



Packaging and Packaging Waste Regulation (PPWR) | Analysis

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Contents

Summary	2
Introduction.....	3
Implementation timeline	3
PPWR priority timeline	4
Analysis of the final text.....	5
Prevention of packaging use and packaging waste.....	5
Packaging reuse and refill.....	7
Recycling and compostable packaging	9
Toxic-free packaging	12
Labelling, marking, and information requirements.....	13
Green public procurement.....	14
Policy discretion for Member States.....	14
Increasing the environmental ambition	14
Limiting exemptions	15
Conclusion	16

Summary

The final text of the Packaging and Packaging Waste Regulation (PPWR) was formally adopted in December 2024 and published on 22 January 2025 in the EU's Official Journal as regulation [\(EU\) 2025/40](#).ⁱ

While this constitutes a significant milestone for the set of rules the EU's packaging sector will have to play by in the next decade, the wheel is not standing still. Preparatory work to carve out technical details of the new requirements, such as technical standards, derogations, calculation methodologies, is already underway and at Member States level, governments began organising to implement changed rules and responsibilities.

This paper analyses the final text of the PPWR, focusing on how to make the most of it, from an environmental perspective. It explains the main changes as well as the work further down the road and provides an overview of areas of discretion open to European capitals.

The PPWR introduces measures for waste prevention, such as packaging waste reduction targets for EU Member States, bans of certain packaging types, obligations to limit empty spaces and technical requirements for packaging minimisation. To promote reusable packaging, the transport and retail sectors are required to ensure a minimum share of reusable packaging for certain products. The take-away food sector should offer reusable options and enable refills. Recycling targets are maintained. Packaging will have to fulfil design for recycling requirements and correspond to recycling capacities. The use of biodegradable materials in packaging is limited to selected appliances. PFAS in food contact packaging will no longer be allowed.

The devil is in the (technical) details. Design for recycling, durability of reusable packaging, compostability, recycled content calculation, empty space ratio and reuse pools, just to name a few examples, must and are set to be further specified. These details will determine the environmental impact of the PPWR to a significant extent.

There is considerable room for decisions taken in European capitals. The regulation explicitly allows and encourages Member States to set higher targets for reuse and to extend their scope. Member States also have significant room for manoeuvre when setting up deposit and return systems to help increase the separate collection of packaging. National particularities were reflected in allowing to collect compostable plastic packaging with bio-waste under strict conditions.

ECOS encourages national governments to make use of the opportunities to reinforce the regulation and to limit derogations. Governments giving way to the many vested interests in packaging will not achieve the U-turn that the PPWR was meant to initiate: reverse the ever-increasing amounts of packaging waste.

ⁱ Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (Text with EEA relevance)

Introduction

The amount of packaging waste we produce has increased dramatically in the last decade and continues to do so: In 2022, every European citizen produced a staggering 187 kg of packaging waste. Annual packaging waste generation grew by 21% since 2009.ⁱⁱ Sadly, so far, waste prevention measures, adopted by EU countries, and the EU Directive on Packaging and Packaging Waste have not delivered.

To address the problem, in 2018, the European Commission received a mandate to review existing EU packaging rules to examine “the feasibility of reinforcing the essential requirements with a view to, inter alia, improving design for reuse and promoting high quality recycling, as well as strengthening their enforcement.”ⁱⁱⁱ In 2022, it published a proposal for a Regulation on Packaging and Packaging Waste.^{iv} In 2024, following extensive political negotiations, the final text was adopted by the European Parliament and EU Member States.^v

By replacing the directive with a regulation, rules governing the EU packaging sector in EU will become more harmonised. However, as this paper highlights, the regulation leaves a lot of room for Member States to grant derogations (or not), and to adopt measures going further than the regulation. How national governments use this room for manoeuvre will determine whether a turnaround in the amount of packaging waste is achieved.

In the next two sections we provide a timeline of the most important regulatory changes, and then look at some of the policy discretion Member States continue to have, starting with options to go beyond common rules before looking at possibilities to make use of derogations, or to limit them. We then summarise the main articles of the regulation, looking at prevention, reuse and refill, recycling and compostability, substances, labelling, including green claims and public procurement. For each thematic subsection we present implementation timelines and explain our position. We conclude with a call for continued engagement of progressive actors in the implementation of the regulation, including in national capitals to finally achieve a sustained U-turn of the ever-increasing amounts of packaging waste.

