

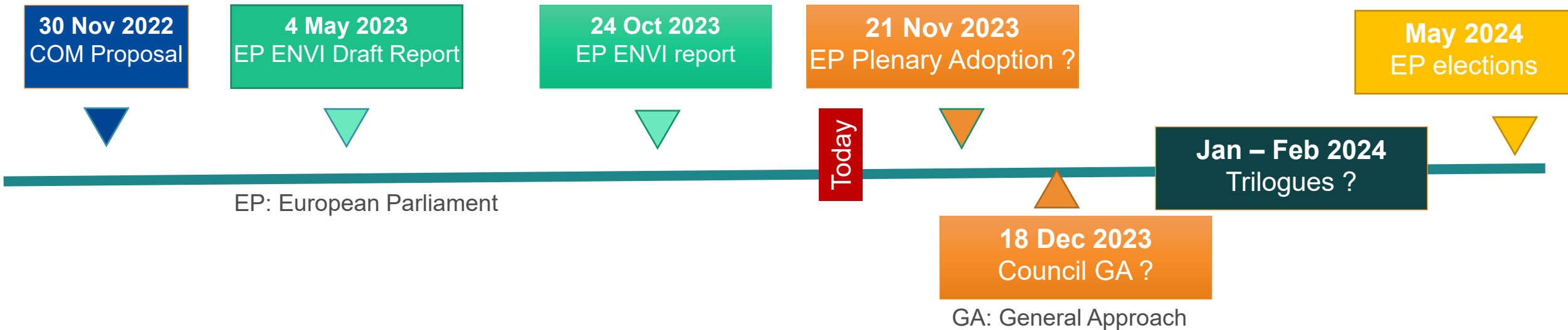


Civil Dialogue Group on Agricultural Markets: Fruit and beverages

Update on the Proposal for a Regulation on Packaging and Packaging Waste

Packaging and Packaging Waste Regulation (PPWR) legislative timeline

COM Proposal for a Packaging and Packaging Waste Regulation *repealing*
Packaging and Packaging Waste Directive 94/62/EC



Key measures of the proposal

- Proposal legal basis article 114 of the treaty on the Functioning of the European Union: ‘...*internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured...*’
- Packaging waste reduction (minimisation requirements, empty space, reuse targets, bans, packaging waste reduction target)
- Sustainability requirements (minimisation, reusable packaging, recyclable packaging, recycled content, compostable packaging)
- Minimum harmonisation of Extended Responsibility Responsibility (EPR) requirements
- Deposit and Return System (DRS) for cans and plastic bottles (up to 3 l)

Commission proposal – relevant for fruits and vegetables

- Fruits and vegetables are produced and transported across the 27 MS, also imported, and there is a need to set a single and transparent EU approach. When the product is being packed by the sorting/packing station, the final destination of the product often is unknown.
 - PPWR aims to create a framework where a single approach as regards fruits and vegetables is legislated in the whole EU.
- *Bans:* Single use packaging for less than 1.5 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks
- Single use packaging: plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables

EP ENVI Report – relevant for fruits and vegetables (1)

- Art. 2(2): possibility for MS to derogate from the requirements of the PPWR in accordance with the waste hierarchy to achieve the best env outcome
- Article 22 and Annex V, row 2:
 - Single use packaging for less than *1 kg* fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss, greening, or turgidity loss, microbiological hazards or physical shocks, or unless these products are subject to PDO (Protected Designation of Origin) and PGI (Protected geographical indications) under Union legislation.
 - The list of products concerned shall be established by the Commission in consultation with Member States and after receiving the opinion of the European Food Safety Agency no later than six months after the entry into force of this Regulation. It shall take into account the risks of spoilage and food waste, when these products are sold in bulk



EP ENVI Report – relevant for fruits and vegetables (2)

- Bans (Art. 22 and Annex V):
 - *‘The Commission shall also assess the development of cardboard packaging waste and its environmental impacts and material substitution effects that may occur due to material exemptions in Article 22 in combination with Annex V, and Article 26, paragraphs 7, 10, 12 and 13’*
- Packaging waste reduction target (Art. 38): a new target for plastic packaging waste reduction
- Register of producers (Art. 39): all micro-enterprises excluded from the obligation to register in EPR register
- Facilitation of “high quality” recycling through a system that allows MS ***to ensure that a system is in place providing a safe and equitable access to recycled materials for use in applications where the distinct quality of the recycled material is preserved or recovered in such a way that it can be recycled further and used in the same way and for a similar application, with minimal loss of quantity, quality or function***

Council

- Work is on-going and it is currently premature to disclose the draft text

State of play

- REV_01 version prepared by SE PRE in June and handed down to ES PRE
- ES PRE produced a REV_02 version, subject to discussions
- Main issue: **national flexibilities**, for instance, as regards reuse targets (should MS be allowed to set higher targets to comply with the general packaging waste reduction target?)

Council

- Negotiations in the Council go into the same direction with ENVI Committee
- Council text, on Annex V currently:
 - Maintains the 1.5 kg threshold
 - Lists the exemptions possibilities to *[...there is no other possibility to avoid commingling of organic fruits and vegetables with non-organic fruits and vegetables in compliance with requirements in regulation EU 2018/848, on certification or labelling, without entailing disproportionate economic and administrative costs]*.
 - Asks the Commission to publish guidelines, in consultation with Member States, explaining in more detail Annex V, including examples of the packaging formats in scope, any exemptions to the restrictions, and providing a list of fruits and vegetables excluded from point 2 of Annex V.

Packaging minimisation

Discussion as to the scope of possible exemption from the minimisation requirement for packaging formats protected with various Intellectual Property rights

Commission's proposal	EP ENVI	Council
Unless the packaging design is subject to geographical indications of origin protected under Union legislation	Unless the packaging design is subject to geographical indications of origin protected under Union legislation <i>or it is subject to legal protection under the Council Regulation (EC) No 6/2002 on Community designs.</i>	Unless the packaging design is subject to design rights protected under Union legislation or geographical indications protected under Union legislation or covered by other quality schemes as referred to in ... (reference to specific EU legislation)



Thank you for your attention

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