



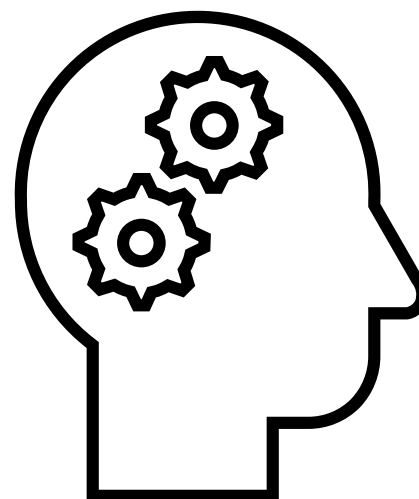
# PETCORE EUROPE's EU Regulation Unpacked: navigating the Change for PET packaging

S. De Cort & L. Garcia

DISCLAIMER: This presentation is offered as a general information for discussion purposes. The information on these pages is simplified, 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.



# REFRESHMENT



# EUROPEAN UNION

## 27 Member States

### 7 key institutions



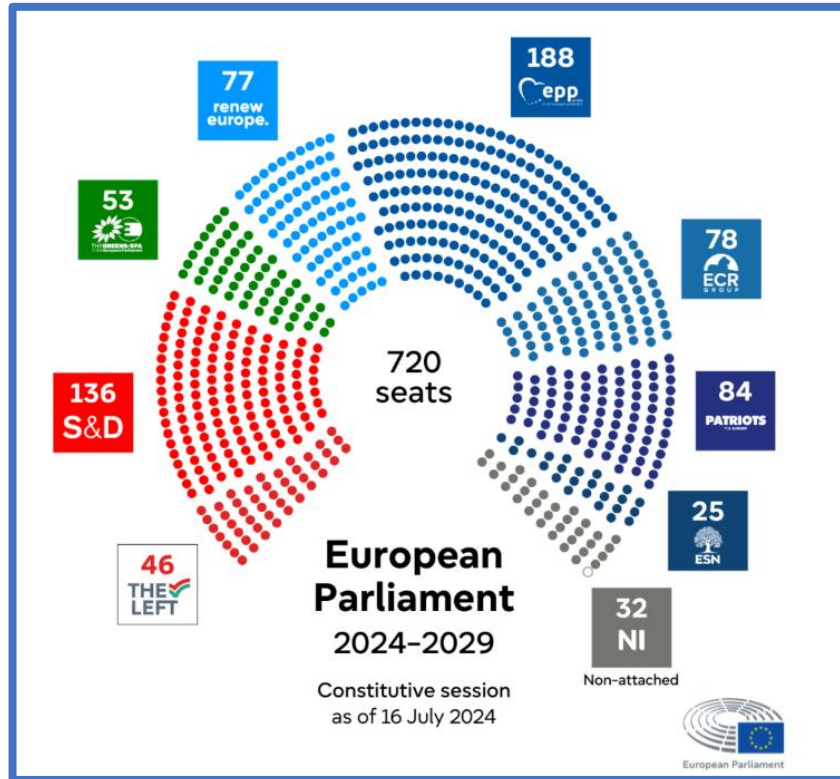
In principle, the Commission **proposes** new laws. The Parliament and Council of the European Union **adopt** them. The member states **implement** them. The Commission **ensures** that the laws are **properly applied**.

3 EU institutions, the Court of Justice of the European Union, the European Central Bank and the European Court of Auditors, are responsible for managing the judicial, financial and external audit aspects of the European Union.





# Who is Who?



- 720 Members **elected** in the 27 MS of the EU for a **5-year** period
- Number of seats is allocated on the basis of population of MS
- MEPs are grouped by political affinity, not nationality

- 27 Commissioners from 27 countries **appointed** for a **5-year** term = 'the College'
- President of the Commission assigns responsibilities for specific policy areas to each Commissioner.

# European Parliament



- 22 specialised standing committees.

These committees instruct legislative proposals through the adoption of reports, propose amendments to Plenary and appoint a negotiation team to conduct negotiations with the Council on EU legislation. They also adopt own-initiative reports, organise hearings with experts and scrutinise the other EU bodies and institutions.

- Committee consists of between 25 and 90 full members and an equivalent number of substitutes.

90	ENVI	Environment, Climate and Food Safety
90	ITRE	Industry, Research and Energy
79	AFET	Foreign Affairs
30	DROI	Human Rights
75	LIBE	Civil Liberties, Justice and Home Affairs
60	ECON	Economic and Monetary Affairs
30	FISC	Tax Matters
60	EMPL	Employment and Social Affairs
52	IMCO	Internal Market and Consumer Protection
49	AGRI	Agriculture and Rural Development
46	TRAN	Transport and Tourism
43	SEDE	Security and Defence
43	INTA	International Trade
43	SANT	Public Health
41	REGI	Regional Development
40	BUDG	Budgets
40	FEMM	Women's Rights and Gender Equality
35	PETI	Petitions
30	CONT	Budgetary Control
30	CULT	Culture and Education
30	AFCO	Constitutional Affairs
27	PECH	Fisheries
25	DEVE	Development
25	JURI	Legal Affairs