Implementation timeline

The following infographic provides a timeline of a selection of targets, obligations, bans, or restrictions relating to the thematic subsections of packaging prevention, reuse and refill, recycling, substances, and labelling.

In the subsequent analysis section of this paper we present more comprehensive timelines that include deadlines for secondary legislation, guidelines, and technical standards linked to the Packaging and Packaging Waste Regulation.







ⁱⁱ Eurostat (2024) *Packaging waste statistics* https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics

ⁱⁱⁱ Art 9 (5) of Directive 94/62/EC on Packaging and Packaging Waste

^{iv} ECOS (2023) *European Commission Proposal for a Regulation on Packaging and Packaging Waste* <https://ecostandard.org/publications/ecos-position-paper-european-commission-proposal-for-a-regulation-on-packaging-and-packaging-waste/>

^v <https://www.europarl.europa.eu/plenary/de/infos-details.html?id=1439&type=priorityInfo>

Packaging and Packaging Waste Regulation - Priority timeline (January 2025)

	2025	2026	2027	2028	2029	2030	...	2040
Prevention 						Ban of packaging formats		15% waste prevention target (MS)
						Obligation to minimise packaging		
						Obligation to not exceed empty space ratio		
Reuse & Refill 						Reusable packaging targets - Transport sector		
			Obligation to provide refill option (HORECA)	Obligation to provide reuse option (HORECA)		Reusable packaging targets - Bottled beverage sector		
Recycling 	Recycling targets - Member States					Recycling targets - Member States		
						Obligation to comply with recycling performance grade (Category C)		
				Industrial composting obligation		Obligation to comply with minimum recycled content targets		
Toxic-free 		PFAS restriction						
Labelling 				Obligation to attach EU label to facilitate sorting				

Target

Obligation

Ban/restriction

Analysis of the final text

This section provides an overview of some of the most relevant new rules agreed on at EU level, covering measures under different intervention areas: the prevention of packaging and packaging waste, reusable packaging and refill, recyclable and compostable packaging, substances of concern in packaging, labelling requirements, including green claims, as well as green public procurement rules relating to packaging.

Each intervention area section begins with a table (implementation timeline), listing important deadlines for specific provisions and accompanying measures, then summarises and explains the most important changes, and concludes with a short text box highlighting our positions.

Prevention of packaging use and packaging waste

This chapter summarises the waste prevention targets and some measures to reduce the use of packaging and to minimise the resources per packaging unit. Reuse obligations also contribute to waste prevention but are presented in the following section.

Implementation timeline: Packaging and Packaging Waste Prevention	
Packaging waste prevention targets for Member States	
5%	2030
10%	2035
15%	2040
Commission review of prevention targets (Commission report)	2032
Ban of packaging formats	Jan 2030
Guidance on packaging formats to be banned (Commission guidelines)	Feb 2027
Review of packaging ban (Commission report)	Feb 2032
Obligation to minimise packaging	Jan 2030
Methodology to minimise packaging (Standardisation request)	Feb 2027
Obligation to not exceed empty space ratio	Jan 2030
Methodology to calculate empty space ratio (Implementing act)	Feb 2028
Commission review of empty space ratio (Commission report)	Feb 2032

Waste prevention targets

Member States shall reduce the packaging waste per capita, compared to a 2018 baseline, by 5% by 2030, 10% by 2035, 15% by 2040.

The Commission will review the targets by February 2032 with a view to assess the need to include specific targets for certain packaging materials. The idea behind this, is to control if packaging waste reduction was achieved by lightweighting (switching to lighter packaging materials, such as paper) and, if so, to force other packaging sectors to take measures to prevent packaging waste.

Banned packaging formats

From 1 January 2030, businesses will not be allowed to use certain packaging formats:

- Single-use plastic grouped packaging
- Single-use plastic packaging for unprocessed fresh fruit and vegetables (less than 1.5kg pre-packed fresh fruit)
- Single-use plastic packaging for food and beverages, including small packaging filled and consumed on location of restaurants, bars, and others, e.g. sauces or sugar.
- Single-use packaging for cosmetics, hygiene and toiletry products for individual bookings in the accommodation sector.
- Very lightweight plastic carrier bags, except for loose food or when required for hygiene reasons.

