

# Review of packaging and packaging waste rules

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## EU reaches agreement on new packaging rules

[Compromise agreement](#) on a [Proposal](#) for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC

### Update

The Council of the EU (Member States) and the European Parliament have reached agreement on new packaging rules that will increase the reuse and recycling of packaging materials. The new rules mean stricter sustainability requirements on all food packaging, that will also apply to non-EU suppliers of packaged food to the EU market.

- All packaging must be recyclable. Plastic packaging must contain minimum amounts of recycled plastic, packaging must be minimised, and contaminants must be reduced. Producers of recycled plastic in non-EU countries must produce it in a way that is equivalent to EU standards on collection of plastic and environmental emissions.
- There will be new limits on concentrations of polyfluorinated alkyl substances (PFAS) in packaging.
- Documentation demonstrating compliance with new sustainability requirements must be passed along the supply chain.
- There will be restrictions on the use of certain packaging materials, including a ban on single use plastic packaging for quantities of fresh fruit and vegetables <1.5 kg, and a requirement that all sticky labels attached to fruit and vegetables are compostable.

The final Regulation is expected in the second half of 2024. If so, the new rules will apply from early 2026. Recyclability and recycled plastic targets will apply from 2030.

### What is changing?

#### Scope

This Regulation establishes rules for all packaging made of any material. This includes:

- primary production packaging: packaging for unprocessed products
- sales packaging: packaging of goods sold to the final consumer

- grouped packaging: packaging that groups a number of products (for convenience) at the point of sale
- transport packaging: packaging that facilitates the handling and transport of products, including e-commerce packaging (does not include road, rail, ship, or air containers)
- disposable tea, coffee, or other beverage bags or single-serve units.

The Regulation also establishes comprehensive rules on management and prevention of packaging waste, and promotes reusable packaging.

This report focuses on aspects of the Regulation most relevant to non-EU suppliers.

### **Key obligations for packaged food from non-EU countries**

Under the new Regulation (Art. 16), when packaged food is exported from non-EU countries to the EU, the packaging must:

- be compliant with sustainability requirements
- have undergone a conformity assessment
- be correctly labelled
- be accompanied by the correct documentation
- be correctly identified.

The Regulation also introduces restrictions on the use of plastic packaging for small quantities of fresh fruit and vegetables.

#### ***Sustainability requirements***

Under the new rules, all prepackaged food imported into the EU will have to fulfil the sustainability requirements set out in Arts. 5–10, including the following.

- The presence of substances of concern in packaging must be minimised. The sum of concentration levels of lead, cadmium, mercury, and hexavalent chromium must not exceed 100 mg/kg (Art. 5).
- By mid-2027, packaging must not contain concentrations of polyfluorinated alkyl substances (PFAS) higher than the levels presented in Table 1 below (Art. 5).
- By 2030, packaging must be designed for recycling. Packaging will be graded according to the recyclability performance: Grade A  $\geq 95\%$  recyclability; Grade B  $\geq 80\%$ ; Grade C  $\geq 70\%$ . Packaging graded below 70% will technically be considered non-recyclable and cannot be put on the market (Annex II, Table 2). By 2038, packaging will have to meet grade A or B to be placed on the market. And by 2028, the European Commission will adopt detailed rules on recycling criteria and recyclability performance grades for each type of packaging material (Art. 6).

- By 2030, plastic packaging must contain at least the minimum percentage of recycled plastic per unit of packaging, as set out in Table 2 below. More ambitious targets are set for 2040 (Art. 7). The percentage targets do not apply to food packaging if that amount of recycled content would pose a threat to human health. The Commission will set further rules on this exception for food packaging.
- The plastic waste used in non-EU countries to make recycled plastic must be collected in a way that is equivalent to the standards set out in the EU's Single Use Plastics Directive (2019/904) and Waste Directive (2008/98/EC). Emissions into air, water, and land from installations that recycle plastics in non-EU countries must meet performance levels equivalent to those established in the EU's Industrial Emissions Directive (2010/75/EU). By the end of 2026, the Commission will develop a methodology for assessing and auditing the equivalence of recycling practices in non-EU countries.
- By 2030, packaging must be reduced to the minimum volume/weight needed to ensure its functionality. Unnecessary layers of packaging must be avoided (Art. 9).
- By mid-2027 at the latest, sticky labels attached to fruit and vegetables must be compostable in line with standards set by bio-waste treatment facilities (Art. 8).

### **Conformity assessment**

Packaging manufacturers must complete an internal control procedure to ensure that all the sustainability requirements are met (Art. 33 and Annex VII). Packaging manufacturers must provide technical documentation to demonstrate conformity with the requirements, including an analysis of the risk of non-conformity, and draw up a declaration of conformity (model declaration in Annex VIII). This information must be passed along the supply chain.