# European Commission



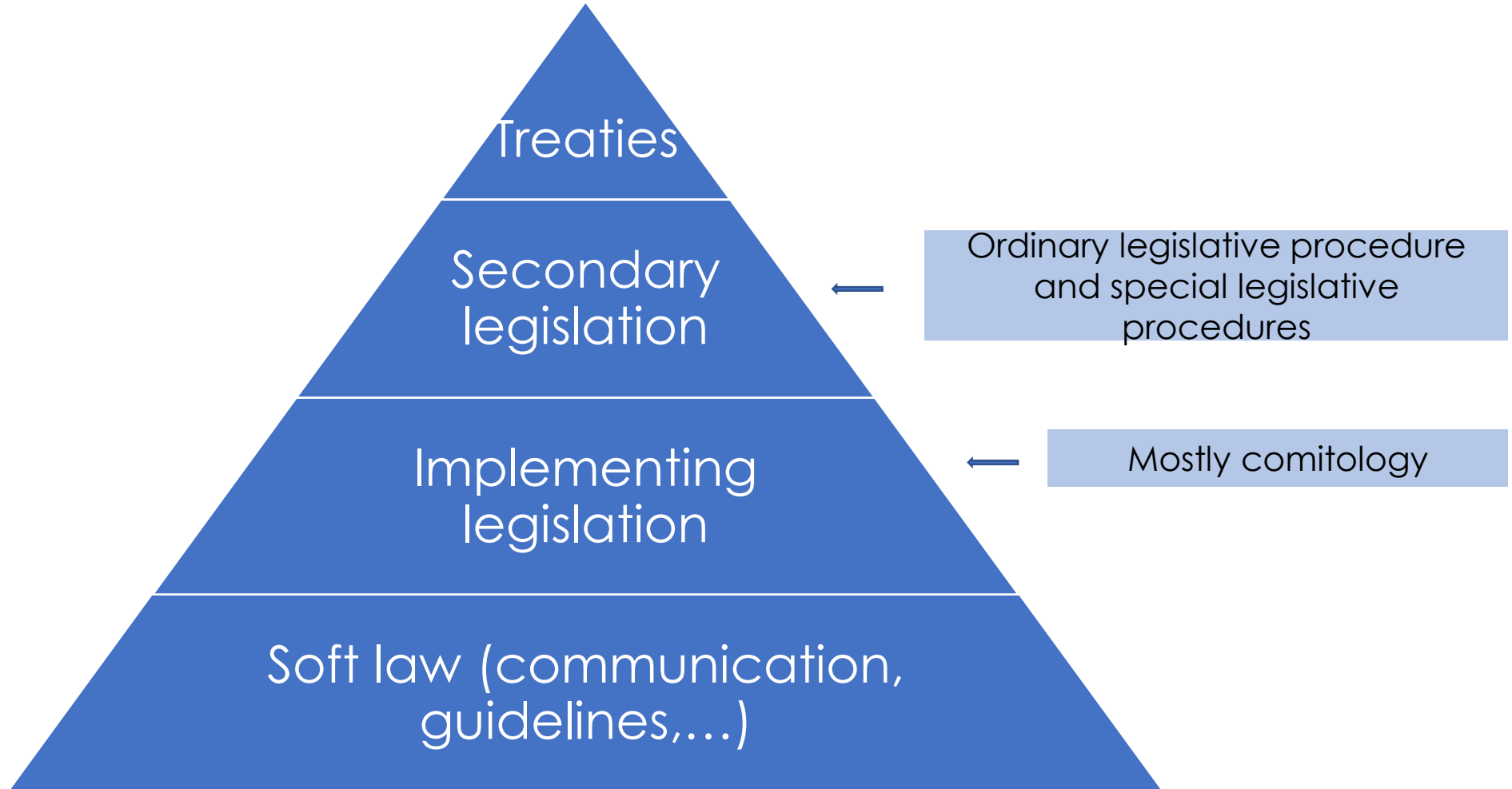
# Roles and responsibilities



	 <b>European Commission</b>	 <b>European Parliament</b>	 <b>Council of the EU (Council of Ministers)</b>	 <b>European Council</b>
<b>Main Role</b>	Proposes & enforces EU laws, manages budget	Represents EU citizens, passes laws with Council	Represents national governments, passes laws with EP	Sets overall political direction
<b>Members</b>	27 Commissioners (1 per country), incl. President (currently Ursula von der Leyen)	720 Members of European Parliament (MEPs), elected by EU citizens	27 Ministers (1 per MS), varies by policy area	27 Heads of State or Government + President
<b>Decision-Making Power</b>	 <b>Proposes</b> laws, enforces rules	 <b>Co-decides</b> laws, supervises other institutions	 <b>Co-decides</b> laws, approves budget	 <b>No legislative power</b> , sets priorities
<b>Democratic Link</b>	Appointed, approved by Parliament	Directly elected by EU citizens	Ministers are accountable to national parliaments	Indirectly democratic (elected national leaders)
<b>Presidency</b>	Appointed President of the Commission – Ursula von der Leyen	President elected by Parliament – Roberta Metsola	Rotates every 6 months among Member States	President elected by the Council – Antonio Costa



# EU Law







LISBON



NICE 2001










MAESTRICHT



AMSTERDAM

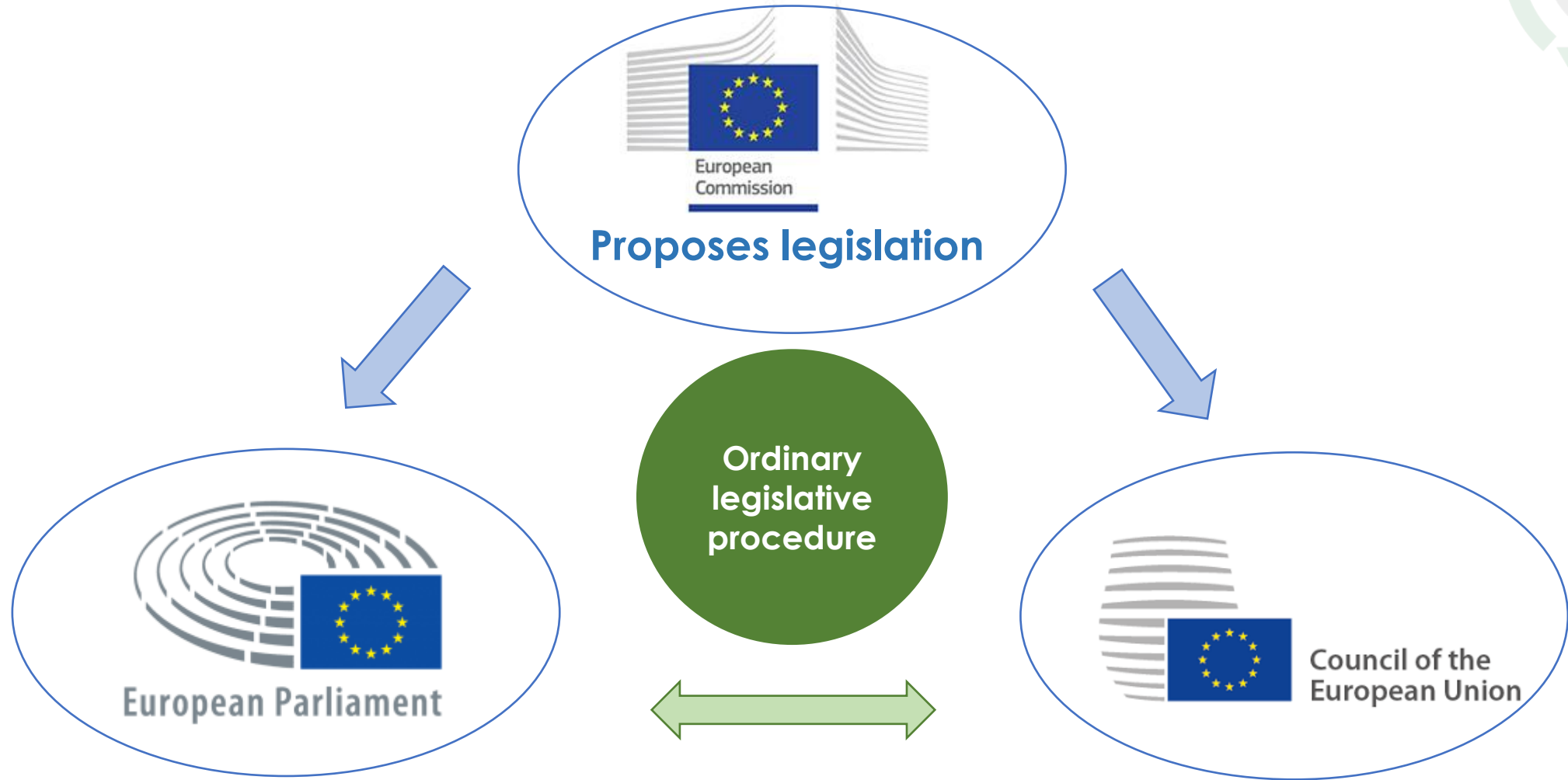
# Binding legal acts\*



	Regulation (  )	Directive (  )	Others (  )
<b>Binding Force</b>	Fully binding	Binding in result, flexible in form	
<b>Applies To</b>	All MS - directly	All MS – implementation by each	
<b>Directly Applicable?</b>	✓ Yes	✗ No – must be transposed into National legislation	
<b>Implementation Needed?</b>	✗ No	✓ Yes – MS decide how it is implemented	
<b>Purpose</b>	Uniformity across EU	Harmonized outcomes, national flexibility	
<b>Example</b>	 <b>PPWR</b>  <b>Regulation (EU) 2022/1616</b> – recycled plastics for food contact materials	 <b>Former PPWD</b>  <b>Directive (EU) 2019/904</b> – Single Use Plastics Directive	