Member States are allowed to maintain bans that include other materials than plastics if adopted before 1 January 2025. Member States may exempt micro-enterprises (<10 staff and < €2m annual turnover) from the ban on single-use plastic packaging for customers of restaurants, bars, and others.

By February 2032, the Commission will assess the positive environmental impact of the restrictions and their derogations and assess the appropriateness of establishing new restrictions on the use of specific packaging formats.

Packaging minimisation

By 1 January 2030 packaging placed on the market is to be designed so that its weight and volume is reduced to a minimum. Packaging not complying with minimisation performance criteria, as well as packaging with double walls, false bottoms and unnecessary layers are banned. However, there are numerous exceptions, for instance, where packaging design and trademarks are protected by EU regulations and international agreements or when the packaged product or beverage belongs to geographical indications.

The Commission will ask for a revision of the harmonised European standard^{vi} specifying the methodology to calculate and measure compliance with the packaging minimisation. The revised standard should include maximum adequate weight and volume limits and, if appropriate, wall thickness and maximum empty space. Reusable packaging should be treated differently to allow designers to meet durability requirements.

Excessive packaging

By February 2028, the Commission can set the rules to calculate the empty space in grouped packaging, transport packaging or e-commerce packaging. The empty space ratio is to mean the difference between the volume of such packaging and the volume of sales packaging they contain.

By 1 January 2030, economic operators are to make sure that the empty space ratio for such packaging is not above 50%. Empty space in this context is the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained in it. When sales packaging is used as e-commerce packaging (without additional packaging for delivery) they are exempt from this obligation. Reusable packaging is also exempt.

By February 2028, the empty space within a sales packaging is to be minimised, however, no maximum empty space ratio was set. The Commission will assess the possibility of setting a maximum by February 2032.

^{vi} EN 13428:2004 (Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction)

The amount of packaging waste per EU citizen has been increasing for decades. Waste prevention targets at EU level are therefore a necessary and positive step. However, other concrete measures to prevent packaging, included in the European Commission proposal for the regulation, were watered down throughout the trilogue negotiations. Single-use packaging bans, for instance, were limited to only cover plastic. This will only substitute one single-use packaging (plastic) with another (e.g. paper).

The effect of packaging minimisation and excessive packaging rules depend on technical details yet to be drafted but the potential positive impact is somewhat limited. Some of the root causes of the rise of single-use packaging (e-commerce, take away, smaller sales units) are left to be tackled in national legislation.

Packaging reuse and refill

This section presents forthcoming technical specifications for reusable packaging design as well as obligations for specific sectors to offer products in reusable packaging. The numerous possibilities to grant exemptions to mandatory EU reuse targets are presented as well.

Implementation Timeline: Packaging Reuse and Refill	
Reusable packaging targets for businesses	
Transport sector	2030
Bottled beverage sector	2030
>Pooling arrangements (Delegated act)	Jan 2028
Commission review of targets (Commission Report)	Jan 2034
Obligation to provide refill option (HORECA)	Feb 2027
Obligation to provide reuse option (HORECA)	Feb 2028
Minimum number of rotations for reusable packaging formats (Delegated act)	Feb 2027

Reusable packaging

The final text states that packaging should be considered reusable if it has been designed and placed on the market with the objective to be reused multiple times and to accomplish as many rotations as possible. Reusable packaging must fulfil the same recyclability requirements as single use packaging, when it becomes waste.

By February 2027, the Commission shall adopt a delegated act, setting a minimum number of rotations that reusable packaging is to withstand under normal conditions of use, for the most frequently used reusable packaging formats, (e.g. glass bottles). These minimum numbers should consider hygiene requirements and logistics.

By February 2027, the Commission will establish a European observatory on re-use, monitoring all measures relating to reuse stemming from this regulation and contributing to best practices in the field of reuse.

Refill obligations

At the latest by February 2027, restaurants and other businesses using take-away packaging for cold or hot beverages or for food and if filled into a container at the point of sale for take-away customers

shall provide a system that allows the filling of customer's own containers. The refill option must be clearly indicated and cannot lead to higher costs or other disadvantages for the customer.

