

PET Thermoforms: are we ready for PPWR and SUP?

DISCLAIMER: This document is offered as a general information for discussion purposes. The information on these pages might not be complete and is subject to change as the interpretation progresses over time. This information is not intended to serve as legal advice or as a guarantee or prediction as to the outcome of any particular legal matter.



Dr. Leonor Garcia – Managing Partner E&ACT

Master of Science in Chemistry, Université libre de Bruxelles (ulb), Belgium. PhD, Physical and Organic Chemistry, Université libre de Bruxelles (ulb), Belgium.

Gained over 30 years of industry working experience in R&D, Innovation, Manufacturing, and Regulatory and Public Affairs within the Petrochemicals, Chemicals Specialties and Food Industries.

leonor.garcia@eandact.com | +32 477 77 22 69 | in leonor-garcia





Dr. Suzanne De Cort – Managing Partner E&ACT

Master of Science in Bioscience Engineering, Catholic University Leuven (KU Leuven), Belgium

PhD, Applied Biological Sciences, Catholic University Leuven (KU Leuven), Belgium

Gained over 20 years of experience in analytical, scientific, and regulatory affairs within a multinational food business operator. Specialised in sustainable food contact packaging.

suzanne.decort@eandact.com | +32 497 05 26 16 | in suzanne-de-cort



SUP and PPWR - Brief review



SUP

PPWR

is a directive to be transposed by Member States

entered into force in July 2019

targets single use **products** made wholly or partly of **plastic**

SUP will be amended by PPWR

is a regulation. Does not need to be transposed

to enter into force 4Q2024 - 1Q2025*?

targets **packaging** and **packaging waste** irrespective of the material (plastic, paper, glass, metal, etc)

*pending final "vote" by Parliament and Council in 3Q2024

The text voted by EP in April cannot undergo changes (besides the necessary linguistic-legal)

Vocabulary matters

- Food container
- Beverage container
 Beverage bottle
- Cup for beverages

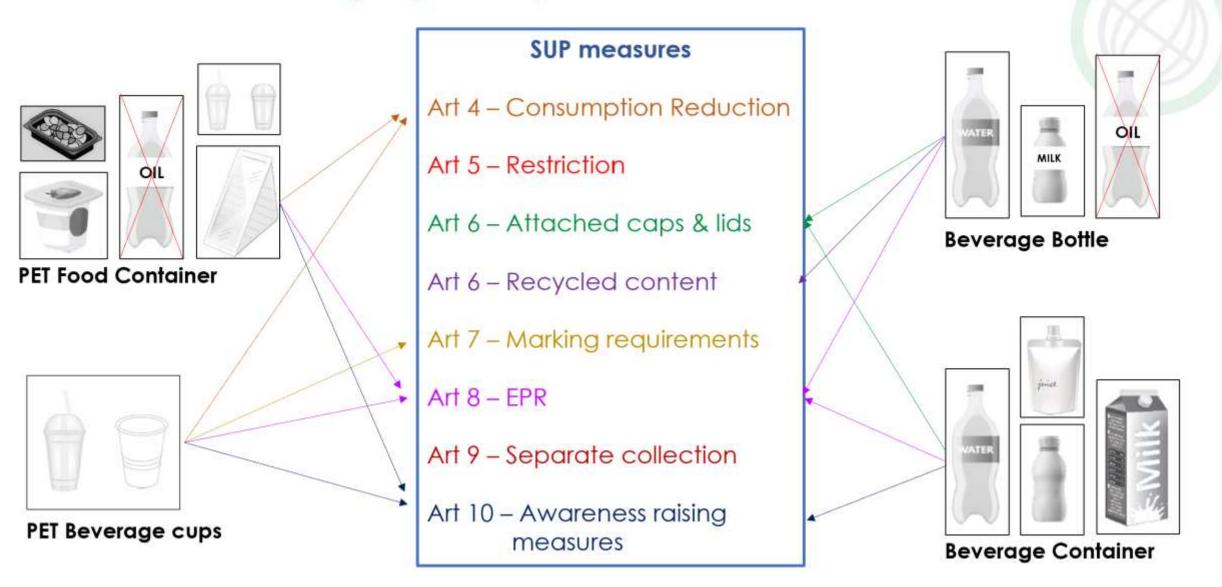


SUP Guidance

Beverage containers	Beverage bottles (part of beverage containers)	Cups for beverages (not part of beverage containers)
Receptacles with a capacity of up to 3 litres, used to contain beverages (includes also beverage bottles)	Rigid beverage containers with a narrow neck or mouth and a capacity of up to 3 litres, including their caps and lids, used to contain beverages	Typically round, usually bowl-shaped drinking vessels with or without a cover or a lid, sold empty or containing beverages
MILES PARTY OF THE	MILKS	

Definitions in directives (or regulations) are rarely "absolute" definitions, but rather relative definitions that take into account the context and objective of the directive (regulation).