*\*Non binding legal acts do also exist but are not addressed in this presentation*

# Ordinary Legislative Procedure - Example PPWR



**Long decision process - jointly decide on final legislation content**



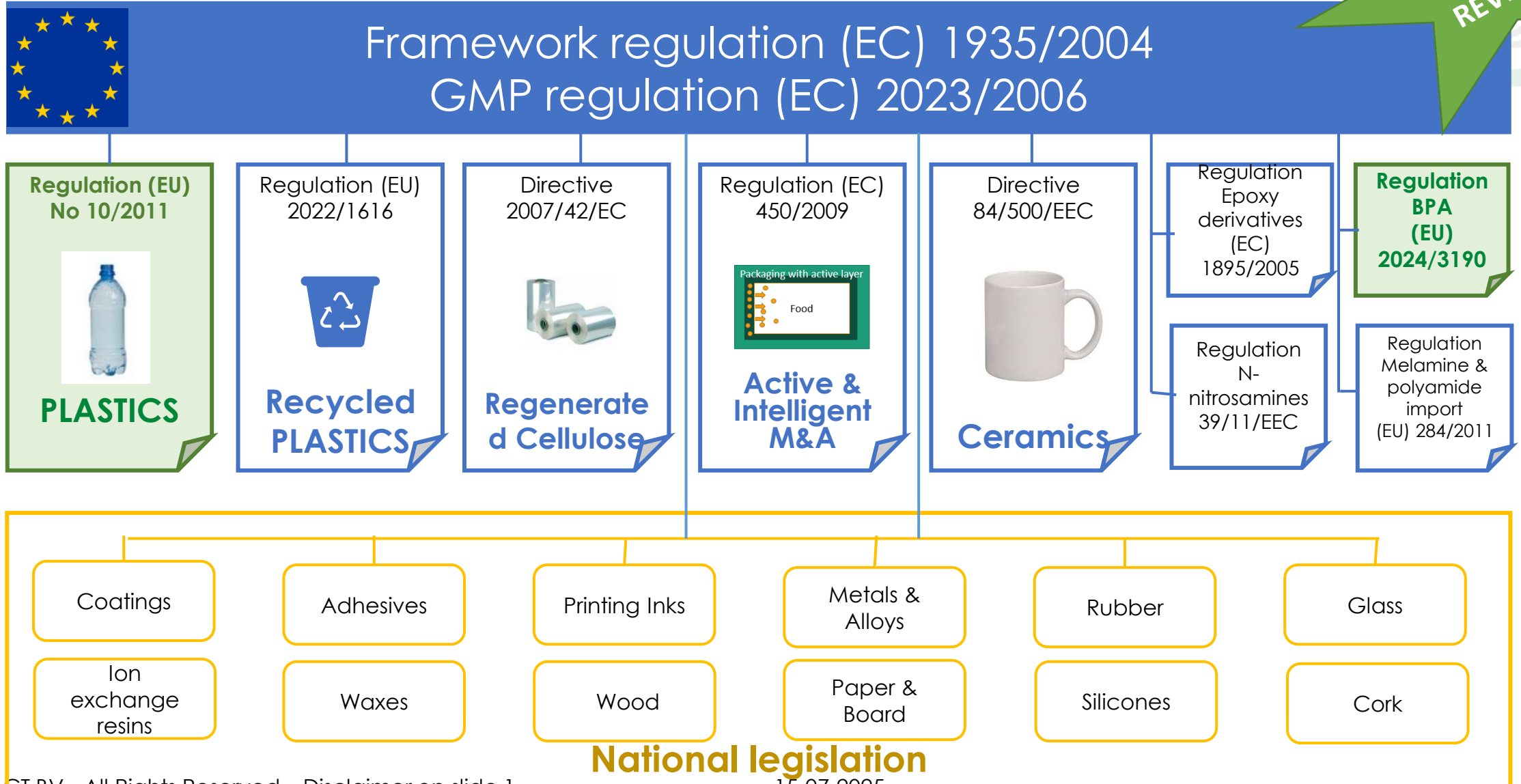
# Delegated - Implementing Acts



	Delegated Acts	Implementing Acts
<b>Legal Basis</b>	Article <b>290</b> TFEU	Article <b>291</b> TFEU
<b>Purpose</b>	To <b>supplement or amend</b> non-essential elements of EU law	To <b>implement</b> EU law <b>uniformly</b> in all Member States
<b>Delegation of powers</b>	In the Basic act  (Interinstitutional Agreement of 13 April 2016 on Better Law-Making)	In the Basic act  (Regulation (EU) No 182/2011)
<b>Function</b>	Adds detail, updates, or technical adaptations	Lays out practical rules and procedures
<b>Can it amend legislation?</b>	✓ Yes – but only <b>non-essential</b> parts	✗ No – cannot amend legislation
<b>Adopted by</b>	European Commission (mainly)	European Commission (usually), under control of Member States
<b>Oversight / Control</b>	European Parliament and Council can <b>object</b> or <b>revoke</b>	Member States control through <b>comitology committees</b>
<b>Example</b>	Updating technical annexes in a regulation	Specifying how customs forms must be filled

# Current food-contact legislation in Europe

UNDER  
REVIEW



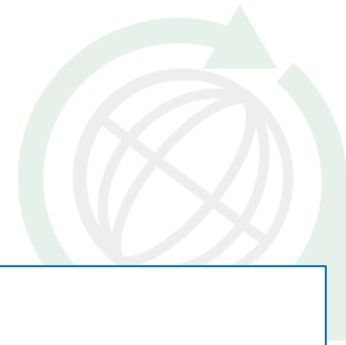




# REGULATION (EU) 2025/351

## “Quality Amendment”

# Regulation (EU) No 10/2011



- Amended 19 times since 2011
- **19th Amendment = Regulation (EU) 2025/351 “Quality Amendment”**
- Applies mainly to virgin plastic materials and articles
- Chapters II and III and Chapter V also apply to recycled plastic materials and articles

## Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Implementing Regulation (EU) No 321/2011 of 1 April 2011	L 87	1	2.4.2011
► <b><u>M2</u></b>	Commission Regulation (EU) No 1282/2011 of 28 November 2011	L 328	22	10.12.2011
► <b><u>M3</u></b>	Commission Regulation (EU) No 1183/2012 of 30 November 2012	L 338	11	12.12.2012
► <b><u>M4</u></b>	Commission Regulation (EU) No 202/2014 of 3 March 2014	L 62	13	4.3.2014
► <b><u>M5</u></b>	Commission Regulation (EU) No 865/2014 of 8 August 2014	L 238	1	9.8.2014
► <b><u>M6</u></b>	Commission Regulation (EU) 2015/174 of 5 February 2015	L 30	2	6.2.2015
► <b><u>M7</u></b>	Commission Regulation (EU) 2016/1416 of 24 August 2016	L 230	22	25.8.2016
► <b><u>M8</u></b>	Commission Regulation (EU) 2017/752 of 28 April 2017	L 113	18	29.4.2017
► <b><u>M9</u></b>	Commission Regulation (EU) 2018/79 of 18 January 2018	L 14	31	19.1.2018
► <b><u>M10</u></b>	Commission Regulation (EU) 2018/213 of 12 February 2018	L 41	6	14.2.2018
► <b><u>M11</u></b>	Commission Regulation (EU) 2018/831 of 5 June 2018	L 140	35	6.6.2018
► <b><u>M12</u></b>	Commission Regulation (EU) 2019/37 of 10 January 2019	L 9	88	11.1.2019
► <b><u>M13</u></b>	Commission Regulation (EU) 2019/988 of 17 June 2019	L 160	10	18.6.2019
► <b><u>M14</u></b>	Commission Regulation (EU) 2019/1338 of 8 August 2019	L 209	5	9.8.2019
► <b><u>M15</u></b>	Commission Regulation (EU) 2020/1245 of 2 September 2020	L 288	1	3.9.2020
► <b><u>M16</u></b>	Commission Regulation (EU) 2023/1442 of 11 July 2023	L 177	45	12.7.2023
► <b><u>M17</u></b>	Commission Regulation (EU) 2023/1627 of 10 August 2023	L 201	4	11.8.2023
► <b><u>M18</u></b>	Commission Regulation (EU) 2024/3190 of 19 December 2024	L 3190	1	31.12.2024
► <b><u>M19</u></b>	Commission Regulation (EU) 2025/351 of 21 February 2025	L 351	1	24.2.2025

## Corrected by:

- **C1** Corrigendum, OJ L 349, 19.12.2012, p. 77 (1183/2012)

# Art 8 – Substances shall be of high degree of purity



- **High degree of purity** for substances used, including those obtained from waste
- Requires **substance composition knowledge** by the manufacturer of the substance
- Art 8.1 **does not apply to recPET regulated under Regulation (EU) 2022/1616** - see next slide



## *'Article 8*

### **General requirements on substances**

1. Substances used in the manufacture of plastic materials and articles that may be present in the final plastic material, including those manufactured from waste, shall be of a high degree of purity and shall be of a technical quality suitable for the intended and foreseeable use of the materials or articles.

The composition shall be known to the manufacturer of the substance.

2. By derogation from paragraph 1, as regards purity, UVCB substances that are identified by a name in this Regulation that refers to a natural multi constituent material the source of which is biological or mineral, may be used as obtained from their natural origin, provided they do not contain substances or materials that do not correspond to its identity as designated by that name. Any additional specifications or requirements applicable to a substance or material of natural origin set out in Table 1 of Annex I, applicable to the substance or material, shall apply.'

# Art 3a – introduction of high degree of purity conditions

- **Minor amount of NIAS** in substances
- **NIAS** in substances have to fulfil **one of the 4 conditions** indicated in Art.3a



## High degree of purity

A substance used in the manufacture of plastic materials and articles shall be considered as having a high degree of purity where all of its constituents correspond to its identity, and it otherwise contains only a minor amount of non-intentionally added substances that individually fulfil one of the following conditions:

- (i) they comply with the specifications or restrictions specified in the authorisation of the substance in Table 1 of Annex I, if any;
- (ii) they have been subject to a risk assessment in accordance with Article 19 and considered compliant;
- (iii) they have been subject to a toxicological assessment in accordance with the relevant guidance adopted by the Authority, which concludes that genotoxicity is ruled out, and that, on the basis of documented analysis concerning their foreseeable use, characteristics and fate during subsequent manufacturing stages, it can be reasonably assumed that none of the substances will be present in the final plastic material or article at a level that could give rise to a migration such as to their individual presence in food exceeding 0,05 mg/kg;
- (iv) they have not been subject to an assessment specified in points (ii) or (iii), but to a risk assessment which concludes, on the basis of documented analysis concerning their foreseeable use, characteristics and fate during subsequent manufacturing stages, that it can be reasonably assumed that they cannot be present in the final plastic material or article at a level that could give rise to a migration into food such as to their individual presence in food exceeding 0,00015 mg/kg.

For the purpose of point (iii), the individual assessment of genotoxicity may be substituted with a group assessment of genotoxicity, if the assessed substances are chemically related and belong to the same or similar functional groups that could give rise to toxicity, or if the substances are obtained as a mixture representative for migration into food and this mixture is assessed through appropriate methods.’

# Art 8 – Substances shall be of high degree of purity impact on Recycled PET



Article 4§2 of Regulation (EU) 2022/1616 requires recycled plastic materials and articles to be compliant with certain chapters of Regulation (EU) No 10/2011 of which Article 8 is a part.



Quality amendment amends Article 2 of the Regulation (EU) 2022/1616 “to make Article 8 (1)\* not applicable”

## *Article 2*

### **Amendment to Regulation (EU) 2022/1616**

In Article 4, paragraph 2 is replaced by the following:

‘2. The requirements set out in Chapters II and III and Chapter V of Regulation (EU) No 10/2011 shall apply to recycled plastic materials and articles. Article 8(1) thereof shall not apply to the contaminants in the input and the output of decontamination processes and the quality and purity of the input and output shall be in accordance with this Regulation.’.

\*Of Regulation (EU) No 10/2011



# Art 10 - Reprocessed plastics conditions



Plastic materials and articles may contain reprocessed plastic if such reprocessed plastic meets the following conditions:

- (a) **it is a by-product** in accordance with Article 5 of Directive 2008/98/EC of the European Parliament and of the Council;
- (b) it is **collected and used** in accordance with section C of the Annex to Regulation (EC) No 2023/2006;
- (c) it **originates from** one of the following off-cuts and scraps from plastic materials and articles:
  - (i) off-cuts and scraps from plastic materials and articles referred to in point (a) of Article 2(1) that meet the compositional requirements set out in Chapter II of this Regulation,
  - (ii) off-cuts and scraps from plastic materials and articles referred to points (b) and (c) of Article 2(1), **provided that such reprocessed plastic does not contain a layer which functions as a functional barrier** and all of its individual constituents either meet the compositional requirements set out in Chapter II of this Regulation, or have been subject to risk assessment on the basis of Article 19 taking into account the conditions of reprocessing and their presence in the reprocessed material;
- (d) **it does not contain substances in an amount which could:**
  - (i) exceed migration limits applicable for the substance as specified in this Regulation; or
  - (ii) cause any other non-compliance of those plastic materials and articles with Article 3 of Regulation (EC) No 1935/2004.