Reuse obligations and targets

By 1 January 2028, businesses using reusable packaging are to ensure that a system for re-use is in place, including an incentive to ensure collection. Businesses operating in the take-away food and drinks sector, in the bottled beverages sector and in the transport sector are to use a certain share of reusable packaging by 2030 (see sub-sections below). Member States are free to set higher targets.

By 1 January 2034, the Commission shall review the implementation of the 2030 targets and evaluate the feasibility of higher targets for 2040. As a general rule, the reuse targets do not apply to businesses placing less than 1,000kg of packaging on a national market, or to micro-enterprises. Member States that are reaching packaging recycling targets and are on track to reach waste prevention targets can exempt businesses for five years, renewable, if they adopt a corporate waste prevention and recycling plan.

The Commission can adopt delegated acts to exempt specific sectors if there are economic constraints. It can also adopt exemptions for specific packaging formats on the grounds of hygiene and food safety or environmental issues.

Take-away sector:

By February 2028, restaurants and other businesses using take-away packaging for beverages or food filled into a container at the point of sale are to provide consumers with the option of using reusable packaging belonging to a system for re-use. Micro-enterprises are exempt. Businesses shall endeavour to offer 10% of products in a reusable packaging from 2030.

Transport sector:

From 1 January 2030, businesses using certain transport packaging - pallets, boxes, trays, crates, intermediate bulk containers etc. shall ensure that 40% of such packaging is reusable within a system for reuse. When these businesses use these transport packaging to transport products between their sites or the ones to close business partners, they are to use reusable transport packaging only.

These obligations do not apply, however, when businesses are using cardboard boxes, flexible packaging in contact with food, custom-designed packaging of large-scale machinery, or when they are shipping dangerous goods.

Beverage sector:

From 1 January 2030, businesses selling drinks in sales packaging to their customers shall ensure that 10% of those products are sold in reusable packaging within a system for reuse. This obligation does not apply to bottles of highly perishable beverages, milk, wine, and other similar beverages. By February 2027, the Commission will publish guidelines to clarify the exemptions. Member States may set targets for other beverages.

Small shops under 100m² are not obliged to sell drinks in reusable bottles. Member States may also allow up to five eligible businesses to meet the 10% reuse target jointly. By 1 January 2028, the Commission will adopt delegated acts to establish the conditions and reporting requirements that apply to pooling arrangements.

The reuse targets for businesses were among the most contested elements during the negotiations. The compromise in the adopted regulation is therefore weaker than what the European Commission had initially suggested.

While reuse targets were ultimately adopted for the transport and the bottled beverage sectors, the many options to derogate from them weakens them significantly. The take away sector in the end will not face any target and the obligation to introduce an option to use reusables does not apply when products are sold already pre-packaged. On the positive side, Member States are not restricted by single market considerations to introduce more meaningful reuse targets nationally.

Recycling and compostable packaging

This section explains future design for recycling and recycling at scale requirements, obligations to incorporate recycled content, obligations to set up deposit and return systems for specific single use packaging as well as new rules relating to compostable packaging.

Implementation timeline: Packaging and Packaging Waste Prevention	
Recycling targets for Member States	2025, 2030
Obligation to comply with recycling performance grade (Category C)	Jan 2030
Obligation to comply with recycling performance grade (Category B)	Jan 2038
Design for recycling and recycling performance grades (Delegated act)	Jan 2028
Obligation to comply with minimum recycled content targets	Jan 2030
Methodology to measure recycled content (Implementing act)	Dec 2026
Sustainability criteria bio-based plastic feedstock	Jan 2028
Separate collection target	Jan 2029
Request exemption	Jan 2028
Industrial composting obligation	Jan 2028
Compostable packaging and home compostability (Standardisation request)	Jan 2026

Recyclable packaging

From 2030, all packaging shall be recyclable. The regulation clarifies that this means it has been designed with the objective that its recycled material can substitute primary raw materials, and that the packaging waste can be separately collected, sorted into specific waste streams and recycled at scale from 2035.

By 1 January 2028, the Commission will establish design for recycling criteria and three recycling performance grades for different packaging categories:^{vii}

- Grade A - 95% recyclability
- Grade B - 80% recyclability
- Grade C - 70% recyclability

From 2030, packaging not meeting at least grade C is banned. From 2038, packaging not meeting at least grade B is banned.

