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THE PROPOSED PACKAGING & PACKAGING WASTE REGULATION (PPWR) SHOWN A YELLOW CARD IN THE COUNCIL



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On 30 November 2022, the European Commission presented a proposal for a regulation on packaging and packaging waste (the "PPWR proposal") amending Regulation 2019/1020 and Directive 2019/904 and repealing Directive 94/62. The proposal aims to tighten up the existing rules on the prevention, reduction and recycling of packaging and packaging waste. The proposal aims to reduce packaging waste by 15% by 2040 per Member State and per capita, and to make all packaging on the EU market recyclable in an economically viable way by 2030.

The proposed regulation is intended to apply to all packaging, regardless of the material used, and to all packaging waste. On the one hand, it establishes sustainability requirements for packaging, with regard to its composition (Articles 5 and 7), recyclability (Articles 6 and 8), weight (Article 9) and re-use (Article 10). Secondly, it lays down labelling, marking and information requirements (Articles 11 and 12).

Finally, the initiative creates new obligations for economic operators, such as the setting up of a reuse system for reusable packaging (Articles 23 and 24), and for Member States, in particular as regards the gradual reduction of packaging waste (Article 38) or the establishment of deposit systems (Article 44).

However, at the Environment Council on 16 March, where the ministers held a policy debate on the proposal, strong differences between the Member States and the Commission emerged. Some government representatives criticised the use of a regulation rather than the directive tool on the grounds that many states already have their own legislation and that the superimposition of a regulation would make the rules more complex rather than simpler. Furthermore, some states consider the project not ambitious enough (e.g.: The Netherlands, Germany and Luxembourg) regarding, for example, the requirement to use recyclable materials in plastic packaging, while others take the opposite position, regretting an overly strict approach that could prove counter-productive and unrealistic. The Commission holds its position on the grounds that the state of the law in the EU has not shown sufficient progress.
