

DENTONS GLOBAL ADVISORS

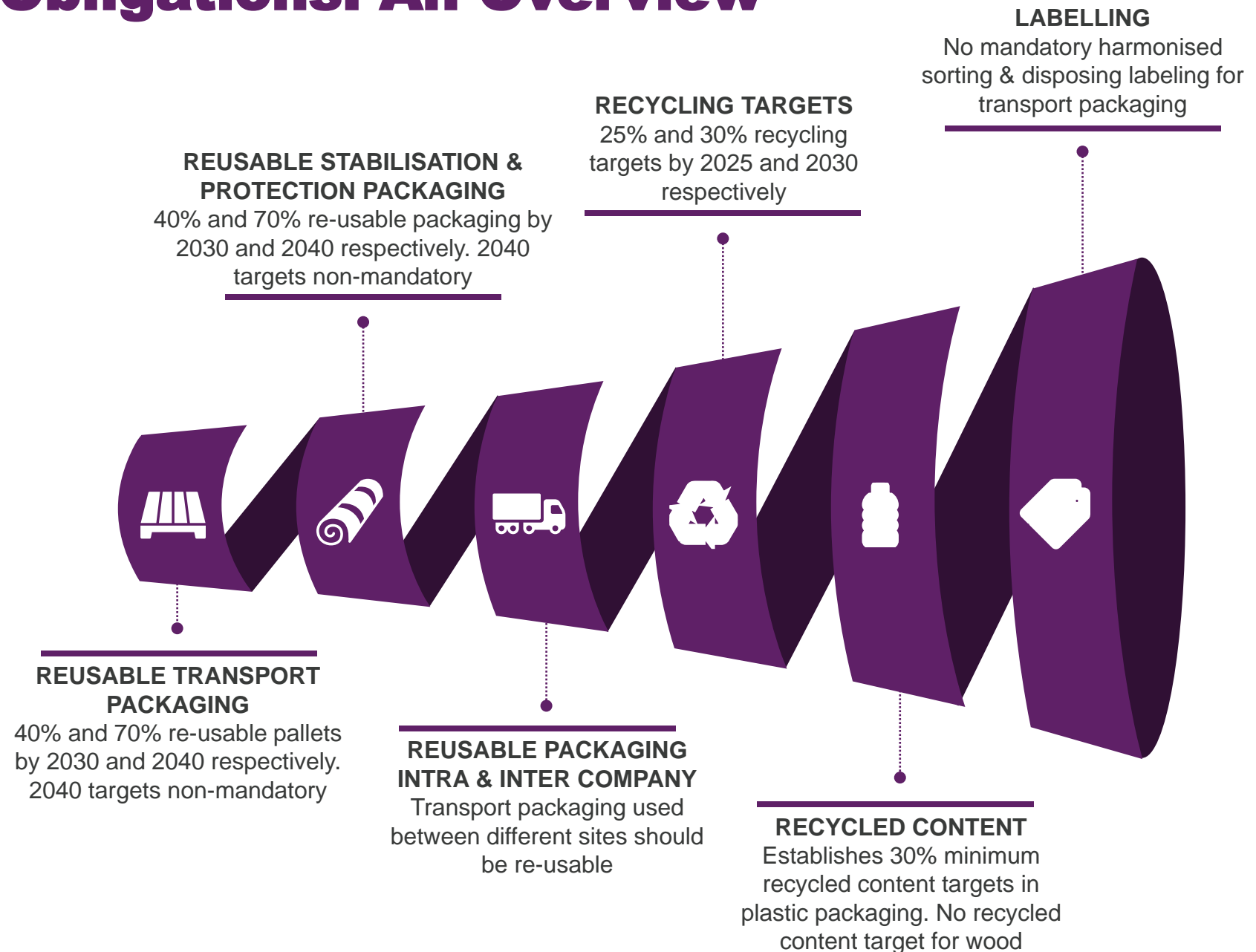
# Unpacking Packaging and Packaging Waste Regulation

FEFPEB Spring Meeting 2024  
PPWR Task Force

24 May 2024



# PPWR Obligations: An Overview





# **PPWR Advocacy: A quick overview**

# PPWR Advocacy: Background

- In November 2022, the European Commission published a proposal for Packaging and Packaging Waste Regulation (PPWR) which will repeal the Directive on Packaging and Packaging Waste in force
- Discussions started in ITRE, IMCO and ENVI committee of the Parliament in early 2023
- FEFPEB members were concerned about the following aspects in the Commission Proposal for the regulation:
  - Reuse targets for industrial packaging
  - Strict recyclability requirements for light weight wooden packaging (LWP)
  - Restriction to sell LWP for fresh fruits and vegetables (below 1.5kg)
  - Empty space ratio for industrial packaging
  - No obligation to return reusable assets in closed loop system
- DGA started working on PPWR advocacy for FEFPEB in May 2023