^{vii} The regulation suggests 22 categories: 1 for glass, 2 for paper/carboard, 3 for metal, 13 for plastic (including biodegradable plastic), 1 for wood/cork, 1 for textiles and 1 for ceramics/porcelain stoneware.

By 1 January 2030, the Commission will adopt an implementing act to detail the “recycled at scale” requirement. It should be based on the quantities placed on the EU market and the quantities of packaging waste recycled. A packaging category is considered “recycled at scale” if at least 55% of the volume put on the EU market is recycled annually (30% for wood). It should also establish a chain of custody mechanism allowing to trace the collected amount of packaging waste sent to sorting and recycling facilities. The data is to be made accessible to the public.

By July 2031, extended producer responsibility (EPR) contributions paid to producer responsibility organisations (PROs) by producers of packaging shall be modulated according to the recyclability performance grades following the adoption of the delegated acts.

Innovative packaging, pending approval from the national competent authority and assessment by the European Commission, can be placed on the market for maximum five years without complying with design for recycling or recycling at scale criteria but with a clear timeline to meeting these. Member States shall continuously aim to improve collection and sorting infrastructures for such innovative packaging.

Recycling targets

EU-wide packaging recycling targets applicable to all Member States, adopted in 2018 as an amendment of the Packaging and Packaging Waste Directive, remain unchanged. This means Member States are to ensure that at least 65% of all packaging waste is recycled by 2025 and 70% by 2030. Specific recycling targets per packaging material. e.g. metal, glass, or paper, are maintained.

Minimum recycled content

By 1 January 2030, any plastic part of packaging placed on the market shall contain a minimum percentage of recycled content of 30% (65% by 2040) for all single use plastic beverage bottles as well as contact sensitive polyethylene terephthalate (PET) packaging (50% by 2040) and 10% (25% by 2040) for contact sensitive non-PET packaging. All other plastic packaging shall have 35% (65% by 2040) of recycled content. Targets are to be calculated per packaging type and format, and as an average per manufacturing plant and year. By 31 December 2026, The Commission will adopt implementing acts to establish the methodology for the calculation and verification of the recycled content share.

The regulation also states that recycled content must be from post-consumer plastic waste. The waste can be collected and processed into secondary raw materials inside or outside of the EU. For recycling installations not located in the EU, materials can only stem from those for which emissions, separate collection and sustainability criteria are equivalent to the one's of similar installations in the EU. By 31 December 2026, the Commission will establish delegated acts to set sustainability criteria for plastic recycling technologies (including quality of output, availability of waste, energy needed, greenhouse gas emissions and impacts). Recycled content will only be counted if stemming from recycling technologies meeting these criteria.

By January 2029, the Commission may be asked to set sustainability criteria for bio-based feedstock in plastic packaging, thereby taking into consideration existing sustainability criteria for biofuels. It could also suggest setting targets to increase its use and introduce the possibility to achieve the recycled content targets by using bio-based plastic feedstock in food contact packaging, should suitable recycling technologies not be available.

Deposit and return systems

By 1 January 2029, Member States are to ensure the separate collection of at least 90% of single use plastic beverage bottles and metal beverage containers of up to three litres. Member States are to introduce mandatory deposit return systems for these packaging formats. They are encouraged to also set up deposit and return systems for glass bottles and beverage cartons and to make them work for reusable packaging.

However, Member States can exempt the obligation to charge a deposit for beverages consumed on the premises of restaurants, bars, etc. as well as bottles and containers in formats smaller than 0.1L. Furthermore, Member States that reached a separate collection rate of 80% for single use plastic beverage bottles and metal beverage containers in the year 2026 can be exempt from the obligation to introduce a deposit and return system. A Member State must request an exemption with the Commission before 1 January 2028 and include a plan to achieve a collection rate of 90%. If the collection rate decreases and stays under 90% for three consecutive years, the Member State must introduce a deposit and return system.

Compostable packaging

By February 2028, tea or coffee bags, soft tea or coffee capsules, and sticky labels on fruits and vegetables are to be compatible with the standard for industrial composting and, if Member States require it, they shall also be compatible with a home composting standard, to be requested by the Commission from the European Standardisation Bodies.

