EU packaging rules that work
Making the Single Market and sustainability go hand in hand

The success of the Packaging and Packaging Waste Regulation (PPWR) will be measured against its ability to create a workable legislative framework. This means delivering an ambitious yet viable EU packaging law, which sets the direction of travel for packaging manufacturers and users to achieve Europe’s sustainability goals while preserving packaging’s key role in protecting consumers, products and the viability of Europe’s supply chains.

The first step is ensuring that the environmental objectives of the PPWR are balanced with the principles of a unified European market, in which packaging and packaged goods can move freely across EU borders. Only with a stronger, more effective Single Market can Europe hope to capture the levels of innovation and investment needed to take the lead in sustainable packaging developed at scale.

PPWR must uphold Single Market principles, not undermine them. We urgently need one Circular Economy in Europe.

Secondly, the PPWR will be judged against its ability to ensure the functioning of all value chains that depend on packaging for the safe and efficient distribution of products in a circular economy. Virtually all goods circulating within the EU are packaged. Packaging is an integral part of a supply chain. The unavailability of suitable packaging, for instance due to disproportionate restrictions or unworkable conditions for market access, at EU or national level, can endanger the resilience of Europe’s supply chains.

The European Parliament’s negotiating position adopted last month is a step towards eliminating arbitrary measures - which were not anchored in thorough impact assessment - and ensuring a gradual approach to packaging waste prevention and minimisation. Yet serious concerns remain as to the ability of the Regulation to deliver on its intended goal of greater harmonisation of packaging sustainability rules across the EU.

In recent years, our industries have witnessed an increase in national trade barriers in the form of divergent packaging requirements imposed by several Member States. We now face the greater risk that new trade barriers will be legitimised by the Regulation itself. If Member States are allowed to introduce new national sustainability and information requirements, and if the right to market goods is restricted to national markets rather than the EU as a whole, products that comply with PPWR could be denied access to the market of a given Member State.

Our industries’ associations remain fully supportive of a timely adoption of an ambitious and implementable EU packaging Regulation. However, a fragmented Single Market will stop us from leading the transformation to a more sustainable economy. We urge EU Member States to align with the Parliament on key issues where possible, and to uphold Single Market principles when adopting the General Approach on PPWR.

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Annex - Non exhaustive list of examples of Internal Market fragmentation and concrete proposals for improvement
<table>
<thead>
<tr>
<th>Article</th>
<th>Article 4(4) - Free movement</th>
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</table>
| **Comments & key concern** | • The replacement of the wording “placing on the market of packaging” with "making available on the market for the first time within the territory of a Member State" of packaging is against the spirit of harmonisation underlying the proposal, and contrary to the EU-wide concept of “placing on the market” defined in the European Commission’s Blue Guide on the implementation of EU products rules 2022. This wording means that a Member State could effectively prohibit a packaged product from entering its market while it is compliant with the Regulation and was already placed on the market.  
• Such replacement of “placing on the market” by “making available on the market within the territory of a Member State” should be deleted.  
• Member States should not be able to introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, as this risks to greatly fragment the EU Single Market and disrupt the circulation of packaging and packaged goods in the EU. |
| **Proposal for improvement** | “In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.” |

<table>
<thead>
<tr>
<th>Article</th>
<th>Article 26 - Reuse and refill targets</th>
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<td><strong>Comments &amp; key concern</strong></td>
<td>• The addition of the reference to “at least” should be removed. The original Commission’s text does not preclude economic operators to out-perform the reuse targets mandated in this Article. However, the inclusion of “at least” would imply that those are minimum targets thus allowing Member States to set diverging targets at national level, leading to the fragmentation of the internal market and hindering the creation of greater economies of scale and the investment needed to realise a circular and climate-neutral economy in Europe.</td>
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<td><strong>Proposal for improvement</strong></td>
<td>Deletion of references to “at least” throughout the Article</td>
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<td><strong>Comments &amp; key concern</strong></td>
<td>• In line with the spirit of harmonisation underlying the proposal, and as a way to safeguard the EU internal market for packaging and packaged goods, Member States shall not be allowed to introduce higher targets than those set in the Regulation.</td>
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| **Proposal for improvement** | “Under the conditions set out in Article 45, Member States may set targets for economic operators going beyond the minimum targets set out in:  
(i) paragraphs 2 and 3 of this Article in relation to packaging within the scope of Directive (EU) 2019/904;  
(ii) paragraphs 1, 4 to 13 of this Article to the extent that higher targets are strictly necessary for the Member State to achieve one or more of the targets in Article 38.” |
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<th>Article</th>
<th>Article 38(1) - Prevention of packaging waste</th>
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<td>The addition of the reference to “at least” should be removed. The original Commission’s text does not preclude Member States to out-perform the packaging waste reduction objectives mandated in this Article. However, the inclusion of “at least” would imply that those are minimum targets thus allowing Member States to set diverging targets at national level, leading to the fragmentation of the internal market.</td>
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| **Proposal for improvement** | “1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by at least  
  a. 5 % by 2030;  
  b. 10 % by 2035;  
  c. 15 % by 2040.” |

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<td>Paragraph 3 should be removed. The original Commission’s text does not preclude Member States to out-perform the packaging waste reduction objectives mandated in this Article. However, the additional text in Article 38(3) would allow Member States to set diverging targets at national level, leading to the fragmentation of the internal market.</td>
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<td><strong>Proposal for improvement</strong></td>
<td>“3. For the purpose of paragraph 2, Member States may introduce packaging waste prevention measures that exceed going beyond the minimum measures targets set out in this Article paragraph 1, while complying with the provisions set out in this Regulation.”</td>
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<td><strong>Proposal for improvement</strong></td>
<td>“(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.”</td>
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</table>
Signatories

ACE - The Alliance for Beverage Cartons and the Environment

AFCO - Asociación Española de fabricantes de envases y embalajes de cartón ondulado.