# Art 10 - Reprocessed plastics conditions



The reprocessing of off-cuts and scraps that contain a layer that functions as a functional barrier « cannot be conducted under regulation (EU) No 10/2011»

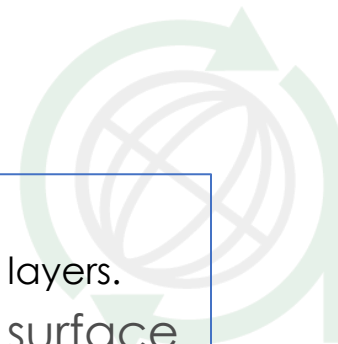


The use of these “is/becomes in principle” regulated under Regulation (EU) 2022/1616

2. This Regulation lays down rules for:

- (a) the placing on the market of plastic materials and articles falling within the scope of Article 1(2) of Regulation (EC) No 1935/2004, containing plastic originating from waste or manufactured therefrom;

# Other changes



- Change of 'plastic layer' concept:  
Chapter II of Regulation (EU) No 10/2011 should refer to plastic materials and articles instead of to plastic layers.
- SML and OML to apply to multi-material multi-layer materials if plastic food contact surface
- Address biocidal substances
- Substances are additives even if their surface is covalently bound to polymers
- Aging condition for plastics intended for plastics intended for repeat use
  - no long-term increase in migration, instructions to users
  - report in supporting documentation under Article 16
- Annex III – New assignment for cheeses
- Annex IV – Declaration of compliance
  - stricter reporting requirements for the presence of NIAS
  - compliance statement that the reprocessed plastic complies with Articles 10(1) and (2) (e.g. no functional barrier can be present)
  - provisions to indicate recycled content if under Article 1(3) of Regulation (EU) 2022/1616
- Annex V – Compliance testing
  - performance criteria for testing – calibration range and standard measurement uncertainty
  - clarified criteria for repeated use



# REGULATION (EU) 2024/3190

## “BPA Measure”



# REGULATION (EU) 2024/3190 - scope

Applies to several food contact materials and articles within scope of Regulation (EC) No 1935/2004

2. This Regulation establishes specific requirements concerning 4,4'-isopropylidenediphenol ('bisphenol A' or 'BPA') (CAS No 80-05-7) and its salts as well as other hazardous bisphenols and hazardous bisphenol derivatives, as regards their use in the manufacture of the following groups of food contact materials and articles falling within the scope of Article 1(2) of Regulation (EC) No 1935/2004, which are placed on the Union market:
  - (a) adhesives;
  - (b) rubbers;
  - (c) ion-exchange resins;
  - (d) plastics;
  - (e) printing inks;
  - (f) silicones; and
  - (g) varnishes and coatings.
3. This Regulation also establishes specific requirements on the content of BPA in food contact materials and articles, which have been manufactured using another bisphenol or bisphenol derivative.





# REGULATION (EU) 2024/3190 - scope

Prohibition of “use” BUT to certain extent on  
“presence”

## *Article 3*

### *Prohibition of the use of BPA*

1. The **use of BPA** and its salts in the manufacture of food contact materials and articles referred to in Article 1(2) and the placing on the Union market of food contact materials and articles manufactured using BPA, **is prohibited.**
2. By way of derogation from paragraph 1, BPA and its salts may be used in the manufacture of food contact materials and articles for a specific application set out in Annex II, subject to the restrictions laid down therein.

## *Article 4*

### *Prohibition on the **presence of BPA** in food contact materials and articles for which other bisphenols or bisphenol derivatives are used in their manufacture*

Food contact materials and articles that have been manufactured using another bisphenol or bisphenol derivative shall not contain **any residual BPA.**



**Detection limit of 1 µg/kg**

# REGULATION (EU) 2024/3190 – Declaration of Compliance

## *Article 8*

### *Declaration of compliance and supporting documentation*

1. Business operators shall ensure that food contact materials and articles covered by this Regulation which are not yet in contact with food, as well as bisphenols and bisphenol derivatives intended to be used as monomers or other starting substances in the manufacture of those food contact materials and articles, are accompanied at all marketing stages other than the retail stage by a written declaration as referred to in Article 16(1) of Regulation (EC) No 1935/2004 stating that they comply with the rules applicable to them ('declaration of compliance').
2. The declaration of compliance shall contain the information laid down in Annex III.
3. Appropriate supporting documentation shall be available to demonstrate such compliance. That documentation shall be made available without delay to the competent authorities on their demand.

## ANNEX III

The declaration of compliance referred to in Article 8 shall contain the following information:

- (1) the identity and address as well as contact details including either a current telephone number or email address of the business operator issuing the declaration of compliance;
- (2) the identity and address as well as contact details including either a current telephone number or email address of the business operator which manufactures or imports the food contact material or article;
- (3) the identity of the food contact material or article, including both intermediate food contact materials and final food contact articles;
- (4) the date of the declaration;
- (5) a list of any bisphenols or bisphenol derivatives used in the manufacture of the food contact material or article;
- (6) a statement that the intermediate food contact material or article or final food contact article complies with this Regulation and the requirements set out in Articles 3, 15 and 17 of Regulation (EC) No 1935/2004.

## Draft Q&A

### **Q27. Whose responsibility is it to issue the DoC?**

The DoC should be issued by business operators at all stages, including for intermediate food contact materials and for final food contact articles, except at the retail stage, for example, business operators selling kitchenware to consumers do not need to provide the DoC.

# REGULATION (EU) 2024/3190 – impact on recycled PET



- **BPA contamination** in recycled PET is not the result of intentional use of BPA (in the recycled PET), neither of another bisphenol and/or bisphenol derivative ⇒ **outside the scope of the BPA measure**.

## Draft Q&A

### **Q2. Are recycled FCMs within the scope of the Regulation?**

Recycled FCMs may contain minute amounts of BPA and other bisphenols adventitiously. This is because they may be present as an incidental contaminant in the input used to produce recycled materials including plastic, such as PET, as well as paper and board. Such contamination can persist in the recycled plastic in minute amounts despite the application of cleaning and decontamination processes and may eventually be present in the final food contact article. As BPA is not used intentionally in such manufacturing processes and such contamination cannot be fully controlled, recycled FCMs are not within the scope of the Regulation.