Member States can require that plastic coffee capsules and thin plastic carrier bags are to be compostable if they have systems that allow these to be collected with bio-waste. Any other packaging, including those made of biodegradable materials, shall be recyclable.

The Commission may assess whether other packaging should be required to be compostable and collected with bio-waste.

By 1 January 2026, the Commission shall request the European standardisation organisations to update the industrial compostable packaging standard (EN 13432:2000) as well as to prepare a standard on home compostability.

It provides continuity that recycling targets for 2025 and 2030, (introduced in 2018), were maintained. The PPWR will introduce stricter design for recycling requirements for packaging to be allowed on the market. The relevant delegated act should particularly address plastic packaging and composite packaging, which will be the most difficult points for setting recyclability performance grades. We urge Member States to use EPR modulation to provide economic incentives to packaging providers to be in the highest recyclability grades.

As for recycled content, the EU implementing acts defining the methodology will be key in meeting the targets, which are set at packaging type level (not at Member State level like in the SUPD).

Regarding compostable packaging, ECOS will continue its involvement in the relevant European standardisation working group on packaging to ensure the harmonised standards are more robust and aligned with latest developments.

Toxic-free packaging

This section describes the PFAS restriction for food contact packaging and possible future restrictions of substances to remove barriers to reuse and recycling.

Implementation timeline: Packaging and Packaging Waste Prevention	
Report on impediment to recycling and reuse (Commission report)	Dec 2026
Member States to report to the Commission	Dec 2025
PFAS restriction	Jul 2026
PFAS restriction review (Commission report)	Jul 2033

Packaging is to be manufactured so that the presence of substances of concern as constituents of the packaging material is minimised. The presence of heavy metals, such as lead, cadmium, mercury, and hexavalent chromium, continues to be restricted.

The regulation introduces a specific reference to the adverse impact on the environment due to micro-plastics. It is unclear what the implications for packaging design will be in practice and if this addition will have any impact on the packaging placed on the market in the EU.

The Commission will monitor the presence of substances of concern in packaging and will prepare a report to determine their impact on reuse and recycling of material by 31 December 2026, assisted by ECHA. Member States will inform the Commission by 31 December 2025 of substances they consider an impediment to reuse and recycling. Wherever deemed necessary, restrictions based on the latter should be added to the design for recycling criteria.

By August 2026, the concentration of per and polyfluorinated alkyl substances (PFAS) will be restricted for “food contact packaging”. The levels permitted are sufficiently low to be considered a de facto ban of adding PFAS intentionally to packaging materials. The Commission may withdraw the ban four years later if there are overlaps with REACH, POP, or Food Contact Material regulations. The Commission will review the impact of the new provisions by August 2033.

The PFAS ban on food contact packaging will accelerate the removal of PFAS more quickly from this type of packaging as we wait for the proposed universal PFAS ban under REACH.

The PPWR could have been more ambitious on substances of concern by including additional substances to restrict (such as BPA) or extending the ban to other types of packaging. We highlighted our positions in an [open letter](#) to negotiators during the trilogues.

Labelling, marking, and information requirements

This section describes efforts to harmonise labelling to facilitate sorting and recycling as well as obligations to indicate deposits and reusable packaging. It explains the rules for indicating environmental claims.

Implementation timeline: Labelling	
Obligation to attach EU label to facilitate sorting	Jul 2028
Obligation to indicate packaging is reusable	Jan 2029
Harmonised EU labels (Implementing act)	Jul 2026

Labelling of packaging

The Commission will develop and establish by means of implementing acts, 18 months after entry into force, harmonised labels to indicate to customers:

- How to sort packaging waste (including compostable packaging).
- Whether packaging is reusable.
- To indicate the percentage of recycled or, if appropriate, biobased content of plastic packaging.

By August 2028, packaging is to bear the EU label (based on pictograms) to facilitate sorting by the consumer. This obligation also falls on e-commerce packaging but not on other types of transport packaging or packaging for which there is a deposit and return system.

Compostable packaging (see compostable packaging for the types of packaging required to be compostable) shall bear a label clearly indicating it is compostable but not suitable for home-composting and that it is not to be littered^{viii}. Packaging for which there is a deposit and return system are to be labelled with national labels and may be required to be marked with an EU colour label, should Member States request it.