SUP directive (EU) 2019/904

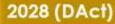


PPWR - Overall content

- Definitions
- Sustainability requirements:
 - Substances of concern (SoC) in packaging
 - Recyclability
 - Recycled content
 - Restrictions on packaging formats
 - Packaging minimisation
 - Reusability
- Labelling, marking, info requirements
- Claims
- Obligations of economic operators
- Plastic carrier bags

- Conformity of packaging Declaration of conformity
- Management of packaging and packaging waste
 - Waste prevention(5%/10%/15% by 2030/2035/2040; per capita in 2018)
 - Register of producers, EPR, PRO, DRS, ...
- Safeguard procedures
- Green public procurement
- Delegated powers and committee procedure, amendments, final provisions

PPWR - Recyclable



EC to establish:

- design for recycling criteria
- recyclability performance arades

2030 (IAct)

EC to establish:

 methodology for recycled at scale

2030

All packaging shall be recyclable:

- · design for recycling
- recyclable within grades:
 - o A≥95%,
 - o B≥80%,
 - o C≥70%

2035

All packaging shall be recyclable:

- design for recycling + recyclable within grades A.B or C
- separately collected + sorted + recycled at scale

2038

All packaging shall be recyclable:

- within grades A or B
- design for recycling + separately collected + sorted + recycled at scale

DAct = Delegated Act IAct = Implementing Act

PPWR - Recycled content

31 DEC 2026

- •IAct on the methodology for calculation and verification of % of recycled content recoverd from PCplastic waste recycled and collected within EU.
- Assessment on economic and environmental performance of recycling technologies including quality of output, availability of waste, energy needed and GHG emissions
- IAct on sustainability criteria for plastic recycling technologies
- IAct establishing methodology for assessing, verifying and certifying equivalence of rules Poplastic waste recycled or collected outside EU

1 JAN 2029

Calculation and verification of % recycled content need to comply with IAct

1 JAN 2030

Any plastic part of packaging to contain a minimum of recycled content recovered from PC plastic waste:

Any plastic part of packaging	2030 *
SUP	30%
Contact Sensitive:	
A.	30%
Other	10%
Other	35%

2031/2032



- reviewing the implementation of the 2030 min % recycled content
- feasibility of achieving 2040 targets
- relevance of maintaining exemptions/derogatio nsWhere appropriate a legislative proposal to amend article 7 of PPWR

EC to review situation of use of recycled packaging materials in packaging other than plastics:

- assess apropriateness of establishing measures, or setting targets
- where appropriate make a legislative proposal

1 JAN 2040

Any plastic part of packaging to contain a minimum of recycled content recovered from PC plastic waste:

Any plastic part of packaging	2040 *
SUP 🖺	65%
Contact	
Sensitive:	
<u>A</u>	50%
Other	25%
Other	65%

PPWR – Restrictions on packaging formats

2027?

Publication of guidelines in consultation with MS and EFSA to explain Annex V with examples, the exemptions to the restrictions and list of fruit and vegetables excluded from annex V point 2.

1 JAN 2030

- SU plastic* grouped packaging at point of sale for bottles, cans, tins, pots, tubs excl. grouped packaging to facilitate handling
- SU plastic* packaging** for <1.5 kg unprocessed fresh fruit and vegetables
- SU plastic* packaging for foods and beverages filled and consumed in HORECA***. Flexible non-plastic* packets and wrappers exempted.
- SU plastic* packaging for individual portions for servings used in HORECA (some exemptions)
- SU accommodation sector packaging for individual booking

2031/2032?