# REGULATION (EU) 2024/3190 – impact on recycled PET



- Recycled PET needs to comply with Framework Regulation(EC) 1935/2004 → the safety assessment of BPA as a contaminant needs to be conducted taking into consideration the new TDI recently established by EFSA:
  - Current migration levels could exceed BPA TDI at a frequency not yet fully determined
  - The source of BPA contamination might not completely disappear in the future because the use of another bisphenol and/or bisphenol derivative in adhesives, inks, external can coatings,... is not forbidden
- The risk assessment to be conducted in order to demonstrate compliance with Framework Regulation(EC) 1935/2004 needs to demonstrate that the exposure to BPA occurring from the use of recycled PET does not exceed the new TDI recently established by EFSA for the intended applications.
- Particular attention should be paid if the recycled PET is intended for bottled water that would be used for infant formula.

## Draft Q&A



### **Q25. Does the limit of detection apply to BPA as a “non-intentionally added substance” (“NIAS”) or as a contaminant?**

The emphasis of the Regulation is on the *use* of BPA in the manufacture of certain FCMs, rather than its presence. This is because the main source of BPA from FCMs is due to its intentional use in the manufacture FCMs, as a monomer in materials such as plastics and coatings. In order to comply with Article 4 of the Regulation, if other bisphenols or bisphenol derivatives such as BADGE are used in the manufacture of FCMs, the absence of BPA as a NIAS should be ensured. This can be achieved by ensuring purity of the starting substance and through good manufacturing practices throughout production to avoid undesirable reaction and degradation products). If such control cannot be achieved and the use of other bisphenols or derivatives would lead to the presence of BPA, alternative starting substances would need to be used.

Regulation (EU) 2024/3190 does not simply ban the presence of BPA in FCMs, as this presence can arise from adventitious sources, most notably as contamination from recycling streams where levels of BPA or other hazardous bisphenols cannot be reduced to zero.





## Draft Q&A

**Q32. What about BPA present in food that does not come from FCMs placed on the Union market, like food production equipment used in a third country? Or BPA that is already in the food as a contaminant?**

It is possible that BPA may be detected in the food itself, either because of the use of food contact equipment in a third country from which BPA has migrated, because of migration from recycled FCMs or as a result of environmental contamination of the food. Although results from testing migration into food prevail, EU rules allow the possibility to take into account that BPA has originated from a source other than FCMs placed on the EU market, including the production and processing of foods from third countries. In this case, the business operator should be able to explain or demonstrate how the contamination has occurred.

Information that may become available in the future as regards the unintended presence of BPA in foodstuffs, including those from third countries, will help the Commission and the Member States to consider what future steps - if any - might be needed to further protect consumers.

**FUTURE MONITORING PROGRAM – Discussion in FCM & Contaminants WG**



# REGULATION (EU) 2024/3190 - Amendment



A correcting act to Regulation (EU) 2024/3190 is in preparation.  
Adoption 3-4Q2025

It essentially amends the transitional provisions:

- Article 3(2). This article provides a derogation from the prohibition to use BPA. Current text could be understood as if the derogation only applies to the manufacture of Food Contact Materials and did not concern their placement on the union market. The new wording makes this derogation possible for both manufactured and placed on the market FCM.
- Article 11. This article covers the transitional measures concerning single-use final articles. Here as well a correction to the current wording is proposed to continue to allow the placing on the market of FCM (not compliant with this regulation) for filling and selling in the 12 months subsequent to the end of the transition period.
- Article 12. This article covers transitional provisions concerning repeat-use final food contact articles. The new proposal introduces a new date in article 12(3) for those repeat-use final food contact articles that were first placed on the market in accordance with paragraph 1 to allow them to remain on the market until 20th July 2027.



# Recycled Content under SUP and PPWR

# SUP and PPWR - Brief review



## SUP Directive

- Is a directive to be transposed by Member States.
- "Recipients" are MS
- Entered into force in July 2019
- Targets single use **products** made wholly or partly of **plastic**
- SUP will be amended by PPWR

## PPW Regulation

- Is a regulation. Does not need to be transposed
- "multiple recipients" – depending on the provisions could be Industry, MS,...
- Entered into force 12 Feb 2025
- Targets **packaging** and **packaging waste** irrespective of the material (plastic, paper, glass, metal, etc)



Recycled content SUP ?  
Recycled content PPWR ?



# Recycled content in closures, labels, trays and bottles



## Before 1 January 2030

Recycled content target is regulated under the SUP Directive (EU) 2019/904\*:

- No mandatory recycled content target for trays
- A 25% recycled content target applies for PET beverage bottles
- “counting rules” in SUP implementing act apply

## From 1 January 2030

The recycled content target is regulated under the PPWR:

- Mandatory recycled content for both trays and bottles\*\*
- “counting rules” still to be defined in an implementing act to be adopted by 31 December 2026.

*\*PPWR recital (181): “As this Regulation does not regulate the recycled content in the plastic part of packaging before 1 January 2030, provisions regarding requirements for recycled content for plastic beverage bottles in Directive (EU) 2019/904 should remain in force until that date”.*

*\*\*PPWR Art.67 §2: “Directive (EU) 2019/904 (SUP) is amended as follows: in **Article 6(5), points (a) and (b), are deleted** as of 1 January 2030 or three years from the date of entry into force of the implementing act referred to in Article 7(8), whichever is the latest;”*

# Recycled content under SUP directive



From 2025, a 25 % target applies to PET beverage bottles

1. **Calculated as an average for all PET bottles placed on the market on the territory of that Member State.**
2. Initially, beverage bottle included caps and lids.
3. Following the implementing decision (EU) 2023/2683, beverage bottle includes caps, lids, labels and sleeves.
4. The methodology to count the recycled content needs to comply with the conditions stated in the implementing decision (EU) 2023/2683.
5. Implementing decision (EU) 2023/2683 does however not require that the caps, lids, labels and sleeves contain individually the 25% recycled content (it allows the body of the bottle to compensate).
6. As it is a Directive, it is the objective to be reached by the MS. MS have a certain freedom on the rules to put in place within their territory in order to achieve it. Therefore, the rules might differ from one country to the other.



# Recycled content requirements under Art 6(5) of SUP



Where do we stand?