By February 2029, reusable packaging placed on the market must bear a label to inform users it is reusable. In addition, there shall be a standardised, open, digital data carrier (e.g. QR code) to inform about the reuse system, collection point and to facilitate tracking of packaging. Reusable packaging shall also be clearly distinguished from single use packaging at the point of sale.

The indication of recycled or biobased content on a packaging label is to follow EU secondary legislation on how to calculate this (see minimum recycled content).

Environmental claims

Claims (as defined in the “Unfair Commercial Practices” Directive) on packaging characteristics for which legal requirements are set out in the PPWR, such as recyclability, the level of recycled content and reusability, should only be made in relation to packaging properties exceeding the applicable minimum requirements set out in this Regulation and according to the methodologies and rules established under the PPWR. They should also specify whether they relate to the packaging unit, part of the packaging unit or to all packaging placed on the market by the producer.

^{viii} ECOS (2022) *EU bio-based, biodegradable & compostable plastics framework: Can recommendations help control pollution?* https://ecostandard.org/news_events/plastics-framework/

Claims regulated under PPWR will not offer a high level of consumer protection. Compared to the proposals for a Green Claims Directive, there are no clear requirements on the publication of background data and no verification procedure. Substantiation rules would also be lower, compared to the Green Claims Directive, with no obligation to be relevant from a lifecycle perspective. This will reduce clarity for businesses who will have to check which claims fall under which legislation.

Green public procurement

The Commission will set rules 60 months after entry into force that set minimum requirement for public contracts, where packaging or packaged products represent more than 30% of the estimated contract value. The minimum requirements may relate to technical specifications, selection criteria and contract performance conditions. Contracting authorities will be allowed to deviate from tendering rules on the grounds of public security or public health, or to avoid unresolvable technical difficulties.

We urge the EU and Member States to provide contracting authorities with clear and strict guidelines about how to include reusable packaging requirements in public tenders.

Policy discretion for Member States

One of the European Commission's aims for proposing to replace the Directive on Packaging and Packaging Waste by a different legal act (a regulation), was to further harmonise different national regulatory approaches to packaging. While the regulation is a step into this direction, disagreement among Member States on ambition and ways to get there resulted in a regulation that leaves significant room of manoeuvre for Member States. The final text allows for more national policy discretion than what the European Commission's proposal had initially foreseen.

Below is a non-exhaustive overview of where the regulation explicitly allows Member States to make national policy choices, impacting the environmental ambition. We urge national governments to use these possibilities to go further than the regulation and to limit the derogations to support positive changes in the way packaging is designed and used.

Increasing the environmental ambition

Member States are given some explicit options to adopt national rules going beyond the level set by the EU regulation. These options are most clear for reuse targets and deposit and return schemes, reflecting a lack of convergence around these topics and the willingness of some Member States to introduce stronger measures.

Reuse

Member States are free to deviate from the regulation by fixing higher reuse targets for businesses of the transport sector. For businesses in the bottled beverage sector, Member States can set higher targets and introduce additional targets for other beverages, such as wine, milk, etc.

While the regulation introduces deposit and return schemes for certain single use containers, Member States are explicitly encouraged to make deposit and return schemes work for reusable packaging. National rules may therefore be introduced to ensure such schemes also take back reusable containers.

Recyclable packaging

The regulation introduces mandatory deposit and return systems for single use plastic and metal containers (see below for exemptions), but Member States are encouraged to set up deposit and return systems for glass bottles and beverage cartons. They can introduce national legislation to this end. Member States can choose to make the EU colour label mandatory for packaging that is part of a deposit and return system, in addition to the national labels that such packaging should bear.

Compostable packaging

The regulation mandates that tea or coffee bags, soft tea or coffee capsules, and sticky labels on fruits and vegetables will have to be compostable in industrial installations for bio-waste ("industrially controlled conditions"). A Member State can require that these items shall also be home compostable, i.e. compatible with non-professional composting. The necessary technical specifications in this case will be set in a new European standard on home composting.

Throughout the negotiations, the European Commission's proposal for a Packaging and Packaging Waste Regulation was watered down. On the positive side, Member States were granted more room for national measures than initially foreseen. Member States should seize the opportunity to set higher reuse targets and extend their scope - ensuring that existing deposit and return systems for single use are opened to reusable packaging.