Afera - The European Adhesive Tape Association

AGMPM - Association of Greek Manufacturers of Packaging & Materials

AGVU - Arbeitsgemeinschaft Verpackung + Umwelt e.V.

AIC - Associação dos Industriais de Cosmética, Perfumaria e Higiene Corporal

AIJN - European Fruit Juice Association

AIM - European Brands Association
A.I.S.E - International Association for Soaps, Detergents and Maintenance Products

AmCham EU - American Chamber of Commerce to the European Union

ANAIP - Asociación Española de Industriales de Plásticos

ANFIMA - Italian National Association of Metal Packaging

APEAL - The Association of European Producers of Steel for Packaging

APIP - Associação Portuguesa da Indústria de Plásticos

APPLiA - Home Appliance Europe

ARAM - Romanian Association for Packaging and the Environment
BAP - Branch Association Polymers

BPF - British Plastics Federation

Bundesverband der Deutschen Sportartikel-Industrie e.V.

CEC - The European Footwear Industry

CEFLEX - A Circular Economy for Flexible Packaging

CEO - Comité Européen de l'Outillage

Cepi - Confederation of European Paper Industries

Cicloplast - Spanish Association of Plastics Transformers and Raw Materials Producers for Promoting Plastics Packaging Recycling
CICPEN - Czech Industrial Coalition for Packaging and the Environment

Copa-Cogeca

Cosmetics Europe

EAFA - European Aluminium Foil Association

ECMA - European Cigar Manufacturers Association

ECMA - The European Carton Makers Association

ECOEMBES - ECOEMBALAJES ESPAÑA

EDANA - The voice of nonwovens
EFIC - European Furnitures Industries Confederation

EGMF - The European Garden Machinery industry Federation

EKO-PAK

ELIPSO - Les entreprises de l’emballage plastique et souple

EPLF - European Producers of Laminate Flooring Association

EPPA - European Paper Packaging Alliance

EPTA - European Power Tool Association

EUBP - European Bioplastics
EUROPEN - The European Organisation for Packaging and the Environment

EVA - European Vending & Coffee Service Association

EXPRA - Extended Producer Responsibility Alliance

FCD - Fédération du Commerce et de la Distribution

FDE - FoodDrinkEurope

FEA - European Aerosol Federation

FEDIAF - European Petfood Association

FEFCO - The European Federation of Corrugated Board Manufacturers
FEICA - Association of the European Adhesive & Sealant Industry

FEPA - Federation of European Producers of Abrasives

FESI - Federation of the European Sporting goods Industry

FEVE - European Container Glass Federation

FGHS - brancheorganisatie voor sportleveranciers

FINAT - The association for the European label industry

Forum Getränkedose

Fost Plus
FPE - Flexible Packaging Europe

FRUITIMPRESE

Giflex - the Italian association of flexible packaging manufacturers

HDSL - Federal Association of the German Footwear and Leather Goods Industry

IK - Industrievereinigung Kunststoffverpackungen

INCPEN - The Industry Council for Packaging & the Environment

Independent Retail Europe

INTERGRAF - European federation for print & digital communication

KUNSTSTOFF.swiss
La Boîte Boisson
Latas de Bebidas
LE - LightingEurope
Maison des eaux minérales naturelles
MedTech Europe - The European trade association for the medical technology industry
Miljöpack - Packaging Association, Sweden
MMFA - Multilayer Modular Flooring Association
MPE - Metal Packaging Europe
NATRUE - The International Natural and Organic Cosmetic Association

NCV - Nederlandse Cosmetica Vereniging

NMWE - Natural Mineral Waters Europe

NRK Verpakkingen

PAKKAUS - The Finnish Packaging Association

PCEP - Polyolefin Circular Economy Platform

PET Europe - Producers’ Association

Plastics Cluster
Plastics Europe

Polish Union Of Plastics Converters

Pro Carton - Association of European Cartonboard and Carton Manufacturers

RUCODEM - Romanian Union of Cosmetics and Detergents Manufacturers

SCS - Styrenics Circular Solutions

SPV - Sociedade Ponto Verde

Sportsbranchen.dk
SPP - Stowarzyszenie Papierników Polskich

stanpa - Spanish Cosmetics, Toiletry and Perfumery Association

SZZV - Slovak Association for Branded Products

TE - Tobacco Europe

TIE - Toys Industries Europe

UCIMA - Italian Packaging Machinery Manufacturers Association

UECBV - European Livestock and Meat Trades Union

UNESDA - Soft Drinks Europe
Unionplast - The Italian Plastics Converting Association

Verband Metallverpackungen e.V.

VSSÖ - Austrian Federation of Sporting Goods Retailer and Industry

ZVEI e.V. - Electro and Digital Industry Association