- EC to assess the positive environmental impact of the restrictions and the derogations
- Revision of the provisions and Annex V
- Appropriatness of establishing new restrictions, relevance of maintaining exemptions/derogations
- Where appropriate make a legislative proposal

^{*}MS may maintain restrictions on these packaging formats but made from other materials, if adopted before 1 January 2025

^{**} With potential derogations at MS level

^{***} Derogation if no access to drinking water

PPWR – Substances in packaging

At entering into force

- presence and concentration of SoC* as constituents of the packaging material or the packaging components is minimised.
- includes presence in emissions, outcomes of waste management (i.e. secondary raw materials, ashes, or other material for final disposal, adverse impact on the environment due to microplastics)

31 DEC 2025

 Possibility for MS to supply information on substance(s) that negatively affect the re-use and recycling of materials in packaging

MID 2026

- Food contact packaging not to be placed on the market if containing PFAS above**:
- 25 ppb (any, individual) by targeted analysis.
 Polymeric excluded.
- 250 ppb for the sum of PFAS (targeted analysis, optionally...).
 Polymeric excluded
- 50 ppm for PFAS (polymeric included) if total F above 50 mg/kg additional proof to be provided upon request.

31 DEC 2026

- EC assisted by ECHA
 to submit report on
 presence of SoC in
 packaging and
 packaging
 components to the
 European Parliament
 and Council and
 appropriate follow-up
 measures:
- Adoption of new restrictions for SoC in packaging affecting human health or the environment
- Establishment of restrictions as part of the Design for recycling for SoC affecting re-use and recycling

2029?

to amend and/or repeal PFAS restrictions under this regulation

EC to assess if article 5 of PPWR and design for recycling criteria have contributed sufficiently to the minimisation of presence and concentration of SoC as constituents of packaging

2032?

^{*}SoC = Substances of Concern

^{**}to the extent that the placing on the market of this packaging containing this concentration of PFAS is not prohibited pursuant to anothe Union legal act

PPWR – Labelling and Substances of Concern (SoC)

MID 2026?

lAct on harmonised label and specs for the labelling requirements and formats including where provided through digital means.

MID 2026?

IAct on the methodology for identifying the material composition by standardised, open, digital technologies including composite pack and integrated or separate components of packaging

END 2026?

Packaaina included in a DRS to be identified throughout the territory of the MS in which that system or scheme applies only by a means of a corresponding symbol in a QR code or other standardised digital marking technology to indicate that the producer fulfils its EPR.

MID 2028?

- Packaging to be marked with a label containing information on its material composition to facilitate consumer sorting. This obligation does not apply to transport packaging or packaging part of DRS.
- Possibility to include QR code or other digital containing info on destination of each separate component to facilitate consumer sorting.
- Packaging subkect to DRS to marked with a clear and unambiguous label. Possibility for packaging to be marked with a harmonised colour lable. MS may require marking with the harmonised colour label.
- Provisions for reusable.

MID 2028?

 Plastic packaging with a label containing info on share of recycled content, or QR or other digital to comply with the « label » specifications and the methodology developed on the recycled content implementing act.

1 JAN 2030

- Identifications of SoC by means of standardised, open, digital technologies.
 Shall include name and concentration of the substance of concern present in each material in a pack unit.
- Shall be marked using QR codes or other digital.

PPWR - Claims

 only possible when the packaging properties exceed the applicable minimum requirements set out in this regulation (PPWR) and in accordance with the criteria, methodologies and calculation rules

and

- need to specify whether
 - o for the packaging unit,
 - opart of the packaging unit or
 - o all packaging placed on the market by the producer

PPWR – Packaging minimisation



2026/2027

EC to request European standardisation org. to prepare methodology for the calculation and measurement of compliance with packaging minimisation requirements.

2030

- Packaging shall be designed so that its weight and volume is reduced to the minimum to ensure its functionality.
- Compliance to be demonstrated in the technical documentation.

PPWR - Excessive packaging



EC empowered adopt IAct establishing the methodology for the empty space ratio

By 2028?

- Economic operator who fills the sales packaging shall ensure that empty space is reduced to the minimum necessary for ensuring the packaging functionality, including product protection.
- Empty space ratio for sales packaging shall mean the difference between the total packaging internal volume and the volume of the packaged product.

2030

Economic operators who fills the packaging in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 50 %.



Thank you



Dr. Suzanne De Cort

<u>suzanne.decort@eandact.com</u> +32 (0) 497 05 26 16

Dr. M. Leonor Garcia

<u>leonor.garcia@eandact.com</u> +32 (0) 477 77 22 69



Back-up