Limiting exemptions

In addition to raising the ambition at the national level, Member States can also show their ambition for packaging prevention, reuse, and recycling by deciding against the numerous options to grant businesses exemptions from the EU regulation's obligations.

Single-use packaging ban

Member States can choose not to exempt micro-enterprises from the ban on single-use plastic packaging, e.g. plastic cups or plates, for dine-in customers, which is applicable to restaurants and other businesses in the hospitality sector. Micro-enterprises are defined as fewer than 10 employees and less than €2 million in annual turnover.

Reuse targets

Member States can choose not to exempt businesses of the transport and the bottled beverage sector for five years (renewable) on the condition that they adopt a corporate waste prevention and recycling plan. The possibility for this exemption is granted to Member States that are reaching the EU packaging recycling targets and that are on track to reach waste prevention targets.

In the bottled beverage sector, Member States may allow the creation of pools of up to five businesses. These pools would be allowed to meet the 10% reuse target collectively. This would weaken the obligation as certain businesses can continue not to offer any beverages in reusable bottles if they team up with other businesses that do.

Recyclability

Businesses can notify national competent authorities about their intention to use innovative packaging. Innovative packaging does not need to comply with recycling at scale and recycling performance requirements until five years after they are first put on the market. Member States' national competent authorities can reject a claim that packaging is innovative and therefore is to be given a derogation. If they accept it, they are to continuously aim to improve collection and sorting infrastructures for innovative packaging.

Regarding biodegradable packaging, Member States may require that, on top of tea bags, soft coffee capsules and sticky labels on fruits, also plastic coffee capsules and thin plastic bags are to be compostable in industrial installations. This is on the condition they have systems that allows bags and coffee compostable capsules to be collected with bio-waste.

Deposit and return systems

Member States can request an exemption from the obligation to set up deposit and return systems for single use plastic and metal beverage containers. They must do so before 1 January 2028 and will only be allowed an exemption if they achieved a separate collection rate of at least 80% by 2026.

Member States can also exempt small single use plastic and metal containers (smaller than 0.1 litres) from the obligation to participate in a deposit and return system and they can exempt beverages bottled in plastic and metal containers and consumed on the premises of restaurants from the obligation to charge a deposit.

The wide variety of exemptions foreseen in the Packaging and Packaging Waste Regulation leave national governments with a lot of freedom on how to achieve waste prevention targets, exemptions and derogations must be limited if the regulation is to show real impact.

- The single-use ban for dine-in restaurant customers is already weak - only concerns single-use plastic, not paper. It should apply to all businesses in the sector. The Joint Research Council showed the positive impact of reusable tableware in this setting.
- Reuse targets were watered down to the point that Member States can exempt businesses from significant reuse obligations.
- Member States should only allow pools among small businesses.
- Exemptions for innovative packaging can easily be misused. National authorities should limit granting this status only to very promising innovations.

Conclusion

The simple truth is, we use more and more packaging – and recycling is just not enough. With the PPWR, the EU adopted rules to avoid the use of unnecessary packaging, tackle overpackaging, support reuse and refill, and, finally, make sure all packaging is recycled. However, during the negotiations, targets were lowered or made voluntary, numerous loopholes and possibilities for derogations from strict measures were added and difficult decisions on technical details postponed into the future.

On the positive side, Member States were granted more room for national measures than the European Commission's proposal had initially foreseen. It is now the responsibility of Member States to seize the opportunity and implement the PPWR in a way that maximises the impact of waste prevention measures and of the shift to more reusable packaging. They should set higher reuse targets and extend their scope, ensure that existing deposit and return systems for single use are opened to reusable packaging and strengthen biodegradability requirements.

Governments should actively push for ambitious technical details (still to be defined in secondary legislation). This includes setting optimal durable design requirements for reusable packaging, defining how beverage bottle reuse targets can be achieved by a pool of businesses without watering down the overall impact, finding a strict methodology to calculate empty space ratios, and proposing exhaustive lists of substances that are impeding reuse and recycling.

To realise the full potential of the PPWR, we now look to Member States to take the helm and provide further incentives to prevent waste, reduce packaging, and boost reusable packaging.