### **Labelling**

By the end of 2027, the following must be included clearly, legibly, and indelibly on packaging (Art. 11):

- label with pictograms showing the composition of packaging material to help consumers to sort recyclable materials
- for reusable packaging, label showing its reusability, with QR codes to track materials and give information on reusability and collection points
- proportion of recycled content, where relevant.

The Commission will adopt further rules on specifications for labelling by the end of 2025.

### **Documentation**

Packaging manufacturers must produce technical documentation demonstrating conformity with sustainability requirements. This documentation must be passed along the supply chain and can be requested by EU Member State control authorities. Documentation must be kept for 5 years for single-use packaging and 10 years for reusable packaging, and must include (Annex VII):

- general description of the packaging and intended use
- design and manufacturing drawings and schemes of components, etc.
- descriptions and explanations necessary to understand the drawings/ schemes and operation of the packaging
- list of relevant technical standards applied or technical solutions adopted where no standards exist
- description of how assessments have been carried out for packaging recyclability, minimisation, and reusability
- test reports.

### **Identification**

Packaging must be identifiable. It must bear a type, batch, or serial number allowing identification, or this must be provided in a document accompanying the packaged product (Art. 13). Manufacturers must clearly indicate on the packaging, or via a QR code or other data carrier, their name, registered trade name or trade mark, postal address, and (where available) electronic contact address.

### **Restricted packaging formats**

The Regulation specifies some uses of packaging that will not be permitted from 2030 (Art. 22, Annex V). This includes a ban on single use plastic packaging for quantities of fresh fruit and vegetables <1.5 kg. EU Member States can establish national exemptions to this rule if there is a demonstrated need for such plastic packaging, for example for food safety reasons, to maintain the quality of produce, or to separate organic and non-organic fruit and vegetables.

## **Why?**

Packaging is one of the main users of virgin materials and is a significant contributor to waste. Increased use of packaging in recent years has contributed to CO<sub>2</sub> emissions, biodiversity loss, and pollution. The share of recycled packaging has grown significantly since 2012, but much recyclable packaging is not recycled in practice because suitable collection and recycling processes are not in place, or are not economically viable. This Regulation is part of the [European Green Deal](#) agenda, which aims to cut greenhouse gas emissions while supporting economic growth.

The European Commission proposed this Regulation because Member States have implemented the current packaging Directive 94/64/EEC in different ways, particularly in response to the challenge of plastic packaging. Diverging rules complicate the operation of the Single Market, and potentially jeopardise the effectiveness of EU efforts to improve packaging and tackle waste. The European Court of Justice found that certain Member States had failed to

comply with various obligations of the Directive ([EPRS 2022](#)). The Commission anticipates that the new rules will reduce administrative burdens on businesses by aligning divergent rules and practices across EU Member States.

An evaluation study ([European Commission 2020](#)) identified the need to improve the essential requirements for packaging set in Directive 94/64/EC. In particular, it noted that the essential requirements are no longer aligned with the packaging technologies now available on the market, or with current environmental concerns. The study also highlighted ambiguities in the essential requirements, and a lack of clarity about which actors in the supply chain are responsible for packaging. It concluded that actively promoting improved packaging design could bring greater added value.

## Timeline

The final Regulation is expected in the second half of 2024 and the new rules would apply from early 2026, with recyclability and recycled plastic targets applying from 2030.

## What are the major implications for exporting countries?

Today, packaging that comes into contact with food must be produced in accordance with good manufacturing practice (GMP) under Regulation [2023/2006](#). This requires setting up effective quality assurance systems, including documentation on specifications and manufacturing processes that must be presented to competent authorities on request. Packaging must also comply with Regulation [1935/2004](#) on food contact materials (see [Food contact materials explained](#)).

Because the Commission's proposal goes beyond existing requirements, implications for non-EU businesses supplying the EU market could include:

- more testing with additional costs for operators because of the requirement for manufacturers to report on substances such as PFAS not previously reported (European Commission 2022)
- an additional administrative burden on suppliers of packaged food, including exporters in non-EU countries who have to produce and pass down the supply chain technical documentation that includes new sustainability information and a conformity declaration (European Commission 2022)
- significant challenges for manufacturers of recycled plastic in non-EU countries to meet EU standards regarding collection of plastics and emissions into the environment (Politico 2024)
- insufficient supply of recyclable and recycled materials by the 2030 deadline (FoodDrink Europe 2023)

- added complexity for the fruit and vegetable sector due to the ban on single use plastic packaging for fresh fruit and vegetables in quantities <1.5 kg, potentially exacerbated by individual EU Member States creating exemptions from these rules (Freshfel Europe 2024).

