

EU Publishes New Rules for Packaging and Packaging Waste

On 19 December 2024, the European Union enacted Regulation (EU) 2025/40 on packaging and packaging waste, which was published in the Official Journal on 22 January 2025.

This Regulation amends Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repeals Directive 94/62/EC.

It aims to harmonize packaging requirements across EU member states, reduce packaging waste, and promote sustainability. This comprehensive framework underscores the EU's commitment to reducing packaging waste and promoting a circular economy.

Key Highlights of the Regulation

1. Design for Recycling (Article 6(4)):

All packaging must be designed for recyclability. By 01 January 2028, the European Commission will establish design-for-recycling criteria and recyclability performance grades.

Packaging with a recyclability grade below 70% will not be considered recyclable (page 95).

2. Minimum Recycled Content in Plastic Packaging (Article 7):

Mandatory targets are set for recycled content in plastic packaging. For instance, by 2030, polyethylene terephthalate (PET) food packaging must contain at least 30% recycled content, increasing to 50% by 2040. Similar targets are established for other types of plastic packaging.

3. Substances of Concern (Article 5(5)):

From 12 August 2026, food-contact packaging containing per- and polyfluorinated alkyl substances (PFAS) must adhere to specific concentration limits:

- 25 parts per billion (ppb) for any PFAS as measured with targeted analysis.
- 250 ppb for the sum of PFAS measured as the sum of targeted analysis.
- 50 parts per million (ppm) for PFASs, including polymeric PFAS.

The existing restriction on heavy metals in packaging (lead, cadmium, mercury, and hexavalent chromium) is maintained, with a combined concentration limit of 100 mg/kg (Article 5.4).

4. Packaging Minimization (Article 24):

Packaging must be reduced to the minimum necessary to ensure its functionality. By 01 January 2030 or 3 years from the entry into force of the implementing acts, economic operators who fill grouped packaging, transport packaging or e-commerce packaging shall ensure that the maximum empty space ratio, expressed as a percentage, is 50%.

5. Reuse and Refill Targets (Article 32 and 33):

Businesses in the hotel, restaurant, and catering (HORECA) sector must, by 12 February 2027, offer consumers the option to have products filled in their own containers at no additional charge. By 12 February 2028, these businesses are required to provide reusable packaging options for take-away services. There are also specific reuse targets for transport packaging and sales packaging used in transport.

6. Labelling Requirements (Article 12):

Clear and uniform harmonized labelling is mandated to facilitate proper waste sorting and recycling. Labels must indicate the material composition and provide recycling instructions. QR codes are also acceptable for this purpose.

From 12 August 2028, packaging placed on the market shall be marked with a harmonized label containing information on its material composition in order to facilitate consumer sorting.

The label shall be based on pictograms and be easily understandable, including for persons with disabilities.

7. EU Declaration of Conformity (Article 38 and Article 39):

Manufacturers are required to carry out conformity assessments, draw up Declarations of Conformity, and maintain technical documentation for 10 years after reusable packaging (five years for single-use packaging) is placed on the market. These documents must be made available to Member State enforcement authorities upon request (Article 15).

Effective Date

The Regulation entered into force on 11 February 2025, being the 20th day following the publication in the Official Journal.

It shall apply from 12 August 2026. However, Article 67(5) shall apply from 12 February 2029.

References

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500040

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