EU countries. It proposes to:

- require that the relevant declarations of compliance are handed to EU customs authorities at the time the goods enter the EU
- introduce commodity codes for recycled plastics used in kitchenware and tableware, and for polyethylene terephthalate (PET) – including if part of multi-layer materials (but not required for packed food, or appliances and food processing equipment, even if packed in or manufactured from PET) (proposed Art. 5a(7)).

Under the proposal, declarations of compliance supplied with recycled plastic goods exported from non-EU countries must mention these new commodity codes.

Reprocessing of offcuts and scraps

Regulation [2022/1616](#) currently does not explicitly allow the reprocessing of plastic offcuts and scraps. The proposed rules clarify that such reprocessing is permitted if carried out in accordance with rules set out in Regulation [10/2011](#) (proposed Arts. 8(1a) and (1b)).

New electronic registration system for operators

The European Commission proposes creating an electronic registration system that can be used by recycled plastic operators and competent authorities to more efficiently manage the status of decontamination installations (proposed Art. 24(a)).

New pre-processed plastic input specifications

Regulation [2022/1616](#) currently does not provide detailed specifications for pre-processed plastic inputs. The Commission proposes to introduce maximum limits based on a method set out in ISO 12418-2:2012 (Annex A). More methods are being developed, and should be allowed provided that they have an equal or better performance.

Why?

The proposals aim to improve clarity, ensure better documentation and traceability of recycled plastic content, and simplify controls for businesses and authorities, in response to some needs that were identified during the first years of application of Regulation [2022/1616](#).

Timeline

The Regulation is expected to be published in the third quarter of 2026.

Products already compliant with Regulation 2022/1616 and accompanied by Declarations A or B may continue to be placed on the EU market for 3 months after the new rules start to apply.

Products that will require the new Declarations C or P may be placed on the EU market without those declarations for 6 months after the new rules start to apply.

Any recycled plastic materials and articles made from products placed on the market during these transition periods may continue to be sold until stocks are exhausted.

What are the major implications for exporting countries?

The EU rules on recycled plastic used in food packaging also apply to non-EU exporters selling food products in the European Union. Agri-food exporters who pack their products in recycled plastic packaging will have to comply with the updated rules once adopted by the EU.

Recommended Actions

Competent authorities of countries that are members of the World Trade Organization can submit comments on the EU's proposal by emailing the:

- EU SPS Enquiry Point until 14 June 2026
- EU TBT Enquiry Point until 15 June 2026

Background

Materials and articles intended to come into contact with foods (including packaging) that are made from recycled plastic, and used for products sold in the EU, must comply with rules. Regulation [2022/1616](#) sets rules for the entire plastic recycling process to be used in food contact materials. The rules cover the decontamination of recycled plastic, the development and operation of plastic recycling processes, and how these recycled food contact materials are used. They also apply to installations, facilities, and companies based outside the EU. For more information see [Plastic food contact materials: basic rules](#).

Currently, non-EU countries must appoint a national contact point that will contribute to ensuring compliance with the EU rules. These are listed at: [Contact points for the competent authorities outside the EU](#). The European Commission does not provide guidance regarding the designation of competent authorities; each country must establish its own rules and procedures for auditing and controlling recycled plastic recovering installations and facilities. Questions can be emailed to SANTE-FCM-RECYCLING-REGISTER@ec.europa.eu.

Sources

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[Draft Annex](#)

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