# State of play

## Key issues in PPWR text (across all 3 institutions)



**Closed loop recycling:** Obligation to recycle packaging products into packaging via definitions of high-quality recycling and recycled at scale



### Industrial transport packaging

- Reuse targets
- Mandatory empty space ratio obligations



### Light-weight packaging

- Recyclability requirements difficult to meet in some countries
- Restriction on use for fresh fruits and vegetables



No obligation to **return reusable assets** when used in closed loop system

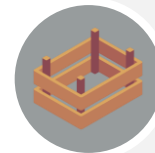
## What we achieved in the latest version of PPWR



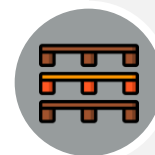
**Open loop recycling:** High-quality recycling and recycling at scale is not mandating that packaging should be recycled to packaging itself



- Exemption from reuse targets for packaging of large-scale machinery, and customised-designed packaging
- Empty space ratio calculation will take into consideration the shape and protection of products



- Restriction on use for fresh fruits and vegetables applies only to SUP packaging
- Exemption for LWP from recyclability requirements



Economic operators are obliged to **return reusable assets** when used in closed loop system

# How did we achieve it?



## Outreach with EU Institutions

- Meeting with EP Rapporteur's Office and other rapporteurs
- Meeting with Council Perm Reps



## Outreach with like-minded organisations

- Produced joint statement with the whole wood and paper industry – FPE, EFIC, EPF, GROW, CEI Bois
- Organising meetings with EPF and GROW
- Meetings with wood recycling associations from UK, DE and PL



## Tabling of amendments and voting recommendations in Parliament & Council

- Several MEPs across political tabling amendments in favor
  - Targeted outreach to ENVI, ITRE and IMCO Committee
- Sent voting recommendations to successfully get favourable AMs passed in the Plenary



