



Civil Dialogue Group on Agricultural Markets: Fruit and beverages

**Provisional agreement
Packaging and Packaging Waste Regulation**

Key measures

- 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)

Article 22 – Provisional agreement

- Member States may maintain restrictions adopted before 1 January 2025 on the placing on the market of packaging in the formats and for the purposes listed in Annex V but made from materials not listed in Annex V but cannot introduce further restrictions as of 1 January 2025.
- The Commission shall publish guidelines to facilitate Annex V implementation.
- A review clause for the bans and derogations 7 years after the date of entry into force of the Regulation

Annex V – Restrictions on use of packaging formats

1.	Single-use plastic grouped packaging	Plastic packaging used at the point of sale to group goods sold in bottles, cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage consumers to purchase more than one product. This excludes grouped packaging necessary to facilitate handling	Collation films, shrink wrap
2.	Single use plastic packaging for unprocessed fresh fruit and vegetables	Single use plastic packaging for less than 1.5 kg pre-packed fresh fruit and vegetables. Member States may set up exemptions to this restriction if there is a demonstrated need to avoid water loss, or turgidity loss, microbiological hazards or physical shocks, oxidation, or if 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.	Nets, bags, trays, containers
3.	Single use plastic packaging	Single use plastic packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating areas inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption. Establishments in the HORECA sector that do not have access to drinking water are exempted.	Trays, disposable plates and cups, bags, boxes
4.	Single use plastic packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use plastic packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except in the following cases: A) such packaging is provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation; B) such packaging is required to ensure safety and hygiene in establishments where there is a medical requirement for individualised care, such as hospitals, clinics, nursing homes.	Sachets, tubs, trays, boxes
5.	Single use accommodation sector packaging intended for an individual booking	Single use packaging for cosmetics, hygiene and toiletry products for the use in the accommodation sector, according to NACE Rev. 2 – Statistical classification of economic activities ¹ , intended for an individual booking only and intended to be discarded before the next guest arrives.	Shampoo bottles, hand and body lotion bottles, sachets around bar soap
6.	Very lightweight plastic carrier bags	Very lightweight plastic carrier bags, except for very lightweight plastic carrier bags required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage.	Very thin bags provided for bulk groceries

Article 26 – Derogations from Re-use

- Final distributors exempted if, during a calendar year, they have a sales area of not more than 100 m².
 - Empowerment of the Commission to adopt delegated acts to modify the sales area threshold.
- Member States may exempt final distributors if their sales area is located on an island with a population of less than 2000 inhabitants or in a municipality with a population density less than 54 persons/km², applying to all population centers/localities with more than 5,000 inhabitants.
- The reuse targets on beverage containers: Member states may allow that final distributors form pools;
 - Pools to not exceed more than 40% of the market share of the relevant beverage category and shall consist of up to 5 final distributors
- Economic operators shall be exempted during a calendar year, provided they:
 - made not more than 1000 kg of packaging available on the market within the territory of a Member State;
 - COM empowerment to adopt Delegated Act to modify the threshold above
 - comply with the definition of micro-enterprise
- Member States may exempt economic operators for a period of 5 years (renewable) from the obligations under the following conditions:
 - the exempting Member State reached high recycling rates, such as 5% above the targets for 2025 and 2030;
 - the exempting Member State achieves at least 3% waste prevention by 2028 compared to the 2018 baseline;
 - the economic operators have adopted a corporate waste prevention and recycling plan.



Thank you for your attention