Phase 1 = SUP Implementing Decision (EU) 2023/2683\*

Phase 2 = in consultation

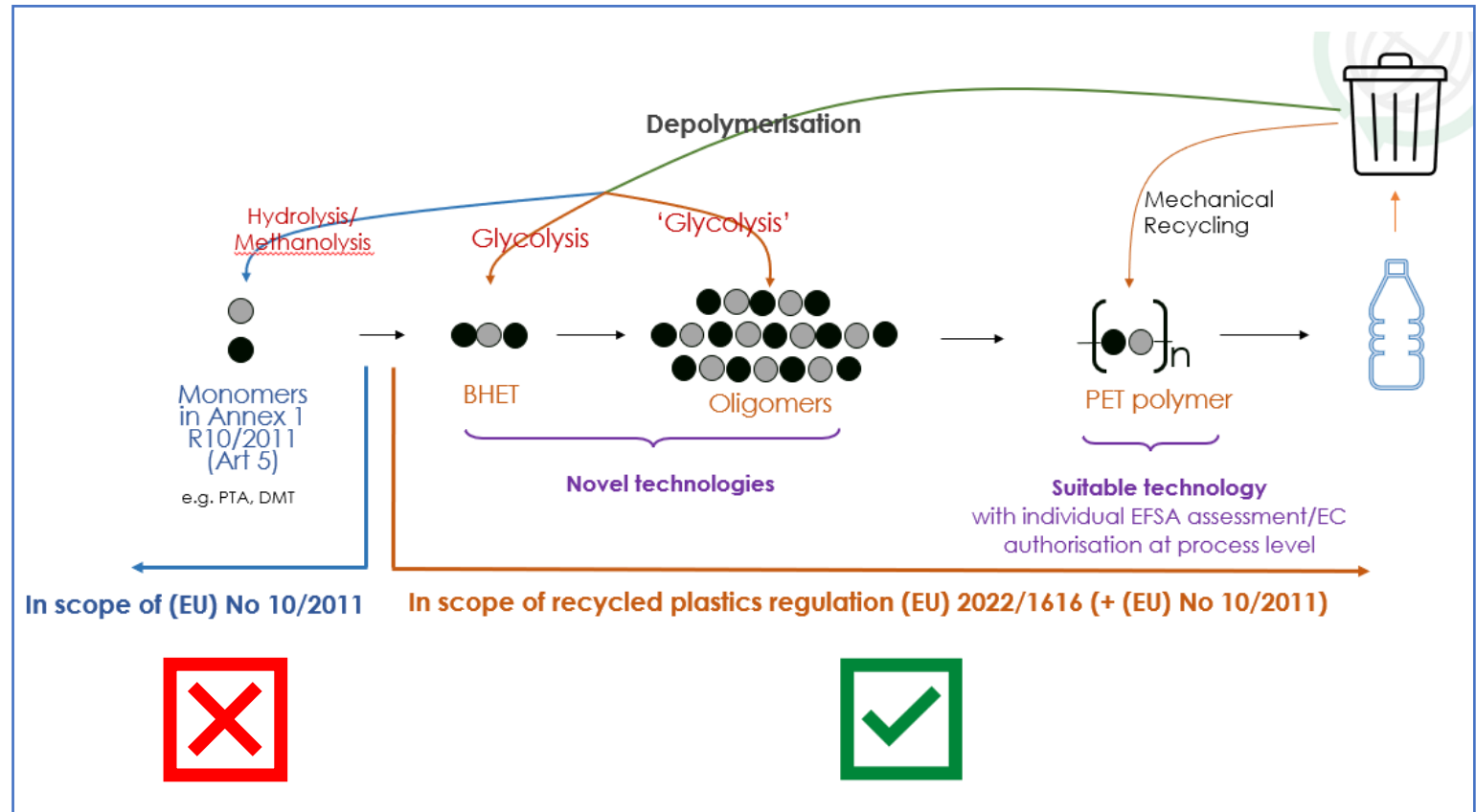
\*on the calculation, verification and reporting of data on recycled plastic content in SUP beverage bottles

# SUP Implementing Decision (EU) 2023/2683



## PHASE 1 Implementing Act – entered into force 04/12/2023

- Only recycled plastic that is in the scope of Recycled Plastics Regulation (EU) 2022/1616 counts for the targets
- Only recycled plastic originating from post-consumer waste
- Weight of bottles must also include weight of caps, lids, labels and sleeves → bottles need to contain more recycled PET than 2025 target requires

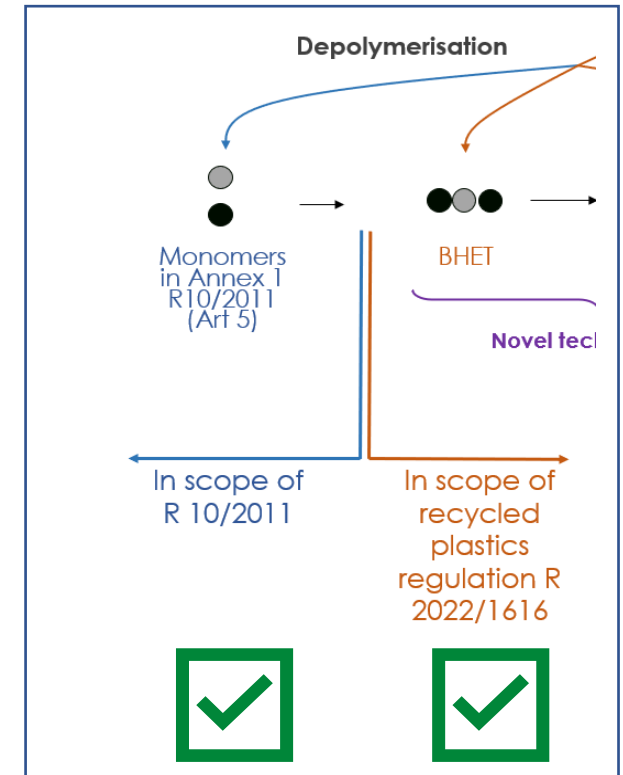


# DRAFT Implementing Decision



## PHASE 2 Implementing Act: is in consultation

- Main objectives
  - to include recycled plastic obtained from recycling technologies outside scope of R 2022/1616
  - to introduce conditions of use of 'mass balance'
  - to introduce rules when pre and post-consumer waste are used
- Timing
  - Due for 31 March 2024
  - First draft (draft A)** made available on Feb 2024
  - Second draft (draft B)** leak copy on Feb 2025 - discussion on TAC meeting 21/02/2025
  - Third draft (draft C)** – public consultation until 19/08/2025
- Next steps: potential amendment of draft / Vote / Publication in OJ



# DRAFT Implementing Decision in consultation - Overall



- Will repeal the Phase 1 Implementing Act
- Covers recycling technologies both in the scope and outside the scope of reg (EU) 2022/1616
- Defines Post-consumer waste as in the PPWR (includes both EU and non-EU origin)
- For recycled targets, recycled plastic must have been post-consumer waste. If mixing with other materials → use of calculation points
- Labels and sleeves are considered part of the beverage bottle as are already caps and lids (SUP definition)
- Proportion = weight of recycled plastic used in plastic beverage bottles placed on the market divided by the weight of plastic used in plastic beverage bottles placed on the market.
- Establishes the conditions for mass balance use including the criteria for distributing, attributing and reallocating amounts (non fuels)

# DRAFT Implementing Decision in consultation – Calculation

A faint, light green recycling symbol is located in the top right corner of the slide. It consists of three chasing arrows forming a triangle, with a globe in the center.

- Recycled plastic is to be accounted:
  - in accordance with Regulation (EU) 2022/1616 if obtained by technologies in scope of (EU) 2022/1616 and exclusively originating from post-consumer waste, without being mixed with any other material and when proportion of eligible material in output is known.
  - in accordance with the implementing act if obtained by technologies outside the scope (EU) 2022/1616, or when the proportion of eligible material in the output is not known or when produced from a mixture of pre- and post-consumer plastic waste irrespective of the recycling technology that was used.