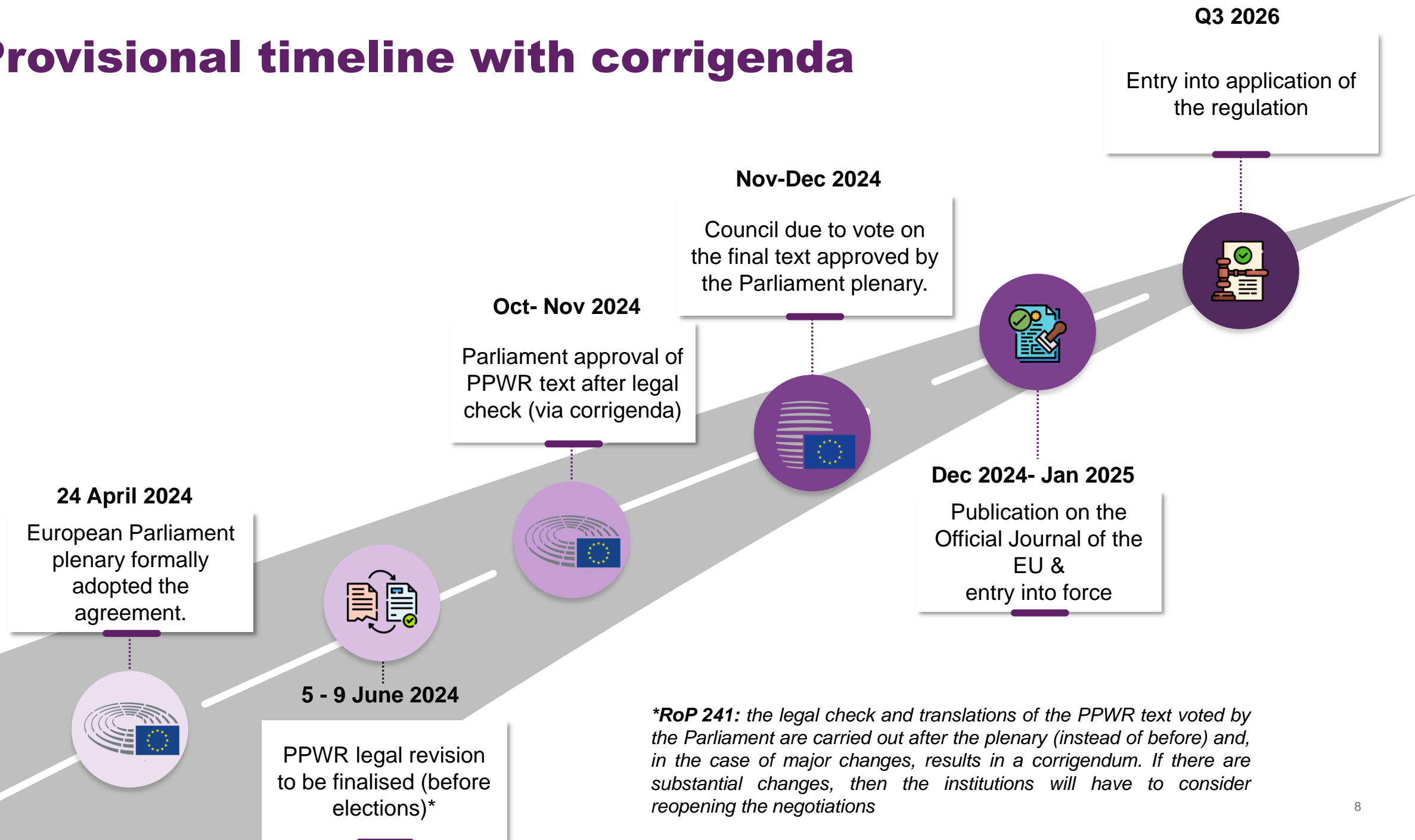
## Written Statements

- Prepared position papers and several reaction statements at EP Committee & Plenary level and Council
- Co-ordinating advocacy efforts of FEFPEB Members in EP and Council

The image shows a large European Union flag with twelve gold stars on a blue field, waving in the wind. The flag is positioned in the foreground, with a modern, multi-story building featuring a curved facade and many windows in the background. The entire scene is overlaid with a semi-transparent purple filter. The text 'What's coming next' is written in a bold, white, sans-serif font at the bottom left of the image.

**What's coming next**

# Provisional timeline with corrigenda



*\*RoP 241: the legal check and translations of the PPWR text voted by the Parliament are carried out after the plenary (instead of before) and, in the case of major changes, results in a corrigendum. If there are substantial changes, then the institutions will have to consider reopening the negotiations*



# PPWR secondary legislation timeline\*



DfR criteria and recyclability performance



Recyclability at scale methodology



Calculation rules and methodology for reuse targets



Methodology for measurement of empty space ratio



Guidelines explaining the scope of packaging restriction



Review of exemption from recyclability criteria



\*Most relevant secondary legislations for FEFPEB



The background of the slide features a photograph of the European Union flag, which is blue with twelve gold stars arranged in a circle. The flag is waving in the wind. In the background, there is a large, modern building with a curved facade and many windows. The entire image is overlaid with a semi-transparent purple filter. A white rectangular border is present around the text area.

# **Main compliance provisions for FEFPEB**

# Recyclability of Packaging



## Main provisions

- From 1 January 2030 all packaging shall be recyclable, in line with the design for recycling criteria
- From 1 January 2035 packaging will also have to be recycled at scale
- By 1 January 2030, packaging will not be allowed on the EU market unless recyclable within grades A, B or C
- By 1 January 2038, packaging shall not be placed on the EU market if it falls below grades A and B

Recyclability grades	Percentage
A	$\geq 95\%$
B	$\geq 80\%$
C	$\geq 70\%$
<D	$< 70\%$



## Relevant exemptions for packaging made of wood:

- Packaging used to transport dangerous goods
- Sales packaging made from lightweight wood

# Reuse targets for transport packaging



## Main provisions

- From 1 January 2030, operators using transport or sales packaging used to transport goods within the Union incl. flexible formats or pallet wrappings or straps should use at least 40% reusable packaging
- From 1 January 2040, operators should endeavour to use at least 70% reusable transport packaging (non-mandatory)
- Economic operators using transport packaging between different sites, or between any of the sites and other linked enterprise or partner enterprise, shall ensure that such packaging is reusable within a system for re-use (100%)



## Relevant exemptions for packaging made of wood:

- Packaging used for dangerous goods
- Packaging used for large-scale machinery, equipment and commodities for which packaging are customised-designed

### *Cumulative conditions for exemption for MEMBER STATES*

- *Member State reaches 5 percentage points above the 2025 targets for recycling of packaging waste per material and is expected to reach 5 percentage points above the 2030 target*
- *Member State is on track to fulfil the respective waste prevention targets and can demonstrate to have reached at least 3% waste prevention by 2028 compared to the 2018 baseline*

# Packaging minimisation targets



## Main provisions

- By 1 January 2030, the packaging placed on the market is designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality including the shape and material that the packaging is made of
- By 1 January 2030, packaging in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 50 %



## Relevant exemptions for wood packaging

- The methodology for the calculation of the empty space ratio will consider special packaging characteristics, among others, irregular shapes, packaging containing more than one sales unit or liquid products, possible damage and space needed to attach shipment labels
- Reusable packaging within a system for reuse are exempted from complying with the max. 50% empty space ratio. They should however comply with minimisation requirements

# Thank you

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