## Recommended Actions

Under the new rules, non-EU exporters of packaged foods to the EU market must ensure by the end of 2025 that:

- any packaging has undergone an appropriate conformity assessment procedure
- the relevant technical documentation has been drawn up by the packaging manufacturer
- the manufacturer has provided a written declaration of conformity for the packaging type.

Suppliers exporting packaged foods should engage early with packaging manufacturers to review testing, monitoring, and documentation processes. Exporters will need long-term strategies for sourcing packaging that can meet new recyclability criteria and, in the case of plastic packaging, for ensuring that recycled plastic is produced in a manner equivalent to EU standards.

Suppliers of fruit and vegetables should closely monitor how EU Member States intend to implement rules on single use plastic packaging for products weighing <1.5 kg. They should explore sources of non-compostable sticky labels.

## Background

The existing Directive [94/62/EC](#) aims to prevent packaging waste through reusable packaging, recycling, and other forms of recovery. Reducing the final disposal of such waste contributes to the transition towards a circular economy. The Directive has been updated many times, incorporating requirements on plastic carrier bags (2015) and new recycling targets (2018).

Directive 94/62/EC establishes essential requirements related to the manufacturing and composition of packaging, and its reusability and recoverability (Annex II).

Producers must be able to demonstrate compliance with these requirements. To do so, they can apply harmonised European (CEN) Subject Standards:

- EN 13427\_2004: requirements for the use of European standards for packaging and packaging waste (the “umbrella standard”)
- EN 13428\_2004: prevention by source reduction
- EN 13429\_2004: reusable packaging

- EN 13430\_2004: material recycling
- EN 13431\_2004: energy recovery.

By following these standards, producers are presumed to be in compliance with Directive 94/62/EC. Relevant national standards can also be used to demonstrate compliance where no harmonised standards exist.

## Resources

EPRS (2022) [Briefing: Revision of Directive 94/62/EC on packaging and packaging waste](#). European Parliamentary Research Service.

European Commission (2020) [Effectiveness of the essential requirements for packaging and packaging waste and proposals for reinforcement](#).

European Commission (2022) [Staff Working Document accompanying the Proposal for a Regulation of the European Parliament and Council on packaging and packaging waste](#).

European Commission: [Questions & Answers on the Regulation on Packaging and Packaging Waste](#).

EUROPEN (2021) [Extended Producer Responsibility \(EPR\) for used packaging](#). European Organization for Packaging and the Environment

FoodDrink Europe (2023) [MEPs see the complexity of packaging and adopt a pragmatic negotiating position](#).

Freshfel Europe (2024) [Compromise on the new EU Packaging law will lead to unprecedented, grievous effects on the functioning of the Single Market and dramatically damage fresh produce consumption](#). Press release, 12 March.

Politico (2024) [Inside the European Commission's last-minute push to stall its own sustainable packaging law](#). News, 14 March.

## Sources


[Compromise agreement](#) on a [proposal](#) for a regulation of the European Parliament and of the Council on packaging and packaging waste

Single Use Plastics Directive ([2019/904](#))

Waste Directive ([2008/98/EC](#))

Directive [94/62/EC](#) on packaging and packaging waste

## Table & Figures


Table 1 Limits on concentrations of PFAS in packaging	
Type of polyfluorinated alkyl substances (PFAS)	Limit
Any PFAS as measured with target PFAS analysis (polymeric PFAS excluded)	25 parts per billion (ppb)
Sum of PFAS measured as sum of targeted PFAS analysis	250 parts per billion (ppb)
PFAS (polymeric PFAS included) <sup>[1]</sup>	50 parts per million (ppm)
[1] If total fluorine (F) exceeds 50 mg F/kg, the manufacturer, importer, or downstream user of packaging must, if requested by enforcement authorities, demonstrate proof that the fluorine is measured as content of either PFAS or non-PFAS.	
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 Source: [Compromise agreement](#) on a proposal for a regulation on packaging and packaging waste



Table 2 Minimum percentage of recycled plastic per unit of packaging		
Type of packaging <sup>[1]</sup>	Minimum percentage recycled content	
	By 2030	By 2040
Contact-sensitive packaging <sup>[2]</sup> (except single-use beverage bottles) with polyethylene terephthalate (PET) as the major component	30	50
Contact-sensitive packaging <sup>[2]</sup> made from plastic materials other than PET, except single-use plastic beverage bottles	10	-
Single-use plastic beverage bottles	30	65
Plastic packaging other than the above	35	65

[1] Certain sorts of packaging (e.g. certain medical packaging) do not have to fulfil these criteria.  
 [2] Contact-sensitive packaging includes packaging that comes into direct contact with food.


  
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