# DRAFT Implementing Decision in consultation - Verification



- When recycled plastic content is calculated on the basis of (EU) 2022/1616
  - MS to limit additional verification to the transmission of information by economic operators placing beverage bottles on the market.
- When recycled plastic content data is obtained by other means\*
  - a new verification system should be established that includes an annual verification at facility level performed by a verifier.
  - Annual verification is replaced by every 3y in case of micro or SME.

*\* like mass balance accounting or following the provisions of Art 6(2)*



# DRAFT Implementing Decision in consultation - Annexes



- Annex I: Formulas to calculate the proportion of recycled plastic content in beverage bottles and in PET bottles
- Annex II: Format for the reporting of data
- Annex III: Format for the quality check report
- Annex IV: Model form for certificates (certificate of compliance with commission impl. decision)
- Annex V:
  - Declaration related to recycled content to be filled at the point of origin of waste
  - Declaration related to recycled content to be filled by recyclers, converters, food business operators and importers



# Recycled content requirements under PPWR

## What do we know?

- ✓ SUP directive will be amended by the PPWR
- ✓ Post-consumer waste definition
- ✓ Recycling within EU or non-EU

Implementing act (referred to in Article 7(8) of the PPWR) establishing the methodology\* to be adopted by 31 December 2026. The way in which Article 7(10) will address the calculation for non-EU remains unclear.

*\*establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste recycled and collected **within the Union!***

# SUP directive will be amended by PPWR



## SUP directive

5. With regard to beverage bottles listed in Part F of the Annex, each Member State shall ensure that:
- (a) from 2025, beverage bottles listed in Part F of the Annex which are manufactured from polyethylene terephthalate as the major component ('PET bottles') contain at least 25 % recycled plastic, calculated as an average for all PET bottles placed on the market on the territory of that Member State; and
  - (b) from 2030, beverage bottles listed in Part F of the Annex contain at least 30 % recycled plastic, calculated as an average for all such beverage bottles placed on the market on the territory of that Member State.
- By 1 January 2022, the Commission shall adopt implementing acts laying down the rules for the calculation and verification of the targets established in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).



**In principle, this implementing act on recycled content will be "replaced" by the implementing act referred to in Article 7(8) of the PPWR the content of which is not yet known. Coherence of 7(3), 7(8), 7(10) remains questionable.**

## PPWR

*Article 67*

### **Amendments to Directive (EU) 2019/904**

Directive (EU) 2019/904 is amended as follows:

- (2) in Article 6(5), points (a) and (b) are deleted from 1 January 2030 or 3 years from the date of entry into force of the implementing act referred to in Article 7(8) of Regulation (EU) 2025/40, whichever is the latest;

# Recycled content under PPWR - targets



## Article 7

### Minimum recycled content in plastic packaging

1. By 1 January 2030 or 3 years from the date of entry into force of the implementing act referred to in paragraph 8 of this Article, whichever is the latest, any plastic part of packaging placed on the market shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging type and format as referred to in Table 1 of Annex II, calculated as an average per manufacturing plant and year:

- (a) 30 % for contact-sensitive packaging made from polyethylene terephthalate (PET) as the major component, except single-use plastic beverage bottles;
- (b) 10 % for contact-sensitive packaging made from plastic materials other than PET, except single-use plastic beverage bottles;

(c) 30 % for single-use plastic beverage bottles;

(d) 35 % for plastic packaging other than those referred to in points (a), (b) and (c) of this paragraph.

## Art 3 - Definitions

(54) 'single-use plastic beverage bottles' means beverage bottles listed in Part F of the Annex to Directive (EU) 2019/904;

8. By 31 December 2026, the Commission shall adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste recycled and collected within the Union in accordance with the conditions set out in paragraph 3 of this Article, as well as the format for the technical documentation referred to in Annex VII. For that purpose, the Commission shall take into account the use of resulting secondary raw materials that are of sufficient quality when compared to the original material that they can be used to substitute primary raw materials. The verification methodology may include the obligation to carry independent third-party audits on manufacturers of recycled content in the Union and of plastic packaging placed on the market as a sales unit separate from other products, to ensure that the conditions set out in paragraph 3 of this Article and in the delegated act adopted pursuant to paragraph 9 of this Article are met.

### ANNEX PART F (SUP)

*Single-use plastic products covered by Article 9 on separate collection and by Article 6(5) on product requirements*

Beverage bottles with a capacity of up to three litres, including their caps and lids, but not:

- (a) glass or metal beverage bottles that have caps and lids made from plastic,
- (b) beverage bottles intended and used for food for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 that is in liquid form.

By analogy with what has happened with the implementing act under the SUP directive, it cannot be excluded that the implementing act referred to in point 8 above may still contain different provisions (e.g. inclusion of label and sleeve, additional information on how caps and lids have to be considered), although this shouldn't be the case.



# PPWR - Post-consumer waste requirements



have been collected

- within EU or
- in a third country in accordance with standards for separate collection to promote high quality recycling equivalent to\*...

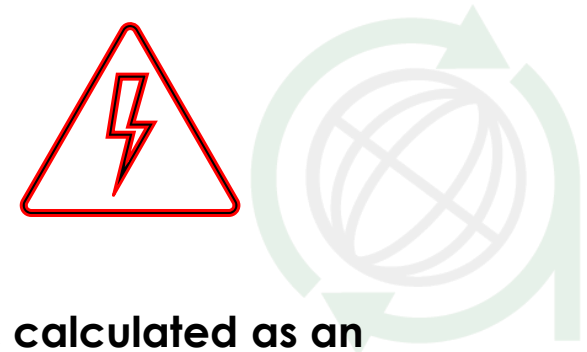
have been recycled in an installation located

- within the EU or
- in a third country\*\*

*\*equivalent to those referred to in this Regulation, Directive (EU) 2019/904 and Directive 2008/98/EC, as relevant;*

*\*\*to which rules concerning the prevention and reduction of emissions into air, water and land associated to the recycling operations apply; those rules shall be equivalent to those concerning emissions limits and environmental performance levels established in accordance with Directive 2010/75/EU that are applicable to an installation established in the Union carrying out the same activity; this condition shall apply only in case those limits and levels would be applicable to an installation located in the Union and carrying out the same activity as an analogous installation located in the third country.*

# Recycled content under PPWR



- ✓ Important implementing/delegated acts are still to be developed
- ✓ Targets apply per packaging type and format as referred to in Table 1 of Annex II, **calculated as an average per manufacturing plant and year**

**For single use plastic beverage bottles.** The 30% applies irrespective of the type of plastic.

- **Bottle** as in SUP (with caps and lids) or as in implementing act (with caps, lids, labels and sleeves)?
- Packaging / parts of packaging\*

Does the 30 % apply to the bottle as whole or individually to the bottle body, to the cap and to the lid (label and sleeve)?

Can the 30% only apply to the body of the bottle and then the 10% target to the cap and lid if they are not made of PET?

If “counted individually” is the label to be considered non-contact sensitive packaging and then to have to comply with the 35% target?

**For trays where the major component is PET.** The 30% applies.

As for the bottle same questions related to the packaging and packaging parts remain.





# Thank you



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